

14 MAR 13 PM 4:38 MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, March 3, 2014

The Board consisted of:

Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Nicholas B. Palmer, Associate.

ZBA Chairman Benjamin Stevenson explained the requirements necessary to substantiate the granting of a Special Permit. He said that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

John Porter, applicant and property owner, was present to request a special permit to construct a single-story addition measuring approximately 16'x28' on a nonconforming lot to be located approximately four feet from the side yard resulting in a side yard setback deficiency of approximately sixteen feet at their property located at 2 Woodland Road.

Mr. Porter explained that the shape of the lot was irregular, angling almost forty-five degrees at the rear. He had tried to find alternative locations for the addition, such as near the garage, but the plans were cost-prohibitive. A letter dated January 29, 2014 from neighbors Stephanie Carlin and David Handin at 18 Woodland Road was included in the application indicating their support for the project. He said that he wanted to adapt his home for his family of five rather than moving elsewhere in Sudbury.

Mr. Stevenson said that it appeared that the house would be no closer to the neighbor's house but would be very close to the lot line. He asked whether there was a fence between the properties or adequate screening. Mr. Porter said that there were shrubs and several trees.

Mr. Gossels said that he was inclined to be fine with the plans given that the neighbors were ok with the project and there was a vegetative buffer. However, while he understood the situation he was not comfortable with the size of the four-foot setback.

Mr. Palmer noted that during the construction phase vehicles would be on the neighbor's property. He recommended getting the property line surveyed and marked to determine exactly where the property line was located.

Mr. Klofft asked about the height of the house. Mr. Porter said that it measured sixteen feet high with a four-foot foundation.

Mr. Palmer asked about whether Mr. Porter had considered pivoting the house to lessen the setback. Mr. Porter did not want the length of the addition to interfere with renovations he had done to his kitchen and kitchen windows.

The Board and applicants then discussed the possibility of shifting the addition east a few feet so that the setback was no greater than six feet. Mr. Porter said that he could look at a new layout for the room so that it could be shortened and the closet could be reconfigured. Everyone appeared amenable to that plan. Mr. Gossels suggested that if the applicant prepared new plans he would not need to go before the ZBA again but instead he could submit the final plans to the file. Other members of the Board agreed.

Mr. Stevenson asked whether any neighbors were present who wished to speak. Attorney Robert Abrams said that he wanted to make Mr. Porter and the public aware that he is assisting clients that own six parcels of land abutting the rear of Mr. Porter's land to potentially develop a commercial property along Boston Post Road. He said that he did not want this news to come as a surprise to Mr. Porter should the development impact the plans for his addition. Mr. Porter noted that he was only hearing about this for the first time.

There were no further comments from the Board or audience. The hearing was closed.

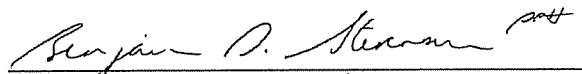
The following motion was made and seconded:

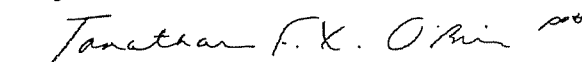
MOTION: "To grant John and Laura Porter, applicants and owners, a Special Permit pursuant to Section 2420 of the Zoning Bylaw, to construct an addition measuring approximately 16'x28' on a nonconforming lot to be located approximately six feet from the side yard resulting in a side yard setback deficiency of approximately fourteen feet, property located at 2 Woodland Road, Residential Zone A-1, provided that:

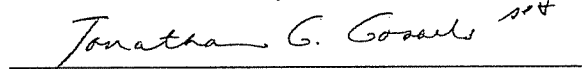
1. The maximum encroachment into the setback shall be no greater than six feet.
2. The roof ridge of the single-story addition shall be no higher than the eaves of the rear shed dormer on the existing house.
3. Final plans for the addition shall be submitted to the ZBA files prior to construction.
4. The property line shall be surveyed by a registered surveyor prior to construction.
5. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (12) months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17."


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

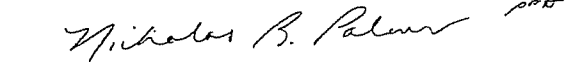
REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board finds that the proposed rear addition, which will create a side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. The direct abutters had submitted a written expression of support for the project.

  
Benjamin D. Stevenson, Chair

  
Jonathan F.X. O'Brien, Clerk

  
Jonathan G. Gossels

  
Jeffrey P. Klofft

  
Nicholas B. Palmer, Associate

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Jarrold Billingsly, representing the applicant Sudbury – Fairfield Inn, was present to request a modification to a previous special permit (09-32) to allow two new guest rooms to replace the previously approved spa at the hotel property located at 738 Boston Post Road. Mr. Billingsly said that now that the Marriott corporation had taken over ownership of the hotel there was an increase in the demand for hotel rooms. He said that he had spoken with Sudbury Board of Health Director Bob Leupold who gave his approval. The property has a septic capacity for fifty rooms. He added that he had had the Sudbury Fire Department inspect the site and the sprinkler system was approved.

In addition with 48 rooms the Town bylaws require additional parking spaces of one space per room plus additional spaces for the largest number of staff. Mr. Billingsly said that he did not feel that it was necessary to build two more parking spaces because even with full capacity and their five staff-people they typically do not fill all of the spaces that they currently have. The Board discussed possibly designated two 8'x20' reserve parking spaces should they become necessary. Building Inspector Mark Herweck mentioned that due to the location of the wetlands fewer spaces would be appropriate.

Michael Coutu of Sudbury Design Group is the abutting neighbor and has been helping with the plans. He said that Sudbury Design Group and the hotel have a good working relationship in that parking areas are shared when necessary.

The Board discussed increasing the number of guest rooms and the two reserve parking spaces. They also discussed leaving the remaining conditions from Case 09-32 as is.

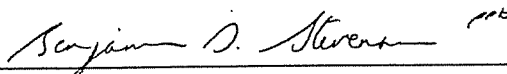
Mr. Stevenson asked whether any neighbors were present who wished to speak. None were present.

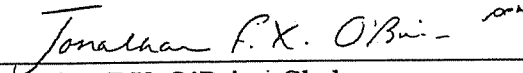
There were no further comments from the Board or audience. The hearing was closed.

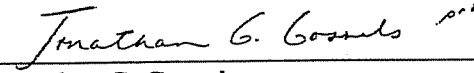
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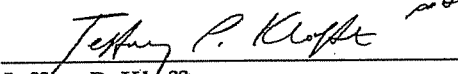
MOTION: "To grant Sudbury – Fairfield Inn (formerly Sudbury Inn and Suites), applicant, OS Sudbury LLC, property owner, a modification to Special Permit 09-32, granted under the provisions of Section 2230,A,C,Use 10 of the Zoning Bylaws, to allow two new guest rooms to replace the previously approved spa on the premises, property located at 738 Boston Post Road, Business District #6, provided that:

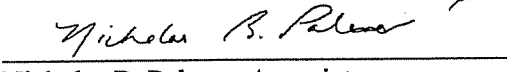
1. The hotel shall contain no more than 48 rooms.

  
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Benjamin D. Stevenson, Chair

  
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Jonathan F.X. O'Brien, Clerk

  
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Jonathan G. Gossels

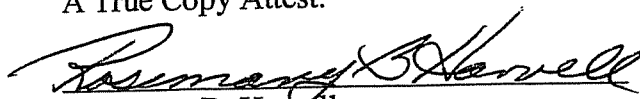
  
\_\_\_\_\_  
Jeffrey P. Klofft

  
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Nicholas B. Palmer, Associate

May 13, 2014

This is to certify that no notice of an appeal from the Board of Appeals Decision, Case #14-7 was filed in this office within 20 days after such decision was filed on March 13, 2014.

A True Copy Attest:

  
\_\_\_\_\_  
Rosemary B. Harvell  
Town Clerk

SUDBURY ZONING BOARD OF APPEALS  
MINUTES  
March 3, 2014

The Board consisted of: Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Nicholas B. Palmer, Associate.

MEETING OF THE ZONING BOARD OF APPEALS

Informal Discussion with Pet Nannies at Stone Tavern Farm, 554 Boston Post Road:

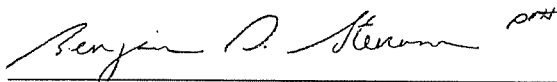
Anne Stone, Sharon Sutherland, and Jamie Denn of Pet Nannies at Stone Tavern Farm were present to discuss whether or not the Zoning Board would allow Pet Nannies to rent their dog play space facility for a few hours a day to dog walkers and other pet care professionals so that a safe, contained environment could be available for dogs when Pet Nannies is not using the space. Ms. Sutherland said that Pet Nannies' hours of operation are scheduled so that there are several hours each day when the facility is unused by Pet Nannies' own clients. Therefore, the empty fenced area could be used by outside pet care professionals to exercise dogs safely and securely through a per-use agreement.

The board discussed whether this use would require a separate special permit. Some were concerned about whether Pet Nannies would be at-risk for violating their special permit if other users did not adhere to the terms of the conditions. Ms. Stone said that anyone renting the space would be made aware of the conditions and would need to follow them through a rental agreement. Pet Nannies would also use extreme care in approving who might rent the space. Pet Nannies' insurance would also cover any issues that might arise.

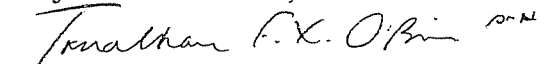
The board asked whether Pet Nannies' staff would be on site when the fenced area was being used by other pet care professionals. Ms. Denn said that depending upon who was renting the space there may or may not be supervision from Pet Nannies' staff. The details of the plan had yet to be fully worked out.

Mr. Klofft felt that the concept was reasonable. Mr. Stevenson said that Pet Nannies has been successful with their business to date and Pet Nannies understood that their special permit could be at risk if there were problems with the renters. Mr. O'Brien also felt that the plan was within the bounds of the original special permit, however in the end the Board determined that Pet Nannies should request a modification to their special permit, #12-35 so that there would be better oversight with the concept. The public hearing process would allow abutters to weigh in if anyone was concerned.

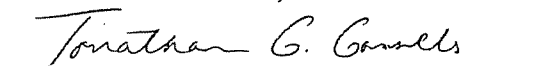
There being no further business the meeting was adjourned.



Benjamin D. Stevenson, Chair



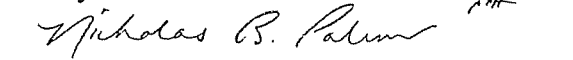
Jonathan F.X. O'Brien, Clerk



Jonathan G. Gossels



Jeffrey P. Klofft



Nicholas B. Palmer, Associate

14 APR 18 PM 1:48  
TOWN CLERK  
SUDBURY, MASS