



Town of Sudbury

Zoning Board of Appeals

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MINUTES

DECEMBER 7, 2020 AT 7:00 PM

VIRTUAL MEETING

Members Present: Chair John Riordan, Clerk William Ray, Jonathan Gossels, Frank Riepe, Nancy Rubenstein, and Associate Jennifer Pincus

Members Absent: Associate David Booth

Others Present: Director of Planning and Community Development Adam Duchesneau 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. Ray 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.

Public Hearing, Case 20-32 – Poyant Signs, Applicant, and Wellyn Inc., Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3261.a, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to modify existing signage on the building at 505 Boston Post Road, Assessor’s Map K07-0005, Limited Business-2 and Water Resource Protection Overlay Zone II Zoning Districts

Applicant Gary McCoy of Poyant Signs was in attendance to discuss the application with the Zoning Board of Appeals. He noted the proposed signs would replace the existing signage on the building with similar signage but smaller in size. Mr. McCoy also indicated the minute clinic signs would be changed to HealthHub.

Mr. Riordan confirmed the signage would be internally illuminated and Mr. McCoy indicated that was correct.

Mr. Gossels inquired about the 24-hour signage that was hung inside the facility and requested there be some type of condition added which would help to regulate this type of additional signage.

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 505 Boston Post Road with the following additional condition:

If the owner of the property wants to install an illuminated sign inside the windows of the facility, they shall be required to go before the Design Review Board.

Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Mrs. Rubenstein – Aye.

Public Hearing, Case 20-33 – Matthew DiManno, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2440, 2445, and 6200 of the Town of Sudbury Zoning Bylaw to construct a front porch and expanded garage on a single-family dwelling at 69 Pinewood Avenue, Assessor’s Map F04-0719, Single Residence A-1 and Water Resource Protection Overlay Zone III Zoning Districts

Applicant and owner Matthew DiManno and Ashlyn DiManno were in attendance to discuss the application with the Zoning Board of Appeals. Mr. DiManno indicated the proposed addition was being requested because his family needed more space in their existing dwelling unit. He stated there was a setback deficiency they were seeking relief from. There was discussion as to how the modifications to the existing structure would look in terms of massing and the amount intrusiveness there would be on the existing setback.

There was further discussion about the proposed second floor and the bedrooms on the first floor according to the proposed plans regarding the number of bedrooms.

The Board also discussed the proposed gable over the garage addition and Ms. Pincus commented on the pitch of the roof of the gable.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 69 Pinewood Avenue to the Zoning Board of Appeals meeting on January 4, 2021 at 7:00 PM.

Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 20-34 – Elizabeth Geisinger, Applicant, and Joseph Arcuri, Owner, seek the renewal of Special Permit 19-19 under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, C.5, 2313, and 6200 of the Town of Sudbury Zoning Bylaw to operate a dog kennel at 271 Boston Post Road, Assessor’s Maps K09-0066, K09-0063, and K10-0038, Single Residence A-1 Zoning District

Applicant Elizabeth Geisinger from Doggy Dates and Marissa Hannon from Doggy Dates were in attendance to discuss the application with the Zoning Board of Appeals.

The Zoning Board of Appeals was impressed with the operation of a kennel (dog exercise area) at that location and noted the use had been facilitated in such a way that there had been no complaints of any kind.

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 modified the conditions of Special Permit 19-19 for the renewed Special Permit to read as follows:

1. The proposed activity shall be conducted strictly in accordance with the application and plans submitted, and materials contained in the file, in particular the following plans:
 - a. Statement/Narrative of the Proposed Kennel Use date stamped November 10, 2020.
 - b. Proposed Plan for Doggy Dates Enclosure Area date stamped November 10, 2020.
 - c. Context Map entitled "271 Boston Post Road, Sudbury, MA" date stamped November 10, 2020.
 - d. Unofficial Property Record Card for 271 Boston Post Road date stamped November 10, 2020.
2. This Special Permit is non-transferable and will expire in five (5) years on December 7, 2025. The Board will consider renewal upon receipt of proper application on or before that date.
3. The kennel's hours of operation shall be 8:45 AM to 4:00 PM, Monday through Friday. There shall be no operations on Saturdays or Sundays.
4. Access to the property shall be as shown on the plans submitted to the Zoning Board of Appeals on November 10, 2020.
5. Access to the subject property for the kennel business shall be limited to employees and subcontractors of the business.
6. No more than four (4) employees or subcontractors of the business shall be permitted on the subject property at any one time.
7. There shall be no more than 24 dogs from the kennel business on the subject property at any one time, subject to the approval of the Animal Control Officer.
8. There shall be no overnight boarding of dogs on the subject property by the kennel business.
9. There shall be no more than three (3) exercise sessions per day conducted by the kennel business and each session shall last no longer than 45 minutes.
10. There shall be no excessive barking from the dogs while exercising on the subject property.
11. There shall be no signage related to the kennel business on the subject property.

Ms. Rubenstein made a motion to approve the renewal of Special Permit 19-19 to operate a dog kennel at 271 Boston Post Road for (5) five years with the modified conditions as discussed. Mr.

Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Approve Meeting Minutes for November 9, 2020

Mr. Gossels made a motion to approve the minutes from November 9, 2020 as amended. Mr. Ray seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Administrative Report

Mr. Duchesneau indicated the upcoming Zoning Board of Appeals meeting on January 4, 2021 would be the annual joint meeting with the Earth Removal Board, where each board was reorganized, various rules and regulations for each board would be approved, and other administrative matters would be handled.

Mr. Riordan indicated Mr. Ray had informed him he would like to take a step back from being a full member on the Zoning Board of Appeals and reduce his role to an Associate member position. Mr. Riordan thanked Mr. Ray for his significant contributions to the Zoning Board of Appeals over the years, his spirit of public service, and for being a great colleague. There was then discussion regarding the process for how new candidates would be appointed to the Zoning Board of Appeals.

Mr. Gossels made a motion to adjourn the meeting. Mr. Ray seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye. The meeting was adjourned at 9:30 PM.