



Town of Sudbury

Zoning Board of Appeals

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MINUTES

FEBRUARY 1, 2021 AT 7:00 PM

VIRTUAL MEETING

Zoning Board of Appeals Members Present: Chair John Riordan, Clerk Frank Riepe, Jonathan Gossels, Nancy Rubenstein, and Associate Jennifer Pincus

Zoning Board of Appeals Members Absent: Associate David Booth

Others Present: Director of Planning and Community Development Adam Duchesneau, Building Inspector Andrew Lewis, and Planning and Zoning Coordinator Beth Perry

Mr. Riordan opened the meeting at 7:02 PM by noting the presence of a quorum. Mr. Riordan asked Mr. Riepe 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 21-02 – Paula L. Wright, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2340 and 6200 of the Town of Sudbury Zoning Bylaw to operate a home business at 281 Willis Road, Assessor’s Map D07-0007, Single Residence A-1 Zoning District

Applicant and owner Paula Wright was in attendance to discuss the application with the Zoning Board of Appeals. Ms. Wright indicated she was the owner of a McDonald’s franchise and had been using an accessory building on her property as an office for the business operations. She noted she had lived in the home for the past 41 years and thought she had a Special Permit to conduct these operations on the premises. Ms. Wright stated there were vendor trucks on the property on occasion and she was aware she could only have one (1) employee working with her on the property.

Mr. Riordan noted the permit that was obtained around 1996 was for a Building Permit to make alterations to the accessory building, but it was not a Special Permit to allow the business to be in operation.

Mr. Riordan reviewed the Home Business Zoning Bylaw.

Ms. Wright explained how this item was brought before the Zoning Board Appeals and referenced a new neighbor who had questioned some materials that were behind her dwelling along the property line. She indicated those materials had since been removed to an off-site location. Ms. Wright also explained the reasoning as to why one of her business vans had been left in the driveway for an extended period of time by a prior employee. She noted her daughter, who often visits, drives a pickup truck that could be confused as a work truck.

Mr. Lewis stated his office had first received a complaint in October regarding work trucks in the yard. He indicated he investigated the matter and discovered there was not a Special Permit for a home business at the property. Ms. Wright was then instructed by Mr. Lewis to apply for a Special Permit from the Zoning Board of Appeals.

Mr. Riordan inquired about the amount of traffic going to and from the property during the week. Ms. Wright responded that even with FedEx and Amazon deliveries occurring with greater frequency due to the pandemic, there were approximately one to two deliveries each day. Mr. Riordan asked about some trees that were noted in the application, as one of the neighbors had mentioned they appeared as though they were dying and some had been removed.

Ms. Wright asked if it would be acceptable if the trucks that worked for her business could be on the property when they were servicing things for her personal property (ie. landscapers, plumbers, etc.).

Mr. Riepe asked if the business was registered with the Town Clerks office and Ms. Wright did not know.

Ms. Pincus inquired about a complaint she had read in the submitted public comments that Ms. Wright was living elsewhere more than the residence which was the subject of the Special Permit application. Ms. Wright indicated she had a time share in Florida and was there approximately three weeks per year.

Brendan Coyle of 279 Willis Road stated the equipment being stored at the property had been removed as soon as he contacted the Building Department to complain. He noted vehicles and trucks were being parked on crushed stone (as opposed to the asphalt driveway) at the property and he had also called the Town Clerk's Office who indicated there was no Doing Business As (DBA) for the business operating at the property.

Aiden Parte of 261 Willis Road agreed with Mr. Coyle's comments and indicated he felt it seemed there was a commercial business being run at this location.

There was then a discussion regarding which particular franchise company name was being used at the residence.

Fiona Kennedy of 15 Belcher Drive indicated she lived directly behind the accessory building, was concerned about the office hours of the operation, and was curious to know if anyone would be working in the building on the weekends. She added there was no visual nuisance associated with the home business. Ms. Wright responded by stating the office hours were primarily 8:30 AM to 4:00 PM during the day, but she herself might be there later from time to time.

Henry Fischer of 284 Willis Road expressed his concern about the amount of traffic coming and going from the accessory building in the future where the home business would be operating.

Mr. Gossels made a motion to approve the Special Permit application for a home business at 281 Willis Road as presented with the following conditions:

- This Special Permit is non-transferable and will expire in one (1) year on February 1, 2022.
- Per Condition 2342 of the Zoning Bylaw, in addition to the home business being conducted by the person(s) occupying the dwelling as a primary residence, there shall not be more than one (1) additional employee.
- The hours of operation for the one (1) employee on the premises shall be 8:00 AM to 5:00 PM, Monday through Friday. There shall be no operations by the one (1) employee on Saturdays or Sundays.

- The home business shall be compliant with the limitation of having no more than one (1) employee operating on the premises by April 2, 2021.
- Contiguous evergreen vegetative screening, at least six (6) feet in height, shall be planted along the property line of 279 Willis Road from the now gravel area where a shed was formerly located, all the way to the rear property line of 281 Willis Road.
- All vehicles at the subject property shall park on areas paved with asphalt.

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

Interviews with Candidates for Full and Associate Member Positions on the Zoning Board of Appeals

Ms. Pincus noted she had submitted her application for the Full Member position.

Jeff Rose of 394 Concord Road voiced his interest in serving an Associate Member on the Zoning Board of Appeals.

Mr. Riordan asked for a recommendation to be made to the Select Board for Jennifer Pincus to become a Full Member and Mr. Rose to become an Associate Member of the Zoning Board of Appeals.

Mr. Gossels made a motion to recommend to the Select Board that Jennifer Pincus be appointed to a Full Member position and Jeff Rose be appointed to an Associate Member position on the Zoning Board of Appeals. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Approve Meeting Minutes from January 4, 2021

Ms. Rubenstein made a motion to approve the minutes from January 4, 2021. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

Executive Session: Vote to enter Executive Session pursuant to Exemption 3 (M.G.L. Chapter 30A, §21(a)(3)) – To discuss strategy with respect to litigation regarding the Decisions of the Zoning Board of Appeals Denying Janet L. Pitzi, et al’s Administrative Appeal re: 113 Haynes Road and Approving Quarry North Road LLC’s Application for Variances re: Cold Brook Crossing Site, North Road, and then vote to end Executive Session and not return to Open Session

At 9:40 PM, Mr. Riordan made a motion to enter Executive Session pursuant to Exemption 3 (M.G.L. Chapter 30A, §21(a)(3)) to discuss strategy with respect to litigation regarding the decisions of the Zoning Board of Appeals denying Janet L. Pitzi, et al’s Administrative Appeal regarding 113 Haynes Road and approving Quarry North Road LLC’s application for Variances regarding the Cold Brook Crossing Site, North Road, and then to vote to end Executive Session and not return to Open Session. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

At this time the Zoning Board of Appeals entered Executive Session and did not return to Open Session.