

SUDBURY ZONING BOARD OF APPEALS
MINUTES
July 9, 2018

Board Members Present: John Riordan, Chairman; William Ray, Clerk; Jonathan G. Gossels; Benjamin Stevenson and Frank Riepe.

The meeting was called to order at 7:30 p.m. Mr. Riepe and Mr. Stevenson will be voting members at this hearing.

Chairman Riordan open the hearing by asking the Clerk to read the notice as published in the newspaper.

Chair Riordan read guidelines for special permits and variances.

- 1) Public Hearing Case 18-20 – Binoy Koodhathinkal, Applicant and Owner, for a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to raise up to six hens, property shown on Town Assessor Map G06-0339, 77 Churchill Street, Residential Zone Res A-1.

Chair Riordan open the hearing at 7:30 p.m. acknowledging quorum was present.

Mr. Koodhathinkal was present at the hearing accompanied by his young son, requesting a special permit to raise up to six (6) hens, in a raised enclosed chicken coop of approximately 8x8 ft. in size with a 4x8 ft. roof, the bottom of the coop will be a fully enclosed run. The waste will be composted on site.

Mr. Gossels asked how close to the neighbors will the compost area be located.

Mr. Koodhathinkal described the location of the compost area to be located on the opposite side of the chicken coop away from abutting neighbors.

Chair 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.

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.

Motion made, seconded and voted, to approve petition 18-20 for one (1) year term with standard conditions in the words of the application for up to 6 hens.

- 2) Public Hearing Case 18-21 – Adrian & Abigail Charest, Applicants and Owners for a Special Permit under the provisions of Section 2400 and 2460B of the Zoning Bylaw, to construct a dwelling of approximately 3,198 s.f. after demolition of a pre-existing, non-conforming structure on a non-conforming lot, exceeding the total floor area of the original structure, and to construct a detached garage of approximately 600 s.f. that will result in a side yard setback deficiency of approximately 12 feet and rear yard deficiency of approximately 12 feet, Property shown on Town Map H05-0255, 19 Summer Street, Residential Zone A-1.

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Adrian & Abigail Charest were present at the hearing requesting a special permit to construct a new home after demolition and to build a detached garage at 19 Summer Street. The rationale for building the detached garage on the back of the house is to keep an open backyard and to preserve the existing trees. The garage will be approximately 24x24 ft. with two standing doors on the front, the garage will match the house in style and roof pitch, and will have the same shingles and will not have a loft on top. The septic system will be replaced and the new home will be a 4 bedroom.

The proposed new main home will be conforming as of setbacks where the existing structure is non-conforming on the side setback, the detached garage will be encroaching on the side yard setback by approximately 12 feet and rear yard deficiency of approximately 12 feet.

Mr. Riepe asked why the proposed garage could not be positioned in a way that it would be conforming with zoning setbacks.

Mrs. Charest reply they needed the extra room for the Title V system and they did not want the garage to line up with the new house that is being built on Dutton Road, she described her backyard as connected with the neighbor's backyards given more room for the kids to play using it as an open play corridor.

Mr. Stevenson and Mr. Ray asked if the applicants had a chance to check with the neighbors.

Mr. Charest replied that they have checked with them and they are in favor of the conversion and plans and offered to write to the Board in support of the project if needed.

The Board asked for a description of the proposed detached garage, noticing that the applicant did not supply a drawing of it or any other information besides the setbacks.

Mr. Charest reply it will be a non-living, one level, no loft on top, 24x24 ft. in size structure, the exterior will match the siding of the house, with two standing doors on the front, not tall, with the gable facing outwards and similar roof pitch as the proposed house, matching the same style of the house.

Mr. Charest stated they will be replacing the septic and the proposed new home will have four bedrooms, in the process they will try to preserve as many trees as possible.

Mr. Gossels noted there are special circumstances because the applicants are locating the garage near the neighbor's garage in a sort of back to back structures.

Mrs. Charest stated their neighbors at 423 Dutton Rd. are in favor of the location and 417 Dutton Rd. is also in favor because it will be located back to back with their garage structure and in general the four neighbors would like to keep their respective backyards connected as an open play area.

Chair Riordan commented he appreciated the scale of the proposed new home because it fitted well within the neighborhood, and acknowledge Dutton Road is a section of Town in transition, there are some larger new homes within older smaller homes that are valuable for new residents as starter homes.

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

There were no further comments.

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

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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.

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.

Motion made seconded and voted, to approve petition 18-21 consistent with the plans submitted and the descriptions made at the hearing of the proposed garage.

- 3) Public Hearing Case 18-22 – Marie Campana & Frank Campana Zambrano, Applicants and Owners for a Special Permit under the provisions of Section 2420 of the Zoning Bylaw, to construct an addition consisting of a third attached car garage with a second story over, proposed construction to a pre-existing, non-conforming structure and non-conforming lot, resulting in a side yard setback deficiency of approximately 8 feet, property shown on Town Assessor Map D09-0510, 20 Village Road, Residential Zone A-1.

The applicants were present at the hearing, proposing to add a third garage and two bedrooms with a bathroom on top of the proposed garage, the existing two bedrooms will be turned into a family room, therefore the bedroom count will not be altered. The current home is an existing non-conforming structure in a non-conforming lot due to lacking frontage.

Mr. Riepe was concerned that the design of the roof line of the proposed addition was inconsistent with the architectural design of the house as it exists, the idea of having the gable in the front of the house, rather than extending the roof line that exists, in his opinion was not a good move, he asked the applicants to re-consider their design and stated more work needed to be done in the shape of the roofline.

Mrs. Campana explained their idea for the design was to avoid having a long line of the roof line.

The Board suggested perhaps a consultation with an architect might be helpful, in order to minimize the apparent mass of the extension and to consider changes to the pitch of the roof, reduce the size of the wall above and adding windows.

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

Cynthia Drozynski from 28 Village Road was present at the hearing, she spoke in favor of the application, the proposed design and the positive impact of the addition resulting in less storm water impact to her property and perhaps removal of some older pine trees due to safety concerns.

The Board asked the applicant to comeback at a future meeting with revised drawings for the proposed third garage addition.

There were no further comments.

The applicants requested to continue their application hearing to August 7 meeting. They agreed.

Motion made, seconded and voted to continue Petition 18-22 to August 7, 2018 meeting.

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- 4) Public Hearing Case 18-23 – Lisa Tursi, Applicant and Lisa Tursi & Francis Tursi Owners, for a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to raise up to eight hens, property shown on Town Assessor Map B08-0446, 61 Maynard Farm Road, Residential Zone Res A-1. To be immediately continued to August 6, 2018 meeting.

The Applicant will be available to be present on August 7.

Motion made, seconded and voted to continue petition 18-23 to August 7, 2018.

- 5) Approval of Meeting Minutes for February 27, 2017 and Regular & Executive Session Meeting Minutes for June 11, 2018.

Motion made, seconded and voted to approve June 11, 2018 Minutes.

- 6) Administrative Report

Chair Riordan informed the Board about items to be considered by the Board of Selectmen at their July 10, 2018 meeting. To appoint Frank Riepe as a full ZBA member, to appoint Jeffrey Klofft as an alternate member of the ZBA and a member of the ERB and to accept the resignation of Jonathan Patch as an associate member of ZBA and to appoint Mr. Patch to ERB.

Motion to adjourn at 9:10 p.m.