

TOWN CLERK  
SUDBURY, MASS

2017 APR -7 AM 11:14

Covenant Commonwealth Corporation  
The Coolidge at Sudbury Phase I  
April 7, 2017

NOTICE OF DECISION  
MODIFICATION OF COMPREHENSIVE PERMIT  
Covenant Commonwealth Corporation  
The Coolidge at Sudbury  
189 Boston Post Road  
Sudbury, MA  
ZONING BOARD OF APPEALS CASE NUMBERS 11-27 and 16-21  
Dated: April 7, 2017

**I. BACKGROUND**

The Sudbury Zoning Board of Appeals (the "Board") received an application for Modification to Comprehensive Permit ("Application") under Massachusetts General Laws Chapter 40B, Sections 20-23 and the regulations promulgated thereunder, as amended from time to time, including 760 CMR 56.05(11), from Covenant Commonwealth Corporation (f/k/a Covenant Commonwealth Newton, Inc.) (the "Applicant") and B'nai B'rith Housing New England, Inc. (the sponsor) on June 29, 2016. The Board granted the Comprehensive Permit which is the subject of this modification request ("Comprehensive Permit") to the Applicant on August 8, 2011 to construct sixty-four units of affordable rental housing restricted to households with at least one person who is age 55 or older located at 189 Boston Post Road, on approximately six acres of land identified as Parcel 0012 on Town Assessor's Map K10. This property is owned by CCC Boston Post Road Limited Partnership.

The Application was filed by the Applicant and notice as required by law was given to all entitled to receive such notice.

The Board convened the public hearing on this application on September 12, 2016. The public hearing was continued to October 24, 2016, December 5, 2016, January 9, 2017, February 6, 2017 and was closed on February 27, 2017. Sitting as members of the Board and present throughout the hearing were Jonathan F.X. O'Brien, Chair; John D. Riordan, Clerk; Nancy G. Rubenstein, Jeffery P. Klofft, and Jonathan G. Gossels, and pursuant to M.G.L. c. 39 § 23D are therefore qualified to vote on this Application.

Over the course of the public hearings, the Board heard testimony and received written comments from its consultants, numerous Town boards and officials, the Applicant and its

representatives and abutters and members of the public.

Therefore, the Board, pursuant to and based upon the evidence presented to it and discussed during the public hearings, finds that there is compelling evidence to support the granting of a Modification to the Comprehensive Permit to allow this parcel of land to be subdivided into two lots in accordance with the plan of land entitled "Preliminary Subdivision" dated June 29, 2016, Sheet C4, prepared by Hancock Associates ("Subdivision Plan"). The parcel of land shown as "Lot 1" on the Subdivision Plan contains 2.92+/- acres and shall hereinafter constitute the Property, as that term is defined in the Comprehensive Permit. The parcel of land shown as "Lot 2" on the Subdivision Plan contains 3.03+/- acres and shall be conveyed to a separate entity for the purpose of developing 56 units of age-restricted affordable housing in accordance with the Comprehensive Permit issued by the Board on March 10, 2017 ("The Coolidge Phase II").

## **II. APPLICATION DETAILS**

This approval is based on the plans, reports and information submitted to the Board prior to and during the public hearing, and with the benefit of the covenants and conditions required under this decision. All such plans, reports and information are listed in the attached Exhibit A.

## **III. THRESHOLD DETERMINATIONS; JURISDICTIONAL AND ELIGIBILITY REQUIREMENTS**

The Applicant acknowledged in its application that the requested modifications qualified as "substantial changes" pursuant to 760 CMR 56.05(11), requiring a public hearing on the same and notice thereof was provided in accordance with G.L. c.40A, §11.

## **IV. FINDINGS OF FACT**

After the public hearing closed, the Board met during open session at a duly posted meeting and made the following findings of fact. As a general matter, and as set forth in more detail below, the Board finds that subdivision in furtherance of permitting an additional affordable housing project containing 56 units of senior housing is consistent with and does a good job of balancing and addressing important and sometimes competing local needs for, among other things, more affordable housing, site and building design, protection of local open spaces and historical context, promotion of overall health and safety concerns,

protection of the environment and minimized traffic. The Board also finds that the proposed subdivision and development of The Coolidge Phase II is consistent with well-established and long held local development planning goals, both for the project site in particular and the town as a whole.

#### **A. Site and Building Design and Open Space**

The Coolidge at Sudbury was developed on a six acre parcel of land which presently contains one building with 64 units of age-restricted affordable housing. The Applicant proposes to subdivide this parcel into two lots, each of approximately three acres. Lot 1 will contain The Coolidge at Sudbury. The Coolidge Phase II, which is the subject of a separate Comprehensive Permit, will be located on Lot 2, which consists primarily of previously disturbed but undeveloped land.

#### **B. Municipal and Regional Planning**

The Property has been identified by the Town as Priority Development Area #288-47 on the 2012 495/Metrowest Development Compact Plan. Additionally, the Property is identified in the 2001 Master Plan and 2011 Housing Production Plan as appropriate for mixed-use multi-family development.

The subdivision, which will allow for 56 additional age-restricted affordable dwelling units on Lot 2, assists Sudbury in providing for DHCD Subsidized Housing Inventory in excess of the 10% affordable housing goal established by the Commonwealth. The housing type proposed will provide independent living for residents over the age of 55 and earning less than 80% of the Area Median Income. Priority to current Sudbury residents or those who work within the community will be provided to the extent permitted by law and regulations.

Additional conditions of approval for the Project are contained within this document.

#### **V. EXCEPTIONS**

The Applicant shall comply with all relevant laws, rules and regulations of the Town of Sudbury unless specifically waived hereunder or as waived in the Comprehensive Permit. In accordance with the requirements of M.G.L. c. 40B, the Board hereby grants exceptions to the following local bylaws, regulations and rules and regulations promulgated thereunder in approving this

Modification to Comprehensive Permit:

1. Exception 3 of Article II of the Comprehensive Permit is stricken and replaced with the following exception: "Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3110 and 3120 to allow 1.0 parking spaces per dwelling unit (64 parking spaces in total), up to 15 of which will be located offsite on Lot 2, which is less than the minimum requirement for the specific use."
2. Exception 4 of Article II of the Comprehensive Permit is stricken and replaced with the following exception: "Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3300 to allow one driveway to serve two multifamily residential buildings on separate lots."
3. Town of Sudbury Rules and Regulations Governing the Subdivision of Land, to approve the subdivision of land as shown on the Subdivision Plan, which Plan shall be revised by the Applicant to conform with the requirements of an Approval Not Required Plan to the extent applicable, capable of being recorded at the Registry of Deeds and shall be submitted to the Zoning Board for review and endorsement.

**VI. CONDITIONS**

1. In the deed of conveyance for Lot 2, the Applicant shall reserve an easement for access to and the use of not less than 15 parking spaces to be located on Lot 2, so that The Coolidge at Sudbury shall be served by 49 onsite parking spaces and not less than 15 parking spaces located on Lot 2.
2. The Applicant shall use best efforts to educate its residents so as to minimize so-called nuisance emergency and 911 calls to the Fire Department, Police Department, Board of Health and other Town Departments, rather than being resolved by management responsible for the buildings, which such efforts shall include informational sessions, individual meetings with those residents deemed to require additional guidance and a twenty-four hour live answering service that can access on-call staff for urgent matters. The Applicant shall work closely with the Sudbury Fire Department and the Sudbury Police Department and shall appoint a specifically designated agent to act as a liaison to the Sudbury Fire Department and Sudbury Police Department. To the extent made available from the Sudbury Police Department and Sudbury Fire Department, the Applicant shall submit reports of emergency and 911 calls from residents annually to the Board.

3. The Subdivision Plan shall be revised by the Applicant to conform with the requirements of an Approval Not Required Plan, capable of being recorded at the Registry of Deeds and shall be submitted to the Zoning Board for review and endorsement.

## **VII. LANDSCAPING**

1. The Applicant shall plant the additional trees and shrubs in accordance with the plan submitted to the Board entitled "Revised Landscape Plan" dated February 24, 2017. To the extent practicable, the Applicant agrees to annually shear no fewer than 5 White Pines so as to attempt to retain lower limb growth.

## **VIII. PLAN REVISION/ENDORSEMENT**

Upon the expiration of the appeal period and modification to the Subdivision Plan as herein required, the Board shall endorse the revised Mylar Plan so as to allow for subdivision of the Property into "Lot 1" and "Lot 2". The Board will be endorsing the Plan pursuant to G.L. c. 41 and the Board's role thereunder as described in G.L. c. 40B, § 21, which Plan shall thereafter be recorded by the Applicant with the Middlesex South District Registry of Deeds.

The terms Project and Property as those terms are used in the Comprehensive Permit shall be deemed only to apply to Lot 1.

Except as modified above, the terms and conditions of the Comprehensive Permit are hereby ratified and shall remain in full force and effect.

This Decision may be executed in multiple counterparts, including by PDF, Fax or other electronically transmitted signature, each of which shall be an original, with the same effect as if the signatures thereto were upon the same instrument.

Covenant Commonwealth Corporation  
The Coolidge at Sudbury Phase I  
April 7, 2017

VOTED:

To approve the application of Covenant Commonwealth Corporation for a Modification to the Comprehensive Permit dated August 8, 2011 under the provisions of General Laws chapter 40B, sections 20-23, inclusive, to modify the Comprehensive Permit and to authorize the subdivision of land as shown on plan of land entitled "Preliminary Subdivision" dated June 29, 2016, Sheet C4, prepared by Hancock Associates on land owned by CCC Post Road Limited Partnership, consisting of approximately 6 acres of land located at 187-189 Boston Post, being Town Assessor's Map K10, Parcel 0012 subject to all of the conditions stated in the foregoing Modification to Comprehensive Permit Decision.

Jonathan F.X. O'Brien, Chairman

John D. Riordan, Clerk

Jonathan G. Gossels

Jeffrey P. Kliff

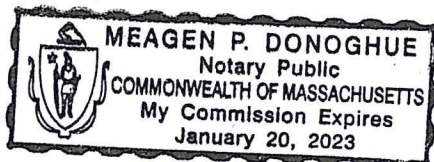
Nancy G. Rubenstein

**COMMONWEALTH OF MASSACHUSETTS**

MIDDLESEX, SS

APRIL 7, 2017

On this 7 day of April, 2017, before me, the undersigned notary public, personally appeared the above-named individuals, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Sudbury Zoning Board of Appeals, a municipal board.



\_\_\_\_\_, Notary Public  
My commission expires:



Covenant Commonwealth Corporation  
The Coolidge at Sudbury Phase I  
April 7, 2017

cc: Town Clerk  
Board of Health  
DPW Director  
Water District  
Conservation Commission  
Board of Selectmen  
Council on Aging  
Building Inspector  
Town Counsel  
Fire Chief  
Director of Planning and Community Development  
Community Housing Specialist  
Joshua Fox, Attorney  
B'nai B'rith Housing New England, Inc.  
Hancock Associates



**EXHIBIT A**

1. Comprehensive Permit Application under M.G.L. Chapter 40B, Sections 20-23 (received June 29, 2016) for The Coolidge at Sudbury Phase 2, 187 Boston Post Road, submitted by the Applicant, including:
  - Preliminary Site Development Plans
  - Tabulations of Proposed Buildings
  - Preliminary Architectural Drawings
  - Preliminary Subdivision Plan
  - Preliminary Utilities Plan
  - Report of Existing Conditions
  - Proof of Limited Dividend Organization Status
  - Project Eligibility Letter from DHCD
  - Evidence of Site Control
  - List of Requested Waivers
  - Certified List of Abutters
  - Comprehensive Modification Plan, Existing Conditions Plan, Preliminary Subdivision Plan, Preliminary Site Plan,
2. Letter from B’Nai B’rith requesting modification of comprehensive permit, dated June 29, 2016.
3. Sudbury Water District letter to B’Nai B’rith, dated May 16, 2016.
4. Board of Selectmen letter to DHCD, dated June 8, 2016.
5. Department of Housing & Community Development, Site Approval Letter, dated June 27, 2016.
6. Email from Holly Grace agreeing to an extension of the first hearing until September 12, dated June 30, 2016.
7. Board of Health, Bill Murphy, Health Director letter, dated August 19, 2016.
8. Fire Department letter, dated August 23, 2016.
9. Building Inspector, Mark Herweck letter, dated August 29, 2016.
10. Conservation Commission letter, dated August 31, 2016.
11. Conservation Commission revised letter, dated September 1, 2016.
12. Applicant’s Response to Fire Department’s Memo, dated September 9, 2016.
13. Applicant’s Response to Building Inspector’s Memo, dated September 9, 2016.
14. Applicant’s Response to Board of Health Director’s Memo, dated September 9, 2016.
15. Letter from Sudbury Friends of B’Nai B’rith Housing, dated September 12, 2016

16. Letter from Springwell, dated June 6, 2016, received September 12, 2016.
17. Letter from BayPath Elder Services, dated May 2, 2016, received September 12, 2016.
18. Letter from Wingate, dated April 26, 2016, received September 12, 2016.
19. Letter from David & Andrea Shamoian, 2 Windy Hill Lane, Wayland, MA, received September 12, 2016.
20. Low Income Housing Tax Credit Market Study - The Coolidge at Sudbury Phase II, date of Report May 11, 2016, date received September 12, 2016.
21. Transportation Impact Assessment, dated July 2016, received September 12, 2016.
22. Sudbury Water District letter, dated September 14, 2016.
23. Email from Faith Shapiro, 189 Boston Post Rd, September 15, 2016.
24. Email from Janie Dretler, Goodman's Hill Rd, September 20, 2016.
25. Water System Impact Report, October 7, 2016.
26. Memorandum from Meagen Donoghue, Planning and Community Development, October 12, 2016.
27. Email from Fire Chief about fire trucks specifications, October, 14 2016.
28. Hancock Associates, Raised grade sketch cross section of ladder against building, October 17, 2016.
29. Council on Aging letter, October 17, 2016.
30. Response to Council on Aging Comment Memo from the Coolidge, October 20, 2016.
31. Response to Director of Planning & Community Development Memo from the Applicant, October 20, 2016.
32. Revised Site Plan, October 13, 2016.
33. Raised Grade Sketch, October 21, 2016.
34. Fire Truck circulation plan, September 9, 2016.
35. Proposed Site Plan, Proposed Floor Plans, Proposed Elevations and Proposed Perspective View, October 24, 2016.
36. MASS DOT handout distributed on May 17, 2016, Intersection Improvements @ Rte. 20 & Landham Rd., received October 24, 2016.
37. Sudbury Water District, Comments regarding Water Impact Report, October 24, 2016.
38. Letter from resident Vincent Nappa, November 10, 2016.
39. Operations Overview for The Coolidge, November 28, 2016.
40. Revised Site Plan, by Hancock Associates, November 28, 2016.
41. Stormwater Report by Hancock Associates, November 28, 2016.
42. Revised Architecture Drawings, Floor Plans and Elevations, November 28, 2016.
43. Response letter from Council on Aging, November 30, 2016.
44. Meagen Donoghue, PCD Memo, December 1, 2016
45. Fire Access Exhibit, December 5, 2016.

- 45.5. Email from William L. Miles, Fire Chief to Director of Planning & Community Development dated December 5, 2016.
46. Horsley Witten Group, Peer Review Consultant Services Proposal, December 5, 2016.
47. Horsley Witten Group, Stormwater Peer Review, January 3, 2017.
48. Hancock Associates response to Stormwater Peer Review from the Coolidge, January 5, 2017.
49. Waiver Requested from the Coolidge Phase 2, January 6, 2017.
50. Council on Aging Transportation Services Coolidge Expansion and Impact presentation, January 9, 2017.
51. Comments from Conservation Commission, January 9, 2017
52. Revised Site Plan, January 17, 2017.
53. Stormwater Report, January 20, 2017.
54. Hancock Associates Response to Horsley Witten Group Peer Review, January 20, 2017.
55. Letter from Sudbury Water District, January 24, 2017.
56. Clarification from Nixon Peabody on behalf of the Applicant regarding subdivision of property, January 24, 2017.
57. Meagen Donoghue, PCD Memo, January 25, 2017.
58. Planning Board Memo, January 25, 2017.
59. Response from the Applicant to letter regarding water impact report, January 25, 2017.
60. Response to Planning Board Comment Memo, January 25, 2017
61. Response from the Coolidge to Conservation Commission Comment Memo, January 26, 2017.
62. Horsley Witten Group 2<sup>nd</sup> Stormwater Peer Review, January 26, 2017.
63. Debbie Dineen, Conservation Coordinator, Additional Comments, February 1, 2017.
64. Hancock Associates response to Horsley Witten Group 2<sup>nd</sup> Peer Review, February 6, 2017.
65. Hancock Associates, Preliminary Grading and Utility Plan, Revised February 2, 2017.
66. Updated Architectural Plans, February 2, 2016.
67. Graph of 911 Calls, from Coolidge Phase 1, February 6, 2017.
68. Letter from Bill Murphy, Board of Health Director, February 21, 2017.
69. Revised Landscape Plan, February 24, 2017.
70. Snow Removal Plan Overview, February 27, 2017
71. Detail information about septic system, Presby Environmental, Advanced Enviro-Septic TM (AES, Wastewater Treatment System, February 27, 2017.