



Town of Sudbury

Zoning Board of Appeals

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MINUTES

JULY 11, 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 7:01 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 22-13 – 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 August 1, 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.

CONTINUED Public Hearing, Case 22-23 – 15 Longfellow Road, LLC, Applicant and Owner, seeks 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 a pre-existing nonconforming single-family dwelling and construct a larger single-family dwelling at 15 Longfellow Road, Assessor’s Map C07-0103, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Applicant Ben Maiden, architect Paul Mahoney, and engineer Stephen Poole were in attendance to discuss the application with the Zoning Board of Appeals. He discussed the elevations and how the proposed house would be turned on the lot to allow for more of a back yard.

There was then discussion regarding the length and placement of the driveway in front of the house.

Mr. Poole addressed the question of why the driveway would be on Greenwood Road as compared to Longfellow Road.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 15 Longfellow Road to the Zoning Board of Appeals meeting on August 1, 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.

New Business:

Public Hearing, Case 22-24 – Marcel Maillet, Applicant, and Joan Green, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2445 and 6200 of the Town of Sudbury Zoning Bylaw to reduce the size of a pre-existing nonconforming lot at 89 Butler Road, Assessor’s Map F05-0721, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Applicant Marcel Maillet was in attendance to discuss the application with the Zoning Board of Appeals. He indicated the Special Permit request was to take some land from 89 Butler Road (a pre-existing nonconforming lot) and transfer it to 94 Butler Road in order to allow a garage to be constructed at 94 Butler Road which would meet the setback requirements.

Mr. Riepe raised questions regarding the placement of the proposed garage.

Mr. Riordan made a motion to approve the Special Permit application for 89 Butler Road as submitted. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – No, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 22-25 – Samantha Biggins, Applicant, and Tom and Gretchen Biggins, 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 6 Whitetail Lane, Assessor’s Map F10-0310, Single Residence A-1 Zoning District

Applicant Samantha Biggins was in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riordan asked some confirming questions such as where the coop would be located on the property.

Mr. Riepe made a motion to approve the Special Permit application for 6 Whitetail Lane as submitted with the following conditions:

- The maximum number of chickens allowed on the subject property is twelve (12).
- The Special Permit is non-transferable and will expire in one (1) year.

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 22-26 – Red Barn Dog Ops, LLC., Applicant, and Sudbury Crossing Station, LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 5, 2313, 2400, 4240, and 6200 of the Town of Sudbury Zoning Bylaw to operate a dog kennel at 435 Boston Post Road (space 421), Assessor’s Map K08-0004, Limited Business-6 and Water Resource Protection Overlay District Zone II Zoning Districts

Attorney Joshua Fox and Applicant Jim Riley were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riley reviewed the business model for Dogtopia.

There was then discussion regarding drop off and pick up of dogs as it related to the parking situation at the property.

Mr. Riordan suggested perhaps relocating the main entrance to the space to the back of the building.

Kevin Westerberg of 239 Raymond Road raised concerns regarding the buffering between the neighbors and the commercial plaza.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 435 Boston Post Road to the Zoning Board of Appeals meeting on August 1, 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.

Discussion regarding Possible Amendments to the Village Business Zoning District

Mr. Riepe discussed the history of the Village Business Zoning District and stated that when this district was originally created it prohibited the sale, storage, or use of firearms or explosives within the district. He indicated he would like to reinstall this prohibition in the Village Business Zoning District as well as all other zoning districts in town. Mr. Riepe stated he would discuss the matter further with Town staff and prepare materials for the next Zoning Board of Appeals meeting on August 1, 2022.

Approve Meeting Minutes from June 6, 2022

Mr. Gossels made a motion to approve the minutes from June 6, 2022. Mr. Riordan 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 noted the ability for Town boards, committees, and commissions to hold remote/virtual meetings was set to expire on July 15, 2022. However, he also indicated it was anticipated the state legislature would approve an extension of this Open Meeting Law provision in approximately the next week. Mr. Duchesneau stated there should be something official regarding this matter in the near future.

Mr. Riordan indicated a recent Select Board meeting had been “Zoom bombed” via the chat function. He then asked how the Zoning Board of Appeals would feel about eliminating the chat function from their Zoom meetings. The members of the Zoning Board of Appeals expressed no concerns with this proposal.

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.