



# 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

**OCTOBER 4, 2021 AT 7:00 PM**

### VIRTUAL MEETING

**Zoning Board of Appeals Members Present:** Chair John Riordan, Clerk Frank Riepe, Jonathan Gossels, Jennifer Pincus, and Associate Jeff Rose

**Zoning Board of Appeals Members Absent:** Nancy Rubenstein

**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 7:05 PM by noting the presence of a quorum. He then 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.

**Public Hearing, Case 21-26 – Michael Collins, Applicant and Owner, seeks to appeal the Building Inspector’s determination in a letter dated July 28, 2021 under the provisions of MGL Chapter 40A, Sections 13 and 14, and Sections 1330 and 6100 of the Town of Sudbury Zoning Bylaw regarding the pre-existing nonconforming protection status of the property at 504 Hudson Road, Assessor’s Map F04-0122, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Attorney Robert Annese, Michael Collins, Carolann Collins, and Building Inspector Andrew Lewis were in attendance to discuss the application with the Zoning Board of Appeals.

At this time, Mr. Rose arrived at the meeting.

Mr. Annese explained the timeline of events that had led up to the appeal of the Building Inspector’s decision to not issue a new Building Permit for the property at 504 Hudson Road.

Mr. Collins added he had received a call from the Building Inspector at the time just after the original Building Permit was issued to cease and desist all work. The Building Inspector at that time indicated he had received a call from a neighbor that the carport/lean-to in question had been removed. Mr. Collins stated the Town had never informed him in writing of the cease and desist order.

At this time, Mr. Gossels left the meeting.

Building Inspector Andrew Lewis indicated the carport/lean-to had been on the property since 1969 and was in fact a structure when it was torn down. At the time in 1980, the lots were all part of one combined lot, but since then they had been divided into multiple lots.

There was then discussion regarding what made the property a protected lot.

Mr. Riordan then read a letter into the record from Charles and Patricia Guthy of 24 Pinewood Avenue.

At this time, Mr. Gossels returned to the meeting.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 504 Hudson Road to the Zoning Board of Appeals meeting on November 8, 2021. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Public Hearing, Case 21-27 – The Apartments at Cold Brook Crossing LLC, Applicant and Owner, seeks to amend Special Permit 20-12 under the provisions of MGL Chapter 40A, Section 9, and Sections 3200, 3265, 3266, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to modify signage at 435 & 437 Cold Brook Drive, Assessor's Map C12-0101, Research-1, 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. Mr. Claussen explained the need for the amendment to Special Permit 20-12. He indicated there had been an error as to which sign should be placed in a certain location. A pillar sign was intended to be placed where a monument sign had been indicated on the plans. Both signs had previously been approved by the Zoning Board of Appeals.

Mr. Riordan made a motion to approve the Special Permit application for 435 & 437 Cold Brook Drive as presented. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Public Hearing, Case 21-28 – Tracey Diehl for Citizens Bank, Applicant, and Twin Holdings LLC, Owner, seek to amend Special Permit 04-09 under the provisions of MGL Chapter 40A, Section 9, and Sections 3260, 3261.a, 3264, 3265, 3265B, 3266, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to install new signage at 450 Boston Post Road, Assessor's Map K08-0066, Business-5 and Water Resource Protection Overlay District Zone II Zoning Districts**

Tracey Diehl was in attendance to discuss the application with the Zoning Board of Appeals. Ms. Diehl discussed the proposed changes to various signs at the property.

There was then discussion regarding the signage which would be located on the ATM and what the exact amount of total square footage would be for the new signage.

Mr. Rose made a motion to approve the Special Permit application for 450 Boston Post Road with 48.71 square feet of signage and to permit illuminated verbiage on up to three (3) sides of the ATM. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Nay, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Public Hearing, Case 21-29 – James & Sarah Kelly, Applicants and Owners, seek 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 19 Oakwood Avenue, Assessor's Map F04-0232, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

James Kelly was in attendance to discuss the application with the Zoning Board of Appeals. Mr. Kelly spoke regarding his proposal to expand the existing building to create an Accessory Dwelling Unit at the property.

Mr. Riepe expressed concerns the proposed design would make the building look like a two-family dwelling.

Mr. Riepe requested architectural drawings of the proposal be provided to the Zoning Board of Appeals before he would vote to approve the proposed project.

Mr. Riordan stated that with the plans before him, he would be hard pressed to know what he was voting on exactly.

The members of the Zoning Board of Appeals requested the plans be clarified a bit further, with more specific details, before they could issue any type of approval decision for the Special Permit application.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 19 Oakwood Avenue to the Zoning Board of Appeals meeting on December 6, 2021. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Amendments to Special Permit Application Form and Special Permit Application for Signs Application Form**

The members of the Zoning Board of Appeals requested the following changes to each of the application forms:

**Amendments to Special Permit Application Form:**

- Remove the following text from the third bullet point: “if a proposed new structure is significantly taller than the one being replaced or is significantly taller than the general neighborhood,”
- New text should read: “To that end, the Board shall require architectural drawings....”

**Amendments to Special Permit Application for Signs Application Form:**

- Add email address for contact information
- Add “Description of Sign(s)”
- Add section on why Special Permit is needed and why the requirements of the Zoning Bylaw cannot be met
- Part IV, make section more generic similar to the regular Special Permit Application Form
- Part V, last bullet should read: Plot Plan/Site Plan showing the location of the proposed sign(s) must be included
- Part VI, add attestation language on signature page to confirm they have met with the Design Review Board

**Approve Meeting Minutes from September 13, 2021**

Mr. Gossels made a motion to approve the minutes from September 13, 2021. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Administrative Report**

Mr. Duchesneau noted the Annual Town Forum would be held on October 21, 2021 at 7:00 PM regarding the process for implementation of the various Action Items in the newly updated Master Plan.

Mr. Gossels made a motion to adjourn the meeting. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye. The meeting was adjourned at 10:18 PM.