



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

NOVEMBER 8, 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 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 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. He also indicated Mr. Rose would be sitting in as a full member in place of Ms. Rubenstein.

**CONTINUED Public Hearing, Case 21-25 – Michael Patti, Applicant, and Andrew Kramer, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3260, 3261, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to install an approximately 56 square foot façade sign on the east side of the building at 215 Boston Post Road, Assessor’s Map K10-0007, Business-16 Zoning District**

No one was in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 215 Boston Post Road 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.

**CONTINUED 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.

Mr. Annese commented the new information submitted pertained to a verbal Stop Work Order issued by the former Building Inspector, rather than a written Stop Work Order which was how it should have been issued. He also commented the property was not abandoned and the foundation had only been filled in for safety reasons.

Mr. Riepe commented one of the lots had been issued a Building Permit before 504 Hudson Road became an issue and no one had complained.

Mr. Duchesneau explained the new information which had been submitted on behalf of Town staff and the course of events which led up to the current situation.

Mr. Riepe made a motion to grant the Applicant's appeal and overturn the decision of the Building Inspector in the letter dated July 28, 2021 for the property at 504 Hudson Road. Mr. Rose 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 21-30 – Maillet & Son Inc., Applicant, and Gloria Hughes, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2460B and 6200 of the Town of Sudbury Zoning Bylaw to demolish an approximately 1,486 square foot single-family dwelling and construct an approximately 2,256 square foot single-family dwelling at 63 Pratts Mill Road, Assessor's Map H06-0402, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Marcel Maillet was in attendance to discuss the application with the Zoning Board of Appeals. He noted his application had listed the incorrect information for the size of the proposed new dwelling unit. As such, he had submitted an updated application form, and requested the application be re-advertised for, and continued to, the December 6, 2021 meeting of the Zoning Board of Appeals.

Mr. Riordan commented the roof pitch was very steep. There were also comments from the members of the Zoning Board of Appeals regarding the detached chimney.

Mr. Riordan made a request for a document displaying the proposed location of the new house on the subject property to be submitted for the December meeting.

Mr. Rose made a motion to continue the public hearing for the Special Permit application for 63 Pratts Mill Road to the Zoning Board of Appeals meeting on December 6, 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.

**The Coolidge at Sudbury – Phase 2 Comprehensive Permit, 187 Boston Post Road – Performance Bond Release Request**

Holly Grace from B'nai B'rith Housing New England, Inc. was in attendance to discuss the matter with the Zoning Board of Appeals.

Mr. Gossels made a motion to approve the release of the \$10,000 Performance Bond (Landscaping) for The Coolidge at Sudbury – Phase 2 Comprehensive Permit. Ms. Pincus 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 21-31 – Town of Sudbury, Applicant and Owner, seeks a Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 2620, Appendix B, Table of Dimensional Requirements and 6130 of the Town of Sudbury Zoning Bylaw from the minimum front yard setback requirement at 40 Fairbank Road, Assessor’s Map F06-0001, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Joel Bargmann of Bargmann Hendrie + Archetype, Inc. and Christopher Eberly of Compass Project Management, Inc. were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Bargmann explained the proposed new layout for the Fairbank Community Center. He noted the pool and portions of the building would remain operational during construction to maintain the revenue generated by certain programs held at the facility.

Ms. Pincus made a motion to approve the Variance from the minimum front yard setback requirement for the Fairbank Community Center at 40 Fairbank Road. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Nay.

**Amendments to Zoning Board of Appeals Application Forms**

The members of the Zoning Board of Appeals decided to discuss this matter at their meeting on December 6, 2021.

**Approve Meeting Minutes from October 4, 2021**

Mr. Rose made a motion to approve the minutes from October 4, 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.

**2022 Meeting Schedule**

Mr. Riordan made a motion to approve the 2022 Meeting Schedule as amended. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Administrative Report**

There were no topics discussed under this item.

Mr. Gossels made a motion to adjourn the meeting. Ms. Pincus 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 10:42 PM.