

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
MARCH 7, 2007

The Board consisted of:

Jonathan G. Gossels, Acting Chairman  
Elizabeth A. Taylor, Clerk  
Jeffrey P. Klofft  
Nancy G. Rubenstein  
Stephen A. Garanin, Associate  
Richard D. Vetstein & Jonas D.L. McCray, Alternates

Also: Jody Kablack, Planning Director

For the Applicant:

Kevin Duffy & Steven Duffy, Somerset Sudbury Development LLC (developers)  
Robert Engler & Geoff Engler, Stockard Engler Brigham LLC (consultant)  
Jerry Scully, Clinton Design Associates (architect)  
Paul Finger & David Fisher, Paul Finger Associates (civil & environmental engineers)

Notice was published in the Sudbury Town Crier on February 15 & 22, 2007, posted, mailed and read at this hearing.

Mr. Gossels explained that this Board is governed by M.G.L., chapter 40B, Sections 20-23, the Sudbury Supplemental Rules for Comprehensive Permit Rules and State regulations 760 CMR 31. The format will begin with a presentation by the applicant, followed by comments and questions from the Board, after which input will be taken from the public. Hearings will adjourn not later than 10:0PM and will be continued to a date certain as necessary.

If a hearing is continued and any party wishes to submit additional information to the Board, up to 21 copies of the submittal may be required at least 7 days prior to the continuance in order that they can be distributed to the appropriate Boards and members of this Board. Any information not received within that time frame may not be able to be considered at the continuance.

The Board was in receipt of the following:

- Letter from Town Engineer dated February 15, 2007
- Letter from Design Review Board dated February 15, 2007
- Email from Building Inspector to Planning Director dated February 26, 2007
- Memo from Board of Health Director dated February 26, 2007
- Email from Board of Health Director to Planning Director dated February 26, 2007
- Memo from Community Housing Specialist to Planning Director dated March 1, 2007
- Memo from Planning Director dated March 5, 2007
- Memo from Fire Chief dated March 6, 2007

- Email from Water District to Planning Director dated March 7, 2007

Robert Engler introduced the members of the team for this project for redevelopment of the Village Green at 29 Hudson Road which will consist of 16 townhouses within 3 existing buildings and construction of 4 new townhouses in 2 new buildings.

Mr. Engler provided a history of the Village Green property which was constructed in 1969 and consisted of approximately 42,000 s.f. of floor area. The present owner of the site acquired the property in June 1993 – at that time it was partially occupied by several small businesses. Subsequent efforts to lease the property proved difficult for several reasons, the main one being its location and lack of distance to high traffic and visibility from Route 20.

Leasing peaked in the late 1990s and since that time it has been occupied by several small businesses. About 1 ½ years ago, in order to make the buildings remain competitive, a significant capital infusion was necessary, with uncertainty remaining as to the possibility of the Village Green surviving as a commercial entity.

It is proposed to develop the existing Village Green facilities into 20 townhouse units ranging in size from 1,275 s.f. to 2,700 s.f. of living area. Also being proposed are several sets of detached garages. The goal is to architecturally enhance the existing buildings to blend with the surrounding historical area.

David Fisher, engineer, explained that this project has been in the works for a little over a year. The site is comprised of approximately 2.77 acres of land located within the limited business district and surrounded by Residence A zones. It also falls within the Sudbury Historic District.

From the plan, Mr. Fisher pointed out the railroad right of way which is the western boundary line. The southern side is a large wetland area. The site is located approximately 500 feet from Sudbury center to the west down Hudson Road.

Three buildings currently exist on the site. The 18-foot entrance driveway is pretty much in the center of the site. It comes around and leads to a large parking lot in the back. There is a central common area which is a nice open space but underutilized. Currently there are approximately 106 parking spaces on the site and an existing septic system that has 4 leaching fields. Capacity is approximately 7,600 gallons/day.

From the plan, Mr. Fisher described the existing drainage and topography of the site. The upper northeast corner of the site is the highest point – the southwest corner is the lowest. It drops approximately 9 feet from one side to the other at an approximate 2% plane. Currently the drainage all comes out towards the rear of the site and eventually goes into a wetlands resource area. A NORAD (Notice of Resource Area Delineation) has been filed with the Conservation Commission for wetland verification.

There is period site lighting on the property. Although it is not necessarily proposed to use that lighting, lighting appropriate to the historic district will be used.

Mr. Fisher displayed some photo boards depicting the idea of the character of the site that currently exists. One board showed some of the buildings, the view across the street looking down into the common, the brick walkways, lawn areas and landscaping.

He pointed out the back of the project, where the large parking lot is located, which is the back side of the site for the building. He said that back side is very utilitarian and the intent is to be able to work with the town to try and get the whole character of this site from Route 27 more valuable to the town.

It is proposed to reuse the 3 buildings that are on the site. Unit 2, which is the first building that is seen when entering, will become a 2-unit structure. The long buildings in back will contain 11 units and the front building which is closest to Peakham Road will contain 3 units. The long unit and the common space that is seen from Hudson Road essentially will not change with the exception of minor architecture, patios and doorways.

Two new units will be added on the south side and the roadway system will continue to be a loop. However, the proposal is to reverse the circulation system so that what is now the entrance will become a right hand turn only exit and the new entrance will be widened 22-24 feet and will be the former exit.

The traffic study provides 3 sets of numbers for traffic generation: existing traffic flow, existing maximized if commercial space was fully occupied, and the numbers for a residential development. Today there is very little traffic – if the site was at full capacity, weekly daily trips would be about 804 trips. With the residential units fully occupied, that number drops down to 141 trips which would reduce the traffic impact on Hudson Road.

With regard to storm water management, the size of the parking lot roughly takes up about 1/3-1/2 of the property. Total existing impervious surface between the buildings and parking lot is about 77,000 s.f. This project will reduce the impervious surface to approximately 58,000 s.f. All of the state's storm water management guidelines will be met.

The existing septic system design capacity is 7,600 gallons/day. The design flows for the proposed project will be about 4,400 gallons/day. Mr. Fisher noted the Board of Health had its concerns about the septic system; however, he believed that according to Title 5, this same system could be used. But, he said they will work with the Board of Health to make sure they are satisfied.

Currently the site has a looped water system which loops around to 2 existing fire hydrants located on the back side of the site. Mr. Fisher will be discussing this with the Fire Dept., Water District and Conservation Commission.

Jerry Scully, design architect, provided an aerial perspective of the site with the proposed units included. He described where those units would be cognizant of the fact of being in a historic district. He said the whole design concept is based on leaving the Village Green similar to the way it is now.

Elevations were shown and the proposed changes to the buildings were described which included demolition of some of the existing dormers on the rear buildings. Mr. Scully said the intent is to enhance the buildings during the process and he indicated a willingness to work with the town on the design concept.

Mr. Gossels entered the documents into the record and asked for comments from the board.

With regard to the traffic study, Mr. Klofft would like to know when the trips are generated. He said as a retail property, it would likely not be generating the trips at the peak hours whereas a residential one typically would. He said this intersection is “horrible” at peak hours.

Mr. Klofft asked whether a dedicated area exists for the septic system.

Paul Finger, engineer, the reserve area is in the area where the actual new townhouses are proposed to be constructed. If there will be any new reserve area design, it will have to go back to the Board of Health.

Since the capacity will be less, Mr. Klofft asked whether the plan was to pull some of the reserve from the front area.

Mr. Finger said it depended upon the design of the septic. It will be a much smaller area because it will probably be a pressure distribution system.

Mr. Gossels referred to the Board of Health Director’s letter which prefers a standard system.

Mr. Finger said this will be part of ongoing discussions with the Board of Health.

Mr. Klofft said the comment was made that there are minimal changes being made to the Village Green side of the façade. However, he felt the addition of patios and doors will fundamentally change the view and appearance of that area from what is there today.

Ms. Taylor felt it important to maintain the quality of the streetscape and resemble the front of the building as much as possible even if the use may be more typical of a back yard use because of the green space. She felt from the streetscape it would really look peculiar to have it seem like the back of someone’s house.

Mr. Fisher said there will not be sliding glass doors but French doors with divided lights.

Mr. Klofft cautioned the importance of an appropriate appearance from the street.

Ms. Rubenstein asked whether swing sets would be allowed as those would also affect the appearance of the common. She also asked whether there would be garages for the smaller buildings.

Mr. Scully said they need to continue to work on the designs and elevations.

Mr. Klofft felt there to be a bit of architectural incongruity with the 2 new buildings. He said they seem more modern – a little less colonial.

Mr. Garanin asked how far along they were with the Conservation Commission.

Mr. Fisher said they are in the process of filling out the forms. The plans are not totally tied down. There have been preliminary discussions with the Conservation Commission.

Mr. Gossels asked if there was a reason why they were not going to comply with Sudbury's bylaw but with Mass. law.

Mr. Finger said the NORAD that was actually granted and passed by the Conservation Commission was for both the state and also the local bylaws. He said they will comply with almost all of the regulations adding that they were really talking about an very insignificant area - and it's just a setback issue. He said they have had positive feedback from the Conservation Commission regarding that. In addition, he said they are in an overlay district in a wetland protected area, and while they are not required to apply, they will meet those standards.

Mr. Gossels said he had concerns with regard to the architecture, particularly because the site is in a historic area. However, he felt that by working with the Design Review Board, an acceptable design for the front of the building which will now become the back of the building could be mutually arrived at.

Mr. Gossels said there was discussion about the view of the streetscape from Hudson Road. He said this property is actually very close to Peakham Road as well, and there is a very thin buffer between Peakham Road and the proposed redevelopment. He would want to see issues of landscaping and screening addressed for the Peakham Road side as well.

Mr. Klofft asked how 20 units were arrived at.

Mr. Engler said it goes to financial feasibility. He said originally they applied for 24; however, the Selectmen wanted 20 because of the acreage. With regard to the discrepancy between 4 & 5 affordable units, he said Mass. Housing will entertain 20% of the units with 50% of the median income as opposed to 25% at 80%. He said it makes more sense financially to have 4 units as opposed to 5. He referred to the Planning Director's letter which indicated that

she wanted to see more affordable units. At this time he said he would prefer to hold this open and move through the process before deciding on a number.

Mr. Gossels was agreeable to keeping it on the table. He then asked for comments on the Building Inspector's email in which questioned a purchase price based on an appraisal that is substantially higher than the assessed value.

Mr. Engler said he is allowed to use the appraised value as-is regardless of who is selling the property to whom. The financials indicate the appraised value of this property to be \$3M.

Discussion followed on the comments made in Ms. Kablack's memo of March 5<sup>th</sup>.

With regard to the requirement for stamped plans, Mr. Gossels said the policy has been to not require them at the early stages. However, once the plans are finalized, they will need to be stamped.

Ms. Kablack noted that for the last two 40B applications, Edward Marchant has worked with the town as a consultant and has brought a lot of knowledge and experience to the process. He indicated he would be willing to work for the town on this project. Ms. Kablack felt the town would benefit from his expertise particularly since this project is all renovation and different from other projects.

Mr. Gossels agreed, adding that for the previous projects Mr. Marchant's help has resulted in the town and developer coming to an amicable agreement that works for everybody.

Mr. Engler had no problem with hiring Mr. Marchant.

Ms. Kablack added that the traffic issue may be another area where peer review might be warranted as she felt there was a lack of detail in the traffic report that was submitted. She said the town has used MDM Transportation Associates who have worked with the Selectmen on the BMW project. She also noted that the applicant's traffic engineer, Mark Howland, is still working for Sudbury on the town center project and might have additional information.

Mr. Engler asked whether it was a question of needing more detail from his traffic consultant.

Ms. Kablack said more detail is definitely needed. Mr. Gossels added that if the information provided is convincing on its face, peer review might not be needed.

Mr. Finger said the original proposal leaves the same configuration exactly as it is. Knowing that the town was currently in the process of looking at that corridor and how that traffic works posed the question as to whether there would be any advantages to actually making some changes in terms of configuration. He felt this requires additional discussion because it ties directly in with whatever the town is doing.

Ms. Rubenstein asked how far along the town was in the planning process.

Ms. Kablack said the center has been conceptually designed while this project area extends to the Peakham Road/Hudson Road intersections. She said the design really is just of the main intersection - it doesn't really show anything from this property. She felt the town could work with Mr. Howland at first but that a second opinion would be needed.

Mr. Engler said he will be meeting with the Planning Board on March 14<sup>th</sup>. He said it is up to the ZBA as to whether he should be meeting with the Design Review Board, Historic Districts Commission and other boards.

Mr. Klofft said this Board wants feedback from those Boards and they meet at different times. He said the only way for this Board to get feedback is if the applicant meets with them and hears a presentation.

Ms. Kablack said the Planning Board wants to hear a presentation and their comments will be sent to the Zoning Board. They will not ask for anything – they will be making recommendations. The same is true with the Design Review Board.

Mr. Engler said Ms. Kablack's memo commented on inclusion of some commercial space on the site. He said this can't be done – it's not economically feasible.

As to the existing cell tower, it will remain on the building.

Mr. Engler had some questions regarding the sale of one or more units to Sudbury Housing Authority (SHA). Mr. Gossels explained that the units would be owned by the SHA for rental purposes. Mr. Engler felt more discussion was needed on this.

He will also provide a pro forma for the 20-unit plan, the sizes of the units in the buildings and elevations of the garage buildings. Before submitting a landscape plan, he would prefer to hear comments first and then respond with a good landscape plan. He will continue to look into driveway locations. Once the number of affordable units is decided, they will be located on the plan.

As to whether this property would lend itself to a rental development, Mr. Engler responded that it would not because it is too small.

Ms. Kablack raised the issue of the Sudbury Housing Trust acting as the Lottery Agent and Monitoring Agent. Mr. Engler questioned whether this could be done. Ms. Kablack explained that the SHT has acted as both with 2 developments. There is staff on hand to be able to do this. She invited Mr. Engler to come in and meet with the town's Community Housing Specialist.

Mr. Gossels explained that Ms. Kablack is the ZBA's coordinator for the 40B process.

David Wolf, 285 Concord Road, abutter said since the 1970s, when the original buildings were built, storm water drains into his back yard. He did not want any more as a result of this project. He pointed out the location of his property on the site plan.

Mr. Finger said they will be making substantial improvements. Currently there is no retention/detention – there's a direct discharge to the back area. With this project there will be recharge of roof runoff and water quality enhancements for on-site water. He also pointed out that there will be substantially less pavement.

Donald Haras, 301 Concord Road, abutter, said there is a drain at the end of his property and everything that comes down the hill goes into his yard. He would hope that drain will be removed.

Mr. Finger said they would not touch anything that's on Hudson Road or Concord Road – anything that's off site.

Frank Riepe, Chairman, Design Review Board (DRB) said his board is not happy with the design and feels it could be more compatible with the historic aesthetics. It will also have to be reviewed by the Historic Districts Commission at some point. He suggested the applicant schedule a meeting with the DRB.

Mr. Riepe said when the DRB reviewed the plan there were a number of questions as to what the intent was for the site design on the Hudson Road side. The implication was that there would be private outdoor space there but no idea of what it would look like. He said the site design is a big question mark.

In addition, Mr. Riepe felt there should be an appealing entrance to the property – he felt the entrance location as proposed will look a bit odd.

Mr. Riepe would like to see serious thought given to landscaping. He felt the landscape design should serve to make that green a place that can be used by the residents and the area neighborhood.

Mr. Riepe said there has been some question as to the number of affordable units. He asked whether any thought was given to the creation of flats above the garage units.

Mr. Engler said he couldn't increase the count without having to go back to Mass. Housing. He also pointed out the fact that the Selectmen wanted less units in total.

Mr. Gossels referred to other 40B where footprints have been reduced to allow for more units. He said if there is no impact to the town, this Board is amenable to those types of creative solutions.

Ms. Kablack requested the applicant provide a copy of the appraisal for the file.



A motion was made, seconded and unanimously voted to request that the applicant provide a sum not to exceed \$10,000 for consultant/peer review fees.

The hearing was continued to May 1, 2007, 7:30PM at Lower Town Hall 7:30PM.

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Jonathan G. Gossels, Acting Chairman

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Elizabeth A. Taylor, Clerk

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Jeffrey P. Klofft

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Nancy G. Rubenstein

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Stephen A. Garanin, Associate

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Richard D. Vetstein, Alternate

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Jonas D.L. McCray, Alternate

THE RESIDENCES AT SUDBURY COMMONS

29 Hudson Road

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