

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Thursday, March 1, 2012

The Board consisted of:
Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft;
Jonathan F.X. O'Brien.

Notice was published in the *Sudbury Town Crier* on February 16 and February 23, 2012, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a Special Permit. She also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Applicant Karen Budreau was present to request a special permit for an accessory dwelling that is already in existence in her home. Ms. Budreau said that the apartment was in the home at the time she purchased it. She discovered that she needed a special permit for the apartment when she went to obtain a home equity loan. Jim Kelly, Sudbury's Building Inspector, suggested that she obtain a special permit from the ZBA to ensure that she was in compliance moving forward. Her mother currently occupies the apartment. She said there would be no further construction or alterations to the home or apartment.

Mr. Gossels explained that he was in favor of granting the special permit because the apartment was serving the purpose intended by the bylaw. Other Board members were also in favor of granting the permit.

No neighbors were present at the hearing to speak about the accessory dwelling.

As there were no further questions from the Board or audience, the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Karen A. Budreau, applicant and owner of property, a Special Permit under the provisions of Section 5500 of the Zoning Bylaws in conformance with the application for the Special Permit dated February 1, 2012, to allow a 799 square foot Accessory Dwelling Unit for property located at 86 Woodmere Drive, Residential Zone A-1, as follows:

1. The Accessory Dwelling Unit shall be occupied by no more than four persons.
2. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health.
3. There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the Accessory Dwelling Unit.

4. The property owner shall file a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy is consistent with the Special Permit, every four (4) years.
5. This permit shall be recorded at the Middlesex South District Registry of Deeds.
6. This permit will automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.”

VOTED: In favor: 5 (Unanimous) Opposed: 0

REASONS: The petitioner requires a Special Permit to allow a single-family accessory dwelling unit. The Board finds that the petitioner has fulfilled the requirements of the Bylaw for the granting of a Special Permit.

Elizabeth T. Quirk, Chair

Jonathan F.X. O'Brien

Benjamin D. Stevenson, Clerk

Jeffrey P. Klofft

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The Board consisted of:
Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft;
Jonathan F.X. O'Brien.

Notice was published in the *Sudbury Town Crier* on February 16 and April 12, 2012, posted, mailed and read at this hearing.

Ms. Quirk, as Chair, explained the requirements necessary to substantiate the granting of a Special Permit. She also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Applicant Richard Morrell was present for a second time in 2012 to request a special permit that would allow reconstruction of an existing residence at 41 Lincoln Lane. Mr. Morrell had obtained a special permit from the Board on February 7, 2011 for a reconstruction that would measure 3,416 square feet, however Mr. Morrell had wanted to change the design of the house which resulted in an increase of the square footage and required a new special permit. Mr. Morrell's new proposal would not exceed 3,650 square feet. Mr. Morrell explained that since appearing before the ZBA in January, where he had to withdraw his application without prejudice due to the Board's discomfort with the proposed height, he has since revised the architectural plans and elevations so that the height would rise to only twenty-eight feet, eleven inches.

The Board discussed the new proposed height stating that it was now acceptable and the redesign was more in-keeping with the neighborhood. The Board thanked Mr. Morrell for accommodating their desire to see a house that was not too tall for its location.

Regarding the changes Mr. Morrell reported that he had heard from only one neighbor who lives across the street from the property and who appeared to be in favor of the redesign.

No neighbors were present at the hearing to speak about the proposal.

As there were no further questions from the Board or audience, the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Richard Morrell, applicant and owner, a Special Permit under the provisions of Section 2460B and 2620 of the Zoning Bylaws, to allow reconstruction of an existing residence on a nonconforming lot not to exceed 3,650 square feet, which will exceed the area of the original structure, and will result in a front yard setback deficiency of one foot, property located at 41 Lincoln Lane, Residential Zone A-1 subject to the following:

1. The new house will be constructed in the location as shown on the Proposed Site Plan dated February 6, 2012, prepared by Allen Engineering, LLC, and will appear as drawn in revised elevations dated February 7, 2012, prepared by HPA Design, Inc., showing a building height of twenty-eight (28) feet, eleven (11) inches, which are incorporated into and made part of this Special Permit.
2. All construction vehicles, equipment, and materials must be parked or stored on the property with no encroachment onto Lincoln Lane.
3. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (12) months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.
4. Construction must be completed no later than one year after commencement.”

VOTED: In favor: 5 (Unanimous) Opposed: 0

REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board finds that the proposed reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board felt that the new structure would be compatible with the surrounding homes in the neighborhood.

Elizabeth T. Quirk, Chair

Jonathan F.X. O'Brien

Benjamin D. Stevenson, Clerk

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