



Town of Sudbury

Zoning Board of Appeals

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MINUTES

NOVEMBER 9, 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 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.

Continued Public Hearing, Case 20-27 – Vali Grigoras, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2440, 2445, and 6200 of the Town of Sudbury Zoning Bylaw to construct a two-car garage addition to a single-family dwelling at 35 Lynne Road, Assessor’s Map M10-0503, Single Residence A-1 Zoning District

Applicant and owner Vali Grigoras was in attendance to discuss the application with the Zoning Board of Appeals. He explained his updated plans per the comments and suggestions made at the last Zoning Board of Appeals meeting.

Mr. Riepe and Mr. Booth indicated they were both pleased with the modifications which had been made at the direction of the Zoning Board of Appeals, and they felt the proposal was much improved.

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. Gossels made a motion to approve the Special Permit application for 35 Lynne Road with the plans date stamped November 2, 2020. Mr. Ray seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Mrs. Rubenstein - Aye.

Public Hearing, Case 20-28 – Paul Noonan, 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 two dwelling units and construct one, new, approximately 1,600 square foot, single-family dwelling on the non-conforming lot at 200 Horse Pond Road, Assessor’s Map J07-0001, Single Residence A-1 and Water Resource Protection Overlay Zone III Zoning Districts

Applicant and owner Paul Noonan, and contractor Mike Palmer were in attendance to discuss the application with the Zoning Board of Appeals. Mr. Noonan noted the current property was a nonconforming lot with two dwelling units. The proposal called for those units to be replaced with a single dwelling unit structure to be used to store a camper and vehicles.

Ms. Rubenstein asked about the septic system and how many bedrooms it would be accommodating.

Mr. Gossels asked if there were plans to build out the third floor of the proposed structure. Mr. Noonan indicated that would not be the case. Mr. Palmer explained the proposed plans to confirm the situation.

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. Ray made a motion to approve the Special Permit application for 200 Horse Pond Road as submitted. Mr. Gossels 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 20-29 – Lilla Martel of Pulse Laser Electrolysis & Skin Care, Applicant, and 418 Boston Post Road LLC, Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3261.b., 3290, and 6200 of the Town of Sudbury Zoning Bylaw to replace/modify existing facade signage at 418 Boston Post Road, Assessor’s Map K08-0079-0-B, Business-5 and Water Resource Protection Overlay Zone II Zoning Districts

Applicant Lilla Martell and Jeff Newman from Signarama were in attendance to discuss the application with the Zoning Board of Appeals. Mr. Newman described the plans for the proposed new sign. He indicated the proposal would remove the existing letters, refurbish the panel, and apply new lettering.

It was noted the Design Review Board had made some suggestions regarding changes to the font and those modifications were reflected in the sign currently being proposed.

The Zoning Board of Appeals discussed its belief that Applicants generally should not be required to return to the Board for changes to sign faces so long as the sign remained the same with respect to size, lighting, material, etc., and the changes would only be regarding lettering, font, coloring, and symbols/logos.

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. Gossels made a motion to approve the Special Permit application for 418 Boston Post Road with the following additional conditions:

- The Special Permit is limited to the Applicant and is non-transferable.
- The Applicant is not required to return to the Zoning Board of Appeals for changes to the sign face area such as lettering, font, coloring, and symbols/logos, so long as the size of the sign remains the same.
- Lighting for the signage shall be compliant with the Zoning Bylaw.

Mr. Riepe 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 20-30 – Joy Aldrich, Applicant and Owner, seeks the renewal of Special Permit 19-27 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 six (6) hens at 700 Boston Post Road, Assessor’s Map K05-0018, Single Residence A-1 and Water Resource Protection Overlay Zone II and III Zoning Districts

Applicant and owner Joy Aldrich was in attendance to seek the renewal of Special Permit 19-27 with the Zoning Board of Appeals. Ms. Aldrich stated she had not had any issues over the past year and would be interested in increasing the number of hens she could keep on the property up to eight (8).

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. Ray made a motion to approve the renewal of the Special Permit application for 700 Boston Post Road to raise up to (8) eight chickens for (5) five years. Mr. Riepe 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 20-31 – Quarry North Road LLC, Applicant, and the Sudbury Water District, the Town of Sudbury, and Quarry North Road LLC, Owners, seek a Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 4700A, 4780A, 4781A, and 6130 of the Town of Sudbury Zoning Bylaw from minimum frontage, lot area, and setback requirements at 16 and 36 North Road (Assessor’s Maps C12-0003, C12-0004, and C12-0100), Research-1, North Road Residential Overlay District, Melone Smart Growth Overlay District, and Water Resource Protection Overlay District Zone II Zoning Districts

Applicant Chris Kennedy and attorney Bill Henchy were in attendance to discuss the application with the Zoning Board of Appeals. Mr. Henchy explained the Variances requested were regarding the minimum lot size for Lot 1A, the minimum lot size and frontage for Lot 1B, and the rear yard setback requirement to the wireless communications tower on Lot 3. He requested two separate votes be taken and decisions issued by the Zoning Board of Appeals. One regarding the Variance relief necessary for Lots 1A and 1B, and the other regarding Lot 3.

Mr. Henchy explained the need for a Variance as it related to the wastewater treatment plant for the proposed Cold Brook Crossing residential project. He indicated there were a few existing structures on the abutting Sudbury Water District property and one of those structures was an existing wireless communications tower. Mr. Henchy indicated the new property boundary for the piece of land that would be carved off and retained by the Sudbury Water District would create a new setback conformity with regard to the wireless communications tower if a Variance could not be obtained.

Additionally, Mr. Henchy stated the location of the lot line between the proposed Cold Brook Crossing residential development and the Sudbury Water District’s land was driven by the location of the Zone I to the Sudbury Water District Number 5 well. That Zone I boundary is located in a circle around the Number 5 well that is 400 feet in diameter. Within that boundary, the Water District must maintain legal control and ownership of the land. Mr. Henchy noted this legal requirement in turn determined the location of the proposed property line. Additionally, the proposed residential development would also be located directly adjacent to the municipal boundary between Sudbury and Concord. This municipal boundary, along with the topography, soils, groundwater table, and direction of groundwater flow essentially determined that the location of the proposed wastewater treatment facility, and its leaching facility, was required by site topography and shape limitations of the parcel(s). No other location for the wastewater treatment facility would work.

The Board found there were special conditions relating to the soil conditions, shape, or topography of the

land or structures thereon, and especially affecting the land or structures, but not affecting generally the zoning district in which the land was located.

The Board found there would be a substantial hardship to the owner, financial or otherwise, if the provisions of the Zoning Bylaw were to be literally enforced.

The Board found there would not be substantial detriment to the public good if the Variance was granted.

The Board found the granting of the Variance would not nullify or substantially derogate from the intent of purpose of the Zoning Bylaw.

Mr. Gossels made a motion to approve the Variance application from the minimum lot size for Lot 1A, and from the minimum lot size and frontage for Lot 1B, as outlined in the 16 & 36 North Road Variance application materials. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Mr. Gossels made a motion to approve the Variance application from the rear yard setback requirement to the wireless communications tower on Lot 3, as outlined in the 16 & 36 North Road Variance application materials. Mr. Ray 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

Mr. Riepe indicated he and Mr. Duchesneau had worked together to produce the latest draft of the proposed Zoning Bylaw amendments regarding storage trailers/containers. There was some discussion about the draft proposed amendments.

Due to the Zoning Board of Appeals having a limited number of meetings before the end of the year and the schedule necessary in order to move these proposed Zoning Bylaw amendments forward to the May 2021 Annual Town Meeting, Mr. Riordan asked the members to get back to Mr. Duchesneau with their final comments in the next 48 hours. Mr. Duchesneau indicated he would then compile these comments, formulate a final version of the comments on the proposed Zoning Bylaw amendments, and send those on to the Planning Board for their review and consideration as possible items for the May 2021 Annual Town Meeting.

Approve Meeting Minutes for September 14, 2020 and October 5, 2020

Mr. Riordan made a motion to approve the minutes from September 14, 2020. Mr. Ray seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Mr. Riordan made a motion to approve the minutes from October 5, 2020. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

2021 Meeting Schedule

Mr. Gossels made a motion to approve the 2021 Meeting Schedule with the following changes: Meetings will start at 7:00 PM and a notation be added to reflect virtual meetings. Mr. Ray seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Ray – Aye, Mr. Gossels – Aye, Mr. Riepe – Aye, and Ms. Rubenstein – Aye.

Administrative Report

Mr. Duchesneau indicated virtual meetings would likely continue to be held at least into January 2021.

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 10:09 PM.