

GERALD D. & LUCINDA BOROVICK
384 Peakham Road
03-6A

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, DECEMBER 9, 2003

The Board consisted of:

Jeffrey P. Klofft, Acting Chair
Stephen A. Garanin, Acting Clerk
Patrick J. Delaney III
Thomas W.H. Phelps
Richard D. Vetstein, Alternate

Notice was published in the Sudbury Town Crier on November 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Klofft, Acting Chair, 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.

Gerald Borovick was present to represent a petition for amendment of his Special Permit 03-6 which granted approval to demolish and construct a new residence on a nonconforming lot. Approval was granted for a new residence not to exceed 3,270 s.f. Mr. Borovick would like to amend that special permit to increase the square footage to 3,743 s.f. He explained that the change is due to the creation of a room on the second floor of the proposed house. Originally, that area was designated as open space with a cathedral ceiling over the family room. The footprint and location of the house will remain the same. No other changes to the special permit are proposed.

Inasmuch as the original special permit was granted in January 2003, it will lapse after one year. Mr. Borovick would request that the amendment reflect a one-year extension.

Mr. Vetstein asked the reason for delay in moving forward with the permit. Mr. Borovick explained that he needed to hire an architect and builder which took a while. He said he has his financing in place and is ready to begin construction.

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

After deliberation the following motion was placed and seconded:

MOTION: "To amend Special Permit Case Number 03-6 as follows:

Line 3 of the motion, delete '3,270' and insert '3,743'.

Add the following after Condition 1:

'2. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (12) months following the filing of this amendment.'

All other terms and conditions remain in full force and effect."

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

REASONS: The petitioner seeks an amendment to increase the square footage of a proposed new residence on a nonconforming lot. The additional square footage will not increase the footprint of the structure and is simply adding a room within area previously designated as open space. The Board therefore approves the petitioner's request to amend his special permit.

Jeffrey P. Klofft, Acting Chair

Stephen A. Garanin, Acting Clerk

Patrick J. Delaney III

Thomas W.H. Phelps

Richard D. Vetstein, Alternate

EFRAIN & LAURA ROMAN
40 Summer Street
03-62

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, DECEMBER 9, 2003

The Board consisted of:

Jeffrey P. Klofft, Acting Chair
Stephen A. Garanin, Acting Clerk

Patrick J. Delaney III
Thomas W.H. Phelps
Richard D. Vetstein, Alternate

Notice was published in the Sudbury Town Crier on November 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Klofft, Acting Chair, 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.

Efrain and Laura Roman were present to represent a petition for a Special Permit to alter and enlarge a nonconforming structure by constructing a 144 s.f. front entrance and foyer which will result in a front yard setback deficiency at 40 Summer Street.

Mr. Roman described the proposed construction which he said will improve the appearance of his ranch home. It is a small addition and the front yard setback deficiency will be 9 feet. A rendering of a similar renovation was provided as an example.

The Board reviewed the plot plan submitted with the application. There were no further questions. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Efrain & Laura Roman, 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 144 s.f. front entrance and foyer, which will result in a front yard setback deficiency of 9 feet \pm , property located at 40 Summer Street, Residential Zone A-1."

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.

EFRAIN & LAURA ROMAN
40 Summer Street
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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 front yard setback deficiency, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood. The size of the front entrance will be compatible with the existing

structure and will enhance its appearance. It is consistent with similar improvements in the neighborhood. Further, no abutters were present to oppose this petition.

Jeffrey P. Klofft, Acting Chair

Stephen A. Garanin, Acting Clerk

Patrick J. Delaney III

Thomas W.H. Phelps

Richard D. Vetstein, Alternate

MARCEL MAILLET TRUSTEE LOU RT
61 Butler Road
03-63

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, DECEMBER 9, 2003

The Board consisted of:

Jeffrey P. Klofft, Acting Chair
Stephen A. Garanin, Acting Clerk
Patrick J. Delaney III
Thomas W.H. Phelps
Richard D. Vetstein, Alternate

Notice was published in the Sudbury Town Crier on November 20 and 27, 2003, posted, mailed and read at this hearing.

Mr. Klofft, Acting Chair, 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.

Marcel Maillet was present to represent a petition for a 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 at 61 Butler Road. The square footage of the new

structure will be 4,000 square feet, not including a finished basement. The property comprises 33,180 s.f. with 150 feet of frontage. The new residence will conform to all setback requirements. The existing house will be removed prior to construction.

Mr. Maillet said this will be a 2-story house. The new house will be 12 feet longer than the existing house which is a ranch style. The houses on either side are ranches with similar setbacks from the road. He described the proposed driveway which is shown on the plan submitted with the application.

Robert Weiner, 64 Harness Lane, abutter, said his property backs onto this property. He said the large homes on Thornberry Lane are visible to him, but that is a new development of large homes. He felt the size of this proposed house to be out of character with the other homes in the Butler Road neighborhood.

John McCarthy, 94 Butler Road, next door abutter, was familiar with the homes constructed by Mr. Maillet and was comfortable with the proposed construction.

Mr. Maillet said this is typical of many smaller homes which have been demolished over the past few years in favor of new, larger homes. He saw this as a trend that will continue.

MARCEL MAILLET TRUSTEE LOU RT

61 Butler Road

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Debra McCarthy, after looking at the plan, felt the footprint large and too close to the street and voiced her concern.

Further discussion followed on this type of application which continues to come before the Board. While cognizant of the neighbors' concerns, it appears that the trend is for larger homes, and while this was indeed larger, it will conform to all setback requirements.

As to the proposed finished basement which was not included in the square footage on the application, it was the consensus of the Board that the Decision could be worded to exclude it from total area.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Marcel Maillet, Trustee LOU Realty Trust, owner 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 4,000 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 61 Butler Road, Residential Zone A-1, as follows:

1. The finished basement will not be considered as part of the square footage.”

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 construction of a new residence, which will exceed the area of the original nonconforming structure, will not be substantially more detrimental to the neighborhood. The new structure will conform to all setback requirements and is sited similarly to that of other homes in the neighborhood. The Board notes that the overall footprint is not much larger than the existing structure; the size is increased by virtue of the second story.

Cognizant of concerns by the abutters present at the hearing, it is the opinion of the Board that the 2-story colonial design will not detract from this neighborhood which has seen an increase in additions and alterations to existing homes.

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Jeffrey P. Klofft, Acting Chair

Stephen A. Garanin, Acting Clerk

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Richard D. Vetstein, Alternate