



Town of Sudbury

Zoning Board of Appeals

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MINUTES

MAY 9, 2022 AT 7:00 PM

VIRTUAL MEETING

Zoning Board of Appeals Members Present: Chair John Riordan, Clerk Frank Riepe, Jennifer Pincus, Nancy Rubenstein, and Associate Jeff Rose

Zoning Board of Appeals Members Absent: Jonathan Gossels

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

Mr. Riordan opened the meeting at 7:02 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.

At this time Ms. Rubenstein joined the meeting.

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

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.

Mr. Fox noted a flag pole would be added to the subject property as part of the proposal.

Mr. Riordan asked if members of the Zoning Board of Appeals had any questions on what had been discussed to date or the draft decision.

There was discussion regarding a possible condition limiting vehicle test drives on Goodman's Hill Road and Old County Road.

Mr. Riordan made a motion to add Old County Road to the proposed condition restricting vehicle test drives in the draft decision. The motion did not receive a second.

There was discussion regarding the condition regulating the proposed size, lighting, and location of the flag pole.

Mr. Riepe made a motion to approve the Special Permit applications (Cases 21-34, 21-35, 21-36, and 21-37) for 141 Boston Post Road. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Abstain.

CONTINUED 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

Mr. Riepe made a motion to continue the public hearing for the Variance application for 5 Candlewood Circle to the Zoning Board of Appeals meeting on June 6, 2022. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye.

New Business:

Public Hearing, Case 22-17 – Jamison Dulude, 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 to add a covered front porch at 11 Hop Brook Lane, Assessor’s Map G05-0413, Single Residence A-1 and Water Resource Protection Overlay Districts Zone II & III Zoning Districts

Jamison Dulude was in attendance to discuss the application with the Zoning Board of Appeals.

There was discussion as to why the proposed project required a Variance as opposed to a Special Permit.

Members of the Zoning Board of Appeals encouraged Mr. Dulude to acquire an updated survey for his property to confirm the exact front setback distance of his dwelling unit from the front property line as perhaps only a Special Permit would be required. As part of this, Mr. Riordan recommended the matter be continued to the next Zoning Board of Appeals meeting to give Mr. Dulude time to gather this information.

Mr. Riepe made a motion to continue the public hearing for the Variance application for 11 Hop Brook Lane to the Zoning Board of Appeals meeting on June 6, 2022. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 22-18 – Manpreet Bal, Applicant and Owner, seeks 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 24 July Road, Assessor’s Map F06-0608, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Applicant and owner Manpreet Bal was in attendance to discuss the application with the Zoning Board of Appeals. She explained she wanted to raise chickens as a hobby and noted where the coop would be located in her back yard.

Joseph Vignos of 28 July Road expressed concern regarding predators coming into the area with the addition of the chickens. He indicated he had small children and was concerned for their safety. Mr. Vignos stated that if there were any issues, he would pay to have the coop removed.

Mr. Riordan made a motion to approve the Special Permit application for 24 July Road as submitted with the following conditions:

- The maximum number of chickens allowed on the subject property is six (6).
- The Special Permit is non-transferable and will expire in one (1) year.
- The coop shall adhere to the setback requirements as specified in Section 2326 of the Zoning Bylaw
- Free range chickens are not permitted on the subject property.

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

Public Hearing, Case 22-19 – Kathleen and David DelPrete, 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 Town of Sudbury Zoning Bylaw to operate a dog kennel at 65 Wagonwheel Road, Assessor’s Map M09-0320, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and owners Kathleen and David DelPrete were in attendance to discuss the application with the Zoning Board of Appeals.

Ms. DelPrete stated they had no intention of operating a commercial kennel at the subject property. She indicated she already had three dogs when they had taken on the care of her brother’s dog, which required them to apply to obtain a Special Permit for the operation of a kennel as defined under the Zoning Bylaw (four or more dogs on the premises).

Steve Gutherz of 69 Wagonwheel Road was concerned that when the dogs die they would be replaced with bigger dogs. Ms. DelPrete stated they had no intentions to replace any of the dogs once they passed away.

Jeffrey Beeler of 57 Wagonwheel Road stated he had no objections to the approval of the application.

Mr. Riordan made a motion to approve the Special Permit application for 65 Wagonwheel Road as submitted with the following conditions:

- If one (1) of the dogs is permanently removed from the subject property via death, new ownership, etc., it shall not be permitted to be replaced with another dog without obtaining a new Special Permit from the Zoning Board of Appeals.
- 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.

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

Public Hearing, Case 22-20 – Kathleen and David DelPrete, 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 65 Wagonwheel Road, Assessor’s Map M09-0320, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and owners Kathleen and David DelPrete were in attendance to discuss the application with the Zoning Board of Appeals.

Ms. DelPrete described where the coop would be placed and indicated there would only be six chickens on the premises.

Jeffrey Beeler of 57 Wagonwheel Road stated he had no objections to the approval of the application.

Ms. Rubenstein made a motion to approve the Special Permit application for 65 Wagonwheel Road as submitted with the following conditions:

- The maximum number of chickens allowed on the subject property is six (6).
- The Special Permit is non-transferable and will expire in one (1) year
- Free range chickens are not permitted on the subject property.

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

Public Hearing, Case 22-21 – Carole Westcott, Applicant and Owner, seeks a Special Permit 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 4 Lake Shore Drive, Assessor’s Map F04-0503, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and owners Carole and James Westcott were in attendance to discuss the application with the Zoning Board of Appeals.

There was discussion regarding the floor plan that was submitted with the application materials, and how and when the Accessory Dwelling Unit was constructed. There was some confusion regarding the square footage of the Accessory Dwelling Unit as compared to the main dwelling unit on the subject property.

It was noted the property had previously been awarded a Special Permit for the Accessory Dwelling Unit in 2011 (Case 11-2).

Mr. Riordan made a motion to approve the Special Permit application for 4 Lake Shore Drive as submitted for the existing Accessory Dwelling Unit with a space of 1,019 square feet. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Nay, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Abstain. The motion failed.

Interviews with and Recommendations for Candidates for Zoning Board of Appeals Associate Member Positions and Earth Removal Board Positions

Mr. Rose made a motion to recommend to the Select Board that Jonathan Patch be reappointed to the Earth Removal Board for a term of one (1) year. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye.

Old Business:

Amendments to Zoning Board of Appeals Application Forms

Mr. Riepe made a motion to approve the updated Variance and Use Variance Application Forms. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye.

New Business:

Approve Meeting Minutes from April 4, 2022

Mr. Riepe made a motion to approve the minutes from April 4, 2022 as amended. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye.

Administrative Report

Ms. Rubenstein raised a suggestion regarding the possibility of holding two meetings per month due to the application load from the past several meetings. Mr. Riordan requested this item be placed on the agenda for the June 6, 2022 Zoning Board of Appeals meeting to discuss the topic further.

Mr. Riepe made a motion to adjourn the meeting. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye. The meeting was adjourned at 10:59 PM.