

CASE 11-1
Station Road Auto Body & Garage, Inc.
40 Station Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, January 3, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Jeffrey P. Klofft.

Notice was published in the *Sudbury Town Crier* on December 16 and December 23, 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.

It was noted that the applicant was not present for the hearing to consider renewal of special permit 06-1 for the sale and repair of new and used motor vehicles at 40 Station Road, nor was there a representative present on the applicant's behalf. Given that a special permit has been granted to the applicant multiple times and there have been no known complaints about the business, the Board was amenable to withdrawing the application without prejudice. It was agreed that the applicant will reapply for the renewal and the hearing would be re-noticed. An application fee would be required however the filing fee would be waived.

No abutters were present. 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 withdraw Case 11-1 without prejudice."

(Request for a renewal of Special Permit for the sale and repair of new and used motor vehicles.)

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

REASONS: Neither the applicant, nor a representative for the applicant, were present to discuss the renewal of the Special Permit so the case was withdrawn without prejudice. The applicant will re-apply for the renewal at a later date.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Jeffrey P. Klofft

Stephen A. Garanin

CASE 11-2
Fred Dymont
4 Lake Shore Drive

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, January 3, 2011

The Board consisted of:

Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; and Jeffrey P. Klofft.

Notice was published in the *Sudbury Town Crier* on December 16 and December 23, 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.

Mr. Dymont was present to request a Special Permit for a 1,019 square foot accessory dwelling unit. In describing his proposal Mr. Dymont said that he has been a resident of Sudbury since the late 1950s. As he and his wife are aging he will require assistance with the property and his daughter and son-in-law plan to move in to the home to help with the burden. He explained that there is already an existing apartment on the lower level that was installed by his father when his father owned the property. Mr. Dymont plans to expand the square footage of the apartment by converting his existing garage into a living and family room, but not alter the footprint of the house. There should be no changes in appearance from the outside of the house.

Ms. Quirk asked whether the apartment had been rented previously. Mr. Dymont said it had not and explained that his parents had lived in it.

Mr. Klofft noted that the size of the accessory dwelling in relation to the existing house was over 30%, therefore essentially creating two residences of nearly the same size in one property. However he said that given the configuration and due to the circumstances of family members moving into the property he was willing to grant the request for the Special Permit. He suggested that the Board include a condition in the decision that only immediate family can live in the apartment.

A discussion ensued about whether or not a condition restricting the occupancy to family-only could be issued. The applicant was not opposed to the condition.

Mr. Gossels said that the house would read as if it were a single-family house even with the alterations to the lower level. He felt adding a condition about family only would be appropriate.

Nicholas Obratsov, of 61 Lakewood Drive, spoke in support of his neighbor. He explained that he had no objections to the proposed apartment and said that Mr. Dymont is and has always been a great neighbor and has been there for him and when he has needed help.

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 Fred Dymont, applicant and owner 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 November 30, 2010 and the plans submitted by the Applicants, to allow a 1,019 square foot Accessory Dwelling Unit for property located at 4 Lake Shore Drive, Residential Zone A-1, as follows:

1. The Accessory Dwelling Unit shall be occupied by no more than four persons.
2. The Accessory Dwelling Unit shall be restricted to use by immediate family members only.
3. 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.
4. 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.
5. 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.
6. 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.
7. 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. Given that the accessory dwelling is greater than 30% of the floor area of the existing house and is larger than 850 square feet, the Board felt that it was appropriate to add a condition stating that the accessory dwelling must be occupied by immediate family members only.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Nancy G. Rubenstein, Clerk

Jeffrey P. Klofft

Stephen A. Garanin