

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, January 6, 2014

The Board consisted of:

Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jeffrey P. Klofft; Nancy G. Rubenstein, Associate; and Nicholas B. Palmer, Associate.

Notice was published in the Sudbury Town Crier on December 19 and December 26, 2013, posted, mailed and read at this hearing.

ZBA Chairman Benjamin Stevenson, explained the requirements necessary to substantiate the granting of a Special Permit. He 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.

Lynn Green, applicant and property owner, was present to request a special permit for a home business to operate a kennel with dog grooming and day care facilities for up to twelve dogs at her property at 558 Dutton Road. Ms. Green said that she currently grooms Portugese water dogs which are a type of show dog, and she has a hobby breeding program for the dogs which can include one to two litters of puppies annually. She also owns three of her own Portugese water dogs which are licensed. While she has lived in Sudbury for over seventeen years her family recently moved to the property at 558 Dutton Road. She began her current grooming business because she often travels to dog shows to show her own dogs and wanted good grooming. Now that she has more space on her property with a large barn that would contain the proposed daycare and grooming business she wants to expand her services. Offering daycare may provide her clients with added amenities.

She said that since she is a dog owner herself she is respectful of neighbors, understands the need to control dogs and their barking, and she does not allow her dogs to roam free unleashed. She built a dog run for her dogs between her barn and house so that they would not be running near any abutting neighbors. She said that the property was approximately two acres and the barn would have approximately 2,000 square feet of indoor space for the dogs to exercise.

Mr. Stevenson said that the Board was in receipt of memo dated January 6, 2014 from Sudbury Animal Control Officer Jennifer Condon requesting that the Board consider a continuance for this hearing so that she would have time to inspect the proposed facilities and render an opinion for the Board's consideration. She said that an e-mail dated January 6, 2014 received from Sudbury resident Kathy Cromwell, 19 Atkinson Lane, raised some questions that she wanted to look into. The Board agreed that it would be useful to hear Ms. Condon's report.

Mr. Stevenson referenced Ms. Cromwell's e-mail for the record which the Board had also received.

Mr. O'Brien said that the ZBA has always been careful in its permitting of kennels so that noise, odor, and increased activity in a residential area was not detrimental to the neighborhood.

Mr. Stevenson asked whether anyone from the public had any comments.

Craig Homenko, 15 Petersen Circle, said that he wanted an opportunity to present the neighborhood's opinion. He said that no person has a legal right to a variance from the bylaw. He said that while he welcomes the Greens to the neighborhood he just moved to his home year ago because he wanted the quiet calm that that he felt the neighborhood provided. He said that he almost bought the Green's house in order to operate his business out of the barn, but decided not to. He said that he is not against dogs but to him it seems odd to put a kennel in a neighborhood and felt that a breeding kennel belonged on a farm. Mr. Homenko said that his house is approximately 100 feet from the barn and his pool area is approximately 200 feet from the barn. He has a home office that looks out into the fenced area where the dogs run and the dogs do bark. He said that Ms. Green has a web site for her dog breeding business and from looking at the pictures on the site he assumed Ms. Green had five of her own dogs. He said that while Ms. Green is a model of what the town wants in Sudbury seventeen dogs is too much. He had issues with the location of the kennel, which would have clients using a blind driveway on a big bend on Dutton Road. He calculated that there could be thirty-four drop-offs and pick-ups translating to thirty-four entrances and exits per day with that number of dogs. He said that there is a sidewalk on which neighborhood children ride their bikes which would be pose a safety hazard if there was additional traffic. He also anticipated an increased number of traffic accidents along Dutton Road.

Mr. Stevenson clarified that the ZBA was considering the application as a request for a special permit, not a variance.

Victor Paquette, 11 Petersen Circle, said that his property abuts the back yard of the Greens. He said that he moved to Sudbury in 2006 for a quiet neighborhood for his two young girls. He said that he enjoyed the safety of the neighborhood and the use of the sidewalks. He also has a pool in his back yard that his family uses all the time. He described it as a quiet oasis that would be disrupted by barking dogs. He said that runners and cyclists use the sidewalk and he has concerns for their safety if a lot of dogs were outside during the day. He anticipated that the daycare business could run from 7:00 a.m. until 6:00 p.m. which would conflict with when his family is trying to enjoy their own property. He was fearful that noise would still be present even if Ms. Green tried to control it. He said that he would not have moved to his house had he known that a kennel would be there. He was also concerned about his property values decreasing and the difficulty he and his neighbors would have if they were to try to sell their homes. He also had concerns about safety aspects with increased traffic on Dutton Road and warned of potential accidents involving children going to and from the Fairbank Community Center. He noted that there was a dedicated driveway to the barn. But he said that meant that the dogs would be getting in and out of cars nearer to his property. He said that he likes dogs but is not a dog owner. He said that he was impressed with Ms. Green's passion for dogs and for her business but he wished that she would operate it in a commercial area.

Jim Jenson, 14 Petersen Circle, said that a pond is located adjacent to the property that attracts several species of wildlife. He described the various animals and birds in the area, which he described as a wild jewel. He was concerned that the large number of dogs would disturb this environment.

Mary Erbafina, 11 Atkinson Lane, supports the Green's small business endeavors, however she did not want additional noise from dogs in the neighborhood. She said that she likes to enjoy the outdoors and did not want dogs outside.

Kathy Cromwell, 19 Atkinson Lane, referenced her e-mail to the board where she cited noise, traffic safety, and decreased property values as her main concerns. She questioned how Ms. Green was proposing to supervise the large number of dogs by herself, which she tallied at twenty-one. She understood that Ms. Green had children to care for as well and with these other obligations she felt that supervising the dogs would be difficult.

Mike Finn, 584 Dutton Road, said that he has lived in Sudbury for 26 years so he is quite familiar with the property. He said that he has dogs himself and tries to be a good neighbor. He felt that additional traffic would be dangerous. He asked the Board to look at the application closely and asked them if they would want a kennel in their own neighborhoods.

Michael Donowitz, 5 Atkinson Lane, suggested that the traffic concern be confirmed by the Traffic and Safety Committee in Sudbury.

Mr. Klofft said that he considered the volume of traffic as a whole to be inconsequential. He said that the number of car trips would not be substantial and mentioned that some other developments in town were approved with greater traffic trips. He agreed that the hidden driveway was less safe.

The Board then questioned the history of the barn. Ms. Green said that the previous owner operated a steel industry with offices and ten employees in the space. He said that the barn had been commercially zoned in the past.

Mr. Stevenson summarized the concerns stating that one issue was the setting. However, he said that the Town voted the bylaw that allows kennels in residential neighborhoods. Therefore he said that the application in and of itself is not unique because of the Sudbury Bylaw. He also said that he heard concerns about the large number of dogs that would be on the premises. He asked Ms. Green whether she was flexible at all on the number of dogs that she would be caring for. Ms. Green said that she grooms up to three dogs per day and is done with the grooming by 3:00 p.m. She said that daycare clients would probably drop their dogs off at 9:00 a.m. She said that the daycare operation would be a nice addition to the grooming service and all operations would take place indoors in the barn, which has approximately 2,000 square feet of space. She said that she does not want dogs outside destroying yards. The only time that dogs would be outdoors would be during bathroom runs and the run is located behind the barn so as not to abut the neighboring property. She said that the dogs would be leashed to go in and out of the barn and in and out of cars. She said that there are rules to any business operations.

Mr. Klofft asked whether Ms. Green had a kennel license. She said that once she obtained the special permit she would obtain the kennel license. She said that if the business grows she would have to hire assistants to help out.

Mr. O'Brien asked what number of dogs Ms. Green would likely begin the business with. Ms. Green said that she would probably begin with grooming three dogs and have up to five dogs in the daycare which would total eight, plus her own three dogs. She said that there is a season for litters of puppies and she anticipated only up to two litters of puppies per year. When puppies are born they remain in their boxes for about four weeks.

Mr. Klofft said that he was hearing in general that the kennel proposal may be too much for the area and may have a negative impact on the pond and wildlife. He said that the grooming business with three dogs at a time may be ok but the daycare operation would be different. He said that the ZBA is charged with making a decision that would not alter the character of the zoning district.

Ms. Green said that the dogs would not have access to the pond from the barn.

Mr. Palmer asked whether the grooming could be approved with doggie daycare as an add-on.

Ms. Rubenstein said that breeding of dogs was something of a wild card and conditioning breeding would be hard to control given the nature of litters.

Mr. Stevenson said that he felt that it was a bigger operation than usual for a residential neighborhood. He suggested that if Ms. Green were to scale back the proposal then perhaps that would satisfy the concerns.

Given that the Board wanted to hear a report from the Animal Control Officer, a motion was made and unanimously seconded to continue the hearing to Monday, February 3, 2014 at 7:30 p.m. at the Town Hall.

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Benjamin D. Stevenson, Chair

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Jeffrey P. Klofft

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Jonathan F.X. O'Brien, Clerk

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Nicholas B. Palmer, Associate

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Nancy G. Rubenstein, Associate

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Applicant Peter Veloutsos was present to request a Special Permit to construct an attached two-bay garage measuring approximately 25.5' x 44' on a nonconforming lot to be located approximately 34 feet from the front yard resulting in a front yard setback deficiency of approximately 6 feet and located approximately 6 feet from the side yard resulting in a side yard setback deficiency of 14 feet.

Mr. Klofft expressed concern about the height of the garage, which was two stories, set so close to the property line. Mr. Stevenson agreed. Mr. O'Brien asked whether there would be living space on the second floor. Mr. Veloutsos said that would be used for storage.

Mr. Stevenson noted that the garage addition would essentially double the size of the house. Mr. Veloutsos said that his plan is to build the garage addition to accommodate his need for housing his vehicles and motorcycles but then, in a few years, he would renovate the main portion of the house to match the new garage addition so that there was symmetry to the structure. Mr. Stevenson felt that approach might make the house appear disjointed.

The Board discussed the fact that the house was already nonconforming but the garage would make the house two times as long and too high making the nonconformity worse from the neighbor's perspective. It would be too big, too close, and too much within the setback.

Mr. Klofft said that if the garage were only one story high then he might be inclined to approve the plan, but the half story makes it too large in his opinion.

Mr. O'Brien asked whether Mr. Veloutsos would revise his plans. Mr. Veloutsos said that he would if required to do so by the ZBA.

Mr. Stevenson asked whether the plans for the house should be reviewed at the same time. Mr. Veloutsos said that he was not at that stage yet since he was planning to renovate the house in two or three years' time.

Mr. Palmer asked whether Mr. Veloutsos had considered other options such as behind the house. Mr. Veloutsos said that he did not want to lose his back yard and he would have to work around the septic

system in the back of the house. Mr. Palmer said that it would be likely with the home renovation that the septic system would have to be altered anyway so its location might change.

Ms. Rubenstein felt that it would be difficult to approve the garage without seeing how it would blend in with the renovations of the main house.

Mr. Veloutsos said that the neighboring property is owned by the Sudbury Housing Authority and is approximately fifteen feet from the property line. He said that he chose the gambrel style for the garage to keep the height lower and to give it some shape.

Mr. Klofft asked whether Mr. Veloutsos would consider changing the height of the house to one and a half stories. Mr. Veloutsos said that he could give that some consideration.

A brief check from each Board member concluded that each felt that the garage was too tall and too large to be that close to the neighboring property. Mr. Stevenson suggested that perhaps Mr. Veloutsos would want to withdraw his application without prejudice and rework the plans to present to the Board at a future hearing. Mr. Veloutsos agreed and requested that his application be withdrawn without prejudice.

No neighbors were present to express concerns. There were no further comments from the Board or audience. The hearing was closed.

The following motion was made and seconded:

MOTION: "To accept a request from the Applicant to withdraw Case 14-2 without prejudice."

(Request for a Special Permit to construct an attached garage measuring approximately 25.5'x44' on a nonconforming lot to be located approximately 34 feet from the front yard resulting in a front yard setback deficiency of approximately 6 feet and located approximately 6 feet from the side yard resulting in a side yard setback deficiency of 14 feet.)

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

Members present and voting: Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jeffrey P. Klofft; Nancy G. Rubenstein, Associate; and Nicholas B. Palmer, Associate.

REASONS: The Board felt that the proposed garage was too tall and too wide for its location and encroached too much into the setback. The Board was in agreement that there may be opportunities to make adjustments to the plans and discussed those options with the applicant. By withdrawing the application without prejudice the plans could be revised and the applicant could re-submit an application for a special permit at a later date.

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Benjamin D. Stevenson, Chair

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Jeffrey P. Klofft

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Jonathan F.X. O'Brien, Clerk

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Applicant Dave Duane of Methods Machine Tools, Inc. was present to request a special permit for a 15.3 square foot halo-lit business logo sign at his newly renovated property at 65 Union Avenue. Mr. Duane said that he needed permission for the halo-lighting. He said that Methods Machine Tools, Inc. had been in business in Sudbury for sixty years and the old logo sign that would be replaced with the new one was installed in 1971. With the renovations he wanted the sign to be more high-tech to correspond with their more modern corporate logo. He explained that he had presented his plans to the Design Review Board which supported the halo lighting and he had incorporated the DRB's suggestions into his application for the special permit. The sign would extend about two inches from the wall of the building and would be back-lit with the halo-lighting.

Mr. Stevenson said that Methods Machine Tools, Inc. is a good local institution and complemented Mr. Duane on the renovations. Ms. Rubenstein asked what the wall where the logo sign would be hung was made of. Mr. Duane said that it was made of brick.

The Board then discussed conditions to add to the standard conditions typically assigned to signs. Namely, the Board wanted to specify the times during which the sign would be illuminated. The Board agreed that since there are not a large number of residences nearby it would be appropriate to have the sign lit when employees were accessing the building, from 6:00 a.m. through 8:30 p.m. Monday through Friday.

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

The following motion was made and seconded:

MOTION: "To grant Methods Machine Tools, Inc., applicant, and Macot Realty Trust, property owner, a Special Permit under the provisions of Section 3290 of the Zoning Bylaw, to allow new signage which exceeds the maximum allowance for the property with the installation of a halo-lit affixed sign measuring approximately 15.3 square feet, property located at 65 Union Avenue, Industrial District Zone #2, provided that:

1. The sign will be installed in the location as submitted in the sign proposal from View Point Sign and Awning dated November 22, 2013, which is incorporated into and made part of this Special Permit.
2. The Methods Machine Tools Logo Wall Sign shall measure 15.3 square feet.
3. The color used for the sign shall be red to match Methods Machine Tools' corporate logo.
4. The sign shall conform to Sudbury's Lighting Bylaw. Illumination shall be 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. The LED halo light will be white.
5. The lighting of the sign will be set via a timer so that it is illuminated as needed during the hours of 6:00 a.m. to 8:30 p.m. Monday through Friday."

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

REASONS: The petitioner requires a special permit to install a halo-lit business logo sign. The applicant has met with the Design Review Board and incorporated their suggestions. The Board finds that the halo-lit sign will not be a detriment to the surrounding area and will not alter the character of the zoning district which is located in the Industrial District Zone #2 and it will not cause visual confusion, glare, or offensive lighting in the area, nor will it interfere with traffic safety.

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Benjamin D. Stevenson, Chair

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Jeffrey P. Klofft

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Jonathan F.X. O'Brien, Clerk

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Nicholas B. Palmer, Associate

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Nancy G. Rubenstein, Associate



CASE 14-4  
Robert Haworth  
71 Concord Road

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
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Applicant Robert Haworth, R.B. Haworth & Son, Inc., and property owners Maggie and Rick Watson were present to request a special permit to construct an attached garage at 71 Concord Road measuring approximately 24 feet by 36 feet on a nonconforming lot to be located approximately fifteen feet from the side yard setback resulting in a side yard setback deficiency of approximately five feet. The proposed garage project had previously received a Certificate of Appropriateness from the Historic Districts Commission. A Building Permit had been obtained and work commenced, but the building permit was subsequently voided when it was discovered that a portion of the garage would fall within the side yard setback. The abutting neighbor at 67 Concord Road, Deborah Drummond, had made the discovery and informed the Building Inspector, Mark Herweck, who looked into the matter and halted the project. Mr. Herweck then referred the property owners and the applicant to the ZBA for a special permit. Mr. Haworth admitted that he had erred, mistakenly thinking that the side yard setback was fifteen feet rather than twenty. A detached, one-bay garage stood in the area of the proposed garage but has since been demolished to make way for the new garage.

M. Haworth then walked the Board through the garage's design. He said that the Historic District Commission voted unanimously to approve the design. Mr. Haworth also met with the Conservation Commission about plans to control runoff and the plans were approved unanimously. The location for the garage was determined by the location of the original garage and the fact that the site itself has limitations due to grading and the siting of the house. Only a portion of the garage would fall within the setback. The rear edge of the proposed garage at its widest point would sit four feet six inches within the setback. The front of the garage would sit two feet within the setback. A gravel driveway with a curb cut had already been in existence so it made sense to utilize that driveway in the new project. The homeowners want to alter the driveway somewhat to provide a turn-around area so that cars do not have to back out onto Concord Road which has a curve thus making it dangerous to back out. As parents of young children Ms. Watson said that they wanted to build a garage that would hold their two cars and consideration for the safety of anyone entering and exiting their driveway was a priority. She said that she prefers the aesthetics of a gravel driveway but in the future it may be paved if it does not hold up well.

Maggie Watson explained that she and her husband, Rick, had bought the house for its history and location on a main street in Sudbury. She explained that work on the house has been a labor of love and that she has done extensive research to ensure that all alterations support its historic character and are in-

keeping with the neighborhood. She gave a brief background about the house's history and changes that have been made during their ownership.

Mr. Klofft asked Mr. Herweck whether the lot was nonconforming. Mr. Herweck said that it was nonconforming due to its lack of frontage.

Ms. Rubenstein noted that with a paved driveway the area would be impervious, however, there would be less impervious surface due to the reduced size of the driveway. Ms. Watson said that the driveway would be graded toward the street where there is a storm drain.

Ms. Watson then addressed the issue of the property line between their home and Ms. Drummond's at 67 Concord Road. She explained that there was a history of ambiguity about the property line. When an addition was put onto the house several years ago and the house and lot were re-graded to accommodate the project dirt was placed in a location that encroached upon Ms. Drummond's land and during this project the issue of the property line came to light. Discussion ensued about past issues unrelated to the current proposal including the location of the Watson's swing set and installation of a drainage pipe. The Watsons said that they eventually had the dirt pile removed and plugged up the drainage pipe at the request of Ms. Drummond. That past addition project was reviewed by the HDC at the time. More recently Ms. Watson and Ms. Drummond sought to clarify the property line and Ms. Drummond paid to have a surveyor survey the lot line. Drainage still continues to be a concern for Ms. Drummond. Mr. Haworth said that seasonal water runoff happens often due to the topography of Goodman's Hill but he did not feel that the work at the Watson's property was exacerbating the runoff onto Ms. Drummond's property. Ms. Watson said that she and Mr. Watson had attempted to address all of Ms. Drummond's concerns.

Ms. Drummond was present along with her attorney, James Goodhue of Grindle Robinson LLP. Mr. Stevenson noted for the record that the Board was in receipt of a Memorandum of Opposition from Mr. Goodhue dated December 30, 2014 requesting that the special permit be denied. Mr. Goodhue confirmed that given the past encroachment issues with the dirt pile, swing set, and drainage pipe, Ms. Drummond did expend funds to have a property survey done and the property staked.

Mr. Stevenson asked where things stand now regarding the previous encroachment issues. The Watsons confirmed that there is no current encroachment onto Ms. Drummond's property. The swing set has been moved, the dirt is gone, and the black PVC pipe has been pulled back to their property and blocked.

Mr. Goodhue argued that the application for a special permit was not the appropriate permit to seek and therefore should be denied. He suggested that it was instead a Variance that needed to be approved. Building Inspector and Zoning Enforcement Agent Mark Herweck disagreed because the lot itself is nonconforming. Mr. Klofft further pointed to Section 2460B of the Zoning Bylaw which states, "In the event that the proposed construction would result in the structure exceeding the total floor area of the original non-conforming structure, a special permit shall be required from the Board of Appeals." After some discussion the Board was in agreement that it is a special permit that should be sought so the application is appropriate.

Mr. Goodhue suggested that if the Board approved this garage they would be setting a precedent. Mr. Klofft said that approvals for garages that go into setbacks have been done many times in Sudbury and he did not feel the case would set a precedential value. He said the goal is to determine why the encroachment should be allowed. Mr. Haworth said that it should be allowed so that two cars can be housed and Ms. Watson added that it is also because of the location of the existing driveway. She also said that a stone wall installed by the Town also limits where the driveway can go.

Discussion ensued about how the garage could be reduced in size or reconfigured, but in the end the Board decided that given the constraints of the house and shape of the driveway the proposed plans as presented and approved by the HDC provided the most reasonable scenario.

Mr. Stevenson asked whether Ms. Drummond wished to speak. She agreed that her concerns stemmed from past encroachment issues, past project history, and the location of the garage. She said that she was fine with the design of the garage but she wanted the Watsons to abide by the setback. The setback was her biggest concern.

Ms. Watson said that at the time the plans were drawn she thought that they were within the setback and as Mr. Haworth admitted that he had made an error with the setback. She said that she wanted a post and beam addition so they chose Mr. Haworth who has expertise in post and beam construction. She said that she has taken steps to ensure that if approved the project is done well. The Watsons have hired a construction consultant to serve as project manager to work with Mr. Haworth.

Mr. Stevenson clarified that the overall relief being sought is relief for approximately five feet at the rear of the garage and approximately two feet at the front. He further explained to those present that the garage would not be going over the property line, just into the 20 foot setback on the Watson's own property.

Carolyn McQueen, 88 Concord Road, said that she has lived on Concord Road for many years and has watched the restoration projects undertaken by the Watsons which she described as fabulous. She said that the property has only a small amount of land on which to build the garage. She was concerned about maintaining the historic integrity of homes on Concord Road and said that a two-car garage was approved by the Historic Districts Commission. She said she is hoping for some sort of resolution between the neighbors.

The Board discussed the fact that the HDC approved the plans for the design of the garage but they did not look at the setback. Mr. Klofft suggested that the applicants go back to the HDC to inform them about the setback issue. Mr. Haworth agreed to do so.

Mr. Herweck said that any condition imposed by the ZBA would have to be enforced by him as the Zoning Enforcement Agent.

Ms. Watson said that she would be amenable to installing a fence at the property line.

Mr. Goodhue said that his client also had concerns about snow removal and water runoff. He wanted conditions added so that water draining from the roof did not head toward Ms. Drummond's property. Mr. Haworth said that there would be a gutter leading water toward the back of the garage and away from the neighbor's property. Mr. Palmer added that there was a slope from the grade to the street.

Mr. Goodhue said that he wanted a condition added that would address landscaping and landscape infill. Mr. Watson said that they would install pleasing border landscaping, but he had concerns about the increasing costs of the project.

The Board expressed a need for the homeowners and the abutter to work together on a reasonable and mutually agreed upon landscape proposal.

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

The following motion was made and seconded:

MOTION: “To grant Robert Haworth, applicant, and Rick and Maggie Watson owners, a Special Permit pursuant to Sections 2420 and 2460B of the Zoning Bylaw, to construct an attached garage measuring approximately 24’x36’ on a nonconforming lot to be located approximately 15 feet from the side yard resulting in a side yard setback deficiency of approximately 5 feet, property located at 71 Concord Road, Residential Zone A-1, provided that:

1. The one and a half-story garage addition will be constructed as shown on the plan dated November 30, 2013 prepared by R.B. Haworth & Son that is incorporated into and made part of this application for a Special Permit.
2. The applicant and homeowners shall meet with the Sudbury Historic District Commission to inform them of the setback issue which was not identified at the time of the HDC’s issuance of a Certificate of Appropriateness (HDC Case #13-19).
3. A reasonable landscape plan, including fencing along the southern lot line, that is mutually agreed upon by the homeowners and the abutting neighbor shall be presented to and approved by the ZBA at a future meeting.
4. There shall be no additional water run-off onto the abutting neighbor’s property at 67 Concord Road.
5. Acceptable accommodations for snow storage shall be made so that snow does not affect the sight lines from the neighbor’s driveway at 67 Concord Road.
6. 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.”

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

Members present and voting: Benjamin D. Stevenson, Chair; Jonathan F.X. O’Brien, Clerk; Jeffrey P. Klofft; Nancy G. Rubenstein, Associate; and Nicholas B. Palmer, Associate.

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 side yard setback deficiency, will not be substantially more nonconforming than the existing nonconformity to the neighborhood. The Board felt since the HDC issued a Certificate of Appropriateness for the garage plans but the setback issue had not been identified then the HDC should be made aware of the setback issue and the validity of the ZBA’s special permit would be subject to HDC approval. Given the variety of concerns expressed by the abutting neighbor the Board also requested that a reasonable and mutually acceptable landscape plan be worked out between the owners and the abutting neighbor which would be presented to the ZBA at a future to ensure that all parties are in agreement.

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