



Town of Sudbury

Zoning Board of Appeals

appeals@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314
www.sudbury.ma.us/boardofappeals

MINUTES

November 6, 2023 AT 7:00 PM

VIRTUAL MEETING

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

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

Others Present: Planning and Zoning Coordinator Beth Perry

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 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 December 4, 2023. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels - Aye, Ms. Pincus – Aye, and Ms. Rubenstein– Aye

Public Hearing, Case 23-33 – Marie Mercier, Sign Design Inc. applicant and Herb Chambers owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3290 and 6200 of the Town of Sudbury Zoning Bylaw to replace and add signage at 68 Old County Road, Assessor’s Map K11-0004, Industrial-1 Zoning Districts.

Marie Mercier from Sign Design and Josh Fox, Rollins, Rollins and Fox were present to discuss the updated signs that were submitted.

The updated signs reflect the changes, the omission of “i” and “m” as requested. As well as the BMW logo Signs #3 and #4

Two options were proposed: Option 1 36” medallion (preferable), Option 2 24” medallion (the size that was there before renovations)

There was a discussion about how the sign would be lite

Ms. Pincus made a motion to approve the Special Permit application Design option 1 as submitted on October 27, 2023 for 68 Old County Road with the following conditions:

-White background will match building for signs 3 and 4

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

Public Hearing, Case 23-35 – Alex and Samantha Polivy, applicants and owners, seek a Variance under the provisions of MGL Chapter 40A, Section 8, and Sections 2325 and 6100 of the Town of Sudbury Zoning Bylaw to install 37’x16’ pool at 34 Brimstone Lane, Assessor’s Map L04-0402, Single Residence C-1 and Water Resource Protection Overlay District Zone II Zoning Districts.

Alex and Samantha Polivy were present to discuss the application with the Zoning Board of Appeals.

The request for a variance is because of the unique nature of the property, ledge being and issue as well as the placement of the septic.

The pool shape has changed from kidney shape to rectangular. There was a discussion about the updated plans.

Mr. Riepe made a motion to approve the public hearing for the Variance application for 34 Brimstone Road as submitted on October 28, 2023 to the Zoning Board of with the following conditions:

-Northerly corner no more than 8 feet from the property line

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

New Business:

Public Hearing, Case 23-36 – Evan Ruppell, applicant and owner, seek 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 28 Firecut Lane, Assessor’s Map G04-0441, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts.

Evan Ruppell was present to discuss their application with the board.

Mr. Ruppell is requesting approval for the 12 chickens and a coop he already has.

The plans did not have any measurements depicting the distance the coop would be from the house and the property line.

There was a discussion regarding to where the run is in relation to the brook on his property.

Mr. Ruppell was asked to seek approval from the Board of Health and continue the application.

Sam Jacobs, 11 Middle Road has younger children that love the chickens!

Mr. Gossels made a motion to continue the public hearing for the Special Permit application for 28 Firecut Lane to the Zoning Board of Appeals meeting on December 4, 2023. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

Public Hearing, Case 23-37 – Jeff Corey, applicant and owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2324, 2230 and 6200 of the Town of Sudbury Zoning Bylaw to approve long term storage container use at 333 Boston Post Road, Assessor’s Map K09-0056, Village Business District-1 and Water Resource Protection Overlay District Zone III Zoning Districts.

Leo Santos, Manager was present to discuss the application with the Zoning Board of Appeals.

The container is 8’x8’x 20’ steel structure, it is not visible from a public way. The storage unit would be primarily used to store lighting fixtures.

Mr. Riordan asked where the container was in relation to the wetlands.

Ms. Pincus made a motion to continue the public hearing for the Special Permit application for 333 Boston Post Road to the Zoning Board of Appeals meeting on December 4, 2023. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

Public Hearing, Case 23-38 – Thomas Scensy, applicant and Philippe Gouvernet, owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2420, 2421, 2422, 2440, and 6200 of the Town of Sudbury Zoning Bylaw to put a roof over front stoop in a pre-existing, non-conforming setback at 60 Windsor Road, Assessor’s Map K10-0312, Single Residence A-1 Zoning District.

Mr. Gouvernet was present to discuss the application with the Zoning Board of Appeals.

There is a desire to create a portico over the stoop for protection from the weather. There is a room under the stairs that was never shown in any of the plans, but has been there since the building was constructed. This makes the foundation non-conforming.

Ms. Rubenstein made a motion to approve the public hearing for the Special Permit application for 60 Winsor Road to the Zoning Board of Appeals as submitted on October 13, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 23-39 – Chris and Casey Friend, applicants and 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 construct a 664 sq ft accessory dwelling

at 15 Linden Road, Assessor's Map H05-0519, Single Residence A-1 and Water Resource Protection Overlay District Zone II & III Zoning Districts

Richard Cormier was present to discuss the application with the Zoning Board of Appeals.

The Proposed Accessory Dwelling Unit was discussed

Family room would be accessible from the Accessory Dwelling Unit and main residence

There was a discussion regarding means of egress with the proposed family room and it adding space to the ADU making it out of compliance.

Ms. Pincus made a motion to continue the public hearing for the Special Permit application for 15 Linden Road to the Zoning Board of Appeals meeting on December 4, 2023. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

Untimed Items:

Approve Zoning Board of Appeals Meeting Minutes from October 2, 2023

Mr. Riordan made a motion to approve the minutes from October 2, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Ms. Pincus – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Abstain.

Approval of 2024 Meeting Dates

Mr. Riordan made a motion to approve the meeting dates for 2024 as amended May 6, 2023 to May 13, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

8 Greenwood Road-trees

Damaged vegetation inspected by the town engineer

Administrative Report

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

The meeting was adjourned at 10:34 PM.