

Case 06-22A – Carol Abbot, 27 Demarco Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, SEPTEMBER 12, 2006

The Board consisted of:

Jeffrey P. Klofft, Acting Chairman
Constantine Athanas, Acting Clerk
Jonathan G. Gossels
Elizabeth A. Taylor
Jonas D.L. McCray, Associate

Notice was published in the Sudbury Town Crier on August 24 and 31, 2006, posted, mailed and read at this hearing.

Mr. Klofft, Acting 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.

Carol Abbot, applicant, and Paul Fiore, architect, were present to request an amendment to Special Permit 06-45 granted by the Board on April 11, 2006.

Mr. Fiore explained that the original plans were based on a plot plan provided by the owner which was found to be in error after the special permit was granted and the property was surveyed for the proposed construction.

The new plan, prepared by Snelling & Hamel Associates, Inc., Lincoln, MA, indicates additional setback relief is required. Previously, the Board had granted a 14'7" setback deficiency on Drum Lane. The correct setback relief should have been 16'8" on Drum Lane and 1'8" on Demarco Road. The design will remain as originally proposed.

Mr. Gossels said this property is tucked in at the end of the road and the design is relatively modest. He saw no detriment in granting this additional relief which he felt to be minimal. The Board agreed.

There were no further comments. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To amend Special Permit 06-22 to allow an increase in the front yard setback deficiency on Drum Lane, from 14 feet 7 inches \pm to 16 feet 8 inches \pm , and to allow the creation of an additional front yard setback deficiency of 1 foot 8 inches \pm on Demarco Road."

This Special Permit shall lapse if construction has not begun, except for good cause, within 12 months following the filing of this Special Permit amendment.

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

REASONS: The Board finds that the relief requested is minimal and that the reasons stated for the granting of the original permit still apply.

Jeffrey P. Klofft, Acting Chairman

Constantine Athanas, Acting Clerk

Jonathan G. Gossels

Elizabeth A. Taylor

Jonas D.L. McCray, Associate

Case 06-38
D.L. McCray, Associate

Case 06-45
Celia Hinrichs – 169 Powers Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, SEPTEMBER 12, 2006

The Board consisted of:

Jeffrey P. Klofft, Acting Chairman
Constantine Athanas, Acting Clerk
Jonathan G. Gossels
Elizabeth A. Taylor
Jonas D.L. McCray, Associate

Notice was published in the Sudbury Town Crier on August 24 and 31, 2006, posted, mailed and read at this hearing.

Mr. Klofft, Acting 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.

Celia Hinrichs was present to represent a petition for renewal of Special Permit 03-45 to conduct a part-time optometry practice from her home at 169 Powers Road. Ms. Hinrichs has been conducting her practice since 1996 and there have been no complaints from the neighbors. She submitted a note from Craig and Luess Lizotte, 161 Powers Road, who are new neighbors and fully support renewal. No changes to the existing permit were requested.

Mr. Gossels commented that in light of the fact that no complaints have ever been received for this operation, he would recommend a longer renewal period.

There were no questions from the Board. No abutters were present. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Celia Hinrichs, owner of property, renewal of Special Permit 03-45, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically an optometry practice, property located at 169 Powers Road, Residential Zone A-1, provided that:

1. Hours of operation shall be Tuesday through Thursday, from 9AM to 5PM.
2. A maximum of five patients per day will be allowed.
3. No exterior indication of the Home Business, other than a sign in conformance with the Zoning Bylaws will be permitted. No display of commercial flags is allowed.
4. All parking will be off-street.
5. This permit is non transferable and will expire in five years on September 12, 2011, and the Board will consider renewal upon receipt of proper application on or before that date."

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

REASONS: The petitioner seeks renewal of a special permit to conduct an optometry practice in her home. This operation has existed since 1996. The Board finds that the use is in harmony with the general purpose and intent of the Bylaw, is in an appropriate location, not detrimental to the neighborhood, and does not by its presence significantly alter the character of the zoning district. Adequate and appropriate facilities are provided for proper operation. Since there have been no complaints with regard to this operation and no abutters were present to oppose renewal, the Board finds a five-year renewal period to be appropriate in this case.

Jeffrey P. Klofft, Acting Chairman

Constantine Athanas, Acting Clerk

Jonathan G. Gossels

Elizabeth A. Taylor

Jonas D.L. McCray, Associate

Case 06-46

No Limits Enterprises d/b/a Velocity Sports – 31 Union Avenue
MINUTES OF THE PUBLIC
HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, SEPTEMBER 12, 2006

The Board consisted of:

Jeffrey P. Klofft, Acting Chairman
Constantine Athanas, Acting Clerk
Jonathan G. Gossels
Elizabeth A. Taylor
Jonas D.L. McCray, Associate

Notice was published in the Sudbury town Crier on August 24 and 31, 2006, posted, mailed and read at this hearing.

Mr. Klofft, Acting 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.

Ron Gilfix was present to represent a petition for renewal of Special Permit 04-31 to allow an indoor commercial recreation activity at 31 Union Avenue. Mr. Gilfix explained that the business has been in operation for three years. There have been no problems associated with this business in terms of complaints or traffic issues.

Mr. Gossels noted that this operation has become an accepted part of the community and he would recommend a longer renewal period.

There were no further comments. The hearing was closed.

The following motion was placed and seconded:

MOTION: “To grant No Limits Enterprises d/b/a Velocity Sports, applicant, renewal of Special Permit 04-31, granted under the provisions of Section 2230,A,C,Use 22, to allow an indoor commercial recreation activity, property located at 31 Union Avenue, Limited Industrial District #2, subject to the following:

1. This permit is non-transferable and will expire in four years on September 12, 2010, and the Board will consider renewal upon receipt of proper application on or before that date.”

VOTED: In favor (5) unanimous Opposed: 0

REASONS: The petitioner requires a Special Permit to operate a recreational facility within a Limited Industrial District. This facility has been in operation for three years. The facility is surrounded by other commercial activities, including another recreational facility and is therefore considered to be in an appropriate location which does not alter the character of the zoning district. Adequate and appropriate facilities have been provided for proper operation. There is ample parking and adequate traffic circulation to ensure safe vehicular movement throughout the parking area. Since the facility operates at off-peak hours from the surrounding commercial activity, the Board anticipates no traffic congestion in the area. Further, since there have been no problems associated with this operation, the Board finds a four-year renewal period to be appropriate.

Jeffrey P. Klofft, Acting Chairman

Constantine Athanas, Acting Clerk

Jonathan G. Gossels

Elizabeth A. Taylor

Jonas D.L. McCray, Associate

