

CASES 12-23 & 12-25
Northern Bank and Trust Company
430 Boston Post Road

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, November 5, 2012

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Steve Garanin, Associate; and Jonas D.L. McCray, Associate.

Elizabeth Quirk, Chair of the Zoning Board of Appeals, explained that the Board was in receipt of correspondence from Shaun Briere of the law firm Mawn and Mawn, on behalf of the applicant, Northern Bank and Trust Company, formally requesting a continuance of the ZBA hearing in order for the Sudbury Board of Selectmen to have additional time to complete their Site Plan Review process.

A motion was made and seconded to continue the hearing to Monday, December 3, 2012 at 7:30 p.m. at the Flynn Building.

Elizabeth T. Quirk, Chair

Benjamin D. Stevenson, Clerk

Jonathan G. Gossels

Jonas D.L. McCray, Associate

Stephen A. Garanin, Associate

CASE 12-38
Matthew Roman
15 Maplewood Avenue

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, November 5, 2012

The Board consisted of:

Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jonathan F.X. O'Brien; Stephen A. Garanin, Associate; and Jonas D.L. McCray, Associate.

Notice was published in the *Sudbury Town Crier* on October 18 and October 25, 2012, 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.

Matthew Roman, applicant, was present to request a special permit to demolish an existing residence and to build a new house on property located at 15 Maplewood Avenue. Mr. Roman said that the living space of the new house would not exceed 1,650 square feet. A revised plot plan dated November 5, 2012 was distributed to the Board. The only change from the previous plan was that the driveway was relocated to the northwest corner of the lot instead of the northeast corner.

Mr. Roman said that the existing house had been abandoned for approximately one year and in talking with the abutting neighbors they were supportive of a new house at the site. None of the neighbors were present to speak on behalf of the project however Mr. Roman explained that several neighbors had conditions that they wanted incorporated into the special permit, to which he was amenable. For example, the resident at 11 Lakewood Drive had requested that Mr. Roman move his driveway over to the northwest corner of the lot to avoid situating it directly across from his own driveway. Mr. Roman was agreeable to this. The gentleman at 11 Lakewood Drive was also concerned about a dying pine tree in the vicinity of the new driveway location. He wanted the tree removed. Since the tree would have to be removed to create the driveway Mr. Roman agreed to this request.

Beth Lynch, resident at 7 Lakewood Drive, asked for a wooden stockade fence to run along the eastern property line given that much of the screening would be disturbed during construction. Ms. Lynch had also requested of Mr. Roman that the two of them would work together to select replacement plantings along that boundary.

Linda and Patrick Garrity, 17 Maplewood, had asked Mr. Roman to have the existing house treated for rodents prior to demolition so that any displaced rodents would not travel over to their property. Mr. Roman agreed.

Mr. Roman also said that Randy Petersen, 540 Hudson Road, had asked about the installation of a wooden stockade fence along the southern property line. Since Mr. Roman was already installing a fence along the eastern property line he agreed to extend the fence along the southern boundary.

Ms. Quirk asked Mr. Roman whether he had enough room to work during the construction phase. Mr. Roman said that it was a narrow lot, but it would not be feasible to make the house any smaller. A discussion ensued about the square footage of the house and the Board talked about adding a condition that the net square footage should not exceed 1,650 square feet as advertised. Mr. Gossels felt that the house was appropriately sized for the lot. Ms. Quirk added that the front setback was still a good size.

Mr. Gossels asked about the height of the house. Mr. Roman said that it was approximately thirty-two feet high.

The Board had no further questions. As no abutters were present who wished to speak the hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Matthew Roman, applicant, and 24 Estes Street LLC, owner, a Special Permit under the provisions of Section 2460B and 2620 of the Zoning Bylaws, to allow reconstruction of an existing residence on a nonconforming lot not to exceed 1,650 square feet, which will exceed the area of the original structure, and will result in a side yard setback deficiency of 12 feet to the east, a side yard setback deficiency of 12 feet to the west, and a front yard setback deficiency of 11 feet, property located at 15 Maplewood 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 November 5, 2012, which is incorporated into and made part of this Special Permit. The driveway will be located on the northwest corner of the site.
2. The net square footage of the house will not exceed 1,650 square feet.
3. A six-foot wooden stockade fence will be installed along the eastern and southern property boundaries.
4. The applicant will consult with the abutting neighbor to the east about replacement landscaping prior to removal of existing landscaping.
5. The large pine tree at the northwest corner of the site in the vicinity of the proposed driveway will be removed at the applicant's expense.

6. The existing house will be treated for rodents prior to demolition.
7. 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.
8. Construction must be completed no later than one year after commencement.”

VOTED: In favor: 6 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 and the applicant had the support of abutters. The Board felt that the new structure would be compatible with the surrounding homes in the neighborhood.

Elizabeth T. Quirk, Chair

Jonathan F.X. O'Brien

Benjamin D. Stevenson, Clerk

Jonas D.L. McCray, Associate

Jonathan G. Gossels

Stephen A. Garanin, Associate

SUDBURY ZONING BOARD OF APPEALS
MINUTES
November 5, 2012

The Board consisted of: Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jonathan F.X. O'Brien; Stephen A. Garanin, Associate; and Jonas D.L. McCray, Associate.

MEETING OF THE ZONING BOARD OF APPEALS

After the conclusion of the regularly scheduled public hearing a brief meeting was held to discuss approval of the Sudbury Housing Authority's Lottery Plan/Fair Housing Marketing Plan for their five duplexes located at 10 Landham Road, 19 Greenwood Road, 41 Great Road, 56 Great Road, and 11 Ford Road. Ms. Quirk noted that the Board was in receipt of an e-mail from Jody Kablack, Director of Planning and Community Development stating that the plan had been reviewed and approved by the Office of Planning and Community Development and that the Sudbury Housing Authority has already implemented their plan and held the lottery. A vote of the Board of Appeals confirming approval of the plan is a requirement of condition #1 of the decisions for the Comprehensive Permits. Therefore, upon review of the plan, Ms. Quirk made a motion for approval of the Sudbury Housing Authority's Lottery Plan/Fair Housing Marketing Plan. The motion was seconded and unanimously approved.

Next the Board had an informal discussion with Sudbury Resident Nick Palmer, who had submitted an application for one of the vacant positions for Earth Removal Board Member and Associate ZBA Member. Mr. Palmer is a licensed civil engineer and has extensive experience with commercial development. Mr. Palmer was invited to attend the public hearing to be held on December 3 to continue observing the operations of the Board and to talk further about his interest in serving on the ERB/ZBA.

There being no further business the meeting was adjourned.

Elizabeth T. Quirk, Chair

Jonathan F.X. O'Brien

Benjamin D. Stevenson, Clerk

Jonas D.L. McCray, Associate

Jonathan G. Gossels

Stephen A. Garanin, Associate