



Town of Sudbury

Zoning Board of Appeals

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MINUTES

JANUARY 6, 2020 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

JOINT MEETING WITH EARTH REMOVAL BOARD

Zoning Board of Appeals Members Present: Chair John Riordan, Jonathan Gossels, and Frank Riepe

Zoning Board of Appeals Alternates Present: Jennifer Pincus, David Booth

Zoning Board of Appeals Members Absent: Clerk William Ray and Nancy Rubenstein

Earth Removal Board Members Present: Chair Jonathan Patch, David Booth, Jennifer Pincus, and Benjamin Stevenson

Earth Removal Board Members Absent: None

Others Present: Director of Planning and Community Development Adam Duchesneau

At 7:33 PM Mr. Riordan opened the Zoning Board of Appeals public hearing by noting the presence of a quorum. Mr. Riordan asked Mr. Booth and Ms. Pincus to sit in place of Mr. Ray and Ms. Rubenstein who were absent from the meeting. Mr. Riordan then asked Mr. Booth to read the legal notice as published in the newspaper into the record, which noted the following Zoning Board of Appeals applications, items, and opened all of the public hearings listed below.

Mr. Riordan noted the requirements for Special Permits and Variances as discussed in the Zoning Bylaw.

Mr. Patch opened the Earth Removal Board meeting.

Review and Vote on Rules and Regulations – Earth Removal Board

Mr. Gossels made a motion to adopt the Earth Removal Board Rules and Regulations. Mr. Stevenson seconded the motion. The vote was unanimous.

Mr. Riordan noted the resignation of Jeffrey Klofft from the Zoning Board of Appeals and Earth Removal Board, and thanked him for his service.

There was then discussion regarding having one of the members of the Zoning Board of Appeals serve on the Earth Removal Board to ensure there would be quorums for future meetings. Mr. Gossels stated he would be happy to volunteer to serve on the Earth Removal Board until another Associate Member was found to serve on the Zoning Board of Appeals and Earth Removal Board.

Mr. Riordan made a motion for Mr. Gossels to serve on the Earth Removal Board. Mr. Riepe seconded the motion. The vote was unanimous.

Earth Removal Board Reorganization

Mr. Stevenson made a motion to nominate Mr. Patch to serve as Chair of the Earth Removal Board. Mr. Booth seconded the motion. The vote was unanimous.

Approval of 2019 Annual Report for Earth Removal Board

Mr. Patch made a motion to approve the 2019 Annual Report for the Earth Removal Board. Mr. Gossels seconded the motion. The vote was unanimous.

At this time Mr. Patch left the meeting.

CONTINUED Public Hearing, Case 19-32 – Mustang Development Advisors, Inc., Applicant, and Judith Farrell, Owner, seek a Special Permit under the provisions of Sections 2460B and 6200 of the Town of Sudbury Zoning Bylaw to construct an approximately 3,050 square foot single-family dwelling which exceeds the total floor area of the original pre-existing nonconforming structure at 16 Oakwood Avenue, Assessor's Map F04-0304, Single Residence A-1 Zoning District

Alex Hathaway and Michael Jarvis were present to discuss the application with the Zoning Board of Appeals. Mr. Hathaway discussed the changes that had been made to the plans since the last meeting including an alteration to the pitch of the roof, a reduction in height of the dormer, adjustments to the windows, and the vaulting of the ceiling in the master bedroom. Mr. Hathaway also noted the existing chimney would be removed as part of the new construction.

Mr. Riordan stated he felt the proposed changes would help the new building fit into the existing neighborhood.

Mr. Riepe indicated the changes were substantially what the Zoning Board of Appeals had requested at their last meeting.

Mr. Hathaway noted they were working with Sullivan, Connors and Associates, Inc. on the wastewater management system and the Stormwater Management Permit for the property.

Mr. Gossels stressed to the Applicants the need for the construction to be compliant with the plans as presented.

Mr. Riordan asked for the plans to be in strict compliance with the decision.

The Board found the use was in harmony with the general purpose and intent of the Zoning Bylaw.

The use was in an appropriate location, was not detrimental to the neighborhood, and did not significantly alter the character of the zoning district.

The Board also found adequate and appropriate facilities would be provided for the proper operation of the proposed use.

The proposed use would not be detrimental or offensive to the adjoining zoning districts or neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisance.

The Board found the proposed use would not cause undue traffic congestion in the immediate area.

Mr. Riordan asked if any members of the public wished to speak, but no one came forward.

Mr. Booth made a motion to approve the application as presented with the plans submitted on December 18, 2019. Mr. Riepe seconded the motion. The vote was unanimous, 5-0.

Approval of 2019 Annual Report for the Zoning Board of Appeals

Mr. Gossels requested a discussion regarding the process of handling Chapter 40B applications be undertaken at some point in the near future. He raised concerns that past plan sets were submitted as part of these applications which were not fully developed and then the Board would be inundated with updated plan sets just before each meeting. Mr. Gossels recommended procedural regulations be implemented which would allow the Board to receive plans well in advance of a meeting in order to give them time to analyze the plan set.

Mr. Stevenson noted the Board needed to be careful in terms of what they considered a complete versus and incomplete application when considering denying an application.

There was then discussion as to how to handle the filing of updated materials for applications which were submitted just before an upcoming meeting.

Review and Vote on Rules and Regulations – Zoning Board of Appeals

Mr. Riordan noted there had not been a change to the fee schedule for quite some time and wanted to explore the possibility of raising the Special Permit and Variance application fees to \$200, Renewal of Special Permit application fees to \$100, and increasing the Appeals of the Building Inspector's Decisions application fees from \$50 to \$100.

Mr. Gossels stated he would like to hear more from staff on recommended proposed changes to the application fee structure.

Mr. Stevenson indicated he felt changing the fee structure would be an increase in fees with no particular purpose.

Mr. Riordan wanted to know whether MGL Chapter 53E1/2 had been adopted by the Town in order to allow the fees taken in by each department, board, committee, or commission to be used by each respective department, board, committee, or commission taking in the fees. The inquiry needs further examination.

Mr. Gossels stated the process was broken if the Board could not access the revolving funds fees.

Mr. Stevenson made a motion to approve the existing Rules and Regulations for the Zoning Board of Appeals. Mr. Riepe seconded the motion. The vote was unanimous.

Review and Vote on Supplemental Rules for Comprehensive Permits

This topic was suspended until a future meeting date of the Board.

Zoning Board of Appeals Reorganization

Mr. Riordan indicated he believed Mr. Ray wanted to remain in the Clerk position.

Mr. Riepe asked if there had been any conversations with Ms. Rubenstein about her ability to regularly attend future meetings of the Board.

Mr. Stevenson made a motion to nominate Mr. Riordan to serve as Chair and Mr. Ray to serve as Clerk for the Zoning Board of Appeals. Mr. Riepe seconded the motion. The vote was unanimous.

Approval of 2019 Annual Report for the Zoning Board of Appeals (continued)

Mr. Gossels made a motion to approve the 2019 Annual Report for the Zoning Board of Appeals. Mr. Stevenson seconded the motion. The vote was unanimous.

Vote to Approve Warrant Article: Zoning Board of Appeals Revolving Fund

Mr. Gossels made a motion to approve the Revolving Fund amount and purpose for the May 2020 Annual Town Meeting. Mr. Booth seconded the motion. The vote was unanimous.

At this time Mr. Stevenson left the meeting.

Public Hearing, Case 20-01 – Camp Sewataro, LLC, Applicant, and Town of Sudbury, Owner, seek modifications of Special Permits 16-28 and 16-28/B under the provisions of Section 2140 of the Town of Sudbury Zoning Bylaw to modify the existing permits regarding a change in ownership and to increase the number of campers allowed by the existing Special Permits from 600 to 650 at One Liberty Ledge; Assessor’s Map C08, Lots 113-117, 119-121, 138-140, 142, 144-152, 154, 163, 164, and 502; Assessor’s Map C09-0165; and Assessor’s Map D08-0523 and 0524; Single Residence A-1 Zoning District

Scott Brody, the new Camp Sewataro operator, and attorney David Wiener from Anderson & Kreiger LLP were present to discuss the application with the Zoning Board of Appeals.

Mr. Riordan noted the contract for the Day Camp Operator had just been received by the Board before the meeting (it was not included in the application materials). He pointed out this was a helpful document which Board members would likely want to review. Mr. Riordan also noted the Board might want to conduct a site visit to the property.

Mr. Wiener cited the condition of the old Special Permit which simply discussed a review by the Board when the ownership of the property changed.

Mr. Booth clarified the only change would be a proposed increased in the number of total campers from 600 to 650 and to transfer the Special Permit to the new owner. Mr. Wiener confirmed that was correct

and Mr. Brody confirmed the extra 50 slots would only be used for scholarship campers from Sudbury. Mr. Brody added that if there were only 30 scholarship campers, there would only be a total of 630 campers on the premises. He indicated he felt the additional number of campers would be *de minimis* in nature in terms of transportation impacts to the surrounding neighborhood, which was the only possible negative impact they could identify.

Emily Niinimaki, the Operations Director at Camp Sewataro, provided figures regarding the number of buses and vehicular trips to and from the property.

There was then discussion regarding the number of camper slots and how many Sudbury children would actually be served. Mr. Brody confirmed the 50 slots would serve more than 50 children in Sudbury as very few children would attend the camp for all eight weeks.

Mr. Riepe asked if the camp programming would accommodate children with special needs and Mr. Brody indicated they would be accommodated.

Mr. Riepe inquired about the camp's need for compliance with the Americans with Disabilities Act (ADA) now that the Town owned the property. Mr. Brody stated he had spoken with the Building Inspector and there did not seem to be many, if any, changes which would be required to make the property ADA compliant.

Mr. Riordan asked how members of the public would be able to be accommodated at the property during camp off-hours and how/which areas of the camp would be accessible to the public. Mr. Brody stated they were looking to add an additional parking area, install gates, and were examining other aspects to accommodate the public.

Kristen Drummey, the Camp Sewataro Community Liaison, noted a member of the Town would be selecting the scholarship campers and it appeared the Town's Social Worker would be the person to do this.

Mr. Riordan asked how many new staff would be needed if the number of campers would be allowed to increase from 600 to 650. Ms. Niinimaki stated, at most, they would need five additional staff members.

Mr. Brody displayed images and explained how the public access area would be fenced off from the rear portion of the camp.

Mr. Riordan requested the Applicants accommodate a site visit by the Board and Mr. Brody stated they were amendable to that proposal.

Mr. Booth asked how the number of 600 campers was arrived at. Mark Taylor of 25 Greystone Lane, the former property owner and camp operator, indicated they had ordinally started with 25 campers and then gradually increased the number of campers over the years in increments of 25, 50, or 75.

Mr. Riordan asked if any members of the public wished to speak, but no one came forward.

Mr. Gossels made a motion to continue the public hearing to February 3, 2020 at 7:30 PM. Mr. Riepe seconded the motion. Vote was unanimous, 5-0.

Approval of Meeting Minutes for December 9, 2019

Mr. Booth made a motion to approve the minutes of December 9, 2019. Mr. Riepe seconded the motion. The vote was unanimous, 5-0.

Administrative Report

At the request of Mr. Riordan, Mr. Duchesneau provided a summary of the Planning Board agenda for January 8, 2020, in particular the Quarry North Road Residential Development and the Zoning Bylaw amendment discussion.

Mr. Riepe made a motion to adjourn the meeting. Mr. Booth seconded the motion. The vote was unanimous, 5-0. The meeting was adjourned at 10:16 PM.