



Town of Sudbury

Zoning Board of Appeals

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MINUTES

December 4, 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 and Associate Michael Hershberg

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

Others Present: Director of Planning and Zoning Adam Burney and 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:

****Case will be Immediately Continued with No Discussion to February 5, 2024****

CONTINUED 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. Riordan 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 February 5, 2024. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels - Aye, Ms. Pincus – Aye, and Ms. Rubenstein– Aye

****Case will be Immediately Continued with No Discussion to January 8, 2024****

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.

Ms. Rubenstein 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 January 8, 2024. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

CONTINUED 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.

Permit was granted by the Conservation Commission for 3 years.

Mr. Riordan made a motion to approve the public hearing for the Special Permit application for 333 Boston Post Road to the Zoning Board of Appeals with the following conditions:

- The Special Permit is valid for three years, until November 29, 2026
- There will be no lighting
- All materials will be stored inside the container
- Container can not be moved

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

CONTINUED 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.

He reviewed the changes that were made per the board’s request.

A skylight was suggested in the proposed living are for more light.

Ms. Pincus made a motion to approve the Special Permit application for 15 Linden Road as presented in the drawings received on November 20, 2023, with the additional Square footage of the laundry room not to exceed a total square footage of 850 square feet. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

New Business:

Public Hearing, Case 23-40 – John Dederian, applicant, and Bonnie Brook Realty Corp, owner seek to appeal the Building Inspector’s determination in a letter dated October 10, 2023 under the provisions of MGL Chapter 40A, Section 15, and Sections 1330, 5600 and 6100 of the Town of Sudbury Zoning Bylaw regarding the 2020 updated inclusionary affordable housing by Law at Maynard Road, (Assessor’s Maps G08-0025 and G08-0500), Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts.

John Derderian was present to discuss his appeal with the Board.

John Riordan Gave a brief overview of the situation. Mr. Lewis made a determination in a letter dated October 10th 2023 where Mr. Derderian states the affordable housing inclusionary bylaw that was passed at Town meeting on September 12, 2020 should not pertain to him.

Andrew Lewis, Building Inspector was present to discuss how me made is initial findings. MGL Chapter 41, Section 81Q states that once a preliminary plan is submitted is needs to be acted on within 7 months. There is no protection from any changes in the bylaw, it has been 10 years since the Preliminary development application was submitted.

Adam Burney, Director of Planning was present to discuss the time line of when the initial plans submitted, July 26, 2013 to when the plans were finalized, August 20, 2021 By Law change was adopted in 2020

Public Comment:

Kevin Schwartz - 72 Manor Road, neighbor commented that 5 acres per lot, but most of acreage is not buildable

Anna Bhattacharya – 84 Maynard Road, Mr. Derderian stated Conservation commission approved 8 lots but they did not. Planning Board members would be frustrated at this conversation, there was a lot of conversations about grading and cutting in. She also stated that Mr. Derderian did know about the affordable housing bylaw as he once asked for a 40B. at one point this property was up for sale.

Mr. Riordan made a motion to continue the public hearing for the appeal at Maynard Road to the Zoning Board of Appeals meeting on January 8, 2024. 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 23-41 – Marcy Wolke, applicant and owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2420, 2421, 2422, 2440, 2445 and 6200 of the Town of Sudbury Zoning Bylaw to build an addition over a deck in a pre-existing non-conforming lot at 1 Pinewood Avenue, Assessor’s Map F04-0136, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Marcy and Howard Wolke were present to discuss the Special Permit Application with the Board.

They would like to take the existing deck, enclose it and build up to match the roof line as the rest of the house.

There was a question on how tall the second level would be. Ms. Pincus asked for more information on the rear stair setback.

Ms. Rubenstein made a motion to continue the public hearing for the Special Permit application for 1 Pinewood Avenue to the Zoning Board of Appeals meeting on January 8, 2024. 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 23-42 – Dominic Mangano, applicant and owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2000, 2460B, and 6200 of the Town of Sudbury Zoning Bylaw to demolish and construct a 2,595 sq ft House at 5 Easy Street, Assessor’s Map K05-0217, Single Residence C-1 and Water Resource Protection Overlay District Zone III Zoning Districts

Dominic Mangano, Applicant and Robert Dionisi, Attorney were present to discuss the application with the Board.

The reconstruction will be 10’ further back than the existing structure.

Jennifer Pincus noted the site plan does not show the septic system or any re-grading

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 5 Easy Street to the Zoning Board of Appeals meeting on January 8, 2024. Ms. Rubenstein 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 November 6, 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.

Introduction with Adam Burney, Town Planner

Mr. Burney introduced himself to the Board. He noted that he would not be attending every meeting, but would always be available for questions.

Administrative Report

Mr. Gossels made a motion to adjourn the meeting. Mr. Riepe 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.