

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
MAY 15, 2007

The Board consisted of:

Jeffrey P. Klofft, Chairman
Elizabeth A. Taylor, Clerk
Nancy G. Rubenstein
Stephen A. Garanin, Associate
Benjamin D. Stevenson, Associate

Notice was published in the Sudbury Town Crier on April 26 & May 3, 2007, posted, mailed and read at this hearing.

Mr. Klofft, 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 Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Bruce Quirk was present to represent a petition for renewal of Special Permit 04-13 to operate a Home Business, specifically the sale of antiques, used furniture and accessories in a building at the rear of the house at 236 Concord Road. The business has been in operation since 1986. It is low impact and there is adequate off-street parking. Mr. Quirk was requesting renewal under the same conditions but with a longer renewal period. He has not received any complaints with regard to the business.

The Board had no questions with regard to this business. No abutters were present. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Bruce T. and Eugenia L. Quirk, owners of property, renewal of Special Permit 04-13, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically the sale of antiques, used furniture and accessories in a building at the rear of the house, property located at 236 Concord Road, Residential Zone A-1, provided that:

1. A sign, not to exceed two square feet, in conformance with the Bylaw, will be allowed, said sign subject to approval by the Historic Districts Commission.

2. No exterior indication/display of such use or variation from the residential character (other than the sign) shall be allowed.
3. Hours of operation shall be 10:30AM-5PM, Monday through Saturday.
4. Only one (1) non-family member shall be employed.
5. The sale of antiques shall be confined to the rear portion of the barn.
6. No overnight parking of commercial vehicles in connection with this home business will be allowed.
7. No parking will be allowed on Antique Circle (or on a common driveway) or on Concord Road.
8. This permit is non-transferable and will expire in five (5) years on May 15, 2012, 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 antique business which has been in operation at this location since 1986. The Board finds the use to be in harmony with the general purpose and intent of the Bylaw. It is in an appropriate location, not detrimental to the neighborhood and does not by its existence alter the character of the zoning district. Adequate and appropriate facilities have been provided for proper operation and the use does not cause traffic congestion in the area. No abutters were present to oppose renewal. The Board finds a five-year renewal period to be appropriate.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garanin, Associate

Benjamin D. Stevenson, Associate

NORMAN FREEMAN
10 Dudley Road
Case 07-35

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
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Lisa Freeman was present, representing Norman Freeman, applicant, in a petition for renewal of Special Permit 06-18 to operate a hairdressing studio at 10 Dudley Road. She said the business has been in operation for approximately one year. It is going well and there have been no problems associated with the business.

Ms. Taylor asked how many clients are seen at the studio during the week. Ms. Freeman was not sure of the number but said Mr. Freeman usually works only three days during the week.

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

The following motion was placed and seconded:

MOTION: To grant Norman Freeman, owner of property, renewal of Special Permit 06-18, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically a hairdressing studio, property located at 10 Dudley Road, Residential Zone A-1, subject to the following:

1. Hours of operation will be Monday-Friday, 8AM-6PM, with two days allowed for extended hours to 9PM, Saturday, 10AM-5PM, and occasional hours only on Sunday.
2. All parking will be located in the driveway on the property. No on-street parking will be allowed.
3. No more than two client vehicles will be parked on the premises at any one time.
4. No more than one employee, other than the residents of the premises, will be allowed.
5. Any sign identifying the operation must comply with Section 3200 of the Sign Bylaw.
6. No more than forty (40) clients per week, associated with this business will be allowed.

7. All waste materials from this business will drain into a tight tank which is separate from the home septic system. The tank will be emptied when full and in any event at least every two years.
8. This permit is non-transferable and will expire in two (2) years on May 15, 2009, 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 a special permit for renewal of a hairdressing studio on the premises. The business has been in operation for approximately one year and there have been no complaints from the neighbors. Renewal is being sought under the same conditions as the original permit.

The Board finds that the proposed operation satisfies the requirement for a Special Permit Home Business. It is in an appropriate location and does not exhibit any exterior indication its presence. Adequate and appropriate facilities have been provided for proper operation. Specifically, there is adequate off-street parking and a tight tank, separate from the primary septic system, will be used for storage of waste materials prior to disposal in accordance with applicable regulations.

No abutters were present to oppose renewal. Therefore, the Board finds a 2-year renewable period to be appropriate for this case.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garanin, Associate

Benjamin D. Stevenson, Associate

Case 07-36 – Sudbury Auto Care Center – 80 Union Avenue

Since the applicant was not present at the hearing, this case was continued to June 19, 2007.

COULSON/SUTHERLAND
4 Louis Avenue
Case 07-37

MINUTES OF THE PUBLIC HEARING
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Simon Coulson, Coulson Property Development, applicant, and Sharon Sutherland, owner of property, were 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 residence at 4 Louis Avenue.

Mr. Coulson explained that on July 18, 2006 Board had granted approval to the Sutherlands to construct a 2612 s.f. residence with front yard deficiencies on Louis Avenue and Butler Road. The Sutherlands had originally intended to live in the new house, but have now decided to move; hence the new application.

This application proposes to construct a 2600 s.f. 2-story dwelling. Referring to the plot plan submitted with the application, Mr. Coulson pointed out that this new proposal moves the house further back on the lot resulting in conformance with all setback requirements.

Since there are wetlands on the property, a Notice of Intent was filed with the Conservation Commission and a meeting was held April 23, 2007. The Commission gave approval for the project to move forward.

The house plans submitted with the application show a 4-bedroom or 3-bedroom with optional sitting room. Mr. Coulson said it is proposed to construct the 3-bedroom with optional sitting room. The current septic system allows a 3-bedroom house and would have to be upgraded for a 4-bedroom house.

The Board reviewed the plans submitted with the application and asked several questions for clarification purposes.

Lauza Richard, 78 Butler Road and Estelle Sweet, 5 Louis Avenue, abutters both supported this application. No other abutters were present.

The public hearing was closed and the following motion was made:

MOTION: "To grant Coulson Property Development, LLC, applicant, Daniel & Sharon Sutherland, owners of property, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow demolition of an existing residence and construction of a new residence not to exceed 2,600 s.f., consisting of 3-bedrooms with optional sitting room, which will exceed the area of the original nonconforming structure, said residence to conform to all setback requirements and to be constructed in the location as shown on the plan titled Proposed Plot Plan dated March 29, 2007 prepared by Zanca Land Surveying, Stow, MA, which is incorporated and made a part of this decision, property located at 4 Louis Avenue, Residential Zone A-1."

1. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (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.
2. 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 due to the nonconforming nature of the property. The Board finds that the proposed reconstruction will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing one-story house will be replaced with a 2-story structure, the proposed design will be compatible with the neighborhood, and the location is consistent with the Board's Guidelines for Demolitions and Reconstructions. The Board notes that two abutters were present at the hearing in support of this petition.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garanin, Associate

Benjamin D. Stevenson, Associate

JOHN & KRISTIN OLEKSY
19 DeMarco Road
Case 07-38

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
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Elizabeth A. Taylor, Clerk
Nancy G. Rubenstein
Stephen A. Garanin, Associate
Benjamin D. Stevenson, Associate

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Mr. Klofft, 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 Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

John & Kristin Oleksy, owners of property, were present to represent a petition for Special Permit to construct a garage/workshop and family room addition which will result in side yard and front yard setback deficiencies. The property is nonconforming in area and frontage.

Mr. Oleksy explained that there is no basement or garage there now and the only feasible location is as shown on the plan. Any other location would interfere with the septic system or require large trees to be removed. He said he has spoken with his neighbors and none had any concerns.

Discussion followed on the design plan. Some Board members expressed concern that locating the addition on the end of the house might result in the house and garage appearing overly wide. A suggestion was made that perhaps some landscaping might help to mitigate this effect.

Mr. Garanin asked whether the garage could be pushed further back to eliminate the front yard setback. Mr. Oleksy said the back of the garage would then aesthetically be too close to the pool.

Mr. Stevenson voiced concern not just for the width but the 48-foot length which would create a new visual impact for the neighbor on that side. He asked whether any consideration had been given to shortening the length.

Mr. Oleksy said the addition would only add 5 feet in the front and 6 ½ feet to the rear over the size of the existing house. Further, the location of the abutting house is 49.6 feet from his property line.

Further discussion followed on the plans with the general consensus being that some type of screening should be provided as a buffer to the adjacent abutter.

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

The following motion was placed and seconded:

MOTION: "To grant John & Kristin Oleksy, 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 23.7X48 foot garage/workshop, family room addition, which will result in a side yard setback deficiency of 5'7"± and a front yard setback deficiency of 2'6"±, as shown on the plan prepared by Sullivan, Connors & Associates dated March 15, 2007, which is incorporated and made a part of this decision, property located at 19 DeMarco Road, Residential Zone A-1 subject to the following:

1. Appropriate landscaping shall be provided along the northwest side of the property to lessen the visual impact of the addition to that neighbor.
2. This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (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 addition, which will result in a side yard and front yard setback deficiencies, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The existing house consists of one-story on a slab foundation with no garage. The proposed addition will be architecturally compatible with the existing house and provide the petitioner with needed space. To minimize the effect of the addition, a condition to require landscaping to the abutter most visually affect has been imposed.

The petitioner has stated that he has spoken with his neighbors who had no issues with the project and no abutters were present at this hearing.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garanin, Associate

Benjamin D. Stevenson, Associate

JAMES M. CHIASSON
32 Sexton Street
Case 07-39

The Board consisted of:

Jeffrey P. Klofft, Chairman
Elizabeth A. Taylor, Clerk
Nancy G. Rubenstein
Stephen A. Garanin, Associate
Benjamin D. Stevenson, Associate

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Mr. Klofft, 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 Land Court within twenty days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

James Chiasson, owner of property, was present to represent a petition for Special Permit to enlarge a nonconforming structure by constructing an addition which will exceed 2 ½ stories at 32 Sexton Street. Mr. Chiasson explained that he is 6 inches under the height limit, but because he has a split level ranch style house where the ground level is lower than a regular house, the proposed addition will exceed the 2 ½ story limit by approximately 12 inches.

The second floor addition will consist of 3 bedrooms and 2 bathrooms. The septic system will support the 3 bedrooms. Ceiling heights will be 8-feet which is the same throughout the remainder of the house.

Mr. Chiasson said he spoke with his neighbors who had no issues with the proposed addition.

The Board reviewed the plan. Ms. Taylor said this neighborhood is comprised of houses of varying styles. The Board's main concern was for the height of the structure and that it not be imposing. Mr. Chaiasson said the total height would not exceed approximately 34'6".

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

The following motion was placed and seconded:

MOTION: "To grant James M. Chiasson, 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 an addition which will exceed 2 ½ stories, property located at 32 Sexton Street, Residential Zone A-1."

This Special Permit shall lapse if construction has not begun, except for good cause, within twelve (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 addition will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Because of the split-level design of the house, the proposed addition will exceed the 2 ½ story limit by approximately 6 inches; however, the total proposed height will be well within the height limitation.

The Board notes that there are various styles of houses in this neighborhood, and the proposed addition will be compatible with those styles. Further, no abutters were present to object to this petition.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garanin, Associate

Benjamin D. Stevenson, Associate