

ANNUAL MEETING MINUTES
SUDBURY BOARD OF APPEALS
TUESDAY, JUNE 29, 2004

The Board consisted of:

Jonathan G. Gossels, Chair
Jeffrey P. Klofft, Acting Clerk
Thomas W.H. Phelps
Elizabeth A. Taylor

and also Associate Members

Melinda M. Berman
Richard L. Burpee
Stephen A. Garanin
Richard D. Vetstein

Election of Chairman and Clerk

It was voted to elect Jonathan G. Gossels, Chairman, and Stephen M. Richmond, Clerk, to serve another year until the next Annual Meeting.

Review and Vote on Rules & Regulations

It was on motion unanimously voted to adopt the following changes to the Rules & Regulations:

Section A.6 – after the words “The processing fee for all other administrative appeals shall be \$50” add the following line:

“For all applications requiring a public hearing notice, a fee will be required based on current advertising charges.”

Section A.9 – after the words “Town Clerk’s office” add the following “or on the town’s website”

Section F.4 – delete the last sentence in its entirety.

Review and Vote on Model Local Rules for Comprehensive Permits

It was on motion unanimously voted to adopt the Model Local Rules for Comprehensive Permits with no changes.

Guidelines for Construction after Demolition – Reuse of Non-conforming Lots

The Board was in receipt of a draft prepared by Mr. Gossels in an attempt to establish guidelines and prevent problems with tear-downs on non-conforming lots that have occurred in the past. The intent is to attach these guidelines to the Special Permit application forms in order that the applicant may be made aware of these guidelines prior to submitting an application and prior to the public hearing.

Following review and discussion, all present agreed that inclusion of these guidelines would provide applicants with helpful information to be used in preparing their applications for the public hearing process.

It was then on motion unanimously voted to adopt these guidelines and to include a copy with each special permit application and instructions. A copy of the Guidelines is attached and made a part of these minutes.

Joint ZBA/Planning Board Meeting

In light of the recodification which rendered some special permits in “limbo,” it was agreed to send a letter to the Planning Board requesting a joint meeting during September to discuss resolving this issue and any others which may need to be addressed.

There being no further business the meeting was adjourned.

Jonathan G. Gossels, Chair

Jeffrey P. Klofft, Acting Clerk

Thomas W.H. Phelps

Elizabeth A. Taylor

Associate Members:

Melinda M. Berman

Richard L. Burpee

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Construction after Demolition – Reuse of Non-Conforming Lots

V0.1 May 2004

Since the Town of Sudbury Zoning Bylaws were recodified in 2003, Section 2460B Construction after Demolition, requires a Special Permit from the Board of Appeals if the total floor area of the proposed structure exceeds the total floor area of the original non-conforming structure.

While it takes time to fully understand the ramifications of any change in the Zoning Bylaw, the Board of Appeals has developed a set of decision making principles and Special Permit conditions that it uses to try to reach consistent decisions and to try to prevent problems that occurred with tear-down situations in the past.

Principles

- It is in the best interest of our community to reuse existing previously developed lots, rather than encourage the development of our remaining open spaces.
- Rebuilding houses on non-conforming lots provides the Town with the opportunity to remedy prior problems such as setback deficiencies, houses built at awkward angles, houses located that detract from the streetscape, drainage issues, and houses located as to detract from the privacy of abutters.
- While the Board of Appeals does not apply a rigid formula such as floor area to lot size ratio, particularly with smaller lots, it is far more likely to approve applications that are consistent with the general scale of the surrounding neighborhood and are located so as not to loom over the street or a neighboring house. To that end, if a proposed new structure is significantly taller than the one being replaced or is significantly taller than the general neighborhood, the Board may require architectural drawings showing front, rear, and side elevations. On sloping lots or if the grade of the proposed structure will be significantly higher than the one being replaced, the Board may require a topographical plan.
- The Board of Appeals encourages applicants to meet with abutters to review the proposed project and reach agreement on neighborly-issues like sightlines and screening prior to the public hearing.
- The Board of Appeals encourages applicants to investigate the feasibility of donating the old house for use by the Town's Housing Authority. The cost of relocating the structure may not be substantially different than demolishing it.
- Except in circumstances where the building remains in a residential use, the Board of Appeals encourages the removal of the old house before construction begins on the new.

Standard Special Permit Conditions

These standard conditions will be included in each Special Permit. Other situation specific conditions (e.g., location of driveway, prohibition of removing trees screening an abutter) may also be applied.

- Construction must begin no later than one year after the Special Permit is issued.
- Construction must be completed no later than one year after commencement.
- In situations where the old structure remained in residential use during construction, the old structure must be removed with 6 weeks after an occupancy permit is obtained for the new.