

IN BOARD OF SELECTMEN  
SPECIAL MEETING  
MONDAY, JANUARY 29, 2001

Present: Chairman Kirsten D. Roopenian, Lawrence W. O'Brien and John C. Drobinski, Selectman.

The statutory requirement for notice having been met, the meeting convened at 7:30 p.m. at the Town Hall, 322 Concord Road.

**Marrone Comprehensive Permit**

Present: Alan Marrone, Applicant; David Wallace, Attorney, Whittemore & Wallace; Michael Coutu, Sudbury Design Group; Jody Kablack, Town Planner; Marianne D'Angelo, Planning Board; Tom Phelps, Board of Appeals; Janet Jennings, 34 Easy Street; Jennifer McCabe, 15 Easy Street; Lloyd Kittelson, 11 Easy Street; George Hitz, 37 Easy Street; Margaret Sifferlen, 22 Washington Drive; Ursula Lyons, 157 Wayside Inn Road; Lynn Ashe, 44 Easy Street; Gregory Ashe, 44 Easy Street.

The Board met for the purpose of considering the submission of a Local Initiative Program Application for a Comprehensive Permit to the Dept. of Housing and Community Development under Chapter 40B for property located at 717-719 Boston Post Road.

The Board was in receipt of the following:

- 1) Letter, dated January 21, 2001, from Janet M. and David H. Jennings, 34 Easy Street, expressing various concerns, including little or no play area in the site plan for children, Nobscot Hill being an attractive nuisance for children and youth (urging limited access), general impact to the Town and surrounding area, possibility of earmarking project for age 55+, setbacks too small, and too many units planned.
- 2) Letter, dated January 25, 2001, from the Planning Board, stating serious concerns regarding the proposal as currently submitted and the adequacy of the plans submitted to date, and urging the Board to delay official action until more detailed plans are submitted. The Planning Board stated its comments as follows: 1) the overall density of the project appears too dense for the 2.5 acre site; 2) the architectural details of the buildings could be vastly improved, and the plans should be prepared and stamped by a registered architect; 3) infrastructure such as stormwater management and wastewater disposal are not shown on the plan, said plans should be prepared and stamped by a registered professional engineer; 4) site plan lacks detail in terms of screening and landscaping, buffers, amenities (fences, play yards) and lighting, determining whether the development fits into its surroundings. Neighboring buildings and site features should be shown on the plan to indicate separation between buildings and building scale; and 5) the Board of Selectmen is urged to negotiate with the developer for the inclusion of a greater percentage of affordable units than the minimum requirement of 25%, and the construction of various size units is encouraged to provide for a variety of family sizes.
- 3) Email message from Amy Lepak, 54 Jarman Road, expressing concern for the lack of affordable housing and urging the Board to co-sponsor the Comprehensive Permit.

Chairman Roopenian stated the applicant would provide an update with new information, followed by comments by the Board and public.

Mr. David Wallace, Attorney for the applicant, presented a brief update on the project. He stated a meeting with department heads elicited many helpful comments and suggestions. After that meeting, the applicant contacted the Sudbury Design Group to make significant changes in the design and the number of units was reduced from 24 to 16, 4 of which will be declared affordable. He stressed that Sudbury is in a serious deficit of affordable housing and nothing for low or moderate income has been built in Sudbury in the last year.

Mr. Wallace expressed appreciation for a resident using his own land and that of a neighbor to build such a project, and using a local architect.

Mr. Alan Marrone, Applicant, stated he had re-evaluated design objectives in this new design and made the following revisions to: provide better screening for abutting properties, maximize open/green space, incorporate buildings better into the site by reducing building height, provide outdoor private areas for each unit, and to develop the site with a more residential appearance. The number of units has been reduced, with a one-car garage for each. The additional parking spaces for residents and guests have been reduced from 57 to 25 (8 spots for visitors). No trash dumpsters will be used; each unit will be serviced individually. Mr. Marrone presented renderings of the revised layout and described various elements.

Chairman Roopenian asked how close the units are to the neighboring (abutting) properties. Mr. Marrone stated this drawing was not to scale, but added that the design did not bring the units any closer than they were previously. The new drawings are still in progress.

Mr. Wallace stated two of the units would have three bedrooms, which would accommodate a family with more than one child. Both of these three-bedroom units will be declared as affordable, as well as two of the other units. Both three-bedroom units and one two-bedroom unit will be earmarked for Sudbury residents.

Chairman Roopenian clarified the meeting with department heads included the Health Director, DPW Director, Conservation Commission, Planning Board, Police Chief and Building Inspector. She opened the meeting for public comment.

Mrs. Janet Jennings, 34 Easy Street, stated she is an abutter and wanted to know how close the buildings would be to her property. Mr. Marrone opined the distance from the buildings to her property line to be approximately 30 feet. He stated they are considering building a retaining wall on the lower elevation at that spot, with vegetative screening on the upper level, to adequately separate the two properties.

Ms. Jennings opined families with children would impact the Loring School, which she estimated to be near capacity already. If the development were designated for age 55+, families would move into the houses being sold by seniors, but it would spread the student increase throughout Town and not a particular school. She also expressed concern for bus stop traffic on Route 20, and that there are no sidewalks.

Mr. Wallace stated Mass. General Laws will not allow this development to be designated for age 55 and over, as those projects must be located on parcels over 5 acres.

Selectman Drobinski asked Mr. Marrone if the 30-foot setback previously discussed is in accordance with the Zoning Bylaw. Mr. Marrone responded he believed it was.

Ms. Jennifer McCabe, 15 Easy Street, expressed concern for safety of children (no sidewalks), water contamination, and concern for traffic being able to access Route 20. She inquired about the sewer study, and whether that study would be completed in time to be utilized for this development.

Mr. Marrone stated the developer would be happy to install a sidewalk if that is what the Town wants. With regard to water contamination, he stated they would comply with all regulations for septic design, which will be inspected by the Health Director. He responded the sewer study is aimed at the Aquifer Protection Zone, which is downtown and not a consideration for this development.

Mr. Lloyd Kittelson, 11 Easy Street, stated he moved to Sudbury 18 months ago from Marlborough, and suggested a comprehensive Town Plan be developed before moving forward, given the potential impact on schools and other services. Selectman O'Brien directed Mr. Kittelson to the Town's web site to view Sudbury's Master Plan. Mr. O'Brien clarified the applicant is asking for the Town's endorsement to streamline funding, but pointed out the applicant can continue with the development, whether or not the Town agrees to co-sponsor. He added, endorsement by the Town provides some element of control and supervision.

Mr. George Hitz, 37 Easy Street, asked if a second entrance from Boston Post Road was required. Mr. Marrone stated if the Fire Department requires one, it would have an emergency "break away" fence.

Mr. Hitz asked about prices of the units, now that the number has been reduced to 16. Mr. Marrone responded the price of the affordable units is determined by State Law, and would be \$78,000 for the two-bedroom unit, and \$83,500 for the three-bedroom units. The market value for the regular units will go up.

Mr. Hitz asked if the applicant still intended to use pre-fab construction. Mr. Marrone opined it would mostly likely be used, but a final decision has not been made.

Mr. Hitz asked if a contractor has been chosen. Mr. Marrone replied he has considered many contractors, and that he and Robert Beckett will be the general contractors. Mr. Marrone stated he has not done a project of this size, but Mr. Becket has done projects much larger.

Mrs. Margaret Sifferlen, 22 Washington Drive, asked if this project required a change in zoning from residential to commercial. Chairman Roopenian responded this is a residential use and is not considered commercial for zoning purposes. Mr. Wallace clarified the Orchard Hill Assisted Living Facility required a Comprehensive Permit for commercial use in a residential zone, which is different from this development. He stated the residents of this development would own their units, not be in a rental or lease situation.

Mrs. Ursula Lyons, 157 Wayside Inn Road, asked if there were plans to do a traffic study in the area. She cited many traffic tie-ups and back-ups during rush hours, as well as traffic entering the roadway from Bullfinch's. Mr. Wallace stated the applicant is not seeking approval from the Board of Selectmen, only their endorsement. The approval comes from the Zoning Board of Appeals. He stated further the State will come out and look over the site, and possibly require a traffic study. The Zoning Board of Appeals could also request a traffic study. Mr. Wallace stated the applicant did not believe it to be necessary at this stage of planning.

Mrs. Lynn Ashe, 44 Easy Street, asked which department heads did not feel a traffic study was necessary. Mr. Marrone opined the traffic impact to be minimal as there would be only 16 units, while a

restaurant could generate many more trips each day. He added a traffic study simply has not been asked for yet, and it will be done if required.

Selectman Drobinski stated the Board is gathering information at this time, and needs to hear all issues and concerns from the neighborhood before determining their response and action.

Mrs. Ashe expressed concern for the lack of accurate, drawn to scale, drawings, and stated it was difficult to respond without something to look at. Mr. Marrone responded the project is being completely redesigned, and all plans are currently being redrawn. Mrs. Ashe asked if those revised plans would be available for the neighborhood to view before the Board makes its decision. Selectman Drobinski opined much more information must be available before progress can be made. Mrs. Ashe asked about the comments from the meeting with department heads. Town Manager Valente stated she would forward those to Mrs. Ashe as the neighborhood representative. [The comments were given to Mrs. Ashe after this portion of the meeting was concluded.]

Chairman Roopenian reported on the Brimstone Estates development as it pertains to a combined effort between neighbors and Town officials, and stressed the importance of getting involved in a process such as this. She stated that, due to concentrated involvement, that development has been reduced in size by at least half. Selectman O'Brien stated the agenda for every Selectmen's meeting is posted both at Town Hall and on the Town web site. He stated further all information collected on matters such as this is maintained in an open file residents can review.

For the benefit of those gathered, Chairman Roopenian briefly summarized highlights from both the Planning Board letter and the letter from Mr. & Mrs. Jennings.

Selectman O'Brien distributed copies of his personal comments on this matter, including reduction of units, increased number of affordable units, improved exterior appearance of overall design, vegetative screening and fencing, deceleration lane, traffic impact study, reduction in posted speed limit, ability to provide adequate water, and all units to be owner occupied.

Mr. Wallace expressed concern that offering more affordable units shifts the profit lost to the market value units, passing that cost on to other people. He opined few people would want to purchase a condominium unit for \$500,000. He stated many units at Northwoods are still unsold because they were overpriced.

Mr. O'Brien expressed doubt that someone would purchase a two bedroom unit for \$350,000 when, for \$50,000 more, a home could be purchased. Mr. Wallace responded their target market will be empty nesters or first time homebuyers.

Mr. O'Brien presented a list of the speed limits along Route 20, going east to west and then west to east, noting the number of changes in this area.

Selectman O'Brien asked the applicant how many septic systems would be needed to support this development. Mr. Marrone responded either one or two, depending on the engineer's recommendation. Mr. O'Brien expressed concern for foul odors emitted due to aeration functions in some "fast" systems.

A resident asked if the Conservation Commission will get involved once the plans are drawn up. Chairman Roopenian stated there are no conservation issues at this site, but added the Commission will

review the revised plans carefully. Mr. Wallace stated the Conservation Coordinator has already made some suggestions regarding the design.

Mr. Michael Coutu, Sudbury Design Group, stated he is also an abutter as his business is directly across the street. He reported the applicant's intent to revise the plans given the concerns expressed by the department heads. He stated the new plans should reflect resolution of many issues brought to light. He invited residents to communicate further concerns to the applicant.

Chairman Roopenian read an email message from Amy Lepak, 54 Jarman Road, in which she expressed concern for lack of affordable housing due to sudden growth and teardown/rebuild situations, urging the Board to agree to the comprehensive permit.

Chairman Roopenian reported the Commonwealth has issued Executive Order 418, requiring every community to develop "anti-snob" zoning for an increase in affordable housing. She opined the term "affordable housing" carries a negative connotation, which must be overcome. Someone who can afford financing on a \$78,000 unit is gainfully employed and able to make payments; they simply do not have high incomes due to the nature of their occupation or other circumstance. It is not subsidized housing.

Mr. Wallace stated there will be a lottery for the affordable units. Applicants must be pre-qualified by the State, with 70% of the people in the lottery Sudbury residents. Applicants cannot earn more than \$47,000 in order to qualify for the lottery.

Mr. Ashe expressed concern that residents have invested in their properties and are now expected to allow whatever comes into their neighborhood. He opined Mr. Marrone to be making a profit on this development and expressed concern for his motives. He opined further that residents are suffering due to the Town's inability to have appropriate zoning in place, which created a deficit in affordable housing, and he reminded the Board that only three of the four affordable units will be for Sudbury residents.

Selectman Drobinski clarified that numerous articles have come before Town Meeting for affordable housing, and each one has been rejected by the voters. He pointed out Mr. Marrone has the right to build the original 24 units without the Board's review, and the Board is trying to work out a development that will benefit everyone concerned. Discussion followed.

A resident expressed concern for the length of the project, and noise disturbance. Mr. Marrone responded many of those issues are covered in the Zoning Bylaw.

Chairman Roopenian thanked residents for attending and encouraged their continued participation.

### **2001 Annual Town Meeting Action**

**Article One Presenter.** After discussion, the Board submitted three names to Town Manager Valente in order to begin contacting individuals.

**Community Preservation Committee Bylaw Article wording.** There was discussion on the staggering and length of terms, individuals moving from Town, or no longer serving on one of the Commissions listed.

It was on motion unanimously

VOTED: To approve the wording of the Community Preservation Committee Bylaw, subject to approval by Town Counsel.

**Approve Warrant Reports.** After discussion, it was on motion unanimously

VOTED: To approve the following warrant reports for Selectmen's articles: (as revised) Zoning Bylaw Recodification, Community Preservation Act, and (as drafted) Amend Bylaws, Art. XII – Town Property, Community Preservation Committee Bylaw, and Transfer Control of Small Portion of Weisblatt Conservation Land.

**Order Warrant Articles.** After discussion, it was on motion unanimously

VOTED: To accept the proposed ordering of the Warrant, with the following changes: Article 13 is renumbered to become #9, and Articles #9 – 12 renumbered accordingly. NOTE: Articles #37 – Amend Zoning Bylaw – Exempt Uses and #38 – Amend Zoning Bylaw – Site Plan Review were reversed to become #38 and #37 respectively, prior to submission to the Board, on recommendation from the Town Planner. [Article #20 was later withdrawn, and remaining articles renumbered.]

**Construct Public Works Facilities Article.** The Board briefly discussed the DPW Director's report, financing of the project, how it relates to the proposed facilities study, and determining components for a presentation at Town Meeting.

**Health Department.** The Board briefly discussed the pros and cons of this matter with regard to keeping this department separate from the rest of Town government instead of under the supervision of the Town Manager, i.e., accountability, efficiency in providing services to the citizens, and the Board's responsibility to the residents.

**Transfer Management of Properties.** The Board reviewed a letter, dated January 23, 2001, from Jo-Ann Howe, Executive Director, Sudbury Housing Authority, stating neither the Haynes Meadow nor Carding Mill houses are appropriate for use as affordable housing due to their isolated locations (far from neighbors) and proximity to water (danger for children). Ms. Howe suggested contracting with a management company to alleviate the Town of the responsibility and burden of property management.

After discussion, it was on motion unanimously

VOTED: To WITHDRAW Article 20 – Transfer Management of Properties, and renumber remaining articles respectively.

**Speaker Assignments.** After discussion, it was on motion unanimously

VOTED: To assign speakers to articles as drafted with one exception

**Board of Selectmen Positions.** After discussion, it was on motion unanimously

VOTED: To **SUPPORT** the following articles (after renumbering): 1, 2, 5, 6, 7, 9, 10, 12, 14, 15 – 37.

It was further on motion unanimously

VOTED: To **REPORT AT TOWN MEETING** on the following [renumbered] articles: 3, 4, 8, 11, 13, & 38.

**Petition – Recodification Article (#38)**. The Board reviewed a communication, dated January 17, 2001, recounting a verbal report received from Town Counsel on this matter. Mr. Tyler agreed to not having his article printed provided he is given the same opportunity to speak as an article presenter (10 minutes) and for copies of the approved bylaw be provided to residents after Town Meeting. Discussion followed. The Board asked Ms. Valente to ask Town Counsel to determine whether this is a legal article.

**Bushey House**. Town Manager Valente brought to the Board’s attention the Demolition of Historic Structures Bylaw relative to the proposed demolition of the Bushey House. She asked the Board if they wished to claim municipal exemption from the bylaw.

The Board agreed it would prefer not to do so and instructed the Town manager to follow the procedure set forth in the bylaw.

**Executive Session**

At 11:12 p.m. it was on motion by roll call unanimously

VOTED: To go into Executive Session to discuss litigation matters. (Chairman Roopenian, aye, Selectman O’Brien, aye, Selectman Drobinski, aye).

Chairman Roopenian announced that public session would not reconvene following Executive Session.

There being no further business, the meeting adjourned at 11:35 p.m.

Attest: \_\_\_\_\_  
Maureen G. Valente  
Town Manager-Clerk