

SUDBURY ZONING BOARD OF APPEALS
MINUTES
October 1, 2018

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

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.

- 1) CONTINUATION - Public Hearing Case 18-32 – Lisa Venuto/ADMU Management, LLC, applicant and owner for a Special Permit under the provision of Section 2620 Appendix B of the Zoning Bylaws, to construct on an existing non-conforming lot a 25' x 28' two car garage that will result in a side-yard setback deficiency of approximately 8 feet, property shown on Town Assessor Map J06-0312, at 29 Stonebrook Road, Residential Zone A-1.

Mrs. and Mr. Venuto were present at this continuation hearing, they were last in front of the Board on September 17, 2018. Chair Riordan thank the Applicants for the renderings received and noted the renderings appear to be different or modified from the ones submitted originally when the application was received and when the hearing noticed was published, it appears that there has been a dormer added to the roof line and a slightly different window.

Mr. Venuto replied he asked his architect to take yet another look at the garage design and expressed he would like to gain more light into the top level, the architect drew a dormer and he was able to add very low-profile windows, more transom than double hung, to the design to give it more character.

Chair Riordan responded that the representation received by the Board at the last hearing was that the space above the garage will be for storage.

Mr. Venuto replied it will be use as a storage, but by having the windows the design looked more attractive than just a shingle roof.

Mr. Gossels commented that in his opinion the applicant is adding living space not storage space, and reminded the Applicant about the neighbor's concern with lighting going into their bedroom and in his opinion the new design seems to be adding more light to reflect into the neighbors.

Ms. Rubenstein asked if the design above the garage contemplates closets.

The Applicant reply that there will be no closets.

Mr. Stevenson asked why the Applicant cares about light for a storage space.

Mr. Venuto replied he cares more about architecture and Mrs. Venuto stated the house currently has not much natural light and she would prefer to have some sun light. Mr. Stevenson stated that at the last meeting they were "almost there" in terms of coming to an agreement and now with the new design it seems that they have moved further away from it.

Mr. Venuto expressed his understanding about the setback requirement, and added if he did not need the relief, then he could build as of right the design that he likes.

Chair Riordan replied the Applicant can build "as of right" if he does not infringe on the setbacks, he would not need a special permit, only a building permit and clarified the whole structure would need to be within the setback, not only the dormer above.

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

Samira Sheth and Jonathan Jendrzewski from 21 Stonebrook Road were present at the hearing, since the last meeting they have met with Mr. and Mrs. Venuto but they have not come up with an agreement as of the night of this meeting, but they agree with the 6-foot fence and would like taller trees and or arborvitae, Mrs. Sheth read a lengthy list of requests regarding perhaps a taller fence when the grading changes, timeline for repairs of the fence, the fence to be paid and install by the applicant, etc.

Mr. Venuto stated his intention to leave it to Mrs. Sheth's discretion to select the type of fence and where to plant the trees and or arborvitae.

Mr. Stevenson commented that ultimately the applicant and abutter were not able to work the details out and were not able to come up to an agreement, in his opinion he would suggest a 6-foot standard fence the full length of the abutting line, 8 arborvitae at the neighbor's discretion, no flood lights on the side of the house and dark sky compliant lights.

Chair Riordan stated he drove by the property twice and noticed even though both properties are non-conforming there is a good distance between the houses, he questions if the abutter would even notice the lighting or be affected by it, visually it will be an improvement because the trucks will not be parked on the driveway but inside the garage. In his opinion the list of demands presented by the abutter are over the top and he would not ask for the drawings to be changed stating he was ok with the dormer.

Michael Curry, 32 Stonebrook Road, stated he is in favor of the two-car garage, but he is not a fan of the dormer if the dormer was just added, he is definitely opposed to an eight-foot fence.

Mr. Stevenson asked why the Board is allowing the introduction of a new feature that is bothersome for the abutter to look at it every day, a space that would be used for storage and had a different design at the last meeting.

Mr. Rubenstein agreed with Mr. Stevenson, because it was not requested originally, in her opinion it would look better without the head dormers sticking out. At the last hearing it was clear the neighbor on that side had an issue with the lights and now the applicant modified the design to make the objection from the neighbor even worse.

Mr. Gossels moved in the words of the application, with conditions already agreed by the neighbors, with a 6 feet high fence, the length of the fence 48 feet, arborvitae at the expense of the applicant and location to be agreed upon by the abutter, no flood lighting on the side of the house and dark sky compliant for the attached garage lighting, with a time line of one year for maintenance of the trees.

Mr. Stevenson remarked the Board is not over loading the conditions for the special permit and the conditions listed above reflected the agreement between neighbors, the only condition that he suggested was the removal of the dormer.

Ms. Rubenstein seconded the motion.

Mr. Stevenson supported the current motion with the amendment to the motion to delete the dormer, Ms. Rubenstein supported the amendment.

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Mr. Ray expressed this was the reason why it is best for the applicant and abutter to work the details out, when the Board is put in this position it is a difficult situation, in his opinion what is new at this hearing is the applicant's request to add a dormer to the design and the abutter requesting at this meeting 10 foot trees, he asked if both of those things happened would everyone be happy with the situation?

Mrs. Sheth suggested the compromise of no dormer and 8-foot high trees.

At this point Mr. Venuto requested to withdraw his application without prejudice.

The Board by unanimous show of hands accepted the withdrawal of petition 18-32 without prejudice.

All four petitions for 554 Boston Post Road to be immediately continued to November 26, 2018 meeting.

- 2) CONTINUATION - Public Hearing Case 18-33 – Anne Stone, applicant and owner, to request a Use Variance under the provisions of Section 2230 of the Zoning Bylaw to allow for the construction of a self-storage facility in a Residential A-1 District, property shown on Town Assessor Map K06-0602, at 554 Boston Post Road, Residential A-1. To be immediately continued to November 26, 2018 meeting.
- 3) CONTINUATION - Public Hearing Case 18-34 – Anne Stone, applicant and owner, to request a Variance under the provisions of Section 2210 of the Zoning Bylaw to allow for more than one principal structure, property shown on Town Assessor Map K06-0602, at 554 Boston Post Road, Residential A-1. To be immediately continued to November 26, 2018 meeting.
- 4) CONTINUATION - Public Hearing Case 18-35 – Anne Stone, applicant and owner to request a Variance under the provisions of Section 3144 of the Zoning Bylaw to allow for limited parking in the front of the building for a non-residential use, property shown on Town Assessor Map K06-0602, at 554 Boston Post Road, Residential A-1. To be immediately continued to November 26, 2018 meeting.
- 5) CONTINUATION - Public Hearing Case 18-36 - Anne Stone, applicant and owner to request a Variance under the provisions of Section 2600, Appendix B, to allow a structure with more than 2.5 stories and higher than 35 feet in a Residential A-1 District, property shown on Town Assessor Map K06-0602, at 554 Boston Post Road, Residential A-1. To be immediately continued to November 26, 2018 meeting.
- 6) Public Hearing, Case 18-37 – Mark and Beth Gies, applicants and owners, for a Special Permit under the provision of Section 2620 Appendix B of the Zoning Bylaws, to replace an existing deck that will result in a side-yard setback deficiency of approximately 2 feet on a pre-existing nonconforming lot, property shown on Town Assessor Map J06-0007, at 342 Peakham Road, Residential Zone A-1.

Mr. and Mrs. Gies were present at the hearing, Mr. Gies shared their intent to rebuild an existing deck, the current deck is marginally useful and had barely enough room to put a patio table and four chairs. He requested a modest increase to the size of the deck to make it more useful, the deck will be extended towards the side by 3 feet, resulting in a side-yard setback deficiency of approximately 2 feet. He shared a

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photograph of the back of the house and stated there are trees in the back of the house and the deck will not be visible by abutters.

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

No neighbors were present for this petition.

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.

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

Motion made, seconded and voted to approve petition 18-37 as presented with standard conditions.

- 7) Public Hearing, Case 18-38 – Paul M. Perez, applicant and owner, for a Special Permit under the provisions of Section 2620 Appendix B of the Zoning Bylaws, to build a front farmers porch that will result in a front-yard setback deficiency of approximately 5 feet on a pre-existing, nonconforming lot, property shown on Town Assessor Map L10-0215, 15 Blackmer Road, Residential Zone A-1.

The Perez family was present at the hearing looking for a special permit to build a front farmers' porch of approximately 7x20 feet that would result in a 5 feet deficiency on the front set back, their request is not only due to esthetics but to be able to align with the structure with other homes on the street. Mr. Perez shared his family recently purchase the home and identified some problems with the framing of the house as not being up to code, he shared there has been some miscommunication with the builders, they were looking to keep about 60-70 % of the existing building, but as they started to knock some walls they discover some of the structure was not up to code, their hope is that it would be done correctly and for the best of the property. He noted the roof line plans have changed, the left side of the roof design has changed and previous to this meeting he submitted revised plans.

Chair Riordan asked for clarification if the intent is to keep the present foundation for the renovation, because it looked like a total renovation and construction of the house on the same foot structure.

Mr. Perez replied that the will keep the same foot print.

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

No neighbors were present for this petition.

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.

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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.

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

Motion made, seconded and voted to approve petition 18-38 as presented in the revised plans with standard conditions.

8) Approval of Meeting Minutes for September 17, 2018.

No Minutes were approved at this meeting.

9) Administrative Report.

Chair Riordan shared that an executive session meeting will take place at the Silva Room in the Flynn Building on October 4 at 5 p.m. Town Counsel and Town Manager will be present and the Board will receive an update on Sudbury Station.

Motion to adjourn at 9:28 p.m.