

MINUTES OF THE PUBLIC HEARING CONTINUATION  
SUDBURY BOARD OF APPEALS  
AUGUST 11, 2005

The Board consisted of:

Stephen Mr. Richmond, Acting Chairman  
Jonathan G. Gossels, Acting Clerk  
Elizabeth A. Taylor  
Jeffrey P. Klofft  
Constantine Athanas, Associate

Also: Stephen A. Garanin, Alternate  
Nancy G. Rubenstein, Alternate  
Jody A. Kablack, Town Planner

For the Applicant:

Attorney Joshua M. Fox  
Ben Stevens, Old County Road, Trask, Inc., applicant  
Bruce Saluk, Project Engineer

The hearing was reconvened by the Chairman, Mr. Richmond. The Board was in receipt of the following:

- Letter dated July 28, 2005 from Trask, Inc., with new submittals including overview letter, owner's assent letter, site line plan of trees, building plans and elevations, copy of a proposal for the north abutter, copy of proposed entrance sign
- Memo from Frank Riepe dated July 6 with information and suggestions for architectural guidelines for 40B developments
- Memo from Planning Board dated August 10, 2005
- Memo from Town Planner and Planning Board dated August 10, 2005
- Memo from Conservation Commission dated August 11, 2005
- Letter from Design Review Board dated August 11, 2005

From the plans, Ben Stevens described the changes which included changes to the subsurface detention area location as well as area storage calculations. He said at the last meeting there was a suggestion to make it a more central area because it would be grassed over and would appear invisible to the naked eye. This involved relocating it in a section of the main loop and reorienting some units.

The retaining walls that were required for the septic field were also modified. Previously, they were at about an 11-foot maximum height retaining wall and now it's about at 5-6 feet.

The basic entrance streets on Old County Road did not change that much. However, some unit configuration changes were made. The 5-unit cluster was eliminated. Also, they tried to have at least one of the units with a side load garage.

There were some slight calculation changes to the footprints of the units - anywhere from a foot up or down for the single units and a foot up for the double units. However, the bedroom counts did not change. The proposed number of 3 bedrooms, 2 bedrooms and the proposed number of elderly units did not change. However, some 2-bedroom units used to have 2-car garages – now they have single car garages and two of the 2-bedroom units went from 2-car garages to one car garages.

The road width is still 24 feet with Cape Cod asphalt curbing. Currently there are no sidewalks proposed because with a 24-foot wide road and the nature of the street, it didn't seem to make a lot of sense to have a sidewalk throughout the project.

Mr. Stevens pointed out the last change to the front setbacks for two of the units which have been increased from 18 feet to 26-27 feet to the property line.

Mr. Stevens said he had conversations with Town Engineer William Place about some of the off-site problems. There was the cut-through street, and he did speak to the owner of that property who indicated he had already planned on gating it off because his tenant, the dance studio, was not happy with the cut through. That area is repaved and there are supposed to be two posts with a chain fence between them.

There were also discussions with Town Engineer about the two wetland areas on either side of that cut-through. One area, the southwest side, is a vernal pool on town property. It has no drainage so it either overflows or migrates through the ground either under Old County Road and goes to the wetland to the north or under the cut-through to the wetland to the east. The wetland on the east is contained by several parcels – several property owners have that detention area with wetland on it now. It does drain through a series of pipes and manholes through the Lewis property under Route 20 and then under the power lines. Mr. Place said there are probably obstructions in the pipe especially from the last two catch basins under Route 20. They observed the pipes with Mr. Lewis. The catch basin in the center of Route 20 was cleaned out. There are two catch basins on Mr. Lewis' property that need to be completely cleaned and there is a 12-inch concrete pipe that run in a series that look like they're at least half filled with sediment. Mr. Stevens said he spoke with Mr. Lewis about allowing access to work from the two catch basins nearest Route 20 and clean it out which could solve some drainage problems that happen on the wetland that's on the east side of the cut-through.

Mr. Richmond asked Frank Riepe, Design Review Board (DRB), for comments on the design and layout.

Mr. Riepe felt the latest design to be slightly better in that there are fewer garage doors. However, the garage doors are still forward of the main wall of the houses rather than receding. He said the public space has no definition. If Units 31 & 32 weren't there, there could be a nice lawn that several houses could face on to. Coherent community space is needed. The leaching field is a level plateau except for a crease in the middle which if eliminated could allow a nice ball field. The clearances between the decks and patios in the center of the site are too tight.

Where units are close in the rear, a substantial planting of trees and shrubs is required. Overall, he said the plan has a density of an urban site but the design attitude of a suburban site. This leaves the feeling that it is too crowded with too many units.

Mr. Riepe spoke about the sketch he submitted which he said he developed this morning, not in the context of the DRB meeting so it wasn't strictly part of the meeting. The sketch was done to illustrate a scheme where there could be a continuous façade of houses with a uniform relationship to the street and a more comprehensible road layout. He said the applicant has not seen the sketch.

Discussion followed on the sketch, garage placement and parking.

Mr. Stevens said since this was his first opportunity to see the sketch, he could not comment except to say that he did consider rear loaded garages but ended up with twice as much asphalt. He was trying keep some of the 2-car garages so as not to end up with cars in the street which could cause snowplowing issues, etc. In addition, he was trying to accommodate the Fire Chief's requirements with regard to the roadway design. He said he did lay it out as a suburban townhouse project, not necessarily an urban townhouse project.

Bruce Saluk said the 24-foot width is also based on the fact that they don't want to encourage cars being parked on the road although people will park where they want to park. He said they have to provide fire code requirements as far as access is concerned. The fire code is 18 feet. If someone were to park on a 24-foot wide street, there would still be 18 feet for the fire truck to get by. If narrower, it would have to be approved by the Fire Chief.

Mr. Klofft asked for a response to Mr. Riepe's comments about the closeness of the decks and patios.

Mr. Stevens said that is a concern of his as well and there are some things that might be able to be done to those patios. He described some of the possibilities.

Going back to the garage doors, Mr. Richmond said the Board recognizes that the number of garage doors facing the front have been reduced somewhat. However, Mr. Riepe commented that the garage doors are still forward of the main wall of the houses rather than receding and having the house be dominant. Mr. Richmond said he was particularly sensitive to the concern that Mr. Riepe raised last time that we don't want this to look like and act as a development where people drive into their houses and that's it. He felt there are enough units here to be creating a community and asked how the garages could be made less dominant.

Mr. Stevens said he will have to go back to his architect on that, adding that it's a design challenge but hopefully it can be worked out.

Mr. Richmond said Mr. Riepe commented that the public space has no definition. Further, by eliminating Units 31 and 32 and doing the parking differently to create a lawn that several houses can face creates a coherent public space.

Mr. Stevens said that is something they can look at. He agreed that it would create a nice open area.

Mr. Saluk said he had spoken with the landscape architect who commented that he had some ideas as far as utilizing the septic area as a usable passive recreational-type use.

Mr. Richmond said it would be helpful for the applicant to think about how the open spaces would be created. It looked to him that it was really just a fine tuning of this plan. He would also like to see a landscape plan.

Mr. Klofft said his main concern is the density of the project which he felt was exacerbating a lot of these other issues – closeness of decks – the use of the open space. He felt there are too many units in this particular space. He would not want to ask the applicant to progress too aggressively with more detailed aspects until there is a sense of the Board that they're comfortable with this density.

Ms. Taylor said 14 of the units are in the 100-foot wetland buffer which to her was a big problem..

Mr. Richmond asked where the applicant was in the process with the Conservation Commission.

Mr. Stevens said he met with the Commission a few weeks ago and talked about the new plan. He said locating the detention out of the 100-foot flood plain was one of their primary concerns. They would like to see the septic area be some sort of un-maintained meadow – a buffer type meadow for small invertebrates, etc. There was discussion about the units along the west on limits of lawn, where the decks would be, what would be maintained, and how it would be controlled. Mr. Stevens said he told the Commission that he would be limiting all activity to the piers of the deck which would be probably 8-10 feet off the back of the unit and would propose, under their direction, an appropriate re-landscape of that area which has all been disturbed – it's not native buffer zone. It's basically a field that's been mowed. They want to see the area, from the decks to the wetland, be brought forth as the proper upland plantings to that particular wetland.

There was also discussion on how to create a natural border, either through blocks or a couple of signs so the residents know this is where there is no clearing, no playground equipment, kid's swimming pools, etc., beyond a certain point. This would have to be handled by the condominium association; all maintenance would be done by a third party, not individuals, to insure so there is no clearing or cutting.

Mr. Stevens said he talked to the Commission about the runoff from Old County Road which basically runs off into the wetland and made suggestions for some off-site mitigation to alleviate and conserve the certain wetland. He also talked about advancing into the wetland on a manual basis – they don't own all the wetlands and would need permission for that. But for

everything on their property they would hand eliminate all the invasives per the Commission's direction and try to reestablish this wetland area as best we could. If they got permission from the neighbor they would be do it on their property as well, to a certain extent.

Mr. Richmond said the said the ZBA needs to wait for the Conservation Commission to make a decision before this Board knows what can be allowed to consider building. He felt the Commission hasn't given this Board enough guidance to move forward or even consider whether those 14 units will be able to be built in the buffer zone.

Mr. Richmond asked for comments from the Board. Their concerns were primarily with density and design issues. The general consensus was that the development is not well designed and does not have enough open space. Rather than fine tune it at this point, the Board felt the developer should consider some design alternatives, perhaps redesigning and reducing the roads, reducing the number of driveways and having more of the buildings connected to take advantage of the natural site conditions.

Mr. Richmond added that, concurrent with the issue of density, he has observed the intersection coming out onto Route 20. He said it is not good – there is a lot of traffic there. He said this development will add many more vehicles coming in and out of an intersection that he felt cannot withstand any more traffic than is already there.

Mr. Stevens said he would go back to the drawing board. He said he tried to work off of a unit design that would be appropriate for the town of Sudbury. If he completely altered the project to 1,100 s.f. units, he probably could do it. However, there would be more units, more garage doors, more front doors, and they wouldn't be talking families any more – they'd be talking singles which wasn't his understanding of what the needs are in town. He felt this whole layout seems to be determined by being able to place cars and the garages.

Mr. Gossels felt this to be a self-created problem because there is too much building, too much paving, too many driveways in this parcel. He felt there were two choices – either reduce the numbers to keep this suburban type design or start with more of an attached design and use that to free up more open space.

Mr. Riepe agreed. He felt that if the development was going to consist of 40 or so units, it needs to be an urban design concept. He said with an urban design, great care is given to the design of a street as a public way for all the houses which have a uniform relationship to the street.

Mr. Klofft would again suggest the developer not go into detailed engineering drawings. He said less specific but to scale plans are sufficient at this time for purposes of getting to discussion.

Mr. Fox said since the Board has asked the applicant to go back and try to brainstorm a different design, it's probably premature to file a Notice of Intent with the Conservation Commission. He said it's kind of a catch 22. Everyone wants to know where the Conservation

Commission is going to come down, but we need to tell them where are units are going to be – what the ZBA is satisfied with.

Mr. Fox added that the Mr. Richmond had previously raised the public safety issue of the sidewalk along the public way. He asked if Mr. Richmond was suggesting that the idea of a sidewalk may not be possible and that the applicant should consider instead a contribution to the sidewalk fund.

Mr. Richmond said he was suggesting the reverse. He said if a community is being created to attract children, there is an obligation to deal with children not walking along the street. Therefore, a sidewalk is needed. That sidewalk has to go somewhere. He felt strongly that the sidewalk to Route 20 issues needs to be resolved.

At Mr. Richmond's request, Ms. Kablack went through the 17 items contained in her memo of August 10<sup>th</sup> which includes, among others, points with regard setbacks, roadways, the intersection at Old County Road and Boston Post Road, affordable units, sidewalks along Old County Road and walkways within the development. The memo concludes with a statement that "The over-riding issue is that of the density of the development. Fewer units will produce more open space on the property and allow greater separation between buildings and likely better building placement. However, this will also reduce the number of affordable units that are created, which should be one of the priority issues when a 40B development is proposed. The balance between these two competing issues needs to be resolved."

Ms. Kablack said the Planning Board has already written the ZBA to maximize density. They would like to see 40 or more units and 25%-35% affordable, including subsidies.

Following further discussion, there was agreement that more thinking all around needs to be done with regard to the design.

Leslie M. Leon – 101 River Road, abutter, said she spoke at the last hearing but wanted to be sure her concerns were understood. She pointed out her property which she said will be very exposed to this development noting there is really no vegetation or sight barrier. Her property consists of 6 acres and she said this type of density will have a huge impact on the enjoyment of their home.

Ms. Leon said Mr. Stevens had sent her a proposal for some landscaping; however, she deferred judgment on it because it was vaguely worded and not included on the plan she received. She asked Mr. Stevens to provide more specifics.

Another concern is the high power electrical lines which predate the time she has lived here. They do not connect to any house and there are places where they drag on the ground. She voiced concern for the safety of the children from the development playing in that area. She said Mr. Stevens told her verbally that he would arrange to have them removed but his commitment wasn't in his proposal. She said she has asked him to verify his verbal commitment.

Further discussion followed with regard to the power lines. It appeared that the utility company might be the party responsible for removing them; however, more research needed to be done with regard to whose property the lines were on in order to accomplish this.

Mr. Richmond suggested a continuance in order for Mr. Stevens to continue work on the design.

The hearing continued to September 15, 2006.

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Stephen M. Richmond, Chairman

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