

SUDBURY ZONING BOARD OF APPEALS  
MINUTES  
NOVEMBER 7, 2016

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; John D. Riordan and William Ray (Alternate).

Also present at the meeting on behalf of the Town were: Mark Herweck, Building Inspector and Zoning Enforcement Agent, Town Planner Meagen Donoghue and Town Counsel Barbara Saint Andre.

The meeting was opened at 7:30 p.m.

Mr. Riordan opened the hearing reading the notice as published in the newspaper.

1. Public Hearing, Case 16-23 – Julie A. Zinger, applicant and owner, for a renewal of a Special Permit under the provisions of Section 2340 of the Zoning Bylaw, to conduct a Home Business, specifically for private speech therapy, Assessor's Map K09-0101, 12 King Philip Road, Residential Zone A-1.

Ms. Zinger was present at the hearing to request a renewal of her Special Permit 15-21. She explained that she is currently in business seeing patients twice a week with an average of 10-15 patients per week. She noted all the speech therapy sessions take place indoors. The Applicant requested the Board to consider renewal of this Special Permit for more than one year. The Board noted that the business seemed appropriate to the neighborhood and did not generate excessive noise or traffic, or have a visual impact on the neighbors, all in accordance with the requirements for a renewed permit.

No neighbors were present for this petition.

Motion made and seconded to approved petition 16-23 for 5 years.

2. Public Hearing, Case 16-24 – Tom & Monica Rogan, applicants and owners, for a Special Permit under the provisions of Section 2340 of the Zoning Bylaw, to hire one employee who is not a resident of the premises, to work in the kitchen of their chocolate company, "Goodnow Farms Chocolate", Assessor's Map F07-0507, 80 Goodnow Road, Residential Zone A-1.

Mr. and Mrs. Rogan were present at the hearing. Mr. Rogan shared with the Board that he currently runs a business out of his home, making approximately 1,000 chocolate bars per week. He stated that he is requesting a Special Permit to hire an employee for his home business.

Mr. O'Brien asked the Applicant to describe the number of deliveries that are made to the premises per week and how traffic might be impacted.

Mr. Rogan replied they receive shipments of coffee beans and sugar 5 or 10 times per year, and other occasional deliveries via FedEx and UPS, which are the same trucks that currently deliver mail on Goodnow Road. He noted incoming trucks maybe once a week; nothing more than any normal neighborhood will see.

Mr. O'Brien inquired into whether the production of the chocolate generates odors or refuse.

Mr. Rogan explained that there are no odors, noise or additional lighting or customers as a result of his home business. The only bi-products that they have is cardboard boxes which they recycle.

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Mr. Riordan asked the applicant why they are not requesting a Special Permit to run the home business, but instead are seeking a special permit for an additional employee.

Mr. Herweck, Building Inspector and Zoning Enforcement Agent responded that the Applicant is already running a business that he approved "as of right" following our Bylaws, which the Board confirmed was the appropriate reading of the statute.

Mr. O'Brien asked if neighbors were present to speak on this application.

Mr. Frank Marchica from 37 Martin Drive spoke in favor of the application.

Motion made and seconded to approved petition 16-24 for 5 years.

3. Approval of Meeting Minutes for September 26, 2016.

Motion made and seconded to approve Minutes from September 26, 2016.

4. Other Business Items.

Attorney Saint Andre updated the Board about recent Amendments to Chapter 40A and stated that between this date and Town Meeting date the BOS will look into amending the Bylaws.

5. Vote to immediately enter into Executive Session and not to return to Open Session for the purposes of discussing strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the Zoning Board of Appeals and the Chair so declares, with respect to Sudbury Station, LLC v. Zoning Board of Appeals, pursuant to General Laws chapter 30A, §21(a)(3).

At 7:55 p.m. entering Executive Session as of declared by the Chairman via roll call vote:

Jonathan F.X. O'Brien Aye  
Jonathan G. Gossels Aye  
John D. Riordan Aye  
William Ray Aye

There being no further business, the meeting was adjourned at 9:56 p.m.

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