



# Town of Sudbury

*Sudbury Housing Trust*

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776  
978-639-3387

<http://www.sudbury.ma.us>  
[Housing@town.sudbury.ma.us](mailto:Housing@town.sudbury.ma.us)

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## Sudbury Housing Trust

Agenda

January 7, 2009, 8:00 AM

Silva Conference Room

Flynn Building, 278 Old Sudbury Rd

### Announcements

1. Topic: Meetings, Agenda, Minutes
  - a. VOTE: Approve Regular Minutes of 12/05/08
2. Finances, Funding and Grants
  - a. VOTE: Ratify November financial transactions as presented
  - b. Discuss: Town Meeting Plans:
    - Withdraw Buy Down/Home Preservation article
    - Vote support for Accessory Apartment bylaw amendments
    - Discuss plans for other 3 articles (10% CPA funds, 2 land transfers) – Communication and Presentations, capitalize on HFH/Dutton Road
3. Legislation and Trust
  - a. Housing Production Plan – should we do one?
4. Active Projects
  - a. Maynard Rd – Formulate RFP plan, architect presentation for February.
  - b. FYI, no discussion: 40B Project updates
    - Snowberry – Final cost certification reports received, 9% profit
    - Old County Rd – Buy-down closed with \$100k of HOME\$!!!!. Next unit is SHA.
    - Village on rt20 – No update
    - Commons – No update
5. Outreach, other, reference
  - a. Chicago Mayor tour went well
6. Enter Executive Session for the purposes of land acquisition discussion



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**DRAFT**

## Sudbury Housing Trust

December 5, 2008, 8:00 AM  
Minutes

Present: Trustees: Amy Lepak, Michael Fee, Larry O'Brien, Peter Crowe, Lydia Pastuszek,  
Andrew Kaye, Michael Buoniconti, Daniel Hewett  
Regrets: Joel Guillemette  
Staff: Jody Kablack, Beth Rust

1. Topic: Meetings, Agenda, Minutes

*Motion duly made and seconded, it was (8-0):*

*VOTED: To approve the regular minutes of 10/24/08.*

2. Finances, Funding and Grants, Town Meeting Articles

*Motion duly made and seconded, it was (8-0):*

*VOTED: To Ratify October financial transactions as presented*

In recognition of the increased amount of legal work required to support the Housing Program, and in consideration of the Town's efforts to manage the budgets tightly, after discussion, the Trust approved the Town Manager's request to pay a token amount each month for legal services.

*Motion duly made and seconded, it was (8-0):*

*VOTED: To fund Legal Services provided by Town Counsel to the Sudbury Housing Trust at \$200/month effective immediately*

After review of the feasibility information on the two Town-owned parcels, the Trust agreed to pursue the parcels on Hudson Road and Pinewood Avenue.

*Motion duly made and seconded, it was (8-0):*

*VOTED: To recommend to the Board of Selectmen that they sponsor two articles at 2009 Town Meeting to transfer two Town-owned parcels to the Sudbury Housing Trust for the purpose of developing single family dwellings for affordable housing.*

The proposed changes to the Accessory Apartment Bylaw were reviewed. In general, the Trust was supportive of the spirit of the amendments in an effort to provide diversity in housing options, and looks forward to reviewing the final proposal.

3. Active Projects

The Trust reviewed the conceptual site plans, elevations and floor plans on the Maynard Rd project. Specific comments were offered to bring back to the architect.

Sudbury Housing Trust  
FY09 Transactions

Date	Post MO	Amount	Balance	Account	Description	Payer/Payee
7/1/08	Jul-08		\$380,364		Carryover	
7/5/08	Jul-08	750,000.00	\$1,130,364	Other	CPA appropriation	
7/10/08	Jul-08	13,750.00	\$1,144,114	Expense	Maynard Rd - P&S void	
6/23/08	Jul-08	(240.00)	\$1,143,874	Expense	Dutton Rd - set pin	Sullivan Connors
7/24/08	Jul-08	600.00	\$1,144,474	Fee	Boxborough - 2	
7/24/08	Jul-08	(675.00)	\$1,143,799	Expense	Maynard Rd - proforma	Kevin Maguire
7/24/08	Jul-08	(440.00)	\$1,143,359	Expense	Maynard Rd - test holes	DJ Morris
7/25/08	Jul-08	(274,000.00)	\$869,359	Expense	Maynard Rd - purchase	Alexander/Fletcher
7/17/08	Jul-08	(279.33)	\$869,080	Salary	7/17 payroll	Sudbury
7/31/08	Jul-08	(1,393.71)	\$867,686	Salary	7/31 payroll	Sudbury
7/31/08	Jul-08	921.15	\$868,608	Interest	July	Sudbury
8/1/08	Aug-08	(1,625.00)	\$866,983	Expense	Maynard Rd - Legal Fees	Denis Sullivan
7/31/08	Aug-08	0.25	\$866,983	Fee	Maynard Rd - interest on deposit	Coldwell Banker
8/1/08	Aug-08	(5,000.00)	\$861,983	Expense	Maynard Rd CRB	CRB
7/24/08	Aug-08	(1,135.00)	\$860,848	Expense	Maynard Rd - septic	Sullivan Connors
7/24/08	Aug-08	600.00	\$861,448	Fee	Boxborough - 3	Town of Boxborough
8/14/08	Aug-08	(1,156.84)	\$860,291	Salary	8/14 payroll	Sudbury
8/14/08	Aug-08	(362.84)	\$859,928	Salary	8/14 payroll	Sudbury
8/31/08	Aug-08	(642.43)	\$859,286	Salary	adjustment for 7/17 payroll	Sudbury
8/31/08	Aug-08	(834.51)	\$858,451	Salary	adjustment for 8/28 payroll	Sudbury
8/31/08	Aug-08	898.51	\$859,350	Interest	august int	Sudbury
9/11/08	Sep-08	(1,077.61)	\$858,272	Salary	9/11 payroll	Sudbury
9/10/08	Sep-08	(75.00)	\$858,197	Expense	Trust recording	Kenny
9/10/08	Sep-08	(50.00)	\$858,147	Expense	CHAPA conference	Rust
9/23/08	Sep-08	1,500.00	\$859,647	Fee	Concord Elm Court - initial	CHDC
9/25/08	Sep-08	(1,197.35)	\$858,450	Salary	9/25 payroll	Sudbury
9/23/08	Oct-08	(350.00)	\$858,100	Expense	HFH Cement Mixer	HFH
9/23/08	Oct-08	(1,275.00)	\$856,825	Expense	Small grant	Countryside Estate
9/30/08	Oct-08	885.80	\$857,711	Interest	sept int	Sudbury
10/1/08	Oct-08	(420.00)	\$857,291	Expense	Dutton Rd - final plans	Sullivan Connors
10/1/08	Oct-08	(2,915.00)	\$854,376	Expense	Maynard Rd - Topo survey and stak	Sullivan Connors
10/9/08	Oct-08	(1,197.35)	\$853,178	Salary	10/9 Payroll	Beth
10/23/08	Oct-08	(96.00)	\$853,082	Expense	Dec 2008 lottery	SamPan news
10/23/08	Oct-08	(1,197.35)	\$851,885	Salary	10/23 payroll	Beth
11/4/08	Nov-08	(496.00)	\$851,389	Expense	Small grant	Patriot Lock
11/4/08	Nov-08	(811.80)	\$850,577	Expense	Dec2008 lottery	CNC
11/4/08	Nov-08	(75.00)	\$850,502	Expense	Trustee certification	
11/6/08	Nov-08	(1,197.35)	\$849,305	Salary	11/6 payroll	Beth
11/17/08	Nov-08	(290.00)	\$849,015	Expense	Dec 2008 lottery	Action Unlimited
11/17/08	Nov-08	(96.00)	\$848,919	Expense	Dec 2008 lottery	SamPan news
11/20/08	Nov-08	(1,197.35)	\$847,721	Salary	11/20 payroll	Beth

**Sudbury Housing Trust  
Financial Projection  
FY09 and FY10**

Description	FY07 Actual	FY08 Actual	FY09				FY10		4 Year Total	Notes
			Current Plan	Actual	Remaining	Comments	Estimate	Comments		
Carry Forward	\$0	\$158,864	\$380,364	\$380,364	\$0	Approximate	\$694,559	Approximate		
Revenue-fees - 712543/430000	\$36,738	\$16,328	\$62,019	\$2,700	\$59,319	(budget = 58,369)	\$64,769		\$179,854	
<b>HOME Admin</b>	\$1,738	\$1,728	\$1,669	\$0	\$1,669		\$1,669		\$6,804	
<b>Meadows</b>	\$28,000	\$0	\$0	\$0	\$0	Complete			\$28,000	
<b>VOCR</b>	\$7,000	\$4,000	\$12,000	\$0	\$12,000	3 units	\$23,900	last 5/monitoring fee	\$46,900	
<b>Villages</b>		\$0	\$18,300	\$0	\$18,300	4 of 17, 50% monitoring	\$19,200	6 units	\$37,500	
<b>Commons</b>		\$0	\$0	\$0	\$0	Assume none	\$0	Assume none	\$0	
<b>Sudbury Resales</b>		\$0	\$0	\$0	\$0	2.5% resale fee	\$0		\$0	
<b>External Revenue</b>		\$10,600	\$30,050	\$2,700	\$27,350		\$20,000		\$60,650	
Other		\$0	\$1,500	\$0	\$1,500		\$0		\$1,500	
Concord - Dunbar Way		\$4,000	\$0	\$0	\$0		\$0		\$4,000	
Concord - Emerson Annex		\$500	\$0	\$0	\$0		\$0		\$500	
Concord - Elm Brook		\$4,000	\$0	\$0	\$0		\$0		\$4,000	
Concord CHDC - Elm Court			\$1,500	\$1,500	\$0		\$300		\$1,800	
Wayland - 29 Oxbow			\$6,400	\$0	\$6,400		\$1,280		\$7,680	
Wayland - Wayland Commons			\$4,800	\$0	\$4,800		\$960		\$5,760	
Wayland - Tripolis Circle			\$0	\$0	\$0		\$960		\$960	
Newton - Ellis Heights		\$1,500	\$3,000	\$0	\$3,000		\$0		\$4,500	
Buxborough - Codman Hill Rd		\$600	\$1,200	\$1,200	\$0		\$0		\$1,800	
Buxborough - Summerfields			\$150	\$0	\$150		\$0		\$150	
Acton - 442 Mass Av			\$8,000	\$0	\$8,000		\$8,000		\$16,000	
Wellesley - Linden Square			\$3,500	\$0	\$3,500		\$3,500		\$7,000	
									\$700 per year 2011 - 2014	
CPA/Financing - 712549/497000	\$135,000	\$250,000	\$750,000	\$750,000	\$0		\$238,000	Reduced CPA 10%	\$1,373,000	
Interest - 712548/482000	\$506	\$16,985	\$20,000	\$2,705	\$17,295		\$15,000		\$52,491	
Expense - 712557/522100	-\$11,857	-\$56,030	-\$483,825	-\$276,315	-\$207,510	(budget = -482,550)	-\$871,500		-\$1,423,212	
<b>Admin</b>	-\$514	-\$200	-\$675	-\$550	-\$125		-\$300		-\$1,689	
<b>Small Grants</b>			-\$24,000	-\$1,771	-\$22,229	8 grants total, 6 approved	-\$27,000	9 grants	-\$51,000	
<b>Dutton</b>	-\$7,941	-\$3,979	-\$15,900	-\$660	-\$15,240		\$0		-\$27,820	
<b>Other Feasibility (Washbrook, etc)</b>		-\$11,751	-\$25,000	\$0	-\$25,000		-\$25,000		-\$61,751	
<b>Project - Home Preservation</b>		-\$22,130	-\$65,000	\$0	-\$65,000	Non-CPC \$\$ of unit#3			-\$87,130	
<b>Project - 40B Buydown</b>		\$0	\$0	\$0	\$0		-\$265,000	Villages/Common	-\$265,000	
<b>Project - Maynard Rd</b>		-\$14,750	-\$342,750	-\$272,040	-\$70,710	Feas/Land/Demo/Design	-\$542,500	Unit Development	-\$900,000	
<b>Lottery/Monitoring Agent Expense</b>	-\$3,402	-\$3,220	-\$10,500	-\$1,294	-\$9,206		-\$12,000		-\$29,122	
Meadows	-\$3,402		-\$3,000	\$0	-\$3,000	Cost Certification				
VOCR		-\$3,095	\$0	\$0	\$0					
Sudbury - Home Preservation			-\$3,500	-\$1,294	-\$2,206	lottery, inspections				
Buxborough - Codman Hill Rd		-\$125	\$0	\$0	\$0					
Acton - 422 Mass Av			-\$4,000	\$0	-\$4,000					
Newton - Ellis Heights			\$0	\$0	\$0					
Salaries - 712551/511100	-\$1,523	-\$5,783	-\$34,000	-\$11,734	-\$22,266	(budget = -34,000)	-\$40,000		-\$81,306	
Capital - 712558/580000	\$0	\$0	\$0	\$0	\$0		\$0		\$0	
Contributions - 712548/4831000	\$0	\$0	\$0	\$0	\$0		\$0		\$0	
Donations - 712548/483100	\$0	\$0	\$0	\$0	\$0		\$0		\$0	
<b>Total</b>	<b>\$158,864</b>	<b>\$380,364</b>	<b>\$694,559</b>	<b>\$847,721</b>	<b>-\$153,163</b>	<b>(budget = 692,183)</b>	<b>\$100,828</b>			

2009 ANNUAL TOWN MEETING ARTICLE

TITLE: ACCECESSORY DWELLING UNITS

To see if the Town will vote to amend Article IX, the Zoning Bylaw, section 5500 by deleting that section in its entirety and substituting the following:

**5500. ACCESSORY DWELLING UNITS IN RESIDENCE DISTRICTS.**

**5510. Purpose.** The purpose of this bylaw is to increase housing opportunities in Sudbury by allowing the utilization of the existing housing stock to offer different housing styles reflective of a more diverse population, in terms of age, family size and income. The type of housing allowed under this bylaw will enable current residents to remain in their homes, while providing both supplemental income to homeowners and a more affordable housing opportunity to those not capable of affording home ownership. This type of diverse housing is in accordance with the 2001 Master Plan and the 2005 Community Housing Plan and ensures compliance with zoning standards, regulations regarding building design, and requirements of the health, safety, convenience and general welfare of the inhabitants of the Town.

**5520. Conditions and Requirements.** An owner or owners of a single family dwelling in Single Residence District "A", "C" or Wayside Inn Historic Preservation Zone may apply to the Board of Appeals for a Special Permit for the creation and occupancy of an Accessory Dwelling Unit. Such application shall be accompanied by the application fee established by the Board of Appeals. After such notice and public hearing, and after due consideration of the report of the Board of Health, (and the Historic Districts Commission, where applicable), the Board of Appeals may grant such Special Permit provided that each of the following conditions and requirements is met:

5521. Such Accessory Dwelling Unit shall be occupied by not more than four persons.

5522. The Accessory Dwelling Unit shall contain no more than 850 square feet, and shall occupy no more than 30% of the floor area of the single family dwelling. Floor area is defined herein as the actual heated living area and does not include unfinished basements, attics, or storage spaces.

5523. An Accessory Dwelling Unit may be built in a detached accessory structure separate from the main dwelling provided: (1) the detached structure has existed at its current size for no less than five (5) years prior to the date of the application for creation of an Accessory Dwelling Unit; (2) the lot meets the minimum zoning requirement for lot area in the district in which the lot is located, (3) the detached structure meets the minimum setback requirements in the district in which the structure is located, (4) the Accessory Dwelling Unit occupies no more than 50% of the floor area of the detached structure, and (5) the accessory dwelling unit is not greater than 850 square feet. On the request of the applicant, the Board of Appeals may waive all or a portion of the five (5) year period if it finds that such waiver will further the purposes of the bylaw.

5524. There shall be no more than one Accessory Dwelling Unit per building lot.

5525. The owner of the dwelling in which the Accessory Dwelling Unit is created shall reside in the dwelling, either in the principal dwelling unit or the Accessory Dwelling Unit. For the purpose of this subsection, the "owner" shall be one or more individuals who constitute a family, who hold title to the dwelling, and for whom the dwelling is the primary residence for voting purposes. If the lot on which the Accessory Dwelling Unit is to be located is owned by the Town of Sudbury or the Sudbury Housing Authority, the owner occupancy requirement of this subsection shall not be applicable.

5526. Adequate provision shall be made for the disposal of sewage, waste and drainage generated by the occupancy of the Accessory Dwelling Unit in accordance with all requirements of the Board of Health.

5527. The Accessory Dwelling Unit shall be designed so that the appearance of the structure remains that of a single family dwelling and its associated accessory structures, subject further to the following conditions and requirements:

- a. All stairways to upper floors shall be enclosed within the exterior walls of the dwelling.
- b. Any new exterior entrance shall be located on the side or in the rear of the dwelling.

5528. Off-street Parking. There shall be at least two off-street parking spaces for the principal dwelling unit and at least one off-street parking for the Accessory Dwelling Unit. No parking spaces shall be located within the boundary of a street right of way. In no case shall parking spaces which are more than two spaces deep be considered in computing the required parking.

**5530. Reports.**

5531. In order to ensure compliance, the applicant shall obtain and submit to the Board of Appeals prior to the hearing, a written report of the Board of Health certifying that the conditions of subsection 5526 have been met.

5532. Planning Board Report. In connection with an application for a Special Permit under this section, the applicant may consult with the Planning Board prior to the hearing and the Planning Board may submit in writing, prior to the hearing, its recommendations and report to the Board of Appeals.

**5540. Number of Accessory Dwelling Units.** The number of Accessory Dwelling Units permitted under this by-law shall not exceed five percent of the total number of dwelling units existing in the Town at the beginning of the year in which the application was filed.

5550. **Duration of Special Permit.** The Special Permit for an Accessory Dwelling Unit may be issued for the duration of ownership of the principal structure. Such permit shall require the filing by the owner(s) of a sworn affidavit with the Town Clerk, with a copy to the Board of Appeals, certifying such occupancy every four years consistent with the Special Permit. Such permit shall automatically terminate upon the sale, transfer, or other change in ownership of the principal dwelling unit, unless a Special Permit to transfer the unit to a prospective new owner is applied for and granted.

5560. **Other Requirements.**

5561. **No Separate Conveyance.** The ownership of the Accessory Dwelling Unit shall not be conveyed or otherwise transferred separately from the principal dwelling.

5562. **Removal of Separate Facilities.** The Building Inspector may, in addition to other remedies, order removal of the separate kitchen facilities, equipment or fixtures that were made or installed to create such unit, if the unlawful use of such unit is discovered.

5563. **Revocation.** A Special Permit granted hereunder may be revoked by the Board of Appeals for violation of the terms thereof or occupancy of the accessory dwelling unit in violation of the Special Permit or the Zoning By-law.

5564. **Provision of Information.** The applicant for a Special Permit shall file with the Board of Appeals such plans, specifications and other information concerning the unit and its proposed use as the Board may require by general rule or request to the applicant.

5565. **Decommissioning of Accessory Unit.** If an Accessory Dwelling Unit is decommissioned, the owner shall notify the Building Department in order to remove said unit from the Town's inventory.

5566. **Waivers.** On request of the applicant, the Board of Appeals may waive the provisions of sections 5521, 5522, and 5527 of this Bylaw if it finds the request meets the purpose of the bylaw and all the Special Permit criteria of Section 6220 of the Zoning Bylaw have been met.

5570. **Rules and Regulations.** The Board of Appeals may adopt, and from time to time amend, Rules and Regulations to implement the provisions of this subsection, and shall file a copy of said Rules and Regulations with the Town Clerk.

or act on anything relative thereto.

Submitted by the Planning Board.

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Michael C. Fee, Chairman

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Lisa Eggleston

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Michael Hunter

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Christopher Morely

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Eric Poch



## Planning Board Report:

This revision to the current bylaw is meant to create additional units of diverse housing in Sudbury by utilizing the existing housing stock. The current bylaw has yielded only 17 such housing units since its adoption in 1993. The primary reason for so few units has been the occupancy requirements limiting the units to only 3 groups: (1) family members, (2) domestic help, and (3) low and moderate income households. These revisions will allow a homeowner to create an accessory apartment and rent it to anyone they chose. These units present opportunities benefitting both homeowners and those unable to purchase a house in Sudbury. This idea has been promoted by AARP as a means of providing security, companionship and services for older homeowners, as well as a way to offset real estate taxes and other expenses. Accessory Dwelling Units are subordinate, self-contained apartments that are incorporated into single-family dwellings with no or minimal addition to the principal dwelling. They are restricted in size and as a proportion to the principal residence. Each unit has a separate means of egress, but the overall appearance of the structure will remain as a single dwelling. The principal home must be owner-occupied, and the total number of units allowed town-wide is 5% of the current housing stock, or roughly 275 units. Accessory Dwelling Units provide a means of diversifying the housing stock in Sudbury to provide living accommodations across a wide spectrum of the population, which is a stated goal of the 2001 Master Plan and the 2005 Housing Plan. We urge your support.

## Housing Production Plan – Should we prepare one?

Municipalities that demonstrate significant progress towards their affordable housing production are able to deny a comprehensive permit. This is done through the Planned Production Program regulation at 760 CMR 56.03. Revised guidelines (section II.B) were issued this year for what are now called Housing Production Plans, and include some significant changes to the major parts of the plan:

- Planned Production thresholds are reduced to 0.5% of total housing units for a one year exemption from comprehensive permits; and 1.0% for a two year exemption (down from 0.75% and 1.5% respectively). For Sudbury, 0.5% is 28 units, and 1.0% is 56 units.
- Requirements for Housing Plans are expanded to include additional information, including needs analysis on both regional and projected basis.
- Approval is valid for five (5) years where previously there was no expiration date.
- Municipal approval and local adoption is required.

When a municipality has a certified plan, decisions by the Zoning Board of Appeals (ZBA) to deny or approve with conditions comprehensive permit applications will be deemed "consistent with local needs" under MGL Chapter 40B for a one year period following certification that it has produced .5% of total housing units or two years if it has produced 1.0% of total housing units pursuant to the approved plan. "Consistent with local needs" means that the decision will be upheld by the Housing Appeals Committee (HAC).

The Sudbury 2005 Housing Plan includes many of the plan requirements (housing needs analysis, description of needed housing mix, strategies and action plan) though not a projection of future population and housing need, or a regional perspective. These additional elements alone would necessitate new analysis, effort and combined with the other plan requirements, ultimately a new housing plan is required.

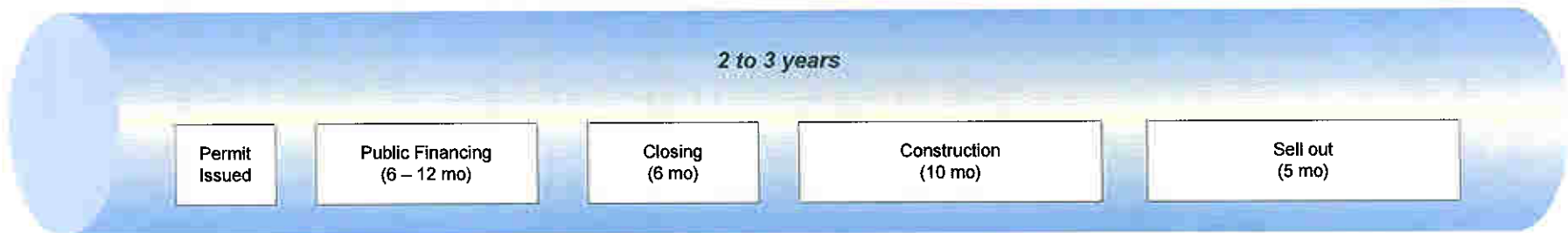
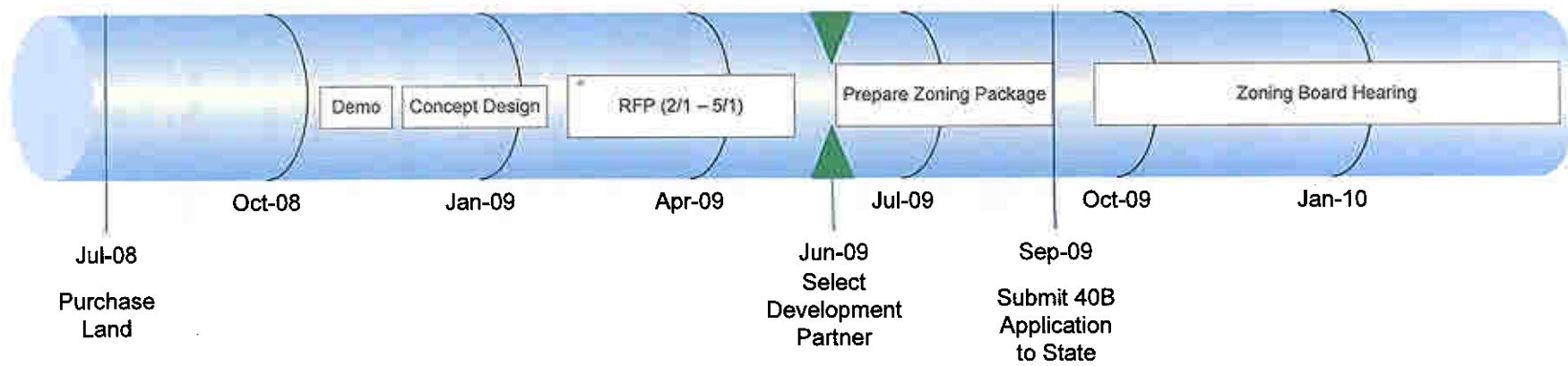
### **In summary:**

- 1. Step 1: Write the plan and have it approved.** The plan must be written and approved before units counted for certification are created.
- 2. Step 2: Permit a large project with 28 to 56 affordable units.** This then certifies the plan. 40B units are created when the decision is filed.
- 3. Step 3: The next 40B project can be denied** for one or two years.
- 4. Step 4: Issue building permits within one year** of the permit decision, or the units will lapse and the plan become uncertified.

Said another way, if Sudbury had an approved plan, and a large housing project was permitted and produced 28 units in one year, or 56 units in two-years, then any subsequent 40B project could be denied for up to one or two years after that.

The cost of writing the plan is 70-100 hours of work, and would be a priority project with public process over 6-8 weeks. In the natural course, an updated housing plan will be produced after the new Census data is produced in 2011.

# MAYNARD ROAD – PRE-CONSTRUCTION





C H A P A

Citizens' Housing and  
Planning Association, Inc.

**President**  
*Vince O'Donnell*

**Vice Presidents**  
*Jack Cooper*  
*Jeanne Pinado*

**Treasurer**  
*Joseph Flatley*

**Clerk**  
*Susan Schlesinger*


**Executive Director**  
*Aaron Gornstein*

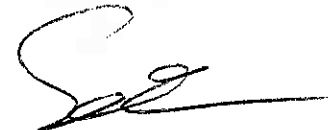
December 22, 2008

Larry O'Brien, Selectman, Town of Sudbury  
Jody Kablack, Chief Planner, Town of Sudbury  
Beth Rust, Community Housing Specialist, Town of Sudbury

Dear Jody, Larry and Beth,

Thank you very much for taking the time out of your schedule to take elected officials from the Greater Chicago area and us at CHAPA on a tour of some of your town's affordable housing. We were all impressed with your town's initiatives and thought the trip was very beneficial. Please let us know if we can be helpful in the future as you continue to address your town's affordable housing needs. We appreciate your commitment to this important goal.

Sincerely,  
  
Aaron Gornstein

  
Sean Caron