

14 OCT 31 AM 9:12

MINUTES OF THE PUBLIC HEARING
SUDBURY BOARD OF APPEALS
Monday, October 27, 2014

The Board consisted of:

Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; and Jeffrey P. Klofft.

ZBA Chairman Benjamin Stevenson explained the requirements necessary to substantiate the granting of a Special Permit. He said 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. Stevenson re-opened the hearing for Case 14-28, 46 Greenwood Road. Marcel Maillet of Maillet and Son, Inc. was present to request a Special Permit to demolish an existing residence and construct a new single-family residence measuring approximately 3,300 square feet on a nonconforming lot. The location of the new residence will meet zoning setbacks.

Mr. Gossels noted that the certified plot plan dated October 8, 2014 reflects the setbacks which all conform to the Board's Construction after Demolition – Reuse of Non-Conforming Lots guidelines. The applicant had moved the house back as was requested at the October 6, 2014 hearing. The new house will be square with the road rather than angled as is the old house. The height of the house will be approximately 32 feet to grade as shown on drawings that were submitted to the ZBA.

The Board discussed the fact that the approved size of the new house would be for a maximum of 3,300 square feet. The builder felt that the house would, in fact, be slightly smaller than that.

Mr. Stevenson asked whether any neighbors were present who wished to speak. None were present.

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

The following motion was made and seconded:

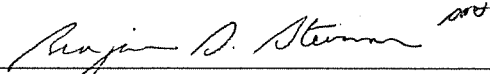
MOTION: "To grant Marcel Maillet, L.P./Mailett & Son, Inc., applicant, and John Healy, owner, a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to demolish an existing residence and construct a new single-family residence on a nonconforming lot that would measure approximately 3,300 square feet, property located at 46 Greenwood Road, Residential Zone A-1, provided that:

1. The new house will be constructed in the location as shown on the Certified Plot Plan prepared by Savello and Associates dated October 8, 2014, which is incorporated into and made part of this Special Permit.
2. The demolition contractor shall comply with all applicable federal and state laws and regulations.
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.

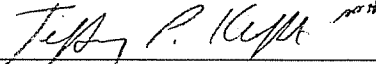
4. Construction must be completed no later than one year after commencement.”

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

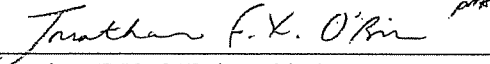
REASONS: The petitioner requires a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed residence meets all setback and height requirements and will not be substantially more nonconforming than the existing nonconformity to the neighborhood.



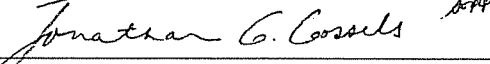
Benjamin D. Stevenson, Chair



Jeffrey P. Klófft



Jonathan F.X. O'Brien, Clerk



Jonathan G. Gossels

SUDBURY ZONING BOARD OF APPEALS

MINUTES

October 27, 2014

The Board consisted of Benjamin D. Stevenson, Chair; Jonathan F.X. O'Brien, Clerk; Jonathan G. Gossels; and Jeffrey P. Klofft.

MEETING OF THE ZONING BOARD OF APPEALS

ZBA Chairman Ben Stevenson called the meeting to order at 7:30 p.m. After the conclusion of a public hearing for Case 14-28, 46 Greenwood Road, the Board then addressed the following:

Discussion and Approval of Minutes for Case 14-27, First Colony Northwood LLC, 10-20 Northwood Drive:

Mr. Stevenson explained that the minutes and decision had been drafted for approval by the ZBA prior to filing. He said that both he and Mr. O'Brien had reviewed and re-drafted them.

Mr. O'Brien added that they were careful to clarify the board's position about local transportation. It was agreed that at the October 6 meeting the Board did not concur on any specifics about transportation in terms of the radius or distance transportation would cover. It was agreed that the words "local transportation" served their purpose. Mr. O'Brien said that transportation was an important factor in the minimum standard of care because this particular facility is distanced from the commercial area of town. But the Board discussed whether or not the bylaw required transportation. Mr. Stevenson reminded those present that Board needed to make a decision that was aligned with Judge Long's order.

Mr. Stevenson said that he drafted the section with the reasons for the decision to reflect the 1997 discussion as a reference point for their determinations on October 6, 2014.

The Board then made a few editorial changes to clarify their actual discussion of October 6 in regard to housekeeping, which was that housekeeping should be offered as an "opt-in" pay for services basis.

Mr. Stevenson asked whether any members of the public wished to be heard. Rita Bourne did not have any comments at this time. Sidney Bourne said that the minutes and decision looked like they were complete. Mark Kablack said that he was initially concerned about the housekeeping service language but after the Board added the opt-in pay for services he was pleased to see that change because he felt that it was consistent with what the ZBA had voted on October 6.

A motion was made to accept the minutes and decision for Case 14-28 as presented and amended at this meeting.

There being no further business the meeting was adjourned at 8:00 p.m.

Benjamin D. Stevenson
Benjamin D. Stevenson, Chair

Jeffrey P. Klofft
Jeffrey P. Klofft

Jonathan F.X. O'Brien
Jonathan F.X. O'Brien, Clerk

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