



Town of Sudbury

Zoning Board of Appeals

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MINUTES FEBRUARY 2, 2026 AT 7:00 PM VIRTUAL MEETING

JOINT MEETING WITH EARTH REMOVAL BOARD

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

Zoning Board of Appeals Members Absent:

Earth Removal Board Members Present: Chair Jonathan Patch, Alexander Dorjets, Kirsten Roopenian and William Ray

Earth Removal Board of Appeals Members Absent: Bryan Gammons

Others Present: Director of Planning and Community Development, Adam Burney and Planning and Zoning Coordinator Beth Perry

Mr. Riordan opened the Zoning Board of Appeals meeting at 7:00 PM by noting the presence of a quorum.

Zoning Board of Appeals Reorganization

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

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

Ms. Pincus joined the meeting at this time

Approval of the 2025 Annual Report for the Zoning Board of Appeals

Mr. Riordan made a motion to approve the 2025 Annual Report for the Zoning Board of Appeals. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Hershberg – Aye, Ms. Pincus – Aye, and Mr. Dorjets -Aye.

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

Mr. Riepe made a motion to approve the Rules and Regulations for the Zoning Board of Appeals for 2025. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Hershberg – Aye, Ms. Pincus – Aye, and Mr. Dorjets – Aye.

Review and Vote on Supplemental Rules for Comprehensive Permits

Mr. Riepe made a motion to approve the Supplemental Rules for Comprehensive Permits for the Zoning Board of Appeals for 2025. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Ms. Pincus – Aye, Mr. Hershberg – Aye and Mr. Dorjets – Aye

Approve Zoning Board of Appeals Meeting Minutes from December 8, 2025

Mr. Riepe made a motion to approve the Meeting Minutes from December 8, 2025. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Hershberg – Aye, Ms. Pincus – Aye, and Mr. Dorjets – Aye.

Administrative Report

Enforcement follow-up 684 Boston Post Road

Continued case from December regarding site condition and number of vehicles/cars stored; applicant required to provide accounting to Building Inspector by end of 2025.

Applicant provided an oral report to the Building Inspector (81 cars reported, ~20 removed; 10 belong to owner). Written accounting required was not received. Snow conditions have impeded progress.

Adam Burney will coordinate with Building Inspector to follow up (at least weekly) with the applicant and monitor progress toward conditions required by the board and the April hearing. Possible enforcement steps (termination of continuance, withdrawal, or denial) were discussed if insufficient progress.

Review of Earth Removal By-law and its role

Mr. Burney raised concerns that the Earth Removal bylaw may be outdated and administratively burdensome given modern permitting (stormwater, site plan, state environmental regulations). Points raised:

The bylaw requires an earth removal permit whenever soil is removed from a site (except normal single-family home building permits) and the ERB is a five-member board requiring four for quorum.

Staff suggested considering whether the bylaw should be revised (e.g., add a cubic yard threshold for when an ERB permit/hearing is required, reduce board membership/quorum, or fold earth removal review into another permitting process) to reflect current oversight and reduce duplication.

Board members (Jonathan, Alexander, Kirsten) agreed there are cases where ERB expertise is valuable (e.g., rail-trail project) but many smaller removals might not need a full hearing.

Adam proposed researching other communities' bylaws, thresholds (examples: 1,500–5,000 cubic yards in other towns), and drafting proposed bylaw changes for potential Town Meeting consideration (possibly for 2027). Jonathan and others offered to collaborate.

Mr. Patch opened the Earth Removal Board meeting at 7:58 PM by noting the presence of a quorum.

Earth Removal Board Reorganization

Mr. Patch stated he would be happy to continue as chair for another year.

Mr. Ray made a motion to reappoint Jonathan Patch as Chair. Ms. Roopenian seconded the motion. Roll Call Vote: Mr. Patch – Abstain, Ms. Roopenian– Aye, Mr. Dorjets – Aye, and Mr. Ray- Aye.

Approval of the 2025 Annual Report for the Earth Removal Board

Mr. Patch made a motion to approve the 2025 Annual Report for the Earth Removal Board. Ms. Roopenian seconded the motion. Roll Call Vote: Mr. Patch – Aye, Ms. Roopenian – Aye, Mr. Hershberg – Aye, and Mr. Dorjets – Aye.

Review and Vote on Rules and Regulations – Earth Removal Board

Mr. Patch made a motion to approve the Rules and Regulations for the Earth Removal Board for 2025. Ms. Roopenian seconded the motion. Roll Call Vote: Mr. Patch – Aye, Ms. Roopenian – Aye, Mr. Hershberg – Aye, and Mr. Dorjets – Aye.

Mr. Patch made a motion to adjourn the Earth Removal meeting at 8:02. Mr. Roopenian seconded the motion. Roll Call Vote: Mr. Patch – Aye, Ms. Roopenian – Aye, Mr. Hershberg – Aye, and Mr. Dorjets – Aye.

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

The meeting was adjourned at 8:03 PM.

Note: This summary captures the essential discussions and decisions made during the meeting. For detailed inquiries, please refer to the full meeting transcript.