

WAYSIDE INN CORP.
72 Wayside Inn Road
02-26

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
TUESDAY, JULY 30, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps
Jonathan G. Gossels

The hearing was reconvened by the Chairman, Mr. Kablack on the sign application for the Wayside Inn Corp. Mr. Kablack noted the mock-up was set up behind the barn at the Wayside Inn the evening before. Those who viewed it felt the scale of the sign appears satisfactory. However, there were some concerns with regard to the intensity of the lighting. It was felt that more attention needs to be given to the lighting; therefore the Board agreed to continue the hearing to August 21, 2002 and to convey to the applicants their concerns with regard to the lighting.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

SALLY J. WHITE
781 Boston Post Road
02-29

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JULY 30, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk

Thomas W.H. Phelps
Jonathan G. Gossels
Stephen M. Richmond

Notice was published in the Sudbury Town Crier on July 12 and 19, 2002, posted, mailed and read at this hearing.

Mr. Kablack, 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.

Sally White was present to represent a petition for renewal of Special Permit 99-22 to conduct a home business, specifically a dog grooming service at 781 Boston Post Road. She has been conducting this business since 1986 without incident or complaints from abutters. Ms. White said no changes to the permit were being requested.

Mr. Kablack read the list of current conditions under the permit. Ms. White said the conditions were acceptable and she continued to be able to comply with them.

There were no questions from the Board. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Sally J. White, owner of property, renewal of Special Permit 99-22, under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically dog grooming, property located at 781 Boston Post Road, Residential Zone C, provided that:

1. Hours of operation shall be Monday through Saturday between 9:00AM and 3:30PM.
2. There shall be no more than four dogs on the premises at any one time during the day for purposes of grooming.

SALLY J. WHITE
781 Boston Post Road
02-29 Page 2

3. Dogs shall be boarded in pens or kennels to be located in the basement. If it is necessary for them to be outside, they will be on a leash.
4. A sign in conformance with the Bylaw will be allowed.
5. There shall be no parking on Boston Post Road.

6. This permit is non-transferable and will expire in three (3) years on July 30, 2005, 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 Board finds that this dog grooming business is clearly incidental and secondary to the use of the premises as a residence. Adequate facilities have been provided for the conduct of this business and, with the above restrictions, the business will not be detrimental to the neighborhood, nor will it cause any offensive noise, odor, vibrations, smoke, sewage, etc. The business has been conducted since 1986 without complaint. The Board notes there were no abutters present to oppose renewal.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

Stephen M. Richmond

CARPET CAROUSEL
39 Union Avenue
02-30

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JULY 30, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps
Jonathan G. Gossels
Stephen M. Richmond

Notice was published in the Sudbury Town Crier on July 12 and 19, 2002, posted, mailed and read at this hearing.

Mr. Kablack, 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.

Shawn Flanagan was present to represent a petition for renewal of Special Permit 99-21 to allow wholesale retail sales of carpeting and floor coverings at 39 Union Avenue. Mr. Flanagan said he is operating the same as he has for the past 12-13 years and nothing has changed. He was not aware of any complaints from abutters.

Mr. Kablack read the current list of conditions asking whether Mr. Flanagan had any problems complying with them. Mr. Flanagan did not.

The public hearing was closed.

There was some question regarding the process for renewal as this permit was granted under a section of the Bylaw that no longer exists and there does not appear to be a section under the recodified Bylaws which applies to this type of permit.

The Board agreed to request a ruling from Town Counsel.

A vote on this petition was scheduled for August 21, 2002.

CARPET CAROUSEL
39 Union Avenue
02-30 Page 2

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

Stephen M. Richmond

HAROLD J. SALANT D/B/A SUDBURY AUTO SALES
9 Old County Road
02-31

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY JULY 30, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps
Jonathan G. Gossels
Stephen M. Richmond

Notice was published in the Sudbury Town Crier on July 12 and 19, 2002, posted, mailed and read at this hearing.

Mr. Kablack, 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.

Harold Salant was present to represent a petition for a Special Permit to allow motor vehicle sales at 9 Old County Road. He explained that for the past 13 years he has operated an insurance agency located at 10 Concord Road, and as a result of this business, by either word of mouth or referrals, he comes across a lot of motor vehicles which are going up for sale. He would like to be able to accommodate his clients by being able to sell them these vehicles.

The property is located in an industrial zone and is owned by Douglas and Adelaide Lewis. Brothers Auto Repair, which leases spaces on this property, has agreed to allocate space to Mr. Salant for the purpose of parking these vehicles. The intent is, on a car-by-car, case-by-case basis, to bring the vehicle either to the prospective buyer's home or to his own office. There will be no banners, inventory or business presence at the insurance agency.

Mr. Salant said he has gone before the Selectmen and has spoken with the Fire Chief with regard to this proposal. The Fire Chief has made recommendations with regard to fire extinguishers and the Selectmen have voted to approve a Class 2 License with conditions and approval by the Board of Appeals.

Mr. Richmond asked whether Mr. Salant was comfortable with the conditions imposed by the Selectmen. Mr. Salant replied in the affirmative.

Mr. Kablack cautioned that if the Board votes to approve a special permit, it will be limited to 9 Old County Road; that there is to be no appearance of car sales at the Concord Road business. Further, no cars for sale are to be stored at that location.

Mr. Salant said he has no intention of using his Concord Road address for that purpose. His intent is to simply transfer cars to new buyers on a low-keyed basis.

Mr. Kablack noted that a special permit, if granted, would be limited initially to a one-year period for monitoring purposes. Mr. Salant said he had no problem with this.

There were no further questions from the Board. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Harold J. Salant, d/b/a Sudbury Auto Sales, applicant, a Special Permit under the provisions of Section 2230,A,C,12 of the Zoning Bylaws, to allow motor vehicle sales, property located at 9 Old County Road, Industrial District 12, subject to the following:

1. A maximum of three (3) vehicles shall be parked on the premises.
2. Compliance with the requirements of the Fire Chief with regard to fire extinguishers.
3. No signs will be allowed.
4. This permit is limited to the buying and selling of second hand motor vehicles only. Assembly and disassembly of motor vehicles is excluded.
5. This permit is non-transferable and will expire in one (1) year on July 30, 2003, 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 is requesting a special permit for the sale of used motor vehicles. The proposed use is a permitted one in the zoning district with the granting of a special permit. The Board finds that the allowed storage of three vehicles is adequate for the use intended. There will be no detriment to adjoining zoning districts or neighboring properties due to odor, smoke, noise, sewage, or refuse materials. Further, the Board finds that with the conditions imposed and the one-year renewal period, there will be a basis for monitoring of this operation to insure that the use continues to meet the criteria for granting of a special permit.

HAROLD J. SALANT D/B/A SUDBURY AUTO SALES

9 Old County Road

02-31 Page 3

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

Stephen M. Richmond