



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

September 11, 2023 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 Jeffrey Rose

**Zoning Board of Appeals Members Absent:** Associate Michael Hershberg and Associate Bill Ray

**Others Present:** Planning and Zoning Coordinator Beth Perry

Mr. Riordan asked Jeff Rose to sit in as a full member.

Mr. Riordan opened the meeting at 7:03 PM by noting the presence of a quorum. Mr. Riepe then 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.

#### Old Business:

**Public Hearing, Case 22-37 – Richard Albee, Applicant and Owner, seeks a Variance under the provisions of MGL Chapter 40A, Section 10, and Sections 2620, Appendix B, Table of Dimensional Requirements, and 6130 of the Town of Sudbury Zoning Bylaw from the minimum front yard setback requirement to expand a garage at 5 Hunt Road, Assessor’s Map E09-0129, Single Residence A-1 Zoning District.**

Mr. Riordan stated the applicant had submitted a written request to withdraw their application without prejudice.

Mr. Riepe made a motion to accept the Applicant’s request to withdraw the Variance application for 5 Hunt Road without prejudice. Mr. Rose seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye

**Public Hearing, Case 23-25 – Natalia Rumberg, 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 chickens at 15 Partridge Lane, Assessor’s Map H03-0623, Residential-A Zoning District and Water Resource Protection Overlay District Zone II Zoning Districts.**

Ms. Rumberg was present to discuss her application with the Zoning Board of Appeals. She stated that she had gone to the Board of Health to discuss getting a variance for the placement for her chicken coop.

Mr. Riepe made a motion to approve the Special Permit application for 15 Partridge Lane as submitted for six (6) chickens for one (1) year. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Mr. Rose – Aye.

Nancy Rubenstein joined the meeting at this time

**New Business:**

Public Hearing, Case 23-33 – Marie Mercier, Sign Design Inc. applicant and Herb Chambers owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 3290 and 6200 of the Town of Sudbury Zoning Bylaw to replace and add signage at **68 Old County Road**, Assessor's Map K11-0004, Industrial-1 Zoning Districts.

Marie Mercier, Signe Design Inc., was present to discuss the application with the Zoning Board of Appeals.

There was a discussion regarding what signs would be changed.

BMW<sub>i</sub> and BMW<sub>m</sub> would be added to indicated electric and luxury vehicles. There was a discussion on if that was necessary.

It was decided that documents for from the prior signs were necessary to determine previous authorized sizes.

Mr. Gossels made a motion to continue the public hearing for the Special Permit application for 68 Old County Road to the Zoning Board of Appeals meeting on October 2, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

Jeff Rose left the Meeting at this time.

Public Hearing, Case 23-34 – Michael J. Bolduc, Applicant and Owner, seek a Special Permit under the provisions of MGL Chapter 40A, Section 9, and Sections 2444, 2445 and 6200 of the Town of Sudbury Zoning Bylaw to build an addition at **32 Hollow Oak Drive**, Assessor's Map G06-0211, Single Residence A-1 and Water Resource Protection Overlay District Zone II Zoning Districts.

Mike Bolduc, Applicant and Owner was present to discuss his application with the Zoning Board of Appeals.

He would like convert a deck into a room. Mr. Riordan commented that it is arguable that the petitioner may need a variance rather than a special permit as a result of the additional encroachment on the side setback.

There was discussion on where the setback line would be as well as the septic set back.

It was requested that a Site plan be submitted.

Ms. Rubenstein made a motion to continue the public hearing for the Special Permit application for 32 Hollow Oak Drive to the Zoning Board of Appeals meeting on October 2, 2023. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels, - Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye

**Untimed Items:**

**Discussion and possible Vote of release of Performance Bond, Comprehensive Permit Case #16-5, 526 & 528 Boston Post Road.**

After a discussion regarding the Town Engineer's inspection report Mr. Riordan made a motion to approve the release of the Performance Bond for 526 & 528 Boston Post Road. Ms. Pincus seconded the motion. Roll Call Vote: Mr. Riordan – Aye, Mr. Riepe – Aye, Mr. Gossels – Aye, Ms. Pincus – Aye, and Ms. Rubenstein – Aye.

**Approve Zoning Board of Appeals Meeting Minutes from August 7, 2023**

Ms. Pincus made a motion to approve the minutes from August 7, 2023 as amended. 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. Gossels made a motion to adjourn the meeting. Mr. Riordan 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 9:14 PM.