



Town of Sudbury

Zoning Board of Appeals

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MINUTES

APRIL 6, 2020 AT 7:30 PM

VIRTUAL MEETING

Members Present: Chair John Riordan, Clerk William Ray, Jonathan Gossels, Frank Riepe, Nancy Rubenstein, Associate David Booth, and Associate Jennifer Pincus

Members Absent: None

Others Present: Director of Planning and Community Development Adam Duchesneau, Planning and Zoning Coordinator Beth Perry, and Town Counsel Jonathan Silverstein

Mr. Riordan opened the meeting at 7:34 PM by noting the presence of a quorum. Mr. Riordan asked Mr. Booth to sit in place of Ms. Rubenstein, who was absent from the previous meeting, until the 16 and 36 North Road item would be discussed. Mr. Riordan then asked Mr. Ray to read the legal notice as published in the newspaper into the record, which noted the following Zoning Board of Appeals applications and opened all of the public hearings listed below.

Mr. Riordan noted the requirements for Special Permits and Variances as discussed in the Zoning Bylaw.

CONTINUED Public Hearing, Case 20-04 – Michael Audette, Nu-Home Contractors, Inc., Applicant, and 604 Peakham Road Realty Trust, LLC, Owner, seek to amend Special Permit 19-25 under the provisions of Sections 2460B and 6200 of the Town of Sudbury Zoning Bylaw to finish the interior space of the lower level walkout at 604 Peakham Road, Assessor’s Map H08-0017, Single Residence A-1 Zoning District

Attorney Robert Dionisi and Applicant Michael Audette were present to discuss the application with the Zoning Board of Appeals. Mr. Dionisi clarified Mr. Booth would be acting in the place of Ms. Rubenstein as she had been absent from the last meeting. Mr. Riordan indicated Mr. Booth would be acting on the application and Ms. Pincus would be participating in the discussion as well, but not voting on the matter.

Mr. Dionisi explained the proposed intentions to finish the walk-out level of the dwelling unit and noted the changes which had been made since the last meeting. He confirmed there had been no changes made to the scale of the structure since the original approval.

Mr. Gossels stated he was in favor of the Special Permit modification request but explained he originally felt misled by the previous presentation.

Mr. Ray indicated he was not sure if the Zoning Board of Appeals would be setting a precedent by allowing this new proposed buildout.

Mr. Booth agreed with Mr. Ray’s comments and added the house was originally thought to be on the

larger side for a lot of that size. He also noted the house was larger than many of the other dwellings in the neighborhood.

Mr. Riordan was not concerned about a precedent being set and felt the new dwelling unit would not dwarf the other structures in the neighborhood. Mr. Riepe stated he agreed with Mr. Riordan.

Mr. Riordan asked if any members of the public wished to speak but no one came forward.

The Board found the use was in harmony with the general purpose and intent of the Zoning Bylaw.

The use was in an appropriate location, was not detrimental to the neighborhood, and did not significantly alter the character of the zoning district.

The Board also found adequate and appropriate facilities would be provided for the proper operation of the proposed use.

The proposed use would not be detrimental or offensive to the adjoining zoning districts or neighboring properties due to the effects of lighting, odors, smoke, noise, sewage, refuse materials, or other visual nuisance.

The Board found the proposed use would not cause undue traffic congestion in the immediate area.

Mr. Riepe made a motion to approve the proposed amendment to Special Permit 19-25 as presented with 615 new square feet. Mr. Riordan seconded the motion. Roll Call Vote: Riordan – Aye, Ray – Aye, Booth – Aye, Gossels – Aye, and Riepe – Aye.

CONTINUED Public Hearing, Case 20-06 – Kenneth Salvin, Applicant, and Fifteen Union Avenue Corporation, Owner, seek a Variance from the provisions of Section 2240 under Section 6130 of the Town of Sudbury Zoning Bylaw to allow for incidental storage outside of the building at 15 Union Avenue, Assessor’s Map K08-0071, Business-5 Zoning District

Mr. Riordan stated the Zoning Board of Appeals had received an email from the Applicant indicating they would like to withdraw without prejudice their Variance application. He also noted the Zoning Board of Appeals, Planning Board, and Board of Selectmen would be exploring an amendment to the Zoning Bylaw to address the existing provision pertaining to storage trailers/containers.

Mr. Ray made a motion to approve the Applicant’s request to withdraw the Variance application without prejudice. Mr. Riepe seconded the motion. Roll Call Vote: Riordan – Aye, Ray – Aye, Booth – Aye, Gossels – Aye, and Riepe – Aye.

Public Hearing, Case 20-07 – Quarry North Road LLC, Applicant, and William M. Wagner, Jr., the Sudbury Water District, and the Town of Sudbury, Owners, for Final Plan Approval under Town of Sudbury Zoning Bylaw Section 4700A, Plan Approval under Town of Sudbury Zoning Bylaw Section 4700B, and Stormwater Management Permits under Town of Sudbury General Bylaw Article V(F), Section 5.C to construct 274 dwelling units (81 being age restricted and 26 being affordable) in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure at 16 and 36 North Road, Assessor’s Maps C12-0003, C12-0004, and C12-0100, Research-1, North Road Residential Overlay District, Melone

Smart Growth Overlay District, and Water Resource Protection Overlay District Zone II Zoning Districts

Mr. Riordan indicated the Zoning Bylaw called for the Zoning Board of Appeals to hold a public hearing and provide comments on any development applications which came before the Planning Board under the provisions of the North Road Residential Overlay District (Section 4700A).

Chris Claussen and Chris Kennedy of Quarry North Road LLC, Matt Leidner of Civil Design Group, Bob Michaud of MDM Transportation, Leslie Fanger and Matt Mrva of Bohler Engineering, and attorney Bill Henchy were present to discuss their application to the Planning Board with the Zoning Board of Appeals.

Mr. Claussen provided a general overview of the layout of the project, including property boundaries and the locations of the various types of dwelling units (apartments, multi-family condominium units, and townhouses). He noted a portion of the project would contain age restricted dwelling units. Mr. Claussen also discussed the mitigation funds which would be paid to the Town and the various land transactions which would occur as part of the Land Disposition and Development Agreement that was signed. He noted a Sudbury Water District well was in close proximity to the project, just to the south, and this had impacted the location of the leaching field for the project's wastewater treatment facility. Mr. Claussen also discussed some of the other changes to the project which had been made since the site development plan was approved by Town Meeting, as well as the various state level permits they were pursuing.

Mr. Riordan inquired about the location of the berm along North Road/Route 117 and Mr. Claussen noted its location on the Site Plan.

Mr. Claussen then discussed the design of the two proposed apartment buildings in the Smart Growth Overlay District, the multi-family condominium building in the North Road Residential Overlay District, the townhouse units, and other buildings.

Mr. Michaud then spoke to the transportation aspects of the proposal noting the site had been substantially analyzed in the past in terms of traffic. He noted the access related improvements which would be made as part of the development and the \$1,000,000 capital contribution which would be provided to the Town for area use improvements. Mr. Michaud called out specific site alterations including an east bound left turn lane on North Road/Route 117, creation of a boulevard entrance/exit driveway, improved sight line design features, and internal roadway vehicular maneuvering. He then discussed a number of Transportation Demand Management features the project would provide including designated car share spaces, bicycle parking with garages, and a van shuttle service, among other items.

Mr. Booth asked if the car and bike share programs had been analyzed for viability in a project of this nature in a community similar to Sudbury. Mr. Michaud indicated his office was working on similar projects in other communities with these same amenities and felt it would not hurt to have these types of programs as part of the transportation options for the property.

Ms. Pincus inquired about the project's proposed connection to the Bruce Freeman Rail Trail and where the trail was located in relation to the site. Mr. Michaud indicated this would be covered later in the presentation when the landscaping elements would be discussed.

Ms. Fanger presented the landscaping elements of the project. She described the large berm and proposed vegetation along North Road/Route 117 which would screen the project from the roadway; and discussed

the various amenity spaces such as firepits, bike racks, a dog run, and community garden. Ms. Fanger then described the landscaping around the multi-family condominium building, clubhouse, and throughout the age restricted townhouses. She specifically called out the proposed trail connection location which would plug into the existing trail network to the north of the property. Discussion ensued regarding how the new trail connection would connect to the Bruce Freeman Rail Trail.

Ms. Rubenstein commented how she did not prefer how the clubhouse building was separated from the age restricted townhouses which it was intended to serve by the large driveway to the parking garage underneath the multi-family condominium building. Mr. Claussen indicated they could investigate this suggestion further.

Ms. Fanger then discussed the vegetative buffer along the northwestern-most property line as well as the amenity space in the northwest corner of the project site. She then discussed the landscaping around the for-sale townhomes and the wastewater treatment facility. Ms. Rubenstein noted this area did not have any clubhouse or outdoor communal space. She also indicated she was disappointed in the arrangement of the seven for sale dwelling units which face the multi-family buildings.

The vehicular and pedestrian circulation patterns around the property were then discussed by Ms. Fanger. Ms. Pincus noted there was no walkway proposed along the entrance/exit roadway to connect the project down to North Road/Route 117. Ms. Fanger indicated there were provisions in place to install a sidewalk should the Town build a sidewalk along North Road/Route 117.

Mr. Gossels indicated he felt something was missing from the design of the project which prevented it from feeling like a real neighborhood. Ms. Pincus agreed and noted there were no backyards or community play areas as you might have in a single-family dwelling neighborhood. Discussion ensued regarding proposed and potential communal gathering spaces around the property.

Mr. Leidner then presented the engineer overview of the project including topography, required grading, stormwater management, and roadway design. He noted there were numerous surface parking spaces but there were also garages located underneath each multi-family building. Mr. Leidner noted a significant amount of effort was made to minimize the quantity of impervious surface on the property. He noted all of the parking areas, drive aisles, and sidewalks in the Smart Growth Overlay District, approximately 1.5 acres, were proposed to be pervious pavement.

Mr. Riordan noted there were two roadways stubbed out at the Concord town line to the north and he wondered what these roadways had in store for the future. Mr. Claussen noted the Land Disposition and Development Agreement limited the development on the Concord portion of the project site to a maximum of six single-family dwellings. In response, Mr. Riordan asked the development team to look into using this portion of the site as some type of passive recreation area.

At this time Mr. Gossels left the meeting.

Ms. Rubenstein inquired as to what might be used in the gable space above the top floors of the multi-family buildings. Mr. Claussen stated there were no usage plans for these spaces at this time.

Mr. Riepe stated he felt the design changes to the multi-family dwellings were a positive improvement. He then read various architectural comments into the record including how the buildings should emphasize their horizontal lines to bring down their height and how the style of the buildings should have

a contemporary feel while still relating to the local vernacular. Mr. Claussen noted the initial feedback received on the design of the buildings requested they look more colonial in nature.

There was then discussion regarding the role the Zoning Board of Appeals would play in the Planning Board permitting process as part of the public hearing.

The Zoning Board of Appeals agreed to continue the discussion of the application to their meeting on April 21, 2020 at 7:30.

Mr. Riepe made a motion to continue the public hearing to the next meeting of the Zoning Board of Appeals on April 21, 2020 at 7:30 PM. Mr. Ray seconded the motion. Roll Call Vote: Riordan – Aye, Ray – Aye, Gossels – Absent, Riepe – Aye, and Rubenstein – Aye.

Approval of Meeting Minutes for March 9, 2020

Mr. Riordan stated the discussion of the meeting minutes would be postponed to the next meeting of the Zoning Board of Appeals on April 21, 2020.

Mr. Riordan made a motion to adjourn the meeting. Mr. Riepe seconded the motion. Roll Call Vote: Riordan – Aye, Ray – Aye, Gossels – Absent, Riepe – Aye, and Rubenstein – Aye. The meeting was adjourned at approximately 10:53 PM.