

MINUTES OF THE PUBLIC HEARING CONTINUATION  
SUDBURY BOARD OF APPEALS  
TUESDAY, APRIL 30, 2002

The Board consisted of:

Mark A. Kablack, Chairman  
Patrick J. Delaney III, Clerk  
Thomas W.H. Phelps  
Lauren S. O'Brien  
Melinda M. Berman, Alternate

The hearing was reconvened by the Chairman, Mr. Kablack.

Frank Riepe, Design Review Board (DRB) was present to provide comments on the design aspects of the plan.

Michael Couto, Sudbury Design Group, presented the latest revisions which show the siding to be red cedar clapboard painted with a historic color, Benjamin Moore Annapolis Gray. Doors and trim will be white. Windows will be white vinyl clad exterior. Wood shutters will be painted to be compatible with the gray. Samples of the roofing materials and building color were submitted to the Board.

Mr. Riepe said his main concern was with the elevations where no windows are shown on the end units.

Alan Marrone said the end units do have windows. From the plan he described the unit configuration and where windows would be located.

Mr. Riepe felt the plans to be reasonable and the design reasonably attractive. However, with regard to the sign, he would not want to see it any larger than the Spring House Pond development located off Nobscot Road. He said although there is no sign category for this development in the Bylaw, signage in residential districts specifies no larger than 10 s.f., which is what the Spring House Pond development has. Mr. Riepe would suggest that the sign proposed by the applicant is larger than it needs to be.

Overall, Mr. Riepe said the DRB was pleased with the landscaping materials shown on the plan.

Mr. Kablack said a draft Decision document has been prepared by the Town Planner for discussion at this hearing. He also read a letter dated April 26, 2002 from Board of Health Director Robert Leupold which notes that variances from the local septic regulations must be

approved by the Board of Health members. A plan has not been submitted for review by the Board of Health; however, the following comments are submitted to aid the ZBA:

1. Leach trench spacing of 12 feet is required when future expansion/replacement trenches are planned between the primary trenches. Existing pressure dosed systems in Sudbury have been approved by the Dept. of Environmental Protection (DEP) and the Sudbury Board of Health with 6 feet between trenches and a separate expansion area. Sullivan, Connors and Associates indicated that 6 feet on center is acceptable under DEP's design guidance. This will need to be verified.
2. Pumps are required for pressure dosed systems so a pump will be allowed.
3. A variance would be needed for a retaining wall, however, final septic design plans are needed to verify if a wall is needed.

Attorney Wallace said the final septic plans have not been submitted as he first needs approval of the comprehensive permit application by the ZBA.

With regard to the waiver list, he said the waivers from the Conservation Commission can be deleted since the Commission met last week and voted not to take jurisdiction regarding the proposed development. The only other change to the list is the addition of a waiver of the 65-foot street centerline setback.

As to the draft Decision, Attorney Wallace said he is virtually in agreement with all of it. He would request that where an architect's stamp is required, that the wording read "architect or structural engineer" be inserted, the reason being that there is no architect involved in this particular project.

Attorney Wallace would also suggest a change in the wording in the Legal Requirements section with regarding to marketability. He believed the 3-month marketing plans should apply to affordable units only.

In response to questions from Mr. Kablack, the applicants provided the following information:

- revised cut and fill details were necessary as a result of the grade at the entrance drive.
- there is adequate shoulder room to construct a walkway from Uplook Drive to the crossway

- at the request of the Sudbury Housing Authority, one of the affordable end units will be changed. The new configuration was pointed out.

- roofing samples and color changes of the building were submitted. Modifications suggested by the DRB with regard to landscaping are acceptable.

Mr. Delaney noted the subject of sprinklers had been discussed previously. He said the buildings have been changed to less than 5 units each and sprinklers are not required.

Mr. Delaney said he did some research on the subject and gave presentation on the need for sprinklers from a safety point of view. He estimated the cost of such a system for Carriage Way to be \$30,000-\$36,000. Mr. Delaney believed sprinklers are essential to public safety and requested the Board members consider adding this requirement to the Decision conditions. He submitted supporting documentation to his presentation as part of the record.

Following discussion between the Board and the applicant, Mr. Marrone said he would agree to a condition requiring sprinklers for Carriage Lane.

Mr. Delaney said there also appeared to be some discrepancies in the figures provided by the applicant in the Housing Starts Project Eligibility application and those figures will need to be clarified.

Ms. O'Brien asked whether there was a reason for one unit having a double garage. Mr. Marrone said there was not. Ms. O'Brien said this should be included in the application.

There were no further general questions. The Board moved to the draft Decision, reviewing it page by page as a template of discussion among Board members and the applicant.

In addition to minor changes, the following will be included in the revised draft:

- reference latest revised plans
- delete waivers from Sudbury Wetland Administration Bylaw – no necessary. Have Negative Determination from Conservation Commission
- add to waiver list one from the Earth Removal Board
- identify affordable units
- add conditions for demolition including removal hours and route
- provide for monitoring, particularly pre-construction, by ZBA

- allow plans to be stamped by either architect or structural engineer
- Fire Chief to sign off on emergency gate
- Plumbing Inspector to approve gas pipes
- add wording for lighting: 1<sup>st</sup> 3 lights on photocells, common area lights on timers to go off at 11PM, limited lighting along roadways within development to 75 watts or less each fixture of incandescent lighting
- sign size to be 10 s.f. each side, double-faced sign, lit from above, with lighting on timer to go off at midnight
- wording on fencing
- wording for replacement on trees that die
- marketing campaign to be for affordable units only
- add provision for deed rider and evidence of recording of same
- provision for completion of construction

Janet Jennings, 34 Easy Street, had concerns with the construction start time of 7AM, particularly in the summer when children would be home. She didn't see as much of a problem in the fall.

Mr. Marrone pointed out that if an hour was taken off the start time, it prolongs the construction period. Mr. Couto added if timing still allows, the intent was to get the perimeter screening in to alleviate some of the concerns with regard to noise.

Lynn Ashe, 44 Easy Street, was in favor of adding conditions regarding demolition and voiced concerns with regard to the noise during the construction period. She referred to discussion at the previous hearings with regard to a consultant asking whether that meant if the hearing was closed one would not be required by the Board.

Mr. Kablack said once the hearing is closed, there is no other input from the town or anyone outside the town, which includes a consultant.

After further discussion, a motion was made, seconded and unanimously voted to close the hearing.

The Board began deliberations focusing on the previous discussion of the draft decision. Suggested wording was noted on the draft and will be forwarded to the Town Planner for incorporation into the Decision.

It was agreed to wait for the final draft before amending the Performance Bond wording, to add a 2-year period for completion of construction, and to add a condition requiring sprinklers.

It was also agreed to schedule a meeting with the Building Inspector with regard to enforcement.

A meeting was scheduled for May 14, 2002 to review the amended draft and to vote on the application.

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Mark A. Kablack, Chairman

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Patrick J. Delaney III, Clerk

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Thomas W.H. Phelps

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Lauren S. O'Brien

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