

SUDBURY ZONING BOARD OF APPEALS  
MINUTES  
JULY 13, 2015

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; Nicholas B. Palmer, Clerk; Benjamin Stevenson and William Ray.

The meeting was open at 7:39 p.m.

Mr. Palmer read the hearing notice published on the Sudbury Town Crier.

1. CONTINUATION: Public Hearing, Case 15-12 - GTP Acquisition Partners II, LLC (formerly Tower Assets Newco II, LLC,) applicant, and Sudbury Research Center, Inc., owner, for renewal of Special Permit 11-28, for the continued operation of a 120-foot flagpole style, 2-carrier monopole, including associated equipment, 142 North Road, Assessor's Map C11-0300, Research District #1.

Michael S. Queenan, Attorney, U.S. Tower Division from Woburn, MA. representing the Applicant shared a complete copy of the inspection report done on May 22, 2015 by Ryan Seifert and Jeremy Clark from Tower Engineering Professionals.

Applicant presented the tower inspection report including Section D which consisted of a summary of deficiencies, complete with pictures from different angles and a complete list of items that will be repaired starting next week.

Also submitted was a document titled "120 FT Monopole Modifications" ATC Project number : 615807H2", describing and listing modification and maintenance details.

Mr. Gossels thanked the Applicant for providing the Board a full report, at the same time he voiced that it is troubling that so many things needed to be repaired. Mr. Queenan replied that his client is glad to have the opportunity to make these repairs.

Mr. O'Brien asked the Building Inspector, Mark Herweck, what kind of inspection will be necessary on a yearly basis. Mr. Herweck replied that an inspection report certified by a structural engineer, should continue to be a condition of this Special Permit.

The Applicant requested permission to remove any vegetation that interferes with coax and tower; replace all missing bus bars and ensure coax are properly grounded at shelters; repair or replace any damaged grounding; remove any trash and debris from around and inside tower; properly install new ATC signage to reflect change in ownership; and to follow "IBC General Notes" and "Modification Details", as listed on document presented tonight entitled "Modification Details" stamped by Bryan K. Lanier, Structural Engineer.

Mr. O'Brien stated that this permit will be granted for 3 years, expiring July 20, 2018. An annual inspection certified by a structural engineer must be submitted to town's building inspector.

No neighbors were present to comment on this application.

Motion was made by Mr. Palmer and seconded by Mr. Stevenson to approve this application for a 3 year term, until July 20, 2018.

VOTED: 5 (unanimous) Opposed: 0

Mr. Gossels presented the following guideline about renewals of home business to the Board:

#### Home Business – By Special Permit 2340 Guidelines

Changes in technology and commuting patterns have made working from home and home based businesses routine. Section 2340 of the Zoning By Law enables the Board to issue Special Permits that limits hours of operation, maximum number of daily trips, maximum floor area, number of employees, and other factors that otherwise might create a nuisance for neighbors.

Many home based businesses that technically require a section 2340 Special Permit are small operations that offer specialized services to our community and pose no prospect of disturbing a neighborhood.

The purpose of this guideline is to assist the Board in being more consistent in the way it handles such Special Permit renewals and to generally lengthen the Special Permit terms to reduce the administrative burden on our citizens.

#### Special Permit Renewal Terms

- Initial 2340 Special Permits shall be granted with a one year term
- If the business has shown that it is not disturbing the neighborhood and is in full compliance with any permit conditions, the Board may consider a renewal term of up to five years.
- Subsequently, the Board may consider renewal terms of up to ten years.

The Board hears and reaches a decision on each application as a unique matter. In some instances, longer renewal terms are not appropriate; in others they are. This guideline does not require the Board to extend renewal terms, but encourage longer renewal terms when it makes sense.

After some discussion the Board agreed that this will be beneficial because it will give more uniformity to issuing permits.

2. Public Hearing, Case 15-20 – Justin Oliver, applicant and owner, for a Special Permit under the provisions of Section 2340 of the Zoning Bylaw, to conduct a Home Business, specifically for music lessons, more than once a day, Assessor’s Map G05-0108, 17 Barton Drive, Residential Zone A-1.

Mr. Oliver was present at this Hearing, explained that his intention is to give professional music lessons that will be conducted one on one, in his sound proof basement. His home has a driveway where people can park, the classes will be about twice a week, teaching about 4 to 5 students in one day.

Mr. O’Brien asked the applicant to describe the music business he intended to operate at his residence, how many visitors he would have each day, whether the basement was entirely encased by earth, and how Mr. Oliver had sound proofed the basement. Mr. Oliver explained that he teaches percussion to students and he would have at the most 4 to 5 students a day. He explained that he teaches only one student per session. Mr. Oliver explained that he used sheet rock of about 4 millimeter in thickness, as well as insulation panels and wool soundproofing on the ceiling and some walls. Mr. Oliver explained that he had fashioned plywood soundproofed panels to attach to the windows, and he had installed double doors.

Mr. O’Brien asked if any neighbors were present to comment about this application. No neighbors present.

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Upon deliberation, the board found that the intended use of the property was in harmony with the special permit requirements, notably that:

- The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The existing driveway location will be unchanged with this proposal, adequate parking exists on site.
- The proposed use will not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances. The proposed use will not cause undue traffic congestion in the immediate area.

Motion was made by Mr. Palmer and seconded by Mr. Gossels to approve this application for a term of one year, until July 20, 2016.

VOTED: 5 (unanimous) Opposed: 0

3. Public Hearing, Case 15-21 – Julie A. Zinger, applicant and owner, for a Special Permit under the provisions of Section 2340 of the Zoning Bylaw, to conduct a Home Business, specifically for private speech therapy, Assessor’s Map K09-0101, 12 King Philip Road, Residential Zone A-1.

Ms. Zinger was present at this Hearing, the applicant Ms. Zinger explained the nature of her services sharing with the Board that her intent is to provide private speech therapy services one patient at a time. She has a driveway where patients can park. Therapy will be done in one of the spare bedrooms. Another bedroom will serve as the waiting room for parents installed with a screen that will feed images from the speech therapy sessions. Ms. Zinger expects to be seeing a maximum of 4 patients per day. This is a new business therefore she does not have patients yet.

No neighbors were present to comment on this application.

Mr. Herweck, Building Inspectors asked the applicant if she intends to live in the house. Applicant replied that yes, she will reside there.

Upon deliberation, the board found that the intended use of the property was in harmony with the special permit requirements, notably that:

- The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The existing driveway location will be unchanged with this proposal, adequate parking exists on site.
- The proposed use will not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances.
- The proposed use will not cause undue traffic congestion in the immediate area.

Motion was made by Mr. O’Brien and seconded by Mr. Stevenson to approve this application for a term of one year until July 20, 2016.

VOTED: 5 (unanimous) Opposed: 0

4. Public Hearing, Case 15-22 – Joakim Monstad, applicant, for a renewal of a Special Permit 14-20, under the provisions of Section 2313 of the Zoning Bylaws, to raise up to 8 hens at 563 Hudson Road, property shown on Town Assessor Map G04-0501, Residential Zone A-1.

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Applicant withdrew application, will submit application in the future.

5. Public Hearing, Case 15-23 – Diana Tetzlaff, applicant and owner, for renewal of a Special Permit 10-47, under the provisions of Section 2340 of the Zoning Bylaw, to conduct a Home Business, specifically for piano lessons, Assessor’s Map G10-0102, 113 Newbridge Road, Residential Zone C-2.

Ms. and Mr. Tetzlaff were present at the Hearing, Ms. Tetzlaff explained that she is seeking a renewal of her permit that first was granted for one year then renewed for 5 years. She conducts a home business teaching piano. She typically sees about 5 students per day. There are two pianos in her home, some of her students are children that live on the same street. She noted that neighbors are in support of her business and that she has plenty of space for parking.

No neighbors were present to comment on this application.

Upon deliberation, the board found that the intended use of the property was in harmony with the special permit requirements, notably that:

- The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
- Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The existing driveway location will be unchanged with this proposal, adequate parking exists on site.
- The proposed use will not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances.
- The proposed use will not cause undue traffic congestion in the immediate area.

Motion was made by Mr. O’Brien and seconded by Mr. Stevenson to approve this application for a term of ten years, until July 20, 2025.

VOTED: 5 (unanimous) Opposed: 0

6. Approval of Meeting – Minutes June 1 and June 10, 2015.

Motion to approve June 1 and June 10, 2015 Minutes made by Mr. Palmer and seconded by Mr. O’Brien.

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

There being no further business, the meeting was adjourned at 8:30 p.m.

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Jonathan F.X. O’Brien, Chair

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Nicholas B. Palmer, Clerk

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Jonathan G. Gossels

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William Ray

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Benjamin Stevenson