

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, OCTOBER 19, 2004

The Board consisted of:

Jonathan G. Gossels, Chairman
Jeffrey P. Klofft, Acting Clerk
Elizabeth A. Taylor
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on September 30 and October 7, 2004, posted, mailed and read at this hearing.

Mr. Gossels, 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.

Faith Chen was present to represent a petition for renewal of Special Permit 02-40 to conduct an antique business in a barn on the property at 170 Hudson Road. Ms. Chen explained that because of house renovations she has not operated the business for the past few months. However, she anticipated restarting her business shortly.

Mr. Gossels read the conditions of the previous permit. Ms. Chen was comfortable with those conditions and was requesting renewal under the same terms.

In response to a question from Mr. Klofft, Ms. Chen replied that there is ample parking space. Generally, two or three cars may be parked when the business is open; however, there is space for five to six vehicles.

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 Thomas M. & Faith A. Chen, owners of property, renewal of Special Permit 02-40, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically the sale of antiques in a barn on the property located at 170 Hudson Road, Residential Zone A, provided that:

1. There will be no permanent outside displays except for temporary display next to the barn during business hours only.

2. A sign in conformance with the Bylaw will be allowed.
3. No flags or banners relating to the business shall be displayed on the premises.
4. Hours of operation shall be from 9AM-5PM, seven days a week.
5. No more than one person other than residents of the property will be regularly employed.
6. The sale of antiques shall be confined to the partitioned area of the barn separate from the main barn.
7. No parking will be allowed on Hudson Road.
8. This permit is non-transferable and will expire in three (3) years on October 19, 2007, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor: 4 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit to conduct an antique business. The business has been operating without incident since 1999. The Board finds this business to be incidental and secondary to the use of the premises as a residence. It is in harmony with the general intent and purpose of the Bylaw, in an appropriate location and does not by its presence significantly alter the character of the zoning district. The Board notes that no abutters were present to oppose renewal and finds a three-year renewal period to be appropriate.

Jonathan G. Gossels, Chairman

Jeffrey P. Klofft, Acting Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

CASE 04-38 – CLEVELAND & MARGARET MANLEY – 436 Peakham Road – rescheduled to November 9, 2004

WALTER & JILL FALVEY
409 Dutton Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, OCTOBER 19, 2004

The Board consisted of:

Jonathan G. Gossels, Chairman
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Elizabeth A. Taylor
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on September 30 and October 7, 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.

Walter & Jill Falvey were present, together with Robert Dion, Architect, to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a 2-story, 1,600 s.f. addition which will result in a front yard setback deficiency of 17 feet 11 inches on Autumn Street. The property is a corner lot with an address at 409 Dutton Road.

The construction consists of a 2-car garage, family room, mud room, half bath and expansion of the existing kitchen as well as modifications to the second floor. Mr. Dion presented a larger copy of the site plan which was submitted with the application. He explained that the lot is undersized with very short frontage on Dutton Road. The location of the house does not present many options with which to expand. The only choice is to go towards the rear along Autumn Street.

The location of the septic system and grey water area was pointed out as was the back door and bulkhead from the house, all of which restrict the location of the addition. The septic system will have to be redone if a special permit is granted. The existing shed will be relocated further back on the lot. The style is designed to compliment the existing colonial style house. Rather than make the addition a full two stories, it was decided to go with a partial Cape-style with raised plate to create windows on the second floor.

Mr. Gossels was in favor of utilizing the depth of the lot for the construction. His only concern was that this was a substantial addition located very close to Autumn Street.

WALTER & JILL FALVEY
409 Dutton Road

Mr. Dion said the addition was designed in an attempt to minimize the amount of setback deficiency required and allow for ample space to park in the driveway without protruding onto the street.

Mr. Gossels said his concern was the impact on the neighbors. While the addition would be invisible to the abutters on Dutton Road, it clearly would impact those on Autumn Street.

At the request of the Board, Ms. Falvey described the houses along Dutton Road and Autumn Street in terms of numbers, style and those which have undergone extensive renovations, of which she said there are many.

There were no abutters present. Mr. Gossels asked whether the applicants had spoken with the neighbors regarding the proposed construction.

Ms. Falvey said the neighbors she spoke with were in favor of the construction. She said the consensus was that the renovations would add value to their homes.

Looking at the property map, the Doyle property on Autumn Street would be most impacted. Mr. Falvey pointed out that the Doyle house is located further back from the street and the driveway is located near the side line and would not be affected by the Falvey's driveway. In addition, he said there is a fair amount of wooded area which provided screening.

Mr. Gossels asked whether a landscape plan had been prepared. Mr. Dion had not done one yet. Ms. Falvey, a gardener, said she would want to keep a southern exposure for her perennial beds. Those beds were pointed out. She would leave the larger pines but will remove some bushes replacing them with vegetation indigenous to the area. The combination of the pines and vegetation would soften the expanse of the addition to the neighbors on Autumn Street. Mr. Falvey said he was looking into constructing a stone wall.

There was no further input. The public hearing was closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Walter A. & Jill Wallace Falvey, 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 2-story, 1,600 s.f. addition, which will result in a front yard setback deficiency of 17 feet 11 inches \pm on Autumn Street, property located at 409 Dutton Road, Residential Zone A-1."

This Special Permit shall lapse if construction has not begun except for good cause, within 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.

WALTER & JILL FALVEY
409 Dutton Road

VOTED: In favor: 4 (unanimous) Opposed: 0

REASONS: The petitioners require a special permit due to the nonconforming nature of the property. The property, a corner lot, is nonconforming in terms of area and frontage. The Board finds that the proposed construction, which will result in a front yard setback deficiency, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The size and shape of the lot, as well as the location of the house and septic system preclude construction of the addition in another location. The design of the structure will be architecturally compatible with the existing house and the Cape Cod style will minimize the overall size and scope of the addition. Further, although the structure is considered to be close to the front property line, it is the opinion of the Board that the addition will not cause a safety hazard. In terms of screening, the petitioner has agreed to retain the large pine trees on the property and will provide landscaping and a stone wall along the frontage of the addition.

The Board notes that the petitioners have stated that they have spoken with their neighbors who had no objection to the granting of a special permit. Further, no abutters were present at this hearing.

Jonathan G. Gossels, Chairman

Jeffrey P. Klofft, Acting Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

DANIEL W. LADD
65 Blueberry Hill Lane
04-40

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, OCTOBER 19, 2004

The Board consisted of:

Jonathan G. Gossels, Chairman
Jeffrey P. Klofft, Acting Clerk
Elizabeth A. Taylor
Richard L. Burpee, Alternate

Notice was published in the Sudbury Town Crier on October 30 and September 7, 2004, posted, mailed and read at this hearing.

Mr. Gossels, Chairman, explained the requirements necessary to substantiate the granting of a variance. 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.

Daniel Ladd was present to represent a petition for a Variance to allow construction of a 26X26 foot, 2-story detached garage at 65 Blueberry Hill Lane which will result in a front yard setback deficiency of 30 feet. The property is nonconforming in area. This petition was previously heard at Case 03-59 in order that Mr. Ladd establish the wetlands to determine whether a more favorable location for the garage could be had. The previous garage location would have resulted in a front yard setback deficiency of 38 feet.

Mr. Ladd said currently he has no off-street parking which is particularly difficult during the winter months when the town plows the street. He has no driveway or garage. From his plan he described the portion of Blueberry Hill Lane from his property to Haynes Meadow where there are two slopes going down to the conservation area. Further, his property is within 100 feet of the wetlands as well as the 200-foot river front setback and after having spoken with the Conservation Coordinator an Order of Conditions will be issued.

As a result, because of the slope of the property, as well as the wetlands, the proposed location is the only feasible place to construct a garage.

Mr. Ladd pointed out a steep slope running down from the street onto his property. How it would affect the garage is that from the street it would look like a conventional garage; however, from the back of his house it would look like a 2-story structure. The stairs as shown will be internal to the garage.

Addressing the hardship issue, Mr. Ladd said he does not have any off-street parking. It has created continual problems in terms of snow plowing because the town does plow this area

DANIEL W. LADD
65 Blueberry Hill Lane
04-40 Page 2

of Blueberry Hill Lane because it provides access to the conservation land. He pointed out the area on the street where he currently parks.

Mr. Ladd pointed out that he has moved the garage further back than that which was originally proposed. He emphasized that the plan shows the 10-foot setback is only on one side; most of the garage is further back. He cannot place it further back because it would be too close to the leaching field. It would then infringe on the side yard setback

Mr. Ladd said the garage will not have an impact on the neighborhood. He has spoken with his closest neighbor who has no objection to the plan. He also spoke with that neighbor

about adding some landscaping along the side so that during the winter the garage will not be as visible. It is already heavily wooded in that area.

Mr. Gossels felt this plan to be an improvement from the first one. However, he did not feel this driveway could fit a car and have it off the street.

After further review of the plan it was the consensus that the driveway and curb cut might be able to be repositioned and straightened which might then allow for cars to be parked without jutting out into the street.

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 Daniel W. Ladd, owner of property, a Variance from the provisions of Section 2600, Appendix B, of the Zoning Bylaws, to construct a 26X26 foot 2-story detached garage, which will result in a front yard setback deficiency of 30 feet \pm , property located at 65 Blueberry Hill Lane, Residential Zone A-1, provided that:

1. Adequate vegetative screening will be provided along the southerly side of the property line to minimize impact to the abutting property.
2. In order to provide more effective off-street parking, the driveway shall be repositioned as close to perpendicular to the face of the garage as permitted by the Department of Public Works.
3. The structure will be used for garaging of vehicles, storage and other similar uses. No habitable space will be allowed.

VOTED: In favor 4 (unanimous) Opposed: 0

REASONS: The petitioner requires a variance to construct a 2-story detached garage which will result in a front yard setback deficiency. Because there is no driveway or garage, vehicles must

DANIEL W. LADD
65 Blueberry Hill Lane
04-40 Page 3

be parked on the street which presents problems, particularly in the winter when the town plows the street.

The Board finds there to be special conditions relating to the soil conditions, shape and topography affecting the land or structure but not affecting generally the zoning district in which the land is located. The property slopes down to a conservation area and falls within the 100-foot wetland buffer and 200-foot river front setback and as such provides a limited amount of usable area.

A literal enforcement of the Bylaw would not allow for any construction resulting in a hardship to the applicant who requires the ability to provide a driveway and garage his vehicles in order to alleviate safety issues associated with having to park on the street. Further, the lot does not allow for any other means of off-street parking without violating wetland setback, riverfront setback, septic system setback or side yard setback.

The Board finds that with the granting of this variance there will be no substantial detriment to the public good. The property is surrounded by either town-owned or conservation area with the exception of one abutter along the southerly property line. That abutter has no objection to the variance and the petitioner has agreed to a condition to provide vegetative screening to insure there will be no impact.

In addition, the petitioner has also agreed to reposition the driveway, with the approval of the DPW, in order to provide more effective off-street parking.

For the above reasons, the Board finds that the granting of this Variance will not nullify or substantially derogate from the intent or purpose of the Bylaw. Further, the ability to park off the street will result in a safer environment for both the town and the homeowner.

Jonathan G. Gossels, Chairman

Jeffrey P. Klofft, Acting Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

VICTOR & DEBORAH BECK
14 Crystal Lake Drive
04-41

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, OCTOBER 19, 2004

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Richard L. Burpee, Alternate

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Mr. Gossels, 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.

Victor and Deborah Beck were present to represent a petition for a special permit to alter and enlarge a nonconforming structure by constructing a 6X9 foot porch which will result in a front yard setback deficiency of 14 feet 7 inches at 14 Crystal Lake Drive.

Mr. Beck explained that there is an existing porch and he would like to replace it with a slightly larger porch. A rendering of the porch was submitted with the application.

The Board reviewed the plans and the criteria for granting a special permit. General feeling was that this slightly larger porch would not have any impact and would enhance the appearance of the house.

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 Victor and Deborah Beck, 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 6X9 foot porch, which will result in a front yard setback deficiency of 14 feet 7 inches \pm , property located at 14 Crystal Lake Drive, Residential Zone A-1."

This Special Permit shall lapse if construction has not begun, except for good cause, within 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.

VICTOR & DEBORAH BECK
14 Crystal Lake Drive
04-41 Page 2

VOTED: In favor: 4 (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 to the neighborhood than the existing nonconforming structure. The Board further finds that the proposed construction will enhance the appearance of the existing structure and the resulting deficiency of a slightly larger porch will have no impact on the neighborhood which is comprised of similar homes with similar front yard deficiencies.

Jonathan G. Gossels, Chairman

Jeffrey P. Klofft, Acting Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

LORENZO C. & MARY LEE MAJNO
10 Hudson Road
04-42

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, OCTOBER 19, 2004

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Lorenzo Majno was present to represent a petition for a special permit to alter and enlarge a nonconforming structure by constructing a garage/workshop addition which will result in a side yard setback deficiency at 10 Hudson Road.

Mr. Majno explained that this application was originally submitted and approved by the Board on November 14, 2000 (Case 00-39). An extension was granted to December 17, 2002. Since that time Mr. Majno has now obtained financing and can now move forward.

Nothing has changed with regard to the nature of the construction or resulting changes. There has been a change in the design after working with the Historic Districts Commission, as this property falls within their jurisdiction. The intent is to make the addition appropriate to the area.

Mr. Gossels read a letter dated October 7, 2004 from the Trustees of the First Parish of Sudbury which notes approval of the plans.

Mr. Majno described the proposed addition from the plans submitted with the application. In response to a question from Mr. Klofft, Mr. Majno said there will be adequate turnaround area for parking.

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

After deliberation the following motion was placed and seconded:

LORENZO C. & MARY LEE MAJNO
10 Hudson Road
04-42 Page 2

MOTION: "To grant Lorenzo C. & Mary Lee Majno, 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 garage/workshop addition which will result in a side yard setback deficiency no greater than 15 feet ±, property located at 10 Hudson Road, Residential Zone A-1."

This Special Permit shall lapse if construction has not begun, except for good cause, within 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: 4 (unanimous) Opposed: 0

REASONS: The petitioner requires a special permit due to the nonconforming nature of the property. The Board previously granted a special permit in November 2000; however, that permit has expired and the petitioner has re-applied for another permit to construct. As was previously found, the Board finds that the proposed alteration, which will result in a side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. The petitioner has demonstrated that the addition will enhance and maintain the historic integrity of the existing structure. The petitioner's abutter (First Parish Church) is willing to sell a portion of their property in order that the addition may be constructed. Since the church building is at least 160 feet from the property line, a setback deficiency of no greater than 15 feet is appropriate in this case.

Jonathan G. Gossels, Chairman

Jeffrey P. Klofft, Acting Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

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Brett and Ellen Downer were present to represent a petition for special permit to conduct a Home Business, specifically the sale of "high-end" art and antiques at 225-227 Boston Post Road.

Mr. Downer said the property is currently a vacant lot and his is looking to build a home with an at-home antique business. The property is located to the immediate west of the temple.

Mr. Gossels said the property drops off and appears to be wet. Dominic Vingeano, owner of property, said there is an approved Order of Conditions on this property. The plan shows the wetland line, proposed house and parking location, and septic system area. The septic system has been approved by the Board of Health.

Russell Kirby, 244 Boston Post Road, abutter, said he had concerns and questions with regard to the proposed Home Business. He pointed out that the applicants do not currently reside in Sudbury and asked about the businesses which have previously been operated by them.

Mr. Downer said he moved to Wayland around 1987, and operated a home business there on Route 30. He then received a special permit and moved to Old Connecticut Path near the old Red Coach Grill, operating his business for approximately 8 years. He then moved to Wellesley where he had an auction business in a commercial location. This operation was closed last year and he hasn't been using the at-home property for business, only for storage, until he moves. When he moves, he will start up his business in the new location.

Mr. Kirby asked whether the business being contemplated in Sudbury was comparable to what was had in Wayland. Mr. Downer replied that it was not. In Wayland he had a smaller spot which was mostly by appointment only with some open hours. For this business he would plan to have open retail hours. The goal would be to be open 3 days a week, either 10AM-4PM or 11AM-4PM Wednesday, Friday and Saturday.

Mr. Kirby felt that where there is no structure on the property, it would be difficult to evaluate the proposal in terms of whether it would be in compliance with the Bylaw governing home businesses.

Mr. Downer said there are other antique shops in Sudbury which are at-home businesses and which have very large spaces which are being used.

As a former Planning Board member, Mr. Kirby wished to point out his belief that the conditions of this particular section of Route 20 do not lend itself to a retail operation. He said in addition to the grade, the site distance is extremely short and he has witnessed several accidents there. In addition, he felt any conforming sign would not be able to be seen by motorists traveling west noting that even now motorists use his driveway to turn around after missing the entrances to either the temple or the Patti Brothers complex. It was his opinion that the addition of this business would result in more motorists turning around on his driveway thus adversely impacting him.

Mr. Kirby questioned the ability to grant a special permit for an accessory use when the primary use does not exist. While he understood that Mr. Downer wanted some assurance before purchasing the property, at the very least he felt any special permit should list all the dimensional requirements stated in the Bylaws including accessory structures. He would also suggest any permit, if granted, become effective only after a residence is constructed on the property.

With regard to the line of sight, Mr. Downer said the plan was to try and get some of the trees cut along the road coming down from the hill. As far as the sign, Mr. Downer would have a small sign as required by the Bylaw. He said he is more of a destination spot rather than drop-in business.

Mr. Klofft said in addition to the trees, there is the crest at the hill coming east. Mr. Kirby said the posted speed is 30 mph and that is under dry conditions.

Mr. Klofft asked whether there is a curb cut there. Mr. Vingeano said there is a curb cut for a single-family house. Mr. Klofft said that is different from the proposal before the Board.

Mr. Vingeano said he has spoken with the State who will be coming out to look at the trees.

At Mr. Klofft's request, Mr. Gossels read the criteria for granting special permits. One criteria is that the use must be in harmony with the general intent and purpose of the Bylaw. Mr. Klofft felt this criteria meant this to be a secondary use. To him, based on the application and size and space proposed, it appeared to be a co-equal use at best. He felt uncomfortable with this since he felt the Bylaw clearly intended for the use to be incidental.

Michael Fee, was present as a member of the Board of Directors of B'nai Torah, immediate abutter to the east. He said the temple and congregation is not necessarily opposed to this proposed use; however, they do have some concerns, some of which have been articulated by Mr. Kirby.

One of those concerns is procedure in that Mr. Fee believed this application is premature. While someone other than the owner can submit an application, there must be some definitive connection to the land. He said in this case there is no Purchase & Sale Agreement or demonstration that the applicant has sufficient connection to be before the Board.

The second point is the use to which the temple is being put to currently. It is a religious institution in a residential zone and one which is in a growth mode. There are 225 families with 265 children in the religious school which operates 4-5 days a week. During those times there is a lot of activity in the temple parking lot, which is inadequate. Taking that factor and applying it to whether the proposed use will not be detrimental to the neighborhood in terms of traffic safety is of concern.

Mr. Downer said he can't purchase the land and then be denied. He said he has a verbal agreement and if the special permit is approved he would sign a P&S. Mr. Vingeano said if that was a concern of the Board, he was agreeable to a stipulation that the Downer's would have to be owners of the property before the special permit to operate could take effect.

With regard to traffic, Mr. Vingeano felt there would be more traffic generated from the Downer family than from the antique business. Mr. Downer estimated 2-15 customers per day from the business.

Mr. Klofft said he had issues with the sight lines in the area. Tree removal would mitigate it; however, the crest at the hill would still be there. He felt that while a home business could operate on this property, this plan – a home upstairs and store downstairs, did not meet the criteria and appears to be a dual use which was not intended by the Bylaw.

Mr. Gossels had concerns with regard to the safety issues. Further, he did not feel this was a good location for the proposed use.

Further discussion centered on traffic safety issues and the issue of whether the proposed use was incidental to the main use. Several members expressed their discomfiture with this particular proposal.

Given the input from the Board, Mr. Gossels said there would not be a unanimous vote in favor of the application. There were two options (1) to withdraw without prejudice or (2) to vote on the proposal with the knowledge that this application could not be brought before the Board for two years.

Mr. Vingeano requested the Board vote on the application.

The public hearing was then closed.

After deliberation the following motion was placed and seconded:

MOTION: "To grant Brett & Ellen Downer, applicants, a Special Permit under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically the sale of "high-end" art and antiques, property located at 225-227 Boston Post Road, Residential Zone A-1."

VOTED: In favor: 0 Opposed: 4 (unanimous) PETITION DENIED

REASONS: The petitioner requires a special permit to operate a "high-end" antique business as a Home Business. The property is currently a vacant lot and the proposed construction would consist of a home on the second floor and a retail business on the first floor.

The Board finds that that the proposed use would not be secondary to the primary purpose of a residential dwelling. Further, additional non-residential traffic would exacerbate existing hazardous traffic safety issues along this particular area along Boston Post Road.

For the above reasons, it is the determination of the Board the proposed use is not appropriate to the proposed location; that it would be detrimental to the neighborhood in terms of traffic safety and clearly, would not be in harmony with the general purpose and intent of the Bylaw.

Jonathan G. Gossels, Chairman

Jeffrey P. Klofft, Acting Clerk

Elizabeth A. Taylor

Richard L. Burpee, Alternate

CASE 04-44 – MARIA DIENHART, MD – 99 Pokonoket Avenue – rescheduled to
November 9, 2004