



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

**JANUARY 9, 2023 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, Associate William Ray, Associate Jeffrey Rose, and Associate Benjamin Stevenson

**Zoning Board of Appeals Members Absent:** Nancy Rubenstein

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

**Earth Removal Board of Appeals Members Absent:** None

**Others Present:** Director of Planning and Community Development Adam Duchesneau and 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. Patch opened the Earth Removal Board meeting at 7:04 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.

### **Earth Removal Board Reorganization**

Mr. Patch inquired if anyone would like to make any nominations to change the organization of the Earth Removal Board.

Mr. Stevenson suggested reappointing Mr. Patch for another year as Chair.

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

### **Approval of the 2022 Annual Report for the Earth Removal Board**

Mr. Stevenson made a motion to approve the 2022 Annual Report for the Earth Removal Board. Mr. Ray seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, Mr. Ray – Aye, Mr. Rose – 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 2023. Mr. Rose seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

#### **Approve Earth Removal Board Meeting Minutes from November 1, 2022**

Mr. Ray made a motion to approve the Earth Removal Board minutes from November 1, 2022. Mr. Stevenson seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

Mr. Patch made a motion to adjourn the Earth Removal Board meeting. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, Mr. Ray – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye. The meeting was adjourned at 7:15 PM.

At this time Mr. Patch and Mr. Gammons left the meeting.

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

Mr. Riordan indicated he would be interested in remaining as Chair and would like Mr. Riepe to remain as Clerk.

Mr. Gossels and Mr. Ray appreciated Mr. Riordan for wanting to stay in the position of Chair.

Mr. Riordan made a motion to appoint Mr. Riordan as Chair and 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, and Mr. Rose – Aye.

#### **Approval of the 2022 Annual Report for the Zoning Board of Appeals**

Mr. Riepe made a motion to approve the 2022 Annual Report for the Zoning Board of Appeals. Mr. Riordan 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 Rules and Regulations – Zoning Board of Appeals**

Ms. Pincus made a motion to approve the Rules and Regulations for the Zoning Board of Appeals as amended for 2023. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

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

#### **Old Business:**

**CONTINUED Public Hearing, Case 22-27 – JBJS Charles LLC c/o Jonatas Storck, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 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 58 Massasoit Avenue, Assessor’s Map K09-0425, Single Residence A-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Engineer Joyce Hastings was in attendance to discuss the application with the Zoning Board of Appeals. She indicated new plans had been submitted based upon the comments received from the members of the Zoning Board of Appeals. Ms. Hastings then reviewed the changes that had been made to the revised plans. She also noted the current plans did not make sense for some aspects of the project and would be revised for the next meeting.

Michael Cameron of 18 Franklin Place did not think the review process with this application had been very smooth. He commented on the proposed attic space, and the width of the house changing but the addition of additional height to the proposed building.

Mary Lester of 10 Allen Place wanted to see a plan of the retaining wall with the grade increase and the house sitting on that. She also questioned the proposed landscaping, walkways, and paving as displayed on the plans.

Glenn Merrill-Skoloff of 18 Allen Place inquired as to how the public comments are being communicated to the Applicant. He voiced concerns regarding the proposed elevations, but also thanked the Applicant for addressing some of the original concerns.

Mr. Riepe asked if the comments from the public had been forwarded on to the Applicant and Mr. Duchesneau confirmed they had been passed along.

Ms. Pincus commented the architect should be present to listen to the requested changes to the plans.

Mr. Stevenson stated he felt the changes to the plans had improved the overall project from its original design.

Ms. Lester questioned the square footage of the proposed dwelling unit.

Mr. Stevenson made a motion to continue the public hearing for the Special Permit application for 58 Massasoit Avenue to the Zoning Board of Appeals meeting on February 6, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, Mr. Ray – Aye, and Mr. Stevenson – Aye.

At this time Mr. Ray and Mr. Stevenson left the meeting.

**New Business:**

**Public Hearing, Case 23-01 – Alex Hathaway of Mustang Development Advisors, Inc, Applicant and Owner, seeks to amend Variance 22-32 under the provisions of MGL Chapter 40A, Section 10, and Sections 2450, 2620, Table of Dimensional Requirements, Appendix B, and 6130 of the Town of Sudbury Zoning Bylaw to modify the location of a proposed single-family dwelling with regard to**

**the minimum lot frontage requirement at 29 Stone Road, Assessor's Map K05-0024, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Applicants and Owners Alex Hathaway and Michael Jarvis were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Hathaway stated the request was to move the location of the previously approved structure 15 feet forward to avoid the wetland buffer area at the rear (west) of the property. He also indicated the revised location of the proposed dwelling unit would ease some of the concerns of the abutters.

Mr. Riordan made a motion to approve the Variance application for 29 Stone Road and to incorporate all of the conditions of decision 22-32. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

**Public Hearing, Case 23-02 – Saxton Sign Corp., Applicant, and RG Sudbury LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3264, 3265, 3265B, 3266, 3280, 3290, and 6200 of the Town of Sudbury Zoning Bylaw for signage modifications at 407 Boston Post Road, Assessor's Map K08-0007, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Darren Katz was in attendance to discuss the application with the Zoning Board of Appeals. He noted the signage had been discussed at a Design Review Board meeting. Mr. Katz also indicated the original signage had been erected without a Special Permit.

Ms. Pincus questioned the overall calculations of the square footage for the allowed sign face area.

There was discussion regarding the signage and what was stated in the application materials.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 407 Boston Post Road to the Zoning Board of Appeals meeting on February 6, 2023. Mr. Riepe 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**

Mr. Riordan made a motion to approve the Supplemental Rules for Comprehensive Permits for 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

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

Mr. Riordan made a motion to approve the amendments to the following applications: Special Permit for Accessory Dwelling, Special Permit, Special Permit Application for Signs, Use Variance, and Variance. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

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

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

### **Approve Zoning Board of Appeals Meeting Minutes from December 12, 2022**

The members of the Zoning Board of Appeals decided to postpone the discussion of this matter until their meeting on February 6, 2023.

### **Old Business:**

**CONTINUED Public Hearing, Case 22-37 – Richard Albee, Applicant and Owner, seeks a Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 2620, Appendix B, Table of Dimensional Requirements, and 6130 of the Town of Sudbury Zoning Bylaw from the minimum front yard setback requirement to expand a garage at 5 Hunt Road, Assessor’s Map E09-0129, Single Residence A-1 Zoning District**

Mr. Riepe made a motion to continue the public hearing for the Variance application for 5 Hunt Road to the Zoning Board of Appeals meeting on February 6, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

### **Administrative Report**

Mr. Duchesneau informed the members of the Zoning Board of Appeals that Warrant Articles for the May 2023 Annual Town Meeting were due on January 31, 2023.

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. Rose – Aye. The meeting was adjourned at 10:02 PM.