

Case 07-56
Thomas & Faith Chen
170 Hudson Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
NOVEMBER 19, 2007

The Board consisted of:

Elizabeth A. Taylor, Acting Chair
Nancy G. Rubenstein, Acting Clerk
Jonathan G. Gossels
Stephen A. Garanin
Jonas D.L. McCray, Associate

Notice was published in the Sudbury Town Crier on November 1 and 8, 2007, posted, mailed and read at this hearing.

Ms. Taylor, Acting Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

Faith Chen was present to represent a petition for renewal of Special Permit 04-37 to conduct an antique business in a barn on the property at 170 Hudson Road. Ms. Chen said the business is conducted in a portion of the barn. There is adequate parking and normal residential lighting. The closest neighbor is over an acre away and the remainder of the property is conservation land. Ms. Chen said there have been no problems associated with the business. She is comfortable with the conditions and was requesting no changes.

Mr. Gossels suggested a 5-year renewal would be appropriate in this case.

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

The following motion was placed and seconded:

MOTION: "To grant Thomas M. & Faith A. Chen, owners of property, renewal of Special Permit 04-37, 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-1, provided that:

1. There will be no permanent outside displays except for a 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 five (5) years on November 19, 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 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 five-year renewal period to be appropriate.

Elizabeth A. Taylor, Acting Chair

Nancy G. Rubenstein, Acting Clerk

Jonathan G. Gossels

Stephen A. Garanin

Jonas D.L. McCray, Associate

Case 07-57
Thomas DiModica
57 Butler Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
NOVEMBER 19, 2007

The Board consisted of:
Elizabeth A. Taylor, Acting Chair
Nancy G. Rubenstein, Acting Clerk
Jonathan G. Gossels
Stephen A. Garanin

Jonas D.L. McCray, Associate

Notice was published in the Sudbury Town Crier on November 1 and 8, 2007, posted, mailed and read at this hearing.

Ms. Taylor, Acting Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

Thomas DiModica was present to represent a petition for Special Permit to construct a one-story addition consisting of a one-car garage and family room at 57 Butler Road. The construction will result in a side yard setback deficiency of approximately 5 feet. He said the way the house is situated is not square and a portion will encroach on the side yard setback.

The Board reviewed the plot plan submitted with the application and agreed that the encroachment was minimal. In addition there is sufficient screening on that side to buffer the effect of the addition.

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

The following motion was placed and seconded:

MOTION: "To grant Thomas DiModica, 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 18X48 foot one-car garage and family room, which will result in a side yard setback deficiency of 5 feet \pm , as shown on Plot Plan prepared by MetroWest Engineering, Inc., Framingham, MA, dated August 10, 2007, property located at 57 Butler Road, 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 alteration and enlargement will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. Due to the shape of the lot the addition cannot be constructed without a portion encroaching on the setback. The Board finds the setback minimal due to the fact that it is adjacent to a 20 foot right of way and there is sufficient vegetative screening to buffer the residential property on the other side of that right of way. Further, no abutters were present to oppose this petition.

Elizabeth A. Taylor, Acting Chair

Nancy G. Rubenstein, Acting Clerk

Jonathan G. Gossels

Stephen A. Garanin

Jonas D.L. McCray, Associate

Case 07-58
Gregory & Natalie Zelyakowsky
6 Poplar Street

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
NOVEMBER 19, 2007

The Board consisted of:

Elizabeth A. Taylor, Acting Chair
Nancy G. Rubenstein, Acting Clerk
Jonathan G. Gossels
Stephen A. Garanin
Jonas D.L. McCray, Associate

Notice was published in the Sudbury Town Crier on November 1 and 8, 2007, posted, mailed and read at this hearing.

Ms. Taylor, Acting Chair, explained the requirements necessary to substantiate the granting of a special permit. She 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.

Gregory Zelyakowsky was present to represent a petition for Special Permit to construct a mudroom entrance at 6 Poplar Street. The construction will result in a front yard setback deficiency of approximately 3 ½ feet. He explained that there is only one door to separate the house from the outside and it enters directly into the living room. He said there is always a problem with water which drips on the front steps.

Mr. Zelyakowsky felt this addition will alleviate the water problem and enhance the appearance of the house.

The Board reviewed the plans submitted with the application and agreed that the proposed construction was reasonable in scale and will cover the steps to alleviate the water problem.

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

The following motion was placed and seconded:

MOTION: “To grant Gregory and Natalie Zelyakowsky, 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 9 ½ X10 foot “mud room” entrance, which will result in a front yard setback deficiency of 3 ½ feet ±, property located at 6 Poplar 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 petitioners require a special permit due to the nonconforming nature of the property. The Board finds that the proposed alteration and enlargement will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The alteration is modest in size; it will cover the front steps thus alleviating a water problem and will enhance the appearance of the existing structure. The Board notes that no abutters were present to oppose this petition.

Elizabeth A. Taylor, Acting Chair

Nancy G. Rubenstein, Acting Clerk

Jonathan G. Gossels

Stephen A. Garanin

Jonas D.L. McCray, Associate

