

CASE 09-21
Herb Chambers BMW of Sudbury
68 Old County Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, October 19, 2009

The Board consisted of:

Elizabeth T. Quirk, Chair, Jonathan G. Gossels, Jonas D.L. McCray, and Benjamin D. Stevenson

Notice was published in the *Sudbury Town Crier* on October 1 and October 8, 2009, posted, mailed and read at this hearing.

Ms. Quirk, 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.

Joshua M. Fox, Attorney at Rollins, Rollins and Fox, and Sal Sachetta, Corporate Construction and Facilities Manager for the Herb Chambers Company, were present on behalf of Herb Chambers BMW of Sudbury to represent the petition for a special permit to install signage at the new BMW dealership, property located at 68 Old County Road.

As a reminder Mr. Fox explained that the original application asked for sign consideration for a 25 foot freestanding pylon sign and for 5 freestanding directional signs needed to guide customers around the site. He then submitted a letter, read by Ms. Quirk, requesting that the portion of the special permit application respecting the main free-standing pylon sign be withdrawn without prejudice which would then enable the Board to determine whether or not to grant the portion of the application dealing with the directional signage.

Given that the Board had discussed the directional signage at the two previous hearings, there were no additional questions regarding their design. It was confirmed that the directional signs would consist of double-sided, white panels with gray lettering. They will not be illuminated in any way and there will be no BMW logos on them.

After discussing the signs, Ms. Quirk mentioned to Mr. Fox that the lighting on the flag pole still needs some adjustment to avoid light shining into the eyes of drivers heading eastbound. Mr. Fox said that adjustments to the lights had been made, but he would look into the matter again.

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

The following motions were placed and seconded:

MOTION: “To withdraw without prejudice the request for the 25 foot freestanding pylon sign, as requested in a letter to the Board from Mr. Fox dated October 19, 2009.”

MOTION: “To grant Herb Chambers of Sudbury, Inc., DBA Herb Chambers BMW of Sudbury, applicant, Stanley Snider, owner, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to allow five free-standing directional signs as proposed in the application dated June 29, 2009, property located at 68 Old County Road, Industrial District #2, Residential Zones A-1 & C-2.”

VOTED: In favor: 4 (Unanimous) Opposed: 0

REASONS: The petitioner requires a special permit to install signage not otherwise provided for in the Bylaw. The Board finds that the location and size of the property and buildings thereon justifies the granting of a special permit for these signs.

The size and design of the signs is consistent with the scale and architecture of the building. The signs will not be a detriment to the surrounding area and will not alter the character of the zoning district which is zoned as a combination of industrial, business and residential. The signs will not cause visual confusion, glare, or offensive lighting in the area, nor will they interfere with traffic safety. It is the Board’s opinion that the signs will aid motorists when navigating around the driveways of the business on Old County Road.

The Board notes that after a meeting between the applicant and the Design Review Board, the DRB has recommended that the Zoning Board of Appeals consider the exceptions requested.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Jonas D.L. McCray

Benjamin D. Stevenson

CASE 09-27
Diana Tetzlaff
113 Newbridge Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, October 19, 2009

The Board consisted of:
Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft;
Jonas D.L. McCray; and Benjamin D. Stevenson.

Notice was published in the *Sudbury Town Crier* on October 1 and October 8, 2009, posted, mailed and read at this hearing.

Ms. Quirk, 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.

Diana Tetzlaff was present to represent a petition for a Special Permit for a Home Business, specifically piano instruction. Ms. Tetzlaff was seeking relief from the Zoning Bylaws to be able to have more than one student on the premises at one time, particularly in the case of siblings who take lessons one after the other, and up to two cars in the driveway when students are coming and going.

Mr. Klofft asked about the hours of operation to which Ms. Tetzlaff said she would be giving lessons from as early as 10:00 a.m. to no later than 8:00 p.m. The Board suggested that an earlier start time would be appropriate to give the applicant greater flexibility.

Ms. Quirk noted that the limiting of students and their cars is to limit traffic. She then asked about the available parking facilities. Ms. Tetzlaff said that while five cars can fit into the driveway there would only be a maximum of two cars parked in the driveway as students arrive and leave. Ms. Tetzlaff estimated having up to 15 students per week.

When asked about employees Ms. Tetzlaff said that she would not have any employees. The Board reminded Ms. Tetzlaff that if she ever were to install signage she would have to follow the guidelines stipulated in the bylaws. Ms. Tetzlaff said that she did not intend to have any signage for her business.

A one year renewal term was discussed.

Ms. Quirk then read two letters of support from neighbors, Mr. Quintas Wilson of 109 Newbridge Road and Claudio and Cherie Morfe of 112 Newbridge Road. No other neighbors were present at the hearing.

There being no further questions or comments, the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Diana Tetzlaff, owner of property, a Special Permit, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically for piano instruction, property located at 113 Newbridge Road, Residential Zone C-1, subject to the following:

1. Hours of operation will be Monday-Saturday, 8:00 a.m. to 8:00 p.m.
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 fifteen (15) students per week, associated with this business will be allowed.
7. This permit is non-transferable and will expire in one year on October 19, 2010, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 6 (unanimous) Opposed: 0

REASONS: The petitioner seeks a special permit for piano instruction on the premises. 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 of its presence. Adequate and appropriate facilities have been provided for proper operation.

Two abutters expressed support through letters and no other abutters were present to oppose renewal. Therefore, the Board finds a one year renewable period to be appropriate for this case.

Elizabeth T. Quirk, Chair

Nancy G. Rubenstein, Clerk

Jonathan G. Gossels

Jeffrey P. Klofft

Jonas D.L. McCray

Benjamin D. Stevenson

CASE 09-28
Paul and Cheryl Brown
35 Crystal Lake Drive

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, October 19, 2009

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

Notice was published in the *Sudbury Town Crier* on October 1 and October 8, 2009, posted, mailed and read at this hearing.

Ms. Quirk, 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.

Paul and Cheryl Brown, applicants and owners, presented a petition for a special permit to allow demolition of an existing structure and construction of a new residence that would exceed the total floor area of the original structure. The property is located at 35 Crystal Lake Drive.

The new house, a modified cape, would be approximately 1,580 square feet. There are two setback deficiencies. The front yard setback deficiency would measure nine feet and the side yard setback deficiency would measure ten feet. The plans actually improve the setback deficiency to the left of the house. The front lot line borders conservation land. The current cesspool is very near the wetlands and so the new septic system will be located farther back, improving the separation. Ms. Brown said that the proposal has been approved during a meeting of the Conservation Commission and they have a permit from the Board of Health for their septic system plans.

Ms. Quirk commended the Browns on their plans and said that it was nice to see an appropriately sized house proposed for the lot. Mr. Gossels, Mr. Klofft, and Mr. Stevenson also agreed that the scale worked well for that neighborhood.

Robert Chandler, resident of 27 Crystal Lake Drive and the direct abutter to the south, spoke in support of the project. He said he is excited about the plans which he feels are lovely and of appropriate scale.

Building Inspector Jim Kelly also concurred. He did not have any issues with the plans and said that the house will fit in well with the neighborhood.

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

The following motion was placed and seconded:

MOTION: “To grant Paul and Cheryl Brown, owners 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 that would exceed the total floor area of the original structure, property located at 35 Crystal Lake Drive, Residential Zone A-1, as follows:

1. The new house will be constructed in the location shown on the plan titled “Notice of Intent Plan for Land on Crystal Lake Drive,” dated April 20, 2009, prepared by Thomas Land Surveyors, Hudson, MA.
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.
3. The new dwelling will be completed within twelve (12) months from issuance of a Building Permit, and the old structure will be demolished within six (6) weeks from the issuance of a Certificate of Occupancy for the new residence.”

VOTED: In favor: 6 (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

Jeffrey P. Klofft

Nancy G. Rubenstein, Clerk

Jonas D. L. McCray

Jonathan G. Gossels

Benjamin D. Stevenson