

SUDBURY ZONING BOARD OF APPEALS
MINUTES
May 18, 2015

The Board consisted of:

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

The meeting was open at 7:30 p.m.

1. Continue Public Hearing, JOHN McCAULEY, applicant, and LAS Properties LLC, owner, for a Special Permit under the provisions 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. The new residence will measure approximately 5,445 s.f., Assessor's Map H11-0003, 29 Plympton Road, Residential Zone A-1. Case 15-13.

Additional correspondence was received from Gonzalo Leon, owner of 25 Plympton Road.

Applicant presented a new plan and highlighted the project size reduction by about 926 square feet compared to previous application presented at April 13, 2015 meeting; resulting in the new structure size of approximately 5,445 s.f. Applicant reduced the overall size of the building, increased the side yard setback, reduced the height of the roof, and only one tree will need to come down, saving a Walnut and an Elm tree.

Mr. O'Brien asked if this is the smallest that the proposal could get.

Applicant replied that he worked very hard to reduce the size and still keep a nice house. Applicant had conversations with neighbors, particularly with Mr. Leon but was unable to address all concerns.

Mr. Gossels points out that lighting is a concern for Mr. Leon as stated in correspondence received by the Board prior to tonight's meeting.

Applicant stated that he has no plans of installing spot lights on the outside of the house.

Joseph W. Dick, Architect for Mr. McCauley, showed a drawing depicting the proposed lighting for the house, one light on each garage door and at entry ways; with a total of 6 lights. Lights will be placed at points of entry only; no spot lights will be use.

Mr. Gossel asked if a deck is proposed, applicant replied that it is not being proposed.

Mr. Stevenson asked applicant to remind the Board about the type of trees that exist on the property and the ones that are being proposed. Mr. Dick showed pictures of the plot plan pointing out the different sizes of trees and pointing out the line of trees that will be planted.

Mr. O'Brien asked if more advanced landscaping will be done. Applicant replied that they will leave the back of the house alone, that they will do some landscaping in the front of the house, where the old tennis court is located at the point where the new septic system will be installed.

Mr. Gossels asked if the new septic system will be mounded.

Mr. McCauley replied that this will not be the case, that the ground will be level.

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Mr. Leon talked about his concerns in regards to the size of the house, he feels this is an imposing structure that will always be there, and that this will be the fifth largest building on the road. Mr. Leon stressed again that he is concerned about the lights and intrusion in general.

Mr. Douglas Zingale from 48 Plympton Road stated that this is not going to impact his property directly, but he agrees that it will impact Mr. Leon's property value.

Mr. O'Brien suggested that the applicant, Mr. McCauley, and Mr. Leon should discuss these issues outside of the room and come up with an agreement in regards to vegetation screening if view from 25 Plympton Road is an issue.

Motion was made and seconded to temporarily suspend discussion of this application, and continue with this case as the last order of business tonight.

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

2. ROBERT JOHNSTON, applicant and owner, for a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to raise up to 12 hens at 430 Dutton Road, property shown on Town Assessor Map H05-0011, Residential Zone A-1. Case 15-14.

Mr. Johnston explained to the Board that his motive to raised chickens on his property is to teach their daughters how to take care of animals and also for the enjoyment of the eggs. He shared that he had conversations with neighbors and they seem to be fine with this application.

Mr. Klofft shared concerned about the number of chickens being requested, stating that 12 chickens will be more noise and also will produce more waste.

Mr. Gossels suggested that perhaps 6 hens will be a good beginning.

Applicant stated that perhaps he could agree to 8 hens, he also clarified that half of the waste will be trashed and half will be composted.

No neighbors where present to speak about this application

Motion made by Mr. Gossels and seconded by Mr. Klofft to approve this application for 8 hens, no roosters for a one year term, including standard conditions regarding fencing, prohibition on keeping of roosters, lighting, etc.

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

3. THOMAS DIMODICA, MICHAEL DIMODICA, WENDY DIMODICA, applicants and owners, for a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to reconstruct an existing residence measuring approximately 2,300 total square feet on a nonconforming lot that would exceed the total area of the original structure, exceed the front yard setback by 19 feet on Howe Street and 7 feet on Sexton Street, and exceed the side yard setback by 7 feet, property shown on Town Assessor Map G06-0599, 36 Sexton Street, Residential Zone A-1. Case 15-15.

Mr. DiModica presented his application with the intention to demolish a 2 bedroom home and reconstruct a 3 bedroom, 26 feet high, cape style home, with the intent to sell it once it is done.

The Board asked if any neighbors present wished to speak up about this application.

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No neighbors to speak about this application present at the moment.

Motion was made by Mr. Klofft and seconded by Mr. Gossels to approve this application with standard conditions regarding street trees, preservation of existing vegetation and construction hours, etc.

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

4. LORI ARTHUR, applicant and owner, for a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to raise up to 2 hens at 68 Hopestill Brown Road, property shown on Town Assessor Map M09-0707, Residential Zone A-1. Case 15-17.

Ms. Arthur explained to the Board that last year with the help of her son, they built a chicken coop on the back of the house and she would like to raise 4 hens. Ms. Arthur mentioned that she is familiar with animals and knows how to take care of them. She will dispose of their waste in the trash.

On her application she requested 2 hens but she would like the Board to consider approving her for 4 hens.

Motion made and seconded to approve this application for one year for 4 hens with standard conditions.

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

5. ANDREA AND JOHN KRAEMER, applicants and owners, for a Variance under the provisions of Section 2600 of the Zoning Bylaw, to allow a 276 square foot porch to be added to the front of the current dwelling which would result in a front yard setback deficiency of 4.5 feet. Assessor's Map B09-0452, 44 Maynard Farm Rd, Residential Zone A-1. Case 15-16.

Mr. and Mrs. Kraemer were present at this meeting, Mr. Kraemer explained the proposed plan to build a 276 square foot porch to be added to the front of the house.

Mr. Klofft asked if there is a particular reason why the house was built right at the front setback line.

Applicant replied that he is not sure why but the septic is in the back of the house.

Mr. Klofft stated that this house was built in 1968, he is unsure whether a variance is needed in this case or not.

Applicant stated that this house was build prior to zoning.

The board discussed each requirement and found that the application satisfied the requirements for granting a variance.

Motion made and seconded to approve this application as presented.

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

Continue Public Hearing, JOHN McCAULEY, applicant, and LAS Properties LLC, owner, for a Special Permit under the provisions 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. The new residence will measure approximately 5,445 s.f., Assessor's Map H11-0003, 29 Plympton Road, Residential Zone A-1. Case 15-13.

Applicant briefed the Board on discussion that took place outside of the room between Mr. McCauley and Mr. Leon.

Mr. McCauley shared with the Board that 9 trees will we added to the side of the house that borders Mr.

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Leon's property at 25 Plympton Road. No flood lights will be used, no light will shine against the property and only dark sky lighting will be use on the exterior.

Motion made by Mr. Gossels and seconded by Mr. Stevenson to approve this application with the following conditions: No clear cutting in the back of the house on a radius of 200 feet in an east direction from the apex of the lot line, surveyor should clearly mark this radius, no flood lights will be used, no spot lights reflecting on the façade of the property, minimum lighting will be used overall, only dark sky lighting on the points of entrance, nine trees will be planted on the side of the house that faces 25 Plympton Road. All these conditions will be carried to future buyers of 29 Plympton Road.

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

1. Approval of Meeting - Minutes April 13, 2015.

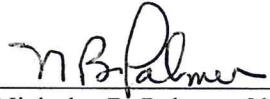
Motion to approve April 13 Minutes made by Mr. Stevenson and second by Mr. O'Brien.

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

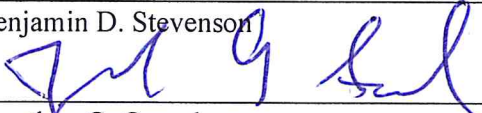
There being no further business, the meeting was adjourned at 9:25 p.m.



Jonathan F.X. O'Brien, Chair



Nicholas B. Palmer, Clerk

Benjamin D. Stevenson


Jonathan G. Gossels

Jeffrey P. Klofft

