

Town of Sudbury

Office of Selectmen
www.sudbury.ma.us

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278 Old Sudbury Rd
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July 7, 2010

Mr. Michael Busby
40B Program Coordinator
Massachusetts Housing Finance Agency
One Beacon Street
Boston, MA 02108

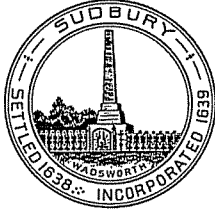
RE: PE#509, Pine Grove, Sudbury, MA

Dear Mr. Busby,

Thank you for your letter of May 5, 2010 and the opportunity to provide comments relative to the above project, and the extension of time within which the Town of Sudbury could submit comments. The Sudbury Board of Selectmen met with the applicant on June 1, 2010, and received an overview of the preliminary plan to construct 12 units of detached housing on a 7.1 acre parcel of land located on Old Lancaster Road. All members of the Board were also present at the site visit held with MassHousing on June 1, 2010. The Selectmen also received correspondence from town departments and committees on this development, which have been incorporated into the comments below.

Following the Board's meeting, the Board directed me to respond to your letter with the following comments and recommendations:

1. The overall layout of the development is contrary to the principles of Smart Growth. The homes, driveways, roadway and landscaping cover over almost 75% of the parcel. We urge a more compact design, prepared by a professional with design experience. Attached housing should be considered as an alternative.
2. The proposal does not meet the DHCD Regulations for 40B developments in that the affordable units are not indistinguishable from the exterior. The sizes of the affordable units are clearly smaller than the market rate units. Other exterior features, such as landscaping, would also be required to be equitably treated. The affordable units have not been delineated on the plan, but it will also be expected that the affordable lots are not the smallest in the development and that they are proportionately distributed throughout the project.
3. The interior of the market rate units are also significantly different than the affordable units, particularly with regard to number of bedrooms and bathrooms. Unit types should be proportionally divided among the two price points.
4. The Planning Board has reviewed the plan in a public meeting, and urges the submittal of alternative designs to the submitted plan, including a conforming subdivision. They noted that



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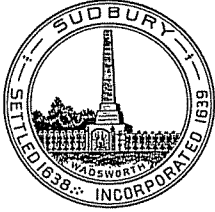
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the layout proposes a significant density increase in the neighborhood which is exacerbated by the home sizes and overall site design. The plan is not supported by the neighbors, as evidenced by the number of residents attending the public meetings held to date on this proposal. The Planning Board is also concerned with the intrusion of the proposed development into the abutting yards and along the street frontage, which is a designated Scenic Road. Retention of natural vegetation and screening must be increased.

5. There is an unanswered question as to whether the Zoning Board will be able to approve a subdivision of the parcel, as several of the lots have less than 20 feet of frontage. MGL c. 41, s. 81L, the definition of subdivision, requires "Such frontage shall be of at least such distance as is then required by zoning or other ordinance or bylaw, if any, of said city or town for erection of a building on such lot, and if no distance is so required, such frontage shall be at least twenty feet."
6. The proposal does not meet the Town's 40B Guidelines (attached) for mix of bedrooms. The proposal is to construct the affordable units all with 3 bedrooms. These larger unit types will encourage occupancy by larger families. There is a need for varying home sizes, and a range of unit sizes and number of bedrooms is preferable.
7. In general, the Board prefers a development with fewer units so that the development fits better into the neighborhood and follows accepted guidelines. Given the high sales price of the market rate units and the low land acquisition cost, a reduction in the number of units may be appropriate.
8. If the application proceeds, the Town will expect the developer to address the following issues during the Comprehensive Permit review:
 - a. Due to the existence of wetlands at the back of the property, an NRAD to verify the wetland line, and conservation permitting will be required. The applicant is encouraged to apply under both the State Wetlands Protection Act and the local Wetlands Administration Bylaw.
 - b. The plan will require a subdivision, however the proposal does not meet the Planning Board's Regulations Governing the Subdivision of Land. The road location is non-compliant for offsets to Wildwood Lane. This may be a significant safety issue.
 - c. Setbacks to direct abutters should be in accordance with Sudbury's 40B Guidelines (1.5 times the underlying zoning, or 30' side yard, 45' rear yard).
 - d. We request local preference for the affordable units to the maximum extent allowed by law. The local preference as described in the applicant's application to MassHousing does not meet fair housing requirements. It cannot include siblings, parents and offspring of local residents. It may include current residents, and municipal workers.
 - e. The Town requests to be the lottery agent for the development.
 - f. The sales prices have been calculated incorrectly, and would be \$182,900 (using the newly published 2010 HUD income limits), not \$199,000 as projected.



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- g. The applicant should be prepared to address impacts in the form of mitigation and/or design improvements in the vicinity of the property.
- h. If approved and a building permit is issued after Dec. 31, 2010, compliance with the local energy stretch code will be required for all units.
- i. A full assessment of potential impacts to wildlife, particularly along the riparian zone, and flooding concerns, should be required to be submitted with the Comprehensive Permit application.

In closing, we again want to reiterate the desire for the developer to consider alternative designs for the site, based on the assortment of comments, concerns and objections raised by various town boards, commissions and neighbors that are brought forth in this letter. Thank you for your thoughtful consideration of these comments.

Very truly yours,

For the Board of Selectmen

Maureen G. Valente
Town Manager

Attachment – Sudbury 40 B Guidelines

cc: Peter Karrasik, Eligius Homes
Jody Kablack, Planning and Community Development Director
Beth Rust, Community Housing Specialist
Board of Appeals