

CASE 12-36
Scott Simon
53 Pine Street

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, October 15, 2012

The Board consisted of:

Benjamin D. Stevenson, Acting Chair; Jonathan F.X. O'Brien, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan W. Patch, Associate.

Notice was published in the *Sudbury Town Crier* on September 27 and October 4, 2012, posted, mailed and read at this hearing.

Mr. Stevenson, as Acting Chair, explained the requirements necessary to substantiate the granting of a Special Permit. He 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.

Scott Simon, applicant and property owner, was present along with builder Tom Hall, to request a special permit to construct a single-bay detached garage measuring 16x24 feet on a nonconforming lot which would result in a side yard setback of eight feet.

Mr. Simon distributed a set of photographs to the Board showing the proposed location of the garage and samples of other garages in the neighborhood. He said that the driveway would be extended slightly and the garage would be set back in approximately the same location where a storage shed currently exists. The garage would have electricity, would be built from wood, and is to be modeled after the garage located at his neighbors at 55 Pine Street.

Mr. Stevenson noted for the record that the Board was in receipt of an e-mail from Andrew and Alison Sonderfan, 55 Pine Street, expressing their support for the garage. Mr. Simon distributed an additional letter of support signed by six neighbors, including David Poulin, 27 Autumn Street; Janine Rosenhamer, 57 Pine Street; Heather Lambert, 19 Autumn Street; Karl and Tania Borg, 44 Pine Street; and Herbert Segian, 34 Autumn Street.

Mr. Gossels said that this neighborhood has long, narrow lots and the proposed garage is consistent with other garages in the area. He said that due to its modest scale he was in favor of granting the special permit.

Mr. Stevenson agreed, particularly because the neighbors are in support of the project.

Mr. O'Brien asked whether the position of the garage could create a fire safety issue. The Board discussed that there would be adequate access. Mr. Simon said that there was a wooded buffer of twenty feet between his house and the neighbors.

Mr. Klofft suggested adding a condition of approval that the existing utility shed be demolished and removed from the property. The Board agreed.

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 Scott Simon, applicant and property owner, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to construct a single-bay 16x24 foot garage on a nonconforming lot which will result in a side yard setback deficiency of no greater than 12 feet on property located at 53 Pine Street, Residential Zone A-1:

1. This Special Permit shall lapse if construction has not begun, except for good cause, within 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.
2. The existing utility shed shall be demolished and removed from the property.
3. 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 garage, which will create a side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. Abutters were supportive of the petition and there are several examples of similar structures in the neighborhood.

Benjamin D. Stevenson, Acting Chair

Jeffrey P. Klofft

Jonathan F.X. O’Brien, Acting Clerk

Jonathan W. Patch, Associate

Jonathan G. Gossels

CASE 12-37
James and Sue Idelson
96 Morse Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, October 15, 2012

The Board consisted of:

Benjamin D. Stevenson, Acting Chair; Jonathan F.X. O'Brien, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan W. Patch, Associate.

Notice was published in the *Sudbury Town Crier* on September 27 and October 4, 2012, posted, mailed and read at this hearing.

Mr. Stevenson, as Acting Chair, explained the requirements necessary to substantiate the granting of a Special Permit. He 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.

James and Sue Idelson were present to represent a petition for renewal of Special Permit 07-10 to maintain an 80-foot amateur radio tower at 96 Morse Road. The structure was erected in 1998. There have been no issues associated with the structure which Mr. Idelson explained has been maintained and is in good repair.

No changes to the conditions were being requested with the exception of a longer term for the special permit.

Mr. Gossels asked how long these radio towers can last. Mr. Idelson said that towers need proper maintenance to ensure that they are stable for the long-term.

Mr. Stevenson asked about typical maintenance issues. Mr. Idelson said that the towers were made of steel and that nuts and bolts needed replacing periodically. Guide wire tension also had to be tested and adjusted regularly.

Mr. Idelson said that it is unusual that towers fall down in wind or storm conditions. Mr. Gossels asked whether the tower could fall outside of Mr. Idelson's property line. Mr. Idelson said that it would not. Mr. O'Brien asked whether Mr. Idelson's property was surrounded solely by residences. Mr. Idelson said that the Town of Sudbury owned conservation land along one property line and there were no residents on that property.

An extension of the renewal term was discussed. The Board agreed that a seven year renewal period would be appropriate.

The Board had no further questions. No abutters were present. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant James S. & Sue E. Idelson, owners of property renewal of Special Permit 07-10, granted under the provisions of Section 2632 of the Zoning Bylaws, to maintain an 80-foot amateur radio tower, property located at 96 Morse Road, Residential Zone A-1, provided that:

1. Installation shall conform to all applicable building codes and wired in accordance with UL Standards.
2. Childproof shielding, no less than 10 feet in height, shall be maintained at the base of the tower.
3. This permit is non-transferable and will expire in seven (7) years on October 15, 2019, and the Board will consider renewal upon receipt of proper application on or before that date.”

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

REASONS: The petitioner requires a special permit to maintain an amateur radio antenna support structure at his home. This tower has been in operation since 1998 and there have been no complaints from the neighborhood. The Board finds this structure is in an appropriate location, not detrimental to the neighbors. It is not lighted or offensive, as no smoke, noise or other nuisance is produced. Adequate and appropriate facilities have been provided for proper operation as well as ongoing maintenance to insure compliance with the conditions of the permit. Further, the Board finds a five-year renewal period to be appropriate in this case.

Benjamin D. Stevenson, Acting Chair

Jeffrey P. Klofft

Jonathan F.X. O'Brien, Acting Clerk

Jonathan W. Patch, Associate

Jonathan G. Gossels