



Town of Sudbury

Zoning Board of Appeals

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MINUTES

SEPTEMBER 14, 2020 AT 7:00 PM

VIRTUAL MEETING

Members Present: Chair John Riordan, Clerk William Ray, Jonathan Gossels, Frank Riepe, Nancy Rubenstein, Associate David Booth, and Associate Jennifer Pincus

Members Absent: None

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

Mr. Riordan opened the meeting at 7:03 PM by noting the presence of a quorum. 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 requirements for Special Permits and Variances as discussed in the Zoning Bylaw.

Public Hearing, Case 20-23 – Matt Ludwig, Applicant, and Blue Hills Fuels, LLC., Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3226, 3240, 3260, 3265, 3265B, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to erect a new signage, including a freestanding sign, at 470 Boston Post Road, Assessor’s Map K08-0064, Business-5 and Water Resource Protection Overlay Zone II Zoning Districts

Applicant Matt Ludwig was in attendance to discuss the application with the Zoning Board of Appeals. He indicated Gulf had updated their logo and the new sign would reflect this new branding as well as the gas prices. Mr. Ludwig stated the sign on top of the building would be removed, as well as the temporary A-frame style sign which currently displayed the price of gas.

There was some discussion as to what signage was currently at the subject property in comparison to other gas stations in the area. The proposed size of the freestanding sign was also discussed.

As this time, Mr. Gossels arrived at the meeting.

The canopies and fuel pumps would be enhanced with new paint and decals to reflect the new Gulf logo.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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 proposed use would not be detrimental or offensive to the adjoining zoning districts or 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.

Ms. Rubenstein made a motion to approve the Special Permit application for 470 Boston Post Road as submitted with the following conditions:

- The freestanding sign shall have a total height of 4 feet 4 inches and shall have a distance of 16 inches from the ground to the bottom of the sign.
- The freestanding sign shall be setback 15 feet from the front property line and 5 feet from any side property line.
- Lighting for the freestanding sign shall have a correlated color temperature of 3000K or less (ANSI C. 78.377).
- Lighting for the freestanding sign shall not be flashing, moving, or rapidly changing.
- The round "Gulf" logo and the words "Regular Unleaded" on the freestanding sign are permitted to be illuminated.
- The words "All Taxes Included" on the freestanding sign shall not be illuminated.
- Vegetative plantings shall be installed around the base of the freestanding sign.
- The existing two-sided freestanding sign at the front of the property shall be removed.
- One (1) year after the freestanding sign has been erected, the Building Inspector shall inspect the sign's illumination. If there are any concerns about the sign's illumination, the Applicant/Owner shall work with the Building Inspector to resolve the issues.

Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Booth – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 20-24 – Sudbury Historical Society, Applicant, and the Town of Sudbury, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3280, 3290, and 6200 of the Town of Sudbury Zoning Bylaw to erect new freestanding signage at 288 Old Sudbury Road, Assessor's Map H09-0062, Single Residence A-1 and Water Resource Protection Overlay Zone III Zoning Districts, and the Old Sudbury Historic District

Mr. Ray made a motion to continue the public hearing for the 288 Old Sudbury Road Special Permit application to the Zoning Board of Appeals meeting on October 5, 2020 at 7:00 PM. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray. – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Public Hearing, Case 20-25 – Kamal Hadidi, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2313 and 6200 of the Town of Sudbury Zoning Bylaw to raise up to twelve (12) hens at 101 River Road, Assessor's Map K11-0201, Single Residence A-1 and Single Residence C-2 Zoning Districts

Mr. Riordan recused himself from the discussion and vote on the application, and asked Mr. Ray to be the Acting Chair for this agenda item and for Mr. Booth to sit in his place.

Kamal Hadidi, Applicant and owner, was in attendance to discuss the application with the Zoning Board

of appeals. He explained where the coop would be located on the property.

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

The use is in an appropriate location, is not detrimental to the neighborhood, and does 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 proposed use would not be detrimental or offensive to the adjoining zoning districts or 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. Riepe made a motion to approve the Special Permit application for 101 River Road to raise up to eight (8) chickens for one (1) year. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Ray – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

The Coolidge at Sudbury – Phase 2 Comprehensive Permit, 187 Boston Post Road – Compliance with Permit Conditions under XIV. Occupancy

Jesse Kanson-Benanav of B'nai B'rith Housing was in attendance to discuss compliance with the Comprehensive Permit conditions for the Coolidge at Sudbury Phase II project. He indicated the project was nearing completion and they were now seeking to fulfill some final conditions in order to allow their Certificates of Occupancies to be issued. In particular, Mr. Kanson-Benanav noted Condition XIV.3 of the Comprehensive Permit stated a Performance Bond needed to be submitted and accepted by the Zoning Board of Appeals. Additionally, Mr. Kanson-Benanav stated Condition XIV.4 required the Zoning Board of Appeals to approve the proposed rental prices for the affordable dwelling units and the Fair Housing Marketing Plan. It was noted both of these items in Condition XIV.4 were heavily regulated by the Department of Housing and Community Development.

The Zoning Board of Appeals designated Mr. Riordan and Mr. Gossels as their representatives to conduct a site visit to the subject property to confirm the plantings were in compliance with the project's Landscape Plan prior to final approval of the Performance Bond for the landscaping. The Board members also desired to make their approval of the Performance Bond subject to the review and approval of the bond by Town Counsel.

Mr. Riordan made a motion to approve the Performance Bond as listed in Condition XIV.3 of the Comprehensive Permit for the Coolidge at Sudbury Phase II with the caveat that the Zoning Board of Appeals designate Mr. Riordan and Mr. Gossels as their representatives to determine compliance with the Landscape Plan under Condition VIII.1 subject to the review and approval of the Performance Bond by Town Counsel. The motion also confirmed and approved the rental prices of the affordable dwelling units and the Fair Housing Marketing Plan under Condition XIV.4 of the Comprehensive Permit. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray. – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Discussion Regarding Proposed Zoning Bylaw Amendment Regarding Storage Trailers/Containers

The discussion of this item was postponed until the next Zoning Board of Appeals meeting on October 1, 2020.

Approve Meeting Minutes for July 13, 2020 and August 3, 2020

Mr. Ray and Ms. Rubenstein recused themselves from the vote on the July 13, 2020 minutes because they had not been in attendance at the meeting.

Mr. Gossels made a motion to approve the minutes from July 13, 2020. Mr. Booth seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Booth – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Riepe – Aye.

Ms. Rubenstein made a motion to approve the minutes from August 3, 2020. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray. – Aye, Mr. Gossels – Aye, Mr. Riepe – 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. Ray seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray. – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye. The meeting was adjourned at 9:50 PM.