



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

APRIL 4, 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, 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

Applicants and owners Dror Pockard and Liora Peretz-Pockard were in attendance to discuss the application with the Zoning Board of Appeals. They indicated they simply wanted to keep the dogs they had moved in with. Mr. Pockard stated there was no intention of ever housing more dogs at the subject property.

Mr. Riepe questioned the plans which indicated there were two fences, one within the other. There was then discussion to confirm the locations of the fences on the property.

Mr. Riordan made a motion to approve the Special Permit application for 83 Silver Hill Road as submitted with the following conditions:

- No new dogs, beyond the existing five (5) dogs, shall be added to the subject property.
- If one (1) or two (2) dogs are permanently removed from the subject property via death, new ownership, etc., they shall not be permitted to be replaced with other dogs.
- The dogs shall be limited to the area as specified on the larger plan submitted with the application materials.

- This Special Permit is non-transferable and will expire in two (2) years on April 4, 2024. The Board will consider renewal upon receipt of proper application on or before that date.
- The chain link fence which separates the subject property from 111 Thunder Road shall be screened to greatly reduce or eliminate its transparency.
- Best efforts shall be made by the Applicants/Owners to be with the dogs at all times when they are outside, and the dogs shall be managed and controlled in order to limit their possible nuisance.
- The operation of a commercial kennel business on the subject property including the grooming, caring, boarding, breeding, training, or selling of other dogs is prohibited.

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

Continued 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

Applicants and owners Roy and Yelena Cashion were in attendance to discuss the application with the Zoning Board of Appeals. Mr. Cashion stated the Accessory Dwelling Unit was not visible from the public way as it was located in the basement of the building.

Mr. Riepe raised a question regarding the habitability of the Accessory Dwelling Unit and recommended a condition be added for the Building Inspector to inspect the unit.

Mr. Riordan made a motion to approve the Accessory Dwelling Unit Special Permit application for 51 Powder Mill Road as submitted with the following conditions:

- The Building Inspector shall inspect the subject property prior to issuance of a Certificate of Occupancy for the Accessory Dwelling Unit.
- Adequate provision shall be made for the disposal of sewage, waste, and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health.

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, 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.

There was discussion regarding the changes which had been made to the parking area to the east of the building.

Mr. Crocker reviewed the updated Site Plan and Landscape Plan with the Zoning Board of Appeals.

There was discussion regarding the outside lights being Dark Sky compliant and the interior lights not being too bright at night.

Mr. Mullarkey noted the Mercedes corporation used spot lights to highlight their vehicles inside the showroom.

Mr. Gossels 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 May 9, 2022. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Abstain.

New Business:

Public Hearing, Case 22-14 – Mustang Development Advisors, Inc., Applicant and Owner, seeks to amend Special Permit 21-23 under the provisions of MGL Chapter 40A, Section 9, and Sections 2460B and 6200 of the Town of Sudbury Zoning Bylaw to modify window sizes, orientations, and locations at 34 Greenwood Road, Assessor’s Map C07-0107, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Alex Hathaway and Mike Jarvis were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riepe asked if the front door was at the same level as the back door and Mr. Hathaway confirmed it was.

Mr. Riepe made a motion to approve the amendments to Special Permit 21-23 as submitted. 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 22-15 – Joseph McGill and Kaffee Kang, Applicants and Owners, seek to amend Special Permit 95-60 under the provisions of MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to modify the conditions associated with the Accessory Dwelling Unit at 96 Old Garrison Road, Assessor’s Map J04-0015, Wayside Inn Historic Preservation and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and owners Kaffee Kang and Joseph McGill were in attendance to discuss the application with the Zoning Board of Appeals. Ms. Kang noted the original Special Permit issued in 1995 for the Accessory Dwelling Unit specified it could only be inhabited by a family member. She stated they were requesting this language to be removed from the Special Permit so the Accessory Dwelling Unit could be used by any renter (family or non-family members).

Ms. Pincus made a motion to approve the amendments to Special Permit 95-60 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 22-16 – Lafuente Sign and Awning, Applicant, and Wellyn, Inc. c/o Gravestar, Inc., Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3261.A, 3262, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for approval of existing signage at 505–525 Boston Post Road, Assessor’s Map K07-0005, Limited Business 2 and Water Resource Protection Overlay District Zone II Zoning Districts

Mike Doherty was in attendance to discuss the application with the Zoning Board of Appeals.

Ms. Pincus made a motion to approve the projecting signage Special Permit application for 505–525 Boston Post Road as submitted with the following conditions:

- The approval is for the installation of eight (8) projecting, double-sided, signs which are 44 inches in height and 28 inches in width.
- The lower edge of the projecting signs shall be at least seven (7) feet off the ground.
- Projecting signs for the following businesses shall be removed and not re-installed: Shaw’s, CVS, and Aubuchon Hardware.
- The projecting signs shall not be illuminated.
- The Applicant is not required to return to the Zoning Board of Appeals for changes to the projecting signs sign face area such as lettering, font, coloring, and symbols/logs, so long as the size of the projecting signs and materials remain the same.

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

There was no discussion regarding this topic.

Approve Meeting Minutes from March 7, 2022

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

Administrative Report

Mr. Duchesneau indicated the 2022 Annual Town Meeting would begin on May 2, 2022 and would be held indoors at the Lincoln-Sudbury Regional High School. He also noted the Sudbury Town Crier was going out of hard copy print with a last edition being printed the first week in May of 2022. After that, public hearing notices would be run in the Metro West Daily News.

Mr. Gossels made a motion to adjourn the meeting. Ms. Rubenstein 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 10:30 PM.