



Town of Sudbury

Zoning Board of Appeals

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MINUTES

APRIL 1, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

Members Present: John Riordan, Chairman; William Ray, Clerk; Jonathan Gossels; Frank Riepe; and Benjamin Stevenson.

Members Absent: Nancy Rubenstein

Others Present: Adam Duchesneau, Director of Planning and Community Development, and Mark Herweck, Building Inspector and Zoning Enforcement Agent.

Mr. Riordan opened the hearing by noting the presence of a quorum and the appointment of Associate Board Member Mr. Stevenson to sit in place of Ms. Rubenstein who was not in attendance. Mr. Riordan then asked Mr. Ray 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 guidelines for Special Permits and Variances.

The Coolidge at Sudbury – Phase 2 Comprehensive Permit, 187 Boston Post Road – Insubstantial Change

Jesse Kanson-Benanav and Holly Grace from B'nai B'rith Housing were present to discuss the matter with the Zoning Board of Appeals (the Board). Based on the information received, the Board found the requested modifications to the conditions of the Comprehensive Permit were insubstantial in nature.

Mr. Gossels made a motion to approve the request for the Insubstantial Changes to the conditions of the Comprehensive Permit. Mr. Ray seconded the motion. The vote was unanimous, 5-0.

The Coolidge at Sudbury – Phase 2 Comprehensive Permit, 187 Boston Post Road – Authorization of the Chair to sign the ZBA acknowledgment to the Regulatory Agreement on behalf of the Board

Jesse Kanson-Benanav and Holly Grace from B'nai B'rith Housing were present to discuss the matter with the Board.

Mr. Gossels made a motion to authorize the Chair of the Zoning Board of Appeals to sign the acknowledgment to the Regulatory Agreement on behalf of the Board. Mr. Ray seconded the motion. The vote was unanimous, 5-0.

CONTINUATION Public Hearing Case 19-1 – Nicola S. Payne & Robb A. Aistrup, applicants and owners, for a renewal of Special Permit 18-10 under the provisions of Section 2340 of the Zoning Bylaw, to conduct a Home Business, specifically for music lessons. Property shown on Town Assessor Map B09-0326 at 15 Thoreau Way, Residential Zone A-1

The Board had received the following pieces of correspondence:

- Letter from Jane and Clark Moeller dated February 14, 2019
- Email from Wei & Hai dated February 14, 2019
- Email from Joyce Minkoff dated February 18, 2019
- Email from James and Dana Flavin dated February 26, 2019
- Email from Katie Dineen of 9 Thoreau Way dated March 4, 2019

Nicola Payne and Robb Aistrup were present to discuss the request for a renewal of their Special Permit after one year with the Board.

Mr. Riordan asked the Building Inspector if he had received any complaints regarding the property. Mr. Herweck stated he had not received any complaints.

Mr. Riordan asked Ms. Payne and Mr. Aistrup to provide a quick review of the home business activity.

Ms. Payne stated the music lessons were approximately 45 to 60 minutes long and most of her lessons took place at the high school and middle school. She noted that between both Applicants, they teach around 30 students. Ms. Payne's schedule on Saturdays is typically from 8:45 AM to 5:45 PM but she plans to cut down her hours during the next year.

Mr. Gossels stated this was the type of entrepreneurial business which was completely appropriate for the neighborhood and the Board should support it. He wanted to see the permit renewed and the term extended.

Mr. Stevenson asked about the request from the Applicants regarding the sound proofing condition on their existing Special Permit. After some discussion, the Board agreed to remove the condition regarding sound proofing from the renewed Special Permit because the Applicants mainly teach string instruments and the condition had proven unnecessary.

Mr. Riordan asked if any members of the public wished to speak and no one in the audience came forth.

The Board found the use was in harmony with the general purpose and intent of the Zoning Bylaw, and that the use was in an appropriate location, was not detrimental to the neighborhood, and did not significantly alter the character of the zoning district.

The Board also found adequate and appropriate facilities would be provided for the proper operation of the proposed use, and that the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisance.

The Board found the proposed use would not cause undue traffic congestion in the immediate area.

The Board extended the renewal term of the permit to five (5) years because there had not been adverse impacts during the first term of the Special Permit.

Mr. Ray made a motion to approve the Special Permit renewal for 15 Thoreau Way, petition 19-1, as presented with standard conditions for a term of five (5) years to expire on April 1, 2024, and to remove the sound proofing condition. Mr. Gossels seconded the motion. The vote was unanimous, 5-0.

CONTINUATION Public Hearing Case 19-2 – Lisa Venuto/ADMV Management, LLC, applicant and owner, for a Special Permit under the provisions of Section 2620 Appendix B of the Zoning Bylaw, to construct on an existing non-conforming lot a 25'x 28' two car garage with a shed dormer that will result in a side-yard setback deficiency of approximately 8 feet. Property shown on Town Assessor Map J06-0312 at 29 Stonebrook Road, Residential Zone A-1

The Board had received the following pieces of correspondence:

- Email from Samira Sheth of 21 Stonebrook Road dated March 1, 2019
- Email from Katie McLean of 129 Horse Pond Road dated April 1, 2019
- Email from Kathleen Rogers of 3 Stonebrook Road dated April 1, 2019

Lisa and Peter Venuto were present to discuss the application with the Board. Mr. Venuto stated the drawing and size of the proposed two car garage with a shed dormer had not changed since their revised application in the fall of 2018. He also noted the encroachment into the side yard setback remained the same and will be approximately 8 feet at the deepest (rear portion) point and approximately 2 feet at the shallowest point (front portion).

Mr. Riordan asked if any members of the public wished to speak.

Samira Sheth of 21 Stonebrook Road stated her concerns regarding lighting, privacy, and screening if the Special Permit were approved.

Discussion ensued regarding vegetative screening for the proposed addition toward the abutting property at 21 Stonebrook Road, lighting on the subject property, living space within the addition, construction hours, and length of time to complete the proposed project.

The Board found the use was in harmony with the general purpose and intent of the Zoning Bylaw.

The Board further found the use was in an appropriate location, was not detrimental to the neighborhood, and did not significantly alter the character of the zoning district.

The Board also found adequate and appropriate facilities would be provided for the proper operation of the proposed use.

The Board found the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisances.

The Board found the proposed use would not cause undue traffic congestion in the immediate area.

Mr. Stevenson made a motion to approve the Special Permit for 29 Stonebrook Road, petition 19-2, as presented with standard conditions and with the following additional conditions: no existing screening to be cut down; a 48-foot-long, 6-foot high fence shall be installed along the property line on the Applicant's property; eight arborvitae or similar vegetative evergreen screening, at least 8 feet tall, spaced evenly along the length of the fence, shall be installed; lighting at the subject property shall be dark sky compliant; and the space above the garage shall not have any plumbing or closets. Mr. Gossels seconded the motion. The vote was 4-1 with Mr. Stevenson, Mr. Gossels, Mr. Riordan, and Mr. Ray in favor, and Mr. Riepe against.

CONTINUATION Public Hearing Case 19-5 – Maillet & Son, Inc., Applicant, and Hazel Hicks, Owner, for a Special Permit under the provisions of Section 2460B of the Zoning Bylaw, to construct a four-bedroom dwelling of approximately 2,402 s.f. after demolition, on a non-conforming lot, exceeding the total floor area of the original structure. Property shown on Town Assessor Map H05-0228 at 30 Summer Street, Residential Zone A-1

Marcel Maillet was present to discuss the application with the Board. He indicated the Applicant was requesting to construct a 4-bedroom dwelling of approximately 2,402 square feet after demolition of the existing dwelling at 30 Summer Street. Mr. Maillet indicated the new house would meet all of the required setbacks for the zoning district and would be very similar in size to the other homes being built in the neighborhood. He also stated he shared information with the neighbors and had not received any feedback.

Mr. Gossels characterized the proposed dwelling as modest in size and consistent with the scale of other homes recently constructed in the neighborhood.

Mr. Riepe pointed out although the lot was non-conforming in size, the setbacks would be conforming with the requirements of the zoning district.

Mr. Stevenson inquired about the height of the dwelling and Mr. Maillet stated it would be approximately 28 feet tall.

Mr. Gossels suggested the Applicant plant 2-3 trees on the front side of the proposed new home.

Mr. Riordan asked if any members of the public wished to speak.

Robert Theon of 34 Summer Street stated some of the new homes on Dutton Road have lighting in their backyards. He asked if the proposed new home would also have outdoor lighting and if the new home would have air conditioning condensing units on its exterior. Mr. Maillet replied there would be one condensing unit likely located in the back of the house and added these units were extremely quiet.

Joan Longo of 33 Winter Street stated she was in favor of the idea of planting a couple of trees on the front side of the property as was discussed by the Board.

The Board found the use was in harmony with the general purpose and intent of the Zoning Bylaw.

The Board also found the use was in an appropriate location, was not detrimental to the neighborhood, and did not significantly alter the character of the zoning district.

The Board found adequate and appropriate facilities would be provided for the proper operation of the proposed use.

The Board found the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisance.

The Board found the proposed use would not cause undue traffic congestion in the immediate area.

Mr. Ray made a motion to approve the Special Permit application for 30 Summer Street, petition 19-5, as presented with standard conditions and with the additional condition of two trees being planted on the front side of the property. Mr. Gossels seconded the motion. The vote was unanimous, 5-0.

Public Hearing - Case 19-6, Christopher Davey, applicant and owner, seeks a Special Permit under the provisions of Sections 2440 and 2620 of the Town of Sudbury Zoning Bylaw, to construct a lean-to/shed on the east side of a non-conforming single-family dwelling at 451 Peakham Road, Assessor's Map H07-0207, Single Residence Zone A-1

Christopher Davey was present to discuss the application with the Board. He stated his lot was non-conforming with regard to size and shared his plans to build an 8 foot by 5 foot shed or lean-to on the side of the existing dwelling. The shed/lean-to would not run the entire length side of the garage, it would only be around 8 feet in length with a door on the east side. The purpose of the shed/lean-to was to turn the garage into a living space, and the shed would be used to store bikes, a snow blower, and other equipment. Mr. Davey indicated he had spoken with his neighbors and they had no objections.

Mr. Riepe stated the Applicant had done a good job with the design and minimizing the impact of the proposed structure.

Mr. Stevenson stated this was one of the nicest houses in the neighborhood and was always well maintained.

Mr. Riordan asked if any members of the public wished to speak and no one in the audience came forth.

The Board found the use was in harmony with the general purpose and intent of the Zoning Bylaw.

The Board found the use was in an appropriate location, was not detrimental to the neighborhood, and did not significantly alter the character of the zoning district.

The Board also found adequate and appropriate facilities would be provided for the proper operation of the proposed use.

The Board found the proposed use would not be detrimental or offensive to the adjoining zoning districts and neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisance.

The Board found the proposed use would not cause undue traffic congestion in the immediate area.

Mr. Stevenson made a motion to approve the Special Permit application for 451 Peakham Road, petition 19-6, as presented with standard conditions. Mr. Ray seconded the motion. The vote was unanimous, 5-0.

CONTINUATION Public Hearing Case 19-3 – Anne Stone, applicant and owner, to request a Use Variance under the provisions of Section 2230 of the Zoning Bylaw, to allow for the construction of a self-storage facility in a Residential A-1 District. Property shown on Town Assessor Map K06-0602 at 554 Boston Post Road, Residential A-1

and

CONTINUATION Public Hearing Case 19-4 – Anne Stone, applicant and owner, to request a Variance under the provisions of Section 2210 of the Zoning Bylaw, to allow for more than one principal structure. Property shown on Town Assessor Map K06-0602 at 554 Boston Post Road, Residential A-1

Attorney Jerry Effren, property owner Anne Stone, Quentin Nowland of Lynch Landscape & Tree Service, Inc., William Dickinson from Dickinson Architects, LLC, Mike Sullivan from Sullivan and Connors, Bob Pulliam from Boardwalk Solutions, and Clifford Hughes, owner of Orchard Hill, were present to discuss the applications with the Board. Mr. Effren provided a summary of the proposed project to the Board. The request was concerning two applications for Variances for the premises located at 554 Boston Post Road. The proposed project contemplates a self-storage facility comprised of approximately 672 climate-controlled units with driveway access to the interior of the structure. Ms. Stone has a Purchase and Sale Agreement in place with Lynch Landscape & Tree Service, Inc., who would construct and operate the storage facility. The front portion of the property is approximately 3.1 acres and currently zoned Single Residence A. It has a commercial use as a doggie day care and a seasonal use as a farm stand. Currently, there are two driveways which service the property, one of which is shared with the property owner to the west (J.P. Bartlett's Wholesale Greenhouse). One of the proposals for the project would change the use of the driveway, providing an easement to the Bartlett's Wholesale Greenhouse property which would allow them to have separate access to their property. The approximately 56-acre parcel located in the back of the subject property is not part of the application. This land has a Chapter 61A permanent Agricultural Restriction imposed on it after the 1984 Town Meeting approved joint acquisition of the restriction with the Commonwealth.

Mr. Effren stated the new application proposed to preserve the Stone Tavern property. The plan is to repurpose the property to be utilized as office space for the storage facility. He noted some of the additions to the tavern structure which are not historic will be removed and the original foot print will be saved. The main barn would be removed by Mr. Hughes and relocated to another location in Sudbury. Mr. Effren indicated the footprint of the proposed storage facility had been reduced significantly from the earlier, withdrawn, proposal in late 2018 and the aesthetics of the building had been modified to a New England barn style structure. Mr. Effren stated his client would be filing a Site Plan Review application with the Planning Board should the Zoning Board of Appeals approve these requests.

Mr. Nowland presented the proposal in additional detail to the Board utilizing aerial images, renderings, and proposed elevations. He remarked the square footage of the proposed structure was reduced by 20%, the project would retain the interior design for loading/unloading, they had removed the height variance as the current height of the proposed building would approximately 34'8", parking had been moved to the rear of the property, two curb cuts had been removed, and the impervious surface was reduced. The storage facility had been redesigned to replicate the Stone Farm Barn itself, retaining the farming look

and feel that had existed on the property for years. Regarding the tavern, Mr. Nowland stated the Applicant was working with Mr. Dickinson of Dickinson Architects, LLC who was also the Chair of the Acton Historical Commission. The idea was to keep the original historic elements of the Stone Tavern and repurpose the 1804 interior space as an office and public transaction space.

Mr. Gossels made a motion to continue the public hearings for the Variance applications for 554 Boston Post Road, petitions 19-4 and 19-5, to the Zoning Board of Appeals meeting on April 29, 2019 at Town Hall, 322 Concord Road at 7:30 PM. Mr. Stevenson seconded the motion. The vote was unanimous, 5-0.

Approval of Meeting Minutes

January 14, 2019 and March 4, 2019

Mr. Ray made a motion to approve the Meeting Minutes for January 14, 2019 and March 4, 2019. Mr. Gossels seconded the motion. The vote was unanimous, 5-0.

Discussion/Vote to Release Approved Executive Session Minutes from:

- November 7, 2016 – Sudbury Station Executive Session Minutes
- April 9, 2018 – 41 Prides Crossing – Dog Training Facility – Executive Session Minutes
- April 30, 2018 – 41 Prides Crossing – Dog Training Facility – Executive Session Minutes
- October 4, 2018 – Sudbury Station – Executive Session Minutes

Mr. Gossels made a motion to release the previously approved minutes for April 9, 2018 and April 30, 2018. Mr. Ray seconded the motion. The vote was a roll call vote as follows:

Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Mr. Stevenson – Aye.

Regarding the November 7, 2016 and October 4, 2018 Sudbury Station Executive Session Minutes, Mr. Riordan noted the Board is not required to release these minutes inasmuch as they fall within the Attorney-Client Privilege disclosure exemption under MGL Chapter 30A, Section 22(f).

Administrative Report

It was noted the terms of the following members of the Board would expire on May 31, 2019: Jeffrey Klofft, John Riordan, Jonathan Gossels, Benjamin Stevenson, and Jonathan Patch (Earth Removal Board). All members indicated or had already indicated they would like to continue serving on the Board for another term.

Mr. Stevenson made a motion to adjourn the meeting. Mr. Riepe seconded the motion. The vote was unanimous, 5-0. The meeting was adjourned at 10:43 PM.