



Town of Sudbury

Zoning Board of Appeals

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MINUTES

July 10, 2023 AT 7:00 PM

VIRTUAL MEETING

Zoning Board of Appeals Members Present: Chair John Riordan, Clerk Frank Riepe, Jennifer Pincus, Nancy Rubenstein, and Michael Hershberg

Zoning Board of Appeals Members Absent: Jonathan Gossels, 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 7:01 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.

New Business:

Public Hearing, Case 23-25 – Natalia Rumberg, Applicant and Owner seeks a Special Permit 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 Partridge Lane, Assessor’s Map H03-0623, Residential-A Zoning District and Water Resource Protection Overlay District Zone II Zoning Districts.

Natalia Rumberg was in attendance to discuss the application with the Zoning Board of Appeals.

She would like to raise chickens for the eggs.

Mr. Riordan mentioned the coop needed to be within the 30’ setback. He asked for a more detailed plot plan with a better location for the coop.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 15 Partridge Lane to the Zoning Board of Appeals meeting on August 7, 2023. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye.

Mr. Hershberg left the meeting at this time.

Public Hearing, Case 23-27 – Kathleen and David DelPrete, Applicants and Owners, seek a Special permit under MGL Chapter 40A, Section 9, and Sections 2313 and 6200 of the Town of Sudbury

Zoning Bylaw to raise chickens at 65 Wagonwheel Road, Assessor's Map M09-0320, Single Residence A-1 Zoning District and Water Resource Protection Overlay District Zone III Zoning Districts.

David DelPrete was in attendance to discuss the application with the Zoning Board of Appeals.

There have been no issues with the 6 chickens he has had.

Mr. Riepe made a motion to approve the Special Permit application for 65 Wagonwheel Road as submitted with the following conditions:

- The Special Permit is non-transferable and will expire in five (5) years on July 10, 2038.
- The maximum number of chickens allowed on the subject property is eight (8).

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

Public Hearing, Case 23-30 – Town of Sudbury, Applicant and Owners seek a Special permit under MGL Chapter 40A, Section 9, and Sections 3000, 3290 and 6200 of the Town of Sudbury Zoning Bylaw to install signage at 40 Fairbank Road, Assessor's Map F06-00001, Single Residence A-1 Zoning District and Water Resource Protection Overlay District Zone II Zoning Districts.

Joel Bargmann of Bargmann Hendrie + Archetype, Inc, was in attendance to discuss the application with the Zoning Board of Appeals.

There is a need for two directional signs, one for the senior center and the other for the pool. The intent of the application is to provide directional signage at the two separate parking lots that serve different users at opposite ends of the building

Mr. Riepe asked why the three signs being proposed were not consistent. The center sign is more to the design of the building and the directional signs are in like with other town signs.

Mr. Riepe made a motion to approve the Special Permit application for 40 Fairbank Road as submitted in the words of the application. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus, – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 23-24 – Sudbury Water District, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, Part B, Use 9 of the Town of Sudbury Zoning Bylaw for construction of proposed PFAS Treatment building at 100 East Street, Assessor's Map H06-0800 and G06-0001, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts.

Michael Hershberg rejoined the meeting.

Vincent Roy, Executive Director Sudbury Water District, and Dylan Erickson and Margaret McCarthy from Weston & Sampson were in attendance to discuss the application with the Zoning Board of Appeals.

The purpose for this project is to expand the water treatment capabilities.

Mr. Riordan made a motion to approve the Special Permit application for 100 East Street submitted in the words of the application. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus, – Aye, Ms. Rubenstein – Aye, and Mr. Hershberg – Aye.

Old Business:

*****Case will be Immediately Continued with No Discussion to August 7, 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. Pincus made a motion to continue the public hearing for the Variance application for 5 Hunt Road to the Zoning Board of Appeals meeting on August 7, 2023. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein and Mr. Hershberg – Aye.

CONTINUED 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.

He explained the changes that were made to the updated plans.

Mr. Pincus made a motion to approve the Special Permit application for 38 Ruddock Road as submitted on July 6, 2023 with the date to be corrected on the drawings. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus, – Aye, Ms. Rubenstein – Aye and Mr. Hershberg-Aye

Nancy Rubenstein left the meeting at this time.

New Business:

Public Hearing, Case 23-26 – Nancy Salvin, Sudbury Rug, Applicant and Owner, seeks a Special permit under MGL Chapter 40A, Section 9, and Sections 3260, 3261A, 3265B, 3266, 3290 and 6200 of the Town of Sudbury Zoning Bylaw to install signage at 81 Union Avenue, Assessor’s Map K08-0050, Industrial Park and Water Resource Protection Overlay District Zone II Zoning Districts.

Nancy Salvin was in attendance to discuss the application with the Zoning Board of Appeals.

The business moved from up the street and they took that sign with them.

There are free standing posts on the lot.

There was a discussion regarding the signage for the tenant on the other side of the building.

There was further discussion of the same structure having two different addresses and what signage would be allowed.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 81 Union Avenue to the Zoning Board of Appeals meeting on August 7, 2023. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye.

Public Hearing, Case 23-28 – Travis and Ann Hoh, Applicants and Owners, seek a Special permit under MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to build an accessory dwelling at 120 Powers Road, Assessor’s Map B09-0369, Single Residence A-1 Zoning District and Water Resource Protection Overlay District Zone II Zoning Districts.

Travis and Ann Hoh were in attendance to discuss the application with the Zoning Board of Appeals.

They have an existing oversized detached two car garage and would like to add a studio apartment on the second floor for visiting guests.

There is currently enough head height and the foot print of the garage would not change.

Mr. Riepe made a motion to approve the Special Permit application for 120 Powers Road submitted in the words of the application. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus, – Aye, and Mr. Hershberg – Aye.

Public Hearing, Case 23-29 – Jason Gasdick and Kenneth Busch, Applicants and Owners, seek a Special permit under MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to build an accessory dwelling at 137 Brimstone Lane, Assessor’s Map L04-0006, Single Residence-C and Water Resource Protection Overlay District Zone III Zoning Districts.

Jason Gasdick and Kenneth Busch were in attendance to discuss the application with the Zoning Board of Appeals.

There is a pre-existing carriage house with an art studio that they would like to make an official accessory dwelling. They also need storage space.

Mr. Riepe made a motion to approve the Special Permit application for 137 Brimstone Lane with the understanding that the square footage is calculated as 817 square feet on the ground level and 172 square feet in the loft and those numbers reflect a design that maintains the architectural integrity of the building. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Pincus - Aye, and Mr. Hershberg – Aye.

Untimed Items:

Approve Zoning Board of Appeals Meeting Minutes from June 5, 2023

Mr. Riepe made a motion to approve the minutes from June 5, 2023 as amended. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye.

Administrative Report

Mr. Riordan mentioned the Select board would be discussing firearms at their meeting on July 11, 2023.

Ms. Pincus made a motion to adjourn the meeting. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye. The meeting was adjourned at 11:18 PM.