



Town of Sudbury

Zoning Board of Appeals

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MINUTES

MARCH 6, 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 William Ray, and Associate Benjamin Stevenson

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

Mr. Riordan opened the meeting at 7:00 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. Riepe 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 April 3, 2023. 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 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

Mr. Riepe made a motion to continue the public hearing for the Variance application for 5 Hunt Road to the Zoning Board of Appeals meeting on April 3, 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

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 April 3, 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.

New Business:

Public Hearing, Case 23-06 – Kamal Hadidi, Applicant and Owner, seeks to renew Special Permit 20-25 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 101 River Road, Assessor’s Map K11-0201, Single Residence A-1 and Single Residence C-2 Zoning Districts

Applicant and Owner Kamal Hadidi was in attendance to discuss the application with the Zoning Board of Appeals. He explained how keeping the chickens at the subject property had been going and noted he needed to make provisions for predators.

Mr. Riepe made a motion to approve the renewal of the Special Permit application for 101 River Road with the following conditions:

- Ten (10) year permit extension to March 6, 2033.
- The maximum number of chickens allowed on the subject property is eight (8).

Mr. Rose 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 23-07 – Maura Carty, Applicant and Owner, seeks to renew Special Permit 21-12 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 15 Stonebrook Road, Assessor’s Map J06-0314, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts

Applicant and Owner Maura Carty was in attendance to discuss the application with the Zoning Board of Appeals. She noted they had been having a positive experience with the chickens over the course of the last year.

There was discussion regarding how the chicken coop was working out.

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

- Ten (10) year permit extension to March 6, 2033.
- The maximum number of chickens allowed on the subject property is eight (8).

Mr. Rose 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 23-08 – Tails by the Wayside c/o Heather Clement, Applicant and Owner, seeks to renew Special Permit 17-03 under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 5, 2313, and 6200 of the Town of Sudbury Zoning Bylaw to operate a dog kennel at 882 Boston Post Road, Assessor’s Map L04-0001, Wayside Inn Historic Preservation and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and Owners Heather and Richard Clement were in attendance to discuss the application with the Zoning Board of Appeals.

Ms. Clement indicated she ran a home-based boarding facility which had been in business for 18 years. She noted she is currently authorized to have 20 animals on the subject property. Ms. Clement stated nothing had changed regarding the structure of the building and there have never been any complaints related to the property.

Mr. Gossels made a motion to approve the renewal of the Special Permit application for 882 Boston Post Road with the following condition:

- Ten (10) year permit extension to March 6, 2033.

Mr. Rose 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 23-09 – Sherri Lowery, Applicant and Owner, seeks to renew Special Permit 20-20 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 38 Haynes Road, Assessor’s Map D09-0024, Single Residence A-1 Zoning District

Applicant and Owner Sherri Lowery was in attendance to discuss the application with the Zoning Board of Appeals. She noted she had not had any issues with raising the chickens, predators or complaints, and she would like to increase her capacity from 7 to 8 chickens.

Mr. Gossels made a motion to approve the renewal of the Special Permit application for 38 Haynes Road with the following conditions:

- Five (5) year permit extension to March 6, 2028.
- The maximum number of chickens allowed on the subject property is eight (8).

Mr. Rose 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 23-10 – Seth and Noelle Gold, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2340 and 6200 of the Town of Sudbury Zoning Bylaw to operate a home business (fitness studio) at 62 Peakham Road, Assessor’s Map K04-0620, Wayside Inn Historic Preservation and Water Resource Protection Overlay District Zone III Zoning Districts

Applicants and Owners Seth and Noelle Gold were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Gold reviewed the proposed business plan for the home business.

Mr. Riordan questioned the proposed hours of operation for the home business and how these might create potential traffic issues in the surrounding neighborhood.

There was discussion regarding how client parking would operate at the subject property.

Ashley Makridakis of 65 Peakham Road indicated she supported the home business operation.

Abby Wilson of 3 French Road stated she had not noticed an impact on traffic in the area.

Bob Greene of 48 and 84 Peakham Road indicated his residence abutted the rear of the subject property. He raised concerns regarding the recent significant removal of vegetation on the subject property and noted that since this occurred, there was now little to no privacy for his residence. Mr. Greene also raised concerns regarding client car noises and headlights creating nuisances.

Mr. Riepe made a motion to approve the Special Permit application for 62 Peakham Road with the following conditions:

- No more than four (4) clients shall be permitted on the premises at any time, with a total daily limit of 24 clients per day.
- The hours of operation of the home business shall be between 8:00 AM to 3:00 PM.
- Two (2) year permit to expire on March 6, 2025.
- The Applicant/Owner shall work with the Planning and Community Development Department to address the stormwater management issues at the subject property, including creating a berm and additional vegetative plantings to provide screening in the location between the residential structures on 62 Peakham Road and 48 Peakham Road.

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

Public Hearing, Case 23-11 – Gail McNeill, Applicant and Owner, seeks to renew Special Permit 13-30 under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 5, 2313, and 6200 of the Town of Sudbury Zoning Bylaw to operate a dog kennel at 21 Union Avenue, Assessor’s Map K08-0090, Business-5 and Water Resource Protection Overlay District Zone II Zoning Districts

Applicant and Owner Gail McNeill was in attendance to discuss the application with the Zoning Board of Appeals. She stated nothing had changed with regard to the business since 1985.

Mr. Riepe made a motion to approve the renewal of the Special Permit application for 21 Union Avenue with the following condition:

- Ten (10) year permit extension to March 6, 2033.

Mr. Rose 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 23-12 – 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 and Applicant Steve Ross were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Connors noted a portion of the existing building was within the front yard setback. He also reviewed other elements of the proposed plans.

There was discussion regarding the proposed parking layout for the subject property.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 694 Boston Post Road to the Zoning Board of Appeals meeting on April 3, 2023. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Abstain, Mr. Hershberg – Aye, and Mr. Rose – Aye.

Untimed Items:

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

The members of the Zoning Board of Appeals decided to postpone the discussion of this matter until their meeting on April 3, 2023.

Administrative Report

Mr. Duchesneau indicated there was a possibility the state legislature would act within the next few weeks to extend the ability to hold public meetings virtually.

Mr. Riordan noted he had met with the new Town Manager, Andy Sheehan, during his office hours.

Mr. Riepe made a motion to adjourn the meeting. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Abstain, Mr. Hershberg – Aye, and Mr. Rose – Aye. The meeting was adjourned at 10:13 PM.