



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

**JULY 12, 2021 AT 7:00 PM**

### VIRTUAL MEETING

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

**Zoning Board of Appeals 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 7:06 PM by noting the presence of a quorum. He then asked Mr. Rose to sit as a full member until Ms. Pincus arrived at the meeting. 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.

**CONTINUED Public Hearing, Case 21-18 – 631 Medical Office LLC, Applicant and Owner, seeks a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2230, Appendix A, Part C, Use 18, and 6200 of the Town of Sudbury Zoning Bylaw to operate a medical center or clinic at 631 Boston Post Road, Assessor's Map K06-0502, Single Residence C-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Attorney Joshua Fox, owner Jake Parsons, and engineer Vito Colonna were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Fox shared what the plan was for the green space, as this was a concern at the previous meeting. Photos of the current trees were also displayed to illustrate there would not be a significant amount of vegetation loss as they are sparse, tall, and wiry.

Mr. Fox noted there had been discussions with the only neighbor and he was in favor of the proposed changes to the project.

At this time, Ms. Pincus joined the meeting.

Mr. Parsons spoke regarding the reasoning for selecting this location and the proposed sizing of the building.

There was then discussion about the trail to the south and how the project team was going to work to relocate the path further to the south into a more wooded area.

After some discussion regarding the retaining wall on the east side of the property and the slope at the rear of the parking area, Mr. Gossels made a motion to continue the public hearing for the Special Permit application for 631 Boston Post Road to the Zoning Board of Appeals meeting on August 2, 2021. Ms. Rubenstein seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Mr. Rose – Aye, and Ms. Rubenstein – Aye.

**CONTINUED Public Hearing, Case 21-19 – Jean Nam and David Haas, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to create an Accessory Dwelling Unit at 81 Newbridge Road, Assessor’s Map G11-0109, Single Residence C-2 Zoning District**

Applicant and owner Jean Nam and architect Tim Hess were in attendance to discuss the application with the Zoning Board of Appeals.

Mr. Hess described the revised plans and the changes which had been made since the original submission.

There was discussion regarding the square footage of the Accessory Dwelling Unit.

There were comments that the Accessory Dwelling Unit appeared to be the same size as the principal dwelling unit.

There was discussion regarding the proposed dimensions and size of the Accessory Dwelling Unit. Mr. Hess began taking measurements to confirm the size of the Accessory dwelling Unit and Mr. Riordan suggested the Zoning Board of Appeals continue the discussion of this matter at a later point in the meeting that night.

**Public Hearing, Case 21-20 – Alex and Samantha Polivy, Applicants and Owners, seek 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 chickens at 34 Brimstone Lane, Assessor’s Map L04-0402, Single Residence C-1 and Water Resource Protection Overlay District Zone III Zoning Districts**

Applicant and owner Alex Polivy was in attendance to discuss the application with the Zoning Board of Appeals. He indicated his children had helped care for chickens at school and the family decided it would be a good idea to raise them at home.

Mr. Gossels made a motion to approve the Special Permit application for 34 Brimstone Lane as submitted for a maximum of six (6) chickens with one (1) year permit. Mr. Riepe seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

**Public Hearing, Case 21-21 – Robert and Patricia Crowley, Applicants and Owners, seek the renewal of Special Permit 11-3 under the provisions of MGL Chapter 40A, Section 9, and Sections 2632 and 6200 of the Town of Sudbury Zoning Bylaw to renew the permit for a 51 foot tall amateur radio antenna structure at 64 Puritan Lane, Assessor’s Map J10-0416, Single Residence C-2 Zoning District**

Applicant and owner Robert Crowley was in attendance to discuss the application with the Zoning Board of Appeals. He indicated there have not been any changes to the radio antenna structure since the last time he was before the Zoning Board of Appeals.

Ms. Rubenstein made a motion to approve the Special Permit renewal application for 64 Puritan Lane as presented, with a ten (10) year extension to July 12, 2031. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

**Public Hearing, Case 21-22 – Global Tower Assets III, LLC, Applicant, and Sudbury Research Center, LLC, Owner, seek the renewal of Special Permit 18-18 under the provisions of MGL Chapter 40A, Section 9, and Sections 4350 and 6200 of the Town of Sudbury Zoning Bylaw to continue to operate and maintain an existing 120 foot flagpole style monopole wireless communications facility at 142 North Road, Assessor’s Map C11-0300, Research-1 and Water Resource Protection Overlay District Zones II and III Zoning Districts**

Attorney Scott MacNeil for Global Tower Assets was in attendance to discuss the application with the Zoning Board of Appeals. He indicated nothing regarding the existing communications tower had changed or was being proposed to be changed. Mr. MacNeil stated the application was simply a renewal of the existing permit.

Mr. Gossels raised questions and concerns about the required documentation showing the tower had been inspected per the last approval (Case 18-18). Mr. MacNeil stated he did not have this inspection information but would work to obtain it for the next meeting.

Mr. Riordan made a motion to continue the public hearing for the Special Permit application for 142 North Road to the Zoning Board of Appeals meeting on August 2, 2021. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

**CONTINUED Public Hearing, Case 21-19 – Jean Nam and David Haas, Applicants and Owners, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 5500 and 6200 of the Town of Sudbury Zoning Bylaw to create an Accessory Dwelling Unit at 81 Newbridge Road, Assessor’s Map G11-0109, Single Residence C-2 Zoning District**

The Zoning Board of Appeals resumed the discussion of Case 21-19 at this time.

Mr. Hess confirmed the proposed size of the Accessory Dwelling Unit and that it would meet the maximum allowed size as specified in the Zoning Bylaw.

There was discussion regarding the proposed height of the Accessory Dwelling Unit and the members of the Zoning Board of Appeals were in favor of adding a condition to limit its maximum height.

Mr. Riepe made a motion to approve the Special Permit application for 81 Newbridge Road as submitted with the following additional condition:

- The roof line height of the Accessory Dwelling Unit shall be no higher than the roof line of the existing structure.

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

**Public Hearing, Case 21-23 – Mustang Development Advisors, Inc., 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 an approximately 1,210 square foot single-family dwelling and construct an approximately 4,200 square foot single-family dwelling at 34 Greenwood Road, Assessor’s Map C07-0107, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts**

Applicants and owners Alex Hathaway and Michael Jarvis were in attendance to discuss the application with the Zoning Board of Appeals.

The members of the Zoning Board of Appeals were not in favor the proposed design for the new building. They provided several comments as to changes they would like to see made including, but not limited to, the symmetry of the front porch as it related to the front of the house, the roof pitch, and how the proposed design seemed to pull in so many different architectural styles into one building. The members of the Zoning Board of Appeals recommended the Applicants revise their proposed building and come back with an alternative design at a future meeting.

Mr. Riepe made a motion to continue the public hearing for the Special Permit application for 34 Greenwood Road to the Zoning Board of Appeals meeting on August 2, 2021. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

**Amendments to Special Permit Application Form**

There was no discussion regarding this topic at the meeting and the members of the Zoning Board of Appeals agreed to discuss it at a future meeting.

**Approve Meeting Minutes from May 10, 2021 and June 7, 2021**

Mr. Riordan made a motion to approve the minutes of May 10, 2021 and June 7, 2021. Mr. Gossels seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

**Administrative Report**

Mr. Duchesneau indicated all Town buildings were now fully open to the public and all offices were back on their regular office hours.

Mr. Riepe made a motion to adjourn the meeting. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye. The meeting was adjourned at 11:28 PM.