



Town of Sudbury

Zoning Board of Appeals

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MINUTES

May 8, 2023 AT 7:00 PM

VIRTUAL MEETING

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

Zoning Board of Appeals Members Absent: 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 7:01 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.

Mr. Riordan noted that Associate Members Messrs. Stevenson and Ray would continue sitting as members of the Board with respect to case 22-27.

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

Joyce Hastings, GLM was in attendance to discuss the application with the Zoning Board of Appeals.

They have changed architects and it was a challenge to get them to respond.

She reviewed the most recent site plans and presented a rendering from street view.

Ms. Pincus appreciates the rendering although it does not the same as the plans, the garage plan as it stands would not be functional for 2 cars.

Mt. Stevenson agrees with the general frustration with the board that the process for this applicant has taken so long. He doesn't believe the storm water issues are in the per view of this Board. Visually and aesthetically he thinks the latest plan works.

Mr. Duchesneau advised the Board that the more specificity in the conditions the better it will be moving forward.

Michael Cameron, 18 Franklin Place, does not like the height of the house and is concerned about the water issue. Stormwater is an issue for his property and is concerned about the impacts of neighboring properties due to the flooding.

Nancy Rubenstein joined the meeting at this time.

Mary Lester, 10 Allen Place, asked the current square footage of the house. She is concerned that there is no consistency with the plans and isn't an updated planting plan. Ms. Hastings pointed out on the plans that the plantings have not changed. Mr. Riordan commented that there are many homes that do not have landscaping in the front yard.

Glenn Merrill-Skoloff, 18 Allen Place, appreciates all of the effort put into the application by the board. He has no confidence in the developer based on what he has seen up to this point.

Lori Costa, 40 Massasoit Avenue agreed with Mr. Skoloff's concerns about the poor maintenance of the property to date noting that it calls into question the integrity of the owners and builders to follow any agreements or conditions."

Jonatas Storck, Builder, spoke to the comments of the condition of the property stating that they were told to stop all demolition work by the building inspector in leu of approval from the Zoning Board of Appeals

Mr. Riepe pointed out the different plans for the wall are different materials one is block and one is stone

Mr. Riordan made a motion to approve the Special Permit application of May 1, 2023 for 58 Massasoit Avenue as submitted with the following additional conditions:

- The front retaining wall shall be no more than 3 feet in height and shall be a concrete wall with a stone veneer.
- The rise of the front yard shall be no more than 3 feet.
- The height of the house shall be no more than 35 feet as defined in the Zoning Bylaw.
- A 2 foot extension on the rear/east side of the garage into the backyard consistent with the architectural drawings submitted to the Board is permissible, however, this additional 2 feet shall only be permitted to be added to the actual garage space (not to any interior space on the first floor).
- The Applicant/Owner shall install plantings in accordance with the Landscape Plan entitled Planting Plan for 58 Massasoit Avenue, Sudbury, MA prepared by Steven Cosmos dated January 2023 with a date stamp of January 30, 2023.
- As demolition proceeds, any water which has accumulated inside the structure shall be handled in accordance with all state and federal environmental regulations.
- Any requirements placed on this project by the Planning Board, Board of Health or Conservation Commission shall be incorporated into this decision.
- The Applicant/Owner shall clean up the subject property within two weeks of expiration of the 20-day appeal period on this decision.

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

Mr. Riordan thanked Messrs. Ray and Stevenson for their extensive work on this application and noted that Ms. Rubinstein and Associate Member Rose would join the Board at this time. Jonathan Gossels left the meeting at this time.

*****Case will be Immediately Continued with No Discussion to June 5, 2023*****

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

Ms. Rubenstein made a motion to continue the public hearing for the Variance application for 5 Hunt Road to the Zoning Board of Appeals meeting on June 5, 2023. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus - Aye, Ms. Rubenstein – Aye, and Mr. Rose – Aye.

New Business:

Public Hearing, Case 23-17 – Anna Veloutsos, Applicant and Owner, seeks to renew Special Permit 21-07 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 47 Great Road, Assessor’s Map C07-0011, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts.

Anna Veloutsos 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. Riordan made a motion to approve the Special Permit application for 47 Great Road as submitted with the following additional conditions:

- The Special Permit is non-transferable and will expire in ten (10) years on May 8, 2033.
- The maximum number of chickens allowed on the subject property is ten (10).

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

Public Hearing, Case 23-18 – Amy Murray, Applicant, and Greg Parzych of Durosa, LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3260, 3261.a, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for signage modifications at 23 Union Avenue, Assessor’s Map K08-0091, Business-5 and Water Resource Protection Overlay District Zone II Zoning Districts.

Amy Murray, AG Signs and Graphics was in attendance to discuss the application with the Zoning Board of Appeals.

Bank of American is rebranding. The new logo is all upper case. A question was raised regarding the lighting for this sign.

There was a discussion of the proposed sign appearing larger than the previous which exceeded the bylaw.

The new signs lighting proposal is not like the existing sign lighting. The Board expressed concern that the size of the proposed signs on the building substantially exceeded the letter signage on the present signs.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 23 Union Avenue to the Zoning Board of Appeals meeting on June 5, 2023. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus - Aye, Ms. Rubenstein – Aye, and Mr. Rose – Aye.

Public Hearing, Case 23-19 – Metrolube Realty LLC, Applicant, and 86-92 BPR, LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 14, and 6200 of the Town of Sudbury Zoning Bylaw to operate a motor vehicle light service establishment at 86-92 Boston Post Road, Assessor’s Map K11-0011, Business-1 Zoning District.

Attorney Joshua Fox on behalf of the applicant was in attendance to discuss the application with the Zoning Board of Appeals.

Bob Ladas, Principal Steve Jenkins, Principal, Vito Colonna, Cornerstone Engineering were also present.

Atty. Fox gave a brief overview of what was being proposed. The Site Plan indicated the location was across the street from the Jaguar/Land Rover dealership and next to Town Line Hardware. In their opinion there would be little to no traffic impact.

Proposed rendering was discussed.

Chad Martin, 47 Chanticleer Road, stated there is a dispute between Valvoline franchisees regarding this site and that if the board approves this plan there will be a lawsuit brought.

Atty. Fox stated there is written consent of approval from Valvoline corporate for the applicant to proceed at this location.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 86-92 Boston Post Road to the Zoning Board of Appeals meeting on June 5, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus - Aye, Ms. Rubenstein – Aye, and Mr. Rose – Aye.

Public Hearing, Case 23-20 – Ben Slayden of Carmyn Inc., Applicant, and MKL Union LLC, Owner, seek to appeal the Building Inspector’s determination in a letter dated March 16, 2023 under the provisions of MGL Chapter 40A, Sections 13 and 14, and Sections 1330, 4242.e, and 6100 of the Town of Sudbury Zoning Bylaw regarding the interpretation of petroleum, fuel oil, and heating oil bulk stations and terminals for the property at 80 Union Avenue, Assessor’s Map K08-

0047, Industrial-2 and Water Resource Protection Overlay District Zone II and III Zoning Districts.

Ben Slayden owner of Carmyn Inc, was in attendance to discuss the appeal with the Zoning Board of Appeals.

Mr. Slayden proposed to Lynch Landscape to obtain a tank so Lynch would be able to fill their gas cans and vehicles on the premises. This proposal substantially would lessen traffic to where Lynch vehicles travel to get their fuel and thus would lessen emissions.

The appeal is to the building inspector's determination that the tank proposed for Lynch should be classified as a bulk tank and not for retail use.

Mr. Riordan asked if it was a fixed tank, Mr. Slayden talked about the photos of the taken submitted with his application. Mr. Slayden noted that the tank will be owned by Carmyn Inc. and not Lynch Landscape.

Planning Director Duchesneau advised that even if the Board upholds the appeal in this case there will be further permitting decisions from this Board and likely other boards or commissions with regard to the proposed siting and use of the tank.

Mr. Riepe made a motion to uphold the appeal from the decision of the Building Inspectors regarding the classification of the proposed tank for 80 Union Avenue as submitted.

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

Untimed Items:

Zoning Amendment Bylaw Regarding Gun Sales, Manufacturing, Etc. – 2023 Town Meeting Outcome and Next Steps, If Any.

Mr. Riordan briefly summarized the outcome of this petition at Town Meeting.

Mr. Riepe will continue to work on this amendment for next town meeting.

Approve Zoning Board of Appeals Meeting Minutes from March 6, 2023 and April 3, 2023

Mr. Rose made a motion to approve the minutes from March 6, 2023. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Abstain, Ms. Rubenstein – Abstain, and Mr. Rose – Aye.

Mr. Riordan made a motion to approve the minutes from April 3, 2023. Mr. Rose seconded the motion. Roll Call Vote Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Abstain, Ms. Rubenstein – Abstain, and Mr. Rose – Aye.

Administrative Report

Mr. Riordan informed the Board that Mr. Duchesneau soon would be resigning from his position as Planning and Community Development Director. All members of the Board thanked Mr. Duchesneau for his outstanding and dedicated service to the Board of Appeals and the Town of Sudbury and wished him every success in his new endeavors.

Mr. Riepe made a motion to adjourn the meeting. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Mr. Rose – Aye. The meeting was adjourned at 11:17 PM.