

MINUTES OF THE PUBLIC HEARING  
SUDBURY BOARD OF APPEALS  
Monday, September 7, 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

Also: Jody Kablack, Director of Planning and Community Development

For the Applicant:

Ben Stevens, Manager, Trask Inc.

Joshua M. Fox, Attorney, Rollins, Rollins & Fox

Ms. Elizabeth Quirk, Chair of the Zoning Board of Appeals, re-opened the hearing, reporting for the record that the ZBA was in receipt of the following documents:

- Undated letter from abutters Rosemary and Patrick Delaney and Catherine Brown, received 5/31/2011;
- 6/16/2011 Memo from Bill Place, DPW Director/Town Engineer, regarding the Stormwater Management Report;
- 6/29/2011 Revised plans;
- 8/2/2011 Stormwater Management Report; and an
- 8/31/2011 E-mail from Ben Stevens, Update on Revised Plans.

Mr. Stevens then provided an update on progress since the April ZBA meeting. He presented to the Board a revised layout plan, grading plan, and drainage and utility plan. The revised plan included thirty-one units with eight of the units being affordable.

Mr. Stevens said that he had had a preliminary meeting with the Conservation Commission to discuss how the project would accommodate wetlands. A follow-up meeting will be held Monday, September 12. From the meetings with the Conservation Commission it was determined that construction will not enter into the ten foot wetlands buffer. Invasive plantings have been identified within the construction area and these would either be removed or restored as determined by the Conservation Commission. Along the wetlands border a loose stone wall will be built from boulders unearthed from the site. This will also build up the site at the rear elevation. Cul-techs will be kept out of the wetlands area. Due to concerns about fertilizers there will be no formal lawns at the rear of the site. A rain garden with swale and overflow drain is planned for the southwestern corner of the site.

Mr. Stevens reported that there are 14 off-street parking spaces planned, which is the same number as is located at the Villages at Old County Road, which has thirty-seven units. He felt the number of spaces was adequate. He explained that the affordable units tend to be owned by single individuals who have only one car. The market rate middle units could perhaps have two cars, but there are only five non-affordable middle units. He said that he could add two more parking spaces between units 19 and 20.

Mr. Stevens said that his landscape architect is still working on a plan, however the walkways are shown on the current layout.

Drainage calculations have been submitted to Town Engineer Bill Place. There is some question as to which bylaw standards the project will be subjected to, Massachusetts DEP or the Cornell bylaw. Mr. Stevens' preference is to adhere to the Massachusetts DEP since that is what the state allows however Mr. Place is reviewing the project through the more stringent Cornell standards.

Mr. Stevens said that the Conservation Commission had questions about existing trees. A botanist had been hired by the applicant to confirm the health of the trees and identify their species. A sugar maple stand is located at the intersection of Landham and Boston Post Roads. Therefore the berm idea has been modified to save between seven and ten sugar maple trees, which are non-invasive species. There is one choke-cherry tree that may be too close to the building area. Evergreen trees, mainly hemlock and spruce varieties, stand along the property line, and are about forty to fifty feet tall. These would have to be assessed as construction begins because they may or may not be able to be saved since they prefer to stand in groups. The retaining wall slated for that area may impact them, however Mr. Stevens said that he did prefer to save as many as possible. A twenty-five foot tall silver maple tree with a circumference of about 48 inches and a canopy measuring 65 feet, stands right in the middle of the property. The arborist said that the tree is healthy and Mr. Stevens feels that the tree does much to add to the visual characteristics of the site. Therefore the cul-techs can be divided into two batches to accommodate the tree.

Overall, Mr. Stevens said, there are no large cuts or fills being made on the site and he does not anticipate large amounts of fill leaving the site.

Mr. Stevens said that in the new plan there are three extra bedrooms. Two market rate units are three-bedroom units and one affordable unit has three bedrooms as well.

As far as traffic is concerned the traffic consultant estimated that the project would have to give back about 1,000 square feet back to the town in order to align the road. Because of the location of the gas lines the sidewalk would be moved to the edge of the property. There are invasive trees in the area of this work which will not be saved.

Ms. Quirk then asked whether any members of the Board wished to comment on the revisions.

ZBA Member Ben Stevenson said he felt the new plan was well done and the project has unfolded in a good manner and he was feeling good about it.

Mr. Gossels said that he echoed Mr. Stevenson's sentiments. He asked Mr. Stevens about what the Route 20 streetscape would look like. Mr. Stevens said that he would put together a rendering, however he said that the streetscape would look much like that at the Villages at Old County Road.

Mr. Klofft asked for a description of the berm. Mr. Stevens said that the berm would rise about seven or eight feet and would have evergreens and an understory of rhododendrons and laurel plantings. He said that the intent was that the first floor would be hidden and the trees would then mask the second floors of the buildings.

Mr. O'Brien asked about the hydrology of the site in the area of the septic system. Mr. Stevens said that the slope of the land allows the water to run north to the rear of the property in the general direction of the wetland. He explained that all of the water would be gravity fed through pipes running under the property and then pumped out into the drainage area.

Mr. O'Brien then asked whether the Conservation Commission had expressed any concerns about the drainage area being so close to the wetlands. Mr. Stevens said that initially there were concerns about nitrogen loading so this will be further reviewed.

Ms. Quirk then asked whether any neighbors were present who wished to speak.

Patrick Delaney, 206 Boston Post Road, referenced a letter he had submitted to the Board on May 31, 2011 along with his wife, Rosemary Delaney, and abutting neighbor, Catherine Brown, 186 Boston Post Road. The letter included a list suggested conditions they wanted included in the Comprehensive Permit.

The first condition had to do controlling the impact of the development on the surrounding neighborhood, primarily in regard to drainage and lighting. Upon reviewing the drainage information provided by the applicant Mr. Delaney said that the applicant is working to meet this goal.

The second condition relates to controlling the impact of construction on the surrounding neighborhood. The Board said that hours of construction and duration of construction are usually included in the Comprehensive Permit. The Board also discussed dust abatement procedures.

The third condition was meant to establish rigor for the permit, so that there was no gray area that would result if a waiver list alone was included in the permit.

Ms. Kablack said that it would be important that by including that sort of condition the ZBA would not be overstepping their authority, however Ms. Kablack would check into the specifics as the decision is being written.

Ms. Quirk then asked Mr. Delaney whether he had any general comments about the revised plans. Mr. Delaney said that the project has changed quite a bit since March. He felt that the project was a natural use for the site and said that the applicant has presented a reasonable objective.

Ms. Kablack said that there were still a few remaining issues to be addressed. For example, signature blocks should be included on the plans submitted. Trees need to be located on the revised plan. The affordable units should be located on the plan as well. The revised waiver list needs to be submitted on a specific document.

Mr. Stevens said that there are no direct waivers being requested under the Sudbury bylaws. No conservation-specific waivers being sought.

Ms. Kablack said that a streetscape waiver would be expected. She asked whether local preference was being provided. She said that the Town's sentiment is not to waive the stretch code. However, the building inspector would have to weigh in. She asked whether Mr. Stevens was planning to offer one of the units to the Sudbury Housing Authority. The answer was no, because Landham Crossing LLC has a strict renter's agreement and condominium documents. Mr. Fox added that the Sudbury Housing Authority, operating under the State's renters agreement, allows their renters more rights and essentially the condominium association would have no authority to enforce policies in those cases. Mr. Fox said that if the SHA was operating under the same agreement they would be fine with offering it to the SHA, but since they are not then the applicant does not want to do so.

Ms. Kablack also asked about the plans for fire suppression and sprinklers. Mr. Stevens said that he would be working with the Sudbury Building Inspector Jim Kelly, the Fire Department, and the Water Department on those final plans.

In summary the things that still need confirmation are the trees and streetscape, the Conservation Commission's local bylaw feedback, and the stormwater plan, about which Town Engineer Bill Place has questions.

Ms. Kablack noted that the Planning Board also has not weighed in but would probably do so in October.

The Board then discussed the potential for two more meetings about the application.

A motion was made to continue the hearing.

The hearing was continued to Monday, October 3, 2011 at 8:00 p.m. in the Lower Town Hall Meeting Room.

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Elizabeth T. Quirk, Chair

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Jeffrey P. Klofft

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Benjamin D. Stevenson, Clerk

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Jonathan F.X. O'Brien

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Jonathan G. Gossels