

14 MAY -1 AM 9:59

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS

Monday, April 7, 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.

Applicant Hossein Mobtaker was present to request a special permit to reconstruct an existing residence with a new two-story residence measuring approximately 4,000 square feet on a nonconforming lot. Given that the square footage would exceed the area of the original structure, approval is required from the ZBA.

Mr. Mobtaker explained that he has owned the home for the past ten years. He described the houses in the Longfellow Road area as temporary post-war ranch housing built on slabs that are not easy to remodel. Therefore, he felt that now is the time to tear down the existing home and rebuild as is happening with other similarly styled ranch homes in Sudbury. He said that the location of the proposed house met all of the required setbacks. A letter from Board of Health Director Bob Leupold dated March 25, 2014 stated that the setbacks for the septic system installed in 2003 were adequate and the system was approved for a four-bedroom house.

Mr. Klofft noted that the setback as proposed was fifty-eight feet. Mr. Mobtaker confirmed that the proposed house as shown on the plan is located fifty-eight feet back, however, knowing that the bylaws require only a forty-foot front setback, he was re-thinking that setback. He wanted instead to move the house forward a little more so that the driveway could be shorter. The Board then discussed the ZBA's teardown guidelines and the preferred sixty foot setback for new construction. Mr. Mobtaker understood that and said that he would still build at a distance of greater than forty feet but he preferred to have a shorter driveway.

Mr. Gossels was concerned about the height of the house if the structure were placed closer to the road. He said the reason the teardown guidelines include the sixty foot setback is because over time the ZBA has learned that replacement of ranch houses with full-size two-story homes creates an unsightly looming effect over the street.

Mr. Mobtaker still wanted to move the house closer to the road to have more rear yardage. Board members noted that there was over 100 feet of property to the rear of the house. Mr. Mobtaker said that the rear of the house was woody.

Mr. Stevenson said that this particular reconstruction would be the first big home for this road which has mostly post-war ranches with even setbacks from the street. He said that the larger home would stick out if placed closer to the road.

Mr. Mobtaker said that the square footage of the house might be closer to 3,500 square feet rather than the stated 4,000 square feet.

Mr. Kloffft said that he understood that house styles change but the majority of houses on the street have low roofs and this one would be much higher. He said that the neighborhood would suffer if the placement was done incorrectly. He did not feel that the difference of twenty feet in the rear yard was significant. Mr. Mobtaker argued that the driveway would be much longer and he would have to remove more trees at the rear of the lot. Mr. Kloffft did not think that the twenty-foot driveway was too long.

Mr. Palmer noted that the plan as presented by Mr. Mobtaker showed a front setback of fifty-eight feet so he recommended that the board approve the project as presented.

Mr. Stevenson asked about the height of the house. Mr. Mobtaker said it would be thirty-five feet with a full-sized attic. He added that he had spoken with his closest neighbors and they were fine with the plans. No neighbors were present to speak on behalf of this project and none had submitted any correspondence about it.

Mr. Stevenson then asked for a sense of the Board and it was determined that the Board would approve a fifty-eight foot front setback as the applicant had applied for.

Mr. Palmer suggested that if the proposal was not what Mr. Mobtaker wanted then he could have the option of withdrawing his application without prejudice and submitting a revised application.

Mr. Mobtaker said that he had spent ten years working on this proposal and had the survey done a month ago and he considered the location of the house as a temporary location for discussion at the meeting.

Mr. Gossels said that the design professionals and engineers who created the plot plan located the house where they thought it should go. Other board members agreed.

Mr. Stevenson asked again 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.

The following motion was made and seconded:


MOTION: "To grant Hossein Mobtaker, applicant, and Hossein Mobtaker and Yeganeh Sabet, owners, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to reconstruct an existing two-story residence measuring approximately 4,000 square feet on a nonconforming lot that would exceed the area of the original structure, property located at 35 Longfellow Road, Residential Zone A-1, subject to the following:

1. The new house will be constructed in the location as shown on the Certified Plot Plan prepared by Drake Associates dated February 24, 2014 that is incorporated into and made part of this Special Permit.
2. 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.

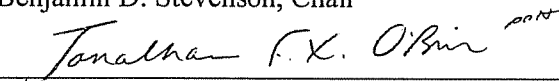
3. Construction must be completed no later than one year after commencement.”

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

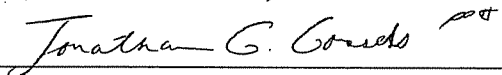
REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board finds that the proposed reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board felt that the location as proposed by the applicant's engineer would allow the house to be compatible with the surrounding homes in the neighborhood.




Benjamin D. Stevenson, Chair



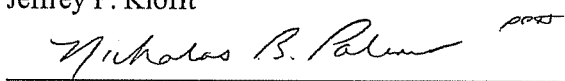
Jonathan F.X. O'Brien, Clerk



Jonathan G. Gossels



Jeffrey P. Klofft



Nicholas B. Palmer, Associate

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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.

Rick and Maggie Watson were present to request a modification to a previous special permit (ZBA #14-4) to construct an attached garage measuring approximately 24'x36' on a nonconforming lot with the western corner of the garage to be located at a distance of no greater than 12 feet from the property line resulting in a setback deficiency of approximately 8 feet, property located at 71 Concord Road.

Ms. Watson provided a synopsis of the history of this case noting that they had appeared before the ZBA twice previously to get their special permit approved. Prior to their last meeting with the ZBA on February 3, 2014 when landscape plans were being reviewed they decided to conduct a formal survey of their property lines. The survey dated January 31, 2014 was submitted at the time of the February 3 meeting and a copy was reviewed by the abutting neighbor's attorney. While there were no changes to the garage design or the actual location of the garage footprint being proposed since the initial application was submitted to the ZBA and the Historic District Commission, the measurement of the western corner of the garage to the property line was not factored into the special permit, nor was it publically noticed, so that when the Watsons went to obtain their building permit to resume building the garage the Building Inspector required that a modification to the ZBA's special permit be sought.

Mr. Stevenson felt that there had been poor communication all around between the applicants and the abutting neighbor and that was the motivation for the additional meeting with the ZBA to ensure that plans were mutually agreeable between both parties.

Mr. Palmer said that the proposed footprint did not change, it was simply the measurement, now accurately reflecting the deficiency that precipitated the need for the modification to the special permit. He said that the builder should have caught the deficiency in the beginning. Mr. Klofft agreed that nothing was physically moving but it was simply a matter of a corrected measurement. He also agreed that the building was not going to be any larger.

Mr. Stevenson asked whether any neighbors were present who wished to speak. Deb Drummond, 67 Concord Road, said that she was still unhappy with the proposed garage. Given the wording in the hearing notice, which indicated that the garage would be two stories tall, she insisted that the garage would be taller and closer to her property line. She expressed her displeasure with the entire project and its process.

Mr. Stevenson attempted to find out from Ms. Drummond what was the issue with the measurement given that the garage was not physically moving any closer nor was it going to be higher. Ms. Drummond said that it was simply the process and miscommunication over a period of time that she objected to.

Mr. Stevenson said that the ZBA had been instrumental in helping the neighbors work together on a mutually agreeable plan. Ms. Drummond, through her attorney, had agreed to the conditions of the special permit. He said that determinations for placement of the garage and its design come down to visual aspects. And he noted that with the new survey Ms. Drummond actually has quite a bit of property between her house and the Watsons' garage. He agreed that that the location of the garage and the property line itself had not changed. Mr. O'Brien agreed that this was simply a mathematical change rather than a physical change. Mr. Kloffft said that the Watsons have received a special permit from the ZBA but they are attempting to get a modification to the special permit to correct a measurement or a technical change.

Ms. Drummond said that while she did come to an agreement so that the Watsons could get their special permit she still was unhappy. Mr. Gossels pointed out that there was now a negotiated landscape plan so she was actually in better shape than before.

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

The following motion was made and seconded:

MOTION: "To grant Rick and Maggie Watson applicants and owners, a modification of ZBA Special Permit 14-4 to construct an attached garage measuring approximately 24'x36' on a nonconforming lot with the western corner of the garage to be located at a distance of no greater than 12 feet from the property line resulting in a setback deficiency of approximately 8 feet, property located at 71 Concord Road, Residential Zone A-1, provided that:

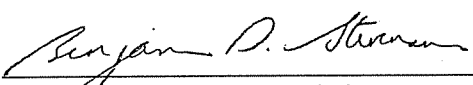
1. The one and a half-story garage addition will be constructed as shown on the site plan dated February 3, 2014 prepared by Snelling and Hamel Associates, Inc. that is incorporated into and made part of this application for a Special Permit.

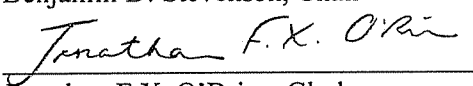
ADDITIONAL CONDITIONS

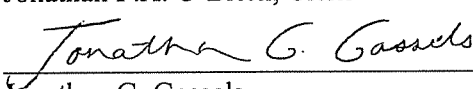
2. The applicant and homeowners shall meet with the Sudbury Historic District Commission to inform them of the setback issue which was not identified at the time of the HDC's issuance of a Certificate of Appropriateness (HDC Case #13-19).
3. A reasonable landscape plan, including fencing along the southern lot line, that is mutually agreed upon by the homeowners and the abutting neighbor shall be presented to and approved by the ZBA at a future meeting.
4. There shall be no additional water run-off onto the abutting neighbor's property at 67 Concord Road.
5. Acceptable accommodations for snow storage shall be made so that snow does not affect the sight lines from the neighbor's driveway at 67 Concord Road.
6. 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."

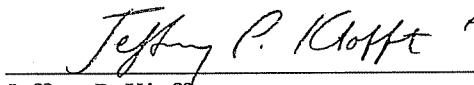
VOTED: In favor: 5 (Unanimous) Opposed: 0

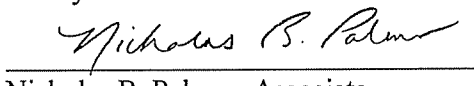
REASONS: The petitioner requires a Special Permit for the garage project due to the nonconforming nature of the property. The Board finds that the proposed garage, which will create a setback deficiency at the western corner of the garage, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. There have been multiple meetings with the ZBA and Historic Districts Commission to mitigate issues raised by the abutting neighbor. A corrected site plan has been submitted to the application file. Given that the neighbor's concerns had been incorporated into the conditions of the ZBA's previous permit and the homeowners are working to meet them, and given that the Historic District Commission issued a Certificate of Appropriateness for the garage plans, the Board agreed to approve the modification to the site plan which simply was necessary to note for the record the exact measurement of the setback at the western property line.

 ^{att}
Benjamin D. Stevenson, Chair

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Jonathan F.X. O'Brien, Clerk

 ^{att}
Jonathan G. Gossels

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Jeffrey P. Klofft

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Nicholas B. Palmer, Associate

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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.

Applicants Leon and Yelena Melamed were present to request a Special Permit to reconstruct an existing residence on a nonconforming lot to be located approximately thirty-four feet from the front yard resulting in a front yard setback deficiency of approximately six feet at their property at 8 Dawson Drive. The footprint of the house itself is contained within the setbacks, however the front landing would extend into the front yard setback.

Ms. Melamed explained that their existing house is situated on a difficult lot with a high water table surrounded by wetlands at the back and left of the house. To the right of the house is the septic system. The Melameds like their property due to the abundance of mature trees and they intend to live in Sudbury for many years. She said that they are working with the Sudbury Conservation Commission to mitigate any wetlands disruption.

Four abutting families sent letters of support for the project via e-mail including Eugene and Joyce Willette, 5 Dawson Drive; Goran Begic and Ana Salort, 11 Dawson Drive; Susan Berry and Debbie Flagg, 4 Dawson Drive; and Peter and Linda Abair, 14 Dawson Drive.

Mr. Stevenson said that he understood that there were wetlands issues and extenuating circumstances which dictate placement of the house and the encroachment into the front setback.

Mr. O'Brien said that he had a hard time accepting a new footprint that infringes upon the wetland buffer. A proposed deck at the rear of the house would be located within the upland resource area. Ms. Melamed said that they spent a great deal of time with their architect trying to keep the majority of the footprint out of the wetlands.

Mr. Kloffft was in agreement that the house could not go back further from the street, however he wondered whether there was enough of a hardship to justify its placement the lot.

The Board then discussed the feasibility of reducing the size of the house, particularly its depth. Ms. Melamed explained that reducing the size would impact the functionality of the house, particularly the kitchen area which might impact her future home-business plans.

Mr. Stevenson then asked whether any neighbors were present who wished to speak on behalf of the proposed project.

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Ms. Melamed explained that their existing house is situated on a difficult lot with a high water table surrounded by wetlands at the back and left of the house. To the right of the house is the septic system. The Melameds like their property due to the abundance of mature trees and they intend to live in Sudbury for many years. She said that they are working with the Sudbury Conservation Commission to mitigate any wetlands disruption.

Four abutting families sent letters of support for the project via e-mail including Eugene and Joyce Willette, 5 Dawson Drive; Goran Begic and Ana Salort, 11 Dawson Drive; Susan Berry and Debbie Flagg, 4 Dawson Drive; and Peter and Linda Abair, 14 Dawson Drive.

Mr. Stevenson said that he understood that there were wetlands issues and extenuating circumstances which dictate placement of the house and the encroachment into the front setback.


Mr. O'Brien said that he had a hard time accepting a new footprint that infringes upon the wetland buffer. A proposed deck at the rear of the house would be located within the upland resource area. Ms. Melamed said that they spent a great deal of time with their architect trying to keep the majority of the footprint out of the wetlands.

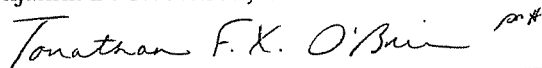
Mr. Klofft was in agreement that the house could not go back further from the street, however he wondered whether there was enough of a hardship to justify its placement the lot.

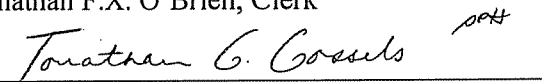
The Board then discussed the feasibility of reducing the size of the house, particularly its depth. Ms. Melamed explained that reducing the size would impact the functionality of the house, particularly the kitchen area which might impact her future home-business plans.


Mr. Stevenson then asked whether any neighbors were present who wished to speak on behalf of the proposed project.

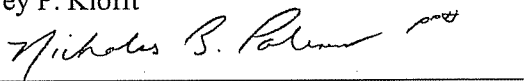
REASONS: The petitioner requires a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed residence, which will create a front yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. Given that there was neighborhood support and that the plans were going through the approval process with the Sudbury Conservation Commission the majority of the board agreed to the proposal pending Con Com approval.


Benjamin D. Stevenson, Chair


Jonathan F.X. O'Brien, Clerk


Jonathan G. Gossels


Jeffrey P. Klofft


Nicholas B. Palmer, Associate

14 APR 18 PM 1:47

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Arlin Rogers, applicant, was present to request a special permit to raise up to six hens on his property at 3 Stonebrook Road. He described his property and explained that the proposed coop would be located in a woodsy corner of the lot abutting Horsepond Road and the abandoned railroad tracks. He said that his family had owned hens previously so they are experienced in their care and maintenance. Mr. Rogers is also a veterinarian. The Rogers have two young boys who enjoy taking care of the hens and are learning about how food is produced. Mr. Rogers understood that no roosters are allowed, nor was he seeking to have any.

Mr. Rogers then described the coop which would measure approximately 4'x4'x5'. The coop would have a small enclosure so that predators would be kept out and the chickens would not roam loose around the yard. Mr. O'Brien noted that Sudbury has foxes and Mr. Rogers said the town where he raised chickens previously also had foxes in the area.

Mr. Gossels said that previous applicants have been granted the use of a low-watt light on the coop and asked whether Mr. Rogers would also want a light. Mr. Rogers said that he would and he was also fine with the standard conditions that the Board attaches to the special permits.

Mr. Stevenson asked whether any neighbors were present who wished to speak. None were present. The Board was in agreement that the proposed coop was in a suitable location and there were no near abutters that would be impacted.

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

The following motion was made and seconded:


MOTION: "To grant Kathleen and Arlin Rogers, applicants and property owners, a Special Permit granted under the provisions of Section 2313 of the Zoning Bylaws, to raise six hens on the premises, property located at 3 Stonebrook Road, Residential Zone A-1, subject to the following:

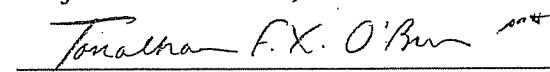
1. The chickens shall not become a nuisance.
2. The maximum number of chickens allowed on the property is six. No roosters shall be kept on the premises.
3. The chicken coop may be no greater than 4'x4'x5' in size.

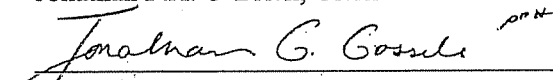
4. One low-watt light no greater than 75 watts will be allowed inside the chicken coop. The light may be turned on 24-hours per day.
5. Composting of waste litter shall be allowed on-site, provided that odor does not become a nuisance.
6. No commercial activity consisting of the sale of eggs, chickens, or chicken products will be allowed on the property.
7. This permit is non-transferable and will expire in one (1) year on April 7, 2015, and the Board will consider renewal upon receipt of proper application on or before that date."

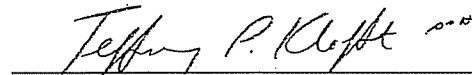
VOTED: In favor: 5 Opposed: 0

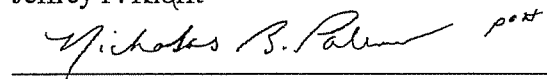
REASONS: The petitioners seek a special permit to raise chickens on the premises. The use is allowed in all districts by Special Permit from the Board of Appeals. The Board finds the use to be in harmony with the general purpose and intent of the Bylaw. The coop is situated in an appropriate location, is not detrimental to the neighborhood, and its presence does not significantly alter the character of the zoning district. Adequate and appropriate facilities will be provided for proper maintenance. The permit will expire in one year at which point the applicant may seek renewal and the Board can then assess whether the coop has had an impact on the neighborhood.


Benjamin D. Stevenson, Chair


Jonathan F.X. O'Brien, Clerk


Jonathan G. Gossels


Jeffrey P. Klofft


Nicholas B. Palmer, Associate

14 APR 28 AM 11:55

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Applicant Peter Veloutsos was present to request a Special Permit pursuant to Section 2420 of the Zoning Bylaw, to construct an attached two-story addition on a nonconforming lot to be located approximately 35 feet from the front yard resulting in a front yard setback deficiency of approximately 5 feet and located approximately 9 feet from the side yard resulting in a side yard setback deficiency of 11 feet at his property at 47 Great Road. Mr. Veloutsos had previously presented a plan (Case 14-2) to the ZBA on January 6, 2014 that was subsequently withdrawn without prejudice. Plan revisions were reflected in this current application.

Mr. Veloutsos said that he was building the garage so that he could have a place on his property for storage and multiple vehicles. He said that he took into consideration the Board's opinions that his original garage was too large. The new garage is one and half stories tall but the height was reduced four feet from the original plan. He also reduced the width by two feet in order to move it farther away from the side yard property line. The front of the garage would be flush with the house and the depth could accommodate up to four cars.

Mr. Veloutsos also included a perspective of future renovation plans for the main house as well so that the ZBA could see his intent is for the entire property. He said that he felt that the plans reflect something more consistent with the entire neighborhood.

Mr. Stevenson said that he felt that the applicant had accomplished what the ZBA asked of him. Others concurred.

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.

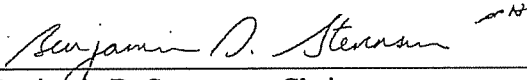
The following motion was made and seconded:

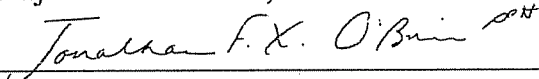
MOTION: "To grant Peter Veloutsos, applicant and owner, a Special Permit pursuant to Section 2420 of the Zoning Bylaw, to construct an attached two-story addition on a nonconforming lot to be located approximately 35 feet from the front yard resulting in a front yard setback deficiency of approximately 5 feet and located approximately 9 feet from the side yard resulting in a side yard setback deficiency of 11 feet, property located at 47 Great Road, Residential Zone A-1, provided that:

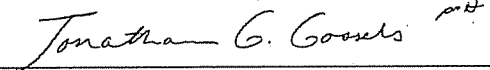
1. The two-story addition will be constructed as shown on the plan dated March 11, 2014 prepared by Antonopoulos Company, Inc. that is incorporated into and made part of this application for a Special Permit.
2. This Special Permit shall lapse if construction has not begun, except for good cause, within 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."

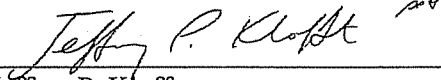
VOTED: In favor: 5 (Unanimous) Opposed: 0

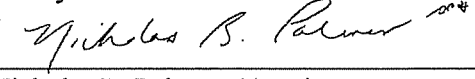
REASONS: The petitioner requires a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed garage, which will create front and side yard setback deficiencies, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. No neighbors were present to express concerns therefore the proposal was unanimously approved.


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

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, April 7, 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.

Anne Stone, Sharon Sutherland, and Jamie Denn of Pet Nannies at Stone Tavern Farm were present to request a modification to a previous special permit (#12-35) that would allow rental of the fenced play facilities at Pet Nannies by other pet professionals when Pet Nannies is not using the space during their afternoon hours of operation. Pet Nannies had previously met with the Zoning Board of Appeals to express their interest in making this request.

Mr. Stevenson asked whether any neighbors were present who wished to speak. Paul Bisson, 55 Highland Drive, asked for clarification about what would be allowed. He said that he would object to a longer duration when the dogs would be outside because of the barking, which could be for an extended period. He said that he could live with the current arrangement because he now knows when barking is anticipated during the day. A second neighbor agreed with Mr. Bisson.

Ms. Sutherland said that there would not be a larger volume of dogs than is allowed by the existing special permit. The existing permit allows up to 50 dogs on the premises. Pet Nannies averages between thirty and forty dogs at one time. She said that while the permit allows operations up until 6:00 p.m. Pet Nannies typically does not have clients past 1:00 p.m. so there are hours when the facility is not in use. Pet Nannies opens for business at 7:00 a.m. She said that the rental to pet professionals would be done on a much smaller scale. Mr. Bisson said that he objected to dogs barking later in the afternoon.

Mr. Klofft said that one of the conditions of the special permit states that the dogs shall not become a nuisance. Mr. Bisson said that his property is approximately 150 yards across Route 20 and he can hear the dogs clearly. He said that he works from home and the sounds from traffic does not muffle the barking. He anticipated that leasing to other dog professionals and extending the period during which dogs could bark would be intolerable.

Mr. Stevenson asked Pet Nannies staff whether the business was working fine as is. They said that it was. Mr. Gossels does not want the kennel to impact neighbors.

Ms. Stone said that the dogs typically bark when they are excited at drop-off and at pick-up times or when sirens go by the property.

Mr. Bisson said that he was fine with the terms of the existing permit.

Mr. O'Brien asked what kind of rental might be proposed. Ms. Sutherland said that there could be one pet professional that had up to five dogs or two pet professionals with up to 10 dogs at a time. Hours would

be approximately from 2:00 until 4:00. She said that Pet Nannies has offered dual sessions to clients but their clients typically do not need afternoon hours so the facility remains empty.

Mr. Stevenson said that currently Pet Nannies is running a good business and the Board is typically wants to see successful businesses thrive. But he felt that the scope of the original special permit was generous and thought that the neighbors' concerns were reasonable.

The Board then discussed with the applicants the option to withdraw their application without prejudice which would allow them to potentially come back at some point with an alternative proposal. Otherwise the sense of the Board was that the request for a modification of the special permit would be denied. At that point Pet Nannies requested that their application be withdrawn without prejudice.

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

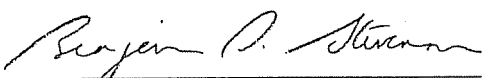
The following motion was made and seconded:

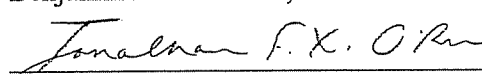
MOTION: "To accept a request from the Applicant to withdraw Case 14-13 without prejudice."

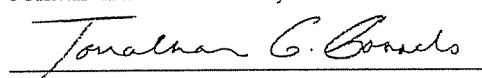
(Request for a modification to Special Permit 12-35 to allow rental of the fenced play facilities at Pet Nannies at Stone Tavern Farm by other pet professionals.)

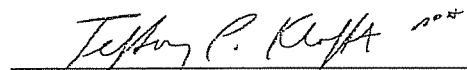
VOTED: In favor: 5 (Unanimous) Opposed: 0

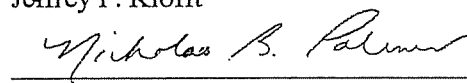
REASONS: The petitioners sought a modification to a previous special permit (#12-35) that would allow rental of the fenced play facilities at Pet Nannies by other pet professionals during their afternoon hours of operation. Given that there were two close neighbors present who opposed the extended hours during which barking could occur the Board was reluctant to approve the request. The doggie daycare has been in business for over five (5) years and there have been no problems associated with the operation, therefore the Board preferred not to alter the conditions of the special permit at this time. The use as a kennel/doggie daycare is allowed in all districts by Special Permit from the Board of Appeals. The Board finds that use to be in harmony with the general purpose and intent of the Bylaw. It is in an appropriate location, and as it has been run it has not been detrimental to the neighborhood and does not by its presence significantly alter the character of the zoning district. The applicants' request to withdraw its application without prejudice was unanimously approved.

 ^{ppx}
Benjamin D. Stevenson, Chair

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Jonathan F.X. O'Brien, Clerk

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Jonathan G. Gossels

 ^{ppx}
Jeffrey P. Klofft

 ^{ppx}
Nicholas B. Palmer, Associate

TOWN CLERK
SUDBURY, MASS

14 APR 18 PM 1:48

CASE 14-14
Terese Frasca, Gabriel Frasca, and
Amanda Lydon
233 Concord Road
Page | 1

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, April 7, 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.

Térèse and Gabriel Frasca were present to request a special permit for an accessory dwelling unit measuring 1,344 square feet at their property at 233 Concord Road. Mr. Frasca explained that his home is comprised of three generations and his mother currently lives above the garage in an existing studio space that was built by the previous owner. He is not proposing any exterior changes to the property but simply wished to add a kitchen to the studio so that his mother did not have to share the kitchen in the main portion of the house.

Mr. Frasca said that the studio is comprised of a finished apartment space and an existing hallway would be converted into the kitchen area. There would be no structural changes, nor any impact to the front façade of the house. There would only be the addition of a gas line connection and a stove vent in the attic leading to the gable end of the house.

Building Inspector Mark Herweck said that the original home inspection described the space as an artist's studio. The space is larger than the 850 square feet allowed by the bylaw however the homeowners have gone through the proper channels with the Board of Health and the property could sustain the additional kitchen. Also there was plenty of parking available at the property to accommodate the additional person.

Mr. Gossels felt that the proposed changes to the existing space were minimal and he was pleased to see that the accessory dwelling would be occupied by a family member.

Mr. Klofft wanted a condition added noting that the accessory dwelling was for family.

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.

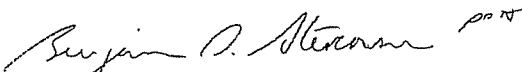
The following motion was made and seconded:

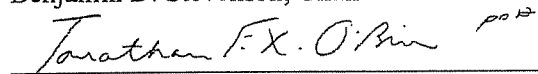
MOTION: "To grant Terese Frasca, Gabriel Frasca, and Amanda Lydon, applicants and owners, a Special Permit under the provisions of Section 5500 of the Zoning Bylaws in conformance with the application for the Special Permit dated March 12, 2014 and the plans submitted by the Applicant, to allow a 1,344 square foot Accessory Dwelling Unit for property located at 233 Concord Road, Residential Zone A-1, as follows:

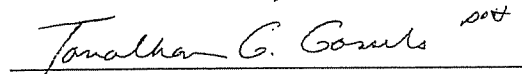
1. The Accessory Dwelling Unit shall be occupied by no more than four persons.
2. The Accessory Dwelling Unit shall be restricted to use by direct family members only.
3. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health.
4. There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the Accessory Dwelling Unit.
5. The property owner shall file a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy is consistent with the Special Permit, every four (4) years.
6. The Accessory Dwelling Unit shall be inspected by the Building Inspector in four years at the time of recertification of occupancy.
7. This permit shall be recorded at the Middlesex South District Registry of Deeds prior to issuance of a building permit for the accessory dwelling unit.
8. This permit will automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.
9. 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.
10. Construction must be completed no later than one year after commencement."

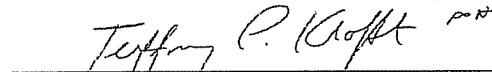
VOTED: In favor: 5 (Unanimous) Opposed: 0

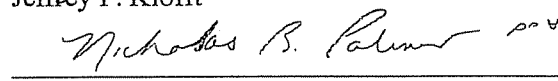
REASONS: The petitioner requires a Special Permit to allow a single-family accessory dwelling unit. The Board finds that the petitioner has fulfilled the requirements of the Bylaw for the granting of a Special Permit.


Benjamin D. Stevenson, Chair


Jonathan F.X. O'Brien, Clerk


Jonathan G. Gossels


Jeffrey P. Kloff


Nicholas B. Palmer, Associate