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NOTICE OF DECISION COMPREHENSIVE PERMIT

Madison Place Sudbury, LLC, The Residences at Johnson Farm
189 Landham Road
SUDBURY, MA
ZONING BOARD OF APPEALS CASE NUMBER 11-40
July 31, 2012

I. BACKGROUND

APPLICANT Madison Place Sudbury, LLC (the "Applicant")

PROPERTY 189 Landham Road, Sudbury, MA (the "Property")

ASSESSORS
MAP/PARCEL Map L10, Lot 0500

AREA: 35.44 Acres (approx.)

ZONING: Residential A District (A-Res)

THE PROJECT: The Applicant filed an application for approval of 120 rental apartment units in ten (10) structures, each containing twelve (12) units (the "Original Project"). The Applicant also sought the construction of an office building containing approximately 750 square feet, as well as a Wastewater Treatment Plant ("WWTP") in connection with the Original Project. As further detailed in this Decision, over the course of the hearing, at the request of the Board, the Applicant submitted various iterations of a concept plan, which consists of fifty-eight (58) rental townhouse units, the above-mentioned rental office, WWTP and other related appurtenances. As further modified by this Decision, the revised plan has been further reduced to fifty-six (56) rental units (the "Project").

PUBLIC HEARING: A public hearing by the Sudbury Zoning Board of Appeals (the "Board"), pursuant to notice duly published, posted and mailed to parties in interest

in accordance with applicable law, was opened on September 6, 2011 and continued on October 18, 2011, November 17, 2011, December 13, 2011, January 26, 2012, February 15, 2012, March 5, 2012, March 28, 2012, May 16, 2012, and was closed on June 18, 2012.

DECISION DATE On July 31, 2012, Elizabeth T. Quirk moved and Jeffrey P. Klofft seconded, and the Board voted 3 in favor and 2 opposed to approve the Application for Comprehensive Permit, with conditions reducing the number of rental units to fifty-six (56). Accordingly, the Comprehensive Permit is approved, with conditions.

PLANS OF RECORD

This Decision is based on the following plans submitted for the Board's consideration:

"Comprehensive Permit Preliminary-Site Development Plans, The Residences at Johnson Farm, Landham Road, Sudbury" prepared by Tetra Tech, One Grant Street, Framingham, MA" dated August 8, 2011, consisting of thirty-five (35) sheets:

- C-0.1 Cover Sheet
- C-1.1 Topographic Plan of Land
- C-2.1 thru 2.4 Existing Conditions Plans
- C-3.1,3.2 Layout Plans
- C-4.1,4.2 Grading and Drainage Plans
- C-5.1,5.2 Utility Plans
- C-6.1 thru 6.8 Erosion & Sediment Control Plan Phases 1-8
- C-7.1 Wetlands Replication Area Plan
- C-8.1 Culvert Stream Crossing Sections
- C-8.2,8.3,8.6 Detail Sheets
- C-8.4,8.5 Erosion & Sediment Control Detail Sheets
- C-9.1,9.2 Site Lighting Plans; and
- L-1.0 Master Landscape Plan prepared by Sudbury Design Group dated August 5, 2011
- L-1.1 thru 1.5 Landscape Plans prepared by Sudbury Design Group dated August 5, 2011, (the "Original Project");

with revisions contained in plans entitled "Comprehensive Permit Preliminary-Site Development Plans, The Residences at Johnson Farm, Landham Road, Sudbury" prepared by Tetra Tech , One Grant Street, Framingham, MA" dated August 8, 2011, last revised March 21, 2012, consisting of eleven (11) sheets:

- C-3.1,3.2 Layout Plans
- C-4.1,4.2 Grading and Drainage Plans
- C-5.1,5.2 Utility Plans
- C-7.1 Wetlands Replication Area Plan
- C-8.1 Culvert Stream Crossing Sections
- C-8.2,8.3,8.6 Detail Sheets, (the Comprehensive Permit Plans");

and plans as modified by this Decision (the "Final Plans").

In addition to the above, the Applicant, the Board's consultants, Town Officials and abutters and interested members of the public entered into evidence documents and other materials addressing matters and questions raised during the public hearing, all of which material is incorporated herein by reference. Written information received during the public hearing is attached hereto as Exhibit "A" and incorporated herein by reference.

II. THRESHOLD DETERMINATIONS

A. Jurisdictional/Eligibility Requirements:

The January 20, 2011 Project Eligibility Letter issued by MassHousing made the eligibility findings required under 760 CMR 56.04(1)(a)-(c) and (4) and those findings are required to be considered conclusive by the Board of the Applicant's eligibility under 760 CMR 56.04(6), unless there is an alleged failure of the Applicant to continue to fulfill the eligibility requirements. The Board has found no such failure by the Applicant to fulfill these eligibility requirements.

B. Consistency with Statutory and Regulatory Needs:

Whether a board may approve a comprehensive permit with conditions without regard for whether the conditions would make the project uneconomic or may deny the permit is governed by whether the Town has met certain minimum statutory and regulatory thresholds for the

development of low and moderate income housing as set forth in set forth in G. L. c. 40B, §20 and 760 CMR 56.03(3). If the Town has satisfied any of the following statutory and regulatory exemption thresholds, then the Board has the right to either deny the application or impose its local regulations on an approval and the resulting decision shall be considered consistent with local needs and satisfy the requirements of G. L. c.40B. If the Town has not satisfied any of the above-referenced thresholds, any decision to either deny the Project or approve it with conditions must be supported by local concerns which outweigh the regional need for affordable housing.

1. Ten Percent Affordable Housing Exemption: Ten percent (10%) of the Town's total year-round housing stock is part of the subsidized housing inventory. G. L. c. 40B, §20; 760 CMR 56.03(3)(a). The Board found that the Town had not achieved this minimum.
2. Existing Development Exemption: Affordable housing land exceeds one and one-half (1½ %) of total land area, excluding government-owned land and certain other land. G. L. c. 40B, §20; 760 CMR 56.03(3)(b). The Board found that the Town had not achieved this minimum.
3. New Construction Exemption: New affordable housing construction land area in the calendar year exceeds .3 of 1% of the total land area. G. L. c. 40B, §20; 760 CMR 56.03(3)(c). The Board found that the Town had not achieved this minimum.
4. Housing Production Plan Exemption: Certified progress on approved Housing Production Plan. 760 CMR 56.03(4). The Board found that the Town has an approved Housing Production Plan, which was certified by the Department of Housing and Community Development (DHCD) as of August 9, 2011. The Board found that this threshold had not been met as of the date of this Application, although it also recognized that the certification may still be significant as indicative of the efforts of the Town to plan for the creation of affordable housing.
5. Recent Progress: Affordable units created during the prior 12 months exceeds 2% of the Town's total housing stock. 760 CMR 56.03(5). The Board found that the Town had not achieved this minimum.
6. Large Scale Project: The Application is for more than a certain maximum number of allowed units, depending on the number of housing units in the Town (for Sudbury the

maximum number under this provision is two hundred and fifty (250) units). 760 CMR 56.03(6). The Board found that this application has not exceeded this maximum.

7. Related Application: The Application is related to an application for zoning or subdivision approval on the same land made within the prior twelve (12) months. 760 CMR 56.03(7). The Board found that the Application is not related to an application on the same land within the prior twelve (12) months.

In addition to the Safe Harbor provisions contained in the regulations, there are also certain other regulatory provisions which may be applicable upon appeal to the Housing Appeals Committee:

1. Open Space: The inclusion of a project site in a municipally adopted open space or recreation plan creates a presumption that the proposed site is needed to protect Open Space, unless the Applicant can produce evidence to the contrary. 760 CMR 56.07(3)(f). The Board found that the Town has adopted an Open Space and Recreation Plan, and the Property is listed as a priority for acquisition as Open Space.
2. Municipal Planning: Evidence of municipal planning, including a municipality's master plan, comprehensive plan, housing plan, Housing Production Plan, or community development plan, as well as the results of the municipality's efforts to implement such plans, may be introduced as evidence. 760 CMR 56.07(3)(g). The Board found that the Town has adopted a Master Plan, and a Housing Production Plan, which was certified by the Department of Housing and Community Development on August 9, 2011, and that significant steps have been taken to implement such plans.

III. PROCEDURAL HISTORY

The Sudbury Zoning Board of Appeals (the "Board") received an application for a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20-23 and the regulations promulgated thereunder, as amended from time to time, from Madison Place Sudbury, LLC (the "Applicant") on August 8, 2011, to construct the Original Project, consisting of ten (10) three-story, twelve (12) unit multifamily rental apartment buildings containing one hundred and twenty (120) units on approximately thirty-five (35) acres of land located at 189 Landham Road. Said Property is within the A-1 Residential Zoning District, and is identified as Parcel 500, on Town Assessor's Map L10 (collectively, the "Property"). The Property is owned by the Johnson Living Trust, Peter Johnson, Trustee.

The application was filed by the Applicant and notice as required by law was given to all entitled to receive such notice.

The Applicant submitted evidence establishing that it is a qualified Applicant eligible to apply for a Comprehensive Permit pursuant to 760 CMR 56.04(1)(a) through (c) in that:

- a. It is a limited dividend organization eligible to obtain a Comprehensive Permit pursuant to M.G.L. c.40B;
- b. It controls the Property; and
- c. It has received a Site Approval letter from MassHousing dated January 20, 2011.

The Board convened the public hearing on this application on September 6, 2011. The public hearing was continued over several sessions, and was closed on June 18, 2012. Sitting as members of the Board and present throughout the hearing were Elizabeth T. Quirk, Chair, Jonathan G. Gossels, Benjamin D. Stevenson, Jeffrey P. Klofft and Jonathan F.X. O'Brien. Benjamin D. Stevenson was absent at the January 26, 2012 session and, pursuant to G.L. c. 39, § 23D, has certified that he has examined all of the evidence received by the Board on this subject and is therefore eligible to vote on the subject application.

Over the course of the public hearing, the Board heard testimony and received written comments from its consultants, numerous Town boards and officials, the Applicant and its representatives and numerous abutters and members of the public. In response to these comments and at the Board's request, the Applicant met informally on several occasions with a representative group consisting of Town staff, various consultants of the Board and community members. As a result of these informal meetings, the Applicant developed and submitted to the Board conceptual plans for an alternative project on the Property, consisting of 64 rental townhouse units that could be considered by the Board in lieu of the Original Project. The conceptual design of this alternative plan received positive feedback as a significant improvement relative to the Original Project when it was presented to the Board during the hearing. Over the remaining sessions in the hearing, this alternative design was again revised to further reduce the number of units and fully-engineered plans of this alternative were prepared by the Applicant that reflected 58 townhouse-style rental units (the "Plans" or "Comprehensive Permit Plans"), thereby further reducing the number of units served by a single-access driveway, and reducing the amount of porous pavement relative to the Original Project. For purposes of this Decision, the 58-unit rental townhouse plan shall be known as the "Project". In connection with the Project, the Applicant also indicated a willingness to place a deed restriction on a significant portion of the Property, protecting the balance of the Property as open space. Although Board members continued to

have concerns about environmental and open space issues, the Board determined that the revisions the Applicant agreed to make in connection with the Project sufficiently addressed some of its substantive concerns. The Board did find that a further reduction in the number of units within the Project to fifty-six (56) rental units was necessary, in order to allow the construction of a turn-around for fire vehicles on the north side of the Project.

The Board's decision is based upon the plans, reports and information submitted to it prior to and during the public hearing, and with the benefits of modifications required under this Permit. The list of plans, reports and information submitted to the Board during the hearing is attached hereto as Exhibit A.

IV. FINDINGS OF FACT

After the public hearing closed, the Board met during open session at a duly posted meeting and made the following findings of fact:

General Findings of Fact

The Board found that the project site is of substantial environmental concern, being located in close proximity to wetlands and vernal pool areas, directly abutting over 150 acres of undeveloped conservation land. In its review of the Original Project, the Board identified serious concerns regarding impacts upon wetland resource, riverfront and buffer areas, as well as serious concerns regarding the length of the single-access roadway serving one hundred and twenty (120) rental units and lack of emergency access to the rear of the buildings. The Board also found that the porous pavement proposed by the Applicant as part of its stormwater management plan is unproven to be effective for a project of the scale contained in the one hundred and twenty (120) unit proposal, particularly in such an ecologically sensitive area. Finally, the Board found that the Property is valuable to protect open space, pursuant to its inclusion on the Town of Sudbury's 2009 Open Space and Recreation Plan, and that the intensive use proposed by the Original Project, without any commitment to open space protection, was inconsistent with the goals of the Open Space Plan. Accordingly, for these reasons, the Board requested modifications to the Original Project.

In reviewing the alternative proposal for the fifty-eight (58) rental unit townhouse Project (further reduced to fifty-six (56) rental units in this Decision), the Board found that the plans for this alternative proposal sufficiently addressed some of its concerns. Specifically, the Board

found that (i) the reduction to fifty-six (56) rental units substantially reduced the number of units served by a single-access drive to less than the one hundred (100) units cited by the Sudbury Fire Department as requiring a secondary access, and (ii) the revision of the unit-type from large-scale, three-story apartment buildings to smaller-scale two-story townhouses addressed additional fire safety concerns raised by the Fire Department. Additionally, the revised plans include a significantly reduced reliance upon porous pavement as compared to the Original Project. Furthermore, the Applicant has indicated a willingness to place a deed restriction on the large westerly portion of the Property directly abutting the conservation area, resulting in the permanent protection of substantial portions of the Property as open space contiguous to existing conservation lands. Although members of the Board remained concerned about the environmental and open space issues, the Board determined that the revisions the Applicant agreed to make to reduce the number of units in the Project sufficiently addressed its substantive concerns with the Original Project. The Board did find that a further reduction in the fifty-eight (58) rental unit Project to fifty-six (56) rental units was necessary, in order to allow for the construction of a turn-around for fire vehicles on the north side of the Project.

Specific Findings of Fact

1. Wetlands Impacts

The Board identified a number of issues of concern regarding the Original Project relative to wetlands protection. These issues include, but are not limited to, the following:

- The Original Project plans show a substantial proposed alteration of wetland resource areas including Bordering Vegetated Wetlands (10,200 sf), Riverfront (200 ft. Upland Resource Area under the Sudbury Wetlands Administration Bylaw), and the crossing of a perennial stream.
- Substantial alteration of wetland buffer zone (Adjacent Upland Resource Area under the Sudbury Wetlands Administration Bylaw) much of which is in very close proximity to four (4) vernal pools and vernal pool habitat, providing virtually no protected setback to these resource areas in many locations. Approximately eighty-four percent (84%) of the development is within wetlands resource areas and buffer zones.
- One of the wetland areas containing a vernal pool is completely surrounded by the development with potentially serious impact to wildlife habitat.
- The Original Project proposed to provide replication for the alteration of Bordering Vegetated Wetlands (BVW) at a ratio of 2:1, but some of this area was questionable as to

whether it would meet performance standards due to the close proximity of a proposed Flood Storage Replication Area that would lower the water table.

- The potential impact to the wetlands hydrology of a very large, 20,000 gallons per day, subsurface sewage disposal field in very close proximity to the BVW as proposed in the Original Project.

Although the alternative plan submitted by the Applicant showing the fifty-eight (58) rental unit development is similar in many ways to the 120 rental unit apartment development, it does mitigate some of the wetlands concerns raised by the Board. The general footprint of the Project remains similar, and alteration of the wetlands is proposed. However, the Project is improved over the one hundred and twenty (120) rental unit proposal because of the reduction of some of the wetland resource area impacts, partially addressing the concerns in comparison to the one hundred and twenty (120) rental unit plan. These include:

- Reduction in the amount of hard footprint (paved and impervious surfaces) within the buffer zones and wetlands including narrowing of the access drive to reduce the BVW alteration by 900 sf.
- Providing a substantial increase in undeveloped buffer from 20 feet to 75 feet to the most significant of the vernal pools, thereby providing an increase of 27,656 square feet of protected buffer to that vernal pool over the one hundred and twenty (120) rental unit plan.
- The introduction of retaining walls behind the buildings to provide additional buffer to the wetland and vernal pool areas than provided pursuant to the one hundred and twenty (120) rental unit plan.
- The total alteration of the site is reduced by two (2) acres due to a consolidation of the footprint and a smaller on-site sewage disposal field.
- The sewage disposal field and sewage flows are reduced by about one-third, thereby reducing the potential impact to wetland hydrology from the one hundred and twenty (120) rental unit project.
- Pursuant to the request of the Conservation Commission, the wetlands replication has been reduced to a ratio of 1:1, in order to allow the maintenance of additional upland area. This revision addresses the previous concerns regarding wetlands replication.

The fifty-eight (58) rental unit plan (which will be reduced to fifty-six (56) rental units pursuant to this Decision) does result in an increase in alteration of approximately 5,200 square feet of Riverfront (200 ft. Adjacent Upland Resource Area to a Perennial Stream) over the one hundred

and twenty (120) rental unit plan, which must be approved pursuant to the issuance of an Order of Conditions by the Sudbury Conservation Commission, or pursuant to the issuance of a Superseding Order of Conditions by the Massachusetts Department of Environmental Protection under the Massachusetts Wetlands Protection Act.

2. Stormwater Management

The Board identified a number of issues related to the exclusive use of porous pavement throughout the one hundred and twenty (120) rental unit plan. The Original Project provided no areas for staging of construction materials or travel of heavy equipment outside the porous pavement areas. The porous pavement system is susceptible to failure by either over-compaction of the underlying soil or clogging of the porous media through migration of sediment and sand during construction activities. While the Applicant provided an extensive detailed sequencing plan, the Board remained concerned with such a large scale, exclusive use of a widely unproven technology considering the sensitive environment surrounding the developed areas. The fifty-six (56) rental unit plan significantly reduces the use of porous pavement, proposing the entire main access road as standard pavement, and is also subject to careful construction sequencing and maintenance obligations detailed in this Decision. The Board found these changes and the Applicant's construction and maintenance obligations reduces its prior concerns to an acceptable level.

The fifty-six (56) rental unit plan incorporates more standard methods of collecting, treating and attenuating stormwater in addition to the reduction in porous pavement use.

3. Vehicular Access

The Board identified access to the structures, located primarily in the rear of the Property and accessible solely by crossing a perennial stream, as an impediment to public safety in the Original Project. National Fire Protection Act (NFPA) standards advise no greater than one hundred (100) units on a single access roadway for optimal response. The fifty-six (56) rental unit plan lessens this concern and meets this standard.

4. Building Design/Access to Structures

The Original Project design provided for three (3) story buildings with heights of forty-five (45) feet. Most of the buildings were not accessible from the rear, as wetland setbacks were minimal

and did not afford fire lanes around the entire buildings. The Sudbury Fire Department noted serious public safety concerns related to the configuration of the development and the proposed buildings. The fifty six (56) rental unit plan has reduced the overall number of units, as well as the height of the buildings to two (2) stories and thirty-five (35) feet, making them more easily accessible by existing Sudbury Fire Department equipment and in compliance with the Zoning Bylaw.

5. Protection of Open Space

The Property is listed on the Town of Sudbury's 2009 Open Space and Recreation Plan as a property "deemed important for the fulfillment of the Town's Open Space and recreational needs." The Open Space and Recreation Plan describes the Property as "adjacent to 150 acres of protected open space lands owned by the Town of Sudbury, the Sudbury Water District, and Sudbury Valley Trustees. Property contains both open fields and wooded areas. Acquisition and permanent protection of most of this parcel will protect a wildlife corridor located along Landham Brook." The Board found that the Town had taken affirmative steps to acquire the Property for protection as Open Space, but such efforts did not come to fruition.

In connection with the alternative rental townhouse Project, the Applicant agreed to place a deed restriction on the westerly area of the Property adjacent to the adjoining conservation lands which are not necessary for the development of the Project. Furthermore, the Applicant agreed to a substantial reduction in the number of units in the Project relative to the one hundred and twenty (120) rental units contained in the Original Project, the end result of which is this Decision approving the Project at fifty-six (56) rental units. The Board found that while it would strongly prefer the Property remain undeveloped, the less-intensive use of the fifty-six (56) rental unit Project, combined with the Applicant's commitment to place a deed restriction on a substantial portion of the Property, partly addressed the local concern of protecting the Property as open space.

6. Municipal Planning

As noted in the Protection of Open Space section, the Town has engaged in specific municipal planning regarding the Property, including initiating an attempt to purchase the Property using Community Preservation Funds. Additionally, the Town has adopted, and the Department of Housing and Community Development has approved, a Housing Production Plan (the "HPP") pursuant to 760 CMR 56.03(4). The HPP specifically accounts for affordable housing

development in the area of the Property, including the Landham Crossing project, a 31 unit condominium development located at 192 Boston Post Road; the Coolidge project, a 64 unit rental development located at 189 Boston Post Road; and a 73 unit condominium development located at 275, 289, 295 and 303 Boston Post Road. Both the Landham Crossing and Coolidge projects are located within a half-mile of the Property, and both projects have been approved by the Board. Accordingly, the HPP has been implemented in the vicinity of the Property.

The Board has reviewed the letter dated August 26, 2011 from the Department of Housing and Community Development to the Sudbury Board of Selectmen, which indicates that the Town of Sudbury is in compliance with its HPP. Pursuant to this letter, the Town is certified as having met its Planned Production requirements for the period of August 9, 2011 to August 8, 2013. The Board is cognizant that the Certification issued by the DHCD became effective the day after the Applicant filed its comprehensive permit application on August 8, 2011. However, the Board found that the Certification issued by the DHCD conclusively shows that the Town has made actual progress in promoting the development of affordable housing in Sudbury, particularly in the vicinity of the Property. The Board has determined that there is a legitimate municipal planning purpose that supports the modification and reduction in the size, nature and scale of the Project from a relatively large-scale rental apartment complex consisting of one hundred and twenty (120) rental units to the reduced density of fifty-six (56) rental units as approved by this Decision. Furthermore, the Board strongly feels that the concentration of additional affordable housing in this area of Sudbury (either as part of this Project or in any future projects) would be incompatible with its Housing Production Plan, and with the purpose of G. L. c. 40B, §§ 20-23 to encourage the dispersal of affordable units throughout the community. It is the Board's intent that this determination be submitted to the applicable subsidizing agency in any future project eligibility letter applications for projects located within this section of South Sudbury, as evidence that such future applications are inappropriate for the area pursuant to 760 CMR 56.04(4)(b) (which requires the subsidizing agency to find that "the site of the proposed project is generally appropriate for residential development, taking into consideration information provided by the municipality or other parties regarding municipal actions previously taken to meet affordable housing needs, such as inclusionary zoning, multifamily districts adopted under M.G.L. c.40A, and overlay districts adopted under M.G.L. c.40R).

V. EXCEPTIONS

The Applicant shall comply with all relevant laws, rules and regulations in Sudbury unless specifically waived hereunder. The Board hereby grants or denies exceptions to the following local bylaws, regulations and rules and regulations promulgated thereunder in approving this Project:

1. Zoning Bylaw, Article IX of the Sudbury Bylaws, Sections 2210, 2230 and Appendix A to allow multiple structures on a single lot, in exemption of the requirement of one principal structure per lot, and to allow the construction of multi-family apartment units, which is not an allowed use. This waiver also authorizes the construction of the Wastewater Treatment Plant structure and Rental Office structure, which constitute accessory uses not otherwise authorized. This waiver is hereby granted.
2. Zoning Bylaw, Article IX of the Sudbury Bylaws, Sections 2322 and 2324, to allow for the temporary use of construction trailers on the Property during the construction period. This waiver does not authorize the use of trailers on the Property for any purpose after the completion of construction and the issuance of an occupancy permit for the final residential building on the Property. This waiver is hereby granted.
3. Zoning Bylaw, Article IX of the Sudbury Bylaws, Sections 3200, 3250, and 3280, waiver to allow for the signs as shown on the plans. This waiver request is denied, as the Applicant has indicated that it is not positive whether such request is necessary. To the extent the Applicant subsequently determines a waiver is necessary, the Board shall review such request pursuant to the requirements of 760 CMR 56.05(11).
4. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3431, waiver to allow for the grading of more than 30,000 square feet of area at slopes greater than fifteen percent (15%), as shown on the plans. This waiver is granted to allow grading consistent with the plans.
5. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3433, waiver to allow the clear stripping or filling of more than two acres, as shown on the Site Plans. This waiver is hereby granted to allow construction consistent with the Comprehensive Permit Plan .

6. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3440, waiver to allow excavation within fifty feet (50') of a roadway. This waiver is hereby denied as unnecessary, as the Board has authorized such excavation in connection with this Decision.
7. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3541, waiver of the requirement for one hundred and fifty square feet (150 s.f.) of plantings for every one thousand square feet (1,000 s.f.) of proposed parking area, to allow for landscaping as shown on the Plans. This waiver is hereby granted.
8. Wetlands Administration, Article XXII of the Sudbury Bylaws, Section 7.3. This waiver is hereby denied as unnecessary, as the issuance of this Decision constitutes the issuance of a permit under the Sudbury Wetlands Bylaws.
9. Wetlands Administration, Article XXII of the Sudbury Bylaws, Section 7.8.1, waiver to allow the construction of structures on the Property before the completion of the wetlands replication area. This waiver is hereby granted.
10. Wetlands Administration, Article XXII of the Sudbury Bylaws, Section 7.8.2, waiver to allow for the replication of disturbed wetlands areas at a ratio of 1:1, rather than 2:1. Approval of this waiver was recommended by the Sudbury Conservation Commission. This waiver is hereby granted.
11. Wetlands Administration, Article XXII of the Sudbury Bylaws, Section 7.8.8, waiver of the bond requirement, as a bond will be required to ensure the completion of all infrastructure for the Project. This waiver is hereby granted.
12. Wetlands Administration, Article XXII of the Sudbury Bylaws, Section 7.10, to allow work within the Riverfront Area. This waiver is hereby denied as unnecessary, as the issuance of this Decision constitutes the issuance of a permit under the Sudbury Wetlands Bylaws, authorizing the work within the Riverfront Area.
13. In-Ground Irrigation Systems, Article XXVII of the Sudbury Bylaws, to allow the irrigation wells within 100' of wetland resource areas. This waiver is hereby granted.

14. Sudbury Board of Health Rules and Regulations Governing the Subsurface Disposal of Sewage, Section III, to allow leaching areas to be designed pursuant to Department of Environmental Protection standards. This waiver is hereby granted.

15. Sudbury Board of Health Rules and Regulations Governing the Subsurface Disposal of Sewage, Section IV, waiver of the requirement for design flows based upon 200 gpd per bedroom, to allow for design flows based upon the Department of Environmental Protection's standard of 110 gpd per bedroom. This waiver is hereby granted.

16. Sudbury Board of Health Rules and Regulations Governing the Subsurface Disposal of Sewage, Section VI, to waive the prohibition against sewer pumps. This waiver is hereby granted.

17. Town of Sudbury Rules and Regulations Governing the Subdivision of Land, Section V.F., to waive the requirement allowing only one dwelling unit per lot. This waiver is denied as unnecessary, because the Project is not a subdivision and the Board has determined that the subdivision regulations do not apply.

VI. DECISION

Pursuant to G.L. c. 40B §§ 20-23, the Board, after the public hearing and findings of fact including, but not limited to the facts stated herein, determines (i) that the valid health, safety, building design and open space concerns, collectively, outweigh the regional need for affordable housing with regard to the one hundred and twenty (120) rental unit Original Project and that (ii) that there is sufficient evidence to support the granting of a Comprehensive Permit (the "Permit") to enable the construction of the alternative Project, as described in the materials and Plans in the record, subject to a reduction in the number of units in the Project to fifty-six (56) total rental units. Accordingly, the application of Madison Place Sudbury, LLC for a Comprehensive Permit is hereby granted with respect to the Project, subject to the following terms and conditions all of which are binding upon the Applicant as conditions of this Permit, including a reduction in the number of rental units in the Project to fifty-six (56), but otherwise in conformance with the Plans and materials for the Project submitted by the Applicant.

VII. GENERAL CONDITIONS

This Permit is granted subject to the following conditions:

1. This Permit is granted to the Applicant and may not be transferred or assigned to any party without the approval of the subsidizing agency and notice to the Board, as required by 760 CMR 56.05(12)(b).
2. This Permit shall become void if the Applicant does not commence the Project as approved herein within the later of three (3) years of the filing of this Permit with the Town Clerk or within three (3) years of the expiration of all appeals. Commencement of the Project shall mean that the Applicant obtains a building permit for the construction of the Project and commences substantive construction work under the building permit. The Board may grant extensions for good cause, pursuant to the requirements of 760 CMR 56.05(12)(c).
3. All construction of the Project, including landscaping, shall be completed within three (3) years from the date of issuance of the building permit, unless otherwise noted herein, or a request is filed with, and approved by, the Board extending such time for good cause.
4. Any material changes to the Project after issuance of the Permit must be reviewed and approved by the Board in accordance with 760 CMR 56.05 (11).
5. This Permit approves the construction of the Project, containing a total of fifty-six (56) two-bedroom, townhouse-style units of rental housing, including no less than six (6) units with first floor master bedrooms, with associated infrastructure, utilities and landscaping, all as shown on the Comprehensive Permit Plans, as modified by this Permit. Unit sizes and mix of units, including the number of bedrooms, shall be substantially consistent with the Comprehensive Permit Plans, as defined herein.
6. All units within the Project shall remain rental in perpetuity.
7. Twenty-five percent (25%) of the units shall be reserved in perpetuity for rental occupancy by low or moderate income households earning no more than eighty percent (80%) of the Area Median Income (AMI) for the Boston-Cambridge-Quincy, MA-NH HMFA (HUD Metro Fair Market Rent Area), as determined by the U.S. Department of Housing and Urban Development (HUD), as adjusted for household size, and as certified annually by the

Monitoring Agent (the "Affordable Units"). Each of the Affordable Units shall be rented for no more than the maximum rental price established in accordance with the Regulatory Agreement, as required by the Subsidizing Agency. In the event that the Subsidizing Agency or any lender forecloses on the Project, no less than twenty-five percent (25%) of the units shall remain affordable to households earning no more than 80% of the applicable AMI, for so long as the Project remains noncompliant with zoning. The Applicant shall obtain a provision in the first mortgage of the Property which requires the mortgagee, prior to engaging in any court proceedings to foreclose on the Property, to provide the Town with written notice of the Applicant's failure to cure default under such mortgage within the time period allotted for such cure. Such notice shall set forth the amount to be paid to the mortgagee in full satisfaction of the mortgage, not to exceed the remaining principal under the mortgage, then-current interest due, and fees and expenses, and upon receipt of such notice, the Town, or its assignee, shall have the right to acquire such mortgagee's interest in the Property within one hundred and twenty (120) days at such price by return written notice to the mortgagee indicating the Town's election to exercise its right of first refusal.

8. No construction activities, except for the installation of hay bales or other barriers around the perimeter of the areas to be disturbed, shall commence on the Property until the limits of disturbance around the Property are properly marked. The Applicant shall request that the Director of Planning and Community Development inspect the Property prior to disturbance.
9. Building permits for the Project shall not be issued until the Final Plans have been revised and submitted for review, approval and endorsement by the Board for consistency with the conditions of this Permit, final stormwater plans and calculations which confirm the consistency of such plans with the Comprehensive Permit Plans have been submitted for review and approval of the Board, final architectural plans have been submitted for review and approval of the Board, final building plans have been submitted to the Building Inspector for review to confirm the consistency of such plans with the Massachusetts Building Code and final approval of the wastewater disposal system has been received by the Massachusetts Department of Environmental Protection (DEP) (the "Final Plans"). Furthermore, building permits for the Project shall not be issued until the Applicant receives Final Approval, as that term is defined, from MassHousing and submits evidence of same to the Board.
10. The architectural plans/renderings of the townhouse units and the wastewater treatment plant building shall be submitted for administrative review by the Design Review Board and the Director of Planning and Community Development prior to endorsement by the

Board, and the Final Plans shall be amended to include reasonable comments of these Town Officials, provided no material changes to the Comprehensive Permit Plans shall be required.

11. Exterior construction activities shall be confined to the hours between 7:00 am and 7:00 pm, Monday through Friday and between the hours of 8:00 am and 4:00 pm on Saturday. There shall be no construction on state and federal holidays. Additionally, construction vehicles and/or equipment shall not be started or operated prior to or after the times stated herein. For this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities on the Property; removal of stumps and debris; and the erection of structures. Notwithstanding the above, the above restriction on the hours of construction activities shall not apply to any work undertaken off the Property that is normally or customarily conducted during hours other than the hours permitted for such work set forth above.
12. The Applicant shall be permitted to locate three (3) temporary enclosures or construction trailers on the Property for the duration of the construction. The enclosures shall be located in an area slated for disturbance, shall not require the need to remove any additional vegetation, shall be located at least fifty (50) feet off any property line, shall not obstruct sight distance entering or exiting the Property and shall be shown on the Final Plans. No further approval shall be necessary.
13. One hundred and forty-eight (148) parking spaces shall be provided for the development. Each unit shall be provided with two (2) parking spaces, including one garage space and one driveway space. Additionally, no more than thirty three (33) guest spaces and three (3) bus stop waiting area shall be constructed. On-street parking along Landham Road shall be prohibited.
14. Appropriate measures shall be taken during construction to prevent the tracking of material onto any public way. Any material tracked onto a public way shall be swept up and removed by the Applicant on a daily basis.
15. The Applicant shall repair in a timely manner any damage to public roads adjacent to the Project that results from the construction and/or maintenance of the Project.

16. The final grading around the detention basin in the front field shall be revised on the Final Plans to eliminate any removal of the existing tree line in this area. The basin shall be constructed entirely within the field area.
17. The final grading of the leaching field shall be revised on the Final Plans to minimize the removal of any existing tree line, and shall create a natural grade from view of Landham Rd across the entire front of the Property.
18. Signature blocks shall be added to the Final Plans.
19. All units must have similar interior amenities.
20. The distribution of affordable units throughout the Project shall be set forth in an affordable unit distribution plan prepared by the Applicant and submitted to the Director of Planning and Community Development for approval prior to execution of the Regulatory Agreement. The affordable unit distribution plan shall reflect that each separate group of townhouse buildings contain a roughly proportional share of the affordable units and the affordable units shall not be segregated from the market rate units.
21. All units shall contain only two bedrooms. The Applicant shall ensure that the form of lease used for the rental of units within the Project contain a provision that prohibits the loft or office space within the units from being used as a bedroom. The lease shall further specify that such use constitutes a violation of the terms of the lease. A copy of the form of lease shall be provided to the Board for its file.
22. Prior to the commencement of construction activities on the Property, the Applicant shall submit a Trucking Plan to the Director of Planning and Community Development. The Trucking Plan shall specify: (i) planned truck routes (ii) estimated volumes of any imported and exported materials (iii) estimated truck trips and (iv) construction period mitigation measures, including details and locations of crushed stone entrance pads, street sweeping protocols and dust control measures to be implemented on the Property.
23. A temporary construction sign no greater than twenty (20) square feet in size may be erected on the Property at the time of issuance of a building permit. Additionally, after the issuance of a building permit for the Project, the Applicant may display, on the Property, one temporary marketing or leasing sign stating appropriate marketing information, with such

temporary sign being in accordance with the sign dimensional requirements of the Zoning Bylaw.

24. A permanent freestanding sign in compliance with the Zoning Bylaw requirements may be erected on the Property, subject to review of adequate sight distance by the DPW Director and review of sign design by the Design Review Board.
25. The Applicant shall not cause congestion on the abutting public ways due to construction parking. If necessary, parking during construction shall be secured at off-site locations and workers shuttled to the Property.
26. As mitigation for the anticipated traffic generated by the Project, prior to the issuance of the first Certificate of Occupancy for the Project, the Applicant has agreed to contribute seventy five thousand dollars (\$75,000.00) to the Town as a means of reducing the impacts of this Project on traffic flow and safety on Boston Post Road. These funds shall be applied towards the planned installation of a traffic signal at the intersection of Landham Road, or other transportation-related safety improvements in the vicinity of the Project. If the Town does not proceed with installation of a traffic signal at the Landham Road intersection within seven (7) years after receipt of the funds, use of said funds shall be at the discretion of the Town Manager for transportation-related safety improvements in the vicinity of the Project.
27. As mitigation for waivers granted under the Sudbury Wetlands Administration Bylaw noted in Section V, and in support of general conservation interests in the Town of Sudbury, the Applicant has agreed to provide in-kind services up to a maximum aggregate cost for such work to the Applicant of one hundred twenty five thousand dollars (\$125,000.00), with any necessary permits and approvals for such work to be obtained by the Town and with a final scope to be mutually acceptable to the Applicant and the Conservation Commission, such work to be completed prior to the release of the performance bond for the Project:
 - a. Clearing and conversion to meadow (loam and seed) of approximately three (3) acres of land in the town-owned King Philip Woods Conservation Area which is currently an area of invasive-dominated (oriental bittersweet) landscape in close proximity to vernal pool with state-listed blue-spot salamanders. This work seeks to mitigate invasive plant species spread, prevent impact to rare wetlands wildlife habitat, to provide meadow and edge habitat, and to provide improved access to historic resources in the vicinity;
 - b. Renovation of the tool shed at the Community Garden to promote local agriculture;

- c. Vista pruning near the Brimstone Lane entrance to the eastern portion (uphill) for the purpose of restoring vista windows of views toward Mt. Monadnock; and
 - d. Clearing and conversion to meadow (loam and seed) of the invasive-dominated (Tartarian honeysuckle) landscape located above the Brimstone Lane parking area in the Nobscot Conservation Land. This work seeks to mitigate invasive plant species spread, restore wildlife habitat, and to promote use and appreciation of existing Town of Sudbury open space.
28. The Applicant has agreed to install one electric vehicle charging station in the Project for use by the residents. Users shall be responsible for utility costs. The Applicant shall be responsible for maintenance of the charging station.
29. All fire lanes, emergency access driveways and parking areas shall be kept clear at all times, and all snow shall be removed from these areas to ensure access by fire trucks and other public safety vehicles. Fire lanes shall be posted as such, and all signage shall be maintained in good order.
30. In the event that the snow storage areas designated on the Plans are inadequate for a particular storm event or events, any excess snow must be removed from the Property. No additional snow storage areas are authorized.
31. The Final Plans, as defined herein, shall be revised to include a turnaround between Buildings 9 and 10 which is adequately sized to accommodate Town of Sudbury emergency vehicles, while maintaining fifty-six (56) rental housing units within the Project. The Applicant shall review the turnaround with the Fire Chief prior to approval of the Final Plans by the Board.
32. The Applicant shall provide typical floor plans of the townhouse units as part of the Final Plans for the Project.
33. The wastewater treatment plant serving the Project shall be operated and maintained by the Applicant as required by the Massachusetts Department of Environmental Protection pursuant to the issuance of the Groundwater Discharge Permit in accordance with 314 CMR 5.0. The Town of Sudbury shall have the right to review monitoring and compliance reports upon written request to the Applicant or its successor.

34. There shall be no additions beyond the building envelope shown on the Comprehensive Permit Plans, and there shall be no additional parking spaces or areas constructed beyond those shown on the Plans. No additional bedrooms shall be added to any unit.
35. Use of fertilizers and pesticides on the Property shall be applied sparingly to prevent wash off. Use of slow release nitrogen and low phosphorus fertilizers is encouraged.
36. Alternative deicers such as calcium chloride and magnesium chloride shall be used in lieu of sodium based deicers on all pavement and porous pavement areas.
37. No coal tar-based pavement sealants are to be used on the Property.
38. Any intrusion into the 100 foot wetland buffer area as shown on the Comprehensive Permit Plans, shall be allowed only to the extent that the Conservation Commission (or the Department of Environmental Protection) approves such intrusion pursuant to the issuance of an Order of Conditions (or Superseding Order of Conditions) pursuant to the Massachusetts Wetlands Protection Act. Erosion and sedimentation control as shown on the Comprehensive Permit Plans shall be installed prior to any disturbance on the Property, and the no disturb area shall be clearly marked with erosion control siltation fencing prior to any disturbance on the Property.
39. Within six (6) months of the issuance of the first Certificate of Occupancy for the Project, the Applicant shall, at its option, either (i) enter into a binding Conservation Restriction, pursuant to M.G.L. c. 184, s. 31-33, with the Town of Sudbury or a qualified land trust, or (ii) convey for no consideration to the Town or a qualified land trust, the westerly portion of the Property not required for the Project, amounting to approximately twenty (20) acres, ensuring that this portion of the Property remains undeveloped in perpetuity. Provided the Applicant has demonstrated it is proceeding diligently with this commitment, the six (6) month requirement may be extended by the Board for good cause in order to finalize such restriction or conveyance.
40. Compliance with the limited dividend requirements under M.G.L. c. 40B shall be determined by the Subsidizing Agency in accordance with the rules of the applicable housing subsidy program. The Board shall have the right to review such determination for accuracy using the same standards as the subsidizing agency.

41. The Applicant shall comply with all local regulations and bylaws, except for those which are waived in accordance with the Exceptions granted in Section V above.
42. Copies of all plans or documents submitted to other Town departments or Boards as required by this Permit, including the Building Inspector and Director of Public Works/Town Engineer, shall be submitted to the Board.
43. Prior to endorsement of the Plans, the Applicant shall deposit in escrow the amount of twenty thousand dollars (\$20,000.00) to reimburse the Town in connection with the completion of review of Final Plans by its consultants, including final review of the fire protection systems. Following the completion of such review, excess funds in the escrow account shall be returned to the Applicant or its successor in interest.
44. Where the Comprehensive Permit Plans or documents submitted to support the application contain information in conflict with the wording of this Permit, the wording of the Permit shall prevail. The Applicant has requested, and the Board has granted, the exceptions from the Sudbury Zoning Bylaws and other applicable rules and regulations as specified in Section V above. To the extent that the Comprehensive Permit Plans reflect additional waivers at specific locations or relating to specific performance standards not expressly identified, these waivers are also granted. To the extent the Comprehensive Permit Plans are silent on a particular issue, the appropriate Town Bylaw shall apply. In the event the Applicant determines in the final design of the Project that additional exceptions, not identified herein or shown on the Comprehensive Permit Plans are necessary to construct the Project as approved by this Decision, the Applicant shall submit a list of such additional waivers to be reviewed by the Board pursuant to the requirements of 760 CMR 56.05(11).
45. If any provision of this Permit or portion of such provision or the application thereof to any person or circumstances is for any reason held invalid or unenforceable, the remainder of this Permit (or the remainder of such provision) and the application thereof to other persons or circumstances shall not be affected thereby.
46. The terms, provisions and conditions of this Permit shall burden and benefit the successors and assigns of the Town and the Applicant with the same effect as if mentioned in each instance where the Town or the Applicant is named or referred to.
47. Any and all references to the "Applicant" herein shall include any authorized successors or

assigns of the Applicant.

VIII. CONSTRUCTION DETAILS

1. Prior to the issuance of a building permit, the Applicant shall prepare a set of Final Detailed Design Site Plans in conformance with the Massachusetts Building Code for review by the Building Inspector, including confirmation from the Engineer of Record that the final working drawings and specifications have been prepared in accordance with standard engineering practices and fully incorporate all requirements of this Decision as set forth herein.
2. Stormwater management shall conform to MassDEP standards and the Town of Sudbury Stormwater Management Bylaw, except to the extent waived by this Permit. The final Stormwater Plan and calculations shall be reviewed and approved for consistency with the Comprehensive Permit Plans by the DPW Director and/or the Board's representative prior to issuance of a building permit. The following revisions to the Stormwater Management Plan shall be submitted prior to commencement of construction, including but not limited to:
 - a. The final Stormwater Management Plan shall include accurate rainfall calculations for the 100 year storm as required by the Town of Sudbury Stormwater Management Bylaw Regulations.
 - b. The O&M Plan shall include a maintenance schedule for the forebays in the system.
 - c. The O&M Plan shall include a provision for the Town of Sudbury to enter the Property at reasonable times and in a reasonable manner for the purpose of inspection; a provision requiring the owner of the Property to maintain a log of all operation and maintenance activities, including without limitation, inspections, repairs, replacement and disposal. The Town of Sudbury shall have the right to review monitoring and compliance reports upon written request to the Applicant or its successor.
 - d. The O&M Plan shall include a statement that all drainage components shall be maintained to function as designed.
 - e. The final Stormwater Management Plan shall reflect all commitments and representations made by the Applicant and his engineers and consultants during the public hearing.
3. The porous pavement systems shall be installed in strict accordance with details outlined in the Comprehensive Permit Plans, in accordance with the construction sequencing presented

to the Board during the public hearing, and in compliance with Design Specifications for Porous Asphalt Pavement and Infiltration Beds prepared by the University of New Hampshire (UNH) Stormwater Center (2009). The Applicant shall retain the services of a Professional Engineer having experience in the installation of a minimum of five (5) porous pavement projects to oversee the installation from removal of organic material and fill placement to final paving and post construction testing. The Professional Engineer shall provide progress and final reports to the Town demonstrating adherence to the provisions of this condition.

4. Safeguards for the design, construction, pre- and post- construction monitoring and maintenance of the proposed porous pavement systems shall be submitted in written form prior to the commencement of construction. All commitments made by the Applicant or his engineers or consultants, in writing or verbally during the course of the public hearing, shall be incorporated into a report, which shall be subject to review by the Board and/or its representative prior to commencement of construction. The report shall include, but not be limited, to the following:
 - a. Full description of the proposed design;
 - b. Pre-construction testing for compaction;
 - c. Proposed construction sequencing, including the requirement to document construction practices at key intervals during construction;
 - d. Post-construction testing for permeability and certification of design;
 - e. Regenerative vacuum frequency;
 - f. The requirement to purchase a stand behind vacuum machine for supplemental vacuuming;
 - g. Updated O&M Plan;
 - h. Winter Snow Removal and Maintenance Plan;
 - i. Provision for annual certification to the Board or its designee that contracts are in place with a qualified maintenance firm having prior experience with the maintenance of porous pavement systems; and
 - j. Annual Monitoring Reports shall be filed with Town.

5. Final design and approval of the wastewater treatment plant shall be submitted to the MA Department of Environmental Protection (DEP), with copies to the Board, and a Groundwater Discharge Permit from the DEP shall be submitted to the Board prior to the issuance of a building permit. The treatment plant shall be sized for a development of no greater than 112 bedrooms, plus the rental office, pursuant to DEP requirements.

6. All utilities within the Property for the Project shall be installed underground.
7. All existing structures shall be demolished and removed from the Property in accordance with local, state and federal law.
8. A fire suppression system designed by a certified Fire Protection Engineer per the National Fire Protection Act (NFPA) 13 and the Massachusetts State Building Code shall be installed in all occupied buildings in the Project. The Fire Department connections will be located at the front of each building at a minimum of eighteen inches (18") above the finished grade and not more than forty eight inches (48") in height from the finished grade, unless otherwise authorized by the Sudbury Fire Department.
9. All buildings in the Project shall have a Fire Carbon Monoxide alarm system installed per NFPA 72 and the Massachusetts State Building Code.
10. The fire suppression system shall be monitored by a fire alarm system that reports directly to the Sudbury Fire Department via a Radio Box type system.
11. A Fire Protection Engineer shall certify that the water supply for the development has the capacity for the proper fire flow in addition to the flow required to support the fire sprinkler systems in each building.
12. Installation of water mains shall be under the direction of the Sudbury Water District and the Sudbury Fire Chief. No drinking water wells shall be permitted on the Property, however, irrigation wells shall be permitted.
13. Porous pavement shall be used for the emergency access fire lane.
14. The Applicant shall conform to all pertinent requirements of the Americans with Disabilities Act and the Architectural Access Board Regulations (521 CMR 1.00 et. seq), except as such may be waived in accordance with applicable laws and regulations.
15. Erosion control shall be employed on the Property as shown on the Comprehensive Permit Plans to stop construction runoff and sedimentation from entering the abutting public ways.

16. Any retaining wall greater than four (4) feet high shall require design by a structural engineer and submittal of a stamped plan for approval by the Building Inspector prior to issuance of a building permit.
17. Details shall be added to the Final Plans, including but not limited to details of utility crossings, catch basins, frames and covers, storm drain manholes, outlet control structures, hay bale barriers, flared end sections, stop sign details. The Applicant shall review these details with the Director of Public Works prior to approval of the Final Plan by the Board. Rim and invert elevations shall be noted on the grading plan to be included with the submittal of Final Plans along with pipe sizes, slope and pipe type.
18. Airborne dust and particulate matter abatement procedures shall be required during construction such that airborne contamination is restricted to the Property to the extent reasonably feasible. If significant dust is generated onto abutting properties, the Applicant shall rectify by paying for the cost to spray wash any affected building. This condition shall be enforced by the Building Inspector, and any claim made by an affected property owner shall be required to provide documentation of such offense.

IX. LANDSCAPING/SCREENING/LIGHTING

1. It is the intent of the Board to minimize the visual impact of this development from all property lines, particularly from Landham Road. A Final Landscape Plan shall be submitted for review, approval and endorsement by the Board for consistency with the Comprehensive Permit, prior to issuance of an occupancy permit, with particular emphasis on (i) preservation of the agricultural viewshed of the front of the Property from Landham Road, (ii) screening along southern Property line, (iii) supplemental landscaping along Landham Road, (iv) street trees along the access driveway, (v) exterior lighting, and (vi) development signage. The Final Landscape Plan shall be prepared and stamped by a Registered Landscape Architect and shall identify species, sizes, quantities and planting details for all proposed landscaping on the Property.
2. Exterior lighting within the Project shall be residential in scale and nature, and shall be designed and installed to prevent glare and light spilling over to neighboring properties or onto any public way in compliance with the Sudbury Zoning Bylaw. There shall be no building flood lighting. Pole mounted lamps shall not be greater than twelve (12) feet in height and shall be minimized in number. The Board or its representative shall be called to

inspect the Property to determine compliance with this condition at substantial completion of the Project, and prior to release of the bond.

3. The Applicant, or its successor in interest, shall maintain the landscaping on the Property and be responsible for such maintenance in perpetuity.
4. Large trees proposed for preservation within the limits of work within the Property shall be flagged and appropriately protected, and the Director of Planning and Community Development shall be called to inspect the Property to determine compliance with this condition prior to commencement of any construction activity or disturbance on the Property.
5. The installation of the irrigation well shall be in conformance with Article XXVII of the Sudbury Bylaws, except as specifically waived herein.
6. All landscaping required by this Permit shall be secured for a period of one (1) year after issuance of the final occupancy permit for the Project by a performance bond in an amount allocated to landscaping not to exceed fifty thousand dollars (\$50,000.00). The Applicant shall be responsible for replacing dead, dying and/or diseased plantings within this time period.
7. Landscaping shall be installed at the Property substantially in accordance with this Final Landscape Plan. The Board or its designee shall inspect the site prior to the time of substantial completion of the Project to determine if additional screening vegetation is necessary along abutting Property lines or along Landham Road. If, in the opinion of the Board, additional screening is required, the Applicant shall forthwith rectify any such deficiency with the planting of additional vegetation prior to release of the performance bond for the Project.
8. The meadow areas at the front of the Property along Landham Road shall be mowed at least twice per year.

X. LEGAL REQUIREMENTS

1. The Applicant has proposed, and the Board hereby requires, that the following facilities and services of the Project, to the extent located on the Property, shall be and shall remain forever private, and that the Town shall not have, now or ever, any legal responsibility for operation or maintenance of same:
 - a. All internal driveways, walkways and parking areas;
 - b. Stormwater management system, including but not limited to roof drains, stormwater basins, and porous pavement;
 - c. Snow plowing;
 - d. Landscaping and landscape maintenance;
 - e. Exterior lighting;
 - f. Utilities;
 - g. Wastewater treatment plant and disposal system;
 - h. Water system for both domestic use and fire protection, including automatic fire sprinkler systems and hydrants; and
 - i. Trash removal and recycling.
2. The Applicant shall be forever bound by all conditions and restrictions contained herein.
3. A performance bond shall be submitted to ensure proper installation and functioning of the stormwater management system, roadways, guard rails, fire lane, landscaping, lighting, walkway construction, installation of erosion and sedimentation controls, repair of adjacent roadways (if necessary), demolition of all structures on the Property and submittal of final as-built plans, as required by this Permit, that are not fully completed prior to issuance of the first occupancy permit for the Project. A cost estimate for the bond shall be determined by the Director of Public Works at the then current bonding rates established by the Town. The performance bond shall be submitted to the Board prior to the issuance of a Certificate of Occupancy for the Project. The type and form of such performance bond shall be submitted for review by Town Counsel prior to being accepted by the Board. The Project is anticipated to be constructed in two (2) phases. Each phase shall require its own individual performance bond. The Final Plans shall indicate the proposed phases.
4. Evidence of Final Approval from the Subsidizing Agency shall be submitted to the Board prior to the issuance of a building permit.

5. All leases shall contain language indicating the environmental sensitivity of the Property and the operational and maintenance safeguards in place, including but not limited to the prohibition on the use of sand on the roadways, driveways and walkways in the Project during the winter months and a prohibition on vehicle maintenance utilizing petroleum-based products on the Property, due to the extensive use of porous pavement on the driveways and roadways. A copy of the form of lease shall be provided to the Board for its file.
6. This Permit shall be recorded at the Middlesex South District Registry of Deeds senior to all other liens or encumbrances other than pre-existing easements of records and existing mortgages which shall be discharged prior to issuance of a building permit. Recording information shall be submitted to the Board prior to the issuance of a building permit.

XI. AFFORDABILITY REQUIREMENTS

1. A Regulatory Agreement and/or an Affordable Housing Restriction (the "Regulatory Agreement") shall be executed prior to the issuance of the building permit, in the form required by the Subsidizing Agency. The Board shall not execute the Acknowledgement contained in the standard Regulatory Agreement unless such Regulatory Agreement sets forth that all units approved in this development shall remain affordable in perpetuity, the terms and agreements relative to the occupancy and lease of the Affordable Units in the Project, the determination and standards for rent and utility allowance, the length of the affordability restriction, Affirmative Fair Marketing, limited dividend requirements and cost certification, and annual compliance monitoring responsibilities. The Regulatory Agreement shall be submitted for review by Town Counsel and the Director of Planning and Community Development prior to the execution of the Acknowledgment.
2. The Applicant shall submit to the Department of Planning and Community Development an Annual Certification Report from the Monitoring Agent on the compliance requirements as set forth in the Regulatory Agreement, including annual rent recalculations, tenant income recertification, waiting list compliance and applicable utility allowance.
3. Subject to the provisions contained in condition VII.7 of this Decision, twenty-five percent (25%) of the units in this Project shall be available in perpetuity for occupancy by households whose income is no more than eighty percent (80%) of the Area Median Income (AMI) for the Boston-Cambridge-Quincy, MA-NH HMFA, as determined by the United States Department of Housing and Urban Development, adjusted for household size and

annually certified in compliance with program requirements. Applicants must satisfy all other applicable eligibility requirements established by DHCD and set forth in the Regulatory Agreement.

4. There shall be no amendments to provisions regarding or relating to the Affordable Units or conditions set forth in this Permit which are inconsistent with the provisions of this Permit or the Regulatory Agreement without Board approval.
5. To the maximum extent permitted by law, and applicable regulation, local preference for the occupancy of seventy percent (70%) of the Affordable Units shall be given to residents of the Town of Sudbury satisfying all applicable eligibility requirements. For the purpose of this condition, and subject to any legal requirements, "residents of the Town of Sudbury" shall, to the extent not otherwise prohibited or limited by the provisions of relevant governing regulations or requirements, include, but not be limited to, the following: current Sudbury residents; Town of Sudbury/Sudbury Public School employees; Sudbury Water District employees; Lincoln Sudbury Regional High School District employees; Sudbury Housing Authority employees; and members of the household of children currently enrolled in the METCO Program in the Sudbury Public Schools or the Lincoln Sudbury Regional High School.
6. A lottery shall be held to solicit interest for the occupancy of the affordable units. The lottery must conform to the lottery procedures of DHCD then in effect, and an Affirmative Fair Housing Marketing Plan, ("Marketing Plan") shall be submitted for review by the Planning and Community Development Department prior to issuance of an occupancy permit, which shall include a description of the eligibility requirements, the lottery and resident selection procedures and a clear description of the preference system being used for initial and on-going tenant selection. The Marketing Plan shall include, but not be limited to, the following minimum information, but only to extent that DHCD approves the inclusion of such information in the Marketing Plan:
 - a. The information session and the lottery shall take place in Sudbury;
 - b. The Lottery Agent shall appropriately advertise to all Local Preference categories and those on the Community Housing Office's 'interest' list;
 - c. Only qualified eligible applicants will enter the lottery, with the requirement for preliminary income verification prior to the lottery;
 - d. During the application period, the Lottery Agent will periodically provide information on

- the total number of applications received, and how many of those are eligible, are from local preference and are from minorities. Reasons for ineligibility shall be included;
- e. Prior to the lottery the Lottery Agent will provide information on the final applicant pool, including: category of local preference status, minority declaration, number of persons in household, ages of dependents, number of adults, number of bedrooms needed, %AMI, town currently living in;
 - f. Unless DHCD's procedures differ, the lottery shall be advertised twice in a newspaper of local circulation in the Town of Sudbury for at least 3 weeks prior to the deadline to submit applications for the lottery, and all governmental and school employees noted above shall receive notice of the lottery and the availability of Affordable Units;
 - g. The Marketing Plan shall comply with all Fair Housing laws;
 - h. The Marketing Plan shall contain, to the extent legally allowable, a strategy for marketing units under the "local preference" described in condition IX.5 above; and
 - i. The Marketing Plan shall adequately describe the 'waiting list' process, including what preferences and priorities are used to lease vacant units.
7. The maximum household size to be used in determining Median Family Income for the purpose of calculating the maximum rent paid by the tenants shall be three persons for two bedroom units, or 1.5 individuals for each separate bedroom, unless DHCD requires that a smaller household size be used. In accordance with DHCD Affirmative Fair Housing Marketing guidelines, preference shall be given to households requiring the total number of bedrooms in the unit.
 8. Availability for occupancy of the Affordable Units shall be approximately proportional to the availability of the market rate units.
 9. Sewer and/or any other charges associated with the operation and maintenance of the wastewater treatment plant shall be included within the approved rent for the Affordable Units. Any charges for such service for the market units must satisfy the applicable groundwater discharge permit requirements.

XII. MAINTENANCE/INSPECTIONS

1. Enforcement of the conditions of this Decision shall be by the Building Inspector or the Board.
2. A construction schedule shall be submitted to the Board, Director of Planning and Community Development, Town Engineer and Building Inspector prior to the issuance of a building permit in order to facilitate inspections. Such schedule shall be revised quarterly to reflect work completed and changes in construction timing.
3. The Applicant shall notify the relevant town departments of installation of utilities and infrastructure for inspections prior to backfilling.
4. Snow removal, maintenance of driveways and walks, storm drainage, wastewater treatment and disposal, lighting, utilities and fire protection shall be the responsibility of the Applicant. Town of Sudbury does not accept responsibility for any infrastructure improvements or maintenance in this Project.
5. The Applicant has not requested any waiver of fees for permits and inspections, nor has the Board granted any such waivers. Customarily applicable fees for permits and inspections by Town departments shall be paid in full.
6. Maintenance of the project roadways and driveways shall be in accordance with the Operation and Maintenance Plan submitted by the Applicant, as well as the provisions contained in the porous pavement plan.
7. In the event of any failure to comply with the requirement to maintain the stormwater management and/or wastewater treatment facility in the Project in accordance with engineering or manufacturing guidelines for operation and maintenance, or in any manner which fails to safeguard public health and safety, the Town of Sudbury, acting through its Department of Public Works, may, but is not required to, notify the Applicant of the need to remedy said violation and specifying the work which needs to be done and providing for a 30 day time period in which to complete the work. In the event said work is not completed in a satisfactory manner by the Applicant within 30 days of notification, the Town may enter upon the Property and remedy said defect as set forth in this notice. The Applicant shall be responsible to the Town for the cost of effecting the required repairs. If not paid within 30

days of billing by the town, said costs shall constitute a lien upon the premises and shall incur interest at the rate of 18% per annum, plus the costs of collection including reasonable attorney's fees. Notice of this lien shall be recorded by the Town in the Middlesex County South District Registry of Deeds, which notice shall indicate the identity of the Property owner, the amount of the unpaid assessments, the property burdened and a reference to the Book and Page in the Middlesex County South District Registry of Deeds where the Declaration is recorded.

XIII. PLAN ENDORSEMENT

A Mylar Plan set of the Final Plans shall be submitted for endorsement by the Board after the appeal period has expired. The Board shall not endorse the Plans until the following conditions have been complied with to the satisfaction of the Board:

1. A complete set of Site Plans, Stormwater Plans, Architectural Plans and Floor Plans in compliance with the conditions listed herein shall be submitted and reviewed by the Board or its representatives. See conditions VII.9, 10, 12, 16, 17, 18, 31 and 32, and VIII.2, 16 and 17.
2. The standard signature block is added to all Final Plan sheets.
3. The Final Plan shall satisfy the Sudbury Fire Department as described in conditions VIII.8-11.
4. The "bus shelter" shall be re-labeled "bus stop waiting area".
5. The turnaround in proximity to Buildings 9 and 10 shall be shown as described in condition VII.31.
6. All details required by condition VIII.17 shall be added.
7. Funds for peer review of the Final Plans shall be submitted as described in condition VII.43.
8. The Phasing Plan shall be shown on the Final Plan, if proposed.

XIV. CONSTRUCTION COMMENCEMENT

No disturbance or construction shall commence until the following conditions have been complied with:

1. The Final Plans are endorsed by the Board and all required signatures received.
2. The limits of disturbance around the site shall be properly staked and marked, including the installation of erosion and sedimentation controls, and the Director of Planning and Community Development called for an inspection as required by conditions VII.8, 38 and VIII.15.
3. All trees proposed for preservation within the limits of disturbance shall be flagged, and the Director of Planning and Community Development called for an inspection as required by conditions IX.4.
4. The porous pavement sequencing and safeguards plan has been approved by the Board or its representative as described in condition VIII.4.
5. The Trucking Plan has been submitted and approved as described in condition VII.22

XV. BUILDING PERMITS

Building permits for the Project shall not be issued until the following conditions have been complied with, as well as any other conditions listed above which require action prior to the issuance of building permits:

1. Receipt of evidence of recording of this Comprehensive Permit with the Middlesex South District Registry of Deeds as described in condition X.6.
2. Building Plans are submitted, reviewed and approved by the Building Inspector for consistency with this Decision, and confirmation from the Building Plans and specifications have been prepared in accordance with standard engineering practices, comply substantially with the Comprehensive Permit Plans and fully incorporate all requirements of this Decision as described in conditions VII.9 and VIII.1.

3. A groundwater discharge permit has been issued by the Massachusetts Department of Environmental Protection approving the wastewater treatment plant for the Project and a copy is submitted for the Board's file as described in condition VIII.5.
4. A current construction schedule as required by condition XII.2 is submitted.
5. Evidence of Final Approval from the Subsidizing Agency has been submitted to the Board as required by condition X.4.
6. The Regulatory Agreement has been executed as required by condition XI.1.
7. The unit distribution plan as described in condition VII.20 has been received.
8. Evidence of notification to the Tennessee Gas Company by certified mail by the Applicant that the Project will be commenced, and any response received, shall be submitted to the Board.
9. Certification from a Fire Protection Engineer regarding the capacity of the water supply to the Property as required by condition VIII.11.

XVI. OCCUPANCY

Occupancy Permits for any the units in this Project shall not occur until the following conditions of this approval have been complied with:

1. Lottery Plan, the proposed rental prices for the Affordable Units and the Fair Housing Marketing Plan have been submitted and approved by the Board as required by condition XI.6.
2. Receipt of all recorded documents, including but not limited to the Permit, Regulatory Agreement, and any easements recorded to date.
3. The Final Landscape Plan has been approved by the Board as required in condition IX.1.
4. A performance bond as detailed in condition X.3 has been submitted to and accepted by the Board, if required.

5. Traffic mitigation funds as required by condition VII.26 have been received.
6. The form of lease as described in conditions VII.21 and X.5 has been received.

XVII. RELEASE OF THE PERFORMANCE BOND

No request to reduce funds from the Performance Bond below fifty thousand dollars (\$50,000.00), per phase, shall be granted until the following conditions have been met:

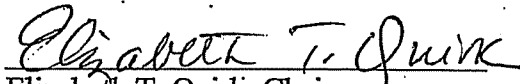
1. As-built plans demonstrating the roadways, buildings, stormwater management structures, walkways and infrastructure have been constructed and installed in general conformance with the approved Comprehensive Permit Plan are submitted to and approved by the Town Engineer.
2. The porous pavement has been tested to insure acceptable permeability rates are achieved in accordance with available guidance from the UNH Stormwater Center, including Certification(s) from a Massachusetts or New Hampshire Registered Professional Engineer that the porous pavement system and stormwater management systems have been installed in compliance with the approved plans.
3. Certification of lighting as described in condition IX.2.
4. Certification of adequate landscaping as described in condition IX.6 and 7.
5. Any damage to public roads caused by this Project shall be repaired as required in condition VII.15.
6. Completion of the restoration of conservation areas as described in condition VII.27.
7. Receipt of the recorded Conservation Restriction, as required by condition VII.39.
8. Receipt of all annual Certification Reports on the affordable unit occupancy received prior to the date of request for release of the performance bond, as required by condition XI.2.


VOTED:

To approve the application of Madison Place Sudbury, LLC for a Comprehensive Permit under the provisions of General Laws Chapter 40B, Sections 20-23, inclusive, seeking the construction of one hundred and twenty (120) apartment units of affordable housing in ten (10) structures, subject to the modifications and conditions included herein, including the reduction of the Project to fifty-six (56) townhouse apartment rental units in ten (10) principal structures, on land owned by the Johnson Living Trust, Peter Johnson, Trustee, consisting of approximately thirty-five (35) acres of land located at 189 Landham Road, Town Assessor's Map L10, Parcels 0500.

Date: 7/31/12

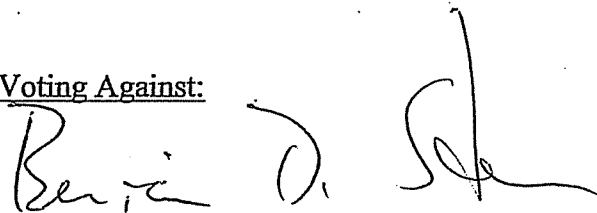
Voting in Favor:



Elizabeth T. Quirk, Chair


Jeffrey P. Klofft


Jonathan G. Gossels

Voting Against:


Benjamin D. Stevenson, Clerk


Jonathan F.X. O'Brien

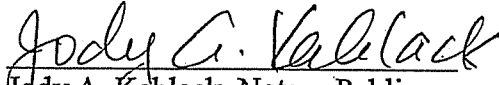
Madison Place Sudbury, LLC
The Residences at Johnson Farm
July 31, 2012

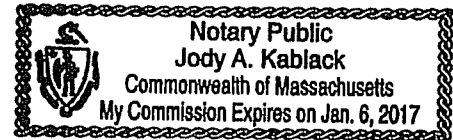
COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

July 31, 2012

On this 31st day of July, 2012, before me, the undersigned notary public, personally appeared the above-named individuals, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Sudbury Zoning Board of Appeals, a municipal board.


Jody A. Kablack, Notary Public
My commission expires: January 6, 2017



cc: Town Clerk
Board of Health
DPW Director
Water District
Conservation Commission
Board of Selectmen
Building Inspector
Town Counsel
Fire Chief
Director of Planning and Community Development
Community Housing Specialist
Paul J. Haverty, Special Town Counsel
Steven Schwartz and Peter Tamm, Attorneys for Applicant
Madison Place Sudbury, LLC
Hancock Associates
Schofield Brothers
Edward Marchant

EXHIBIT A

Documentation on file with the ZBA through June 18, 2012:

Documents received for the September 6, 2011 Meeting:

- 8/8/2011 - Comprehensive Permit Application, The Residences at Johnson Farm, 189 Landham Road
- 8/8/2011 - Traffic and Parking Analysis
- 8/8/2011 - Preliminary Site Plan and Landscape Plan
- 8/8/2011 – Architectural drawings
- 8/15/2011 – Letter from Jody Kablack, Director of Planning and Community Development, to the Applicant
- 8/25/2011 – Memo from Sudbury Resident Stan Kaplan, 98 Victoria Road, to the ZBA
- 8/25/2011 – Letter from Attorney Kevin O’Flaherty, Goulston & Storrs, to Jody Kablack/the ZBA
- 8/30/2011 – Letter from Attorney Paul Haverty, Regnante, Sterio & Osbourne LLP
- 8/30/2011 – Memo from Bill Place, Town Engineer/Director of Public Works, to the ZBA
- 9/2/2011 – Memo from Attorney Kevin O’Flaherty, Goulston & Storrs, to Jody Kablack/the ZBA, two stamped copies of architectural drawings enclosed
- 9/2/2011 – E-mail from Peter Sargent, Commission on Disability, to the ZBA
- 9/6/2011 – Memo from Jody Kablack, Director of Planning and Community Development, to the ZBA

Documents received at the September 6, 2011 Meeting:

- 9/6/2011 – Letter from Attorney Jonathan Witten, Huggins and Witten, LLC, to the ZBA

Documents received for the October 18, 2011 Meeting:

- 9/21/2011 – Letter from Attorney Paul Haverty, Regnante, Sterio & Osborne LLP to the ZBA
- 9/29/2011 – e-mail from Sudbury Resident James Gennari, 3 Patricia Road, to the ZBA
- 10/6/2011 – e-mail from Jon Danielson, 37 Landham Road, to the ZBA
- 10/6/2011 – Revised site development plans dated October 4, 2011
- 10/12/2011 – e-mail from Sudbury Resident Peter Anderson, 113 Landham Road, to the ZBA

- 10/12/2011- Front and side building elevations, VMY Vitols Architects, Inc. dated 9/29/2011
- 10/13/11 – email from Steve Garanin, ZBA member, to Jody Kablack and the ZBA
- 10/14/2011 – e-mail from Sudbury Resident Josh Cheron, 30 Robert Frost Road
- 10/17/2011 – Memo on Supplemental Stormwater Information from Robert Daylor, Tetra Tech, to Jody Kablack
- 10/18/2011 – e-mail from Sudbury Residents Paul and Kristen Bisson, 55 Highland Avenue to the ZBA
- 10/18/2011 – memo from Johnson Farm Project Team to the ZBA and Jody Kablack
- 10/18/2011- memo from Jody Kablack, Director of Planning and Community Development to the ZBA
- 10/18/2011- memo from Joseph Peznola, Hancock Associates to the ZBA

Documents received for the November 17, 2011 Meeting

- 10/21/2011 – Memo from John Whalen, Assistant Fire Chief to Jody Kablack, Director of Planning and Community Development
- 10/25/2011 - Memo from Robert E. Moss to Jody Kablack
- 10/31/2011 – Tetra Tech, Environmental Notification Form as submitted to the Executive Office of Energy and Environmental Affairs
- 11/4/2011 – memo from Glenn Dougherty, Tetra Tech, to the ZBA and Jody Kablack including revised Existing and Proposed Watershed Area Plans, Aerial plan of Watershed, Wetland Replication Area Plan, Limits of Clearing Plan, Site Earthworks Volume Calculations Plan, and Site Aerial Plan
- 11/7/2011 – memo from Glenn Dougherty, Tetra Tech, to John Sklenak, Chairman for the Conservation Commission
- 11/9/2011 – memo from Fred King, Schofield Brothers, to the ZBA
- 11/9/2011 – memo from Jonathan Witten, Huggins and Witten, to John Sklenak, Chairman for the Conservation Commission
- 11/9/2011 – Site visit Notes from Jody Kablack to the ZBA
- 11/10/11 – From Bob Moss, Area Apartment Community Comparisons
- 11/15/11 – Memo from Paul Haverty, Regnante, Sterio & Osborne, to Peter Tamm, Goulston and Storrs
- 11/16/2011 – Memo from Joe Peznola, Hancock Associates, to Jody Kablack and the ZBA

Documents received for the December 13, 2011 Meeting

- 11/9/2011 – Memo from the Sudbury Conservation Commission to MEPA
- 11/21/2011 – Memo from Jonathan Danielson, 37 Landham Road, to Richard Sullivan, Secretary of Energy and Environmental Affairs, MEPA
- 11/14/2011 – Memo from Fred King, Schofield Brothers, to Conservation Commission
- 11/29/2011 – Memo from Sudbury Board of Selectmen to MEPA
- 11/29/2011 – Memo from Jody Kablack, Director of Planning and Community Development, to MEPA
- 11/30/2011 – Memo from Stan Kaplan, 98 Victoria Road, to the ZBA with an 11/28/2011 e-mail to Building Inspector Jim Kelly and an 11/23/2011 e-mail to Fire Chief Bill Miles
- 11/28/2011- Memo from Sudbury Valley Trustees to MEPA
- 11/29/2011 – Memo from John Whalen, Assistant Fire Chief to Jody Kablack
- 12/7/2011 – Memo from Howard Muise, Vanasse Hangen Brustlin, Inc. to the ZBA
- 12/12/2011 – e-mail from Stan Kaplan, 98 Victoria Road, to Fire Chief Bill Miles
- 12/12/2011 – Memo from Nancy Doherty, Tetra Tech, to the ZBA
- 12/13/2011 – Letter from Sudbury Resident Stephen Garvin, 26 Bowditch Road, to the ZBA
- 12/13/2011 – Memo from Jody Kablack, Director of Planning and Community Development, to the ZBA
- 12/13/2011 – Memo from Howard Muise, Vanasse Hangen Brustlin, Inc. to the ZBA

Documents received for the January 26, 2012 Meeting

- 11/14/2011 – Memo from the Johnson Farm Project Team to the Conservation Commission, received 12/27/2011
- 12/15/2011 – e-mail from Sudbury Resident Siobhan Hullinger, 55 Washington Drive, to the ZBA
- 12/22/2011 – Waiver Request Memo from Peter Tamm to the ZBA
- 12/22/2011 – Memo from Peter Tamm, Goulston & Storrs, to the Conservation Commission
- 12/28/2011 – Site Development Plans from Tetra Tech
- 12/28/2011 – Revised HydroCAD Drainage Calculations and Watershed Maps from Tetra Tech
- 12/2011 – Draft Stormwater Pollution Prevention Plan from Tetra Tech
- 12/2011 – Stormwater Operations and Maintenance Plan from Tetra Tech

- 12/2011 – Porous Asphalt Construction Phasing/Sequencing Plan by Robert Roseen, Ph.D., University of New Hampshire Stormwater Center, received 1/9/2012
- 1/5/2012 – Estimated Site Earthworks Volume Plan
- 1/5/2012 – Letter from Jody Kablack to Robert Moss
- 1/6/2012 – Certificate of the Secretary of Energy and Environmental Affairs on the Environmental Notification Form, Richard Sullivan, Office of Energy and Environmental Affairs
- 1/9/2012 – Memo from Tetra Tech to the ZBA/Jody Kablack - Response to Comments from Joe Peznola
- 1/12/2012 – Memo from Scott Morrison and Paul MacManus, EcoTec, Inc., to the ZBA
- 12/29/2011 – Wildlife Habitat Evaluation from EcoTec, Inc.
- 12/29/2011 – Wetland Performance Standards Evaluation from EcoTec, Inc.
- 1/18/2012 – Memo from Fred King, Schofield Brothers, to the ZBA
- 1/19/2012 – e-mail from Stan Kaplan, 98 Victoria Road, to the ZBA
- 1/20/2012 – e-mail from Stan Kaplan, 98 Victoria Road, to the ZBA
- 1/20/2012 – Memo from Nancy Doherty, Tetra Tech, to the ZBA/Jody Kablack
- 1/23/2012 – Revised memo from Assistant Fire Chief John Whalen to Jody Kablack, Director of Planning
- 1/23/2012 – Memo from Joseph Peznola, Hancock Associates, to the ZBA/Jody Kablack
- 1/24/2012 – Memo from Paul McManus, EcoTec, Inc. to the ZBA and Conservation Commission, Effects of Calcium Chloride as a Road De-icer
- 1/24/2012 – Memo from Paul McManus, EcoTec, Inc. to the ZBA and Conservation Commission, Discharge of Nitrogen
- 1/26/2012 – Memo from Debbie Dineen, Conservation Coordinator, to the ZBA
- 1/26/2012 – E-mail from Sudbury Resident Beth Farrell, 67 Rambling Road, to the ZBA

Documents received for the February 15, 2012 Meeting:

- 2/2/2012 – Revised Operations and Maintenance Plan from Tetra Tech
- 2/2/2012 – Check from Bob Moss for \$15,000 for additional peer review received
- 2/3/2012 – Letter from Maurice Pilette, Mechanical Designs Ltd., to the ZBA
- 2/3/2012 – Alternative Concept Wetland Crossing Plan, from Tetra Tech
- 2/3/2012 – Alternative Layout Plan, from Tetra Tech
- 2/3/2012 – Revised Layout Plans, from Tetra Tech
- 2/3/2012 – Memo from Howard Muise, VHB, to the ZBA/Jody Kablack

- 2/3/2012 – Memo from Paul McManus, EcoTec, Inc. to the ZBA
- 2/3/2012 – Hydrogeologic Evaluation and Groundwater Mounding Report
- 2/3/2012 – Revised Existing Watershed Map
- 2/3/2012 – Revised Proposed Watershed Map
- 2/6/2012 – Revised Drainage Calculations
- 2/6/2012 – Memo from Glen Dougherty, Tetra Tech, to the ZBA and Jody Kablack
- 2/7/2012 – Letter from Frank Huntowski and Kim Ogden, 42 Cutler Farm Road to the ZBA
- 2/8/2012 – Memo from Nancy Doherty, Tetra Tech, to Jody Kablack and the ZBA
- 2/11/2012 – Letter from Jon Danielson, 37 Landham Road, to the ZBA
- 2/14/2012 – Letter from Amy Adolfsson, 60 Hopestill Brown Road, to the ZBA
- 2/15/2012 – Letter from the Planning Board to the ZBA
- 2/15/2012 – Letter from Steve and Colleen Connors, 57 Cutler Farm Road, to the ZBA

Documents Received for the March 5, 2012 Meeting:

- 2/15/2012 – Letter from Michael and Meredith Palmer, 62 Cutler Farm Road, to the ZBA
- 2/16/2012 – e-mail from Frank Huntowski, 42 Cutler Farm Road, to the ZBA
- 2/17/2012 – e-mail from Sharif and Colleen Labib, 9 Stagecoach Drive, to the ZBA
- 2/17/2012 – Civil Engineer Peer Review from Joe Peznola, Hancock Associates
- 2/24/2012 – Letter from Bill Miles, Sudbury Fire Chief, to the ZBA
- 2/27/2012 – Memo from Fred King, Schofield Brothers, to the ZBA
- 2/29/2012 – E-mail from Adele Coyne, 46 Eddy Street, to the ZBA
- 2/29/2012 – Extension of Time Form from Bob Moss to the ZBA
- 3/1/2012 – Memo from the Sudbury Valley Trustees to the ZBA

Documents Received for the March 28, 2012 Meeting

- 3/2/2012 – Mullin Rule Form from ZBA Member Benjamin D. Stevenson
- 3/5/12 – Alternative Layout Plan dated 3/12/2012
- 3/8/2012 – e-mail from ZBA Member Jon Gossels to Jody Kablack
- 3/9/2012 – E-mail from Debbie Dineen, Conservation Coordinator, to the ZBA
- 3/13/2012 – Letter from John Whalen, Assistant Fire Chief, Sudbury Fire Department, to the Jody Kablack/ZBA
- 3/12/2012 – Alternative Layout Plan, including elevation and floor plan dated 3/19/2012
- 3/15/2012 – Memo from Paul McManus, EcoTec, Inc., to the ZBA

- 3/16/2012 – Memo from Maurice Pilette, Mechanical Designs Ltd., to the ZBA
- 3/19/2012 – Memo from Peter Tamm, Goulston & Storrs, Response to the Fire Department Letter dated February 24, 2012, to the ZBA
- 3/21/2012 – Memo from Glenn Dougherty, Tetra Tech, to the ZBA
- 3/21/2012 – Revised Site Plans (original plan)
- 3/21/2012 – Revised HydroCAD Drainage Calculations and Watershed Maps
- 3/22/2012 – Memo from Fred King, Schofield Brothers, to Jody Kablack/the ZBA
- 3/22/2012 – Memo from Joe Peznola, Hancock Associates, to Jody Kablack/the ZBA
- 3/26/2012 – Memo and Notice of Decision from Jonathan Witten, Huggins and Witten, to the ZBA
- 3/26/2012 – E-mail from Frank Huntowski and Kim Odgen, 42 Cutler Farm Road, to the ZBA
- 3/27/2012 – Memo from Jody Kablack, Director of Planning, to the ZBA
- 3/27/2012 – Memo from Paul Haverty, Regnante, Sterio & Osborne, LLP, to the ZBA
- 3/27/2012 – Memo from Dan Martin, 86 Brookdale Road, to the ZBA
- 3/28/2012 – Letter from Bob Moss to the ZBA
- 3/28/2012 – Extension of Time Form from Bob Moss to the ZBA

Documents Received for the May 16, 2012 Meeting

- 3/27/2012 – Fire Flow Test Report, Tata and Howard
- 3/30/2012 – Letter from Frank and Regina Letteri, 208 Landham Road to Elizabeth Quirk
- 4/3/2012 – Revised Town House Alternative
- 4/25/2012 – Letter from Jon Danielson, 37 Landham Road, to the ZBA
- 4/25/2012 – Extension of Time Form from Bob Moss to the ZBA
- 5/3/2012 – E-mail from Frank Huntowski and Kim Ogden, 42 Cutler Farm Road, to the ZBA
- 5/8/2012 – Letter from Glenn Dougherty, Tetra Tech, to the ZBA
- 5/8/2012 – 60-unit Revised Townhouse Alternative
- 5/8/2012 – Letter from Paul McManus, Eco Tec, Inc., to the Conservation Commission
- 5/10/2012 – Letter from Virginia Buckley, 14 Patricia Road, to the ZBA
- 5/11/2012 – Memo from Jody Kablack, Director of Planning and Community Development, to the ZBA
- 5/14/2012 – Memo from John Whalen, Assistant Fire Chief, to the ZBA
- 5/14/2012 – Letter from Bob Moss to the ZBA

- 5/14/2012 – Revised Farmhouse-Barn configuration
- 5/15/2012 – Letter from John Sklenak, Chairman, Conservation Commission, to the ZBA
- 5/16/2012 – Letter from Sudbury Resident Philip Green, 11 Brookside Farm Lane, to the ZBA

Documents Received for the June 18, 2012 Meeting:

- 5/16/2012 – Extension of Time Form from Bob Moss to the ZBA
- 5/17/2012 – E-mail from Peter Anderson, 113 Landham Road, to the ZBA
- 5/21/2012 – E-mail from Stan Kaplan, 98 Victoria Road, to the ZBA
- 6/6/2012 – Wetland Replication Area Plan, 58-unit Townhouse Plan
- 6/6/2012 – Memo from Tetra Tech to Jody Kablack and the ZBA
- 6/6/2012 - Grading and Drainage Plan
- 2/3/2012 – Existing Watershed Map
- 6/6/2012 – Proposed Watershed Map
- 6/6/2012 – Proposed 58-Unit Layout Plan
- 6/6/2012 – Proposed 58-Unit Utility Plan
- 6/6/2012 – Proposed Culvert Stream Crossing Sections
- 6/11/2012 – Letter from Sudbury Valley Trustees to the Conservation Commission
- 6/13/2012 – Memo from Eco Tec, Inc. to the Sudbury Conservation Commission and ZBA
- 6/14/2012 – E-mail from Frank Huntowski and Sudbury Residents to the ZBA
- 6/15/2012 – Memo from Hancock Associates to the ZBA
- 6/16/2012 – E-mail from Sudbury Resident Peter Griffith, 30 Rambling Road to the Planning Office, Conservation Commission, and Sudbury Valley Trustees
- 6/18/2012 – Memo from Fred King, Schofield Brothers, to the ZBA
- 6/18/2012 - Revised List of Waivers
- 6/18/2012 – Memo from Jonathan Witten, Huggins and Witten, LLC to the ZBA
- 6/18/2012 – Memo from Glenn Dougherty, Tetra Tech, to Jody Kablack and the ZBA