

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, AUGUST 29, 2000

The Board consisted of:

Thomas W.H. Phelps, Chairman
Mark A. Kablack, Clerk
Patrick J. Delaney III
Lauren S. O'Brien, Alternate
Stephen Richmond, Alternate

Notice was published in the Sudbury Town Crier on August 10 and 17, 2000, posted, mailed and read at this hearing.

Mr. Phelps, Chairman, explained the requirements necessary to substantiate the granting of a special permit. He also explained that if anyone is not satisfied with the Board's decision, they have the right to appeal to Superior Court or District Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Thomas and Faith Chen were present to represent a petition for renewal of Special permit 99-23 to conduct an antique business in a barn on the property at 170 Hudson Road. Mr. Chen explained that due to time constraints, they have only been able to operate the business three or four weekends during the spring and fall months. They would, however, like to renew under the same conditions even though they still do not realistically believe they will be able to operate as much as allowed under the permit.

Mr. Chen added that although the business is allowed a sign, one has not been used because of the limited operation. A flag depicting the notation "Antiques" has been flown on those days when the business has been open. It is taken down as soon as the business is closed. Mr. Chen would prefer to continue to do this in lieu of a sign. However, if this is not allowed, Mr. Chen will go with a sign as allowed.

The Board agreed to take the Chen's request into consideration, but pointed out that banners which advertise are not allowed in residential zones.

Mr. Phelps read a letter from the Planning Board dated August 18, 2000 which voted no objection to the petition.

There were no further questions or input. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Thomas M. & Faith A. Chen, owners of property, renewal of Special Permit 99-23, granted under the provisions of Section III,A,1,c of the Zoning Bylaws, to conduct a Home Business, specifically the sale of antiques in a barn on the property located at 170 Hudson Road, Residential Zone A-1, provided that:

1. There will be no permanent outside displays except for temporary display next to the barn during business hours only.
2. A sign in conformance with the Bylaw will be allowed.
3. No flags or banners relating to the business shall be displayed on the premises.
4. Hours of operation shall be from 9AM-5PM, seven days a week.
5. No more than one person other than residents of the property will be regularly employed.
6. The sale of antiques shall be confined to the partitioned area of the barn separate from the main barn.
7. No parking will be allowed on Hudson Road.
8. This permit is non-transferable and will expire in two (2) years on August 29, 2002, 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 petitioners require a special permit to conduct an antique business. The Board finds this business to be incidental and secondary to the use of the premises as a residence. It is in harmony with the general intent and purpose of the Bylaw, in an appropriate location and does not by its presence significantly alter the character of the zoning district. The Board notes that no abutters were present to oppose renewal. It further finds that renewal under the same conditions, with a two-year period, is appropriate for this use.

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Irving Smith, Mandeville Sign Company, Inc., was present, representing the petitioner, Creative Movement and Arts Center, to allow five awning signs at 56 Union Avenue.

During the course of the presentation, it appeared that there might be an alternative, a secondary sign, which could satisfy the applicant. A secondary sign is allowed without the requirement for a special permit from the Board of Appeals. The Board suggested that Mr. Smith might want to consider withdrawing his application and present an alternative to his client and the Design Review Board. Mr. Smith was agreeable and requested he be allowed to withdraw.

Prior to a vote, the lighting was briefly discussed. Mr. Smith said the lighting was designed to be internally lit. The Board noted the Bylaw specifically prohibits any internal lighting.

The following motion was then placed and seconded:

MOTION: To allow the petitioner's representative to withdraw Case 00-29 without prejudice.

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