

MINUTES
SUDBURY BOARD OF APPEALS
TUESDAY, AUGUST 17, 2004

The Board consisted of:

Jonathan G. Gossels, Chairman
Elizabeth A. Taylor, Acting Clerk
Jeffrey P. Klofft
Richard L. Burpee, Alternate
Melinda M. Berman, Alternate

The meeting was called to order by the Chairman, Mr. Gossels.

Orchard Hills Assisted Living Facility – 761 Boston Post Road
Present: Attorney David A. Wallace, Clifford T. Hughes

Mr. Klofft recused himself from this portion of the meeting due to a conflict of interest.

Messrs. Wallace and Hughes were present to request a determination as to whether a change to add four additional assisted living units is a substantial or insubstantial change. He explained that in October 1996, the ZBA approved a 45-unit facility with 9 affordable units under a comprehensive permit. Before construction, they were approached by First Friends Day Care Center which was looking for space in which to relocate. It was felt that the mix of children and elderly would be a good one and ultimately the ZBA voted to approve a substantial change to the comprehensive permit. In 1999, First Friends began its operation which has continued until this time.

A letter dated July 12, 2004 was sent to Mr. Hughes informing him that First Friends was going out of business July 31, 2004 because of the competitive market for child care services in Sudbury. Rather than look for another day care center, it was decided to create four more assisted living units. Of those units, one would be a 2-bedroom, two would be one-bedroom and one a studio, with a potential for eight adults. Prior to this, the facility had also added an additional affordable unit for a total of ten units. The requirement is for 20% affordable units. Even with 49 units, that criteria would be met.

Mr. Wallace said the creation of four additional units would be less than a 10% increase. Therefore, it was Mr. Wallace's opinion that under the provisions of 760 CMR 31.03, this would not be considered a substantial change which would require a public hearing.

By way of explanation Mr. Wallace said while the addition of First Friends was considered to be a substantial change, that was primarily due to the amount of traffic that would be generated by that use. First Friends had 52 students and 8 staff members for a total of 120 vehicle trips per day. To substitute four units will result in a significant decrease in traffic.

Although there will no longer be the mix of children and elderly, Mr. Wallace said the additional units will be more economical for the facility as the lease to the day care center was extremely favorable.

In response to a question from Mr. Gossels regarding the septic system, Mr. Hughes said the septic system was designed to accommodate up to eighty children which will be now be replaced by up to eight adults resulting in a system which is way oversized.

There were no further questions from the Board who felt this change made a lot of sense. All felt comfortable with the proposal.

The following motion was placed and seconded:

MOTION: "It is the determination of the Board of Appeals that the addition of four more assisted living units proposed to be constructed at Drumlin Development LLC d/b/a Orchard Hill, 761 Boston Post Road, Sudbury, MA is considered to be insubstantial since the proposed increase represents less than 10% of the existing number of units as contained in 760 CMR 31.03."

VOTED: In favor: 4 (unanimous) Opposed: 0

Interview prospective candidates for ZBA Associates

Present: Nancy Rubenstein, John Reutlinger, David Tucker

Also Present: Stephen DeFronzo, previously interviewed

Nancy Rubenstein, 57 Winsor Road, 8-year resident, elaborated on her resume as a registered structural engineer which included membership on the ZBA in her neighborhood in Philadelphia. It was an old neighborhood of warehouses which were being converted into artist studios, etc., which involved a lot of activity on the part of the Board. In addition, working for the city, Ms. Rubenstein was familiar with various boards before which her projects had to be presented.

Mr. Gossels asked what Ms. Rubenstein saw as major issues facing Sudbury with regard to zoning and the ZBA.

Ms. Rubenstein said there is a lot of development and renovation and people want to move into this town because of the schools. There may be a tendency towards overdevelopment.

John Reutlinger, 62 Stone Road, 44-year resident, was a 14-year member of the Permanent Building Committee and responded to the ad in the Town Crier. He was familiar with the town government and its various boards, and since he is semi-retired is available to

serve. His qualifications and experience as a registered architect were included with his application.

Mr. Gossels said in recent discussions with the Selectmen he raised the point that the ZBA is primarily comprised of members who haven't had a lot of tenure in Sudbury and it's a Board that can benefit from those having experience on other town boards.

David Tucker, 80 Lincoln Road, has always lived in Sudbury. He has been in town government for a number of years, first on the Board of Assessors for six years and then as a town employee for the Assessors Office. As part of his job he gets to see what is being constructed in town and has an idea of what the ZBA must deal with in terms of the demolition and reconstruction applications which come before the Board. He, too, answered the ad for an Associate and felt the combination of his work in the Assessors's office and ZBA member would be a good mix.

Mr. Gossels explained the duties of a ZBA Associate/Earth Removal Board member. He thanked the applicants for attending and encouraged them to sit in on meetings to get some understanding for what really happens. Then, when an opening occurs, those persons can step right in as an alternate.

Jonathan G. Gossels, Chairman

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