

SUDBURY ZONING BOARD OF APPEALS  
MINUTES  
AUGUST 3, 2015

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; Nicholas B. Palmer, Clerk; Benjamin Stevenson, Nancy Rubenstein and John Riordan (Alternate)

The meeting was open at 7:30 p.m.

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

1. Public Hearing, Case 15-24 – Glen W. Wilson, applicant and Ivette & John Cox owner, for a Special Permit under the provisions of Section 2420 of the Zoning Bylaw, to construct a storage shed 14' x 22' on a nonconforming lot to be located approximately 5 feet from the side property line resulting in a side yard setback deficiency of approximately 15 feet, property shown on Town Map F10 as Parcel 0011 located at 559 CONCORD ROAD, Residential Zone C.

Glen Wilson was present for the Applicant. He is the builder of the structure. The structure will be used primarily for family sporting equipment, and its proposed location is convenient to the garage and the driveway. Board member O'Brien noted that there seems to be adequate screening along the lot line. Ms. Rubenstein visited the property and noted the neighbors homes are well screened along the common driveway. Mr. Gossless also noted that the absence of nearby residences will reduce any impacts to the neighborhood. Mr. Palmer noted that the driveway is not within the ROW, and he feels that the shed location could be impacted in the future if the driveway needs to be relocated.

No neighbors were present to comment on this application.

The Board reviewed the Special Permit criteria from section 6200 of the Zoning Bylaw, and finds that: The use is in harmony with the general purpose and intent of the bylaw. The property is developed as a single family residential lot which will not change with this proposal. The shed is for residential storage of recreation equipment. Zoning in this district is Residential C.

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. The shed is well screened from neighboring properties with existing vegetation.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use. The shed is located along the existing driveway and will not require additional infrastructure for its use.

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 proposal will have minimal impacts.

The proposed use will not cause undue traffic congestion in the immediate area.

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A Motion was made, seconded and voted to approve Petition 15-24

VOTED: 5 (unanimous) Opposed: 0

2. Public Hearing, Case 15-25 –Sudbury American Legion Post 191, Inc., applicant and owner of property, for renewal of Use Variance 12-21, granted under the provisions of Section 2230 of the Zoning Bylaws, to use the building and property as a private clubhouse and meeting hall, property shown on Town Map K05 as Lot 0020, 676 BOSTON POST ROAD, Residential Zone A-1.

The applicant was not present for this hearing. The Board discussed continuing the hearing until September 14, 2015, and requested that the Planning and Community Development dept. staff notify the applicant, as well as ask about the required abutter letter that should be submitted to the file. There was also discussion as to who the manager of the facility is, as that can affect its day to day operation. Mr. Palmer will check with the Sudbury Police Dept. to see if there have been any complaints. The chairman requested that the agenda be re-sent to abutters on abutter list.

Mr. Gossels stated he is not opposed to extending the variance for an additional 3 year term, but he wants to make sure the neighbors have no complaints.

Motion was made and seconded to continue the hearing until September 14, 2015 at 7:30 pm at Town Hall.

VOTED: 5 (unanimous) Opposed: 0

3. Miscellaneous Business: Ms. Kablack was present and requested the Board's informal opinion on proposed zoning changes the Planning Board is discussing regarding the Route 20 commercial districts. Ms. Kablack noted that the Planning and Community Development Dept. staff have recently compiled recommendations to make several changes to zoning, which recommendations come from the zoning analysis recently completed for the Town by the Cecil Group. The changes are largely grouped into 3 categories – adding uses in the Limited Industrial and Industrial Districts, reducing parking requirements, and setback changes. The issue for the ZBA to weigh in on relates to the issuance of use special permits as categorized in Appendix A of the Zoning Bylaw, as the ZBA is the special permit granting authority for many special permit uses in the bylaw. After a brief discussion, most board members stated that they would favor allowing the Planning Board to issue any special permit that also requires site plan review. This will streamline the permitting process, reduce potential conflicts in conditions, and still leave a substantial number of special permit uses to be issued by the ZBA. Ms. Kablack will report this informal discussion to the Planning Board.

4. Approval of Meeting – Minutes July 13, 2015.

Motion to approve July 13, 2015 Minutes made and seconded.

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

There being no further business, the meeting was adjourned at 8:15 p.m.

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