

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
FEBRUARY 6, 2007

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
Ronald Desrosiers, Traffic Consultant

For the Applicant:

Attorney David A. Wallace
Russell Tanner, Applicant
Michael Abend, Abend Associates

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

- Email dated January 23, 2007 from Conservation Coordinator
- MDM Transportation Consultants Peer Review Comments dated January 24, 2007
- Letter from ZBA to Selectmen dated January 26, 2007 re Comments on Sudbury Village
- Letter from Planning Board to Selectmen dated January 26, 2007 re Comments on Sudbury Village
- Follow-Up Traffic Counts from Abend Associates dated January 30, 2007
- Letter from Planning Board dated January 31, 2007 re Comments on Sudbury Village
- Letter dated February 1, 2007 from Tanner Development to Mass. Housing re Notice of Change in Composition of Applicant
- Letter dated February 2, 2007 from Selectmen to Mass. Housing re Sudbury Village comments
- Letter dated February 2, 2007 from Town Manager re Comments on Sudbury Village
- Memo dated February 6, 2007 from Planning Director re outstanding items

Mr. Richmond said this evening's discussion would focus on traffic. However, he said he was hoping to see design and landscaping plans as was discussed at the last hearing. He asked for an update.

Mr. Tanner said they are very actively in the process of advancing the plans from the preliminary layout plans to partially engineered plans. They are preparing that engineering now and the architect is working on some of the refined plans.

Mr. Richmond said what was presented before was essentially an artist's sketch. He said the Board is looking for architectural plans.

Mr. Tanner the application contains schematic plans. From their meeting with the Design Review Board (DRB) there was agreement that they needed to be modified and flushed out a little bit – they won't be construction plans but schematic architectural plans.

Mr. Richmond said his recollection from the last hearing was that DRB Chairman Riepe said he didn't have anything in front of him that he could comment on – and the ZBA's comment back to the applicant was to get the design plans to the DRB so the ZBA can get their input on the process.

There appeared to be a difference of opinion as to what was required. Mr. Klofft's recollection was similar to Mr. Richmond's. He asked what Mr. Tanner's plan was to get some plans to the DRB – particularly the exterior and elevations which is what they will need in order to comment.

Mr. Tanner said it would take a couple of weeks. Right now they are doing site engineering with some modest revisions to the plan. He expected to have a package for the Conservation Commission in 2-2 ½ weeks for the Notice of Intent, and will submit a package to the ZBA as well. He described the process he envisioned in terms of meetings and continuances.

The Board expressed frustration with the lack of progress thus far. Mr. Klofft expressed concern that the Board has not yet come to a complete consensus on the plan and layout and suggested it might make sense to have some working sessions at the same time Mr. Tanner is moving forward with Conservation and the DRB. He was not convinced that even with the comments to date that the Board was able to proceed from a design and layout standpoint.

Mr. Richmond added that the Board is not going to sign off on pieces of this project. He said it's somewhat frustrating to only have pieces and to not see the whole project. He said this will not going to get to a point with this Board where everyone says all these elements work, now show us the project. This Board wants to see it up front and then it can look at the impacts. He said under the statute the Board has certain obligations it must fulfill, and from his perspective, it can't fulfill them, until it sees the whole project. To get pieces and to talk about small portions of this project means nothing because the Board then has to go back and revisit it once the project is submitted.

Mr. Richmond said if Mr. Tanner wants to have a conceptual conversation, it can be done outside of the hearing. He would suggest continuing the hearing further out until the Board has the whole package. Because once full, revised plans are received they need to be circulated to all the different Boards/Depts. again - and they need to go through the process again.

Mr. Tanner said he was comfortable with that and felt it would take the continuance to late March.

Mr. Richmond said at the last hearing there were discussions about the architectural design and landscaping. He asked if Mr. Tanner would have those plans as well.

Mr. Tanner said they will have the landscaping.

Mr. Marchant asked whether there was a later submission than June 2006 for the architectural. Mr. Tanner said there was not.

Mr. Marchant said the Board will want to see the elevations from all sides. He said this is important because there are certain sensitive spots, particularly the perspective from Route 20. Also, he said some time in the future a builder's spec should be done which provides information on new construction and the rehab. He said the Board will want the plans for the rehab.

In addition, Mr. Marchant said if the Board has issues about the site plan and there are certain pinch points, it might desire to eliminate or reduce the size of some units, and that process has to be addressed.

Ms. Kablack felt the grading and drainage should probably come before the architectural.

Mr. Richmond said he was not suggesting final plans, but the Board does need to see some plans.

Mr. Tanner said the Board will have all elevations and a section on height and floor area.

Ms. Kablack agreed to send Mr. Tanner information on the format that is needed.

Ms. Kablack then proceeded to go through the items listed in her memo of February 6, 2006. The first item dealt with density.

Mr. Klofft would like to see in some part of the process a pro forma that shows that the number of units is the only thing that is economically viable in this location – given that this is not all that different in land area than the Old County Road development where the density was less than this. He felt there to be a bit of a standoff here with regard to density, number of units and square footage. In his opinion, the lot is very, very dense and he felt the storm water issue, as well as other choke points, is a result of the density. He felt this plan to be too urban and too dense. He was willing to commit his time to create some working sessions because to him this plan does not make sense for the town right now. Unless it can be demonstrated that this is the only way for this development to be can economically viable, he had real concerns. He felt there are variables – the size of the units and the numbers to create less density; however, right now with the square footage, footprint and number of units it's too dense.

Mr. Tanner said he was not sure how to respond.

Mr. Marchant said the reason Mr. Klofft raised the issue is if Mr. Tanner comes back and present a plan that addresses the issues – the pro forma becomes secondary. He said this Board is looking for a plan that makes sense.

Further discussion continued on this subject with no apparent agreement between the Board and applicant as to what is needed. Mr. Richmond said the difference in the approach between this application and the previous two is dramatic in terms of the inability of the Board and applicant to reach a basic understanding of what this project will look like.

Mr. Marchant said was not sure Mr. Tanner sensed how his statements were perceived by the Board. He said the Board has repeatedly addressed issues and when Mr. Tanner says he doesn't expect to submit anything less than 72 units, it sounds like stonewalling. He said if Mr. Tanner comes up with a good design that has 72 units, that's fine. If he could shrink the footprints and that works, that's fine. He spoke to the value of work sessions.

Mr. Wallace felt there should be work sessions which is an informal way to have discussion.

Mr. Klofft reiterated his willingness to participate in those sessions.

Mr. Richmond cautioned that a work session is not a decision making process – it's simply an opportunity to flush out issues, have discussion and bring concepts back to the Board. The work sessions are not part of the public hearing but will be a public meeting which is posted. One Board member will be present.

Mr. Tanner was agreeable to this.

The consensus was to have one or two sessions prior to the next continuance. Ms. Kablack will arrange the sessions.

Ms. Kablack briefly ran through the remaining items on her memo. Items of importance were the walkway, scheduling a site visit and the rehab units.

Mr. Richmond felt these issues could be explored in one or two work sessions.

Ronald Desrosiers, MDM Transportation Consultants, said he reviewed the traffic study prepared by Abend Associates. The original report was prepared for 66 units and there has been subsequent documentation for the 72 units. Two site visits were made in January to study the traffic in the area and intersection.

Mr. Desrosiers went through his report dated January 24, 2007. The study area was comprised of the Concord Road intersection, Singletary Lane and King Philip Road intersections and the main site drive.

Existing traffic counts – MDM was basically in agreement with the Abend report except that a seasonal adjustment was not made. He would request Abend provide this.

Accident history - Abend originally prepared traffic data for 2001-2003. Data should be for the most recent information – have asked them to go back and compile that information from the Mass. Highway Data base and also to do a crash rate analysis that looks at the number of accidents at different locations that relates to number of volume counts. Also, have asked Abend to provide additional accident data from the Sudbury Police Dept.

No-build and build conditions were not analyzed by Abend. Is important to any traffic study to provide this information which projects it out five years.

Project trip generation - in agreement with Abend report.

Trip distribution – Abend took the conservative approach; however, after review MDM generally concurs.

Site access/egress drives – MDM looked at both the main site driveway which is the one in the middle and the secondary access driveway. Opinion is that the center driveway should be the only driveway with full access and egress and the secondary driveway should be a right turn in right turn out.

MDM reviewed the need for a left turn lane onto Boston Post Road. Based on review and analysis this is not warranted because of the low amount of proposed left turns. It was felt there would be enough gaps in the traffic to make that turn.

Impact Assessment – MDM's assessment was that in looking at the project alone, it appears small compared to traffic. This is one project in context with many other projects along the corridor. In reality, the project will have some type of incremental impact on the corridor. All projects are then compared together for a projection.

Level of Service - The main driveway is expected to operate at Level Service F. It's not an ideal situation. Based on the analysis, the driver will be waiting at the driveway for about 2 minutes. It's a difficult situation just trying to get out of that driveway. The only benefit for this particular project as it relates to level of service was if there was a signal installed at the Landham Road intersection it would create gaps in the traffic of the westbound approach which would make it easier for left turn people to get out of their driveway. If the applicant were to contribute towards a corridor study, eventually a signal could be installed and there would be some benefit to this project.

King Philip Road bypass – This was reviewed as it was a concern of some of the neighbors. There is no solid analysis to determine what would happen as a result of this project. Would suggest that some alternatives could be looked at outside of the context of this hearing as it is more of a neighborhood function.

Mr. Richmond said there would be on average 33 exits in the am peak hours with delays of up to 2 minutes which works out to a car being there all the time. If this is the case, he asked what the safety impact would be under the current conditions.

Mr. Desrosiers said although there is a concern for the left turn, drivers will typically look for a gap – under some conditions they might go for a gap that is less than what normally is expected. The thought was that if there was a signal at Landham Road it might slow down traffic and create gaps in the traffic.

Mr. Richmond asked whether there were design features, absent a traffic light, that he would recommend.

Mr. Desrosiers said the only thing would be to artificially create gaps in the traffic stream – which is basically what is being suggested with a signal. He added that even with a signal at Landham Road, the level of service will still be an F.

Site distance – No issue with Abend's sight distance.

Pedestrian travel - one of the key components of the project is the ability for pedestrians to travel to Mill Village. Mr. Desrosiers was uncomfortable with having a crosswalk across Route 20 to the walkway on that side. Rather, it would be appropriate to have a sidewalk along the south side of the roadway to connect this particular project to the Mill Village area. A sidewalk will provide a safe area for pedestrians to walk back and forth.

Mr. Richmond would like comments from the police department. Ms. Kablack will coordinate this.

Discussion followed on a walkway. Mr. Tanner said the problem is with the grades at Mill Brook II. Mr. Desrosiers agreed that it is a challenging area but felt it was doable.

Mr. Klofft asked whether Mr. Desrosiers felt the emergency access drive was required. Mr. Desrosiers said he would defer that to the Fire Chief.

Ms. Kablack asked why the Landham Road intersection wasn't included in the study area.

Mr. Desrosiers said there isn't a lot of traffic that's going to pass through that intersection. This project by itself will not have an impact on that intersection. It would fit more with the overall corridor study.

Mike Abend said he initially checked with Town Engineer as to whether that area should be studied and he suggested that it was not necessary.

Mike Abend said he would provide some brief responses to MDM's report and then submit a formal response.

Abend will provide the seasonal adjustments as requested. He was not prepared to go back and provide additional data from the Sudbury police department – he didn't think that would be useful. He said the Mass. Highway data provided more information than the police data.

Abend will provide no-build and build information to 2011 as requested.

Trip generation – Abend had submitted a set of counts for a similar development in Wayland which confirmed the counts for this project.

Impact assessment – agree with MDM's conclusions. Mr. Abend noted he submitted traffic counts for Next Generation which showed that the traffic from that driveway at peak hours is four times what is being projecting for this project.

MDM's suggestion to make the westerly driveway right turn only may be problematic for that design because to design it in a way that effectively prevents left turns would require a definitive island which would make that opening wider than what is shown on the plan. Alternatively Abend looked into the possibility of making it one way in only so that there would be no left turns occurring there outbound.

Discussion followed as to why this would be a problem. Mr. Desrosiers offered that it might mean a unit would be lost.

Mr. Tanner said they will do whatever comes to consensus. He added that the concept was to keep that entry not too different than what's there now. He felt a larger, more commercial intersection might diminish that concept.

Mr. Tanner wanted to note that his agreement with the owners of 295 Boston Post Road property is that they have the right of occupancy for a period of time until late 2010. This includes an area in the back yard which requires no building until possibly as late as 2010. So, this will be a phase and could have an impact if the driveway were restricted.

Ms. Kablack asked if this agreement was in the Purchase and Sale. Mr. Tanner said it was.

Mr. Abend said the last item in MDM's report discussed sight distance. He said based on 85th percentile speed that he used, they are 5 feet short. The requirement is 474 feet – there is 470 feet. However, there is more than the minimum requirement for safety.

Mr. Richmond asked whether Mr. Abend agreed that it would be unsafe to have a crosswalk across Boston Post Road.

Mr. Abend agreed that mid-walk crossings are not desirable – that it would be better to have a sidewalk on the project side of the street. He added that if there were to be a mid-walk

crossing, this area would be a good place because of the visibility. However, he might change the location proposed by MDM.

Ms. Kablack asked whether Mr. Abend had the total trip counts for Next Generation.

Mr. Abend said he did not. He did not think it feasible to do a 24-hour count since most of the trips are during peak hours.

With regard to school bus pick up within the development, Ms. Rubenstein pointed out that there would be different busses for different ages. If pickup was not within development, the traffic study wouldn't address this.

Mr. Tanner said the School Dept. was willing to defer to bus company on this, and the bus company is willing to look at the plans. He expected to get those plans to them soon.

Ms. Rubenstein felt this to be important – otherwise this will have to be addressed in terms of traffic. It might be problematic with one way turn lanes.

Mr. Abend felt it would be safest for the school bus to stop on Route 20. He said most of the bus drivers will not even open the doors unless they're sure the cars are stopping and this is what would happen here. With the straightaway on Route 20 and the bus lights flashing, he felt it would be a much safer situation. In addition, the idea of a bus swinging in and out of the development, even if it were a little bit wider, is going to be more disruptive to Route 20 traffic than if it just stops and makes everybody wait. In addition, the school bus company may not even want to come in to the development because even if they can, they've got to get out.

Mr. Richmond would like the police department's view on this. He said the safety issue is a combination of the effect on the roadway and the safety of the children.

Ms. Rubenstein asked whether the existing house next to the main driveway had a driveway out to Route 20.

Mr. Tanner replied that right now it does. He will offer to connect them to the main road and take away that driveway to eliminate confusion as to where people should be pulling in.

Discussion followed on the next continuance after which this hearing was continued to March 26, 2007, 7:30PM in the Lower Town. Mr. Richmond suggested that between now and then, one or two work sessions should be scheduled.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

Elizabeth A. Taylor

Nancy G. Rubenstein, Associate

Jonas D.L. McCray, Associate