

MINUTES
SUDBURY BOARD OF APPEALS
THURSDAY, FEBRUARY 28, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps
Lauren S. O'Brien
Jonathan G. Gossels, Alternate

The meeting was convened by the Chairman for the purpose of deliberation and vote on Case 02-5, Camp Sewataro. Following the previous hearing on February 12, 2002, there was some question as to how this permit should be handled given the fact that the Bylaw had been recodified since the last renewal.

Following a discussion of process, the wording of the advertisement, and a review of Town Counsel's letter dated February 22, 2002, it was agreed that this permit may be issued under Section 2140 as advertised.

The following motion was then placed and seconded:

MOTION: "To grant Camp Sewataro, Inc., applicant, and Liberty Ledge Real Estate Trust, owner of property, a Special Permit under the provisions of Section 2140 of the Zoning Bylaws, to conduct a summer day camp as follows:

1. The number of campers for nursery, kindergarten and first graders shall not exceed 150.
2. The number of campers for all other campers to age 14 shall not exceed 450.
3. This permit will expire in three (3) years on February 28, 2005, and the Board will consider renewal upon receipt of proper application on or before that date."

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: This camp has been in existence for 42 years and has operated with no detriment to the neighborhood. The Board finds that the petitioners have consistently met the requirements for the granting of a special permit and considers this camp to be an asset to the community. Proper facilities are in place for this operation which continues to exist harmoniously with the surrounding neighborhood. No complaints have been received with regard to this operation and no abutters were present to oppose the granting of this special permit.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

Thomas W.H. Phelps

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MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
THURSDAY, FEBRUARY 28, 2002

The Board consisted of:

Mark A. Kablack, Chairman
Patrick J. Delaney III, Clerk
Thomas W.H. Phelps
Lauren S. O'Brien
Melinda M. Berman, Alternate

Mr. Kablack reconvened the public hearing and noted that the following has been received:

- Letter dated February 11, 2002 from the Town Planner which provides criteria of the Mass. Housing Partnership Grant Program. The Town Planner also solicited and attached resumes and costs from three individuals should the Board decide to engage a consultant to review the economics of the project

- Letter dated February 19, 2002 from the Planning Board with a review of this application including comments on how it meets the terms of the recently adopted Master Plan

- Latest revised plans submitted this evening from Michael Couto and Michael Sullivan

- FAXed list of waivers submitted by Attorney Wallace this date

Mr. Kablack reminded the applicants of the Board's policy that any materials to be reviewed at the hearing should be submitted six days prior in order that the Board may have the opportunity to review them and also to make distribution to other Town Boards/Departments.

Mr. Delaney asked if the FAXed list was up to date. Attorney Wallace said it was as far as he knew. If there were to be any future changes, Mr. Delaney requested they be submitted at they be submitted to be heard at the beginning of each session.

Mr. Sullivan oriented the Board to his most recent plans noting that he color coded the revisions that were different from what was discussed previously and which included comments made by the Town Engineer as well as the ZBA at the last hearing. These included:

- sight distance which is 850 feet to the west and 1,050 feet to the east
- electric line running around to the rear of the property

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- reallocation of 2 sections of units – from 5 and 3 to 4 and 4
- setbacks taken from the closest building to each of the property lines
- soil evaluation sheets which indicate an excess of 1,300 cubic yards which will be taken off site
- drainage system which addresses Town Engineer's concern that there will not be a conflict with the existing drainage on Boston Post Road
- two profiles were prepared, one dealing specifically with the entrance road, the other from one side of the site to the other. There are no major impacts in terms of grade issues for the driveway or entrance driveway

Mr. Phelps asked why the unit configuration was changed. Mr. Sullivan replied that 5 units would require sprinklers.

Mr. Couto began his presentation with the site plan which he said is the original plan with a few minor changes. The original rail fence has been changed to a vinyl, 3-foot picket fence which provides more of a residential flair.

The planting plan was described, as to how it relates to the properties to the east, west and south, including the landscaping for the balance of the property and each specific unit. Mr.

Couto said each unit will have a brick walk and fieldstone steps. The rear will have stone steps which go down to a bluestone terrace.

Utilities come around to the rear of the property each utility area is fenced in with a 3-foot picket fence to shield the air conditioning units, electric meters, etc., and to provide some soundproofing to the terrace areas.

Mr. Kablack asked whether a walkway along Route 20 was shown as had been discussed during the previous hearing.

Mr. Couto's recollection was that it was never discussed any further than the suggestion of one. He said there was discussion about a painted crosswalk; therefore, he did not proceed any further. He said there might be room for a walkway along the frontage of this property but it may not be conducive to the east where the fence and road is. Nothing might be gained unless there is a connection to Uplook Drive. He thought the discussion was along the lines of having some sort of painted crosswalk.

Mr. Kablack said he would like to see some ability to walk along Route 20 without having to be in the shoulder.

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Further discussion centered on the walkway and Mr. Couto agreed to look further into this.

Ms. Berman asked why the proposed sign was so large. Mr. Couto replied that it will be set back about 20 feet from Route 20 and the larger size will provide a better line of sight and be more readable and safer while driving down Route 20. Mr. Phelps would say that the applicant believes the sign is needed for marketability, but given the fact that the next street, Uplook Drive, has just a street sign, he (Phelps) would not agree with the safety issue.

Mr. Kablack commented that the lighting plan is designed to fit in with the development. He said there is a competing interest in terms of safety and intrusiveness in the amount of lighting. He asked whether the lighting plan met the Police Safety Officer's comment that the entrance be well lit.

Mr. Couto said the Safety Officer has not seen this plan. He added that all of the unit lights are controlled by each individual unit. The lights along the roadway and at the entrance and emergency egresses and common lights will be on timers independent of the individual units. The location of these lights was pointed out.

Mr. Kablack asked whether Mr. Couto had discussed lighting with the DRB. He had not. Mr. Kablack said the ZBA would send a copy of the latest plans to at least get an idea of what comments they might have with regard to sign size, lighting, and general layout issues.

Additionally, Mr. Kablack said the only comment received from the Board of Health had to do with the test holes that were dug and the ability of the site to handle percolation of the effluent. He wanted more information from them as to the issue of the parking on top of the leaching field as well as their ideas, if any, based on the design, as to whether those leaching fields are adequate and in the right location to handle the waste from the units. The Board was in agreement to send a letter requesting additional information.

Another concern expressed by an abutter was how this development might affect the town well field in the area. It was noted that although a memo was sent to the Water District, no response has been received.

Lynne Ashe, 44 Easy Street, referred to residents' concerns expressed at the last hearing with regard to traffic. She asked whether the Board would be going with the general comments made by the Police Department.

Mr. Kablack replied that the Board has not deliberated any further on that subject. He said it was the Safety Officer's position that because of a computer situation any traffic reports would have to be hand tabulated and he generalized that there wasn't any significant problem in

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that area as far as he was concerned. Mr. Kablack said the Board has not discussed whether the data should be hand tabulated.

Ms. Ashe said there have been a number of fairly significant accidents in that area and gave examples of some she was aware of.

Mr. Kablack pointed out that this is the reason why the Board is looking for a safe pedestrian access in that area.

Ms. Ashe said there is also the issue of side and rear setbacks, as to how closely they will encroach on the neighbors' property lines and the proposed landscape buffer. She said this comes back to the character of the neighborhood since the existing houses consist mainly of ranch homes while this development will be a 2-story 22-foot high structures.

In response to a question from Ms. McCabe, 15 Easy Street, Mr. Couto said the small patios are approximately 10X10 with a small yard area which varies from unit to unit from 22-35 feet.

Ms. McCabe asked whether there was a grassed common area for children to play. Mr. Kablack said the plans show a grassed area above the leaching field in the front on both sides of the main entrance. There also seems to be a fairly open area in the corner of the property to the west. There is no common area playground or field that is specifically designated as a children's play area.

Ms. McCabe asked whether the condominiums are required to be owner occupied or whether they could be sublet.

Mr. Kablack said the Board has expressed a concern as to how the condominium documents will read and had asked in the first hearing that at some point in the hearing process at least a draft is received in order to understand the restrictions as this has an effect on all of the units in the sense of owner occupancy and what can be leased and not lease. This also has an effect on the affordability nature of the project as four of the sixteen units are proposed to be affordable. He said the Board has not yet seen any draft documentation.

Ms. McCabe said the ability to sublet would be of great concern to her.

Mr. Kablack asked Attorney Wallace if he had any idea what the owner-occupancy restriction would be.

Attorney Wallace replied that in general, a well-run condominium would not have a lease that ran for less than one year. It would have to be approved by the association. He would think that rental would be a possibility.

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Ms. McCabe asked whether the affordable units have the same square footage and amenities as the market rate units.

Mr. Kablack said it was his understanding that is that the units will be exactly the same and that they will be interspersed throughout the development. He noted that those applying for the affordable units will have to qualify.

With regard to the lawn area, Mr. Couto wished to respond that the area in front may be able to be used as a place for children to kick a ball and is one of the reasons a picket-style fence was chosen so as provide more of a sense of enclosure for balls, etc., which could easily go through a split-rail fence.

Frank Sweet, 735 Boston Post Road, abutter to the west, voiced concerns with regard to the traffic and accidents. He said he spoke with the Police Department and has tried to get the speed limit reduced in the area. He has been told that Route 20 is a state road and there is nothing that can be done by the local police. He also said the police have indicated that accidents have been caused by people passing on the right.

Mr. Sweet felt the proposed units to be attractive and of good quality. He was happy with the landscaping and the number of existing trees which will be retained. Mr. Sweet had no problems with setback as it affects his property.

Mr. Sweet did not feel a dead-ended sidewalk in front of the property was a good idea. He felt it would encourage people to walk along the grass and cross the street at different points as opposed to crossing within a designated crosswalk.

Mr. Kablack said the only intent of the sidewalk was perhaps to channel people living in the development to be able to get across the street to the sidewalk that does stretch a good distance, and do so safely via a crosswalk.

Mr. Sullivan offered that one option could be to utilize the emergency entrance having a gateway along with the entrance so that everyone is channeled within the development down to that point and then across. He said this would keep people off Route 20 and within the development itself.

Janet Jennings, 34 Easy Street, asked how much noise pollution will emanate from the air conditioners, etc.

Mr. Marrone said the units will be high-efficiency units and will be fenced in and surrounded by shrubbery. He did not believe the neighbors would hear any noise.

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Anthony Casale, 7 Uplook Drive, abutter, wanted to know the details of what would be going in by his property. Mr. Couto suggested he visit his office where he had a cross section describing the work in that area. From the smaller plan which was submitted this evening, he provided Mr. Casale with a brief overview.

In response to questions from the abutters regarding the proposed plantings, as well as the resulting grades, Mr. Kablack asked Mr. Couto to provide those details from the cross section. Mr. Couto described in detail the proposed landscaping plan, including size and type with the planned outcome of that landscaping at maturity. Also described was the grade and total planned effect of the landscaping and buffering which includes the retaining wall and fences. Mr. Couto said the landscape plan lists the plant materials which are proposed.

Mr. Kablack said there was a laundry list which was prepared from the first hearing session which detailed the items the Board wanted to see. He said at some we are going to have to go through that list to be sure all the items have been addressed and suggested the next hearing should begin with the status of that list.

Mr. Kablack said the Board Mark will send the materials received this evening to those Boards/Departments on the distribution list.

Mr. Delaney said the waiver list must reference the specific section of the Bylaw, Rules and Regulations, Zoning or otherwise, under which waivers are being requested.

With regard to lighting, Mr. Delaney wanted the intensity and the amount of spill light. He said this could be done similar to the Orchard Hill permit where a lighting consultant presented examples of places in town where one would experience a similar amount of lighting. In that way, with perhaps a chart, the Board would have some practical way to apply the lighting intensity. He said this material needs to be submitted to the Board.

Mr. Delaney referred to Chapter 40B which he said defines what is needed to determine local need. He did not believe the applicant had presented the information in order for the Board to reach that determination which must be done during the hearing process and put into the public record. He said what has been presented has been primarily done by the Assessor's Office and while it may provide the same information, it doesn't come from the same sources as required under 40B.

Discussion followed on whether the Board could accept the information as presented and make a determination on local need. Attorney Wallace believed the information he received from the Assessor's Office was more current and accurate than the federal census information. While Mr. Delaney agreed this could be the case, he said Chapter 40B specifically lists the federal census as a source.

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Following further discussion, it was agreed that using the information provided, the result would be the same. A motion was made, seconded and unanimously voted to accept the information provided by applicant and to make a determination that the local need requirement has been met with regard to this application.

With regard to septic issues, Mr. Kablack believed the Board needed more guidance from the Board of Health on this project along the lines of whether they feel that what has been designed so far is at all within the ballpark of what they would end up approving. It was agreed to request additional information from the Board of Health Director.

As the hour was late, it was agreed to defer discussion regarding a consultant.

The public hearing was continued to March 18, 2002.

Mark A. Kablack, Chairman

Patrick J. Delaney III, Clerk

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Melinda M. Berman, Alternate