

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
THURSDAY, JUNE 2, 2005

The Board consisted of:

Jeffrey P. Klofft, Acting Chairman
Jonathan G. Gossels, Acting Clerk
Elizabeth A. Taylor
Richard L. Burpee, Associate
Constantine Athanas, Associate

Also: Nancy G. Rubenstein, Alternate
Jody A. Kablack, Town Planner

For the Applicant:

Louis W. Mountzoures, Esq., Pari Holdings LLC, applicant
Robert L. Devin, Esq.
Michael Sullivan, Sullivan & Connors Engineers

The hearing was reconvened by the Acting Chairman, Mr. Klofft who recognized the applicants for a presentation.

Michael Sullivan recapped the previous proposal which was for 16 units, age restricted to 55+, with no architectural at that point.

He said the number of units has been reduced from 16 to 11, and with agreement from the Selectmen the age restriction has been eliminated. There is some architecture giving more definition to the buildings in terms of how they will look.

By eliminating the number of units, the project can be condensed and located more to the center. An attempt was made to maximize the distance from the street, abutters and wetlands. From the plan, Mr. Sullivan pointed out the distances from the street and boundaries noting that they are 25 feet further from the wetland than previously.

Mr. Sullivan said Deborah Dineen, Conservation Coordinator, walked the site with the wetland consultant and has identified contour 210 as the area to stay out of with buildings. He said in the previous plan they were in that 210 contour and now everything has been pulled forward.

The road is still a T configuration although it is shorter in length in both sections. Mr. Sullivan pointed out a small curvature to the road in an attempt to stay out of that 210 contour. The dimensions of the road will remain the same. Drainage will also remain the same.

With regard to the septic system, the flow for the 11 units is 2,000 gallons a day vs. 2,400 gallons a day under the other proposal.

The water system has been pulled further away from Mr. Bardsley; therefore, the row of trees will be preserved and will serve as a buffer.

Mr. Sullivan said there was a request from the Town Planner to build a sidewalk from Longfellow Road to Mossman Road. After further evaluation it was found that the sidewalk would be approximately 1,800 feet, which is a fairly expensive proposition. They are asking for a waiver on the sidewalk for the subdivision which, if it were to be built, would be approximately \$5,000. He said Mr. Mountzoures' proposal to the Board will be to donate \$10,000 to the sidewalk fund with the Town to spend it as they see fit.

Mr. Sullivan said a comment was made that there were no elevations of the top of concrete of the cellar floor. He said these have been added to the plan which show clearly that all the units have basements.

The issue with impervious surface was discussed at the previous hearing. Mr. Sullivan said there will be at least approximately 28,000 s.f. of impervious surface which will include the road, driveways and the dwellings. This translates to about 13% of the total parcel.

Mr. Mountzoures said the plans were designed preliminarily at this point by Mr. Busa. The goal was to have the structures fit within the neighborhood scheme and also within the Sudbury town scheme. There are 3 Cape-style triplex units and one duplex unit. The floor plan is a 2-bedroom unit approximately 2,000 s.f. although a lot of that is an open foyer. There are 4 rooms – a large family room, kitchen, two bedrooms upstairs and 2 ½ baths with a single car garage. The garage is oversized somewhat significantly so that it can accommodate trash or anything that residents may otherwise put outside. He said they have tried to increase that area and are working towards making it even a little bit bigger. However, it will still be a single car door although the opening would be bigger once you got into the area.

Mr. Klofft asked whether the affordable units have been identified.

Mr. Mountzoures said they have not. They will be delineated on the next plan before the Board. They are all the same square footage within 30 feet and are identical and will be similar in value. His impression was that the affordable units will probably be the interior units just because in practice the exterior units might carry more of a sales ability to sell. He emphasized that the units are all the same and will have the same amenities.

Mr. Klofft asked whether consideration was given to the town's doing a buy-down of one or more of the units to create additional affordable units.

Mr. Mountzoures said he had considered it; however, at that time he was proposing 24 units and didn't understand that the town was limited to a \$100,000 buy down. He said the overall project – the units and the development fitting within the aesthetics of what this town and the neighbors are going to require is obviously much more expensive than originally proposed in preliminary designs. He would assume that the affordable market price is going to be in the \$155,000 range. To add \$100,000 to that would mean taking a loss just on the construction, so it becomes difficult when you only have seven units.

Mr. Klofft asked whether any of the plans show the final proposed grading.

Mr. Sullivan said some of those issues have not been addressed because it didn't seem to be appropriate until it is known exactly what will be done. He said they have gone from 16 to 11 units. If this seems to be acceptable to the Board and the community, they will begin to prepare a definitive design, including drainage, septic and grading.

Referring to the space above the second floor, Mr. Gossels felt that if a dormer could be added in back to generate incremental space up there; i.e., an office, it would be very attractive to a professional couple. It would raise the square footage and would raise the sale price. His interest would be whether it would then be possible to eliminate another unit - from 11 to 10, but have a higher value for each of the other units.

Mr. Mountzoures asked with the 11 to 10, is it 11 to 10 or is it 11 with another affordable.

Mr. Klofft said it would be 11 to 10. He said right now we're at 3 affordable. Given the numbers, it would probably still stay at 3 affordable. That wouldn't change.

Mr. Gossels said the Board was trying to find a way to raise the value of the sale price of the individual units.

Further discussion followed on this possibility. Mr. Mountzoures said this is something he could address and said would speak with Mr. Busa.

Mr. Klofft said the idea would be to create 10 units that have roughly the same economic value as the 11. He said the sense of the Board is that density is a key issue.

Ms. Taylor asked what price point is expected for the non-affordable units.

Mr. Mountzoures said he would expect the market rate to approach \$500,000.

Mr. Athanas said questions were raised at the last hearing on snow removal. He didn't know, with this new design, whether that has changed in any way. He said the concern was that

with the previous configuration, it would end up with snow dropping into the abutter's property to the south.

Mr. Sullivan said he was going to have to give this some thought. He felt it probable that snow removal would be more difficult with this proposal.

Mr. Klofft asked whether a 21E assessment has been done on the property.

Mr. Mountzoures said it has not. He said as part of the site approval there was a preliminary investigation. He said he has no reason to believe there was ever any contamination since there's no record of any event ever happening. As part of the financing he would be required to do a 21E but didn't feel it was appropriate for a non-approved plan to have to spend that kind of money on something which was felt wouldn't be an issue.

Mr. Klofft asked whether Mr. Mountzoures would have a problem with requiring a 21E as a condition of approval.

Mr. Mountzoures said he would not.

Ms. Kablack felt that since the density has changed drastically, a revised pro forma should be submitted.

Mr. Klofft asked whether there is a revised application to Mass. Housing or will this be done later on.

Mr. Mountzoures said Mass. Housing doesn't look at it again. If there is approval at the local level, he then applies to Mass. Housing for final approval before any construction. He said that's when the logistics of making sure the ZBA's conditions meet their conditions.

With regard to another pro forma, Mr. Mountzoures said he did a revised one from the 24 units to the 16 units when he was still looking for site approval. However, he said it is difficult to do another one until it is known what will be constructed since they don't know what the landscaping or construction costs are.

Marc Calandrella – 59 Powder Mill Road asked whether the landscaping and lighting plans are still just preliminary.

Mr. Klofft said they were. He asked Mr. Mountzoures whether he was planning any extra exterior lighting beyond the normal kind of lighting on the houses.

Mr. Mountzoures said his plans were only for lighting which is permitted.

In response to a question from Mr. Calandrella on waivers, Mr. Klofft said the ZBA still needs to get comments from town boards but will need to wait until the plans are more solidified. This includes an updated waiver list from the applicant.

Andrew Reynolds – 531 North Road said there is an area where Verizon has some cable boxes noting that Verizon trucks are usually parked in this area when working. He said this will have to be addressed.

Mr. Sullivan pointed out the location the cable box. He said the Town Planner had requested there be an easement around that box and that will be done.

Mr. Reynolds said there are a lot of unsightly pipes from the old greenhouse that have been sitting on the property for about 16 years.

Mr. Mountzoures replied that they have tried to stay away from doing any cleanup because of conservation issues.

Reiterating his comments with regard to traffic safety made at the last hearing, Mr. Reynolds said he visited a development on Route 27 and submitted material on a development in Boxborough on Route 111 with a different unit layout and road configuration.

Discussion followed on a comparison of this property with the two developments referred to by Mr. Reynolds. Mr. Sullivan said they evaluated several unit layout and road scenarios; however the constraints of the wetland, shape and frontage preclude a different layout.

Mr. Reynolds said in the Boxborough development there were restrictions which he felt should be added to this development. Those dealt with not leaving bicycles out, trash cans out, not having cars worked on in the driveway, no boats, no trailers, etc.

Mr. Klofft said those restrictions would not be part of the ZBA's permit but would be part of the association's rules.

Mr. Mountzoures said he would want to see similar restrictions, especially in this price range. He said he did submit some drafts although they are very preliminary.

Referring to the overhead visual, Mr. Reynolds pointed out the location of his house. He said the proposed road layout is such that he will be impacted by car lights shining into his dining room. He said there are white pines which are getting larger and thinner on the bottom which will add to the impact. He pointed out an area where he would prefer to see the road located.

Mr. Klofft felt this might not resolve the safety issue. Mr. Gossels said if the road stays in the proposed location, he would suggest Mr. Reynolds speak with the developers privately to reach agreement on mitigation measures.

Mr. Reynolds there are large mature trees on the side where a sidewalk would go. He was not sure how it is planned to get around those trees.

Mr. Mountzoures said one of the reasons he figured maybe a better avenue was either putting a sidewalk on his side or donating to the town was because there are a series of very mature trees all the way up and down and there are also embankments.

Mr. Klofft said at the previous hearing a comment was made about potentially putting a sidewalk from the applicant's property up to at least – on their side up to the Mary Catherine crosswalk.

Following further discussion Ms. Kablack said she would look to see where the right of way is and speak with the Town Engineer as to whether easements are required. If easements are not required, that makes it very easy and it can be made a condition of approval. She added her feeling that the Planning Board will probably comment further on the contribution Mr. Mountzoures was offering.

Michael Garrett – 21 Mary Catherine Lane still felt 10 units difficult from the standpoint of density. Driving down 117 and looking down the right side of the street there are capes and ranches and they are all small homes. These triplexes will be 5,400 s.f. which is about the typical size of one of the larger homes in Sudbury. His feeling was that even at 10, the density is massive.

With regard to sidewalks, Mr. Reynolds said there is no bussing – the children walk to school. While he agreed with the concept of making a donation to the town for a sidewalk, he felt it must be spent here because there is no way for children to cross 117 safely. And once they get across, there's no place to walk.

Commenting on the density, Mr. Klofft said he understands Mr. Reynolds' concern. However, he said it is the need for affordable housing which trumps the need for traditional zoning.

Considerable discussion followed with the neighbors reiterating their concerns regarding density, sidewalks, visual impact and their impression of the type of prospective buyers (families with children vs. professional couples).

A comment was made regarding the possibility of perhaps adding a third bedroom in the basement. Mr. Mountzoures said although finishing the basement is an option; they are limited

on bedrooms because of septic. Although they may have been done illegally in some instances, with a condominium association there is more policing.

Mr. Klofft added that theoretically if someone were to do this, they would have to pull a building permit and the Building Inspector would bring up the issue of the septic, and the association would assume a lot more liability if someone was to go and do this without pulling the necessary permits. It's probably a greater risk than for an individual homeowner.

Dave Stewart – 10 Mary Catherine Lane asked what percentage of the build able portion would be impervious.

Mr. Sullivan would guess that amount to be 25%.

Mr. Stewart asked, given that there are no walkout basements, how the back 5 units would be aligned based on the grade of the land to make them level.

Mr. Sullivan gave some scenarios noting that they still don't have Conservation Commission approval. He said there are a number of options and did not feel there was a huge problem to deal with the grade.

Mr. Stewart said going from 16 to 11 units seems like a step in the right direction but shouldn't forget about the fact that this is still zoned as one residential unit. He said it's not 16 to 11 but 1 to 11. While understanding Mr. Mountzoures trying to make money in Pari Holdings in this deal, there is not a 12th unit which would maximize the market rate units to offset any affordable units. He said if we're only talking about one affordable unit, going from 3 to 2, would 8 not make more sense, or more appropriate density based on the space and maximize the profitability based on the number of units for Mr. Mountzoures.

Ms. Kablack said the Housing Authority would rather it stay at the 3 unit level.

Mr. Athanas said although it may be the desire of the town, Mr. Mountzoures is free to choose whatever he wants to do. He's working with the abutters to try to maximize the aesthetic aspect and the other issues they have. He said it doesn't appear that with a limit of \$100K the town is going to be able to buy additional units.

Therefore, Mr. Athanas said he was looking for feedback from the abutters as to what they're hoping strikes a balance in terms of having one vs. a multiple keeping in mind that Pari Holdings needs to make money. For example, if there were 8 units perhaps spaced out in 4.

Mr. Stewart said he would leave the design up to Mr. Mountzoures. However, he felt 8 units would allow more green space for families or other activities. There is also more

accommodation for creativity with the landscape design that would be more in line with the character of the area.

In response to a further question from Mr. Athanas, Mr. Mountzoures said he has given thought to reducing the number of units further. However, he said one of the problems with a project like this is the fixed cost of the piece of land, the road, drainage and septic.

Mr. Gossels asked whether the numbers would work with 8 units and only 2 affordable.

Mr. Mountzoures said they didn't when he started but if they were doing a design like they were when they originally came in, potentially. However, he said these are real units and the Board and neighbors have real concerns. He said he is now looking at a variable of just the landscaping design, and the variable of sidewalk. Those aesthetics add to the overall cost.

Mr. Athanas asked whether there was a road configuration that that would reduce the hard costs at 8 units. Some suggestions were made by Messrs. Klofft and Athanas.

Mr. Mountzoures said it would although Mr. Sullivan's design was expensive because the septic and the drainage are 80% of the road.

Mr. Mountzoures said he will examine the pro forma with regard to the Board's question of 11 to 10, although he said he did not feel positive about it.

Patricia Garrett – 21 Mary Catherine Lane asked whether a pressure dose septic system would still be required for 8 units.

Mr. Sullivan said it would not be pressure dose. However, he said it would not be dramatically less expensive since these units would probably all require pump systems which is an expensive component of the pressure dose system. He would estimate the cost could be reduced by approximately 20%.

Mr. Gossels said the applicant has heard the sense of the neighbors and the sense of the Board. He said 8 is preferred to 9, 9 is preferred to 10, 10 is preferred to 11. When doing the pro forma, he would like to see how far they could go.

With respect to the Board, Mr. Mountzoures said ultimately he would say they would do 8 if they didn't have to do all this landscaping, all this site work - if we didn't have to get these permits. Those are things every town requires and is necessary to protect the safety and aesthetics of the neighbors. He said it's hard to come back – he said that they have come down from 24 to 16, to 11 to 8, but even at 8, it'll be how about 4.

Mr. Gossels said Mr. Mountzoures has heard from the Board that they are trying to be creative in suggesting things like using the upper space to help increase the market rate. He said the Board is asking the applicant to reduce the density and is trying to give an opportunity to make it economical.

Mr. Mountzoures would present a question to the Board and ultimately to the neighbors – assuming how the economics work out - if they could have a beautiful project with 11 units with 3 affordables or a very nice looking project with 8 units. He said some people are going to want the aesthetics.

Which is why, Mr. Klofft said, we keep a balance in between which is 10 units which are the quality and design of the 11 giving the chance to use a little bit more of the interior.

Mr. Mountzoures agreed that was a good suggestion to consider.

Ms. Klofft said Mr. Mountzoures had a pretty good sense of where everyone was at. He felt one more revision was needed before getting to the final plans. He would also suggest he think about a list of revised waivers.

The hearing was continued to June 22, 2005, 7:30PM, in the Goodnow Library.

Jeffrey P. Klofft, Acting Chairman

Jonathan G. Gossels, Acting Clerk

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Constantine Athanas, Associate

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