

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
WEDNESDAY, SEPTEMBER 22, 2004

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Thomas W.H. Phelps
Elizabeth A. Taylor
Jeffrey P. Klofft

Notice was published in the Sudbury Town Crier on September 2 and 9, 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.

Daniel Carbone was present to represent a petition for Special Permit to alter and enlarge a nonconforming structure by constructing a 2-story addition which will result in a front yard setback deficiency on Landham Road. The property is a corner lot with an address of 3 Russet Lane.

Mr. Carbone explained that they currently has 2 bedrooms upstairs and are expecting a second child this fall and therefore needed to expand. The 2-story addition will tie in with the existing first floor and provide additional bedroom space. The first floor enlargement will encroach on the front yard setback by 2 feet 8 inches while the second floor, which consists of an overhang, will encroach on the front yard setback by 1 foot 5 inches. A photograph of the existing house was submitted for the record.

The Board reviewed the plans which were submitted with the application. Mr. Klofft's concern was the potential for using the study as an additional bedroom space beyond five bedrooms. Mr. Carbone said that after discussions with Robert Leupold, Board of Health Director he agreed to file a deed restriction limiting the property to four bedrooms.

Further discussion followed on the details of the proposed addition and the addition which was done previously.

Dorothy Cabral, 9 Russet Lane, abutter, had no objection to the proposed addition.

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

After deliberation the following motion was placed and seconded:

MOTION: "To grant Daniel E. Silvia & Paula Jo Carbone, 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 addition which will result in a front yard setback deficiency of 2 feet 8 inches \pm on Landham Road, property located at 3 Russet Lane, Residential Zone A-1, subject to the following:

1. Prior to issuance of a Certificate of Occupancy, the applicant shall provide a copy of a duly recorded deed restriction limiting the premises to four bedrooms."

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: 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, 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 the proposed changes will enhance the appearance of the existing structure and the amount of deficiency which will result is minimal. In addition, the petitioner has agreed to place a deed restriction on the property limiting it to four bedrooms.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Thomas W.H. Phelps

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Jeffrey P. Klofft