

SUDBURY ZONING BOARD OF APPEALS
MINUTES
October 2, 2017

Board Members Present: John Riordan, Chairman; Nancy Rubenstein; Jonathan Gossels and William Ray, Clerk.

The meeting was called to order at 7:30 p.m.

Mr. Riordan opened the hearing by asking the Clerk to read the notice as published in the newspaper.

Mr. Riordan read the guidelines with respect of granting permits according to the Town Bylaws, and asked the Applicant if he agrees to proceed with a 4-member board, the applicant agreed.

- 1) *Public Hearing Case 17-25– Joshua Kelly, Applicant and Sanjib Mohanty, Owner, for a Special Permit under the provisions of Section 2420 of the Zoning Bylaw, to construct a porch on a nonconforming lot resulting in a front yard setback deficiency of approximately 2' feet, property shown on Town Map J06-0315, at 9 Stonebrook Road, Residential Zone A.*

Mr. Joshua Kelly, RA, Applicant and Sanjib Mohanty, Owner were present at the hearing for a Special Permit, requesting relief from the Zoning Bylaw regarding of the front yard setback, and asking for two feet approval to construct a porch of 5 feet. The Applicant currently has a building permit for the construction of a two car garage with a front porch and interior remodel of this home, with a porch landing of three feet. The issue with the front porch is that the proposed front door has limited room to stand to safely open the door with only 3 feet. The proposal for the Board is to extend the landing to five feet which will encroach two feet into the front yard setback, bringing the set back to a 38.1 feet from a 43 feet. The lot is non-conforming, totaling approximately 31,000 s.f. in a residential zoned were lots are required to be 40,000 s.f. All the set backs are otherwise conforming. The Applicant feels that in the proposed remodel, the landing is not appropriate and he would like to extend the porch 2 feet.

Mr. Riordan asked the Applicant if he purchased this property as a non-conforming lot or if it the result of a subdivision after the purchase of this home.

Mr. Kelly replied that the property at the time of purchase was non-conforming.

Mr. Riordan asked the Applicant about the roof height, noting that the elevation plans did not include calculations.

Mr. Kelly replied that the proposed project would be 2 1/2 stories, with a height of 35 feet.

Mr. Riordan on behalf of the Board thanked the applicant for a complete and organized application and complemented the design.

Mr. Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition. There were no further comments.

The Board finds that the use is in harmony with the general purpose and intent of the Bylaw.

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.

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That the proposed use would 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 nuisance.

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

Motion made and seconded to approve petition 17-25. All voted in favor.

2) *Approval of Meeting Minutes for January 9, 2017, July 10, 2017 & August 7, 2017 meetings.*

Motion made, seconded to approve Minutes for January 9, 2017, July 10, 2017 & August 7, 2017 meetings. All voted in favor.

Other Business Items.

Ms. Rubenstein asked for an update on Sudbury Station and the Peters Way litigation. A number of residents have asked for an update in social media recently because one of the articles for the Special Town Meeting on October 16 is a request for more litigation funding.

Mr. Riordan updated the Board, stating that the litigation is still ongoing in the Housing Appeals Committee with respect to the Sudbury Station comprehensive permit matter and in Land Court with respect to the Peter's Way matter. He will reach out to Town Counsel, Barbara Saint Andre for an update to better inform the Board.

Motion to adjourn at 8:30 pm.