



Town of Sudbury

Zoning Board of Appeals

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MINUTES

NOVEMBER 14, 2022 AT 7:00 PM

VIRTUAL MEETING

Zoning Board of Appeals Members Present: Chair John Riordan, Clerk Frank Riepe, Jonathan Gossels, Jennifer Pincus, Associate Michael Hershberg, and Associate Jeff Rose

Zoning Board of Appeals Members Absent: Nancy Rubenstein

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. Mr. Riepe 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 22-13 – 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 December 12, 2022. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye

CONTINUED Public Hearing, Case 22-27 – JBJS Charles LLC c/o Jonatas Storeck, 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

Ms. Pincus made a motion to continue the public hearings for the Special Permit applications for 58 Massasoit Avenue and 1 Union Avenue to the Zoning Board of Appeals meeting on December 12, 2022. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

CONTINUED Public Hearing, Case 22-35 – CRJ Roadside Service LLC, Applicant, and John and Kendra Warren, and Christopher Reedy, Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, Table of Principal Use Regulations, Part C, Uses 13 and 14, 2400, 4240, and 6200 of the Town of Sudbury Zoning Bylaw to establish an automotive towing and repair operation at 1 Union Avenue, Assessor’s Map K08-0070, Business-5 and Water Resource Protection Overlay District Zone II Zoning Districts

Ms. Pincus made a motion to continue the public hearings for the Special Permit applications for 58 Massasoit Avenue and 1 Union Avenue to the Zoning Board of Appeals meeting on December 12, 2022. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

CONTINUED Public Hearing, Case 22-29 – Jay Gigliotti, Airosmith Development, Applicant, and American Tower Corporation and Sudbury Research Center, LLC, Owners, seek to amend Special Permit 21-22 under the provisions of MGL Chapter 40A, Section 9, and Sections 4300, 4350, and 6200 of the Town of Sudbury Zoning Bylaw to modify a wireless communications facility at 142 North Road, Assessor’s Map C11-0300, Research-1, North Road Residential Overlay District, and Water Resource Protection Overlay District Zones II & III Zoning Districts

Mr. Riordan made a motion to accept the Applicant’s request to withdraw without prejudice the Special Permit application for 142 North Road. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

New Business:

Public Hearing, Case 22-38 – Camp Sewataro, LLC, Applicant, and Town of Sudbury, Owner, seek to renew and amend Special Permit 20-01 under the provisions of MGL Chapter 40A, Section 9, and Sections 2140 and 6200 of the Town of Sudbury Zoning Bylaw to increase the number of campers from 650 to 700 at 1 Liberty Ledge, Assessor’s Map C08, Lots 113-117, 119-121, 138-140, 142, 144-152, 154, 163, 164, and 502; Assessor’s Map C09-0165; and Assessor’s Map D08-0523 and 0524; Single Residence A-1 Zoning District

Attorney David Wiener and Scott Brody were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Weiner explained it was time to renew the lease for the camp and they would like to increase the number of campers from 650 to 700.

Mr. Riepe asked what the overall impact to the community would be if 50 more campers were to be added to the enrollment.

Mr. Gossels made a motion to approve the renewal of Special Permit 20-01 for 1 Liberty Ledge with the following new conditions and all other previous conditions of Special Permit 20-01 remaining unchanged:

- The total number of campers shall not exceed 700, with at least eleven (11) campers being scholarship campers from the Town of Sudbury.

- This Special Permit shall lapse on September 9, 2027, subject to renewal upon an application for renewal to the Board, however, this permit will automatically terminate upon the sale, transfer, or other change in ownership of the property. This Special Permit is non-transferable and shall not run with the land.

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

Public Hearing, Case 22-39 – Lee and Christina Greenberg, Applicants and Owners, seek 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 63 Barton Drive, Assessor’s Map G04-0118, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Lee Greenberg and Richard Rossi were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riordan questioned the height of the roof line for the proposed building. He also inquired about the existing trees and which ones would be cut down.

Ms. Pincus asked for clarification regarding the total square footages for the existing and proposed buildings listed on the application form. She noted the figures were not the same as what was indicated on the submitted plans. Ms. Pincus stated it appeared the finished room over the garage had not been taken in to account, but Mr. Greenberg noted the intent was not to complete that phase of the construction at this time.

Ms. Pincus made a motion to continue the public hearing for the Special Permit application for 63 Barton Drive to the Zoning Board of Appeals meeting on December 12, 2022. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

At this time Mr. Hershberg joined the meeting.

Public Hearing, Case 22-40 – Lisa Venuto, 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 33 Stonebrook Road, Assessor’s Map J06-0311, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Lisa and Peter Venuto were in attendance to discuss the application with the Zoning Board of Appeals.

Questions were raised regarding the additional space proposed for the second floor of the new dwelling.

The members of the Zoning Board of Appeals raised numerous questions regarding the application submitted as it had several areas with incorrect or conflicting information.

Mr. Rose made a motion to continue the public hearing for the Special Permit application for 33 Stonebrook Road to the Zoning Board of Appeals meeting on December 12, 2022. Ms. Pincus

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

Approve Meeting Minutes from September 19, 2022 and October 3, 2022

Mr. Gossels made a motion to approve the minutes from September 19, 2022. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Ms. Pincus made a motion to approve the minutes from October 3, 2022. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Administrative Report

Mr. Duchesneau indicated the Select Board would be selecting a candidate to engage in discussions with to be the new Town Manager at their meeting on November 15, 2022.

Public Hearing, Case 22-41 – Andrew Clark c/o Expose Signs and Graphics, Inc., Applicant, and The Apartments at Cold Brook Crossing, Owner, seek to amend Special Permits 20-12 and 21-27 under the provisions of MGL Chapter 40A, Section 9, and Sections 3200, 3259, 3259A, 3270, 3271, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for additional signage at 435 Cold Brook Drive, Assessor’s Map C12-0101, Research-1, Melone Smart Growth Overlay District, and Water Resource Protection Overlay District Zone II Zoning Districts

Andrew Clark of Expose Signs & Graphics, Inc. was in attendance to discuss the application with the Zoning Board of Appeals.

Ms. Pincus questioned the proposed size and placement of the banner.

Mr. Riordan noted he had driven by the property and could barely see the signage. He indicated he would prefer to only see the usage of sandwich board signs for this signage proposal.

Mr. Riordan made a motion to approve the Special Permit application for 435 Cold Brook Drive with the following conditions:

- The Applicant/Owner shall be permitted to erect/install three (3) A-frame signs as indicated in the application materials in the following locations in the Cold Brook Crossing residential development:
 - o The intersection of the entrance/exit drive off of Route 117/North Road and Cold Brook Drive.
 - o The intersection of Cold Brook Drive and Emery Lane.
 - o Along the east side of the building at 437 Cold Brook Drive.
- There shall not be any signage affixed to or hung from the buildings at 435 or 437 Cold Brook Drive.
- This Special Permit shall lapse on November 14, 2024, subject to renewal upon an application for renewal to the Board.

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

Public Hearing, Case 22-42 – Jessica Cerullo Merrill and David Merrill, Applicants and Owners, seek 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 14 Basswood Avenue, Assessor’s Map F04-0321, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Jessica Cerullo Merrill and David Merrill were in attendance to discuss the application with the Zoning Board of Appeals.

There was discussion regarding the windows proposed for the east side of the building as well as the written comments from the neighbors at 8 Basswood Avenue.

Mr. Riepe made a motion to approve the Special Permit application for 14 Basswood Avenue as submitted. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Mr. Gossels made a motion to adjourn the meeting. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye. The meeting was adjourned at 10:00 PM.