



Town of Sudbury

Zoning Board of Appeals

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MINUTES

SEPTEMBER 12, 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 7:07 PM by noting the presence of a quorum. Ms. Pincus then 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 22-23 – 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, Paul Mahoney, and Stephen Poole were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Maiden discussed the proposed new location for the driveway.

Mr. Mahoney indicated he had spoken to Assistant Department of Public Works Director/Town Engineer Bill O'Rourke and Mr. O'Rourke was not in favor of having two entrances/exits for the driveway.

Mr. Maiden then reviewed the proposed landscaping for the property.

There was then a discussion regarding tree removal at the site.

Mr. Riepe made a motion to approve the Special Permit application for 15 Longfellow Road with the following conditions:

- Best efforts shall be made to preserve the trees and other vegetation at the perimeter of the property for screening purposes.
- It is permissible, if desired, for the Applicant to install a window in the lower (basement) level on the Left Elevation as shown on the approved floor plans.

Mr. Gossels 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 22-26 – 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 Applicants Kayla Seely and Jim Riley were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riepe and Ms. Pincus commented on their site visit to the Dogtopia location in Dedham, Massachusetts. Mr. Riepe explained his thoughts on the procedures of the facility, as did Ms. Pincus.

Kevin Westerberg of 239 Raymond Road stated he was concerned about where the entrance for the business would be located. He noted a rear entrance to the business from the back of the building would be a difficult access point. Mr. Westerberg also stated he was happy to hear there would not be an outside play area.

Briana Lund of 69 Stone Road stated she was concerned about the pickup and drop off times for the proposed business with the number of cars in the parking lot and the dogs.

Mr. Riepe made a motion to approve the Special Permit application for 435 Boston Post Road with the following conditions:

- There shall not be any outdoor activity space for the use.
- The Applicant shall make best efforts to attenuate noise and limit the amount of barking.
- This Special Permit is non-transferable and will expire in five (5) years on September 12, 2027.
- The Applicant shall make substantial and best efforts to negotiate four (4) dedicated parking spaces for their business which are located near the entrance during pickup and drop-off hours.

Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Nay, Mr. Riepe – Aye, Mr. Gossels – Nay, Ms. Pincus – Aye, and Ms. Rubenstein – Aye. Therefore, the motion failed and the Special Permit was denied.

CONTINUED Public Hearing, Case 22-27 – JBJS Charles LLC c/o Jonatas Storck, 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 58 Massasoit Avenue, Assessor’s Map K09-0425, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Mr. Gossels made a motion to continue the public hearing for the Special Permit application for 58 Massasoit Avenue to the Zoning Board of Appeals meeting on October 3, 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.

New Business:

Public Hearing, Case 22-30 – 631 Medical Office LLC, Applicant and Owner, seeks the renewal of Special Permit 21-18 under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Table of Principal Use Regulations, Appendix A, Part C, Use 18, and 6200 of the Town of Sudbury Zoning Bylaw to renew the permit to operate a medical center or clinic at 631 Boston Post Road, Assessor’s Map K06-0502, Single Residence C-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Attorney Joshua Fox and Jake Parsons were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riordan made a motion to approve the renewal of Special Permit 21-18 for 631 Boston Post Road with the following conditions, with all other original conditions remaining in full force:

- This Special Permit shall lapse if construction has not begun, except for good cause, by December 31, 2023.
- Construction must be completed no later than 18 months after commencement, but no later than June 30, 2025, whichever is earlier.

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 22-31 – Paul Matto, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2420, 2445, and 6200 of the Town of Sudbury Zoning Bylaw to alter a pre-existing non-conforming structure at 47 Hickory Road, Assessor’s Maps K05-0184, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Paul Matto was in attendance to discuss the application with the Zoning Board of Appeals. He noted the stairs that lead to the basement were currently in the garage which made it impossible to park two cars inside. Mr. Matto indicated the bulkhead was necessary to provide an alternate means of egress.

Mr. Riordan made a motion to approve the Special Permit application for 47 Hickory Road with the following condition:

- The Applicant shall submit specific details of the proposed bulkhead to the Planning and Community Development Department within 10 days of September 13, 2022. The Zoning Board of Appeals delegates authority to the Chair to work with Planning and Community Development Department staff to finalize the details of the proposed bulkhead on the east/left side of the dwelling unit and to permit the Chair to approve the details of the bulkhead on behalf of the Zoning Board of Appeals.

Mr. Riepe 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 22-32 – Mustang Development Advisors, Inc. c/o Alex Hathaway, Applicant and Owner, seeks a Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 2450, 2620, Table of Dimensional Requirements, Appendix B, and 6130 of the Town of Sudbury Zoning Bylaw from the minimum lot frontage requirement to re-establish the ability to inhabit an abandoned residential property at 29 Stone Road, Assessor’s Map K05-0024, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Ms. Pincus made a motion to continue the public hearing for the Variance application for 29 Stone Road to the Zoning Board of Appeals meeting on September 19, 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.

Public Hearing, Case 22-33 – Darin Evans, 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 150 Concord Road, Assessor’s Map J09-0015, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Ms. Pincus made a motion to continue the public hearing for the Special Permit application for 150 Concord Road to the Zoning Board of Appeals meeting on September 19, 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.

Public Hearing, Case 22-34 – Methods Machine Tools Inc., Applicant, and Macot Realty Trust, Owner, seek a Variance under the provisions of MGL Chapter 40A, Section 10, a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2400, 3120, 4240, 6130, and 6200 of the Town of Sudbury Zoning Bylaw from the minimum parking requirements to establish a business or professional office at 64 Union Avenue, Assessor’s Map K08-0046, Industrial-2 and Water Resource Protection Overlay District Zone II Zoning Districts

Ms. Pincus made a motion to continue the public hearing for the Variance and Special Permit applications for 64 Union Avenue to the Zoning Board of Appeals meeting on September 19, 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 provided an overview of his proposal to prohibit the sales, assembly, and/or manufacturing of firearms and/or components thereof, ammunition, and explosives in all zoning districts.

Mr. Riordan made a motion for the Zoning Board of Appeals to recommend the Planning Board favorably consider a Zoning Bylaw amendment to prohibit the sales, assembly, and/or manufacturing of firearms and/or components thereof, ammunition, and explosives for the May 2023 Annual Town 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.

Approve Meeting Minutes from August 1, 2022

Ms. Pincus made a motion to approve the minutes from August 1, 2022 as amended. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Abstain, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

At this time Mr. Riepe left the meeting.

Administrative Report

There were no topics discussed under this item.

Mr. Gossels made a motion to adjourn the meeting. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Absent, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye. The meeting was adjourned at 10:18 PM.