

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 8, 2014

The Board consisted of:

Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; Nicholas B. Palmer; and Stephen A. Garanin, Associate.

ZBA Chairman Benjamin Stevenson explained the requirements necessary to substantiate the granting of a Special Permit. He said 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.

Lydia Pastuszek, resident of 15 Griffin Lane and Chair of the Sudbury Housing Trust was present to request a modification to Comprehensive Permit Case 10-8, 278 Maynard Road. Other Housing Trust members present were Amy Lepak, Andrew Kaye, and Larry O'Brien. Carter Scott and Jeff D'Agostine were present from Transformations and Mark Beaudry from Meridian Associates was also present. Ms. Pastuszek said that Transformations is known for building zero net energy homes that produce as much energy as consume.

As background Ms. Pastuszek said that the SHT bought the parcel in 2008. At that time there was an old barn on the road and an older home in poor condition that had been for sale for a long time. The Housing Trust demolished the structures, cleaned up the site, and through an RFP in 2009 selected developer NOAH, Inc. In 2010 the project went through the permitting process. During that process the Housing Trust received significant comments from neighbors and a three-unit project was approved by the Zoning Board of Appeals. In June of 2013 the Trust dissolved its relationship with NOAH, Inc. The concept was then revised to combat problems with the project. In 2014 two bidders responded to an RFP and Transformations was selected for the redevelopment. A series of public hearings were held throughout this stage of the process and the Housing Trust solicited neighbor input. The new plan is similar to the previous three-unit plan from 2010 but the plans are more realistic and the resulting product will eventually be more economical for the town and more compatible with the neighborhood. Ms. Pastuszek said that the three units are divided into two buildings, a duplex and a smaller building, configured to look like a house and barn. The Housing Trust further proposes a reduction in parking and pavement. A site plan was then shown to the Board.

Ms. Pastuszek said that the three affordable units will be sold at 80% of median income in order to create units that will be counted on the town's housing inventory. Plans have been shown to various town departments. Discussions resulted in the design of a circular driveway which the closest neighbors feel looks better and is more typical of Sudbury residences. Construction should commence in timely manner.

Mark Beaudry, Meridian and Associates, said that his company worked on the project with NOAH so Meridian has some familiarity with the site. He then explained how this new design differed from the original as approved by board. For example, the original had three units joined in a triplex. The driveway was shared with the neighbor and a parking lot was located behind the buildings. There was also a large detention basin in the front with the septic system in the corner. In the revised plans impervious coverage

was reduced and the stormwater plan improved to meet neighborhood concerns and address issues that made the last proposal unmanageable. The number of bedrooms increased from six to seven. There are no basements. The Fire Department wanted a loop driveway in order to get their apparatus off of Maynard Road and through the site without having to back up onto Maynard Road. The driveway width is eighteen feet of paved surface with no shoulder. There are two parking spaces per unit. Town Engineer Bill Place indicated that site distances are good. The driveway is now located as far away from Marlborough Road as possible. There was still some question as to whether the driveway could link to Marlboro Road. One-way traffic is also a consideration. The plans comply with the Town's Stormwater Management bylaws.

Mr. Gossels asked about how the drainage and water runoff from the back of site would be handled. The front retention basin is for the front of the site. There is also a diversion berm to steer water toward Maynard Road. Neighbors had initially been concerned about water and ice build-up at Marlboro Road so it is now being diverted onto Maynard Road.

Mr. Beaudry said that in the original plan there was a large amount of building in the front of site so the original basin was designed to accommodate that amount of water. There is now less building at the front of the site so the run-off can go toward the road as it does today. Mr. Beaudry felt that the design was conservative to have a rain garden approach in the front as a landscape feature. The plan today meets the Town's stormwater objectives.

Mr. Gossels asked about seasonal issues, for example early spring when there is snow melt and rain. Mr. Beaudry said that the sandy planting mix is permeable. The rain garden has a stone bottom and not just plants. He then described how the stone filter strip worked to route water down below the soil surface to accommodate winter conditions.

Utilities such as electric and telephone would be underground. The previous design required sprinklers, however there is no need for sprinkler since there is only a duplex and a single-unit structure. So it can use a regular operating system.

Existing trees will remain along the front of the property. The Design Review Board has provided some planting suggestions that were on par with Meridian's plans in terms of planting types, materials. He said that the site was attractive site and there was adequate screening.

Mr. Stevenson asked for a comparison of the location and setback of the buildings between the old and new plans. Mr. Beaudry said that the buildings were similar in size and distance from the street however the driveway alterations changed the locations of the septic system and stormwater basin.

Mr. Gossels asked about the mounding at corner needed for the septic system. Mr. Beaudry said the mound would be less than three feet from grade. Mr. Gossels asked whether a retaining wall was necessary. Mr. Beaudry said that the grade would be similar to what exists and there would be plant material on the slope. The buildings would also be at same grade. Mr. Aray then showed a 3-dimensional architectural rendering via power point. Ms. Kablack said that the mound would follow the existing natural grade of site. Use of the Presby system allows a reduced footprint and less coverage is needed. There are no mechanicals involved with the Presby system. There is no septic stone needed so the system has a lower profile. Title V sand is utilized. The Presby system meets Sudbury's Board of Health requirements and is a Title V standard compliant system. ZBA member Jonathan O'Brien asked if the

Presby system lasts as long as other systems. Mr. Beaudry said that it does. There is also nitrogen reduction included. He added that Carter Scott has experience with Presby systems from previous projects.

Mr. Stevenson asked what reassurances there were that the water would not be going onto the neighbors' properties. Mr. Beaudry described water flow at the site and explained that it would be similar to existing conditions. He pointed out that water flows into the roadway now and the addition of the retention basins improves things further.

SHT member Larry O'Brien added that there is less impervious surface with the current plans so the site can absorb more water. French drains will be added for roof runoff.

ZBA member Jonathan O'Brien asked about the cost savings for two buildings versus one three-unit structure. SHT member Larry O'Brien said that sprinklers are not required for one or two-unit buildings and therefore costs were saved by having standard fire detection systems rather than a full sprinkler system. There are also no basements which would have been costly to excavate and build. The driveway area and blacktop surfacing was reduced, the size of the structures themselves is smaller. Less earth work is needed at the back of the site where parking had been proposed previously and so there is also less disruption to the hillside.

Mr. Scott noted that solar panels would be installed on the building facing south. The orientation of the project and typology is traditional.

Mr. Stevenson asked about the landscaping plan. Mr. Beaudry said that there would be more landscaping along Maynard Road than in the previous plan.

Mr. Garanin asked about the placement of the front entrance at the single unit. He asked why the entrance was not on the other side which he felt would be more private. Mr. Beaudry said that the look of the carriage house would be lost by moving the entrance. Its orientation is more traditional to the New England vernacular with the entrance on right. Mr. D'Agostino added that the interior plan further dictated where the entrance could go.

SHT Member Larry O'Brien said that breaking up the building into the house and barn configuration also helps speak to the concerns about high density housing at the site. Three units accomplishes the goal of adding more units of affordable housing to Sudbury's inventory.

Mr. Stevenson read into record the list of correspondence received for this case which included:

- August 27, 2014 – Minutes from the Design Review Board August 27 Meeting;
- September 2, 2014 – Letter from Bill Miles, Fire Chief;
- September 3, 2014 – Letter from Mark Herweck, Building Inspector;
- September 4, 2014 – Letter from Bill Place, Town Engineer;
- September 5, 2014 – Memo from Jody Kablack, Director of Planning and Community Development;
- September 8, 2014 memo from SHT; and a

- September 8, 2014 memo from Deborah Dineen.

Mr. Stevenson then asked whether any neighbors were present who wished to ask questions.

Kathy Lague, 9 Marlboro Road, asked about the driveway location. She was concerned about whether the driveway would be blocked by traffic waiting at the stop sign. She said that she would prefer that both arms of the circular drive enter and exit onto Maynard Road. She did not want drivers to have to go onto Marlboro Road to turn into the property if the drive is only one-way. There is a request for a waiver for the driveway with access on Maynard Road.

Dom Vingiano, 5 Hamblin Lane, asked whether the landscaping depiction in Mr. Aray's rendering was accurate. Mr. Beaudry said that it was likely that three-inch caliper trees would be planted so that in ten years the property would look like the view that was being shown. He said that larger trees do not have a good survival rate when planted and are expensive. He said that the plantings would include a mix of evergreens and deciduous trees.

Mr. Vingiano added that the school bus is active on Marlboro Road. He noted that traffic from Maynard Road cuts onto Marlboro at fast rates of speed so it is tough to make turns from Marlboro Road at that intersection corner. He felt that the entrance on Marlboro Road would be problematic.

Steve Tripoli, 31 Marlboro, said that he saw a lot of changes that are positive but he wondered about guest parking. He felt that if there were six tenant cars plus additional guest cars the area will look like a parking lot from Maynard Road. He also wondered what six cars sitting in the front of the site would look like parked overnight. He also noted that the original comprehensive permit had been reduced to only six units. Ms. Kablack noted that parking has actually been reduced from eight spaces to six in the new plan. She said that each unit has two parking spaces and visitors can park along the loop drive without the need for permanent designated spots. Mr. Gossels said that it is not uncommon in Sudbury for houses to have several cars. Ms. Pastuszek said that any families living at this property may not be of traditional configurations where each adult has a car. She said residents may be single parents with one car, for example. Mr. Stevenson asked whether the aesthetics of the site could be improved through dedicated parking spaces. Ms. Kablack said that the change could be made later if residents needed to add dedicated spaces. SHT Member Larry O'Brien said that anecdotal planning and housing evidence shows that there would most likely be 1.5 people per home or single parents or divorced parents who have their kids staying with them on weekends. Projections do not indicate a lot of teenagers with extra cars. He said that economic financial situations impact the number of cars as well. Most likely there would be one or two cars per family.

Mr. Tripoli asked about construction hours which are proposed to begin at 7:00 a.m. It was agreed that an 8:00 a.m. start time on Saturdays would be fine.

Peter Salvatore, 279 Maynard Road, said that this was approximately the fourth design for neighbors to review. He said that the entrance was too close to Maynard Road. He said it was deemed a bad idea before and given the traffic is bad now. He expressed concerns previously about the lack of a sidewalk and crosswalk striping. He said that the snow build-up in that area is dramatic. He felt that this was a much better design but still had concerns about traffic. Mr. Salvatore said that the neighbors had agreed to six units so he is not sure why seven are being discussed now. But did not like the three-dimensional

rendering because he did not feel that it was accurate. He had concerns about walkers in the area with the entrance proposed for Marlborough Road. He said that sun glare is bad at the intersection. He mentioned a recent accident with a new driver. He had thought that the reason for the shared driveway in the old plan was to move the entrance farther down Maynard Road. Ms. Kablack said that the shared driveway was not an option any longer. While Mr. Salvatore felt that the circular driveway was a better plan he still believed that seven bedrooms is too much and there will be too many cars at the site.

Mr. Gossels said that the neighbors' views were helpful. He also felt that the new plan is an improvement over the last plan. Mr. Stevenson agreed and credited all who were in the room with dialoging well. ZBA member Jonathan O'Brien still had concerns with the one-way driveway. He said that he would approve of the plan as presented today. Mr. Garanin felt that these plans were a dramatic change and much improved. Mr. Palmer had no comments or concerns. He felt that he has heard good improvements.

ZBA member Jonathan O'Brien asked if improved landscape plans would be presented at some point. Dan Martin, chair of the Design Review Board was present. He said that the Sudbury Housing Trust would present more specific plans to the DRB for approval. Mr. Beaudry said that parking would be shielded by landscaping. Changes will be predominantly to foundation planting but at the rain garden there is a reduction in one tree but the rendering was done after DRB comments. Lighting detail will be on landscaping plan.

Mr. Martin said that he does not want to see parking striping and arrows or additional parking or directional signage. He did not want to see pole lighting. The only lighting would be on the homes themselves. The ZBA wanted to see a final landscaping prior to occupancy.

There were no further comments or questions from the public. The Board took a brief recess while Ms. Kablack revised the decision according to changes discussed at the meeting.

After resuming the hearing the Board, along with the applicants, then reviewed a draft decision making several alterations to which both the Board and the applicants were amenable.

Upon completion of the review of the draft decision, the Board voted to close the hearing. A motion was made, seconded, and unanimously voted to approve the decision as drafted, with the amendments as discussed. The Board then signed the decision to approve the Modification of the Comprehensive Permit granted to the Sudbury Housing Trust under the provisions of General Laws Chapter 40B, sections 20-23, inclusive, to permit the construction of three (3) condominium units to be sold for occupancy by low or moderate income residents at established sales prices pursuant to the Department of Housing and Community Development's Guidelines and/or other applicable requirements, on land owned by the Sudbury Housing Trust, consisting of .97 acres of land at 278 Maynard Road in Sudbury, Town Assessor's Map E07, Parcel 0400, subject to all of the conditions stated in the foregoing Modification Permit decision.

The hearing was then adjourned.

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Benjamin D. Stevenson, Chair

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Nicholas B. Palmer

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Jonathan F.X. O'Brien, Clerk

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Stephen A. Garanin, Associate

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Jonathan G. Gossels

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ZBA Chairman Benjamin Stevenson explained the requirements necessary to substantiate the granting of a Special Permit. He said 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.

Jeff Neuman from Sign-a-Rama was present on behalf of client Louis B. Stephan, Berkshire Hathaway Stephan Real Estate to request a special permit to replace an existing freestanding business sign with another one in the same location. The sign location creates a setback deficiency of approximately eleven feet. Mr. Neuman explained that he had met with the Sudbury Design Review Board which had several recommendations. The ZBA was in receipt of a memo from the DRB dated August 28, 2014 that supported the special permit request. One of the major changes from the old sign is that the new sign would accommodate multiple tenants, however given that there is not enough frontage at the site relief needs to be sought to accommodate this to allow a multi-business sign.

The height of the new sign is ten feet and is five feet wide excluding the post. The current sign is eight feet high and is a little wider by three inches.

Mr. Stevenson said that as per the DRB memo, additional wall signage will be removed. The DRB felt the business sign served the tenants better than wall signs.

Mr. Gossels questioned the fact that the bottom-most panel was only eight inches from the ground and he was concerned about snow piling up and hiding the panel. He suggested shrinking the Berkshire Hathaway portion of the sign and raising the lowest panel. Mr. Neuman said that Berkshire Hathaway has strict branding guidelines and wanted the larger area of the sign for its business. Discussion ensued between Mr. Neuman and various members of the Board to determine ways to reduce the size and accommodate the organization on the lowest panel. Mr. Neuman noted that Louis Stephan said he would remove chamber of commerce sign before would replace Berkshire Hathaway sign.

The Board felt that the sign was tall but it does conform to the Town's sign regulations. The special permit was needed simply due to inadequate frontage. In addition Mr. Stevenson said he did not want to restrict the business further given that a sign currently exists in the location.

Dan Martin, Chairman of the DRB, was present. He said that the DRB did discuss the snow issue, however that particular tenant panel belongs to the Sudbury Chamber of Commerce which was not concerned about it being obscured during the winter months. He said that at twenty square feet the sign is smaller than what is allowed on the building. He feels that the reduction in overall signage at the site is an improvement. Mr. Gossels commended the DRB on their work to revise the sign and, given that review process, therefore withdrew any objections he had.

It was noted that any lighting of the sign should be consistent with bylaw.

Mr. Stevenson asked whether any neighbors were present who wished to speak. None were present. There were no further comments from the Board or audience. The hearing was closed.

The following motions were made and seconded:

MOTION: “To grant Louis B. Stephan – Berkshire Hathaway Stephan Real Estate, applicant, and 400 Boston Post Road LLC, owner, a Special Permit under the provisions of Section 3290 of the Zoning Bylaw, to allow a 42.1± square foot freestanding sign to replace an existing sign on a lot having less frontage than the bylaw allows and Section 3265B to allow the sign to be located approximately 9 feet from the front property line resulting in a front yard setback deficiency of approximately 11 feet, property located at 400 Boston Post Road, Business District #5, provided that:

1. The sign will be installed in the location as submitted in the application dated July 28, 2014 in the June 17, 2014 rendering by Signarama, which is incorporated into and made part of this Special Permit.
2. The double-faced freestanding sign shall measure approximately 42.1 square feet.
3. The colors used for the sign shall be burgundy with white and black lettering.
4. The sign shall conform to Sudbury’s Lighting Bylaw. Illumination shall be maintained at a sufficiently low intensity and brightness so that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways.”

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

REASONS: The petitioner requires a special permit to install a free-standing sign with a front setback deficiency. The applicant has met with the Design Review Board and incorporated their suggestions. The Board finds that the sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is Business District #5.

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Lynn Green, applicant and property owner, was present along with Attorney Michael C. Fee, Pierce and Mandell, to request a renewal of special permit 14-1 for a home business for dog grooming and to request as part of that renewal a special permit for day boarding for up to six dogs at her property at 558 Dutton Road.

Mr. Fee provided a background for the original special permit approved in February 2014 which allowed the grooming business for up to five dogs. He explained that the ZBA chose to issue the permit duration in small increments to see if any issues arose from the operations. The Board was in receipt of eight letters of support for the business from Sudbury residents. The Board was in receipt of an e-mailed report dated September 4, 2014 from Jennifer Condon, Animal Control Officer, in which she stated that there are no complaints on record. Communications have been good between Ms. Green and the Dog Officer. Mr. Fee said that if Ms. Green's plans are approved for doggy daycare the Dog Officer would conduct a further inspection to be filed with the Town Clerk.

Mr. Fee said that the original February request was for twelve dogs. At that time the Dog Officer said that six would be the maximum she would recommend allowing. The business is designed to be flexible by demand. Ms. Green herself has three personal dogs. Ms. Green added that her services provide grooming for dogs in a more personal way. The scheduling of each client dog is staggered similar to that of a hair dresser. Once a dog has been groomed the dog is picked up by the owner and therefore is not in a crate for long and unhappy. The dogs are not stressed out. All care is maintained indoors. There is a dog run in between the house and barn that dogs use for comfort breaks. The doggy daycare would also be limited to the indoor area of the barn and to the dog run. The barn is soundproofed as it had been when the premises was used for a previous industrial business.

Mr. Stevenson asked whether members of the public wished to speak about the matter.

Craig Homenko, 15 Petersen Circle, said that his property borders the Greens'. He said that in February he submitted a petition with signatures and approximately thirty people came to the hearing. He noted that other kennels that have been allowed in town have significant land around them. However, this one is in a dense neighborhood. He explained that his family bought his property two years prior because of the quiet neighborhood. He admitted that while he has not heard a lot of barking there are now a lot of dogs in

neighborhood. He does not feel that a kennel belongs in a neighborhood. He also had concerns about increased traffic. He felt a kennel with a daycare does not make sense.

Mr. Fee noted that Barton Drive is also in a residential neighborhood and just as many neighbors were present for the ZBA hearings. He said that the analysis necessary for both projects is the same. As long as the applicant provides sufficient mitigation then kennels are allowed in all districts. He said that Ms. Green has taken great pains to ensure that the neighborhood is not impacted by her grooming business. He noted that the ZBA's approach to kennels has been measured and if there are no problems then kennels have been allowed. He said that there are additional layers of oversight with kennels. The kennel license, for instance, offers control over the matter. The Dog Officer reviews the operations and if there are any complaints then there is recourse for neighborhoods. He said that Ms. Green is open to taking an interim step to prove to neighbors that this is a responsible business. She has been grooming dogs all summer.

Lorraine Mazarella, 12 Trailside Circle, said that Ms. Green grooms her dog and she described the process of staggered scheduling of clients. She said that the dogs appear happy and noted that she hears more barking dogs in her own neighborhood than at the Greens'.

Joe Green said that he has been listening to people's concerns. He acknowledged that there were a lot of people at the February meeting and a lot of points made. But he said that his wife's business has not impacted the neighborhood. He said that his family has lived for eighteen years in Sudbury. The family respects the house that they bought, and they want to preserve and improve the house. He said that they also respect their neighbors.

Victor Paquette, 11 Petersen Circle, said that he is an abutter in direct line of site of the barn and in direct line of sound. He said that while Ms. Green's facilities are magnificent there are five criteria for a special permit, namely that the use is appropriate and does not alter the character of the zoning district. He totaled six dogs with the daycare and five to groom plus three personal dogs as well as the puppy breeding. He asked the ZBA to assume the worst case that there could be fourteen to twenty dogs on the premises. He noted that this venture is a business for the Greens and they will make it successful with many dogs. But he said that what is good for the Greens is not good for the neighbors. He mentioned the past letters from a realtor and neighbors submitted at the February hearing describing how property values would go down. He doesn't understand why lowered property values is not a valid argument. Mr. Stevenson said that it is not valid because the vote at Town Meeting created a bylaw to allow the use in all districts provided that special permit criteria are followed. He said that the ZBA is tasked with enforcing the bylaw properly. Therefore the Board has to look at actual problems rather than what might happen. He added that some comments appear to be stating opposition to the business in principal rather than what is actually happening. The ZBA has to look at the bylaw.

Amy Paquette said that there is definitely increased noise and increased annoyance with all of the dogs in the neighborhood. Everyone's dogs plus another six dogs antagonize one another. She said her pool abuts the Green's pool and Ms. Paquette said that she was home all summer and heard noise from increased dogs. She said that this has caused anxiety and if the special permit is approved she feels there will be more problems and more noise.

Kathleen Cromwell, 19 Atkinson Lane, said that she has no issue with the grooming or barking for ten minutes. She was, however, concerned about the level of supervision for the dogs. She felt that there

would be too many dogs for one person. She felt that Ms. Green was going to need to hire an attendant. Ms. Green said she would hire additional employees if necessary.

Mr. Paquette felt that there were too many dogs and a doggy daycare was not in character with this neighborhood. He wanted the ZBA to deny the request because it was detrimental and offensive.

Mr. Fee reiterated the fact that all activities would take place indoors and Ms. Green is prepared to do whatever it takes to soundproof the barn. He said that Ms. Green is willing to hire help to alleviate concerns about supervision. He said that his client has been amenable to the incremental approach in order to be responsive to the neighbors. He therefore requested a total of three daycare dogs for a six month period with the option to renew the permit again in six months.

Mr. Stevenson said that it would be smart to move forward incrementally. He felt that the current permit appeared to be working and noted that there were no complaints filed with the Dog Officer. From testimony it appears that neighbors have not heard much excessive barking. Clientele appear happy. Therefore he feels that the applicant has shown that she can handle the dog grooming. He suggested allowing fewer than the six dogs requested and seeing how it does.

Mr. Palmer agreed. He said that three daycare dogs for six or twelve months would be fine with him. He wasn't certain whether the winter months when dogs would be indoors anyway was the best measure so if the duration were longer, extending in to the warmer months, that might be more accurate. He said that allowing that time would give the abutters an opportunity to document any disharmony.

Mr. Garanin asked about the interior space in the barn. Ms. Green said that right now the dogs only occupy about 2,000 square feet but she intends to eventually open up the walls. The barn itself is approximately 6,000 square feet. Mr. Garanin asked how many dogs are usually outside at a time. Ms. Green said that between two and three of the dogs are out at a time. She said that someone watches them while they are out. All of the play happens inside. The space has rubberized flooring and a grooming table so the dogs are in full view at all times. Mr. Garanin said that a shorter term would meet his approval. Mr. Garanin did not feel that there is a noise issue given that dogs are not outside. He said that he would approve up to six dogs for a smaller renewal period.

Mr. Palmer asked at what point Ms. Green was going to hire staff to assist. She said that if there were a full house then she would get additional help. She reiterated that grooming clients are staggered. There are only three client dogs on the premises at a time. Ms. Green then explained her system of operations. Mr. Stevenson said that the applicant should be given an opportunity to prove herself.

Upon polling the Board, Mr. Palmer said that he would approve three dogs for six months, Mr. Garanin would approve six dogs for six months, Mr. Gossels said no to any doggy daycare dogs but yes to grooming, Mr. Stevenson said he would approve three daycare dogs for six months and Mr. O'Brien also expressed approval of three dogs for six months.

A motion was made to allow up to three dogs at the doggy daycare and up to five dogs for grooming for a period of six months. Any complaints should be directed to the Dog Officer. Mr. Stevenson said that the applicant is looking to provide a service in the community and dogs want to have socialization. He sees

this as an opportunity for dogs to be cared for while they are at work in the same way their owners care for them. He advised all those present to be neighborly and use common sense.

The board discussed adding a condition that if there are more than three daycare dogs and one dog being groomed on the site during a given duration then an assistant must be present to watch them. None of the other conditions would be changed.

Kimberly Mitchell, 62 Kato Drive, said that Ms. Green grooms her dog and she knows first-hand that Ms. Green does not take on more than she can handle. She has experienced the regulation of scheduling as a client of Ms. Green's.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Lynn Green, applicant and owner of property, a Special Permit, granted under the provisions of Section 2313 of the Zoning Bylaws, to operate a kennel on the premises for dog grooming and dog daycare boarding, property located at 558 Dutton Road, Residential Zone A-1, subject to the following:

1. The dogs shall not become a nuisance.
2. The maximum number of dogs allowed per day on the property (excluding the Applicant's pets) shall be no more than three (3) daycare boarders and no more than five (5) dogs for grooming.
3. If there are a total of three daycare dogs and one or more dogs being groomed on the site during a given duration then an assistant must be present for additional supervision.
4. All boarding dogs shall wear tags that identify the business.
5. Any complaints shall be reported immediately to the Dog Officer.
6. Dog waste is to be picked up immediately.
7. No signs advertising the kennel will be allowed.
8. Dogs shall be dropped-off at the facility no earlier than 8:00 a.m. to 6:00 p.m.
9. No Dogs shall be kept overnight.
10. Dogs that are outdoors are to be supervised at all times.
11. Dogs are to be contained within the fenced area or by a leash at all times.
12. This permit is non-transferable and will expire in six months on March 8, 2015, at which time the Board will consider renewal upon receipt of proper application on or before that date."

VOTED:        In favor: 4        Opposed: 0        Abstained: 1 (Gossels)

REASONS: The petitioner seeks a renewal of a special permit to operate a kennel on the premises for the purpose of dog grooming and day boarding. The use is allowed in all districts by Special Permit from the Board of Appeals. The Board finds the use to be in harmony with the general purpose and intent of the Bylaw. The Animal Control Officer has issued a statement that adequate and appropriate facilities will be provided for proper operation. The animals will be restricted to the area as shown in the plot plan which is made part of this decision in order to ensure that the use will not be offensive to the adjoining zoning districts or neighboring properties. Adequate supervision will be adhered to. The Board finds that a six-month renewal period will allow for review of operation and any impacts to the neighborhood.

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ZBA Chairman Benjamin Stevenson explained the requirements necessary to substantiate the granting of a Special Permit. He said 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.

Attorney Shaun Briere, of the firm Mawn and Mawn, was present to represent the applicant, Northern Bank and Trust Company, to request a special permit for an entrance sign on Union Avenue for their location at 430 Boston Post Road. The sign is actually for Especially for Pets, which owns property behind the bank, but given that the bank and Especially for Pets are sharing a driveway a sign was promised by the bank for the pet store to help direct traffic past the bank and into the Especially for Pets parking lot. Mr. Briere said that the reason that a special permit is needed is because the lot is nonconforming due to the fact that there is not enough frontage along Union Avenue. The sign would be located fifteen feet from the driveway and set back significantly from the road.

Prior to the board's discussion about the sign, Mr. Briere requested a six-month Extension of Time for three variances for ZBA cases 13-21, 13-22, and 13-23 so that the Bank could work through the sign issues and get the required endorsement for their site plan from the Sudbury Board of Selectmen and to obtain their building permit. Northern Bank and Trust Company now owns the property. The closing was earlier in 2014.

In regard to the freestanding sign, Greg Sullivan of Slate Blue Design, was present to explain some updates to the design since the application was first submitted to the ZBA on August 12, 2014. He said that the applicants met with the Sudbury Design Review Board which recommended some changes to the initial design. Mr. Briere said that the DRB made some excellent revisions. In general the DRB wanted the sign to look more permanent and not like a temporary sandwich-board sign. Slate Blue Design's updates follow those recommendations resulting in a better sign overall. DRB Chairman Dan Martin was present and agreed. The Board was also in receipt of a memo dated August 28, 2014 which outlined their recommendations.

Mr. Gossels asked whether the chain link fence currently on the property would be removed. Mr. Briere said that a wooden guardrail fence will be added along the side of the property abutting the post office.

Mr. O'Brien said that he appreciated the input from the DRB and felt that the sign was fine as proposed.

Mr. Briere confirmed that if there was a change to the tenant of the shared driveway Northern Bank and Trust Company would continue to maintain the area around the sign and the sign itself. He understood that Northern Bank and Trust Company would need to go back to the ZBA for approval of a new tenant sign.

There are no plans to light the sign.

Mr. Stevenson asked whether any neighbors were present who wished to speak. None were present. There were no further comments from the Board or audience. The hearing was closed.

The following motions were made and seconded:

MOTION: "To extend the time by six months for which site work is to commence under the terms of the variances for previously approved ZBA cases 13-21, 13-22, and 13-23."

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

MOTION: "To grant Northern Bank and Trust Company, applicant, and Union Post LLC – c/o CGI Management, Inc., owner, a Special Permit under the provisions of Section 3290 of the Zoning Bylaw, to allow a 32"x48" freestanding pylon sign on a lot having less frontage than the bylaw allows, property located at 430 Boston Post Road, Business District #5, provided that:

1. The Especially for Pets entry sign will be installed in the location as submitted on September 8, 2014 in a rendering by Slate Blue Design, which is incorporated into and made part of this Special Permit.
2. The double-faced freestanding sign shall measure approximately 32" wide x 48" high.
3. The colors used for the sign shall be beige and royal blue consistent with the Especially for Pets brand.
4. The sign shall conform to Sudbury's Lighting Bylaw. If there is to be lighting illumination shall be maintained at a sufficiently low intensity and brightness so that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways."

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

REASONS: The petitioner requires a special permit to install a free-standing entrance sign. The applicant has met with the Design Review Board and incorporated their suggestions. The Board finds that the sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is Business District #5.

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Benjamin D. Stevenson, Chair

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Nicholas B. Palmer

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Jonathan F.X. O'Brien, Clerk

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Stephen A. Garanin, Associate

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Jonathan G. Gossels

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 8, 2014

The Board consisted of:  
Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; Nicholas B. Palmer;  
and Stephen A. Garanin, Associate.

ZBA Chairman Benjamin Stevenson explained the requirements necessary to substantiate the granting of a Special Permit. He said 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.

David Hornstein and Joanie Schaffner, applicants and owners of 22 Candy Hill Road, were present to request an 840 square foot accessory apartment at their residence. Mr. Hornstein and Ms. Schaffner recently moved to Sudbury and explained that their property already had a separate space containing a kitchen and bathroom that was previously used as a home office. They explained that they wished to turn that home office into an accessory dwelling and rent it to a single occupant to have greater security for the home when they travel.

Mr. Hornstein said that they met with Building Inspector, Mark Herweck. One light needs to be changed. Also, there is a glass door in the bedroom area but that room needs to have more light and ventilation prior to occupancy. The house is built into a hill and has essentially three levels above grade. The tenant would occupy one level at the corner of the house. The existing property has two means of egress into the separate unit. Both entrances are located in the back of the building and are not visible from the road. No exterior changes are proposed.

In regard to parking Mr. Hornstein said that since the house had a home-business there was an existing parking that could fit twelve cars. The parking area will be decreased and a lot of the paved area will be removed. A space would be maintained for the tenant. A picture was presented of the driveway with three cars to show what it might look like.

Building Inspector Mark Herweck was present and noted that the square footage conforms to the bylaw. No relief is needed beyond the request for the special permit for the accessory dwelling.

Mr. Stevenson said that he was confident that the request fulfilled the purpose and intent of the bylaw and the plans were similar to previously-approved properties around town. He had no concerns nor did any of the other members of the Board. Mr. Herweck said that he would need to inspect the premises to officially confirm that there was a second means of egress and also working smoke detectors prior to issuing an occupancy permit.

Mr. Stevenson asked whether any neighbors were present who wished to speak. None were present.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was made and seconded:

MOTION: "To grant David Hornstein and Joanie Schaffner, applicants and owners, a Special Permit under the provisions of Section 5500 of the Zoning Bylaws in conformance with the application for the Special Permit dated March 12, 2014 and the plans submitted by the Applicant, to allow an 840 square foot Accessory Dwelling Unit for property located at 22 Candy Hill Road, Residential Zone C-1, as follows:

1. The Accessory Dwelling Unit shall be occupied by no more than four persons.
2. The Accessory Dwelling Unit shall be inspected by the Building Inspector prior to issuance of a certificate of occupancy.
3. 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.
4. 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.
5. 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.
6. This permit shall be recorded at the Middlesex South District Registry of Deeds prior to issuance of a building permit for the accessory dwelling unit.
7. This permit will automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.
8. 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.
9. 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 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.

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Benjamin D. Stevenson, Chair

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Nicholas B. Palmer

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Jonathan F.X. O'Brien, Clerk

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Stephen A. Garanin, Associate

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Jonathan G. Gossels