



Town of Sudbury

Zoning Board of Appeals

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MINUTES

FEBRUARY 7, 2022 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, Planning and Zoning Coordinator Beth Perry, and Jonathan Silverstein from KP Law (Town Counsel)

Mr. Riordan opened the meeting at 7:04 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.

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 described the updated plans that were dated January 28, 2022 and submitted on February 4, 2022.

It was noted Mr. Riepe had provided guidance to Mr. Kelly to arrive at a design for the proposed addition which all parties could agree upon. There were a few design elements that were discussed, including the proposed roof overhang on the garage as well as the breezeway.

There was discussion regarding what type of siding would be used for the proposed addition.

Mr. Riepe made a motion to approve the Special Permit application for an Accessory Dwelling at 19 Oakwood Avenue per the plans dated January 28, 2022 with date stamps of February 4, 2022 with the following conditions:

- The Accessory Dwelling Unit shall not exceed 850 square feet nor be taller than the existing dwelling unit.
- The Applicant/Owner has the option to recompose the windows on the second floor of the east elevation to manage privacy issues both in terms of size and number of windows, but the total amount of square footage of glass shall not be allowed to increase from the approved plans.

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 Zoning Board of Appeals Application Forms

The Special Permit application for Accessory Dwelling Units was discussed and a few changes were recommended.

Mr. Riordan made a motion to approve the Special Permit Application for an Accessory Dwelling Unit as amended. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Interview with and Recommendation for Candidate for Zoning Board of Appeals Associate Member Position

Mr. Duchesneau informed the Zoning Board of Appeals Michael Hershberg was unable to attend the meeting that night at the last minute.

Mr. Riordan made a motion to take the matter up at the Zoning Board of Appeals meeting on March 7, 2022. 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, 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, David Newhall, and Maggie Laracy from Crocker Design Group; and architect James Mullarkey were in attendance to discuss the application with the Zoning Board of Appeals.

The changes to the proposed project which had been made since the last meeting were discussed by Mr. Fox. He indicated all of the proposed vehicle display pads along Boston Post Road/Route 20 had been removed and the total number of parking spaces for the project had been scaled back from 296 to 267.

Mr. Crocker indicated the project team was working on a finalized updated Landscape Plan as well.

Mr. Mullarkey noted the north elevation of the building would contain horizontal grey panels. He also stated the proposed doors on the front façade were being added for necessity, but would not be used daily, and they would be disguised with the same type of panels.

Mr. Fox discussed the sound attenuation measures that would be implemented for the car wash, stating that when the car wash doors would open, the blowers would automatically shut off.

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 March 7, 2022. 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 22-7 – Alan and Gloria Avila, 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 153 Pratts Mill Road, Assessor’s Map H05-0024, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Gloria Avila was in attendance to discuss the application with the Zoning Board of Appeals. She indicated the proposed Accessory Dwelling Unit would be in the form of an addition accessed by a door from the interior of the main house.

Mr. Riordan asked if the current septic system would accommodate the proposed addition and Ms. Avila indicated it would.

Mr. Gossels made a motion to approve the Special Permit application for an Accessory Dwelling unit at 153 Pratts Mill 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.

Public Hearing, Case 22-8 – Sudbury Water District, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §B, Use 9 and 6200 of the Town of Sudbury Zoning Bylaw to construct an approximately 2,000 square foot building to be used as a PFAS treatment facility, with associated improvements including landscaping, at 199 Raymond Road, Assessor’s Map L08-0001, Single Residence A-1, Water Resource Protection Overlay District Zone II, and Wireless Services Overlay Zoning Districts

Sudbury Water District Executive Director Vin Roy, and Jesse Johnson and Sara Francis from Weston & Sampson, Inc. were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Johnson noted the proposed building would not be visible from the public way of Raymond Road. He also stated no trees would need to be removed to construct the proposed building. Mr. Johnson indicated the color of the proposed structure would be beige per the request of the Planning Board.

The application drawings indicated the proposed building would exceed the maximum allowable height for the zoning district, and the Zoning Board of Appeals asked the Applicant and Town staff to investigate the matter further.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 199 Raymond Road to the Zoning Board of Appeals meeting on March 7, 2022. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

At this time Mr. Silverstein jointed the meeting.

Public Hearing, Case 22-9 – Salim Kassouf, Kassouf Management, and Honey Dew, Applicants, and 29 Hudson Road LLC, Owner, seek the renewal of Special Permit 17-32 under the provisions of MGL Chapter 40A, Section 9, and Sections 3260, 3261.a), 3290, and 6200 of the Town of Sudbury Zoning Bylaw to maintain an existing business sign at 29-2 Hudson Road, Assessor’s Map H09-0002, Limited Business-5 and Water Resource Protection Overlay District Zone III Zoning Districts

Salim Kassouf and Fadi Kassouf were in attendance to discuss the application with the Zoning Board of Appeals.

It was noted that in 2017 the façade sign was manufactured to incorrect specifications that were approved. Salim Kassouf stated they were seeking to renew the original Special Permit for the existing façade sign.

Mr. Riordan commented that currently the sign was a visual nuisance and out of compliance.

Mr. Gossels indicated at the time the sign was originally approved there was an agreement to make the sign compliant after the expiration of the original Special Permit.

Fadi Kassouf stated it would be a financial hardship to replace the sign at this time. He indicated that since the COVID pandemic had set in, their business had dropped off significantly, and it was difficult to keep workers around and retain the quality of their product. Mr. Kassouf also noted the cost of a new sign would be approximately \$15,000.

Mr. Riepe stated he was sympathetic to Applicant’s situation.

Ms. Pincus also agreed with Mr. Kassouf’s position, but also commented a smaller sign would not cost as much.

Mr. Silverstein stated Chapter 53 of the Acts of 2020, which was enacted during the COVID pandemic, tolled the time period for all active Special Permits during the state of emergency in Massachusetts. As such, the existing Special Permit still had a bit of active life remaining. Mr. Silverstein advised the Zoning Board of Appeals regarding language for a proposed motion in order to call for the expiration of the Special Permit time extension, as was being discussed.

Mr. Riepe made a motion to extend Special Permit 17-32 (façade signage) for 29-2 Hudson Road to March 1, 2024 inclusive of any statutory extensions pursuant to Chapter 53 of the Acts of 2020. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Approve Meeting Minutes from December 13, 2021 and January 10, 2022

Mr. Gossels made a motion to approve the minutes from December 13, 2021 and January 10, 2022. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Executive Session: Vote to enter Executive Session pursuant to Exemption 3 (M.G.L. Chapter 30A, §21(a)(3)) – To discuss strategy with respect to litigation regarding the Decision of the Zoning Board of Appeals Denying Janet L. Pitzi, et al’s Administrative Appeal re: 113 Haynes Road and then vote to end Executive Session and not return to Open Session

At 12:00 AM, Mr. Riordan made a motion to enter Executive Session pursuant to Exemption 3 (M.G.L. Chapter 30A, §21(a)(3)) to discuss strategy with respect to litigation regarding the decision of the Zoning Board of Appeals denying Janet L. Pitzi, et al's administrative appeal re: 113 Haynes Road, and then to vote to end Executive Session and not return to Open Session. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

At this time the Zoning Board of Appeals entered Executive Session and did not return to Open Session.