



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

FEBRUARY 6, 2023 AT 7:00 PM

VIRTUAL MEETING

Zoning Board of Appeals Members Present: Chair John Riordan, Clerk Frank Riepe, Jonathan Gossels, Jennifer Pincus, Associate William Ray, Associate Jeffrey Rose, and Associate Benjamin Stevenson

Zoning Board of Appeals Members Absent: Nancy Rubenstein and Associate Michael Hershberg

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

Mr. Riordan opened the meeting at 7:04 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 23-02 – Saxton Sign Corp., Applicant, and RG Sudbury LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3264, 3265, 3265B, 3266, 3280, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for signage modifications at 407 Boston Post Road, Assessor’s Map K08-0007, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 407 Boston Post Road to the Zoning Board of Appeals meeting on March 6, 2023. Mr. Rose 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 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

Engineer Joyce Hastings was in attendance to discuss the application with the Zoning Board of Appeals. She noted the changes which had been made to the plans regarding the front porch which included reducing its depth from four (4) feet to five (5) feet and making it more narrow across the front of the house. However, its setbacks would remain the same. Ms. Hastings also indicated changes had been made to the architectural plans to correct the measurements which had been inaccurate in the previous plan set.

Ms. Hastings also stated there would not be any living space in the attic, only room for plywood and storage space. She noted the overall height of the proposed dwelling unit would be 29 feet to the roof line. Ms. Hastings indicated the landscaping would include a three foot retaining wall and four trees along the front of the property, including shrubs as well. She also explained the architect was having issues using their digital program to create a front elevation of the proposed building which included the retaining wall along Massasoit Avenue.

Mr. Gossels commented it was disappointing there was not a front elevation provided which displayed these changes.

Mr. Riepe stated he was satisfied with the latest plan set.

Ms. Pincus sketched out what the project's architect could not produce via their digital program and she believed this design was somewhat similar to a neighboring property.

Mr. Stevenson agreed the Applicant had listened to the concerns of the Zoning Board of Appeals and noted he was in favor of the new design.

Mr. Ray echoed many of the previous comments and stated he also thought the updated plans were better.

Michael Cameron of 18 Franklin Place indicated the updated plans looked better, but he still raised concerns regarding the height of the proposed dwelling.

Mary Lester of 10 Allen Place stated she was frustrated a street view of the proposed structure had not been provided in the updated materials.

Glenn Merrill-Skoloff of 18 Allen Place indicated he was frustrated with the proposed plans and their inaccuracies/inconsistencies.

Mr. Riordan 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 March 6, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, Mr. Ray – Aye, and Mr. Stevenson – Aye.

At this time Mr. Ray and Mr. Stevenson left the meeting.

CONTINUED Public Hearing, Case 22-37 – Richard Albee, 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 from the minimum front yard setback requirement to expand a garage at 5 Hunt Road, Assessor's Map E09-0129, Single Residence A-1 Zoning District

Attorney Robert Dionisi, Applicant Richard Albee, and Robert Melvin of Stamski and McNary, Inc. were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Melvin verbally reviewed some of the changes made to the proposed plans and noted the garage doors had been changed to barn style doors. He also indicated the roof line had been adjusted, but he did not have any updated drawings available to display at the meeting.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 5 Hunt Road to the Zoning Board of Appeals meeting on March 6, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Abstain, Ms. Pincus – Aye, and Mr. Rose – Aye.

New Business:

Public Hearing, Case 23-04 – Town of Sudbury, 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 from the minimum front yard setback requirement at 40 Fairbank Road, Assessor’s Map F06-0001, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Project Manager Christopher Eberly was in attendance to discuss the application with the Zoning Board of Appeals.

Architect Tom Scarlata noted the original plans were not square with the existing building and therefore as construction started on the new building, it caused the newly installed foundation to be four inches further into the front yard setback than what had been approved as part of the previous Variance decision for the project.

Mr. Riordan made a motion to approve the Variance application for 40 Fairbank Road as submitted. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Abstain, Ms. Pincus – Aye, and Mr. Rose – Aye.

Public Hearing, Case 23-05 – Nitin and Nidhi John, 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 front yard setback requirement at 147 Haynes Road, Assessor’s Map D09-0103, Single Residence A-1 Zoning District

Applicants and owners Nitin and Nidhi John were in attendance to discuss the application with the Zoning Board of Appeals.

Ms. John noted she was the architect for this project. She indicated they were required to have a survey conducted for the property which had not been done before. Ms. John stated they were seeking relief to be able to construct a new two-car garage with living space above. She indicated there was no other place to construct this addition due to the location of the septic system on the property. Ms. John also noted they preferred where the existing curb cut was located for the property due to its aesthetics and for safety reasons, and therefore they did not want to consider moving it.

Mr. Riepe commented he thought there could have been more consideration regarding the design of the proposed addition which encroached upon the front yard setback.

Ms. Pincus inquired about the proposed addition, which included bedrooms above the garage. She wondered, if the bedrooms were not needed, could the garage be moved to the other side of the dwelling. Ms. John indicated the Applicants were now both working from home and could use the extra space. It was also mentioned that creating another curb cut on Haynes Road would not be ideal.

Charles Welch of 157 Haynes Road indicated he was in support of the project.

Lee and Sylvia Arnold of 11 Hadley Road commented on the amount of traffic on Haynes Road and noted relocating the existing driveway would prove to be difficult.

Kevin Matthews of 137 Haynes Road stated he was in support of the project.

Ms. Pincus made a motion to approve the Variance application for 147 Haynes Road as submitted. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Untimed Items:

Approve Zoning Board of Appeals Meeting Minutes from December 12, 2022 and January 9, 2023

Ms. Pincus made a motion to approve the minutes from 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.

Mr. Riepe made a motion to approve the minutes from January 9, 2023. Ms. Pincus 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 new Town Manager, Andy Sheehan, would be starting in his position on February 13, 2023.

Mr. Gossels made a motion to adjourn the meeting. Mr. Rose 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 9:57 PM.