

IN BOARD OF SELECTMEN
TUESDAY, NOVEMBER 1, 2005

Present: Chairman Lawrence W. O'Brien, William J. Keller, Jr., and John C. Drobinski, Selectmen.

The statutory requirements as to notice having been complied with, the meeting was called to order at 7:30 p.m. at the Town Hall, 322 Concord Road.

Joint Meeting of Selectmen, Board of Appeals, Planning Board - 40B Comprehensive Permit Applications

Present: Board of Appeals: Chairman Stephen Richmond, Jonathon Gossels, Stephen Garanin, Elizabeth Taylor, Constantine Athanas, Nancy Rubenstein, Jeffrey Klofft, and Richard Vetstein; Planning Board: Chairman Michael Fee, Christopher Morely, Elizabeth Eggleston, Michael Hunter, Associate Joseph Sziabowski, Town Planner Jody Kablack; Community Housing Committee: Amy Lepak and Judy Deutsch; and Sheila Cusolito.

Lawrence O'Brien, Chairman of the Board of Selectmen, opened the meeting. He stated this joint meeting was a good opportunity to discuss the 40B application process, since we are working on several affordable housing issues currently:

- There are several 40B applications in process and discussion;
- The Community Housing Committee is working on 40B guidelines. These guidelines have been reviewed by many people already, and if adopted by a variety of boards, can become a policy statement for the town on future applications;
- The Selectmen and Planning Board are promoting housing initiatives through the CPA; and
- The SHA initiatives for scattered site housing is on-going.

The Zoning Board also thought this joint meeting was a good idea since they are trying to get as much feedback on the current 40B applications as possible so they can determine what the issues are and where density reductions may be necessary.

Chairman O'Brien advised as follows: The Town should not view 40B as contentious and should always strive to make the process "friendly". Housing development is a form of economic development. Typically the smaller townhouse styles favored in the 40B developments do not attract large families with several children.

Mr. Richmond stated that the ZBA knows that the Town needs diverse housing, but density and the impact on neighbors are difficult issues. He opined many people think the Carriage Lane development is a terrible design and should not become the example for Sudbury; we need to create units that are attractive to live in both from inside the development, and outside.

Mr. Klofft stated that developers want to replicate Carriage Lane, but that in more residential areas, the scale and density are not appropriate.

Mr. Drobinski stated that if the design or density of a 40B is not appropriate, the ZBA should not be afraid to deny the application. He said the Town's goal of 10% affordable units is so far off, and could result in many more 40B applications, that we should be sure we get the design that we want.

Mr. Klofft stated: The ZBA desires to work with developers at the preliminary stage prior to undertaking significant engineering. They understand the process and want to work cooperatively.

Mr. Richmond stated: The Board feels that there are too many units at the Villages at Old County Road. The buildings are too close together and the garages are the prominent architectural feature. The ZBA feels that a reduction in density, and the corresponding trade-off in the reduction in the number of affordable units, is appropriate in this location. Fewer units overall will produce a better design.

Mr. Fee responded: We need to make sure we are implementing the Town plans if we are going to be denying applications. The Housing Appeals Committee will be more flexible in upholding a denial if a development is contradictory to an adopted plan. We should be careful not to generalize 40B developments, especially in density reductions. Some locations are more appropriate for higher densities. Route 20 versus a primarily residential area should be treated differently.

Mr. Sziabowski stated that developers should be encouraged to be more creative with their designs. Density, mass, scaling and architecture can all be used to create attractive developments (creating parking under structures is one example).

Mr. Klofft stated that the ZBA appreciates these comments. They strive to review each development individually, as each one has been quite different from the others.

Ms. Eggleston stated: The Planning Board is dealing with similar issues on the recent senior housing proposals. Anytime units are clustered closely together, there is a greater need to work on design. The Planning Board feels that the streetscape is very important and works to lessen that impact. However, even though tightly clustered design may have greater visual impact, overall it is typically better development. We need to be flexible with architecture, we don't review single family home styles. The Town should concentrate on the issues within these developments that will matter most to the public, such as views from the street. It is assumed that environmental issues will be adequately addressed.

Mr. Gossels replied that with the Villages at Old County Road, 44 units is not realistic. There are wetland issues and sight distance problems. He thinks 28 units work better. The ZBA is hiring a consultant to look at the economics of the project and advise them.

Ms. Eggleston asked if the impact on pricing, with a reduction in density, will be considered? Another trade-off is producing a range of prices for the market units. If the density is reduced, it will probably make the market units more expensive.

There was a discussion on the Springhouse Pond development. Most members thought this development included good buffering from streets and adjacent properties, good community space and other attractive amenities. It was suggested that the ZBA look at the SRC and ISD bylaws as guidance for 40B developments.

Mr. Richmond stated the ZBA is trying to maximize the number of affordable units and make the development attractive.

Mr. Athanas stated the HAC does not rule on character of neighborhood issues and aesthetics; water quality, wetlands, and safety are the key issues in upholding a denial of a 40B application.

Mr. Gossels added that the state guidelines for smart growth allow 8 units/acre. This makes denial based on density even harder.

There was a discussion on the buy-down of units. It is becoming apparent that the proposed \$100,000 subsidy is not feasible, and it will be a tough sell to get 5 units. If the ZBA required the developer to participate, it may make the project uneconomic. Another way to increase the number of affordable units would be to allow more market rate units to compensate for the additional affordable units.

Ms. Deutsch asked for clarification on the importance of the interior streetscape versus the exterior streetscape. She feels that both are important.

Mr. Klofft replied that the ZBA is conscious of both also. They want better construction and design overall, even though this drives prices higher. There is an inherent conflict here between keeping housing affordable at a range of prices, and having very high standards for development.

Ms. Eggleston responded that the Town should have a policy on this issue. Does the Town want a variety of market prices in 40B developments?

Mr. Fee stated that the Master Plan says we need a diversity of housing prices and styles. Mr. O'Brien concurred.

Ms. Taylor stated that we give developers several mixed messages beginning with the early informal meetings with the different boards and staff. Once the application gets to the ZBA, the developer thinks they know what the Town wants, but that is not always the case.

It was noted this starts with MassHousing asking the Selectmen to provide input very early on. The Planning Board tends to offer comments at this stage as well. The ZBA is not involved yet. Comments focus on the very basic aspects of the proposal – is the site suitable, is the infrastructure capable of handling the development, does the town think there will be substantial environmental harm?

Mr. O'Brien stated that is why writing 40B guidelines is important. They can become our common ground. He urged everyone present tonight to get involved in their drafting. It was suggested that a future discussion with the boards could focus on finalizing and adopting the guidelines.

Ms. Kablack stated that the Community Housing Committee recently reviewed the guidelines and made substantial changes, particularly removing much of the specificity that was in earlier drafts of the document. It was felt that every 40B, either built or proposed, is vastly different from all the others, and applying similar standards to all developments would not work.

It was agreed that the next draft of the guidelines will be distributed to all three boards, and the Design Review Board, for a future discussion.

Mr. Richmond mentioned that the ZBA approves many tear downs, and some of the houses are in good shape. He wondered if there were any parcels of land available for transfer of the houses.

Ms. Lepak stated that the CHC is looking at low value parcels to buy, and there may be an inventory at some point.

The meeting was adjourned at 9:05 p.m.

Easements - Evergreen Realty Trust (former Mahoney Farm Property)

Present: Town Planner Jody Kablack.

Following explanation by the Town Planner, and on recommendation of the Planning Board and Town Counsel, it was on motion unanimously

VOTED: To accept the following deeds and easements granted by Catherine F. Giblin, as Trustee of Evergreen Realty Trust, in connection with the development of the former Mahoney Farm property, subject to final approval by Town Counsel:

Deed (Drainage Easements) - "Drainage Easement #1" on Parcel A (Open Space to be deeded to Town for conservation purposes); "Easement #3 Open Space and Drainage Easement" on Lot 26; and "Easement #6 Drainage Easement"; all easements shown on "Plan of Land in Sudbury, MA" by Sullivan, Connors and Associates, dated August 1, 2005;

Deed to Town in perpetuity for conservation purposes on - Parcel A (430,917 s.f.) as shown on the above-noted plan, dated August 1, 2005; and Lots 4-1B (3.601 a.) and 5-1B (4.534 a.) as shown on "Plan of Land in Sudbury, Massachusetts: by Sullivan, Connors and Associates, dated August 30, 2005, last revised September 22, 2005;

Deed to Town - Lot 4 (12.562 a.), Lot 5 (8.828 a.), Lot 4-1A (4.227 a.), and Lot 5-1A (4.40 a.), all as shown on "Plan of Land in Sudbury, Massachusetts" by Sullivan, Connors and Associates, dated August 30, 2005, last revised September 22, 2005.

Bosse Sports and Health Club - Tournament Permit

Present: Dick Bosse and Joshua Fox, Atty., Bosse Sports and Health Club.

On October 26, 2005, it was brought to the Board's attention that Bosse Sports and Health Club had scheduled a tournament event to run from October 29 through November 6 at its facility at 141 Boston Post Road.

Following receipt of a letter dated October 26, 2005, from Joshua M. Fox, attorney for Bosse Sports, detailing the event, it was determined that a permit was required from the Board of Selectmen for conduct of the event. Working in cooperation with the Town Manager, the Applicant pledged to meet all safety requirements of the Building Inspector, Fire Chief, Police Chief, and Health Director in the opening days of the tournament and agreed to meet this evening with the Board to review handling of the event and to obtain the necessary permit.

The Town Manager was in receipt of the following reports:

- 1) From the Building Inspector dated November 1, advising that he has issued a tent permit, the bleachers had been inspected and found satisfactory, provisions for parking appear satisfactory, and during the past weekend the event seem orderly with the Police Detail provided.
- 2) From the Health Director dated November 1, reporting he had inspected the food storage and grille area, a certified food handler was in charge, and portable toilets were in place.

- 3) From the Fire Chief dated November 1, advising that the reported attendance for this event is under the occupancy load for the building. The only special conditions the Department requires are that medical access for the ambulance be maintained along the west side of the building and parking in fire lanes is prohibited.
- 4) From the Police Chief dated November 1, informing that parking and traffic control for the tournament has gone fairly smoothly, but noting Bosse Sports should continue to strongly encourage patrons to utilize the shuttle system and avoid crossing Route 20 near Old County Road.

The Selectmen requested Bosse Sports to apply in the future for any similar events well before the scheduled date, in order for all safety concerns to be planned for and met and permits issued. Mr. Bosse and Mr. Fox concurred.

After discussion, it was on motion unanimously

VOTED: To grant a license to Bosse Sports & Health Club, LLC, pursuant to Mass. General Laws Chapter 140, Section 181, to conduct a tennis tournament during October 29, 2005 through November 6, 2005, at the Bosse Sports & Health Club, LLC, 141 Boston Post Road, in accordance with a letter dated October 26, 2005, from attorney Joshua M. Fox, subject to the following: compliance with all requirements of the Police, Fire, Building and Health Departments which may be made before or during the event; that ambulance access be maintained along the west side of the building and parking in fire lanes is prohibited; that Bosse Sports strongly encourage all patrons parking off-site to utilize the shuttle system to avoid pedestrians crossing or walking along Route 20; that the existing alcoholic beverages restaurant license is limited to service at Margot's Cafe and the serving of alcoholic beverages is prohibited in the tournament area; and that the Route 20 area be immediately cleaned of any litter resulting from the event.

There being no further business to come before the Board, the meeting was adjourned at 9:40 p.m.

Attest: _____
Maureen G. Valente
Town Manager-Clerk