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BY:

Dear Sudbury Board of Selectmen and Zoning Board of Appeals :

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Wed, Sep 14, 2016 at 9:13 AM

From : Vincent Nappa 189 Boston Post Rd. Sudbury

Dear Sudbury Board of Selectmen and Zoning Board of Appeals :

I Vincent Nappa am opposing Coolidge Phase 11. on several grounds . environmental. water usage. and other issues.

Is the town at or above the 40B threshold with the inclusion of this project .

The owner's application was received at later date than any other 40 B applicants . Also was the threshold of 10% of 40Bs reached

before the receiving of their application. If counting and including the Sudbury Station proposal .And it has to be included at their

proposed housing at time of application. 87 units.

If the threshold was reached before CCC's application non 40B normal zoning should be applied to this project.

Parking at 187 .There needs to be provisions for parking for staff ,visitors, home health aides. public safety.

If there are special events combined parking in both lots are not adequate.

Water usage. We currently have a water emergency (see document marked WS 1) With all the 40B projects and other building

that aren't even online yet this will put an unbelievable strain on the water supply.

Are the 40Bs going to pay for finding a new water source or connecting to the MWRA system or will the Sudbury residents have to pay for this

187 Boston Post Rd is a wooded lot used as a wildlife habitat by several different species of animals such as deer, birds, hawks .

there are many wild flowers. and trees and a landscape dump . Skippy's Landscaping has been using this property as a dump for the

past 2 years . Skippy's has also been dumping on or adjacent to the MBTA ROW near Landham Rd. beyond the boundary stakes of the 189 property.

I informed the owner's management this year and last Skippy's was engaged in this practice . Management did nothing to stop this.

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This year both the owner and the Board of Health know about this. Also several trees have been cut down. Who authorized this ?

The precedent this sets is . Anybody can dump anything they want anywhere they want in the state of MA. I

I have reason to believe the owner may be working on environmental clean up but it still has not been done as of yet .

They may need to be compelled to do this however.

The front of the proposed building to the front of the Great Meadows National wildlife refuge is approximately 100 yards.

lot 187 is used by the animals that migrate from the refuge . The project would ruin the aesthetics of the wildlife refuge and

destroy a large portion of the buffer zone

Due to trees being cut this would greatly increase runoff into the surrounding ground in spite of any detention pond or other environmental remedy.

Also if you include the underground parking garage that will most likely displace a large amount of ground water . All this water will have to go somewhere.

I was no able to locate detailed plans for the underground garage. or the leaching field.

The underground parking garage . For such complex engineering project has an engineering study been done .and where is it.

It needs to be reviewed by whom ever is interested

Questions that need answering include . how much water will be displaced by this structure and where will the water be displaced to.

What studies have shown about buildings of this type that are near or in wetlands and low lying areas with high water tables as

this garage will be.

What are the plans for possible water infiltration and flooding , how to mitigate pollution from the garage and any other pertinent information .

Low Lying area

At the rear of the National Wildlife Refuge at Pelham Island Road. If you look across towards the 187 property along Eversource's wooden pole replacement project ,

you will see a deep valley that is part of the Pelham Island watershed . A deep valley that is potential water collection bowl ,

A ballpark estimate of the elevation of this valley to a majority of lot 187 is about 9 feet and in some areas 0 feet

It and is at a much lower elevation than Pelham Island Road .

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Wash Brook is at practically the same elevation as most of this property. 118' above sea level.

The floor of proposed detention pond will likely be on the same low lying area and will most likely have difficulty draining

during is a high water table period.

(These figures are taken from a topography map of the Pelham Island watershed.)

I have not seen plans for the leaching field or detailed plans for the underground garage. What are the plans and where are they.

Do they call for an underground or above ground leaching field.

A perk test was performed about a month ago. What are the results.

After the septic company performed this test they did not regrade the land and left behind many piles of dirt and rocks.

Residents used to like walk in this area but can no longer do so.

The current septic system. A broken sewer pipe was replaced last year. But there is still the odor of sewer gas emanating from

from the vent pipes and tank cover located adjacent to the parking lot.

Coolidge 1 was a binding agreement including the agreed upon 70 parking spaces.

There really is not enough space to accommodate a new building. There was never mention of Phase 11 until around the time the purchase and sale agreement was completed on April 2016.

I have questions about the original ZBA binding agreement dated 05-16-2011 for phase 1.

I do not believe they are in compliance with this agreement..

(See Doc. marked # 2)

Starting at the discussion of stormwater management.

"...an underground recharge for roof drainage ..." is misleading because it implies all roof drainage will be connected to this underground recharge system

I'll explain. The top floor downspouts are not physically connected to this system.

The downspouts end above the small 2nd floor roof and gutters. When there is a severe rainstorm the rain water overwhelms the 2nd floor gutters and

goes onto the ground below. Dirt and bird feces are washed off the top of the roof. This water flows into a ditch along the rear of the property.

This water combines with additional water containing road salt, possibly gasoline, oil and hydraulic fluid washed off from the back driveway

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after salting and/ or plowing .

The water flows into a detention pond that is not on the 2011 plans. The pond does not have adequate capacity and overflows onto the land behind the pond. The land i am almost certain is the MBTA ROW property. how wide is the MBTA ROW ?

Property owner are not supposed to cause flooding or dump debris on other people's property or dump debris

I am also taking exception to to the statement . "a portion of the fire lanes and sidewalks would be permeable ."

None of the sidewalks are permeable including at the rear of the building. According to the 2011 plans this rear sidewalk was supposed to be permeable and is

not. It is blacktop.

There are many issues and problems concerning Coolidge 1 . This will only be compounded by the building of Phase 11

If you so desire, before you approve this project inquire with The Fire Dept. , Police Dept, and Board of Health about the issues and problems

As a non town issue concerning Coolidge 1. In 2 years there have been 5 different managers. Their competency is in question .

Year 3 we are on # 6 . And #7 will be the installation of a permanent manager. This takes a toll on the residents.

Perhaps with new management things will get better .

Management at times can be quite unresponsive to our needs.

One example, last year . A railing above a 10 ft retaining wall was broken but looked as though there was nothing wrong with it .

I had leaned up against the railing and it pushed over quite easily.

I informed management and maintenance . They did nothing to temporarily repair the railing or put up warning tape or signs.

The railing was repaired several weeks later.

The Air Conditioning ;

The system consists of individual heat pumps with a cooling tower. one feature is the ability to switch back and forth from AC to heat

The problem . The AC is seasonal and it turned off in the fall and turned back on in the later spring due to the fact the cooling tower is drained of water.

This system is inadequate because the building and individual apartments get quite hot while the system is off.

It is inadequate owing to the fact there are elderly people and others including myself who can not tolerate the heat well .

The system has malfunctioned several times this year and last.

On Aug 6 2016 there was a system wide malfunction, by the time maintenance arrived at around 2 pm the next day

my apartment was 83 degrees

I was sweating profusely and had a stress related problem , I called 911 and was taken by ALS ambulance to Framingham Union Hospital

where I was able to get into the AC and given an IV . People have been known to die in their overheated residences .

Because of all the malfunctions I asked management if I could use a room AC unit . My request was denied. Previously the residents were told

if your apartment gets hot open a window . But additionally the windows are very difficult to open and close due to their poor design .

obviously what I needed was an apartment that has AC when I need it

Last year the Fire Dept. went on a rescue call . I believe it was Apartment 301 . When the firefighters exited the apartment

they were wearing plastic bags covering their shoes and decontaminated themselves outside .

This year # 301 had more issues. that apartment is rumored to be unfit for human habitation.

You will have to check with the Board of Health.

In my opinion the 301 tenants and a handful of others should have been placed in assisted living facilities .


They claim over 55 and over active adults. Are people who need 24/7 care independent living, No.

I did not write to be cruel or harsh but there are serious concerns about Coolidge 1 and 11 !.

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I am petitioning the government for redress. My many grievances have been stated above. Redress I am seeking ;

- 1.) To possibly impose a town wide building moratorium because of the dire situation with the water supply.
- 2.) To have an environmental impact study and statement done for phase 11
- 3.) To fully impose and apply the Wetlands Protection Act to this project
- 4.) Not to approve this project
- 5.) To investigate if the town or state would purchase this land or if need be use
emanate domain for use as conservation land and a National Wildlife Refuge buffer zone.
- 6.) Invoking article 97 of the state constitution to acquire the property as conservation easement.
(See doc.marked # 3)
- 7.) To inquire with the Assabet Valley Trustees about purchasing the land
- 8.) To inquire with the various groups that buy land for use as wildlife refuge buffer zones such as
the National Wildlife Refuge Association . Washington DC.



Vincent Nappa

The Board of Water Commissioners of the Sudbury Water District is implementing new emergency water use restrictions in order to protect our water supply. These restrictions are in addition to, and supersede, the prior restrictions that have been in effect since May. These restrictions will remain in effect until September 30, 2016, or until rescinded.

Our aquifer groundwater elevations are lower than we have seen in many years, and those lowered elevations reduce our pumping capacities noticeably. We therefore have decreased ability to supply high quality potable water and adequate firefighting flows, and continued use without significant rainfall to recharge the aquifer will further reduce our pumping capacity as aquifer elevations get even lower. Furthermore, following four continuous months of exceptionally dry weather, the Commonwealth Office of Energy and Environmental Affairs has declared a Drought Warning for Central and Northeastern Massachusetts. This significant step is an escalation from the drought advisory that has been in effect. Consequently, our reduced ability to deliver water to our customers, combined with the Commonwealth's declaration, have led to the District's decision to implement these more drastic restrictions.

The following outdoor uses are now **BANNED** under the new restrictions:

- **Lawn watering:** All lawn watering including new lawns is banned. This includes use of automatic or manual lawn sprinklers or sprinkler systems and all hand-held watering.
- **Water for swimming pools:** All filling and topping off of swimming pools (by more than two inches) are banned.
- **Games or toys using a continuous stream of water:** This includes water slides and sprinklers.

The **ALLOWED** outdoor uses are as follows, with specific provisions as noted:

- **Vegetable or flower gardens:** The use of **hand-held devices** is allowed for watering vegetable or flower gardens, shrubbery and trees. However, this watering must follow the existing daily/weekly schedule outlined below.
- **Children's wading pools:** The usage of children's wading pools is allowed but only to fill the pools.
- **Limited topping off of swimming pools:** Topping off of an existing pool is allowed, provided that (no more than two inches) of water elevation is added.

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Mr. Stevenson asked whether there were other concerns with reducing the front setback. He noted that the building had a looming quality. Mr. Fox said that the building could move but fire safety and emergency access was a concern.

Mr. Gossels said that he also had concerns about the height of the building looming over Boston Post Road. He compared the site to the buildings at Mill Village that are set close to the road but appear less tall. Mr. Gossels suggested that the applicants present at a future meeting the heights of each section of the building from the ridge to the curb line.

Mr. Stevenson asked whether a fire lane can be constructed without moving the building? Ms. Kablack said that a fire truck cannot get around both buildings if the structure is setback further into the lot.

Mr. O'Brien asked about the potential for stormwater infiltrating the building. Mr. Peznola said that he has met with Health Director Bob Leupold to do testing on site to see whether leaching fields could be situated under the parking lots. The septic system is the Presby type with leaching pipes. In regard to stormwater management, there is an underground recharge for roof drainage to deal with water, bio-retention, and a rain garden. A portion of the fire lanes and sidewalks would be permeable. All soils tested well for both infiltration and septic in the areas proposed for such.

Mr. O'Brien asked whether the water runoff that would go into the wetland area would be clean. Yes, there would be a high level of treatment.

Mr. Garanin said that his only problem with the plan was the size of the building. He said that even Mill Village is not as large. He understands why the building has to be closer to the road, but he feels there should be some tradeoff. He wondered whether there would be any potential for erosion from the slope from Boston Post Road that would guide water into the building and whether there were arrangements to mitigate that possibility. He was also concerned about salt, oil, and gasoline that might run off into the wetlands. He then asked about the rail bed in the back and how close the building could be built to the rail bed. He also said that he too does not like the pine trees along the road and felt that they should be taken down.

Ms. Kablack suggested that for a visual comparison the Board refer to the Orchard Hill facility on Boston Post Road which is approximately the same size at two and a half stories. It has a bigger footprint but a similar shape on a larger site. The setback from the road is also greater.

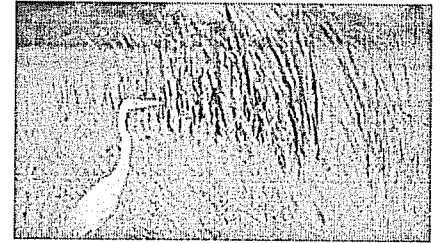
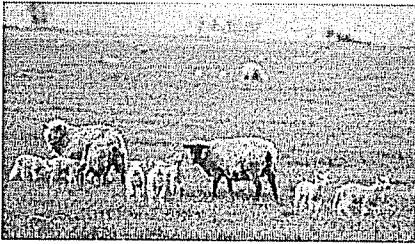
Ms. Kablack noted that the applicant was asking for a waiver of the filing fee, which totals \$8,400. She suggested to the Board that one alternative would be to waive the per unit fee, but hold \$2,000 in an escrow account to cover all expenses of reviewing the application. Any unused funds will be released after the project has been completed. Ms. Quirk and Mr. Gossels concurred that ZBA expenses should be covered. Additional fees include building permit fees, which in recent affordable housing applications were given a fifteen percent discount, and which a similar reduction could be requested.

Mr. Peznola said that additional soil data has been requested but he has not yet received it.

Ms. Kablack said that she was still compiling a memo for the ZBA and additional comments will be available at the next hearing..

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
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Article 97: Constitution of the Commonwealth of Massachusetts

In 1972 Massachusetts voters approved Article 97, granting people the right to a clean environment and authorizing the Commonwealth to acquire conservation easements. Article 97 was intended to be a legislative 'check' to ensure that lands acquired for conservation purposes were not converted to other inconsistent uses.

Downloadable Documents:

 [View Text \(http://www.farmlandinfo.org/sites/default/files/Article%2097.pdf\)](http://www.farmlandinfo.org/sites/default/files/Article%2097.pdf)

Citation:

Mass. Const. art. XCVII.

Law Category:

State Constitutions

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Article XCVII. Article XLIX of the Amendments to the Constitution is hereby annulled and the following is adopted in place thereof: - The people shall have the right to clean air and water, freedom from excessive and unnecessary noise, and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose.

The general court shall have the power to enact legislation necessary or expedient to protect such rights.

In the furtherance of the foregoing powers, the general court shall have the power to provide for the taking, upon payment of just compensation therefor, or for the acquisition by purchase or otherwise, of lands and easements or such other interests therein as may be deemed necessary to accomplish these purposes.

Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.