



Town of Sudbury

Zoning Board of Appeals

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MINUTES

MARCH 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 Nancy Rubenstein

Zoning Board of Appeals Members Absent: Associate Jeff Rose

Others Present: Director of Planning and Community Development Adam Duchesneau and Planning and Zoning Coordinator Beth Perry

Mr. Riordan opened the meeting at 7:00 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.

Old Business:

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

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 April 4, 2022. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Continued 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. Roy noted the proposed PFAS treatment building would be constructed at the proposed 37.3 foot height as allowed under Section 2633 of the Zoning Bylaw.

Mr. Duchesneau stated he had discussed the building height matter with Building Inspector Andrew Lewis and they had arrived at the conclusion that Section 2633 of the Zoning Bylaw applied in this instance. This section of the Zoning Bylaw allowed for municipal buildings to be up to 45 feet in height in certain zoning districts. Mr. Duchesneau indicated that while the building itself was not a municipal asset of the Town of Sudbury, the building itself would serve municipal purposes for the benefit of the residents of the Town of Sudbury, and therefore, that allowed for Section 2633 to be applied in this particular instance.

Mr. Riordan made a motion to approve the Special Permit application for 199 Raymond Road as submitted. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

New Business:

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

Michael Hershberg was in attendance to discuss becoming an Associate Member of the Zoning Board of Appeals. He indicated he was a lawyer by profession and further explained his interest in being a member of the Zoning Board of Appeals.

There was then discussion amongst the members of the Zoning Board of Appeals as to how the existing board functioned and whether Mr. Hershberg should also serve on the Earth Removal Board if appointed to be an Associate Member of the Zoning Board of Appeals.

Mr. Gossels made a motion to recommend to the Select Board that Michael Hershberg be appointed as an Associate Member of the Zoning Board of Appeals and a Full Member of the Earth Removal Board. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Amendments to Zoning Board of Appeals Application Forms

Mr. Riordan proposed discussing the updated Special Permit Application Form.

Ms. Rubenstein commented she would prefer to see the Applicants submit a plan which displayed all of the buildings on the abutting properties. Instead, the requirement for a Context Map to be submitted with the application materials was discussed and modified by the Zoning Board of Appeals.

Mr. Gossels made a motion to approve the Special Permit Application Form as amended. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 22-10 – Dror Pockard and Liora Peretz-Pockard, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 5, 2313, and 6200 of the Zoning Bylaw to operate a kennel at 83 Silver Hill Road, Assessor's Map D08-0318, Single Residence A-1 Zoning District

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 83 Silver Hill Road to the Zoning Board of Appeals meeting on April 4, 2022. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 22-11 – Marek Mizeracki, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2245, 2460B, and 6200 of the Town of Sudbury Zoning Bylaw to demolish an approximately 840 square foot single-family dwelling and construct an approximately 2,200 square foot single-family dwelling at 4 Confidence Way, Assessor’s Map K09-0003, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Marek Mizeracki was in attendance to discuss the application with the Zoning Board of Appeals. He noted he had been before the Historic Districts Commission several times to get his plans approved. Mr. Mizeracki indicated the proposed home would only be slightly within the front yard setback requirement. He also pointed out the dwelling unit was located on a private way and was the only home on the roadway.

A question was raised as to whether Confidence Way was created for a subdivision for land that was now being used for agricultural use by Cavicchio Greenhouses.

There was then discussion regarding the layout of the subject property and why the structure would need to be located where it was being proposed.

Mr. Riepe made a motion to approve the Special Permit application for 4 Confidence Way as submitted. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 22-13 – Charlie and Samantha Karustis, Applicants and Owners, seek 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 side yard setback requirement to construct a detached garage at 5 Candlewood Circle, Assessor’s Map H08-0031, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and owners Charlie and Samantha Karustis, and architect Mike Collins were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Karustis indicated there was a desire to build the garage for convenience factors, but there was not a prime location to add it onto the existing structure. He noted the house had historic value and adding the garage to the house would also simply not look appropriate.

Several members of the Zoning Board of Appeals commented they thought there were other places on the property the garage could be placed without requiring a Variance.

There was then a discussion as to where else the garage could be constructed.

Aaron Novak of 11 Candlewood Circle indicated he supported the Applicants seeking a Variance for the proposed detached garage.

Mr. Riordan made a motion to continue the public hearing for the Variance application for 5 Candlewood Circle to the Zoning Board of Appeals meeting on May 9, 2022. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 22-12 – Roy and Yelena Cashion, Applicants, and Amy Ferguson Heidke, Owner, seek the renewal of Special Permit 14-31 under the provisions of MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw for an Accessory Dwelling Unit at 51 Powder Mill Road, Assessor’s Map B07-0029, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

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

Mr. Gossels made a motion to continue the public hearing for the Special Permit application for 51 Powder Mill Road to the Zoning Board of Appeals meeting on April 4, 2022. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Approve Meeting Minutes from February 7, 2022

Mr. Riepe made a motion to approve the minutes from February 7, 2022 as amended. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Abstain.

Administrative Report

Mr. Duchesneau indicated that pursuant to Chapter 22 of the Acts of 2022, the Zoning Board of Appeals would be able to continue to hold public meetings remotely through July 15, 2022. He also noted the current plan was to hold the May 2022 Annual Town Meeting indoors, but that could potentially change over the course of the next two months.

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 Ms. Rubenstein – Aye. The meeting was adjourned at 9:58 PM.