

CASE 09-30
Peter and Patti Kruiy
3 Crown Point Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 7, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Benjamin D. Stevenson

Notice was published in the *Sudbury Town Crier* on November 19, November 26 and December 3, 2009, posted, mailed and read at this hearing.

Ms. Quirk, as 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.

Peter and Patti Kruiy, applicants and owners, presented a petition for a Special Permit pursuant to Section 2420 of the Zoning Bylaws, to construct a garage addition measuring 24 feet wide by 32 feet deep on a nonconforming lot which will result in a rear yard setback deficiency of 11.5 feet. The property is located at 3 Crown Point Road.

Mr. Kruiy explained the dimensions of the proposed addition, noting that it would put the garage closer to the rear property line and he told the Board that they are considering the addition because the current 2-car garage actually only fits one car because of a mudroom that the prior homeowners had added to the house, taking space away from one of the bays. With the addition the Kruiy's would gain an additional bay. He noted that building drawings created by Rob Smith were included in the application along with a letter of support from the abutting neighbor, Jodi Swartz of 6 Griffin Lane, who would be most impacted by the project.

Ms. Quirk clarified that the setback that would be changed is a rear setback (rather than a side setback) due to the fact that the house sits on a long and narrow corner lot facing Willis Road and with its driveway on Crown Point Road. Because it is a corner lot the house should have adequate frontage on both faces of the lot and its frontage deficiency on Crown Point Road makes the lot non-conforming.

Mr. Gossels said that in light of the fact that the neighbor who would be closest to the addition supported it, then he felt comfortable with the proposal.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Peter and Patti Kruy, applicants and owners of property, a Special Permit pursuant to Section 2420 of the Zoning Bylaws, to construct a garage addition measuring 24 feet wide by 32 feet deep on a nonconforming lot which will result in a rear yard setback deficiency of 11.5 feet, property located at 3 Crown Point 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."

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 garage, which will create a rear yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. The garage will provide needed space for parking vehicles and storage. No abutters were present to oppose the petition.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Benjamin D. Stevenson

Stephen A. Garanin

CASE 09-31
Russell and Tracie Ward
75 Pinewood Avenue

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 7, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Benjamin D. Stevenson

Notice was published in the *Sudbury Town Crier* on November 19, November 26 and December 3, 2009, posted, mailed and read at this hearing.

Ms. Quirk, as 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.

Russell and Tracie Ward, applicants and owners, presented a petition for a Special Permit to extend the roofline at the back of their house to cover an existing porch which will enlarge and modify the appearance of the house and result in a rear yard setback deficiency of 8 feet. In addition the Wards want to build a front entrance which will result in a front yard setback deficiency of 7 feet. The property is located at 75 Pinewood Avenue.

Mr. Gossels felt that the changes were modest and fit within the criteria of the special permit and therefore saw no problem in granting the special permit.

Ms. Rubenstein noted that the house drawings that were submitted in the application appeared to show a different house than currently exists, which is a one-story ranch. The Wards explained that the drawings depict their house as it will appear in the future after a second renovation project, which is not reflected in this application. It is their intention to first obtain the special permit to alter the roofline and add the front entry and then at a later date add a second story to create a colonial, two-story house, which does not require a special permit.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Russell and Tracie Ward, applicants and owners of property, a Special Permit pursuant to Section 2420 of the Zoning Bylaws, to extend the roofline to cover an existing porch which will result in a rear yard setback deficiency of 8 feet and build a front entrance which will result in a front yard setback deficiency of 7 feet, property located at 75 Pinewood Avenue, 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.”

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

REASONS: The petitioners require a special permit to accommodate setback deficiencies. The Board felt that the scale of the alterations and proposed changes to the style of the house would be consistent with other homes in the neighborhood. There was no neighborhood opposition to the plans.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Benjamin D. Stevenson

Stephen A. Garanin

CASE 09-32
Sudbury Inn and Suites
738 Boston Post Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 7, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Benjamin D. Stevenson

Notice was published in the *Sudbury Town Crier* on November 19, November 26 and December 3, 2009, posted, mailed and read at this hearing.

Ms. Quirk, as 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.

Michael Meyers and Jim Loft of Sudbury Inn and Suites and OS Sudbury Inc. were present to represent a petition for renewal of special permit 07-46 to operate a hotel. In doing so, the applicants also requested that the transfer of the special permit to new ownership be formally acknowledged. The property is located at 738 Boston Post Road.

Mr. Meyers explained that as the hotel is under new ownership it will undergo a complete renovation and there will be changes to its operation. All of the plans are noted in the application.

Ms. Quirk referenced a memo written by Jody Kablack, Director of Planning and Community Development for the Town of Sudbury which outlined the process that the applicants had followed in developing their plans, including having a staff pre-application meeting on October 20, 2009 with various department heads to obtain comments as they proceeded. As mentioned in Ms. Kablack's letter, OS Sudbury Inc plans to reconfigure the interior of the building to increase the number of units by 7, from 39 to 46; remove the large commercial kitchen and gift shop, and retain a small kitchen serving breakfast only to guests; and to renovate the exterior of the building with new windows, roof, siding and trim. The applicants are still working on obtaining necessary permits to proceed. Based on the 20-year history of hotel operation at the site it was Ms. Kablack's recommendation to the Zoning Board of Appeals that the special permit be granted including the transfer of the permit to the new owners. Ms. Kablack also suggested various conditions which the Board included in their decision.

Mr. Gossels then opened up a discussion about the duration of the renewal. He recommended extending the renewal period. Mr. Meyers and Mr. Loft asked whether a term of 10 years could be granted. Ms. Quirk said that ten years is a longer term than is typically granted but the Board

felt that five years was too limiting. Given that there would be no major changes to the actual use of the hotel the Board then agreed to a ten year renewal period and noted that the Zoning Enforcement Agent would find any violations during that time should there be any.

Ms. Quirk asked about the number of proposed parking spaces and whether 51 spaces would be sufficient for the number of guests and staff. Mr. Meyers said that due to the scheduling of guest check-in and check-out and the staff shifts, parking should be more than adequate.

When asked about the proposed siding choices Mr. Loft said that the proposal for exterior work such as siding, windows, trim, and signage will still go before the Design Review Board. The Zoning Board members asked whether or not the signage would comply with the bylaw and reminded the applicants that any proposed signage that did not comply would be subject to review by the ZBA.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Sudbury Inn and Suites (formerly Sudbury Hospitality LP d/b/a Clarion Carriage House Inn), applicant, OS Sudbury LLC (formerly Jon Haywood), owner of property, renewal of Special Permit 07-46, granted under the provisions of Section 2230,A,C,Use 10 of the Zoning Bylaws, to operate a hotel (inn) on the premises, property located at 738 Boston Post Road, Business District #5, provided that:

1. The hotel shall contain no more than 46 rooms.
2. There shall be no encroachment of the active commercial use into the abutting Residential Zoning District.
3. The westerly access (at the intersection of Boston Post Road and Lafayette Drive) shall be closed to all regular vehicular traffic and shall provide access only to emergency vehicles.
4. There shall be no restaurant open to the public on the premises.
5. Board of Selectmen permits for Inn Holders and Common Victuallers shall be obtained where necessary.
6. Design Review Board approval shall be obtained for any exterior changes to the building, and for new signage if proposed, prior to obtaining a building permit for exterior changes.

7. All exterior lighting shall comply with the Zoning Bylaw section 3427 (f).
8. The stockade fence and natural plantings (screening) shall be continually maintained and if damaged or destroyed, shall be repaired or replaced within two weeks from such damage or destruction.
9. There shall be no rubbish pickup prior to 10:00 a.m. or after 6:00 p.m.
10. This permit is non-transferable and will expire in ten (10) years on December 7, 2019, and the Board will consider renewal upon receipt of proper application on or before that date.”
11. 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 to operate the hotel. With regard to this operation, the Board finds that its history as a hotel and plans for the facility upgrade support the general purpose and intent of the Bylaw and finds that it will not be detrimental to the neighborhood, nor does it alter the character of the zoning district. This business will not substantially increase noise, traffic or create other issues of conflict. The Board finds that a ten-year renewal period is appropriate.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Benjamin D. Stevenson

Stephen A. Garanin

CASE 09-33
Karen and Walter Bent
539 Hudson Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 7, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Benjamin D. Stevenson

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Ms. Quirk, as 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.

Karen and Walter Bent, applicants and owners, were present to represent a petition for a special permit under the provisions of Section 5500 of the Zoning Bylaws, to allow an accessory dwelling unit to be built within their existing garage. They explained that using the existing structure and making only interior modifications will not alter the appearance of their property as a single-family residence. The property is located at 539 Hudson Road.

Mr. Gossels asked whether or not the front of the garage would change in appearance and the Bents said that it would not. There would be the existing side entrance and a back entrance as well.

Ms. Quirk said that while the size of the living space is larger than the bylaw allows she felt that it made sense to grant the permit because the Bents were using an existing structure. She then noted that the Board was in receipt of a letter of support written by the Sudbury Building Inspector Jim Kelly.

Mr. Gossels raised his concerns about the apartment being located in an outbuilding detached from the main house which could lead to abuse by tenants and cited the example of a "frat house" to illustrate his concerns. Ms. Bent said that she and her husband do not want tenants that would be a nuisance particularly given the proximity to the main house and the fact that they have three small children living with them.

Mr. Garanin said that the bylaw restricts the occupancy to four people and suggested further restricting the number of occupants to avoid the possibility of a "frat house" on the premises. He was particularly concerned that any accessory apartment could alter the bedroom arrangement to fit in large numbers of people. Mr. Quirk said that there is only one bedroom shown on the

proposed plans. She said that while perhaps the living room could be used as an additional bedroom she suggested that it could be done to accommodate a small family and further suggested that restricting the occupancy to a number smaller than four would further limit opportunities for people in need of alternative housing. She also echoed Ms. Bent's statement about the proximity of the Bent family to their tenants.

Mr. Garanin then opened discussion about the language of the bylaws which says "persons" and does not distinguish between related persons. Ms. Quirk felt that altering the language of the bylaw would be too limiting.

Ms. Rubenstein also said that any concerns she had about number of occupants were alleviated due to the proximity of the Bents to the accessory apartment. In the end it was agreed that the number of occupants should be kept to four.

Ms. Quirk asked whether there were any neighbors present who wished to speak. Joseph Onorato of 2 Lee Ann Circle said that he was present to state his concerns about occupancy because he had initially felt that it would be possible given the square footage of the apartment to create more bedrooms. He said that the Bylaw wasn't as specific on this issue as other towns' accessory apartment bylaws. He mentioned that the city of Cambridge, for example, defines a bedroom as having a window and a door, but noted that Sudbury's Accessory Apartment Bylaw did not. He said that the Board had addressed his initial concerns and that he did not object to the terms of occupancy.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Karen and Walter Bent, applicants and owners of property, a Special Permit under the provisions of Section 5500 of the Zoning Bylaws in conformance with the application for the Special Permit dated October 31, 2009 and the plans submitted by the Applicants, to allow an Accessory Dwelling Unit for property located at 539 Hudson Road, Residential Zone A-1, as follows:

1. The Accessory Dwelling Unit shall be occupied by no more than four persons.
2. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health.
3. There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking space for the Accessory Dwelling Unit.

4. The property owner shall file a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy is consistent with the Special Permit, every four (4) years.
5. This permit shall be recorded at the Middlesex South District Registry of Deeds prior to issuance of a building permit for the accessory dwelling unit.
6. This permit will automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit.”

VOTED: In favor: 5 Opposed: 0

REASONS: The petitioner requires a Special Permit to allow a single-family accessory dwelling unit. The Board finds that the petitioner has fulfilled the requirements of the Bylaw for the granting of a Special Permit.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Benjamin D. Stevenson

Stephen A. Garanin

CASE 09-34
Berglund Enterprises, Inc.
30 Birchwood Avenue

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 7, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Benjamin D. Stevenson

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Ms. Quirk, as 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.

Stephen Poole of Dellorco & Associates presented a petition on behalf of Berglund Enterprises, Inc., applicants, to allow demolition of an existing nonconforming structure and construction of a new three-bedroom, two-story, colonial style residence. The property is located at 30 Birchwood Avenue.

Mr. Poole walked the Board through the application explaining that the new house would have three bedrooms, a new septic system, the driveway would be changed, and there would be a new walkout area in the back and a screened porch at the side of the house. He said that they have wetlands along the rear of the property which makes the space tight in the back however they have tried to keep the front setbacks as much as possible.

The plans are a mirror image to that at 30 Beechwood, a project that Mr. Poole was also involved with. He said that the Sudbury Conservation Commission has approved the plans and Berglund Enterprises will install a retaining wall and will maintain trees to the extent possible along the wetlands. The trees in the front of the house will have to be taken down but an additional sugar maple and holly bushes will be planted at the side of the house and two fences will be installed to shield the house from abutters at each side.

Mr. Gossels said that he was pleased with the scale of the project and the 28 foot roof ridge line as it relates to the neighborhood. He said that its effective design makes it appear larger than it truly is. Mr. Garanin concurred.

Mr. Stevenson pointed out a discrepancy with the drawing of the garage in the plans that were submitted and asked for clarification that there will only be a single-car garage as opposed to a two-car garage. Mr. Poole confirmed that there would only be a single-car garage.

Ms. Rubenstein also commented that the project was well-designed. She noted that while it is wide for the lot it doesn't have any significant setback deficiencies and it fits into the context of the neighborhood which has three other new houses nearby.

There were no further comments from the Board or audience. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Berglund Enterprises, Inc, applicant and owner of property, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow the demolition of an existing non-conforming structure and construction of a new residence not to exceed 2,256 square feet, which will result in a front yard setback deficiency of 7.5± feet and a side yard setback deficiency of .5± feet, property located at 30 Birchwood Avenue, Residential Zone A-1 subject to the following:

1. The new house will be constructed in the location as shown on the Proposed Site Plan dated October 28, 2009, prepared by Dellorco & Associates, which is incorporated into and made part of this Special Permit.
2. The applicant will preserve the wooded areas in the rear and side yards to the extent feasible in order to screen the house from abutting properties. If significant tree removal is necessary in these areas the applicant shall replant the area to fulfill this condition. A sugar maple and holly bushes will be planted along the side of the property to screen the house from the abutting neighbor.
3. 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.
4. 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 proposed reconstruction is modest in size and the design will be compatible with the surrounding homes in the neighborhood.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Benjamin D. Stevenson

Stephen A. Garanin

CASE 09-35
Greg Babikian
22 Ward Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, December 7, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Benjamin D. Stevenson

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Ms. Quirk, as 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.

Greg and Michelle Babikian, applicants and owners, were present to represent a petition for a variance that would allow their existing split level house to be adapted into a three-story house. The applicants argued that the current 2 ½ story limitation as mandated by the Bylaws allowed little flexibility for renovating their house to accommodate their growing family and cited finances as the reason they were seeking the variance. They felt that renovating the existing house would be more cost-effective than purchasing a new house. The property is located at 22 Ward Road.

Mr. Babikian said that they would like to add a second floor to the home increasing the total area to 5,000 square feet and adding a three-car garage for parking and storage. Mrs. Babikian said that there currently was no attic storage and she said that they had considered a renovation plan with dormers but that would not provide their family of six with enough space. They also wanted to upgrade the look of the house to a colonial style.

Ms. Quirk said that she feels that the proposed structure was massive and expressed concerns about the impact on the streetscape. She said that the existing neighborhood has houses that all fit their lots with appropriate siting and that there was a consistency to the neighborhood that would be disrupted with this house plan.

Mr. Stevenson asked why they Babikians were seeking a variance as opposed to a different sort of permit.

Mr. Gossels tried to explain to the Babikians the difference between special permit and variance criteria stating that special permits are easier to justify because of the applicable criteria proposals must satisfy. Ms. Quirk added that variances are more difficult because they deal with

nonconformities, which the state of Massachusetts generally tries to discourage. Mr. Gossels said that approving a variance sets a precedence for all future projects and that is why they require careful scrutiny. Mr. Gossels said that the Babikian's house and lot, which are very similar to other split level houses and lots in Sudbury, did not have a unique enough hardship to qualify for a variance. Mr. Stevenson also agreed that the Babikians faced a situation common to other homeowners in Sudbury. He suggested that since the Babikians' house is sited on a larger lot there might be more options for renovations that would be in compliance with the Bylaws. Smaller house lots often do not offer this flexibility and are therefore given more leniency in consideration. Mr. Stevenson agreed that extremely high standards must be applied to variances and projects must have a proven uniqueness that would qualify them. He was not certain this house and lot fit that standard.

Ms. Quirk explained that a three-story house has never been approved in Sudbury due to the language of the Bylaw which was written long ago. And she reminded the applicants that all four of the criteria for a variance must be satisfied in order to be in compliance with the Bylaw. She said that the ZBA could provide suggestions for alternative designs, which their house lot could accommodate. She suggested that the Babikians could consider withdrawing their application without prejudice which would allow them flexibility in the future should then need to apply for other permits.

Sudbury Building Inspector Jim Kelly provided the definition of "story" as used in the Bylaws. When the Babikians argued that they have seen several three-story houses in Sudbury Mr. Kelly explained that while these houses look as though they are three-story, particularly from the back where partial basements are showing above grade, they really are not a full three stories above grade as defined by the Bylaws. He felt that the Board was explaining their dilemma well and would not be allowed to accept the proposal as presented.

Ms. Quirk asked if there were any neighbors present who wished to speak about this proposal. Elton Tucker, 30 Ward Road, said that as an abutter he did not feel that the plans would be out of scale with the neighborhood, or to his home in particular. He feels that it would be appropriate to expand the house and is ok with the plans. Ms. Quirk thanked Mr. Tucker for his comments.

Ms. Quirk then noted that the Board was in receipt of a letter from John and Patricia Hannan of 14 Ward Road, who did not support the project. They expressed concerns about the proposed height, square footage, architectural style, and the addition of a three car garage which they felt would be detrimental to the other houses in the neighborhood. The Hannans did not feel that a variance should be granted because they could not see the substantial hardship, financial or otherwise and suggested that there might be other available housing stock in Sudbury which could accommodate the Babikian family.

Ms. Quirk suggested that the Babikians were at this point given enough of a sense of where the Board stood on the issue of granting the variance and, since they were still struggling to see the substantial hardship, a vote on the variance would probably not be favorable.

Mr. Babikian requested that the application for the variance be withdrawn without prejudice.

There were no further comments from the Board or audience. The hearing was closed.

A motion was made, seconded and unanimously voted to accept the applicant's request to withdraw without prejudice.

MOTION: "Per the request of the applicant the Board moved to withdraw without prejudice the application for a variance."

VOTED: In favor: 5 Opposed: 0

REASONS: Relying on the information submitted, it is the determination of this Board that the height of the house in conjunction with the size of the lot on which it sits does not represent a hardship for the applicants and therefore the criteria for approval of a variance have not been met.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Benjamin D. Stevenson

Stephen A. Garanin