



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

**JANUARY 8, 2024 AT 7:00 PM**

### VIRTUAL MEETING

### JOINT MEETING WITH EARTH REMOVAL BOARD

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

**Zoning Board of Appeals Members Absent:** Nancy Rubenstein and Associate William Ray and Associate Jeffrey Rose

**Earth Removal Board Members Present:** Chair Jonathan Patch, Bryan Gammons, Michael Hershberg, and Benjamin Stevenson

**Earth Removal Board of Appeals Members Absent:** William Ray, Jeffrey Rose

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

Mr. Riordan opened the Zoning Board of Appeals meeting at 7:01 PM by noting the presence of a quorum.

Mr. Riordan noted that Mr. Hershberg would be acting as a full member in the absence of Ms. Rubenstein.

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 opened the Zoning Board of Appeals meeting at 7:01 PM by noting the presence of a quorum.

Mr. Patch opened the Earth Removal Board meeting at 7:10 PM by noting the presence of a quorum.

### **Zoning Board of Appeals Reorganization**

Mr. Riordan indicated he would be willing to remain as Chair for one more year.

Mr. Riepe made a motion to reappoint Mr. Riordan as Chair of the Zoning Board of Appeals. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, Mr. Hershberg – Aye and Mr. Stevenson – Aye.

Mr. Riepe indicated he would be interested in remaining as the Clerk.

Mr. Riordan made a motion to appoint Mr. Riepe as Clerk of the Zoning Board of Appeals. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, Mr. Hershberg - Aye and Mr. Stevenson – Aye.

### **Earth Removal Board Reorganization**

Mr. Patch stated he would be happy to continue as chair for another year, he also wanted to nominate Bryan Gammon as Clerk.

Mr. Stevenson made a motion to reappoint Jonathan Patch as Chair and appoint Bryan Gammons as the Clerk of the Earth Removal Board. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Patch – Aye Mr. Gammons – Aye, Mr. Hershberg – Aye, and Mr. Stevenson – Aye.

### **Approval of the 2023 Annual Report for the Earth Removal Board**

Mr. Stevenson made a motion to approve the 2023 Annual Report for the Earth Removal Board. Mr. Patch seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, and Mr. Stevenson – Aye.

### **Review and Vote on Rules and Regulations – Earth Removal Board**

Mr. Stevenson made a motion to approve the Rules and Regulations for the Earth Removal Board for 2024. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, and Mr. Stevenson – Aye.

Mr. Patch made a motion to adjourn the Earth Removal Portion of the meeting at 7:21. Mr. Stevenson seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, and Mr. Stevenson – Aye.

### **Approval of the 2023 Annual Report for the Zoning Board of Appeals**

Mr. Riordan made a motion to approve the 2023 Annual Report for the Zoning Board of Appeals. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Hershberg -Aye.

### **Review and Vote on Rules and Regulations – Zoning Board of Appeals**

Mr. Riordan made a motion to approve the Rules and Regulations for the Zoning Board of Appeals as amended for 2024. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

### **Review and Vote on Supplemental Rules for Comprehensive Permits**

Ms. Pincus made a motion to approve the Supplemental Rules for Comprehensive Permits for the Zoning Board of Appeals for 2024. Mr. Riordan seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye.

**Vote to Approve Warrant Article: Zoning Board of Appeals Revolving Fund**

Mr. Riepe made a motion to approve the Warrant Article for the Zoning Board of Appeals Revolving Fund. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye.

Mr. Riordan noted the requirements for Special Permits and Variances as discussed in the Zoning Bylaw.

**Old Business:**

**CONTINUED 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, Applicant and Owner was present to discuss the application with the Zoning Board of Appeals.

The board of health has noted they need to move they chicken coop 50ft closer to the road. It is currently to close to the leaching field. They are seeking a variance from the Board of Health regarding the current setbacks.

Mr. Riordan made a motion to approve the application for the Special Permit application as submitted on January 3, 2024 for 28 Firecut Lane to the Zoning Board of Appeals with the following conditions:

- Approve the plans submitted on January 3, 2024 with the distances as indicated
- Seek approval of the Board of Health

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

**CONTINUED Public Hearing, Case 23-40 – John Derderian, 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 the appeal with the Zoning Board of Appeals.

Mr. Riordan made a motion to affirm the determination of the Building Inspector to the Zoning Board of Appeals regarding Maynard Road Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels - Aye, Ms. Pincus – Aye, and Mr. Hershberg– Aye

**CONTINUED 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, applicants and owners, Silvio Carrieri, Builder were present to discuss the application with the Zoning Board of Appeals

Additional materials were sent by the applicants by request of the Board.

Ms. Pincus was still unclear on some of the dimensions, there was a discussion regarding the steps and what the setback would be.

Mr. Riepe made a motion to approve the Special Permit application for 1 Pinewood Avenue as submitted on January 5, 2024. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels - Aye, Ms. Pincus – Aye, and Mr. Hershberg– Aye

**CONTINUED 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 was present to discuss the updated plans with the Zoning Board of Appeals.

As the Board had requested, he showed the Septic plan, it will be installed in the middle of the lot and not interfere with any of the vegetation. The house will now be set back 78ft.

There was a discussion on where windows might be placed.

Mr. Riepe made a motion to approve the public hearing for the Special Permit application for 5 Easy Street to the Zoning Board of Appeals materials submitted January 2, 2024

- The west wall of the building would contain windows in character with the design of the home.
- Demolition to take no more than 4 weeks
- Substantial maintain or replace vegetation screening on the west side of the building.

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

**New Business:**

**Public Hearing, Case 24-01 – Maura Carty, applicant, and Sudbury Swim & Tennis Club, Inc., owner seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2325 and 6200 of the Town of Sudbury Zoning Bylaw to alter the shape and location of the existing pool in order to improve accessibility at 60 Hemlock Road (Assessor's Maps H05-0029), Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts.**

Maura Carty, Applicant and Adrian Charest, 19 Summer Street were present to discuss the application with the Zoning Board of Appeals.

There has been a pool leak for the past seven years, during the repairs it was recommended that pool be redone.

The plan for the new pool was discussed. There will be a beach entry for ADA compliance, and the two existing diving boards will be maintained.

Mr. Gossels made a motion to approve the Special Permit application for 60 Hemlock Road as submitted on December 18, 2024. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye.

**Public Hearing, Case 24-02 – Herb Chambers MB Sudbury LLC, applicant and owner, seeks 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 install signage at 141 Boston Post Road, Assessor’s Map K11-0019, Single Residence A-1 Zoning District.**

Atty Josh Fox, Rollins, Rollins and Fox, John Welch, Head of construction and development for Herb chambers and Nicole Hoffer, AGI the Sign Design Company, were present to discuss the application with the Zoning Board of appeals.

Atty Fox reviewed the signs and locations on the building.

Ms. Hoffer showed photos of what the illumination would look like.

There was a discussion regarding the AMG being necessary signage.

Mr. Gossels made a motion to continue the public hearing for the Special Permit application for 141 Boston Post Road to the Zoning Board of Appeals meeting on February 5, 2024. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye.

**Administrative Report**

Mr. Gossels made a motion to adjourn the meeting. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Hershberg – Aye. The meeting was adjourned at 11:02 PM.