

MINUTES OF THE PUBLIC HEARING CONTINUATION  
SUDBURY BOARD OF APPEALS  
JANUARY 5, 2006

The Board consisted of:

Stephen M. Richmond, Chairman  
Jonathan G. Gossels, Acting Clerk  
Jeffrey P. Klofft  
Elizabeth A. Taylor  
Constantine Athanas

Also: Stephen A. Garanin, Alternate  
Nancy G. Rubenstein, Alternate  
Jody Kablack, Planning Director

For the Applicant:

Attorney Joshua M. Fox  
Ben Stevens, Trask, Inc., Applicant

The hearing was reconvened by the Chairman, Mr. Richmond. The Board was in receipt of the following:

- Letters dated November 15, 2005 notifying unsuccessful consultants of the Board's vote to hire Edward Marchant for the job
- Agreement For Technical Services to be signed by Edward Marchant
- Letter dated November 17, 2005 from Ben Stevens, Trask, Inc. which includes a check for \$10,000 for the Town's Consultant, the last proposed site plans, copy of the plans and specs as originally presented, broker market opinion letter, several cost analysis using the broker's pricing estimates, general site overview regarding some of the site conditions and off-site conditions relating to the project
- Memo dated November 22, 2005 from the Town Planner sent to Edward Marchant, Consultant, enclosing additional updated materials relevant to his review of the pro-forma
- Email dated December 1, 2005 from the Town Planner relevant to her meeting with Edward Marchant and the suggested topics for the January 5<sup>th</sup> meeting
- Email dated January 4, 2005, with attachment, with comments/observations and recommendations
- Concept landscape plan prepared for Trask, Inc.

Mr. Richmond noted that at the end of he last hearing the Board was looking for several things: a sidewalk engineering plan, environmental assessment, detailed landscape plan, Fire Chief's review of the road configuration, updated waiver list, information on affordable units, groundwater mounding analysis, as well as several other items contained in Ms. Kablack's memos of August 10 and September 14, 2005. The Board also expressed three primary concerns: (1) design of the community and how the community will work, (2) public safety issues; i.e., internal and exterior sidewalks and (3) density concerns with the proposed plans.

Since that last hearing, the Board has hired a consultant, Edward Marchant, to take a look at the pro forma and provide advice on the financial analysis. The Board is in receipt of Mr. Marchant's memo which contains some interesting points, probably the most significant is that he thinks that it is a little premature to be looking at financials at this point because the plan is not yet set.

Mr. Richmond said he spoke with Mr. Marchant at length today and he essentially felt the Board should focus its concerns about construction within the wetlands buffer, site access issues, site plan design, building design, unit square footage, utility design, landscape design, screening, open space and traffic. He suggested that the Board hire additional peer reviewers in those areas.

Mr. Richmond said Mr. Marchant's comments to him by phone today were very specific. He says the Board needs a design peer review, traffic peer review, and a civil engineer review. He said the design and traffic reviews should come first and immediately and then the civil engineer review would come after the site design was actually set and everyone was comfortable that they had a design that would work. He also felt that it advisable to set up a group and have work sessions in order to move this along quickly. Mr. Richmond said his personal sense is that this is a good idea and is something that should be considered.

Mr. Marchant also felt the size of the individual units was quite large for the type of housing being proposed. Mr. Richmond said this was interesting because the Board has repeatedly come back to the density issue – and it's not necessarily the number of units, it's the amount of space that is being taken up, the construction and pavement on the site given the size of the site and its relation to the community. Mr. Richmond felt a discussion on the size of the units might be fruitful.

Mr. Stevens said he was under the understanding after the last hearing that he was to come up with some different options to try and flush out a basic concept. Which was when we hit the density stumbling block. It was his understanding that a financial review would assist in resolving the density issue, but it now sounds like the density issue is first and financial second.

Mr. Stevens gathered from Mr. Marchant's comments that a financial review shouldn't be the determining factor on density as much as design. As a result he was proposing to file Concept B which is a single entrance concept. This was dropped off at the Fire Department several months ago. The single entrance design was put forth because it seemed to involve design issues which were proposed to this Board by the DRB because the units could be moved away from the street and back yards away from other back yards.

He said at the September hearing, there was a general feel for flushing out the details of Concept B which also took care of the sight issues, which is the track he is on. He said he is still working on a 40-unit base which he felt is financially feasible considering some of the other factors - the buy down and the off-site sidewalk. Mr. Stevens said he is working with Ms. Kablack on the off-site sidewalk because of the stone wall, grading issues, other major property issues and street runoff. He has a range of what that might cost but doesn't know if it's possible

because of conservations issues - and he will need grading easements from the abutter to the north.

Mr. Stevens said he would welcome peer review noting he felt very comfortable with the project. He said he has made changes with regard to the front and rear setbacks and went ahead with a landscape plan because he is filing with the Conservation Commission. It was his understanding that the Comprehensive Permit would come first and the Order of Conditions second because there are still questions to be answered relative to the buffer zone.

Mr. Richmond asked whether Mr. Stevens could request a determination of applicability from the Commission which might be a little more detailed than what they would normally do in order that the ZBA could get a sense of what their concerns would be for building well into the buffer zone. While he understood Mr. Stevens' concern for getting locked into a particular application with the Commission after which the ZBA might do something different, he said this Board would like some guidance from them which he felt would be very helpful and provide an understanding of their concerns.

Mr. Stevens agreed to bring this up with the Commission.

Mr. Stevens reiterated that although the Fire Chief wasn't necessarily adverse to a single entrance, he has not formally heard from him.

Mr. Richmond said it would also be beneficial to have a discussion with the Police Dept. as well as they have indicated that internal sidewalks are preferred as a safety issue.

Regarding Mr. Marchant's comments on unit size, Mr. Stevens conceded that he was probably correct for 40B projects that this unit size is a bit higher than he is used to seeing. In response he would say that looking at the unit size and concentrating on unit size in town of the affluence level of Sudbury, the land base is affecting the costs to set an expectation of his units. He felt that while it would decrease the number of the overall mass of the project, it would also decrease the revenue side. However, he has not run the numbers.

Mr. Gossels felt the spirit of Mr. Marchant's comment was an attempt to work with Mr. Stevens to find a way for him to keep his 40 units and address the ZBA's concerns that there is too much being built on this project. He felt that if Mr. Stevens was saying that the units can't be shrunk down, that forces us to be looking at eliminating units.

Mr. Richmond said if there is a basis for discussion about reducing the footprint, perhaps an abbreviated, condensed negotiating period could be entertained to look at designs, involving the applicants and one or two members of the Board sitting down and working through whether something can be developed that everyone is comfortable with. If Mr. Stevens was not comfortable with this, the Board could instead go the peer review route and hire some professionals to look at different aspects in a more formal process.

Mr. Stevens said he would welcome Board review as suggested.

Mr. Richmond asked for two volunteers. Messrs. Gossels and Klofft volunteered. Town Counsel will also be contacted for approval regarding workshop sessions.

Ms. Kablack suggested generating a list of comments for discussion at the work session. So far she has heard issues with regard to the size and number of units, location of buildings, massing along the road, space between units, and internal walkway. She suggested adding external stormwater, external walkway, possibility of a contribution to a larger traffic study for the Route 20 corridor and buy downs.

Other items suggested included the abutter behind who will be the most affected, the need for some informal input from the Conservation Commission, concern for the development as it relates to storm events, soil removal and fill.

Mr. Richmond recognized the members of the Sudbury Housing Authority who were present because of an interest to purchase some of the affordable units. He asked whether Mr. Stevens was comfortable with this concept.

Mr. Stevens said he had not conferred with Mr. Fox on this subject and didn't know what steps would be involved.

Ms. Kablack agreed to coordinate the workshop sessions.

The hearing was continued to February 1, 2006.

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