SUDBURY ZONING BOARD OF APPEALS
MINUTES
June 5, 2017

Board Members present:
John Riordan, Chair; William Ray, Clerk; Jeffrey P. Klofft; Jonathan G. Gossels and Frank Riepe, Alternate.

Town Staff present: Mark Herweck, Building Inspector and Zoning Enforcement Agent.

The meeting was called to order at 7:30 p.m.

Mr. Riordan opened the hearing by asking the Clerk to read the notice as published in the newspaper.

The Chair explained the requirements necessary to substantiate the granting of a Special Permit. He also explained if anyone was not satisfied with the Board's decision, they have the right to appeal to Superior Court or Land Court within twenty (20) days after the decision has been filed with the Town Clerk, and that possible other appeals may exist under current law.

Mr. Riepe, Alternate member will be a voting member for tonight's petitions, due to Ms. Rubenstein not being able to be present at this meeting.

1) *Public Hearing Case 17-11 – Peter & Maria Panagopoulos, Applicants and Owners, for a Special Permit under the provisions of Sudbury Zoning Bylaw 2325, to reduce the required rear-yard set-back of 30 feet to 16.5 feet for the installation of a private 18.5 feet by 32 feet in-ground swimming pool. Property shown on Town Map G06-0572, 319 Hudson Road, Residential A-1.*

Mr. Panagopoulos, Owner and Applicant and Mr. Gary McQualide from Matley Swimming Pools and Spas were present at the hearing.

Mr. Klofft asked if Allan Avenue is technically an accepted road; if so, he noted, the hearing notice for this case was not properly advertised. All set back deficiencies should have been noted on the publication, the hearing notice should advertise a rear and side-front set back deficiency. Mr. Klofft stated that it would be helpful to know if this road was accepted by the Town.

Mr. Gossels stated that it is not about whether this road was accepted by the town, but if there is an approved subdivision plan for this road. He added that he has no problems with this case, perhaps only a technicality and this case might need to be re-advertised correctly.

Mr. Klofft noted that he does not have problems with the application only with the inadequate advertisement of the case in the newspaper.

Mr. Riepe asked if the Board could approve this special permit with a deficiency of 37.4 feet as requested by the applicant regardless of this road been a paper road or not.

Mr. Klofft stated that the board could, but for that to be possible, all deficiencies have to be properly advertised in the newspaper and in this case, it was not.

Given the lack of certainty about the status of Allan Avenue, Mr. Riordan wondered whether the board could approve this petition contingent on the planning office reviewing if this road has an approved site plan for the subdivision and finding out if it is a "paper road" accepted by the town.

Mr. Klofft suggested that provisionally the Board approve this petition and if needed the decision will state that the pool would need to move 2.75 feet on the front side set back facing Allan Avenue.

The Board will grant the rear set back relief. The Planning office will check if the applicant needs to move the pool 2.75 feet over, or the applicant might choose to re-apply. The instruction to the Building Inspector will be that the pool needs to be 40 feet from the edge of the front set back line to Allan Avenue when the pool is finally built.

The Board instructed Mark Herweck the Building Inspector to determine that the plan is compliant to make a determination if the side of the pool needs to be 40 feet front the sideline to Allan Ave. on his determination of the road.

The applicant suggested that he will be willing to set the pool back 40 feet to Allan Ave. regardless.

Mr. Riordan asked if any members of the public who wished to speak. None was present. There were no further comments from the Board or audience.

Motion was made, seconded to approve granting a relief of 16.5 feet from the rear setback requirement for Petitions 17-11.

2) *Public Hearing Case 17-12 – Michael Dimodica, Applicant and Michael Lind for Robert G. Lind, Owner for a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to construct a dwelling of approximately 3,880 s.f. after demolition, exceeding the total floor area of the original structure. Property shown on Town Map C07-0115, 22 Curry Lane, Residential Zone A.*

Mike and Tom Dimodica were present at the Hearing, Mr. Dimodica updated the Board sharing he now owns 22 Curry Lane. At the time of applying for the Special Permit, the property was under a P&S agreement. Mr. Dimodica presented his application for construction after demolition. He intends to demolish an existing structure of approximately 1,128 square feet and replace it with a proposed structure of approximately 3,780 square feet. He noted the square footage was approximately 100 square feet less than originally intended; with a side-yard setback of 32 feet as opposed to 35.9 feet, and the front-yard setback to Greenwood Rd. is 40 feet while the other front-yard setback to Curry Lane is 66 feet. The proposed building height is 34 feet.

Mr. Gossels asked if the third floor attic could be finished in the future.

Mr. Dimodica replied that the framing plan will not include trusses, he can have the architect framed it so it does not have the square footage available. Mr. Dimodica added that if the Board feels comfortable they could put this condition in the decision.

Mr. Klofft asked if the square footage calculation includes the space above the garage.

Mr. Dimodica replied that it does include that space, and it will be a finished space.

Mr. Riepe commented that his initial concern is an “awful lot of roof,” and if the pitch of the roof was reduced, it could look more in scale of the neighborhood. At present, it looks like it is a 12 in 12 roof. If it was more like a 9 in 12 it could sit more comfortably in the neighborhood.

Mr. Klofft commented that the neighborhood is changing and it would be difficult to keep the new construction to the same height as the ranch homes that once existed in the area, and the proposed structure is similar to the new construction around this neighborhood.

Mr. Dimodica added that his intention is to stay away from the tall pines that are located on the Greenwood side of the property and to keep that as a vegetative buffer. The septic will be located in the reserved area to try to preserve this mature tree area.

Mr. Riepe added that the designer should make every effort to reduce the visual profile of the house while achieving the interior spaces desired. He does not think that has been done, and the designer can do better.

Mr. Dimodica replied that they are trying to go by what it has been built in the neighborhood and approved in height and size.

Mr. Gossels added that this is a tall and imposing house and people come in to this board with slightly more modest heights.

Mr. Riordan expressed he is uncomfortable approving an application without adequate dimensional numbers on the plans and a more detailed site plan. He would like to see blue prints with labeled heights.

Mr. Kloft opined the lot is fairly flat. The elevation he's most concerned with is the one on Curry Lane and believes the architect has done a pretty good job keeping the profile relatively low there. The front elevation is not too bad either because it seems that they have attempted to break it up a little bit.

Mr. Riordan agreed that the lot is flat as he drove by the property recently.

Mr. Riepe expressed that the site plan does not seem to be to scale and finds it questionable. He requested photographs of the street scene.

Mr. Kloft added that he does not have objections to this plan, and he would be interested to hear from the neighbors. He would like to see a plan that clearly delineates the site, has the septic foot plot on it and include height and elevations.

Mr. Riordan asked whether there were any members of the public who wished to speak in regard to the case.

Tom Kneeland from 16 Curry Lane prefers to have the proposed garage close to his garage because of the elevation. His only concern is the height and the pitch of the roof, and he is pleased that a new construction will go in that lot because the current house is an eyesore. He reminded the board that this house was condemned by the health department and would like to know that all precautions be taken while demolishing the house.

Motion made and seconded to continue the petition 17-12 to July 10 at 7:30 pm at Town Hall.

3) *Public Hearing Case 17-13 – Brian and Emily Cooperman Applicants and Owners, for a Special Permit under the provisions of Section 5500 of the Sudbury Zoning Bylaws, to allow an Accessory Dwelling Unit that is no greater than 795 s.f., property shown on Town Map G06-0210, at 26 Hollow Oak Drive, Residential Zone A-1.*

Brian Cooperman was present at the hearing. In March, he purchased the property having an existing accessory dwelling unit. The house was built in 2000 and the accessory dwelling unit is located in the lower level. He is requesting the Special Permit for the accessory dwelling unit because he would like to have his in-laws reside there.

Mr. Riordan asked whether there were any members of the public who wished to speak in regard to the case. None were present.

Motion made and seconded to approve petition 17-13 to include the restriction for only related family members.

4) ZBA Acknowledgement for Regulatory Agreement.

Elizabeth Rust, representing the Sudbury Housing Trust was present at the hearing. Ms. Rust updated the board on 278 Maynard Road, indicating the developer recently obtained building permits from the Building Department. Ms. Rust requested the Board's acknowledgement to the regulatory agreement, this is a standard form for 40B applications, MassHousing is requesting the agreement to have the new developers name on it. This agreement imposes the affordability component of the units.

Mr. Gossels asked if there was any fundamental changes to this agreement. Ms. Rust replied that this is a standard form from MassHousing.

The board proceed to sign the ZBA acknowledgement form of the regulatory agreement.

5) Approval of Meeting Minutes for May 8, 2017 meeting.

Motion was made, seconded to approve May 8, 2017 minutes.

Other Business Items.

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