



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

August 7, 2023 AT 7:00 PM

### VIRTUAL MEETING

**Zoning Board of Appeals Members Present:** Chair John Riordan, Clerk Frank Riepe, Jonathan Gossels Jennifer Pincus, and Associate Ben Stevenson,

**Zoning Board of Appeals Members Absent:** Nancy Rubenstein, Michael Hershberg, Associate Bill Ray, and Associate Jeffrey Rose

**Others Present:** Planning and Zoning Coordinator Beth Perry

Mr. Riordan asked Ben Stevenson 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:

**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 September 11, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Mr. Stevenson – 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**

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 October 2, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Mr. Stevenson – Aye

**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.**

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 September 11, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Mr. Stevenson – Aye

**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**

Ms. Salvin was present to discuss the application the landlord has approved the signage and the tenant in the adjoining space already have installed signage.

Mr. Riepe made a motion to approve the Special Permit application for 81 Union Avenue to approve free standing sign as per the recommendation of the Design Review Board. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus - Aye, and Mr. Stevenson – Aye.

**New Business:**

**Public Hearing, Case 23-31 – Robert F. Dionisi, Jr., Attorney for Stacey E. Limauro, Trustee and owner, seek to appeal the Building Inspector’s determination in a letter dated July 12, 2023 under the provisions of MGL Chapter 40A, Sections 13 and 14, and Sections 2440-2445 and 6100 of the Town of Sudbury Zoning Bylaw to issue a building permit for the construction of an open deck that would create a setback deficiency of 16’ to the rear of the property at 29 Allan Avenue, Assessor’s Map G06-0586, Residential A-1 and Water Resource Protection Overlay District Zone II Zoning Districts.**

John Riordan, Chair stated this matter should be postponed and be re-presented. Procedurally the appeal is deficient as it was not submitted to the Town Clerk dated and stamped, as per the Zoning Act and Sudbury By-Law, requirements

There was a discussion regarding next steps.

Atty Dionisi requested to withdraw his appeal.

Mr. Stevenson made a motion to accept the withdrawal of the appeal without prejudice for 29 Allan Avenue. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus, – Aye, and Mr. Stevenson – Aye.

**Mr. Gossels left the meeting at this time.**

**Public Hearing, Case 23-32 – John Parsons, Parson Commercial Group Applicant and 33 Stonebrook Road, LLC. Owner, seek 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 construct a single-family dwelling on a pre-existing nonconforming lot at 33 Stonebrook Road, Assessor's Map J06-0311, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Brett Taylor, Stow MA, Partner, was present to discuss the application on behalf of the applicants. This is a previously approve project, the new owners are applying for a special permit to reduce the footprint to a two-story structure rather than the original single story proposed structure.

Mr. Riordan reviewed the plans that were submitted

There was a discussion about roof lines

There was further discussion about vegetation that had already been removed and everything else would stay.

Retaining walls will be placed in the front so there will be less grading

Mr. Riordan made a motion to approve the Special Permit application for 33 Stonebrook Road in the words of the application with the following conditions:

- Meet all storm water requirements
- The roof height limited to 35'
- No more tress will be removed
- Retaining walls will not exceed 30"
- New dwelling no more than 3877 sq feet as depicted in the plans
- Failure to comply with conditions could lead to zoning enforcement action

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

**Untimed Items:**

**Discussion of Possible Bylaw amendment for Special Permit Revocation**

Mr. Riordan talked about possibly having some provision in the existing by laws with respect to revocations of Special Permits. There was a discussion regarding resident complaints and how they are filtered ultimately to Building Inspector to address non-compliance issues.

**Approve Zoning Board of Appeals Meeting Minutes from July 10, 2023**

Mr. Riepe made a motion to approve the minutes from July 10, 2023 as amended. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus –Aye, and Mr. Stevenson – Aye.

**Administrative Report**

Staff noted there is still no news on the hiring by the town a permanent Director of Planning

Mr. Riordan made a motion to adjourn the meeting. Mr. Stevenson seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, and Mr. Stevenson – Aye.

The meeting was adjourned at 9:30 PM.