



Town of Sudbury

Zoning Board of Appeals

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MINUTES

DECEMBER 13, 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 7:03 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.

Mr. Riordan 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

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

Mr. Duchesneau stated the Applicant had indicated they would be removing the nonconforming sign from the eastern façade of the building and possibly replacing it with conforming signage. Mr. Duchesneau also noted the Applicant was aware they would need to first return to the Design Review Board if they decided to erect any new signage on the building or at the property.

Mr. Riordan made a motion to accept the Applicant’s request to withdraw without prejudice the Special Permit application for 215 Boston Post Road. Mr. Riepe 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 21-29 – 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. He briefly described the new plans which had been prepared by an architect at the request of the Zoning Board of Appeals.

Some members of the Zoning Board of Appeals raised concerns regarding the size of the proposed Accessory Dwelling Unit which appeared to be just over the permitted size listed in the Zoning Bylaw. After some discussion, it was determined the proposed Accessory Dwelling Unit would conform to the square footage requirement in the Zoning Bylaw.

Concerns were raised regarding the proposed design of the Accessory Dwelling Unit which would be situated above the existing garage. Some members of the Zoning Board of Appeals felt it made the building look like a two-family dwelling. The Zoning Board of Appeals asked Mr. Kelly to take another crack at the exterior design and massing of the building to make it appear more like a single-family dwelling. One suggestion that was made was to move the main entrance to the Accessory Dwelling Unit around to the side of the building.

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 January 10, 2022. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

RE-ADVERTISED 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 2,963 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 the proposed roof pitch had been modified per the request of the Zoning Board of Appeals. Mr. Maillet also indicated the location of the proposed house had been moved back on the lot per Mr. Riordan’s request.

Sharon Jones of 57 Pratts Mill Road indicated she was not concerned about the amount of vegetation to be removed for the proposed project.

Mr. Gossels made a motion to approve the Special Permit application for 63 Pratts Mill Road with the following condition:

- The Applicant/Owner shall attempt to meet the neighbors’ concerns with respect to vegetative screening of the project.

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 21-32 – Alexander Automotive Service, Inc., Applicant, and Testworks Revocable Trust, Owner, seek a Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 2430, 2620, Appendix B, Table of Dimensional Requirements, and 6130 of the Town of Sudbury Zoning Bylaw to increase an existing nonconforming setback requirement at 316 Boston Post Road, Assessor’s Map K09-0405, Village Business-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Attorney Michael Fee, Christopher Mulhern of Harrison Mulhern Architects, and owners Mark and Krista Alexander were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Alexander spoke to the Zoning Board of Appeals regarding his family history with the property and the needed changes to the building to allow the business to thrive.

Mr. Mulhern described the proposed architectural changes to the building, including the proposed addition. He noted the back corner of the current building would be squared off to allow the space to offer additional types of automotive repair services on the premises.

Mr. Riordan raised a concern as to where the dumpster would be located and its visibility, and Mr. Mulhern stated the dumpster would be screened with a fence.

Mr. Rose made a motion to approve the Variance application for 316 Boston Post Road with the following conditions.

- (Per Section 6332) The work described herein requires the approval of a Site Plan by the Sudbury Planning Board pursuant to Section 6300 of the Zoning Bylaw. Any conditions imposed in such Site Plan Approval shall also be conditions of this Variance.
- The Applicant/Owner shall make best efforts to not park vehicles on Massasoit Avenue and to seek other options, such as vehicle delivery service to customers, in order to minimize or eliminate the need for off-site parking.
- The dumpster on the subject property shall be screened.

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 21-33 – Stephen Nace and Shelly Chin, Applicants and Owners, seek 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 chickens at 79 Brimstone Lane, Assessor’s Map L04-0603, Single Residential C-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Stephen Nace was in attendance to discuss the application with the Zoning Board of Appeals. He indicated they intended to turn a former dog run/kennel on the property into a chicken coop/run.

Joshua Fox of 80 Brimstone Lane spoke in support of the application.

Mr. Riepe made a motion to approve the Special Permit application for 79 Brimstone Lane as submitted for six (6) chickens for one (1) year. 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, Cases 21-34, 21-35, 21-36, and 21-37 – Herb Chambers 43 Braintree Street, LLC, Applicant and Owner, seeks Special Permits under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Uses 12 (Case 21-34), 13 (Case 21-35), 14 (Case 21-36), and 25 (Case 21-37), and 6200 of the Town of Sudbury Zoning Bylaw to operate a motor vehicle sales and rental, general and body repair, and light service facility over 20,000 square feet in size at 141 Boston Post Road, Assessor’s Map L11-0019, Industrial-4 Zoning District

Attorney Joshua Fox, John Welch from the Herb Chambers Companies, Gabe Crocker from Crocker Design group, and architect James Mullarkey were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Fox explained each of the Special Permit applications and the purpose for each. He noted the intent of the project was to repurpose the currently unused former fitness facility for a Mercedes dealership. Mr. Fox also addressed some concerns brought to his attention through the submitted written public comments regarding fire hazards and potential excessive noise from the proposed car wash.

Mr. Crocker detailed the current areas of the property and how they would be altered. He also reviewed the proposed changes to the building.

At this time Mr. Gossels left the meeting.

Some members of the Zoning Board of Appeals and Mr. Duchesneau noted they were not in favor of the proposed auto display pads along Boston Post Road/Route 20. Mr. Riepe indicated the auto display pads along the street were not acceptable.

Mr. Riepe stated the blank north wall of the western section of the building should not be activated with doors or windows because it is the wall closest to Boston Post Road/Route 20 and closest to the residential neighborhood. He noted it was now veiled with birch trees, which was good. Mr. Riepe pointed out the east, south, and west walls could be the active zones. He also stated the new parking to be created for the project should strictly be located at the side and rear of the structure, and not forward of the building.

Mr. Riordan indicated he did not want to see any overflow parking in the currently grassed area in the northeast portion of the property.

Mr. Riordan made a motion to continue the public hearing for the Special Permit applications for 141 Boston Post Road to the Zoning Board of Appeals meeting on January 10, 2022. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Absent, Ms. Pincus – Aye, and Mr. Rose – Aye.

Amendments to Zoning Board of Appeals Application Forms

Mr. Riepe noted the edits which had been made to the Special Permit Application for Signs.

The members of the Zoning Board of Appeals requested more time to review the other amended application forms.

Mr. Rose made a motion to approve the updated Special Permit Application for Signs. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Absent, Ms. Pincus – Aye, and Mr. Rose – Aye.

Approve Meeting Minutes from November 8, 2021

Mr. Riepe made a motion to approve the minutes from November 8, 2021 as amended. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Absent, Ms. Pincus – Aye, and Mr. Rose – Aye.

Administrative Report

Mr. Duchesneau reminded the members of the Zoning Board of Appeals they would have their annual joint meeting with the Earth Removal Board on January 10, 2022. He also indicated there would be interviews with two new potential members for the Zoning Board of Appeals and/or Earth Removal Board at that meeting.

Mr. Duchesneau also noted the 2022 Annual Town Meeting would be held on Monday, May 2, 2022.

Mr. Riepe made a motion to adjourn the meeting. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Absent, Ms. Pincus – Aye, and Mr. Rose – Aye. The meeting was adjourned at 10:30 PM.