



# 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

**JANUARY 10, 2022 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, Nancy Rubenstein, and Associate Jeff Rose

**Zoning Board of Appeals Members Absent:** None

**Earth Removal Board Members Present:** Chair Jonathan Patch, William Ray, Jeff Rose, and Benjamin Stevenson

**Earth Removal Board Members Absent:** None

**Others Present:** Director of Planning and Community Development Adam Duchesneau

Mr. Riordan opened the Zoning Board of Appeals meeting at 7:02 PM by noting the presence of a quorum.

Mr. Patch opened the Earth Removal Board meeting at 7:04 PM by noting the presence of a quorum.

Mr. Riordan then asked Mr. Riepe to 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.

#### **New Business:**

#### **Earth Removal Board Reorganization**

Mr. Stevenson made a motion to nominate Jonathan Patch to serve as Chair of the Earth Removal Board. Mr. Rose seconded the motion. Roll Call Vote: Mr. Patch – Abstain, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

#### **Approval of the 2021 Annual Report for the Earth Removal Board**

Mr. Stevenson made a motion to approve the 2021 Annual Report for the Earth Removal Board. Mr. Rose seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

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

Mr. Ray made a motion to adopt the existing Earth Removal Board Rules and Regulations. Mr. Rose seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

### **Interview with Candidate for Earth Removal Board Member Position**

Bryan Gammons of 20 Butler Place was in attendance to discuss his potential appointment to the Earth Removal Board. He provided a synopsis of his professional background noting he was an environmental scientist. Mr. Gammons also indicated Eversource was a client of his firm so he would have to recuse himself from any proceedings regarding that entity.

Mr. Gossels noted it would be great to have skilled people on the Earth Removal Board to support the Zoning Board of Appeals.

Mr. Riordan asked if there were any members of the public who wished to comment on the matter, but there were none.

Mr. Riordan made a motion to recommend to the Select Board, jointly with the Earth Removal Board, that Bryan Gammons be appointed to the Earth Removal Board. Mr. Patch seconded the motion.

Zoning Board of Appeals Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Earth Removal Board Roll Call Vote: Mr. Patch – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

Mr. Patch made a motion to adjourn the Earth Removal Board meeting at 7:37 PM. Mr. Ray seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

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

Mr. Riordan indicated he would be happy to continue to serve as Chair, but would also be content to step aside if another member was interested in serving as the Chair.

Mr. Riepe made a motion to nominate John Riordan to serve as Chair of the Zoning Board of Appeals. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Abstain, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Mr. Riordan made a motion to nominate Frank Riepe to serve as Clerk of the Zoning Board of Appeals. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Abstain, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

### **Old Business:**

**CONTINUED Public Hearing, Case 21-29 – James & Sarah Kelly, 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 create an Accessory Dwelling Unit at 19 Oakwood Avenue, Assessor’s Map F04-0232, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Mr. Riordan noted Mr. Rose would sit in the place of Ms. Rubenstein for this case because she was not eligible to vote after having missed two meetings where this case was previously discussed.

James Kelly was in attendance to discuss the application with the Zoning Board of Appeals. He described the updated drawings which relocated the main door of the Accessory Dwelling Unit to the side of the building and proposed some alternative roof types.

Mr. Gossels indicated he felt the Accessory Dwelling Unit still looked very separated and incoherent from the existing building.

Ms. Pincus recommended the addition on the left side of the building be setback and the main door of the Accessory Dwelling Unit be relocated to the left side as proposed.

There was then discussion regarding recommended proposed changes to the roofline, garage doors, and other items.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 19 Oakwood Avenue to the Zoning Board of Appeals meeting on February 7, 2022. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**CONTINUED Public Hearing, Cases 21-34, 21-35, 21-36, and 21-37 – Herb Chambers 43 Braintree Street, LLC, Applicant and Owner, seeks Special Permits under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Uses 12 (Case 21-34), 13 (Case 21-35), 14 (Case 21-36), and 25 (Case 21-37), and 6200 of the Town of Sudbury Zoning Bylaw to operate a motor vehicle sales and rental, general and body repair, and light service facility over 20,000 square feet in size at 141 Boston Post Road, Assessor’s Map L11-0019, Industrial-4 Zoning District**

Mr. Riepe made a motion to continue the public hearing for the Special Permit applications for 141 Boston Post Road to the Zoning Board of Appeals meeting on February 7, 2022. Mr. Gossels 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 22-1 – I.D. Sign Group, Inc., Applicant, and Wellyn Inc. c/o Gravestar, Inc., Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3260, 3261.a, 3265B, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to replace/modify existing signage at 507 Boston Post Road, Assessor’s Map K07-0005, Limited Business-2 and Water Resource Protection Overlay District Zone II Zoning Districts**

Jamie Fisher from I.D. Sign Group Inc. was in attendance to discuss the application with the Zoning Board of Appeals. He noted the changes to the signage were primarily related to the font of the wording “shaw’s”, but the shape of the leaf in the signage was also slightly wider.

Ms. Rubenstein asked if the lettering would be illuminated and Mr. Fisher indicated there was existing gooseneck lighting that would remain.

Mr. Fisher also noted the façade signage on the soffit was being removed and would not be reinstalled.

Mr. Riepe stated a Special Permit for the original signage had been awarded in the past because it exceeded the permissible square footage according to the Zoning Bylaw, but the building upon which the signage sits was also very large.

There was then discussion regarding the proposed changes to the blade sign in the monument sign along Boston Post Road/Route 20.

Mr. Riordan made a motion to approve the Special Permit application to replace/modify the existing signage at 507 Boston Post Road. 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 22-2 – Christy Clark and Christopher Durall, Applicants and Owners, seek the renewal of Special Permit 18-39 under the provisions of MGL Chapter 40A, Section 9, and Sections 2340 and 6200 of the Town of Sudbury Zoning Bylaw to operate a home business (private psychotherapy) at 14 Hayden Circle, Assessor’s Map K05-0308, Single Residence C-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Christy Clark and Christopher Durall were in attendance to discuss the application with the Zoning Board of Appeals. Ms. Clark stated this was a renewal request of the Special Permit to operate a psychotherapy practice in her home. She indicated her client’s appointments were staggered so there was no more than one client on the property at any one time, unless she was working with a couple.

Richard Cass of 7 Hayden Circle agreed with the characterization of the property. He indicated there had been zero impact as a result of this business in the neighborhood and he supported a five-year extension of the Special Permit.

Mr. Gossels made a motion to approve the renewal of Special Permit 18-39 as submitted for a period of five (5) years until January 10, 2027. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Nancy Rubenstein – Aye.

**Public Hearing, Case 22-3 – Jeanne Rosier Smith, Applicant and Owner, seeks the renewal of Special Permit 17-33 under the provisions of MGL Chapter 40A, Section 9, and Sections 2340 and 6200 of the Town of Sudbury Zoning Bylaw to operate a home business (art studio/workshops) at 131 Bent Road, Assessor’s Map J05-0303, Single Residence C-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Jeanne Rosier Smith was in attendance to discuss the application with the Zoning Board of Appeals. She indicated she has stopped holding all classes due to the COVID-19 pandemic, but she wanted to keep her options open in the future in case she desired to hold classes again at some point.

Richard Cass of 7 Hayden Circle stated he supported a five-year extension of the Special Permit provided the parking situation was monitored and controlled. He requested all patrons traveling to the property park their vehicles in the driveway and not in the street.

There was then discussion regarding the parking of vehicles in the street occasionally for events at the business.

Mr. Riordan made a motion to approve the renewal of Special Permit 17-33 as submitted for a period of five (5) years until January 10, 2027. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Nancy Rubenstein – Aye.

**Public Hearing, Case 22-4 – Maillet & Son, Inc., Applicant and Owner, seeks to amend Special Permit 20-26 under the provisions of MGL Chapter 40A, Section 9, and Sections 2460B and 6200 of the Town of Sudbury Zoning Bylaw to change from a one door garage to a two door garage, add a portico over the front door, change the siding material on the garage, remove one window on the rear of the dwelling, and other modifications at 34 Barton Drive, Assessor’s Map G05-0135, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Marcel Maillet was in attendance to discuss the matter with the Zoning Board of Appeals. He briefly described the proposed changes as follows:

- A gable style overhang with supporting columns had been installed over the front door, which was not on the approved plans.
- The light fixtures around the front door were different from the approved plans.
- The siding on the garage (board and batten) was a different style from the rest of the house (clapboard). On the approved plans, the siding on the dwelling unit was all the same style.
- The overhang over the garage door had not been installed.
- The approved plans displayed a single, large garage door and there were two separate garage doors installed at the dwelling.
- There were not any shutters on any of the windows on the front of the house or the garage dormer.
- On the rear of the house, a window was missing on the second story on the garage side of the dwelling. Two windows were shown in this location on the approved plans and only one had been installed.

Mr. Riepe made a motion to approve the amendments to Special Permit 20-26 at 34 Barton Drive. 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 22-5 – Jennifer and Thomas Tocci, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, §C, Use 5, 2313, and 6200 of the Town of Sudbury Zoning Bylaw to operate a kennel at 849 Concord Road, Assessor’s Map D11-0204, Single Residence A-1 Zoning District**

Mr. Duchesneau noted one of the Applicants' dogs had recently passed away due to lymphoma. As such, there were no longer four dogs at the residence and the Applicant therefore no longer needed the Special Permit.

Mr. Riordan made a motion to accept the Applicant's request to withdraw without prejudice the Special Permit application for 849 Concord Road. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

At this time the Zoning Board of Appeals took a five-minute recess.

At this time Mr. Rose left the meeting.

### **Approval of the 2021 Annual Report for the Zoning Board of Appeals**

Mr. Riordan made a motion to approve 2021 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 Ms. Rubenstein – Aye.

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

Ms. Pincus suggested the application material submission requirements listed in Section A.3. be updated to reflect the current submission requirements.

There was then discussion regarding the authority of the Zoning Board of Appeals to issue various term limits for the permits which they issue.

Mr. Riordan made a motion to approve the Rules and Regulations for the Zoning Board of Appeals for 2022 with the amended language in Section A.3. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

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

Mr. Riepe recommended changing the architectural drawing scale referenced in Section 3.2.3 to 1/8" equals 1 foot drawings instead 1/4" equals 1 foot.

The members of the Zoning Board of Appeals considered other changes which they would like to discuss further at a future meeting.

Mr. Riepe made a motion to approve the Supplemental Rules for Comprehensive Permits for 2022 as amended. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

### **Interviews with Candidate for Zoning Board of Appeals Associate Member Position**

Michael Hershberg of 5 Brooks Road was in attendance to discuss his potential appointment to the Zoning Board of Appeals as an Associate member. He noted he was a new resident to Sudbury and was an attorney who worked for an electric vehicle charging company.

Mr. Riordan requested Mr. Hershberg do a bit more research about the community and invited him back to the February 7, 2022 Zoning Board of Appeals meeting.

#### **Approve Meeting Minutes from December 6, 2021**

Some members felt there needed to be modifications to certain portions of the draft minutes so the Zoning Board of Appeals deferred the discussion of this item to their February 7, 2022 meeting.

#### **May 2022 Meeting Date**

Mr. Duchesneau noted the currently scheduled May 2, 2022 meeting date conflicted with the proposed 2022 Annual Town Meeting date. As such, he proposed moving the May 2022 Zoning Board of Appeals meeting May 9, 2022. All members of the Zoning Board of Appeals agreed with this rescheduling of the meeting.

#### **Amendments to Zoning Board of Appeals Application Forms**

Ms. Rubenstein noted the application forms requested Plot Plans showing structures on adjoining properties within 75 feet of the subject property and she felt all structures on adjacent properties should be displayed. Mr. Riordan noted this was a good point, but due to the late hour he recommended the discussion of the application forms be tabled until the February 7, 2022 meeting.

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

Mr. Riordan made a motion to approve a Revolving Fund amount of \$35,000 and purpose for the May 2022 Annual Town 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.

#### **Administrative Report**

There were no items discussed under this topic.

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 11:13 PM.