



Town of Sudbury

Zoning Board of Appeals

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MINUTES

APRIL 3, 2023 AT 7:00 PM

VIRTUAL MEETING

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

Zoning Board of Appeals Members Absent: Jennifer Pincus, Nancy Rubenstein, Associate Bill Ray, and Associate Bill Stevenson

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 22-27 – 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. 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 May 8, 2023. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Mr. Hershberg – Aye, and Mr. Rose – Aye.

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 Bob Dionisi, Engineer Robert Melvin, and Owner Richard Albee were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Dionisi called out a memorandum which had been submitted that was signed by neighbors in favor of the proposed project.

There was discussion regarding the overall design of the proposed structure. The Zoning Board of Appeals requested reasoning as to why the proposed changes were necessary.

Mr. Dionisi explained there was a hardship due to Mr. Albee's physical needs.

Mr. Gossels made a motion to continue the public hearing for the Variance application for 5 Hunt Road to the Zoning Board of Appeals meeting on May 8, 2023. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Mr. Hershberg – Aye, and Mr. Rose – Aye.

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

Jennifer Kyzer was in attendance to discuss the application with the Zoning Board of Appeals.

There was discussion regarding which signs would stay and which signs would be removed to be compliant with the Zoning Bylaw.

Mr. Riepe made a motion to approve the Special Permit application for 407 Boston Post Road as submitted with the following conditions:

- Signs E04, E13, and E14 shall be removed from the signage proposal.
- Signs HR01 and HR02 shall be reduced to 1.04 square feet.
- The total sign face area of the signage shall be no greater than 63.07 square feet combined
- The Applicant/Owner is not required to return to the Zoning Board of Appeals for changes to the signage such as lettering, font, coloring, and symbols/logos, so long as the size and height of the signage, lighting, and materials remain the same.

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

CONTINUED Public Hearing, Case 23-12 – Red Bear, LLC, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2400, 2420, 4250, and 6200 of the Town of Sudbury Zoning Bylaw to alter a pre-existing nonconforming building and use (restaurant) at 694 Boston Post Road, Assessor's Map K05-0017, Business-6, Single Residence A-1, and Water Resource Protection Overlay District Zone III Zoning Districts

Attorney George Connors, Applicant Steve Ross, and Architect Bob Livermore were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Connors reviewed some of the items discussed at the prior meeting, noted comments from the Design Review Board, and identified some of the changes that had been made to the proposed project, including the proposed lighting.

There was discussion regarding the southwestern style appearance of the proposed new structure and how it might not be conducive to future businesses at the property. Mr. Ross indicated the façade could easily be changed if a new business came in that did not fit that style of architecture.

Mr. Riepe made a motion to approve the Special Permit application for 694 Boston Post Road as submitted with the following additional condition:

- The work described herein requires the approval of a Site Plan by the Planning Board pursuant to Section 6300 of the Zoning Bylaw. Any conditions imposed in such Site Plan Approval shall also be conditions of this Special Permit.

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

New Business:

Public Hearing, Case 23-13 – Peter Cramer and Ada Vassilovski, Applicants and Owners, seek to renew Special Permit 16-26 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 40 Singletary Lane, Assessor’s Map K09-0123, Single Residence A-1 Zoning District

Peter Cramer was in attendance to discuss the application with the Zoning Board of Appeals. He indicated nothing had or will be changed regarding the chicken coop.

Mr. Riepe made a motion to approve the Special Permit application for 40 Singletary Lane as submitted with the following additional conditions:

- The Special Permit is non-transferable and will expire in ten (10) years on April 3, 2033.
- The maximum number of chickens allowed on the subject property is twelve (12).

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

Public Hearing, Case 23-14 – Ellen Hsu-Hung, Applicant and Owner, seeks to renew Special Permit 19-10 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 19 Raymond Road, Assessor’s Map M08-0203, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Ellen Hsu-Hung was in attendance to discuss the application with the Zoning Board of Appeals. She noted there have not been any changes since they starting to raise the chickens.

Mr. Riepe made a motion to approve the Special Permit application for 19 Raymond Road as submitted with the following additional conditions:

- The Special Permit is non-transferable and will expire in ten (10) years on April 3, 2033.
- The maximum number of chickens allowed on the subject property is six (6).

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

Public Hearing, Case 23-15 – Sudbury Point Grill, Inc., Applicant, and Alexandre Nunes Alvarenga, Owner, and seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3265B, 3266, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for signage modifications at 120 Boston Post Road, Assessor’s Map K11-0007, Business-1 Zoning District

Alex Nunes was in attendance to discuss the application with the Zoning Board of Appeals.

There was discussion regarding the freestanding sign’s height and overall size.

Mr. Riordan made a motion to approve the Special Permit application for 120 Boston Post Road as submitted with the following additional condition:

- The Applicant/Owner is not required to return to the Zoning Board of Appeals for changes to the signage such as lettering, font, coloring, and symbols/logos, so long as the size and height of the signage, lighting, and materials remain the same.

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

Public Hearing, Case 23-16 – Grassroots Performance Training, LLC, Applicant, and Tucker Properties, LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 22 and 6200 of the Town of Sudbury Zoning Bylaw to operate an indoor commercial recreation use at 75, 81, & 83 Union Avenue, Assessor’s Map K08-0050, Industrial-2 and Water Resource Protection Overlay District Zone II Zoning Districts

Adam Vogel was in attendance to discuss the application with the Zoning Board of Appeals. He noted the business typically served one or two clients at a time. Mr. Vogel indicated the business focused on primarily one on one training with an emphasis on youth athletics.

Mr. Riepe made a motion to approve the Special Permit application for 83 Union Avenue as submitted with the following additional condition:

- The work described herein requires the approval of a Site Plan by the Planning Board pursuant to Section 6300 of the Zoning Bylaw. Any conditions imposed in such Site Plan Approval shall also be conditions of this Special Permit.

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

Untimed Items:

Approve Zoning Board of Appeals Meeting Minutes from February 6, 2023 and March 6, 2023

Mr. Gossels made a motion to approve the minutes from February 6, 2023. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Mr. Hershberg – Abstain, and Mr. Rose – Aye.

The members of the Zoning Board of Appeals decided to review the meeting minutes for March 6, 2023

at their meeting on May 8, 2023.

Designation of Member to Serve on Housing Production Plan Working Group

Mr. Riordan made a motion to nominate Frank Riepe as the Zoning Board of Appeals designee to the Housing Production Plan Working Group. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Abstain, Mr. Gossels – Aye, Mr. Hershberg – Aye, and Mr. Rose – Aye.

Administrative Report

There was a discussion related to 2023 Annual Town Meeting Warrant Article 38 regarding a proposed Zoning Bylaw amendment to the Water Resource Protection Overlay District. Mr. Riordan provided his opinion on the proposed matter and Mr. Duchesneau providing clarifying comments regarding some items.

Mr. Gossels made a motion to adjourn the meeting. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Mr. Hershberg – Aye, and Mr. Rose – Aye. The meeting was adjourned at 10:39 PM.