

SUDBURY ZONING BOARD OF APPEALS
MINUTES
June 6, 2011

The Board consisted of: Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien.

MEETING OF THE ZONING BOARD OF APPEALS

Extension of Comprehensive Permit #06-37, TD Sudbury Village LLC, 275, 289, 295, and 303 Boston Post Road:

Russell Tanner of Tanner Development, LLC was present, along with his attorney Peter Freeman, to request that the ZBA grant a two-year extension for Comprehensive Permit #06-37, dated July 10, 2007, for TD Sudbury Village LLC located at 275, 289, 295, and 303 Boston Post Road. The permit originally expired on July 10, 2009, however the ZBA granted on July 6, 2009 an extension of the permit through July 10, 2011. A comprehensive permit expires within two years of its filing with the Town Clerk if a building permit has not been obtained.

As stated in a letter to the ZBA dated May 19, 2011, Mr. Tanner explained that the prolonged downturn in housing market conditions and the continued unavailability of construction financing have caused delays in the commencement of the project.

Ms. Quirk asked whether there were any other obstacles in the way of the project. Mr. Tanner said that it is really the financing, driven by soft markets, that is holding up the work. He noted that because this is a larger development it is more difficult to get going than some of the recent smaller developments in town. He said that the design of the project has been approved and the Conservation Commission has issued permits for sidewalks.

Mr. Klofft asked whether there were any changes to the original plan. Mr. Tanner said there were no changes being sought at present. He said that there may be a minor amendment to the first phase of the Title V septic system for which he will have to appear before the ZBA. There may also be some revisions to the architectural design and he said that he may want to increase the size of some of the units to fill out the second floors. Any changes would be driven by buyers' preferences.

Mr. Stevenson noted that he did not serve on Board when the original comprehensive permit was approved and expressed some concern about the length of time the project has taken.

Mr. Gossels also noted that this would be the second extension granted, however he added that the applicant has been one of the more cooperative applicants for a 40B project and he would be inclined to grant the extension.

Ms. Quirk agreed with Mr. Gossels and said that it would be better to approve the extension and make revisions than starting over with a new 40B proposal for the site.

Mr. Gossels agreed that the economy has been the reason for the delay.

Mr. O'Brien asked Mr. Tanner how active he had been in his search for financing. Mr. Tanner said that he has been raising equity and would be investing more of his own money into the project. He said that he was consistently working on the financing.

There were no further comments from the Board or audience. A motion was made and seconded to extend the permit through July 10, 2013. The decision to approve the extension was unanimous.

There being no other business the meeting was adjourned.

Elizabeth T. Quirk, Chair

Jonathan G. Gossels

Benjamin D. Stevenson, Clerk

Jeffrey P. Klofft

Jonathan F. X. O'Brien