

SUDBURY ZONING BOARD OF APPEALS
MINUTES
April 13, 2015

The Board consisted of:

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

The meeting was open at 7:16 p.m. with the Zoning Board of Appeals and Earth Removal Board Annual Meeting. Mr. Stevenson asked if anyone had any concerns or comments regarding the Board Rules and Regulations. There was a question about the cost of advertising fees, and Ms. Kablack replied that no change is needed.

The Board proceeded to review and sign the following documents:

Rules and Regulation – Board of Appeals dated April, 2015.
Supplemental Rules for Comprehensive Permits dated April 13, 2015
Rules and Regulations – Earth Removal Board dated April, 2015

Motion was made to approve and sign these documents.

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

Board Reorganization

Chairman Stevenson, shared with the Board that he is resigning from his position as Chairman of the Board of Appeals, as well as stepping down from the full Board, giving the chance to an Associate Member to serve the town. He noted that he would like to remain as an Associate Member.

Mr. Stevenson nominated Jonathan F.X. O'Brien as Chairman, seconded by Mr. Klofft.

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

Mr. Gossels thanked Mr. Stevenson for his service and excellent work as a Chairman. After discussion about who should step up to be a member, the Board decided to nominate an Associate member that has the greatest tenure.

Mr. Stevenson nominated Ms. Rubenstein to become a member, this was seconded by Mr. O'Brien. Mr. Stevenson nominated Nicholas Palmer as Clerk. This was seconded by Mr. O'Brien.

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

Next Ms. Kablack passed some sample templates for future Board decisions, with the purpose of streamlining the process and having consistency.

The Board reviewed the templates and agreed that this was a good idea. Ms. Kablack will begin using the templates immediately.

Public Hearing Continuation Case 15-7 Genevieve and Darwin Richardson, 55 Phillips Road.

This is a continuation of the hearing held on March 2, 2015, applicant Darwin Richardson handed out additional paper work that consisted of pictures of the coop and the location on the lot where the coop would go.

This hearing was continued because of two items: screening and waste disposal.

Mr. Richardson talked about the pictures that he just submitted illustrating vegetation plans for the chicken coop. He mentioned that the fence will be 4 to 6 feet high. He would prefer a fence because it provides an immediate solution, vegetation will take time to grow.

Mr. Richardson informed the Board that he has not discussed this project with his neighbors. The chicken coop will be located 18 to 20 yards behind the house, no less than 30 feet from each lot line.

Mr. O'Brien asked if the applicant would do a fence and vegetation combination type of screening.

Mr. Richardson replied that yes, he can do both, he clarified that initially he wanted to do the fence and greens voluntarily.

Regarding waste disposal, the applicant explained that the safest way will be to place it in a trash bag, similar to cat litter.

Mr. Stevenson asked if any neighbors would like to speak in regards to this matter.

Jim Peck of 49 Phillips Road approached the table, he stated that they are the most affected by this proposal, but he and his wife had not had the opportunity to review the new material submitted this evening.

The Board suggested that the best idea will be to suspend the hearing temporarily to allow Mr. Peck to confer with his wife about the new information, and to continue the hearing later this evening.

A Motion was made and seconded to continue this item at a later time this evening.

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

Public Hearing Case 15-10 Elizabeth Orlando, D/B/A Betsy's Buddies.

Elizabeth Orlando was present. This hearing is to renew a Special Permit originally granted on June 7, 2010, and last renewed on April 23, 2012. The permit was granted for 3 years. The applicant is now requesting a permit for 5 years.

The Board received 2 letters in support.

Ms. Elaine Jones, whose property abuts 163 Barton Drive talked in favor of this application.

Board members requested that the decision be specific and state that the kennel should be located in the addition that was constructed for this purpose.

Motion to grant under the provisions of section 2313 of the Zoning Bylaws, renewal of a Special Permit to operate a kennel on the premises, Assessor's Map H04-0155, 163 Barton Drive, Residential Zone A-1 for five years until 2020.

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

Public Hearing, Case 15-11 Maillet & Son, Inc. applicant, and Kathleen McDonald, owner.

No one available in the room for this hearing, suspended until the end of the night.

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

Public Hearing, Case 15-12 – GTP Acquisition Partners II, LLC (formerly tower Assets Newco II, LLC) applicant, and Sudbury Research Center, Inc., owner.

Mr. Michael S. Queenan was present for the applicant. This hearing is to renew a Special Permit originally granted in 1999, and last renewed in June 6, 2014. The applicant is requesting a renewal term of 20 years.

Mr. Gossels stated that this tower was a danger due to possible panels falling down. Inspections were provided for 2012 and 2014, but not for 2013.

Mr. Klofft would like to see a recent inspection report, and the Board should consider a new permit for only 5 years not 20 as requested per the applicant.

Mr. Gossels asked how old the panels were. The applicant's representative Mr. Queenan did not have this information.

Mr. Klofft noted that the inspection report for 2012 was very specific, missed 2013 report and 2014 inspection report was very basic. The board would like to see a more specific report.

Mr. Queenan representing the applicant apologized for not having a report for 2013, he is happy to come back with a complete updated inspection report.

The Board will ask for an inspection report showing current condition. The Board also suggested that the Building Inspector be given the opportunity to be present during the inspection.

A motion was made and seconded to continue the hearing until June 1st at 7:30 p.m.

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

15-13 John McCauley, applicant, and LAS Properties LLC, owner for a Special Permit under the provision of Section 2460B of the Zoning Bylaw, to reconstruct an existing residence on a nonconforming lot that would exceed the area of the original structure.

Mr. John McCauley, Applicant, was present to discuss this application. He discussed the different aspects of the plan, including the decision to put a septic tank under the existing tennis court to preserve existing trees. Also decided to move the location of the driveway, because part of the existing driveway was located on 39 Plympton Rd property, move the structure to save a large Elm and Walnut trees, relocate the garage to be further away from 29 Plympton Road.

Mr. O'Brien asked what is the proposed height of the house.

The Applicant replied that it is not going to exceed 35 feet.

Mr. O'Brien mentioned that the Board likes to see more technical drawings of the plans with full scale drawings showing dimensions.

Mr. Stevenson asked if any neighbors were present and if they would like to speak about this application.

Mr. Gonzalo Leon, 25 Plympton Rd, stated that he lived in his house since 1960. He would like to see a smaller house built to keep the character of the area. He feels the building is out of scale.

Mr. Leon invited members of the Board to visit him, he will be more than happy to walk and show them the conservation trails behind this property, which he believes will be impacted by the new large house.

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Mr. Leon suggested to the Board to approve the construction but for a much smaller structure.

Mr. Thomas Friedlander, 75 Water Row, expressed concern about the height of the property and lighting. A large house will impact wildlife he stated.

Mr. Lee Swanson, 55 Hudson Rd, stated that for this location the proposed construction is in appropriate.

Mr. Gossels asked the applicant if he could reduce the size of the structure and come back at the next meeting to address the concerns voiced tonight?

The Applicant will make sure the Engineer's plans include more detail regarding topography, height and landscaping.

After some discussion it was decided that the Board was unable to make a decision because it needed more specific information and documentation to make an informed decision.

A motion was made and seconded to continue the hearing until May 18 at 7:30 p.m.

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

Case number 15-7 Genevieve and Darwin Richardson

This case is continued from earlier this evening. Mr. Peck stated that after discussing this with his wife, their biggest concern is that they do not want to see the chicken coop from their property.

The Board agreed that a combination of a fence and vegetation will be best, with the use of a minimum of 5 to 10 plants of the applicant's choosing, and sufficient fencing. Fence should be not less than 30 feet from either rear property line and no lower than 4 feet tall. The number of chickens should not exceed 6, no roosters, the chicken coop and pen area may be no greater than twenty-four (24) square feet in size, and approximately 4 feet in height. One low-watt light no greater than 60 watts will be allowed inside the chicken coop. The light may be turned on 24-hours per day. All waste shall be disposed of in the household trash. There shall be no disposal of waste on the Property. No commercial activity consisting of the sale of eggs, chickens, or chicken products will be allowed on the Property.

A motion was made and seconded to approve the Special Permit.

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

A motion was made and seconded to approve the Minutes for March 2, 2015.

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

Case number 15-11 Maillet & Son, Inc., applicant, and Kathleen McDonald, owner, for a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to reconstruct an existing residence measuring approximately 3,400 s.f. on a nonconforming lot that would exceed the area of the original structure, Assessor's Map C07-0108, 38 Greenwood Road, Residential Zone A-1.

Mr. Aderice Maillet was present for the Applicant, Marcel Maillet. Mr. Stevenson asked the applicant about asbestos removal, applicant replied that this will be done in a safe manner, according to Federal Law.

Mr. O'Brien asked Mr. Palmer to inspect the plans and to give his opinion, it was highlighted that the height of the construction is 33.03 feet.

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Mr. O'Brien did not have any issue with this application, and noted that the plans contained adequate detail to review. Mr. Stevenson stated that the size of the structure is appropriate. Mr. Palmer would like to make sure that ceiling insulation is up to code to avoid ice dam issues in the winter, and asked the applicant to check this detail with his Engineer. Mr. Stevenson asked if the Board should have any concerns about screening, and the applicant replied that there will be plenty of trees remaining on the property, that they are leaving as many trees as possible, and also planned to plant several along the property lines. . The Board noted that one of the conditions will be to limit the removal of trees, appropriate screening should be planted and screening between houses should be effective. Other standard conditions will be added to the decision.

A motion was made and seconded to approve the Special Permit.

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

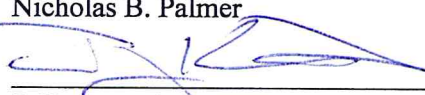
There being no further business, the meeting was adjourned at 9:45 p.m.


Benjamin D. Stevenson, Chair


Jonathan F.X. O'Brien, Clerk


Jonathan G. Gossels


Nicholas B. Palmer


Jeffrey P. Kloff