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MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS

Monday, June 16, 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.

Lisa Ehrmann, the wife of applicant Norman Freeman, was present to request a special permit for the renewal of a special permit for a home business for a hairdressing studio at 10 Dudley Road. Ms. Ehrmann said that the first special permit was issued in 2007 and the business has been operating without issue since then. No changes to the conditions were being sought.

When asked how many clients Mr. Freeman might have per day Ms. Ehrmann said there were approximately four or five which is fewer than originally anticipated since Mr. Freeman is taking on fewer clients.

Mr. Gossels said that he would be comfortable with extending the term limit to seven or ten years given that the business has proven to be of value to the community and the volume of clients is decreasing and not going up. Other board members agreed.

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:

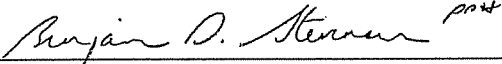
MOTION: To grant Norman Freeman, owner of property, renewal of Special Permit 09-13, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically a hairdressing studio, property located at 10 Dudley Road, Residential Zone A-1, subject to the following:

1. Hours of operation will be Monday-Friday, 8 a.m.-6 p.m., with two days allowed for extended hours to 9 p.m., Saturday, 10 a.m.-5 p.m., and occasional hours only on Sunday.
2. All parking will be located in the driveway on the property. No on-street parking will be allowed.
3. No more than two client vehicles will be parked on the premises at any one time.
4. No more than one employee, other than the residents of the premises, will be allowed.
5. Any sign identifying the operation must comply with Section 3200 of the Sign Bylaw.
6. No more than forty (40) clients per week, associated with this business will be allowed.

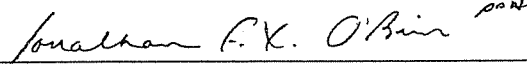
7. All waste materials from this business will drain into a tight tank which is separate from the home septic system. The tank will be emptied when full and in any event at least every two years.
8. This permit is non-transferable and will expire in ten (10) years on June 16, 2024, and the Board will consider renewal upon receipt of proper application on or before that date."

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

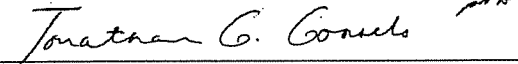
REASONS: The petitioner seeks a special permit for renewal of a hairdressing studio on the premises. The business has been in operation since 2006 and there have been no complaints from the neighbors. Renewal is being sought under the same conditions as previous permits. The Board finds that the proposed operation satisfies the requirement for a Home Business Special Permit. The business is in an appropriate location and does not exhibit any exterior indication of its presence. Adequate and appropriate facilities have been provided for proper operation. Specifically, there is adequate off-street parking and a tight tank, separate from the primary septic system, will be used for storage of waste materials prior to disposal in accordance with applicable regulations. No abutters were present to oppose renewal. Therefore, the Board finds a ten-year renewable period to be appropriate for this case.



Benjamin D. Stevenson, Chair



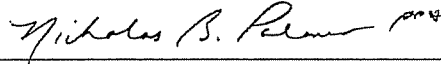
Jonathan F.X. O'Brien, Clerk



Jonathan G. Gossels



Jeffrey P. Klafft



Nicholas B. Palmer, Associate

TOWN CLERK
SUDBURY MASS

CASE 14-16
Kevin Markvenas
145 Horse Pond Road
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14 JUN -3 AM 10:42

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, May 19, 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.

Kevin Markvenas was present to request a special permit for an oversized shed that would be placed in a location that would create a side yard setback deficiency of eight feet. Mr. Markvenas explained that he wanted to purchase an assembled shed to go in his driveway next to his existing garage with three feet in between the garage and the shed. The shed would be used primarily for storage of yard and snow equipment, not vehicles. Woods lay between his house and his neighbors.

Mr. Gossels felt that the shed was enormous. He pointed to the product model number as included in the application noting that it was labeled as a 13x18 foot Vinyl Barn Garage. He felt that there was not enough room in between the garage and the shed which, with its roofline, would then look like an addition to the house.

Mr. Markvenas said that although the model of shed was described as a garage he was not intending to park any cars in it.

Mr. Palmer also felt that the gap between the house and shed was not sufficient. He asked whether Mr. Markvenas had considered putting the shed elsewhere on the property where there was more room and where it would meet the setback requirements. Mr. Markvenas said that there is a porch at the back of the house that he did not want to block and because he wanted to put snow removal equipment in the shed it was not convenient to put the shed in the back yard.

Mr. Stevenson asked whether a smaller structure had been considered. Mr. Markvenas wanted the larger shed for maximum storage. Mr. Gossels suggested that a 10x18 foot shed would be better.

Mr. Gossels also did not like the design of the shed or its vinyl material. Mr. Markvenas said that he wanted to go with vinyl so that it would last longer.

Mr. Klofft said that the ZBA had to determine whether or not it was in harmony with the intent of the bylaw and asked others how they felt about it fitting in with the existing house. Mr. Gossels said that the shed, in that location, would create a visual nuisance. Mr. Stevenson said that the shed could be equated to a substantial building within the setback. Board members suggested that Mr. Markvenas find a smaller shed and a different location.

Mr. Klofft said that if a smaller shed were considered farther away from the house so that it was not a fire hazard it would not substantially derogate from the intent of the bylaw. He felt that a shed should look like a shed.

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

Upon further discussion the applicant decided to ask the Board to have his application withdrawn without prejudice so that he could revise his plans or install a shed within the setbacks as would be his right as a homeowner. If Mr. Markvenas were to return to the ZBA the application fee would be waived.

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

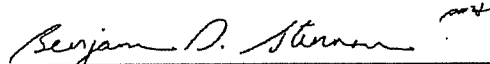
The following motion was made and seconded:

MOTION: "To accept a request from the Applicant to withdraw Case 14-16 without prejudice."

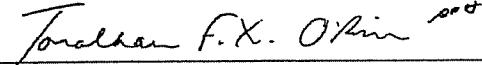
(Request for a Special Permit to install an accessory structure, an oversized shed, twelve feet from the property line resulting in a side yard setback deficiency of eight feet.)

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


REASONS: The Board felt that the proposed shed was too large for its location and situated too close to the existing house. By withdrawing the application without prejudice the applicant will be able to decide upon having a conforming shed as-of-right in an alternate location versus one that would require a special permit. If a larger shed is desired the applicant could re-submit an application for a special permit at a later date.



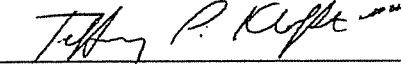
Benjamin D. Stevenson, Chair



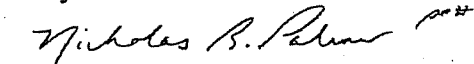
Jonathan F.X. O'Brien, Clerk



Jonathan G. Gossels



Jeffrey P. Klofft



Nicholas B. Palmer, Associate