

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
NOVEMBER 28, 2006

The Board consisted of:

Stephen M. Richmond, Chairman
Jeffrey P. Klofft, Clerk
Elizabeth A. Taylor
Nancy G. Rubenstein, Associate
Jonas D.L. McCray, Associate

Also: Jody Kablack, Planning Director
Edward Marchant, Consultant

For the Applicant:

Attorney David A. Wallace
Russell Tanner, Applicant
Joshua Posner, investment partner, Rising Tide Development
Jeff Richards, Meridian Associates, Landscape Architect
Michael Abend, Abend Associates, Traffic Engineer

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

- Letter dated October 19, 2006 from Russell Tanner enclosing appraisal and certificates of organization
- Letter dated November 21, 2006 from Russell Tanner with revised preliminary alternative site plan
- Memo dated November 23, 2006 from Michael Abend, Abend Associates
- Comparison of initial plan and alternative site plan and plan of same, submitted by Jeff Richards at this hearing

Mr. Tanner noted the major development over the last hearing is that the last parcel is now under agreement. As a result he was presenting an alternative plan which increases the land area and increases the number of units from 66 (17 affordable) to 74 (19 affordable). This increase includes the existing house at 295 Boston Post Road which is a large house currently housing multiple tenants.

Jeff Richards distributed a summary of the talking points of his presentation as well as a color rendering of the alternative plan. He said some of the improvements are the result of the October 18th site walk. The first major change is the additional parcel and the increase in units. With that additional parcel, the frontage is now contiguous along Boston Post Road which affords the opportunity to think about streetscape. In the revised plan the entrance has been moved approximately 90 feet west.

The location of the primary septic field in the original plan had originally been proposed in the area referred to as the “thumb.” The alternative plan locates the primary leaching fields at the front along Boston Post Road, the reason being that after preliminary soil testing, this was felt to be a superior location.

Mr. Richmond asked whether those soils have actually been tested.

Mr. Richards replied that there are test locations in a variety of places.

Mr. Richmond asked whether they had been tested sufficient to obtain a permit.

Mr. Richards said they were not. He said the testing that was done allows the sub-consultants to conclude that this is in fact feasible.

Mr. Richmond asked about groundwater analysis.

Mr. Richards said a preliminary analysis was done.

Mr. Richmond voiced concern that not enough testing was done to be sufficient for a permit. He suggested this information be obtained and that the applicant meet with Board of Health Director Robert Leupold who is essentially the ZBA’s consultant and is the one who will verify to the Board that the system will work.

Mr. Richards said he is scheduled with the DEP for next week and would not have arrived at this point in the process were the team not confident that this is a feasible location. In terms of involving Mr. Leupold as a local participant, he said he has agreed as a courtesy to include him.

Mr. Richmond said Mr. Leupold needs to be included. He said the first round of plans ended up with the leach field not being able to perk. He said the Board needs to know that this issue is resolved – the Board does not want to be in a position down the road where it is looking at another plan.

Mr. Richards then pointed out the shifting back of some of the units which might have been closer to Boston Post Road in the earlier plan adding that as they shift back, the landscape envisioned for that yard area is more of a green area. Based on preliminary studies, the ground level in this area might wind up being 1 ½ - 2 feet higher than Boston Post Road.

Mr. Klofft asked whether that area was not currently 4-6 feet below Boston Post Road.

Mr. Richards said it was, and it will be filled in. He said the landscape effect they would like to see along the front edge is a 1-1 ½ foot high fieldstone wall.

Further discussion centered on how this would look including the area of the Kriesel house on the new parcel.

Mr. Richmond asked how much fill would be brought in.

Mr. Richards said they have not yet evaluated that and are not yet there in the process.

Mr. Richmond expressed concern noting earlier he heard the soils were fine – now fill needs to be brought in beyond the height of the road to several feet in order to make the system work. He said he wants to know that the system works and at this point is not getting that comfort. He suggested the applicant talk to Mr. Leupold, after which the next step would be to have this discussion at the public hearing.

Mr. Richards said he understood noting that there is a series of steps that need to be followed. He said this location in front, from their confidence level, is the best location.

Other changes were described by Mr. Richards which included unit placement and their relationship to the open space. He said the alternative plan in some measure goes away from the courtyard approach and the attempt is to take a green swath through the site and arrange as many units as possible so the back yards the units would have a relationship to open space. He said the earlier scheme had many units with decks that looked out to an adjacent nearby unit. He would suggest that with this plan it is less so. He felt with this plan the open space flows a little bit more through each unit affording the opportunity for private back yard space.

In addition, the number of units has been rearranged from a maximum of nine units attached to where there are no more than four units attached. Visitor parking has been increased from 12 to 27 spaces.

From the plan, Mr. Richards described the pedestrian circulation which proposes a sidewalk and a secondary pedestrian circulation system along trails and walking paths which he said relate to the concrete sidewalks so that there's really quite a trail that passes through this whole alternative plan.

Mr. Klofft asked whether the Design Review Board (DRB) had seen this alternative plan.

Mr. Tanner said they had not – he is scheduled to meet with them Dec. 13th.

Mr. Klofft said the plan felt tight to him given the number and size of the units in terms of the overall density and coverage of the lot.

Ms. Taylor said even with the additional lot, she saw the layout as still being very fragmented with clusters around circles in the southwest corner. To her it still basically had the feel of four separate areas. In addition, the units on the easterly side face sides of other buildings and seem to have been afterthoughts.

Ms. Rubenstein said it feels more congested along the front and western side where the units have smaller footprints – and those are the units that are seen from Boston Post Road.

Mr. Marchant said one of the reasons the Board was concerned about the amount of fill was because they're concerned about the streetscape.

Further discussion on density, configuration and the number of garages proposed. Mr. Marchant felt the revised plan should be labeled to identify what is proposed for each unit. Ms. Kablack added that there should be a key on the plan to indicate what trees are existing and what are proposed.

Mr. Richmond suggested the applicant meet with the DRB and then come back to the ZBA.

Michael Abend, traffic consultant said he submitted a traffic study dated July 21, 2006 and a memo dated 11/23 addressing a few follow-up items.

Mr. Abend said traffic counts were conducted during AM & PM peak hours at the King Philip Road and Concord Road intersections. Overall volume showed that there were about 1,600-1,700 cars per hour during the peak morning and evening hours. Generally they're split evenly – there's a little bit more traffic eastbound than westbound both in the AM and PM which is a bit unusual but not unheard of. Overall there are about 30,000 cars per day traveling past the site. Morning peak was 7:45-8:45AM and evening was 5-6PM.

Travel speeds were also documented. Westbound, the average speed was 36 mph, eastbound, 37 mph. The 85th percentile speed was 42-43 mph in each direction.

The state accident record for this section of Route 20 listed 13 accidents listed. There was no clear pattern discernable from that data.

Following that submittal, Mr. Abend said he was asked to present some additional information from the police files and that is included in the memo. There were a total of 14 accidents listed by the police in 2004 through August 2006. Two were discounted as not being relevant to the study, of the other 12, 8 were rear end collisions. No mention was made of weather conditions – it is assumed weather was not a factor.

Mr. Richmond asked whether this data was based on traffic going through but not turning into or out of intersections.

Mr. Abend said it was.

Mr. Richmond said he asked the question because it's not just about adding an additional 77 houses – it's about adding traffic that's turning into the road. What is needed is to look at the level of accidents related to turning onto or coming out of the road.

Mr. Abend said the purpose of compiling accident research is to document what's happening out there now to determine whether or not there are design features on the roadway or at the intersection that suggests a safety problem. He said the information suggests that while rear end collisions are occurring, it appears that it's not a design flaw – it's a question of traffic activity.

Mr. Abend said he would prefer to address the issue of turns and curb cuts after his presentation.

Continuing on, Mr. Abend said he then estimated the amount of traffic that this development could generate based on the 66 units when the study was done. He said the 66 units could be expected to generate about 450 trips per day – 225 cars entering the site and 225 leaving the site. During the morning rush hour one would expect to see 37 trips with the majority of them outbound and in the evening about 45 the majority inbound.

Mr. Richmond said even though the units have increased to 77, he felt the number for the original 66 was low.

Mr. Abend said he has done some counts in other places locally and that information is discussed in the report. Some census data has also been included..

Mr. Richmond said the report indicates counts were done in Taunton. He asked whether any counts were done in Sudbury.

Mr. Abend said no specific counts were done in Sudbury. However, the data that was used is very reliable.

Further discussion followed on the counts. The Board was not convinced that the counts which were done were indicative of Sudbury.

Mr. Abend disagreed. He said the data he provided is that which the state would require for virtually every city and town.

Mr. Richmond said, from experience, the traffic has dramatically increased during the peak hours. He was expressing concern that the numbers provided may not be representative of what actually is occurring in Sudbury.

Mr. Marchant felt that since traffic is a concern, the best way to resolve this is to identify a comparable project either in Sudbury or Wayland and go out and measure it.

Mr. Abend said he evaluated the level of service at the intersection of King Philip Road, Concord Road and the site driveway. The level of service at Concord Road is B, and the impact of the project is negligible – about 25 cars an hour will be added to Route 20 between the site and Concord Road. The level of service at King Philip Road is C in the morning and D in the evening and project traffic adds about one second to the delays. For people leaving the

development, the level of service will be F, which is what it is for virtually every driveway along Route 20 at that hour.

Mr. Klofft asked whether that level of service F included people trying to make a left turn westbound.

Mr. Abend said it did not. He said those people will not have as difficult a turn. The turn in happens to be a level of service A because of the volume.

Mr. Abend said the most important aspect as far as safety is the sight distances at the driveway. Sight distances are evaluated based on the 85th percentile speeds. Based on that speed and the grade, the required distance westbound is 350 feet and 312 feet eastbound. He said the requirements for stopping sight distance and intersection sight distance are more than met in both directions.

In addition to the accidents and increase in trips associated with the increase in number of units, Mr. Abend said his memo also touched on whether or not a left turn lane would be appropriate for this development and, if so, whether it could be accommodated. He said he met with Mass. Highway and they indicated that unless there's at least 10% of the traffic making a left turn, they don't give a left turn. In this case, the number of left turns would be 1 ½-2%. In terms of the volumes, there is no justification for providing a left turn lane.

As to whether a left turn lane would fit, Mr. Abend said it didn't seem to be able to fit very easily. To accommodate it would require a significant widening.

Another issue is the issue of people using King Philip Road as a bypass. Mr. Abend said the number of people making a left turn into the site is so small that the contribution to any bypass is negligible.

In response to a question from Mr. Klofft, Mr. Abend said he had not taken into consideration people making a right turn out of the site and then a left onto King Philip.

Ms. Rubenstein she understood that motorists leaving Next Generation are taking a right and a left.

Further discussion followed on the traffic report and supporting memo. Mr. Richmond said traffic is a key issue and Mr. Abend's presentation was very helpful. He would like the Board to consider peer review to look at intersection and provide an analysis. He said his suggestion was made after having recently gone through this process with the BMW project.

Mr. Tanner said Sudbury is currently considering a study of the Route 20 corridor which will be very expensive. He would like Board to consider, as an alternative, a contribution towards that study.

Mr. Marchant said this is a small project, and there are issues other than volume. He felt the key is to resolve those issues. He would recommend it be done, but not as a contribution for a corridor study. His only reservation is to wait until there is a better designed plan before any review of the internal roadway.

Mr. Richmond felt it can be done in two parts – external and internal.

A motion was then made, seconded and unanimously voted to hire MDM as traffic consultant peer reviewer to report first on external issues and second on internal issues when the plans are more definitive.

Mr. Richmond wanted to emphasize that the Board's charge is public safety.

Mr. Tanner said he was looking for informal consensus from the board as to whether it is appropriate to proceed with the alternate plan.

Mr. Richmond said the Board can offer that it is comfortable with the incorporation the additional parcel. He said there were comments about the unease of the layout and questions about how it's going to look and how it's going to work - which is why the suggestion was made to meet with DRB.

For the next hearing Mr. Richmond said the Board will need the following:

- New Site Eligibility letter
- Appraisal to include the new parcel
- Condition of ownership
- Revised sight distance analysis
- Updated waiver list based on new plan
- Changes to alternate plan reflecting Board of Health and wetland issue changes
- Specific unit plans, including numbering of units and designation of affordable units
- Information on primary and secondary septic system.

It was agreed to ask the DRB to attend the next hearing.

The hearing was continued to Jan. 16 2007.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

Elizabeth A. Taylor

Nancy G. Rubenstein, Associate

Jonas D.L. McCray, Associate

