

LINDA & NEIL WARRENBRAND
25 Tavern Circle
08-22

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
JULY 21, 2008

The Board consisted of:

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

Notice was published in the Sudbury Town Crier on July 3 and 10, 2008, 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.

Linda Warrenbrand was present representing a petition for renewal of Special Permit 05-30 for a kennel to house four dogs at 25 Tavern Circle. Ms. Warrenbrand said the dogs are English bulldogs and are strictly pets.

In response to questions from the Board, Ms. Warrenbrand said there have been no problems associated with the dogs and no complaints have been received from the neighbors. No abutters were present at this hearing.

Ms. Warrenbrand was requesting renewal under the same condition except that she would prefer a longer renewal period.

There was no further input. The hearing was closed.

The following motion was made and seconded:

MOTION: "To grant Linda & Neil Warrenbrand, owners of property, renewal of Special Permit 05-30, granted under the provisions of Section 2313 of the Zoning Bylaws, to allow a kennel on the premises for four dogs, property located at 25 Tavern Circle, Residential Zone A-1, provided that:

1. The dogs do not become a nuisance.

2. The maximum number of dogs on the property is four.
3. All requirements of the Board of Health are satisfied.
4. There will be no commercial activity consisting of the breeding, sale or boarding of dogs.
5. The dogs shall be kept within the invisible fenced-in area and shall be kept indoors at night.
6. This permit is non-transferable and will expire in five (5) years on July 21, 2013, 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 maintain a kennel for four dogs which are family pets. The Board finds that the criteria for granting a special permit have been met and that the petitioners have adhered to the conditions of the original permit granted in 2005. No abutters were present to oppose renewal. Therefore, the Board finds a 5-year renewal period to be appropriate for this application.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garandin

Richard D. Vetstein, Associate

NEWBRIDGE CONSTRUCTION COMPANY
192 Pratts Mill Road
08-23

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Scott Miller, President, Newbridge Construction Company, and Robert Parente, Engineer, were present to represent a petition for a Special Permit to demolish an existing structure and to construct a larger structure on a non-conforming lot at 192 Pratts Mill Road.

Mr. Miller presented pictures of the existing structure. He said the new house will not exceed 3,800 s.f. and will conform to all setback requirements. Approximately eight trees will have to be removed. Photos of the lot and existing structure were presented. Mr. Miller pointed out the trees which will be retained.

It is proposed to move the driveway over approximately 20 feet as shown in the photo.

Mr. Miller said one advantage, including the trees, is the existing perimeter fence, which is on this property, and creates privacy for the abutters.

For conceptual purposes the plot plan locates the new house 76 feet from the front property line. Mr. Miller would like to establish a distance of no closer than 60 feet to allow for a reasonable back yard.

In response to a question from Mr. Vetstein, Mr. Miller said he would estimate a goal for completion mid to late spring 2009.

Ms. Taylor asked how far back the existing house was from the street. Mr. Miller said it was 45 feet.

Ms. Rubenstein asked for the height of the proposed structure. Mr. Miller said it would be 32-33 feet.

Two designs were submitted. Mr. Miller said the design would depend upon whether he was able to secure a buyer prior to construction.

It appeared to Mr. Kloffft from the foundation size that there was more than 3,800 s.f. Mr. Miller said all of the space over the garage will be unfinished. He said the slope of the roof makes it impractical to finish that area. There is no third floor walkup – it is just attic space.

Mr. Garanin had concerns with regard to the height – he felt it might appear to loom particularly since most of the homes in this area are one-story.

Mr. Miller said there are other new homes which have been constructed in this general area and they are around 32-feet high. He asked whether Mr. Garanin would prefer to keep the house further back at around 70 feet. Mr. Garanin said he would.

Anthony Vuolo, 198 Pratts Mill Road, abutter, wanted to be sure that no trees were cut down on the property that faces his property. He had a concern with regard to the existing swimming pool which is now enclosed within a fence. He wanted to be sure that the pool is empty and is surrounded by a fence during construction.

There was no further input. The hearing was closed.

The following motion was placed and seconded:

MOTION: ‘To grant Newbridge Construction Company, applicant, Robert Beaumont, owner of property, a Special permit under the provisions of Section 2460B of the Zoning Bylaws, to allow demolition of an existing structure and construction of a new residence not to exceed 3,800 s.f., which will exceed the area of the original nonconforming structure, said residence to conform to all zoning setback requirements, property located at 192 Pratts Mill Road, Residential Zone A-1, provided that:

1. The structure shall be constructed as shown on the “Proposed Development” Site Plan, dated April 22, 2008, except that there will be a minimum of 75 feet for the front property line setback.
2. A third-floor walkup will not be allowed.
3. The existing pool shall remain secure during the construction process.
4. 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.
5. 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 structure will conform to all setback requirements and will be set substantially further back so as not to create a looming effect on the streetscape. In addition, there are a substantial number of trees as well as a perimeter fence which will provide a buffer to the abutters.

Jeffrey P. Klofft, Chairman

Elizabeth A. Taylor, Clerk

Nancy G. Rubenstein

Stephen A. Garanin

Richard D. Vetstein, Associate