



# Town of Sudbury

## Zoning Board of Appeals

appeals@sudbury.ma.us

Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776  
978-639-3387  
Fax: 978-639-3314  
www.sudbury.ma.us/boardofappeals

### MINUTES

JULY 13, 2020 AT 7:00 PM

### VIRTUAL MEETING

**Members Present:** Chair John Riordan, Jonathan Gossels, Frank Riepe, Associate David Booth, and Associate Jennifer Pincus

**Members Absent:** Nancy Rubenstein and Clerk William Ray

**Others Present:** Director of Planning and Community Development Adam Duchesneau, Building Inspector Andrew Lewis, and Planning and Zoning Coordinator Beth Perry

Mr. Riordan opened the meeting at 7:02 PM 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. Mr. Riordan asked Mr. Riepe to read the legal notice as published in the newspaper into the record, which noted the following Zoning Board of Appeals applications 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.

**CONTINUED Public Hearing, Case 20-12 – Quarry North Road LLC, Applicant, and the Town of Sudbury, the Sudbury Water District, and Quarry North Road LLC, Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3290 and 6200 of the Town of Sudbury Zoning Bylaw to erect permanent and temporary signage as part of a proposed 274 unit residential development at 16 and 36 North Road, Assessor's Maps C12-0003, C12-0004, and C12-0100, Research-1, North Road Residential Overlay District, Melone Smart Growth Overlay District, and Water Resource Protection Overlay District Zone II Zoning Districts**

Chris Claussen was in attendance to discuss the application with the Zoning Board of Appeals. He noted the changes that were made to the signs per the request of the Board at the previous meeting. Mr. Claussen indicated the signage along North Road/Route 117 had been modified from a wall like sign to have lower pillars. He also showed a rendition of what the signage might look like and noted the proposed lighting had also been modified as previously suggested. Mr. Claussen stated the topography around the signage along North Road/Route 117 would inform the height of the pillars for the signage, depending upon the specific slope and grading in that area. He also noted the signage for the entrance to the apartments was modified as previously requested.

Mr. Riordan stated he preferred the back lit lighting of the lettering of the signage rather than the overhanging goose neck lights.

Ms. Pincus noted she felt the back drop of the letters would look better if a natural color was used instead of white and Mr. Riordan agreed.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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 made a motion to approve the Special Permit application for 16 & 36 North Road with the updated plans as submitted on July 7, 2020 with the following conditions:

- The field mason shall make best efforts to have the signage stone walls at the entrance/exit to the project appear to be stacked stone walls.
- Lighting for the signage stone walls at the entrance/exit shall be backlit halo lighting.
- The signage panels on the signage stone walls shall have black lettering with a beige or gray background.

Mr. Riepe proposed the following amendment which was agreed to by all Board members:

- Lighting for the signage stone walls at the entrance/exit shall be miniature external LED lighting with warmer lighting, and the fixtures shall be a bronze/copper type color.

Mr. Booth seconded the motion with Mr. Riepe's proposed amendment. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**CONTINUED Public Hearing, Case 20-14 – Madjack 7, LLC, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to create an Accessory Dwelling Unit at 54 Rambling Road, Assessor's Map M09-0132, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Mr. Riordan stated the Applicant had submitted a written request to withdraw their application without prejudice.

Mr. Gossels made a motion to accept the request to withdraw without prejudice the Special Permit application for 54 Rambling Road. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**CONTINUED Public Hearing, Case 20-09 – Daniel DePompei, Applicant, seeks to appeal the Planning Board's Site Plan Review decision dated March 11, 2020 under the provisions of MGL Chapter 40A, Section 8, and Section 6390A of the Town of Sudbury Zoning Bylaw, for the property at 113 Haynes Road, Assessor's Maps D09-0002 and D09-0300, Single Residence A-1 Zoning District**

Mr. Riordan stated the continued public hearing for Case 20-09 would be combined with the public hearing for Case 20-15 and the Zoning Board of Appeals would hear both matters at the same time.

**Public Hearing, Case 20-15 – Jan Pitzi, Stephen Grande, Monika and Radoslaw Tomala, and Daniel DePompei, Applicants, seek to appeal the Planning Board’s Site Plan Review decision dated March 11, 2020 under the provisions of MGL Chapter 40A, Section 8, and Section 6390A of the Town of Sudbury Zoning Bylaw, for the property at 113 Haynes Road, Assessor’s Maps D09-0002 and D09-0300, Single Residence A-1 Zoning District**

Applicants Daniel DePompei (Case 20-09), and Stephen Grande and Jan Pitzi (Case 20-15) were in attendance to discuss the appeals with the Zoning Board of Appeals. Mr. Grande stated the Farm Act protected farms of normal farming activities. He asserted Siena Farms at 113 Haynes Road was seeking to serve food and they needed a common victualler license in order to do this. Mr. Grande also discussed other changes which had been made at Siena Farms. He went on to state the Farm Act protected farms from nuisance claims from homes being built around a farm. Mr. Grande then stated he believed that if a farming operation changed its activities, the new nuisances were not covered by the Farm Act. He indicated their quiet enjoyment of their property was being interrupted by the addition of the parking lot, the diesel run motor for the walk-in cooler, and other activities at Siena Farms.

Applicants Monika and Radoslaw Tomala (Case 20-15) were also in attendance to discuss their thoughts on the matter. They stated their opinions and thoughts regarding the Farm Act and the operations at Siena Farms.

Mr. DePompei stated he had an issue with a farm cooking and serving food as a farm. He felt the proposed operation should be regulated as a restaurant.

Charles Mickey of 15 Dunster Road stated he had been a resident and an abutter since the 1970’s. He commented that if the farm owners had contacted the abutters first it may have changed the attitude of the abutters. Mr. Mickey also noted there should be something in the record stating what the farm should be allowed to do.

Chris Kurth and Ana Sortun of 4 Puffer Lane, owners and operators of Siena Farms at 113 Haynes Road, noted the appeals were specific to MGL Chapter 40A, Section 3 and not the noise nuisance, etc. at the property. Mr. Kurth read a letter submitted from the Massachusetts Farm Bureau Federation, Inc. dated July 13, 2020.

Ms. Pincus noted that farms evolve as they do to sustain their business.

Mr. Gossels echoed Ms. Pincus thoughts.

Mr. Riordan asked the members of the Zoning Board of Appeals if they wanted to offer any modifications or limitations to the Planning Board’s Site Plan Review decision for 113 Haynes Road, but there were none.

Mr. Riordan asked the members of the Zoning Board of Appeals as to whether they would support the appeal of the Planning Board’s Site Plan Review decision for 113 Haynes Road dated March 11, 2020 by the Applicant for Case 20-09. Roll Call Vote: Mr. Riordan – No, Mr. Booth – No, Mr. Gossels – No, Ms. Pincus – No, and Mr. Riepe – No. The Planning Board’s Site Plan Review decision was affirmed and the appeal was rejected.

Mr. Riordan asked the members of the Zoning Board of Appeals as to whether they would support the appeal of the Planning Board's Site Plan Review decision for 113 Haynes Road dated March 11, 2020 by the Applicants for Case 20-15. Roll Call Vote: Mr. Riordan – No, Mr. Booth – No, Mr. Gossels – No, Ms. Pincus – No, and Mr. Riepe – No. The Planning Board's Site Plan Review decision was affirmed and the appeal was rejected.

**Public Hearing, Case 20-16 – Ken Griffin, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2313 and 6200 of the Town of Sudbury Zoning Bylaw to raise up to ten (10) hens at 22 Rambling Road, Assessor's Map M09-0136, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Ken Griffin, Applicant and owner, was in attendance to discuss application for a chicken coop. He presented a plan to illustrate where the coop would be located on the property and the specifications of what the coop would look like.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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. Riepe made a motion to approve the Special Permit application for 22 Rambling Road as presented with standard conditions for ten (10) hens for a period of one (1) year. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**Public Hearing, Case 20-17 – Daniel Hershey and Meera Jones, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2445 and 6200 of the Town of Sudbury Zoning Bylaw to extend an approximately 425 square foot addition on a pre-existing nonconforming single-family dwelling further into the side yard setback at 45 Blueberry Hill Lane, Assessor's Map H07-0218, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Applicants and owners Daniel Hershey and Meera Jones were in attendance to discuss the application with the Zoning Board of Appeals. Mr. Hershey described the illustrations of the proposed addition and photographs of the existing structure. The existing non-conforming porch and cement slab would be replaced with the addition which would include a bathroom.

Mr. Duchesneau noted a letter of support from a neighbor had been submitted.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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.

The Board also found the proposed reconstruction, extension, alteration, or change would not be substantially more detrimental than the existing non-conforming structure to the neighborhood.

Mr. Gossels made a motion to approve the Special Permit application for 45 Blueberry Hill Lane as presented. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**Public Hearing, Case 20-18 – Viewpoint Sign & Awning OBO Infinity Med Spa, Applicant, and Mill Village Realty Trust, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3261.b), 3290, and 6200 of the Town of Sudbury Zoning Bylaw to install an approximately 7 square foot, non-illuminated, wall sign on the second story of the north facing facade at 365 Boston Post Road, Assessor's Map K08-0026, Village Business-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Margaret Vosburgh of Viewpoint Sign & Awning was in attendance to discuss the application on behalf of Infinity MedSpa owner Jasmine Telador. Ms. Vosburgh presented the application and noted the details of the proposed signage. She indicated they were seeking an allowance to increase the permissible square footage for a tenant sign from 10 square feet to 17 square feet for the front of the building to provide better visibility for the business on Boston Post Road/Route 20.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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. Gossels made a motion to approve the Special Permit application for 365 Boston Post Road as presented. Mr. Booth seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**Public Hearing, Case 20-19 – Chertok Wines LLC, Applicant, and Fern Chertok and Frederick Thomas Rose, III, Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2340 and 6200 of the Town of Sudbury Zoning Bylaw to operate a small commercial winery home business at 33 Singletary Lane, Assessor's Map K10-0128, Single Residence A-1 Zoning District**

Max Rose on behalf of the Applicant, Fern Chertok, Frederick “Tom” Rose, and Attorney Catherine DiVita were in attendance to discuss the matter with the Zoning Board of Appeals. Ms. DiVita spoke on behalf of Max Rose explaining the details of the application. Max Rose then spoke regarding his operations and process of making the wine. He indicated there would be no signage at the residence for the home business.

Mr. Duchesneau noted there had been seven letters of support submitted to the Zoning Board of Appeals regarding the application.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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.

The Zoning Board of Appeals noted the proposal shall adhere to the requirements of Sections 2330 and 2340 of the Zoning Bylaw regarding Home Businesses.

Mr. Gossels made a motion to approve the Special Permit application for 33 Singletary Lane as presented. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**Discussion regarding Proposed Zoning Bylaw Amendment regarding Storage Trailers/Containers**

The discussion of this item was postponed until the next Zoning Board of Appeals meeting on August 3, 2020.

**Approve Meeting Minutes from June 8, 2020**

Mr. Riordan made a motion to approve the meeting minutes from June 8, 2020. Mr. Booth seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

**Administrative Report**

The Zoning Board of Appeals determined they wanted to start their next meeting at 7:00 PM.

Mr. Riordan made a motion to adjourn the meeting. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye. The meeting was adjourned at 10:53 PM.