

SUDBURY ZONING BOARD OF APPEALS

MINUTES

November 26, 2018

Board Members Present: John Riordan, Chairman; William Ray, Clerk; Nancy Rubenstein; Jonathan Gossels and Frank Riepe.

Others present: Tom Timko, Tony Costa, Dr. Christy A. Clark and Diana Warren.

Chairman Riordan open the hearing by asking the Clerk to read the notice as published in the newspaper.

Chair Riordan read guidelines for special permits.

1. Public Hearing, Case 18-39 – Dr. Christy A. Clark, Applicant and Owner, for the renewal of a Special Permit #17-29 under the provisions of Section 2340 of the Zoning Bylaw, to conduct a Home Business, specifically for private psychotherapy, property shown on Town Map K05-0308, 14 Hayden Circle, Residential Zone A&C.

The Board is in receipt of correspondence via email from Building Inspector, Mark Herweck.

Dr. Clark was present at the hearing requesting a renewal of special permit #17-29 to conduct a home business, specifically for private psychotherapy from her home office, she shared with the Board that things were going well as expected, presently she is seeing clients two days a week, she talked to some neighbors prior to this hearing and the feedback was positive or neutral.

Chair Riordan noted the existing long driveway at this property and asked if off street parking was sufficient.

Dr. Clark reply that parking takes place completely on her property.

Mr. Gossels commented in his opinion this type of business does not have any negative impact to the community and he would be in favor of renewing the special permit for an extended time more than a year.

Mr. Ray agreed with Mr. Gossels regarding extending the term, noting there are no abutters present at this meeting, therefore assuming there is no opposition.

Chair Riordan asked regarding a past concern from an abutter related to school bus pick up and drop off overlapping with clients driving to or from appointments.

Dr. Clark reply that the bus picks up and drop off at the street do not seem to overlap with the times she is seeing clients and most of her clients reside in Sudbury.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

The Board finds that the use is in harmony with the general purpose and intent of the Bylaw.

That 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.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

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That the proposed use would 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 nuisance.

That the proposed use will not cause undue traffic congestion in the immediate area.

Motion made, seconded and voted to approve petition 18-39 with standard conditions for a three (3) year term.

2. Public Hearing, Case 18-40 – Rachel Bongiorno, Applicant and Owner, 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 962 s.f., property shown on Town Map G08-0614, 36 Crescent Lane, Residential Zone A.

Tom Tinko, Architect and Principal of Copper Beech Design was present at the hearing with a request for an special permit for an accessory dwelling unit that will exceed 850 s.f. at the home of Mrs. Bongiorno who purchased her home recently, Mr. Tinko stated they would like to extend the garage on the rear, and convert the garage into the accessory dwelling unit, the garage extension of the house will not be visible from the main road because it is located in the back of the house and there is vegetative screening.

Chair Riordan asked if the bedroom could be reduced to be closer to 850 s.f.

The Applicant replied the bedroom size is needed to accommodate a wheelchair in the future

Mr. Gossels commented that in his opinion the fact that the bedroom is in the back of the house it will not cause any harm.

Mr. Riepe agreed with Mr. Gossels and was not troubled by the square footage of the proposed ADU, he asked about the stair depicted on the plans and how will this be wheelchair accessible.

Mr. Tinko stated that the step will need to be changed to a ramp at some point in the future.

Chair Riordan mentioned that one of the conditions for the approval of this special permit will be to have Board of Health sign off on the septic.

Mr. Tinko replied they will need to reduce the size of the deck to maintain a 10-foot clearance from the location of the septic and the removal of a closet in one of the existing bedrooms, thus the total bedroom count of the dwelling will not be changed.

Ms. Rubenstein asked if the applicant had any plans to build a garage.

Mr. Tinko reply there are not plans for a garage and the existing driving surface is sufficient for their client's parking needs.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

The Board finds that the use is in harmony with the general purpose and intent of the Bylaw.

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That 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.

Adequate and appropriate facilities will be provided for the proper operation of the proposed use.

That the proposed use would 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 nuisance.

That the proposed use will not cause undue traffic congestion in the immediate area.

Motion made, seconded and voted to approve petition 18-40 with standard conditions for one year.

3. CONTINUATION - Public Hearing Case 18-33 – Anne Stone, applicant and owner, to request a Use Variance under the provisions of Section 2230 of the Zoning Bylaw to allow for the construction of a self-storage facility in a Residential A-1 District, property shown on Town Assessor Map K06-0602, at **554 Boston Post Road**, Residential A-1. ***Request Application Withdrawn without Prejudice on October 29, 2018.***
4. CONTINUATION - Public Hearing Case 18-34 – Anne Stone, applicant and owner, to request a Variance under the provisions of Section 2210 of the Zoning Bylaw to allow for more than one principal structure, property shown on Town Assessor Map K06-0602, at **554 Boston Post Road**, Residential A-1. ***Request Application Withdrawn without Prejudice on October 29, 2018.***
5. CONTINUATION - Public Hearing Case 18-35 – Anne Stone, applicant and owner to request a Variance under the provisions of Section 3144 of the Zoning Bylaw to allow for limited parking in the front of the building for a non-residential use, property shown on Town Assessor Map K06-0602, at **554 Boston Post Road**, Residential A-1. ***Request Application Withdrawn without Prejudice on October 29, 2018.***
6. CONTINUATION - Public Hearing Case 18-36 - Anne Stone, applicant and owner to request a Variance under the provisions of Section 2600, Appendix B, to allow a structure with more than 2.5 stories and higher than 35 feet in a Residential A-1 District, property shown on Town Assessor Map K06-0602, at **554 Boston Post Road**, Residential A-1. ***Request Application Withdrawn without Prejudice on October 29, 2018.***

Motion made, seconded and voted to accept the withdrawal without prejudice as requested by the applicant in writing on October 29, 2018.

7. Designate Member of the ZBA to serve on the Master Plan Steering Committee.

Chair Riordan volunteered to be the designated member from ZBA to serve on the Master Plan Steering Committee.

Mr. Gossels stated he feels comfortable and could not think of a better person to represent the Board, and suggested to have this item for conversation at every ZBA meeting.

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Ms. Rubenstein nominated Chair Riordan as a member to serve on the Master Plan Steering Committee, nomination was seconded by Mr. Riepe.

Motion, made, seconded and voted to designate John Riordan to serve on the Master Plan Steering Committee.

Chair Riordan recognized Ms. Meagen Donoghue for her help and her assistance to the Board of Appeals, wished her well on her new job and added the Board is looking forward to work with her successor.

8. Approval of Meeting Minutes for September 17, 2018, October 1, 2018 and Executive Session Meeting Minutes of October 4, 2018.

Motion made, seconded and voted to approve September 17, 2018 and October 1, 2018.

Motion made, seconded and voted to approve but not to release Executive Session Meeting of October 4, 2018 via roll call.

John Riordan Aye

Jonathan G. Gossels Aye

Nancy Rubenstein Aye

William Ray Aye

Frank Riepe was not present at the meeting on October 4, 2018 therefore did not vote.

9. Administrative Report.

Mr. Gossels commented about a letter received from an abutter regarding a special permit granted and agreed with the tone of the letter.

Ms. Rubenstein also commented on a one sentence email received in opposition to Sudbury Station, email was forwarded to Town Manager's office.

- Calendar of Meetings for 2019 for ZBA were approved.
- Town Forum on Quarry North & Melone – November 27, 2018 at LSRHS at 7:30 p.m.
- Special Town Meeting – Tuesday, December 11, 2018

Motion to adjourn at 8:45 p.m.