



Town of Sudbury

Zoning Board of Appeals

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314

appeals@sudbury.ma.us

www.sudbury.ma.us/boardofappeals

MINUTES

September 9, 2024 AT 7:00 PM

VIRTUAL MEETING

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

Zoning Board of Appeals Members Absent: Associate William Ray

Others Present: Beth Perry, Planning and Zoning Coordinator and Andrew Lewis, Building Inspector

Mr. Riordan opened the Zoning Board of Appeals 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.

New Business:

Public Hearing, Case 24-23 – Michelangelo Fragale Applicant and Owner seeks a to Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 6130 of the Town of Sudbury Zoning Bylaw to cover front entry way to an existing entry within the setback at 5 Peakham Circle (Assessor's Maps H08-0201), Residential-A1 Zoning and Water Resource District III Zoning Districts.

Michelangelo Fragale was present to discuss the Variance Application with the board. The Variance is requested because he would like to add a bigger entryway. He would like to change the front door and add a portico.

Mr. Riordan had previously spoken to the Building Inspector and they are of the opinion that this simply requires a Special Permit.

Mr. Riordan commented that a land survey was needed to determine if the lot was already preexisting non-conforming. A copy of that document will be presented at the Planning Office tomorrow.

After some discussion, the applicant will submit a special Permit application to replace the application that was submitted for a Variance.

Ms. Pincus made a motion to approve the Special Permit application for 5 Peakham Circle to the Zoning Board of Appeals as submitted. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye and Mr. Hershberg – Aye.

Public Hearing, Case 24-24 – Rising Sun Adult Day Healthcare, Inc applicant and Arsen Martirosyan owner seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Section 2230, Appendix A, §C, Use 8 and 2600, of the Town of Sudbury Zoning Bylaw to run an adult daycare at 490-B Boston Post Road, (Assessor’s Map K07-0018), Limited Industrial Zoning and Water Resource District Zoning III Zoning Districts.

Arsen Martirosyan, Owner, Fred Chitel, Architect were present to discuss the application with the Zoning Board of Appeals.

The facility would be opened from 8:00am to 2:00pm some will be arriving via vans and others will arrive by private transportation. There would be appx 105 participants. This should not have much impact on Traffic. There is a kitchen but no cooking will be done in the facility.

Mr. Lewis noted that this application would need a site plan review.

Ms. Pincus inquired about the buses, the buses will be parked on the premises over night and are not larger than a standard parking space.

Ms. Rubenstein asked how many staff members were anticipated. Mr. Martirosyan responded 20 people.

Mr. Riepe made a motion to approve the Special Permit application for 490-B Boston Post Road to the Zoning Board of Appeals as submitted with the following condition:

Trash area will be screened from view

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

Public Hearing, Case 24-25 – Breno Souza-HB Home Improvement applicant and Brian Keith and Courtenay Dunk owners seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Section 2460B and 2600, of the Town of Sudbury Zoning Bylaw to connect a garage to house with a mudroom in a pre-existing non-conforming lot at 31 Spring Street, (Assessor’s Map H05-0214), Residential-A Zoning and Water Resource District Zoning III Zoning Districts.

Breno Souza applicant and Courtenay Dunk owner were present to discuss the application with the Zoning Board of Appeals.

Ms. Courtenay Dunk explained they wanted to connect the garage to the house that is currently pre-existing non-conforming.

Ms. Pincus asked about moving the mudroom and garage closer to the street then a special permit would not be needed.

Mr. Riepe made a motion to approve the Special Permit application for 31 Spring Street to the Zoning Board of Appeals as submitted. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Ms. Rubenstein – Aye and Mr. Hershberg – Aye.

Citizen’s Petition regarding proposed Firearms Business Use Zoning Bylaw

Mr. Riordan suggested that a public information session be held prior to discussion by the Board. This topic will be discussed by the Board after that session.

Untimed Items:

Recommendation of Michael Hershberg as Full member of the Zoning Board of Appeals

Mr. Riordan made a motion to discuss with the Planning Director the submission of a letter of recommendation to the Select Board for a term to expire in May 31, 2027. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye and Mr. Hershberg - Aye

Frank Riepe left the meeting at this time.

Relationship of Select Board to the Zoning Board of Appeals

This topic will be discussed at the October 7, 2024 meeting

Approve Zoning Board of Appeals Meeting Minutes from July 1, 2024

This topic will be discussed at the October 7, 2024 meeting

Approve Zoning Board of Appeals Meeting Minutes from August 5, 2024

This topic will be discussed at the October 7, 2024 meeting

Administrative Report

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

The meeting was adjourned at 10:43 PM.