

CASE 10-42  
William F. Curley  
103 Horse Pond Road

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 20, 2010

The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

Notice was published in the *Sudbury Town Crier* on August 26 and September 2, 2010, 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.

William Curley presented his application for a special permit to demolish an existing structure and outbuilding on a non-conforming lot and construct a new residence not to exceed 3,000 square feet at 103 Horse Pond Road.

Mr. Curley explained that he is proposing to demolish an existing three-bedroom house and build a new three-bedroom home on the lot. The building plans are nearly identical to those of a new house Mr. Curley is building at 16 July Road for which he received a special permit to build in May, 2010.

Both Mr. Curley and Mr. Lewis, the property owner, have spoken with the surrounding neighbors to keep them apprised of the plans.

Mr. Curley said that he has obtained a permit from Sudbury's Department of Public Works to move the driveway from Horse Pond Road to 1 Jarman Road. He said that the Town Engineer, Bill Place, viewed the relocation positively.

Mr. Curley said that the lot is good, with sandy soil, and the house would have the same number of bedrooms as the existing house so he could foresee no negative impact that the project might have on the surrounding neighborhood.

Ms. Quirk asked about plans for the existing trees on the property. Mr. Curley said that there were some high pine trees that would need to be removed to accommodate the septic system, but there would be no additional clearing in other areas of the property and no trees would be cut along Horse Pond Road. He estimated that there were about seven or eight nicely sized burning bush plants that could be relocated elsewhere on the property for screening.

Mr. Klofft asked for clarification about the driveway's location in relation to the corner of Jarman and Horse Pond Road. Mr. Curley said that subsequent to submittal of the special permit application there was a new driveway plan drawn up that was approved by Bill Place with the condition that there be a 25 foot radius from the perimeter of the property. Mr. Curley said that he would obtain a copy of the new plan and submit it for the record. The Board then discussed adding a condition to the ZBA's special permit stating that driveway location will comply with the Town Engineer's approved placement.

Mr. Gossels complimented Mr. Curley on his application, stating that the plan showed a house that was of an appropriate scale for the lot and neighborhood and noting that Mr. Curley has a proven track record in doing what he says he will do for his projects.

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

The following motion was made and seconded:

MOTION: "To grant William F. Curley, applicant, and George C. Lewis, owner, a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow demolition of a structure and outbuilding on a non-conforming lot and construction of a new residence not to exceed 3,000 square feet, property located at 103 Horse Pond Road, 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 August 12, 2010, prepared by Dellorco & Associates, which is incorporated into and made part of this Special Permit.
2. The driveway location will comply with the Town Engineer's approved placement.
3. 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.
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.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin, Acting Clerk

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels

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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.

Kailia Star presented her application for renewal of special permit 05-35 to conduct a home business for a Psychology practice located in a barn on the property at 112 Powers Road. Ms. Star said that she is requesting no changes to the conditions of the permit, but mentioned that she was at this point planning to add a light at the end of the driveway, which was a previous consideration.

Ms. Star reported that there had been no problems with the operation of the business and she has received no complaints from neighbors.

Mr. Gossels suggested that the duration of the renewal term be extended from five years to ten given that there had been no problems with the home business.

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

The following motion was made and seconded:

MOTION: "To grant Ken Manning and Kailia Star, owners of property, a renewal of Special permit 05-35, granted under the provisions of Section 2340 of the Zoning Bylaws, to conduct a Home Business, specifically a Psychology practice, in the barn located on the property at 112 Powers Road, Residential Zone A-1, provided that:

1. Hours of operation will be 8:00 a.m. – 6:00 p.m., Monday through Saturday.
2. All parking shall be on the premises. No street parking will be allowed.
3. No more than eight (8) car trips per day will be allowed.
4. No employees, other than the residents, will be allowed.
5. There will be no exterior indication of the Home Business. No sign will be allowed on the street.
6. No additional exterior lighting will be allowed except for a post light at the end of the driveway.

7. This permit is non-transferable and will expire in ten (10) years on September 20, 2020, 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 to renew a special permit for a psychology practice which has been in operation for ten years. The Board finds that the use is in harmony with the general intent and purpose of the Bylaw, is in an appropriate location, and is not detrimental to the neighborhood. The petitioner has complied with the conditions of the permit and there have been no complaints from abutters. Therefore, the Board finds a ten-year renewal period to be appropriate in this case.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels

MINUTES OF THE PUBLIC HEARING  
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The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

Notice was published in the *Sudbury Town Crier* on August 26 and September 2, 2010, 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 Cooke, of Wellman Associates, Inc., presented his application for renewal of special permit 05-29 for the continued operation of a 100-foot, 2-carrier monopole wireless communications facility, including associated equipment at Feeley Park, 200 Raymond Road. He reminded the Board that T-Mobile occupies the pole along with Sprint, however he was requesting renewal of the special permit for the monopole itself and the portion of it that T-Mobile operates. Sprint has a separate special permit for operation of its own leased part of the pole.

Mr. Cooke then noted that a structural engineer had conducted a site inspection on August 31, 2010 and concluded that the pole was structurally sound. A copy of that report, with images, was given to the Board at the hearing for the record.

Mr. Gossels asked about the design life for this kind of pole. Mr. Cooke estimated that it had a life of forty to fifty years and this pole is currently ten years old.

The Board then discussed whether or not to extend the duration of the special permit. Given input from Jim Kelly, the Building Inspector, it was agreed that a five-year term was appropriate.

Mr. Kelly noted that maintaining landscaping within the lease area is the responsibility of the cell tower owner. He reported that weeds and bushes were overgrown at present. There was further discussion from the applicant and the Board to determine what landscaping was whose responsibility. In the end the Board discussed placing a condition on the permit to state that the landscaping within the lease area would be maintained.

When asked whether or not there have been any problems with the site Mr. Cooke said that he was not aware of any problems.

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

The following motion was made and seconded:

MOTION: “To grant T-Mobile Northeast, LLC (formerly Omnipoint Communications, LLC), applicant, Town of Sudbury, property owner, renewal of Special Permit 05-29, under the provisions of Sections 4350 and 4360 of the Zoning Bylaws, for the continued operation of a 100-foot, 2-carrier monopole wireless communications facility, including associated equipment, property shown on Town Property Map L08 as Parcel 0012, 200 Raymond Road (Feeley Park), Residential Zone A-1, provided that:

1. Monopole shall be in accordance with Plan 4-DE-B0010-E, prepared by Edwards & Kelsey, Boston, MA, Sheets T-1, C-1, Z-1, Z-2.
2. Add-on antennas may be allowed for future Town use (fire, safety); however, no antennas will be added without approval of the Zoning Board of Appeals.
3. There will be no lighting on the pole, except for ball-field lighting, unless required by the FAA.
4. The petitioner will provide a safety inspection of the facility with a report submitted to the Building Inspector. Follow-up inspections will be required at the discretion of the Building Inspector.
5. Landscaping will be maintained within the lease area.
6. The approval granted herein shall expire in five (5) years on September 20, 2015. Continued operation of the facility shall be subject to application for and renewal by the Zoning Board of Appeals.”

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

REASONS: The petitioner seeks renewal of a Special Permit for the continued operation of its wireless communications facility. The facility has been constructed in accordance with the conditions of the original permit and there have been no problems associated with the existing facility. In order to insure its continued safe operation, the petitioner has agreed to a condition to inspect the facility and to conduct any future inspections at the discretion of the Building Inspector. The Board finds the location of this facility is such that it affords the petitioner the needed coverage in the area, while at the same time is not intrusive to the neighborhood by virtue of its existence. For these reasons a five-year renewal is appropriate for this installation.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels

CASE 10-45  
Kalai Chandrasekaran  
103 Boston Post Road

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 20, 2010

The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

Notice was published in the *Sudbury Town Crier* on August 26 and September 2, 2010, 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.

Jeff Newman, President of Sign-a-Rama, was present along with applicant Kalai Chandrasekaran, to present plans for a twenty square foot, double-faced, free-standing sign at 103 Boston Post Road, site of a new restaurant, The Pongal II. Mr. Newman explained that the planned setback is four feet less than the bylaw requires and so a special permit for the sign is necessary.

Mr. Gossels asked about the lighting plan. Mr. Newman said that the sign would be externally lit from the ground.

Mr. Klofft asked for an explanation of why the sign was closer to the road than the bylaw allows. Mr. Newman said that the sign would be nine feet from the street line. If installed at the twenty foot setback the sign would be too close to the building and would not be as effective with allowing patrons to find the restaurant and then safely slow down in time to turn in to the parking lot. He said that safety was a major concern as the restaurant is located where cars travel at high speeds.

Mr. Klofft said that he was sympathetic to the restaurant's location, noting that it is in a commercial area that is well-developed. Mr. Gossels agreed, adding that since the building has had a succession of businesses at the site in recent years, he would like to see a success with this one. Mr. Gossels said that he saw the logic of the proposed location.

The Board discussed the measurements of the sign and noted that an original proposal to the Design Review Board had included an additional sign on the roof of the building. The roof sign was no longer a consideration so that the signage would therefore conform to one single twenty foot sign.

Ms. Quirk asked whether or not the sign would obstruct sight lines for drivers. Mr. Newman said that there was no obstruction given the space above and below the sign.

Mr. Gossels complimented Mr. Chandrasekaran on the improvements he has made to the building lot by cleaning up the landscape.

Building Inspector Jim Kelly also agreed with the discussion.

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

The following motion was made and seconded:

MOTION: "To grant Kalai Chandrasekaran, applicant, and Sherry Chen, owner, a Special Permit under the provisions of Section 3290 of the Zoning Bylaws, to allow a 20 square foot, double-faced, free-standing sign as proposed in the application dated August 17, 2010, property located at 103 Boston Post Road, Industrial District #4, provided that

1. No sign shall be illuminated between the hours of 11:00 p.m. and 6:00 a.m. except signs on premises open for business; and
2. Only white lights shall be used for direct illumination. Illumination shall be shaded, shielded, directed and maintained at a sufficiently low intensity and brightness that it shall not affect the safe vision of operators of vehicles moving within the premises or on any adjacent public or private ways."

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

REASONS: The petitioner requires a special permit to install a freestanding sign because of limited street frontage. The Board finds that the location of the property justifies the granting of a special permit for the freestanding sign. The sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is zoned industrial. The sign will not cause visual confusion, glare, or offensive lighting in the area, nor will it interfere with traffic safety. The Board notes that after a meeting between the applicant and the Design Review Board, the Board has recommended that the Zoning Board of Appeals consider the exceptions requested.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin, Acting Clerk

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels



CASE 10-46  
Stephanie Moore, Susan Berry,  
and Deborah Flagg  
4 Dawson Drive

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 20, 2010

The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

Notice was published in the *Sudbury Town Crier* on August 26 and September 2, 2010, 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.

Stephanie Moore, applicant, and Susan Berry, owner of the property, were present along with Ms. Berry's son, Jim Berry, to request a special permit to create an accessory dwelling unit that is no greater than 850 square feet at 4 Dawson Drive. Ms. Berry explained that they were presenting a new application that had been revised from an earlier petition that was presented to the Board, Case 10-38, on July 19, 2010. The new application included changes to the design of the accessory dwelling's front entry which would be the secondary legal egress. The primary entry for the accessory dwelling is located at the rear of the building.

Ms. Quirk said she felt that the goal of making the front entry appear secondary had been achieved.

Mr. Klofft asked whether there was any way to move the door. Ms. Berry said that they could move the door, but moving the door would not be desirable given that the older people in the home residing in the accessory dwelling would therefore have to walk farther to enter the house. She said that the design goal was to avoid creating the appearance of a two-family house and she feels that the area where the door is currently planned does not convey two-family.

Ms. Quirk said that the photographs included in the application of several other houses in the neighborhood that have two front doors was persuasive.

Mr. Stevenson said that the photographs of the other houses, plus the notable hardship the residents would face of having to go around the house in the winter, for example, were compelling. He said that he felt the applicant had done a good job to make the entry appear secondary and would support this application.

Mr. Gossels said that the design had been improved over the previous application. He felt that the applicant had accommodated the spirit of what the Board had requested. Mr. Stevenson reminded the Board that the applicant is working to modify the existing architecture, a ranch-style home, to create the accessory dwelling.

Mr. Klofft asked whether the doorway was recessed. Ms. Berry said that the door, along with the entire section of the house that is to be converted into the accessory dwelling, is recessed. There is an overhang on the main house.

Ms. Moore added that from a building code perspective having a second door on the front of the house is desirable.

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

The following motion was made and seconded:

MOTION: "To grant Stephanie Moore, applicant, and Susan Berry and Deborah Flagg, 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 August 18, 2010 and the plans submitted by the Applicant, to allow an Accessory Dwelling Unit that is no greater than 850 square feet for property located at 4 Dawson Drive, 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: 4 Opposed: 0 Abstained: 1 (Klofft)

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.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin, Acting Clerk

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels

CASE 10-47  
Diana Tetzlaff  
113 Newbridge Road

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 20, 2010

The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

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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.

Diana Tetzlaff, applicant, along with her husband Jonathan Tetzlaff, presented an application for renewal of a special permit to conduct a home business for piano instruction at their residence located at 113 Newbridge Road. Ms. Tetzlaff said that the business was going well and that she was not requesting any changes in operations. She did, however, request clarification for the record that any students who walk to their piano lessons should not be considered as part of the vehicle per day count.

The Board then discussed increasing the number of allowed students per week to twenty-five, up from fifteen. All agreed to the increase.

Mr. Gossels suggested extending the duration of the renewal term to five years. Given that Ms. Tetzlaff has received no complaints from any neighbors the Board agreed.

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

The following motion was made 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 twenty-five (25) students per week, associated with this business will be allowed.

7. This permit is non-transferable and will expire in five (5) years on September 20, 2015, and the Board will consider renewal upon receipt of proper application on or before that date.”

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. There have been no registered complaints about the operation and no abutters were present to express concerns, therefore, the Board finds a five year renewal period to be appropriate for this case.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin, Acting Clerk

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels

CASE 10-48  
Paris Trust, LLC  
31 Union Avenue

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 20, 2010

The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

Notice was published in the *Sudbury Town Crier* on August 26 and September 2, 2010, 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.

Brett Taylor, was present on behalf of Paris Trust, LLC, to present an application for renewal of a special permit to allow an indoor commercial recreation facility at 31 Union Avenue. Mr. Taylor also requested that the permit be transferred from No Limits Enterprises d/b/a Velocity Sports to the property owner, Paris Trust, LLC. Velocity Sports would remain as tenants.

No additional changes to the special permit were requested and Mr. Taylor said that operations were going smoothly.

The Board discussed the fact that the permit had recently expired so could not be renewed. Given the request for a change of name under which the permit was to be issued it was suggested that the applicant submit a new application for a special permit with the appropriate name listed. The application fee would be waived.

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

The Board did not take action on the renewal of this special permit. Mr. Taylor will submit a new application for a special permit at a future hearing.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin, Acting Clerk

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Benjamin D. Stevenson

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Jonathan G. Gossels

CASE 10-49  
Dennis and Karen Brothers  
253 Goodman's Hill Road

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 20, 2010

The Board consisted of:

Elizabeth T. Quirk, Chair; Stephen A. Garanin, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

Notice was published in the *Sudbury Town Crier* on August 26 and September 2, 2010, 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.

Dennis and Karen Brothers, applicants and owners of property located at 253 Goodman's Hill Road, presented an application for a special permit for an 1,100 square foot accessory dwelling unit. Mr. Brothers explained that they have lived in the house for eight years and the accessory dwelling unit existed when they purchased the house. Mr. Brothers said that the original accessory dwelling was allowed in 1985 and the Sudbury Assessors' Office has classified the property as a two-family house. It was not made known to the Brothers at the time of purchase that they needed to have a special permit in order to have an operational accessory dwelling. Upon recently re-financing their house the home inspector discovered that a special permit should have been obtained for the accessory dwelling to be in compliance with the Town's bylaws. The Brothers now wish to obtain a special permit and continue operating the accessory dwelling. Their daughter currently lives in the accessory dwelling with her family.

Sudbury Building Inspector Jim Kelly explained that a Use Variance was initially issued for the land in 1985. In 1995 the homeowners at the time never submitted a bond of approximately \$4,000 that was required and therefore lost the use variance. They were, however, able to obtain a special permit for the apartment through the old accessory dwelling bylaw. Because of the original use variance the Sudbury Assessor's Office would have classified the house as two-family, however he recommended that the Brothers make the Assessors Office aware of this situation as it could impact their tax rate.

The Brothers said that they are on good terms with their neighbors and have received no complaints about the accessory dwelling unit.

Given that the accessory dwelling is already in place and since there have been no issues with its existence Ms. Quirk said that she did not have any problems granting the special permit.

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

The following motion was made and seconded:

MOTION: "To grant Dennis and Karen Brothers, 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 August 18, 2010 and the plans submitted by the Applicant, to allow an 1,100 square foot Accessory Dwelling Unit for property located at 253 Goodman's Hill 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 upon receipt of the permit.
6. This permit will automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit."

VOTED: In favor: 5 (Unanimous) 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.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Stephen A. Garanin, Acting Clerk

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Benjamin D. Stevenson, Associate

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Jonathan G. Gossels