

SUSAN LITOWITZ
199 Concord Road
05-21

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
TUESDAY, MAY 31, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Constantine Athanas, Alternate

The public hearing was reconvened by the Chairman, Mr. Gossels. The initial public hearing of April 28, 2005 was continued in order for the petitioners to supply plans on how rainwater from the proposed project would be handled on the property.

Susan Litowitz & Jon Hill were present and submitted a plan prepared by Rainwater Recovery Systems, LLC, Waltham, MA, titled "Provisional Layout Plan – Rainwater Harvesting System – 199 Concord Road, Sudbury, MA" dated May 28, 2005, consisting of 3 sheets.

Mr. Hill said the plan proposes adding a rainwater recovery system which collects water from downspouts storing it in an underground tank which is approximately 6,000 gallons and can hold almost three months worth of water. Spillover will go to a dry well. This system will be for the new addition and part of the kitchen area. Also submitted were calculations for estimated rainwater amounts which could be collected from the roof. These were elaborated on by the applicant.

Elizabeth Mecler, abutter, asked where the tank would be located. Mr. Hill pointed out the area on the plan which will be in front of the garden area. He then pointed out the location of the dry well to be used for spillover.

Mr. Gossels asked whether there would be a swale. He wanted to be sure that the changing of the slope would not allow surface runoff, either from frozen gutters or other means, to encroach on the neighbors.

Mr. Hill said he would be creating less of a slope because he will be putting in a tree line which will be bermed up slightly. There will be landscaping in that area as shown on the plan submitted with the application.

Further discussion centered on whether a berm, or a swale was necessary.

Mr. Richmond said the construction of this addition is going to displace ground which was going to displace water. He said the Board asked for engineering calculations to show how much water would be produced on the roof and how it would be diverted. He asked whether the plan and calculations resolved the concerns of the abutters.

Mr. Oram said he did not have a worry. Ms. Mecler was satisfied with the plan.

Mr. Gossels suggested that a request be made that during construction the Building Inspector measure that the addition is located according to the plans.

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

The following motion was placed and seconded:

MOTION: "To grant Susan Litowitz, owner 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 17X35 foot (815 s.f.) addition, which will result in a 7 foot \pm side yard setback deficiency, property located at 199 Concord Road, Residential Zone A-1, subject to the following:

1. The roof area of the addition is limited to the addition as shown on the plan submitted with the application, marked as Exhibit #1, which is incorporated and made a part of this Decision.
2. The roof drainage capture system will be installed as shown on plan dated May 28, 2005, titled "Provisional Layout Plan – Rainwater Harvesting System", prepared by Rainwater Recovery Systems, LLC, Waltham, MA, Sheets 1-3. Water will be discharged to a tank no smaller than 6,000 gallons with spillover to a dry well located lower on the property than the storage tank.
3. Plantings will be located as shown on the Planting Plan submitted with the application prepared by Dana Schock dated February 2, 2005, marked as Exhibit #2 which is incorporated and made a part of this Decision."

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 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 side yard setback deficiency, will not be substantially more detrimental to the neighborhood than the

existing nonconforming structure. The proposed construction is appropriate in scale and the setback deficiency will not cause a visual impact to the neighbors. The Board did express concerns with regard to potential impact in terms of water runoff from the proposed construction. As a result, the petitioners submitted an engineered rainwater recovery system plan to address the runoff alleviating the concerns expressed by the Board and two abutting neighbors. In addition, the planting plan which is made a condition of the decision will act as a barrier to any potential runoff.

Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Constantine Athanas, Alternate

LEONARD NOCE
36 Village Road
05-26

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MAY 31, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Constantine Athanas, Alternate

Notice was published in the Sudbury Town Crier on May 12 and 19, 2005, 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.

Leonard Noce was present to represent a petition for Special Permit to allow demolition of an existing residence and construction of a new residence which will exceed the area of the original nonconforming structure at 36 Village Road.

Mr. Noce explained that he originally had planned to add a second floor to the existing first floor, but the foundation didn't have the integrity to support a second floor. As a result he plans to construct the house on the same footprint holding to the same setbacks which are within current zoning requirements.

Mr. Gossels said the house to the right has had a large addition and that house is set further back from the street. He said generally when the Board receives applications where a single story house is being replaced with a 2 ½ story house, they prefer to see it pushed further back from the road than the initial small house. He asked whether Mr. Noce had considered this.

Mr. Noce said this house has a new septic system; he pointed out the location of the tank and leaching field. To move the house further back would probably require the tank to be relocated.

Understanding this, Mr. Gossels felt relocating the tank is not the same as redoing the whole field. His feeling was that the end result will be a house which is much taller and which will be there for a long time. For the price of relocating the tank he wouldn't want to have the house in the wrong place forever.

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36 Village Road
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In response to a question from Mr. Klofft as to how close the structure could be to the closest point of the field, Mr. Noce said the requirement is 10 feet to the tank and 25 feet to the field.

Mr. Gossels said if the house could be moved back 2 feet and the house squared to be parallel to the edge of the road, there would be a gain of 2 feet plus the rotation.

Mr. Richmond was not sure he would want to cause the inconvenience of moving the tank to gain just 2 feet.

Mr. Noce said the new house will have a drive-under garage and walkout basement. He described the contours of the land noting his preference was to have built a second story onto the first floor if the structural integrity had been there.

While understanding this, Mr. Gossels said the result will be a much taller house close to the road. He said in dealing with teardowns the Board has tried to address the impact on the neighborhoods in an attempt to minimize the looming impact caused by new 2-story houses with an added roof height, which he felt changes the character of the neighborhood.

Mr. Klofft said there are two large mature oak trees shown on the plan. He asked if Mr. Noce was planning to keep them.

Mr. Noce said they were close to the proposed house.

Ms. Taylor asked the distance of the new house to the street.

Mr. Noce said it was 45 feet.

Mr. Gossels asked if Mr. Noce could rotate the new house pulling back the furthest point so it is more parallel to the street.

Mr. Noce was not sure this could be done.

Working from the Septage Disposal Plan submitted with the application, several scenarios were discussed, taking into account the design of the house, the location of the septic system and the contours of the land.

There was general agreement between the Board and Mr. Noce that the house could be pivoted to be more parallel to the street and moved back as close as practical to the 25 foot requirement from the leaching field. Mr. Noce felt the walkout basement and under-garage could still work. He said he would prefer not to have to move the septic tank; however, with a walkout basement he could be as close as 5 feet from the tank.

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36 Village Road
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Mr. Gossels felt this would achieve, as much as possible, the Board's desire for these reconstructions to be located further back on the property. He added that he found the architectural plans to be appropriate in terms of style and scale – his only intent was to prevent a looming impact on the neighborhood.

There were no further questions from the Board. No abutters were present.

Mr. Noce noted the hearing notice was advertised as a not to exceed 2,512 s.f. He asked if that could be increased by 300 s.f. to allow for the ability to finish the basement area.

Mr. Gossels said Town Counsel had ruled on a previous case that since the footprint was not changing, the change in square footage is not material. The Board was in agreement to allow for the ability to add that additional living space.

The hearing was closed:

The following motion was placed and seconded:

MOTION: “To grant Leonard Noce, 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 with the living space above ground level not to exceed 2,512 s.f., which will exceed the area of the original nonconforming structure, said residence to be placed as close to 25 feet to the leach field and squared so as to be as parallel to the street as is practical, property located at 36 Village 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.

Construction must be completed no later than one year after commencement.

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

REASONS: The petitioner requires a Special Permit because of the nonconforming nature of the property. The Board finds that the proposed construction, which will result in a side yard setback deficiency, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The proposed new house will be appropriate in scale and design. Further, aware of the Board’s concern that replacement of single story houses with 2-story houses tends to cause a looming effect along the streetscape, the petitioner has agreed to move the house further back and rotate it so that it is more parallel to the street. The Board finds that this realignment will result in a more aesthetic streetscape which will not be detrimental and will enhance the neighborhood.

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Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Constantine Athanas, Alternate

SEAN & KARI WHITE
27 Spring Street
05-27

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MAY 31, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Constantine Athanas, Alternate

Notice was published in the Sudbury Town Crier on May 12 and 19, 2005, 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.

Sean and Kari White were present to represent a petition for Special Permit to allow demolition of an existing residence and construction of a new residence on a nonconforming lot which is larger than the original nonconforming structure at 27 Spring Street.

Mr. White explained that the new house will make the lot more conforming because the existing house encroaches on a side setback and the new house would be centered on the lot and would conform to the current setback requirements.

Mr. Gossels said this neighborhood is relatively homogeneous with houses that are approximately the same size. He said this will be a very large house on this particular lot and will be relatively close to the road. He reiterated the Board's concerns expressed for the previous petition that when a single story house is being replaced with a 2 ½ story house, the preference is to see it pushed further back from the road than the initial small house because of the potential for the larger house to loom over the road ultimately affecting the character of the neighborhood.

Mr. White said he took some pictures of the neighborhood and there are houses similar to what he was proposing. He said the neighborhood has many different styles of houses.

Mr. Gossels asked whether the petitioners considered the house immediately to the left which is a relatively large cape but, because of the way the roof line is, it has the effect of not looming over the street.

SEAN & KARI WHITE
27 Spring Street
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Mr. White said the problem is that the square footage inside reduces the floor area. He said they are looking for a 3-bedroom house.

Mr. Gossels pointed out that the lot is relatively deep. He asked whether the house could be located further back.

Mr. White said there were some grading issues and the septic system is located in the rear. In addition, the new house doesn't show the bulkhead at the back of the house.

Mr. Gossels asked why, at a minimum, the new house couldn't back up to where the existing house is now.

Mr. White said he would then have the issue of the bulkhead backing up too close to the septic tank.

Mr. Gossels felt the bulkhead could be placed in another area since the house hasn't been built yet. He asked why the bulkhead had to go in that particular location.

Mr. White pointed out the kitchen area where there are sliding glass doors and the bulkhead would interfere with those doors. In response to whether the bulkhead could be placed at the side, he said he would then be encroaching on that setback.

Mr. Klofft wasn't sure the bulkhead counted with regard to setback since it's an add-on. He said if the bulkhead wasn't there, theoretically there would be a set of concrete steps going down to a door that would be within the foundation.

Mr. White said he would be agreeable to moving it if that were the case.

Mr. Gossels said at a minimum he would not want to see the new house closer than the existing one. He said the Whites are going from a low house to a tall house.

Mr. Athanas added that the only improvement is a slight shift on the left hand side setback; otherwise the house is closer to the street, and it is higher.

Further discussion followed on the location of the new house and whether relocating the septic tank would be a feasible option. Mr. White had concerns regarding the grading of the yard which would have to be lowered.

The consensus of the Board was that the new house would be an improvement over the existing house, but the location was closer and not an improvement. Mr. Klofft agreed. Ms. Taylor also agreed, especially with the style of the garage being in front of the house. She said there is really not enough space to put it to the side and get a driveway in also. She could

SEAN & KARI WHITE

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understand the placement of the garage in front but would like to see it put back as far as possible.

Mr. Klofft asked whether the garage would be parallel to the front of the house.

Mr. White said it protrudes out to the front.

Mr. Klofft asked whether from a design point that whole portion of the garage could be shifted back.

Mr. White said it would be easier to pull the house back. To change the garage would change the floor plan of the house. He said the kitchen lines up with the family room. If he could bring the house back and deal with the bulkhead and septic system, he felt it might be possible to do.

Further discussion followed on how far the house should be set back from the street.

Mr. Richmond said the setback set by the Building Department is 40 feet; he asked why the Board would push for a 60-foot setback.

Mr. Gossels said this is a very narrow nonconforming lot. Mr. Klofft added that even given the narrowness of the lot, to build a number of houses on a series of narrow lots with those houses at the minimum frontage limit is unacceptable.

Mr. Richmond said he understood the Board's concerns but would recommend pushing the house back 10-12 feet so that instead of being 40 feet from the front, it would be 50-52 feet.

Mr. Gossels said he would be comfortable with Mr. Richmond's recommendation.

Because of the location of the septic tank, the Board felt a specific figure could not be used. Mr. Richmond suggested approval with a condition that the house be moved back so that the rear of the house is within 10 feet of the septic system.

Mr. White said this still leaves the bulkhead; he did not know the requirements.

Mr. Gossels said many houses are being built which don't have bulkheads. They have stairs that go up to the garage. He said there are other alternatives.

The standard Demolition Guidelines conditions were then reviewed with the petitioners who had no problems with any of them.

SEAN & KARI WHITE
27 Spring Street
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There were no further questions from the Board. No abutters were present. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Sean & Kari White, owners 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 2,460 s.f., which will exceed the area of the original nonconforming structure, said residence to conform to all zoning setback requirements, property located at 27 Spring Street, Residential Zone A-1, subject to the following:

1. The new house shall be constructed in accordance with the Certified Plot Plan dated March 30, 2005, prepared by Acton Survey & Engineering, Inc., Acton, MA, except that the proposed house as shown on the plan will be moved back to within approximately 10 feet of the septic tank.
2. 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.
3. Construction must be completed no later than one year after commencement."

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

REASONS: The petitioners require a Special Permit because of the nonconforming nature of the property. The Board finds that the proposed construction, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The petitioners are agreeable to moving the new house further back to avoid a looming effect as a result of the larger, taller structure. The new house is similar in style to some of the other homes in the neighborhood. It will be a visual improvement over the existing house and an enhancement to the neighborhood. The Board notes that no abutters were present to oppose this petition.

SEAN & KARI WHITE
27 Spring Street
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Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Constantine Athanas

HEATHER CLEMENT
882 Boston Post Road
05-24

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, May 31, 2005

The Board consisted of:

Jonathan G. Gossels, Chairman
Stephen M. Richmond, Clerk
Elizabeth A. Taylor
Jeffrey P. Klofft
Constantine Athanas, Alternate

Notice was published in the Sudbury Town Crier on April 7 and 14, 2005, posted, mailed and read at the hearing. This hearing, originally scheduled for April 26, 2005, was continued to May 31, 2005 at the request of the petitioner in a letter dated April 25, 2005. No testimony was taken on April 26th.

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.

For the record, the Board was in receipt of the following letters:

- from Susan Carlson dated May 31, 2005 which includes a petition from several abutters in opposition to this petition

- from Sara Page Mayo dated April 25, 2005 in opposition to this petition

Attorney Michael Fee, was present representing Richard & Heather Clement, also present, for a special permit to operate a kennel at 882 Boston Post Road. Mr. Fee explained that the state requires all operations that house more than four dogs to obtain a kennel license. Sudbury's General Bylaw requires that before the Town Clerk can issue any license, the Board of Appeals must first issue a Special Permit.

Mr. Fee said the applicant desires to operate a business. Currently she's been informally operating an animal boarding facility since November 2004 and now desires to make it a more formal operation.

The property is comprised of 5.4 acres located within the Wayside Inn Historic Preservation District.

HEATHER CLEMENT
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From photographs taken in March and May, which were also submitted with the application, Mr. Fee oriented the Board on the location of the property, the surrounding area, and described the physical environment where the dogs would be contained. He pointed out the area where the dogs are primarily housed when outside. There is also a fence at the back of the property line and a large vegetated buffer. In March, the Mayo house is visible – in May it is not.

Also shown was a view of the enclosed 30X30 foot paddock and a shed looking towards the Carlson property which gives a sense of the distance of the shed from the Carlson house. The shed is barely visible in March – in May it is not.

With regard to the business, Mr. Fee said it is incorporated and carries the appropriate insurance. There is a strict policy on the types of dogs which are accepted. The Clements identify whether the dog will be a barker or not. If a dog is particularly unruly, with the owner's consent, a barker collar will be utilized to quiet the dog. Dogs which exhibit that type of behavior are not invited back.

Mr. Fee said on average the Clements are proposing 4-6 dogs a day. Sometimes on a heavy day there are would be 10 dogs and because of the way the license is structured they would like to have permission to have in excess of 11 dogs. The General Bylaw defines uses of between 4 & 8, 8 & 10, and then 11+ with different levels of fees for the license. During holidays and school vacations sometimes it is possible there could be more, and 11+ would provide flexibility.

In terms of the criteria for granting a special permit, Mr. Fee felt this use would be consistent with the way the neighborhood has been utilized for a long time. The Wayside Inn district and this house in particular have been used for livestock for several years. The structures that are in place, the barn, paddocks and the sheds all have been used historically to house livestock. It is Ms. Clement's intent not to change any of those structures but to use the existing facilities.

Mr. Fee felt there would be no detrimental impact on the neighborhood because there are sufficient internal procedures to insure a low likelihood that these animals would cause a nuisance to the neighbors. Given the size of the parcel and its relation to other parcels in the neighborhood, in the unlikelihood that there was inordinate noise, there is a sufficient buffer zone between the operation and the neighbors so that it would be mitigated. He said most important, from a zoning perspective, is the fact that there is an additional layer of regulation. Should the Board grant the special permit with conditions, the Clements then would have to go to the Town Clerk to get the license. That license would be subject to monitoring by the Animal Control Officer.

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Addressing the issue of traffic, Mr. Fee said there is a 400-foot circular driveway that comes right off Boston Post Road up to the house which provides the ability to access or leave the property, east or west on Boston Post Road.

In response to several questions from the Board, Ms. Clement Said at this time she has one dog of her own. At this time she is boarding 2 dogs. She has been operating since November by word of mouth and the maximum number of dogs on the premises at one time was 17, which was during the April vacation break, and during that time she hired someone full time to help. She anticipated the largest volume of dogs would be during vacation periods. While her day business hasn't built up as much as she would like, vacation periods have had good results.

Mr. Richmond asked if there have been any complaints about the operation. Ms. Clement said there have not.

In response to a question regarding waste disposal, Ms. Clement says she scoops it and puts it into a compost pile and pointed out the location on the map.

Mr. Gossels said the Board received a letter dated May 31, 2005 from the neighbors which included a petition in opposition to this permit. Ms. Clement said she had not seen the letter

Ms. Clement said a typical day would involve feeding the dogs individually between 6:30-7AM when they are inside. Outside time depends upon the dog and the weather. Some dogs don't do well outside in cold weather, others do. She said she brings the dogs out and does supervised playtime outside – brings them in – and gives them downtime. They get a lot of exercise which is the difference from being in a kennel. She said the dogs are part of the house. If the family is watching TV night the dogs will be with them.

Ms. Clement said in April they added a barn onto the house so that during April break a lot of the dogs were out in the barn as well. However, she said she also has a dog room behind her kitchen.

Mr. Athanas asked whether the dogs are brought outside all together.

Ms. Clement said she brings the big dogs out together and then later on the little ones.

Gary Young, 6 Bigelow Drive, abutter asked who would manage the kennel.

Ms. Clement said she would be the manager. Although she works at the Wayside Inn, she works on Tuesday evenings from 5PM to close. During those hours either her husband or her friend will manage the kennel.

HEATHER CLEMENT
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Mr. Young asked what the size of the kennel area was. Ms. Clement said it is approximately 3,000 s.f. which is fenced in.

Mr. Young asked that the residents be allowed to address Condition 4 of the Special Permit criteria which states that the Board must find that the use not be detrimental or offensive to adjoining districts.

Mr. Athanas asked whether Mr. Young has been bothered by kennel operation since November.

Mr. Young said he has not, but has noticed that there are dogs there and also that there have been dogs running around in front and not contained in the fenced-in area out back.

Mr. Gossels asked Ms. Clement to address this. She responded by saying that no dogs are allowed up front except for her dog which has an invisible fence. If another dog has been

seen, it may have been a friend's dog when those friends have come to visit from Lunenburg. She said she doesn't let the other dogs up front – they are only out back.

Mr. Young said the speed limit on Boston Post Road in that area is 40-45 mph and it is very congested at 7-9AM in the morning and also from 4-7PM. He had concerns with regard to entering and exiting the property. Additionally he had concerns with regard to waste and runoff to the wells behind this property.

William Schirmer, 850 Boston Post Road also had safety issues noting that approximately four weeks ago 2 dogs were loose on Boston Post Road. While he said it could be purely coincidence that these dogs were from somewhere else and were taking a walk down Boston Post Road and came through his property out onto the road, this could present a problem with this operation.

Mr. Schirmer said he was surprised to hear that the number of dogs requested to be allowed is so large and voiced concern that with 11+ dogs the operation could escalate.

Mr. Gossels said that if a permit is granted he would expect a limit to be set. Other members indicated their agreement.

Mr. Schirmer said he could not equate 17 dogs with a history of animals being on this property. In addition, looking at waste and other noise factors – where the waste would be placed and thinking about the neighbors in the back, he said there is a lot of wetland right around that area and he was not sure where all that would be going. He asked what other animals are on the property.

HEATHER CLEMENT
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Ms. Clement said she has 5 goats which are kept in a large paddock off to the other side in the shed area. The goats go inside the shed at night.

Mr. Klofft asked Mr. Schirmer whether he had been bothered by dogs barking.

Mr. Schirmer said the season during which Ms. Clement was experimenting with having the dogs there tended to be through the winter months and from time to time he might hear the equivalent of maybe one of their dogs barking. From Ms. Clement's description he still doesn't have a sense of how much time out of an 8 hour day the dogs are outside. He said that can make a tremendous difference.

In response to Mr. Gossels request to elaborate on this, Ms. Clement said it depends upon the season. In cold weather they're in more and outside more in the warm weather. In good weather they would probably be outside 2/3rds of the time.

Mr. Gossels felt that if barking was going to be a problem the neighbors would be experiencing it right now.

Ms. Clement agreed and said they would be experiencing it right now. She had 3 out there today.

Mr. Gossels asked how many dogs have been on the property during the last 3-4 weeks.

Ms. Clement said she has had very few dogs during that period. She agreed to show her schedule.

Susan Carlson, 7 Garrison House Lane, abutter asked why the delay in applying for a special permit.

Ms. Clement said she was looking for a job and wanted to be home with her children. She said she loves animals and felt the great property lends itself nicely to this use. Subsequently, she brought the idea up at her book group and it started from there. She has since serviced 60 families in Sudbury alone, obtained an LLC, increased her homeowners insurance and applied for a kennel license.

Ms. Carlson said the barking has been a major nuisance for several years although she never said anything to the Clements. She said every time she leaves her home, the dogs are barking constantly.

As a point of clarification, Mr. Gossels asked how long Ms. Clement has had dogs on the premises that weren't her own. Ms. Clement replied "6 months."

HEATHER CLEMENT
882 Boston Post Road
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Ms. Carlson said apparently there have been 17 dogs there, and there has been a very concerted effort, recently, to be sure that there's no barking. But it has been way out of control for the past 3 years.

Ms. Clement said in the past she had a dog of her own which was placed with another family because he was killing their chickens and rabbits, but she wouldn't call him a big barker. The chickens and rabbits are gone now.

In response to a further questions from Ms. Carlson, Mr. Gossels said this petition will primarily be decided on the fourth point in the special permit criteria – the impact on the adjacent properties and the nuisance issue.

Ms. Carlson voiced concern that this area is very fragile. In addition, she said the residents in this area have cooperated with the Sudbury Valley Trustees to acquire property in

this area to be placed in conservation, specifically passive conservation for the encouragement of wildlife. She said this use is inconsistent with the encouragement of wildlife.

Ms. Carlson also voiced concern that the waste runoff could impact the wells in the area. Mr. Gossels said this was articulated in her letter to the Board which is part of the record. He said there is a very real open issue of where the dog waste is being put and where it is running off.

Paula Adelson – Assistant Dog Officer/Animal Control Officer/Animal Inspector reported she was out to Ms. Clement’s home in September/October 2004 for a state barn inspection which is done every year. The goats were on the premises. Ms. Adelson had no knowledge of the dog operation. She said not only was there no license, it was without knowledge of the dog officers in town.

Ms. Adelson said this area is populated by coyotes, foxes and fisher cats. She would be very concerned with that many dogs being outside without someone being there. She was more concerned that this has been operating since November and the dog officers don’t know anything about it plus the fact that they have no knowledge of where these dogs came from. She said those were her concerns – it has nothing to do with being for or against a kennel license at this point.

Based on what has transpired at this hearing, Mr. Gossels asked Ms. Adelson for her impression.

Ms. Adelson said she would like to visit the area first to be sure there is enough room for all of these dogs to be around – either inside or outside. She would not want to negatively influence against a business not having seen the situation. She did feel, however, that 17 dogs is a lot.

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Mr. Gossels asked how many might be considered reasonable. Ms. Adelson said she would say 8-10, but would first like to see the actual area.

Ms. Adelson was agreeable to Mr. Gossels’ request to conduct a site visit and report back to the Board.

Mr. Gossels suggested this hearing be continued in order to obtain the necessary input.

Mr. Fee said it is not Ms. Clement’s intention to put something in this neighborhood that will be offensive to the neighbors. He said both he and Ms. Clement desire to work closely with the Board to be sure everybody’s concerns are addressed.

Mr. Gossels said the Board will want to hear plans for handling of waste disposal, runoff and impact on drinking water.

Ms. Adelson suggested Mr. Fee contact the Board of Health as well.

The hearing was continued to July 12, 7:30PM, Fairbank Senior Center.

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Jonathan G. Gossels, Chairman

Stephen M. Richmond, Clerk

Elizabeth A. Taylor

Jeffrey P. Klofft

Constantine Athanas, Alternate