



# Town of Sudbury

## Zoning Board of Appeals

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### MINUTES

Sudbury Zoning Board of Appeals Subcommittee

TUESDAY, MAY 17, 2016, 8:00 AM

Flynn Building, Silva Meeting Room, Second Floor  
278 Old Sudbury Road, Sudbury, MA

1. Work Session meeting with a subcommittee of the ZBA on the Village at Sudbury Station 40B Application, property shown on Town Assessor Map G09-0100, G09-0004, G09-0300 and H09-0068, Peters Way and Peters Way Extension, Zoned Residential A-1 and Residential C.

This will be a working session between the subcommittee and the Applicant. The public is invited to attend, but public comment will not be taken. The Public Hearing will resume on May 23, 2016 at 7:30 pm, Town Hall.

Present at the meeting were: Jonathan O'Brien, Jeffrey Klofft, Jody Kablack, Barbara Saint Andre, Chris Claussen, Chris Kennedy, Bob Engler, William Henchy, Frank Riepe, Chris Morely, David Hornstein, and Laurie Eliason.

Mr. Henchy stated that the major areas of concern that they heard from the Board were the visual impacts of the project, density, scale, and massing. He believes they have addressed the visual impacts from the Town Center but there are still concerns from the playing fields. The applicant is prepared to be flexible on design and a little on density. He stated that he has had some discussions with Ms. Saint Andre about the APR land. He stated that the agricultural restriction has some issues but understands that the Town doesn't agree. He stated that if there is some agreement the developer would be willing to grant a permanent restriction on the APR land. He also stated there were other areas of concern that they are willing to address, such as the intersection at Peakham Road.

Mr. Claussen passed out a plan for the group to review. The plan showed buildings near the cemetery moved closer to the clubhouse and clubhouse reduced to a single story. The plan still has 250 units.

Mr. Henchy stated that the applicant can't be bound by any of the plans showed.

Mr. Claussen showed a second plan that removed some density. This was accomplished by removing the top floor off building 1 and 2, for a reduction of 24 units. The layout of the buildings was similar to the previous plan shown.

Mr. Klofft stated his design goals. They included pulling the project away from the top of the hill and cemetery and addressing the traffic pass-through concerns. Mr. Claussen stated that they can restrict how people turn out of the site which would reduce the traffic to Candy Hill. Mr. Klofft stated the traffic pass-through concerns have two parts, first, being that people use the

development to avoid traffic and second, the increase in traffic on Candy Hill and Water Row Roads. Mr. Klofft asked how can the development be modified to minimize the impact to people outside the development. Mr. Klofft stated there is merit in connecting the entrance of the project to Peakham Road and including Ti Sales entrance and the field entrance.

Mr. Klofft asked if there is a plan that looks at a greater number of smaller buildings, which would give a more colonial village feel with nothing more than 3 stories. He requested they look at designing the road closer to the cemetery and creating a spine road. He also suggested limiting the entrance off of Concord Road to a one-way street. Mr. Claussen said Chris' plan had a spine road but it had large buildings. Mr. Klofft suggested varying roof heights to give them more variety. Mr. Kennedy asked if it would be helpful to put in public toilets near the field. Ms. Kablack responded that the field is very active but not an organized field.

Mr. Claussen stated that they are trying to make the APR land more useable and suggested community gardens and a dog area for the general public.

Mr. Claussen asked if density was less of a concern. Mr. Klofft responded that everything ties together and everything he mentioned will have an effect on density.

Mr. O'Brien stated that the Town values a design centered around a central theme like Landham Crossing. Mr. Engler stated that certain design themes make the economics unfeasible.

Mr. Claussen stated that they could eliminate the retaining wall but the Town would have to support the applicant's request to DOT to allow the applicant to grade off the land to the former railway bed. Mr. Kablack asked if it was at the road or behind the buildings. Mr. Claussen said from their property line to where it meets with the railroad bed. The railroad right-of-way is 192 feet. Ms. Kablack stated she doesn't agree and they don't have the grading plan. Mr. Claussen stated they would like to get rid of the retaining wall and fill in the area next to the rail bed. They need the Town to be an advocate for them to go forward. It is the same situation for Peakham Road, the applicant needs the Town's support to move forward with trying to align the entrance way. DOT owns Ti Sales drive and Ti Sales has an easement. The applicant would like to line up the entrance of their development, Ti Sales and Peakham Road. Ms. Kablack said the Town has been exploring it for years and nothing has come of it because you need Ti Sales permission. Mr. Claussen said their traffic consultant said that they can come up with a concept which would work without the DOT. They also looked into a traffic signal and the area doesn't warrant it.

Mr. Claussen summarized the alternate plans they provided today. They removed the buildings by the cemetery, increased the screens, cut the height of the 4-story buildings, and created another buffer. Mr. Klofft stated another advantage of having a road with a 45-degree turn would completely screen it from Hudson Road.

Mr. Henchy asked if the Board thinks they could get letters of support from the Town for DOT. Mr. Klofft stated that if the Board gets to the point where they are approving this application with conditions they could probably get the Town to agree.

Mr. Kennedy asked if the concerns about a cut through were a big deal. Mr. Klofft stated they were.

Mr. Henchy asked if the Board objects to a one-way street at Peter's Way. Mr. O'Brien stated a one-way solution works but so does the fire gate. The Board will take their cue from the Fire Chief. Ms. Kablack stated that the Fire Chief will require a 18ft paved road and the Town has rights to the cemetery of about 600ft.

Mr. Henchy asked if the Town need to extend their easement to access the cemetery.

Mr. Klofft stated that there is an advantage to a flow through of traffic as long as it doesn't exceed the capacity on other roads.

Mr. Claussen state that they would be willing to put screening on the part of the rail trail that is not paved per Mr. Gossels request. Mr. Kennedy added that they should try to get the Town to not use the other side of the field to dump asphalt. Ms. Kablack said they are using it as general municipal property.

Mr. Henchy stated they are disinclined for extensions and wants to know how the Town wants to proceed process-wise. Mr. Klofft stated they wanted to have another working session on June 1, 2016 at 8am in the Flynn Building.

Ms. Kablack stated that the new location at building number 3 is right on the property line of the APR land and she is not sure grading is allowed. Mr. Henchy stated that the language of the APR is not a conservation restriction. Assuming that there is grading needed it doesn't impair its use as agricultural land. Mr. Claussen stated that they will consider walking path improvements.

Ms. Saint Andre asked how realistic it is that DOT will give permission to put the driveway through the rail trail. Mr. Claussen stated they talked to DOT and believes if the Town supports it DOT would be ok. Mr. Claussen doesn't know the timeframe for getting the approval. Ms. Kablack also agrees it is possible. Mr. Klofft added that the safety impacts are changed if the road on DOT land is allowed.

Mr. Morley believed you would need an easement if you don't buy the Gilmartan house. Mr. Claussen isn't sure that Ti Sales would agree to that.

Mr. Riepe shared some development ideas. He suggested bringing the development down to the lower part of the site and create a dense village green with 3-story buildings. Also, providing a street separate from the village could address traffic flow problems. The 3-story buildings could get a lot of variety with the façade and roof height while getting the density. The plans he showed reduced the density down to 150-160 units. He believes they can still get a unit count they desire.

Mr. Hornstein suggested using architectural roof decks and flat green roofs to eliminate the views from the cemetery.

Mr. Kennedy asked if people are going to be opposed to flat roofs. Mr. Hornstein stated that you wouldn't see anything from the cemetery because it would be covered in plant material. Mr. Engler stated that this is a completely different vision from what the Town said earlier.

Mr. Henchy stated that they will address the following items at the next meeting; fiscal impacts, follow up on 3D impacts, wastewater and stormwater. Mr. Claussen stated that if they could put the leaching fields on the APR land it could free up land. Mr. Henchy said that legally he believes they can use the land for leaching purposes but the applicant chose not to pick a fight. Ms. Kablack said the APR is a legal document between the Town and the land owner. Mr. Henchy stated that the problem with the document is the Secretary of Agriculture did not sign it. Since it is a deed restriction the ZBA cannot change it. It is administered by the Conservation Commission. Mr. Henchy's view is that putting a leaching field on it does not violate it. They would put gardens above it so it remains in agricultural use. Mr. Klofft said that it is worth exploring.

Ms. Kablack stated there is no wastewater or stormwater information. Mr. Claussen stated he would turn in the wastewater information today. Ms. Saint Andre concern is that getting information 6 days before the hearing doesn't give time for review. She asked about traffic information. Mr. Claussen said they were saving that for the last meeting.

Ms. Kablack stated that Bill Place won't come until engineering is done. Ms. Saint Andre respectfully thinks the Fire Chief needs to come to meeting and give his opinion. Ms. Kablack will schedule it with him for May 23<sup>rd</sup> or June 20<sup>th</sup>.

Mr. O'Brien requested they talk more about design first before they talk to fire and police. Mr. Claussen summarized that at the next meeting fiscal, wastewater and 3-D will be discussed. He said that he will get the 3d visuals and wastewater report to Ms. Kablack today.

Laurie Eliason asked when the evaluation of pedestrian safety and safe routes to school evaluation will be discussed. Mr. Claussen said if it is ready they can present Monday.

Ms. Kablack requested information on construction traffic routes.

Mr. Henchy requested that plans shown during the meeting be given to Ms. Saint Andre. There were no changes to the plans on record during this meeting. The plans submitted during this meeting are for discussion only. Ms. Kablack labeled each plan "for discussion only."

The meeting adjourned at 9:45am.

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