

SUDBURY ZONING BOARD OF APPEALS  
MINUTES  
FEBRUARY 1, 2016

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; Nicholas B. Palmer, Clerk; Nancy Rubenstein; John Riordan (Alternate) and William Ray (Alternate).

Also present at the meeting on behalf of the Town were: Mark Herweck, Building Inspector and Zoning Enforcement Agent.

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

Mr. Palmer read the Hearing Notice published in the Sudbury Town Crier.

- 1) Public Hearing Case 16-2 – Robert W. Canfield, Jr. Canfield Nominee Trust applicant and owner, Augustin Schepens applicant for a Special Permit under the provisions of Section 5500 of the Zoning Bylaws, to allow an Accessory Dwelling Unit that is no greater than 572 sf, property shown on Town Map D08-0125, 28 Old Coach Road, Residential Zone A-1.

Mr. Robert W. Canfield and Attorney Stephen Grande were present at the hearing.

The Chairman asked for clarification about the size of the accessory dwelling.

Mr. Gossels explained that it cannot be larger than 850 s.f. and no more than 30% of the existing structure.

Mr. Canfield noted that the size of this accessory dwelling is 572 s.f. A family member will occupy it and overall they are within the bylaw.

Attorney Grande, noted that the only request that they have is for the ZBA to issue the Special Permit under the name of the soon-to-be owner Augustin Schepnes. When the application was filed Mr. Canfield owned the home but now it has changed hands.

Mark Herweck, Building Inspector, stated that apparently this was built around 1960 and the Building Department has no records of this apartment, however there are some notes in the file. He stated that he visited the property and upon inspection he had a few concerns - a door that connects the accessory dwelling and gives access to the garage does not meet requirements for fire separation, also a vinyl dryer vent coming out from the garage needs to be made out of 26" steel so fumes from the garage cannot go into the house.

Motion was made, seconded and voted to approve Petition 16-2 with the conditions added from the building inspector that a fire rated garage door be install and a 26" steel gage dryer vent should be installed.

- 2) Public Hearing Case 16-3 – Scribner Development LLC, Ross Scribner owner and applicant for a Special Permit under the provisions of Section 2460B of the Zoning Bylaws, to allow reconstruction of an existing residence on a nonconforming lot not to exceed 2,955 s.f., which will exceed the total floor area of the original structure, property shown on Town Map H05-0256, 423 Dutton Road, Residential Zone A-1.

Mr. Gossels excused himself from the case because he knows the applicant. He does not do any business with him, but they served together on a committee.

Mr. Ross Scribner was present at the hearing.

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Mr. O'Brien asked if the proposed structure will have a basement.

The Applicant replied that this will be a construction after demolition, and that the proposed size of the new 4 bedroom dwelling will be approximately 2,955 s.f.. The applicant feels that this project is in scale with the neighborhood, and it will represent an improvement to the area. The area stated on the application does not include the basement, it will be a two story dwelling with an unfinished attic.

Ms. Rubenstein asked for clarification about the full height of the proposed dwelling. The applicant replied the height is 32.8 feet from grade to the highest point.

There was some discussion regarding the height, and the Chairman asked the Applicant if it could be lowered slightly. The Applicant noted that the house is being set back 60 feet from Dutton Road, which should mitigate the increased height of the structure.

Mr. Palmer noted that the overall height is one factor, but the design of the house can also mitigate the scale. Ms. Rubenstein opined that the design of the house was appropriate and agrees that it is a very nice looking house.

The Applicant thanked the Board and stated that he had put a lot of effort into the design portion of the project. His intent is not to build a mac mansion but to try to keep it in scale with other homes in the neighborhood.

Mr. Palmer asked if there was a chimney.  
The Applicant replied that there will not be a chimney.

Mr. Ray asked the applicant if he intends to live there.  
The Applicant replied that he is a Sudbury resident that his intent is to sell this house once is complete, but if his wife likes this house better than their current one, he is not sure what he will do then.

Matthew Wallis from 417 Dutton Road was present at the Hearing and he expressed concern about the construction of this home, near his house.  
He asked several questions about the Bylaw section that this application was accepted under, and noted that the Applicant wrote the wrong section of the Bylaw on his application.

Mr. O'Brien replied that this is a construction after demolition and it was published for public hearing under the correct section of the Bylaw 2460B.

The Board acknowledges that there had being a scrivener's error on the part of the Applicant, but the public hearing notice stated the correct Bylaw section.

Mr. O'Brien asked the abutter if he is against the construction of this new house.  
Mr. Wallis replied that he feels that this house is not in keeping with the neighborhood because of the proposed size. He also stated that he received a letter from the previous owner stating that the property will be renovated and clearly this is more than renovation.

Mr. O'Brien asked Mr. Wallis if he believes the house should stay as is.  
Mr. Wallis replied that personally he would like to see the house renovated. He is also concerned that the proposed siding of the new house is vinyl and most of all he is concerned about the location of the septic, because he has a well. He is also concerned about the removal of trees.

Mr. Palmer asked Mr. Wallis for the location of his well.

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Mr. Wallis replied that is located on the right side of his house.

Mr. Palmer stated that the distance between a well and a septic is 100 feet and the Board of Health will need to approve the location of the new septic.

Mr. Herweck stated that he talked to Bill Murphy the Board of Health Director, and he has no record of the location of the well. They also have checked with the contractor for this proposed project and have learned that they are flexible in regards of the final location of the septic.

Mr. O'Brien asked the Applicant the number of trees that he intends to remove.

The applicant replied that he would like to make one change, and that is that he will use wood clapboard siding instead of vinyl siding. In regards of trees the applicant stated that there is natural perimeter of trees around the house. If there are any voids he will be happy to plant new trees or bushes because he is respectful of privacy.

Ms. Rubenstein asked the Applicant if he had the chance to meet with the neighbors.

The applicant replied that he meet with Mr. Wallace and with the neighbor across the street. The replied from that neighbor was that whatever is being done it will be an improvement to the current condition.

Mr. O'Brien asked about the size of the current structure, the applicant replied that is about 2,066 s.f.

Ms. Rubenstein asked the Applicant if he would be willing to meet with Mr. Wallis to go over some screening plans.

The Applicant replied that he will be happy to meet and be a good neighbor and try to mitigate any potential concerns within a reasonable discourse.

Mr. Riordan stated that he thinks this application is also mitigated by the fact that it will be setback off the road and he agrees with the other members that this is an attractive design and it is consistent with the area.

The Board discussed possible conditions to be included in the Special Permit, including the submittal of a landscape plan mutually agreeable to the Applicant and Mr. Wallis and the use of wood clapboard siding instead of vinyl. The location of the septic by Bill Murphy is a recommendation.

The Board finds that:

1. The use is in an appropriate location and is not detrimental to the neighborhood and does not significantly alter the character of the zoning district.
2. Adequate and appropriate facilities will be provided for the proper operation of the proposed use.
3. The proposed use will not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials or other visual nuisances.
4. There will be no substantial detriment to the public good if the special permit is granted.

Motion was made, seconded and voted to approve Petition 16-3 with the conditions noted above.

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- 3) CONTINUATION - Public Hearing Case 15-39 – Applicant BPR Development LLC C/O National Development, Owner Raytheon Company, for a Special Permit under the provisions of Section 3290 to install an Aluminum sign of approximately 148 square feet on the East Elevation Main Entry at property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.
  
- 4) CONTINUATION - Public Hearing Case 15-40 – Applicant BPR Development LLC C/O National Development, Owner Raytheon Company, for a Special Permit under the provisions of Section 3290 to install an Aluminum sign of approximately 96 square feet on the East Elevation Secondary Entry, property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.
  
- 5) CONTINUATION - Public Hearing Case 15-41 – Applicant BPR Development LLC C/O National Development, Owner Raytheon Company, for a Special Permit under the provisions of Section 3290 to install an Aluminum sign of approximately 96 square feet on the South Elevation Facing Route 20, property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.

The Chairman opened the public hearing on cases 15-39, 15-40 and 15-41, BPR Development LLC.

Motion was immediately made, seconded and voted to continue them to March 21, 2016 at 7:30 pm. without taking any testimony.

1. Approval of Meeting Minutes – January 25, 2016.

Motion was made, seconded and voted to approve Minutes from the January 25, 2016 meeting.

There being no further business, the meeting was adjourned at 9:30 p.m.
