

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, APRIL 27, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Stephen A. Garanin, Alternate

Notice was published in the Sudbury Town Crier on April 8 and 15, 2004, posted, mailed and read at this hearing.

Mr. Gossels, 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, developer, was present representing a petition for special permit to allow demolition of an existing residence and construction of a new residence on a nonconforming lot which will exceed the area of the original nonconforming structure at 279 Hudson Road.

Mr. Maillet explained that the existing house is 1,200 s.f. The new house will be 3,200 s.f. The lot consists of 2 acres and the new house will meet all setback requirements. The lot is nonconforming because of its frontage which is 150 feet.

Mr. Gossels asked whether Mr. Maillet discussed the proposed construction with the neighbors since this is a narrow lot and the surrounding homes are so close together. Mr. Maillet said his father has spoken with some of the neighbors. He said the neighbors were contacted when at the initial intent was to try a get two lots from the parcel buy purchasing additional land off of Lillian Avenue. However, the neighbors weren't contacted when it was decided to go with only one house lot.

Mr. Klofft said the front of the lot is very high and appears eventually comes down lower in the back. Mr. Maillet agreed this is correct.

Mr. Gossels said this is a very large lot and the location of the house seems to be more favorable than the existing house. He said the scale is appropriate to the area.

George Sharkey, 16 Haynes Road, abutter, said he didn't want to cause Mr. Maillet any problems; however, he did have one concern with regard to drainage as a result of the proposed

septic system location. He said all of Lillian Avenue, approximately ten homes, are part of the Holman's Pine Rest subdivision. They are small lots. He said there is a situation with Hop Brook, a filtering process, that comes through Holman's Pine Rest and the adjacent property. He said Mr. Maillet's property is on a hill and the back part of it appears to have been a gravel pit.

Mr. Sharkey said the purchaser of the house that Mr. Maillet constructs will have to live with the same problems as the homes on Lillian Avenue. He said the plan shows the septic system located on the slope of the hill. His suggestion would be to locate the septic system at the back of the house on the second acre. That way, the homes on Lillian Avenue would not be affected in terms of drainage and runoff.

Mr. Gossels asked Mr. Maillet if he had a problem relocating the septic system. He replied that the system was designed for the front to accommodate the possibility of being able to construct a pool in the back. In addition, more trees would have to be cleared to place the system in the back. Mr. Maillet was not sure there was cause for concern with regard to drainage as the grade in front was not being changed that much.

Mr. Klofft asked where the septic system for the existing house was located. Mr. Sharkey said it was located on the flat portion of the lot level with the abutters. He pointed out the approximate location on the engineering plan submitted with the application.

Mr. Klofft said if the existing septic system is located as described, and the engineering plan is correct, there is only a difference of two feet in elevation. Mr. Sharkey said the plan was incorrect in terms of contours, as did Deborah Terren, 12 Lillian Avenue, abutter. They were concerned that the leach field location would cause drainage problems for those on Lillian Avenue who have thus far not had any problems.

Mr. Maillet said the plan was prepared by Thomas DiPersio, P.L.S., Thomas Land Surveyors; however, it was not stamped.

Ms. Taylor said it seems that if the proposed septic system will be essentially at the same elevation and there has never been a problem in the past, there should not be a problem now unless major earth removal is done.

Ms. Terren was not sure the existing septic system is located as previously described. She pointed out the two lots which she owns. Her major concern was ending up with a "skating rink" in her back yard if the septic system is constructed in the location as proposed.

In order to sort out the situation, Mr. Gossels would suggest this hearing be continued. He would also suggest Mr. Maillet obtain Board of Health approval and, at the same time, voice to the Board of Health the abutters' concerns. Mr. Klofft suggested he also obtain a stamped plan showing contour lines.

Mr. Richmond also would suggest the abutters speak with the Board of Health as well to better understand the situation from a Board of Health perspective. Mr. Sharkey did not see the need for this. He did not see what difference it would make to Mr. Maillet to locate the system on the back lot. He was not questioning the design of the septic system but the location. He felt that if it is located as proposed, sometime in the future the residents on Lillian Avenue could have enormous problems. Locating the system in the back will eliminate any problems.

Mr. Klofft said the members of this Board are not civil engineers. Bringing this to the Board of Health to obtain their opinion and expertise will provide the information necessary to determine whether the abutters' concerns are legitimate or not.

Mr. Maillet agreed to obtain septic system approval from the Board of Health and a stamped engineering plan.

The hearing was continued to June 8, 2004.

Jonathan G. Gossels, Chair

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Stephen A. Garanin, Alternate