

FRANK & BARBARA DURANT
124 Pratts Mill Road
02-44 (amendment)

NOTICE OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, FEBRUARY 18, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Stephen M. Richmond, Acting Clerk
Richard L. Burpee, Alternate
Elizabeth A. Taylor, Alternate
Richard D. Vetstein, Alternate

Notice was published in the Sudbury Town Crier on January 30 and February 6, 2003, posted, mailed and read at this hearing.

Mr. Delaney, 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.

Frank and Barbara Durant were present to request an amendment to their Special Permit 02-44 granted by the Board on October 24, 2002. That permit allowed for the construction of a garage on a nonconforming structure which would result in a street centerline setback deficiency of 19 feet \pm on West Street.

The house is on a corner lot which also fronts on Pratts Mill Road. At the time of the hearing for the original special permit it was pointed out by the Board that because of the angle of the house, there might also be a setback deficiency on Pratts Mill Road.

Mr. Durant said he met with the Building Inspector and, following a review of the plan, it was determined that the addition would encroach approximately 2 feet into the Pratts Mill Road setback. Therefore, Mr. Durant was requesting an amendment to his special permit to include the additional setback.

The Board reviewed the Minutes of the previous hearing. There were no questions. No abutters were present. The hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To amend the Motion under Special Permit 02-44 as follows:

Line 4, after the words 'West Street,' insert the following: 'and a street centerline setback deficiency of 2 feet ± on Pratts Mill Road'

All other terms and conditions of the original Special Permit will remain in full force and effect."

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

REASONS: The Board previously granted a Special Permit for construction of a garage on a nonconforming corner lot. Due to the angle of the house, it was found that the proposed construction would encroach on the second fronting street. The Board was aware of this possibility at the hearing for the original permit and finds this additional setback to be slight and one which will present no substantial detriment to the neighborhood.

Patrick J. Delaney III, Chairman

Stephen M. Richmond, Acting Clerk

Richard L. Burpee, Alternate

Elizabeth A. Taylor, Alternate

Richard D. Vetstein, Alternate

ROBERT WEISS WBG, LLC
122 Old Garrison Road
03-11

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, FEBRUARY 18, 2003

The Board consisted of:

Patrick J. Delaney III, Chairman
Stephen M. Richmond, Acting Clerk
Richard L. Burpee, Alternate
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Mr. Delaney, 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.

Gary Kato, builder, and Barry Goldy, a principal of WBG, LLC, were present representing the applicant, Robert Weiss in a petition for Special Permit to allow demolition of an existing residence and construction of a new residence at 122 Old Garrison Road. The property is nonconforming in terms of frontage which is 200 feet instead of the required 210 feet.

Mr. Kato explained that it is proposed to replace the existing 1,928 s.f., 3- bedroom 1950s style structure with a 5 bedroom 2-story colonial style with a total footprint area of 3,118 s.f. From the plan submitted with the application, Mr. Kato pointed out the location of the house which will conform to all setback requirements and will be set further back from the road. He said the new construction will be less visible as the trees at the front of the property will be left intact. He also pointed out the location of the house in comparison to the structures on the adjoining lots.

Mr. Delaney asked whether the petitioner has submitted plans to the Historic Districts Commission as this property also falls within their jurisdiction. Mr. Kato said he has not been to the Commission but was aware of the requirement to submit plans.

With regard to the disposition of the existing house, Mr. Kato said he would prefer to leave it standing until after construction of the new house. He would like to use it as a staging area to store materials and equipment during the construction period. However, he was willing to work with the Board on this issue.

ROBERT WEISS WGG, LLC
122 Old Garrison Road
03-11 Page 2

Mr. Delaney asked whether the owner, Mr. Weiss intended to occupy this house. Mr. Kato was not sure as Mr. Weiss, who is also builder, already lives in Sudbury.

Mr. Delaney asked for the timetable for completion of construction. Mr. Kato estimated it to be 5-6 months with demolition within a week or so after construction.

It was pointed out that the Board generally usually adds conditions with regard to construction and demolition timetables. Neither Mr. Kato nor Mr. Goldy had problems with conditions to that effect.

Following further review of the plan, with questions for clarification, the hearing was closed. No abutters were present.

After deliberation the following motion was placed and seconded:

MOTION: “To grant Robert Weiss WBG, LLC, 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 a total footprint area of 3,118 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 122 Old Garrison Road, Wayside Inn Historic Preservation Residential Zone, subject to the following:

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.
2. The new dwelling will be completed within twelve (12) months from issuance of a Building Permit, and the old structure will be demolished within six (6) weeks from the issuance of a Certificate of Occupancy for the new residence.”

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. It will be sited further back on the lot and be less visible due to its location and the petitioner’s intent to leave the trees at the front of the lot intact. The house will be colonial in style which is consistent with the other homes in this area. The Board notes that no abutters were present to oppose this petition.

ROBERT WEISS WBG, LLC
122 Old Garrison Road
03-11 Page 3

Patrick J. Delaney III, Chairman

Stephen M. Richmond, Acting Clerk

Richard L. Burpee, Alternate

Elizabeth A. Taylor, Alternate

Richard D. Vetstein, Alternate

VERRILL ET AL
Northwood Properties
142 North Road
03-12

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, FEBRUARY 18, 2003

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The Board was in receipt of an email from the ZBA Secretary which conveyed Town Counsel Paul Kenny's suggestion that the Board continue this hearing to allow Town Counsel to meet with Northwood's attorney to determine whether Northwood will stipulate that the issue with regard to the residential care aspect is already before the court in a previous case.

Mr. Delaney read a letter dated February 18, 2003 from Ralph Tyler which indicates a willingness of the three appellants to continue the hearing.

A motion was made, seconded and unanimously approved to continue this hearing to February 25, 2003.

Patrick J. Delaney III, Chairman

Stephen M. Richmond, Acting Clerk

Richard L. Burpee, Alternate

Elizabeth A. Taylor, Alternate

Richard D. Vetstein, Alternate