

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 18, 2002

The Board consisted of:

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

Notice was published in the Sudbury Town Crier on May 30 and June 6, 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.

Barry and Lynne Friedman were present to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a 36X34 foot addition which will result in a side yard setback deficiency at 69 Robbins Road.

Ms. Friedman explained that she would like to add more living space which would include a master bedroom and a bathroom. This involves combining two small bedrooms making one large room. The number of bedrooms will remain the same; there is only an increase in space. Also, currently there is a carport for one car; they would like to widen it to accommodate two cars.

Mr. Kablack asked why this couldn't be constructed on the back of the house. Ms. Friedman said the septic system is located in back.

Ms. Friedman said the addition will continue along the same line of the front setback. The only deficiency will be to the side.

The Board reviewed the plan submitted with the application which shows the location of the proposed addition. Ms. Friedman submitted a letter dated April 23, 2002 from Lynn Matis and Martin Schreiner, 65 Robbins Road who had no objection to the petition.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Barry & Lynne Friedman, owners of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a 26X34 foot addition which will result in a side yard setback deficiency of 4 feet 6 inches±, property located at 69 Robbins Road, Residential Zone A."

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

REASONS: The petitioners require a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed construction, which will result in a side yard setback deficiency, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The proposed construction will provide needed space to accommodate the family and the carport will afford protection for two cars during the winter months. The Board notes that the abutter most affected by the proposed construction has submitted a letter voicing no objection to the petition.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

Stephen M. Richmond, Alternate

WAYSIDE INN CORP.
72 Wayside Inn Road
02-26

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 18, 2002

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Guy LeBlanc and Robert Purrington were present to represent a petition for Special Permit to erect a 21.5 s.f. freestanding sign to identify the Wayside Inn located at 72 Wayside Inn Road. Mr. LeBlanc said the proposed sign would be located on the southern border of the inn, along Boston Post Road almost directly behind the parking lot for the inn. It would be set back 37 feet from the center of Boston Post Road and 18 feet from the edge of the road. The sole purpose of the sign is to alert motorists traveling along Boston Post Road to the Wayside Inn which can be seen through a break in the trees.

Mr. Kablack asked whether the intent was merely to identify the Wayside Inn as it would not appear to be directional. Mr. LeBlanc said there is currently one small sign on Boston Post Road, on the eastern side, which alerts motorists traveling west to turn 500 feet for the Wayside Inn. There is no sign on the Marlboro end to alert people traveling east. In this case, if people traveling west pass the directional sign, they will see the proposed sign and the inn in the distance. In that sense it would be somewhat directional.

With regard to illumination of the sign, Mr. LeBlanc said it would be ground lighting of approximately 500 watts, or two 250-watt bulbs, sitting on a stone pedestal. The fixtures will be covered by the fieldstone surround. The sign would be shut off when the inn closes for the evening.

Responding to questions on sign size, Mr. LeBlanc said the sign would be 94" wide and 33" high, plus the legs, making the total height from the ground to the top of the sign at 64".

WAYSIDE INN CORP.
72 Wayside Inn Road
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Mr. Delaney asked what type of 500-watt lamp is proposed. Mr. Purrington was not sure; he said the sign company proposed the lighting. Mr. Delaney was concerned because the type of lamp could affect the brightness. He also noted that the location of the sign is proposed to be in what is now a dark area and asked whether the sign has to be so close to the road to be visible since it is not a sign which will be showing people where to turn in.

Mr. Purrington said he would have to cut down some trees if the sign were to be located further back.

Mr. Phelps agreed that the lights should be toned down. Mr. Delaney said 500 watts is a lot of light. He asked whether the applicants had anything to submit as a basis for a lighting comparison.

Mr. Purrington did not. However, he suggested a mock-up of the sign could be erected for the Board's viewing which would include lighting.

The Board was in favor of Mr. Purrington's suggestion and agreed to continue this hearing to July 30, 2002 with a mock-up erected the week prior. The applicant's stated they would not be able to attend this continuance due to a conflict with the Wayside Inn's Strawberry Concerts on Tuesdays in July; however, the Board noted that, if as a result of the viewing it needed no further input from the applicants, it could close the hearing and vote on the petition. If the Board needed more information, they would further continue the hearing to another date in August.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

DAVID A. & NANCY A. TODD
216 Horse Pond Road
02-27

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 18M, 2002

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David Todd was present to represent a petition for Special Permit to allow demolition of an existing residence and construction of a new residence, which will exceed the area of the original nonconforming structure but will conform to all zoning setback requirements. The property is located at 216 Horse Pond Road.

Mr. Todd submitted additional plans which included the actual house plan and plot plan. The property comprises approximately 43,600 s.f. and is nonconforming due to frontage which is 100 feet.

Deep hole testing for the septic system has been done. Mr. Todd said that although he may be able to use the existing septic system, he would like to site the house further back on the lot.

With regard to the driveway access, Mr. Todd said the existing access is wide. He would want the opportunity, by moving the house back, to reduce the opening and provide a second opening for a semi-circular drive.

If possible, utilities would be underground.

With regard to the existing dwelling, rather than demolish it, Mr. Todd would like the ability to use the structure during the construction period both for the utilities and for storage of materials. It would then be taken down before occupancy of the new house.

DAVID A. & NANCY A. TODD
216 Horse Pond Road
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Mr. Kablack wanted to know where the new house is proposed to be located. From the plan submitted this evening Mr. Todd described the building envelope and the approximate location of the house. The house would essentially take up the entire width of the building envelope. It was pointed out that there is an area which slopes substantially. Mr. Kablack asked whether any regrading would be required. Mr. Todd said he was not sure but would if it was needed. He said might want to have a bigger back yard and have to raise the area, but he would be restricted somewhat by the septic system.

Mr. Kablack asked the reason for a circular driveway. Mr. Todd replied that it was a concept he had. Mr. Kablack noted that normally the preference is for a minimum of curb cuts.

Further discussion followed on the location and the location of the garage. Two renderings were shown, one showing a front entry garage, the other on the side.

Mr. Kablack wanted to see more detail on the location of the new footprint and where the garage entry would be. Mr. Gossels would like to see the new house moved further back to 100-110 feet with one curb cut. This would preserve the buffer along the side of the property.

The Board suggested the hearing be temporarily suspended to allow Mr. Todd to amend his plan to show the location of the house and driveway entrance which, if complete, would allow the Board to act on the petition this evening.

The hearing was suspended, then reconvened. Mr. Todd submitted his revised plan which shows the footprint of the proposed house located approximately 115-120 from the front property line with a front entrance garage with no circular drive. The Board was satisfied with the information provided on the plan. The hearing was then closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant David A. and Nancy A. Todd, owners of property, a Special Permit under the provisions of Section 2460 of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence, not to exceed 3,455 s.f., on a nonconforming lot, which will exceed the area of the original nonconforming structure, said residence to conform to all zoning setback requirements, property located at 216 Horse Pond Road, Residential Zone A, and be subject to the following:

1. The new residence shall be as shown on Plan CE-1.1, prepared by Samiotes Consultants, Inc., Framingham, MA dated 6/14/02, revised by the applicant on 6/18/02, which depicts a front entrance garage and maintains the existing curb cut to serve one driveway.
2. There will be no paving within the 20-foot side yard setback.

DAVID A. & NANCY A. TODD
216 Horse Pond Road
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3. Construction shall be completed within one year from the date of issuance of the building permit.

4. Demolition of the old structure must be completed within six (6) weeks from issuance of the Certificate of Occupancy for the new structure."

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 construction, which will exceed the area of the original nonconforming structure, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The new construction will conform to all zoning setback requirements.

The Board has imposed conditions to insure a timely construction and demolition period. In addition, the petitioner has revised his plan to site the new house further back on the lot with a single entrance driveway which will be more compatible with the other homes in the neighborhood.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

Stephen M. Richmond, Alternate

CHARLES & LOREN HAYDEN
20 Autumn Street
02-28

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 18, 2002

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Thomas W.H. Phelps
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Charles and Loren Hayden were present to represent a petition for Special Permit to construct a 24X24 foot detached 2-car garage on a nonconforming lot, which will create a side yard setback deficiency of approximately 10 feet. They submitted a letter dated June 10, 2002 from Julie Williams, 26 Autumn Street, the closest abutter to the proposed project. That abutter had no objection to the petition.

Mr. Kablack asked why the garage could not be located within the setback requirements. Mr. Hayden said the lot is narrow; to move it further into the yard would take away most of the yard area. The proposed garage will line up with the existing driveway eliminating the necessity of paving a larger area.

The Board reviewed the plot plan submitted with the application noting the location of the proposed garage is consistent with the garage of the abutter. Mr. Kablack asked what the height would be. Mr. Hayden estimated it to be a single-story structure approximately 14-16 feet. It will be sloped in a similar manner as the house. Mr. Hayden had no objection to limiting the height to 16 feet.

With regard to the back of the property, Mr. Hayden said that area is fenced in and there are also trees and vegetation which act as a buffer. The Board would encourage the Haydens to maintain the landscaping along the rear ensuring the continued existence of the buffer.

There was no further input. The hearing was closed.

CHARLES & LOREN HAYDEN
20 Autumn Street
02-28 Page 2

After deliberation the following motion was placed and seconded:

MOTION: "To grant Charles and Loren Hayden, owners of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to construct a 24X24 foot detached one-story, 2-car garage with sloped roof not to exceed 16 feet \pm in height, on a nonconforming lot, which will create a side yard setback deficiency of 10 feet \pm , property located at 20 Autumn Street, Residential Zone A."

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

REASONS: The petitioners require a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed construction, which will result in a side yard setback deficiency, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The proposed garage is consistent in location with the abutting

garage and will utilize the existing driveway and pavement thus minimizing the additional amount required for the project. The size is adequate to contain two vehicles and will be constructed to be compatible in style with the existing house. The Board further notes that the abutter who would be most affected had no objection to this petition.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

Jonathan G. Gossels

Stephen M. Richmond, Alternate