



Town of Sudbury

Zoning Board of Appeals

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MINUTES

June 5, 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, and Michael Hershberg

Zoning Board of Appeals Members Absent: Associate Bill Ray, Associate Jeffrey Rose and Associate Ben Stevenson,

Others Present: Planning and Zoning Coordinator Beth Perry

Mr. Riordan asked Michael Hershberg to sit in as a full member.

Mr. Riordan opened the meeting at 7:03 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:

*****Case will be Immediately Continued with No Discussion to July 10, 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.

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 July 10, 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.

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, Applicant was in attendance to discuss the application with the Zoning Board of Appeals.

Modified plans were presented to the board, which included reduce letters size to 6 ¼, reduced size of backer, and an illustration of the night time view of the sign.

Mr. Riordan made a motion to approve the Special Permit application for 23 Union Avenue based on the materials submitted on June 1, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye.

Jonathan Gossels joined the meeting at this time.

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

There was a conversation regarding who has the rights to develop this franchise. Attorney Joshua Fox noted there were two documents of authorization from Corporate stating their approval.

Vito Colonna, Cornerstone Engineering reviewed the landscape plan and the parking lighting plan.

There was a discussion regarding what type of plantings would be used, in particular, near the road and how it may affect traffic safety.

Mr. Don Smith, 120 Lake Avenue, Newton, President of Valvoline in Boston objects to the project with the belief that it is an infringement on his territory.

Mr. John Tzouganatos, 10 Perry Circle is in favor of the project, he feels it would be very convenient.

Mr. Josh Macedo, 48 Willard Grant Road, is also in favor of this project an echoes Mr. Tzouganatos comments.

Ms. Pincus made a motion to approve the Special Permit application for 86-92 Boston Post Road as submitted including the Landscape plan submitted on May 25, 2023.
Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

New Business:

Public Hearing, Case 23-21 – 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 3265.b, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for signage modifications at 22 Union Avenue, Assessor’s Map K08-0075, Business-5, Industrial-8 and Water Resource Protection Overlay District Zone II Zoning Districts.

Amy Murray was in attendance to discuss the application with the Zoning Board of Appeals.

Bank of America is rebranding their logo and are updating their signage. The monument sign was discussed, the aluminum topper with lighting from the existing sign will be reused, the sign will remain the same size and is made of Faux Stone that is painted.

Jonathan Gossels left the meeting at this time.

Mr. Riordan made a motion to approve the Special Permit application for 22 Union Avenue as submitted to the Zoning Board of Appeals. 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 23-22 – James Gallagher, Applicant, and Kerri and Philip Horton, Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to add an accessory dwelling at 38 Ruddock Road, Assessor’s Map D07-0221, Residential-A Zoning District

James Gallagher, Contractor was in attendance to discuss the application with the Zoning Board of Appeals.

The owners would like to build an in-law apartment over the garage, adding to the existing garage to accommodate the size minimum.

A new septic system will be installed.

Mr. Riepe questioned the drawing and the placement of the stairs. There was a discussion regarding fire doors.

Ms. Pincus questioned the placement of a new mudroom which led to a discussion regarding the plans not being illustrated properly.

The Board asked to see revised plans.

Ms. Pincus made a motion to continue the public hearing for the Special Permit application for 38 Ruddock Road to the Zoning Board of Appeals meeting on July 10, 2023. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus - Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye.

Public Hearing, Case 23-23 – Victor Nascimento, Applicant and Owner, seeks a Special permit under MGL Chapter 40A, Section 9, and Sections 2445, 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 328 Hudson Road, Assessor’s Map G06-0630, Business, Residential-A Industrial-2 and Water Resource Protection Overlay District Zone II Zoning Districts.

Victor Nascimento, applicant and owner was in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 328 Hudson Road to the Zoning Board of Appeals meeting on August 7, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus - Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye.

Untimed Items:

Approve Zoning Board of Appeals Meeting Minutes from May 8, 2023

Mr. Riordan made a motion to approve the minutes from May 8, 2023. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye.

Interviews with and Recommendations for Candidates for Zoning Board of Appeals Associate Member Positions and Earth Removal Board Positions.

Ms. Pincus made a motion to recommend to the Select Board to reappoint Frank Riepe as a Full Member to the Zoning Board of Appeals for a term of (5) five years, Michael Hershberg as an Associate Member to the Zoning Board of Appeals for a term of (1) one year, and Bill Ray as an Associate Member to the Zoning Board of Appeals for a term of (1) one year, Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Michael Hershberg-Aye.

Mr. Riordan made a motion to recommend to the Select Board to reappoint Bryan Gammons as a Member of the Earth Removal Board for a term of (1) one year, Michael Hershberg as a Member of the Earth Removal Board for a term of (1) one year, Jonathan Patch as a Member of the Earth Removal Board for a term of (1) one year and Bill Ray as a Member of the Earth Removal Board for a term of (1) one year. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Michael Hershberg-Aye.

Administrative Report

Mr. Riepe made a motion to adjourn the meeting. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye. The meeting was adjourned at 10:04 PM.