

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
MONDAY, MAY 15, 2006

The Board consisted of:

Stephen M. Richmond, Chairman
Jeffrey P. Klofft, Clerk
Jonathan G. Gossels
Constantine Athanas
Nancy G. Rubenstein, Alternate

The hearing was reconvened by the Chairman, Mr. Richmond. The application was for construction of a 2-car garage and family room addition which would create a 15-foot side yard setback to the adjacent Water District property. The reason for the continuance was to allow the applicants to pursue either a land swap with the Sudbury Water District or design alternatives.

Thomas Joyner said he did speak with the Water District; however, he decided not to pursue that option because the end result would be an undesirable back yard.

As a result, it was decided to redesign the plan to consist of a one-car garage instead of the 2-car garage originally proposed. This would essentially cut out the stall closest to the side property line. With this new design, the side yard setback deficiency would be reduced to 7 feet. The front yard setback would remain the same.

Mr. Joyner submitted new design plans as well as a revised plot plan with the new setbacks. These were reviewed by the Board who were comfortable with the new proposal.

There were no further comments. No abutters were present. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Thomas & Christine Joyner, owners of property, a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to alter and enlarge a nonconforming structure by constructing a one-car garage which will result in a front yard setback deficiency of 18 feet \pm and a side yard setback deficiency of 7 feet \pm , as shown on the plan submitted at this hearing which is marked Exhibit #1 and is made part of this Decision, property located at 19 Center Street, Residential Zone A-1."

This Special Permit shall lapse if construction has not begun, except for good cause, within 12 months following the filing of the Special Permit approval, plus such time required to pursue or await the determination of an appeal under M.G.L., Chapter 40A, Section 17.

VOTED: In favor: 5 (unanimous) Opposed: 0

REASONS: The petitioners require a Special Permit due to the nonconforming nature of the property. The Board finds that the proposed construction, which will result in front yard and side yard setback deficiencies, will not be substantially more detrimental to the neighborhood than the existing nonconforming structure. The Board had expressed concern with regard to the original proposed side yard setback deficiency of 15 feet which they felt was too close to the property line to allow for maintenance on the owners' property. Subsequently, applicants have reduced the size of the project resulting in a deficiency of 7 feet which is more realistic. The design is architecturally compatible with the existing house. It will enhance the overall appearance of the structure and add needed space for the occupants.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

Jonathan G. Gossels

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NOTICE OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
MONDAY, MAY 15, 2006

The Board consisted of:
Stephen M. Richmond, Chairman
Jeffrey P. Klofft, Clerk
Jonathan G. Gossels
Constantine Athanas
Nancy G. Rubenstein, Alternate

Also: Jody Kablack, Planning Director

For the Applicant: Attorney Joshua M. Fox
Frederick Tierney, Richard Glasheen, Foreign Motors West, Applicants
Brian Biesel, Conley Associates, Traffic Consultant

The hearing was reconvened by the Chairman Mr. Richmond. The Board was in receipt of the following correspondence relative to the site plan application:

- Memo dated February 15, 2006 to the Selectmen from the Fire Chief
- Memo dated February 28, 2006 to the Selectmen from the Planning Director
- Letter dated March 3, 2006 to the Selectmen from Town Engineer
- Letter dated March 9, 2006 to the Selectmen from the Planning Board
- Letter dated March 13, 2006 to the Selectmen from the Design Review Board
- Email dated March 24, 2006 to the Selectmen from the Board of Health Director
- Letter dated April 24, 2006 from Martin & Diane MacArthur, 6 Old County Road in support of the petition

In addition, the Board received this evening copies of a proposed reduced building footprint of the exterior and interior.

Mr. Fox said there are two main changes to the site plan – the size of the footprint and the location of the building. The footprint has been decreased by approximately 6,800 s.f., from 69,000 s.f. to 61,000 s.f. They are working with the architect to design the interior layout.

With regard to the location of the building, Mr. Fox explained that they were asked by the Selectmen to remove some of the new vehicle display which was in front of the building in a parallel parked fashion. Those vehicles were removed by shifting the building forward approximately 30 feet so that the building as shown on reduced footprint plan is now approximately 40 feet from the front yard lot line. The canopy, or overhang, where there will be six new vehicles on display is approximately 25 feet from the front lot line, a shift of about 30 feet forward.

In shifting the building forward, the green space, or landscape buffer, in front of the building was increased from 20 feet to 25 feet, because the previously existing bituminous concrete across the front of the building was eliminated. Although a row of parking spaces was lost because of the building shift, they were able to make it up by adding a row of spaces in another area.

Mr. Fox understood that and some ZBA members have raised concerns relating to moving the building forward and the building in relation to the front yard setback. From his perspective, in preliminary discussions with the Selectmen, he felt the Selectmen liked the

tradeoff of moving vehicles behind the building and moving the building forward. He said this places the applicant, in somewhat of a difficult situation because they need some consensus from the town before they can go forward with site layout and detail.

Mr. Gossels was not comfortable with the proposed location and would much prefer to see it back 30 feet and to not have the road in front of it, but to have it landscaped. He said he was in favor of this project but would want to see it done in a way that works out for the town and the applicant. He was expecting the building reduction to be substantially more than what was proposed.

Mr. Klofft felt, from conversations with the Selectmen during the site visit, that in general the town is moving towards having more of the buildings in the front and the parking in the back. The question is how close is too close. He felt the visual of the building with the overhang being 25 feet from the front lot line feels a bit close. With regard to the building reductions, he was disappointed that they were off to the sides as opposed to the front. He asked whether the building could be configured by taking the reduction off the front rather than off the sides in order to try and create that space

Mr. Fox said the reduction in square footage is actually closer to 7,000 s.f. because they have taken square footage off the second floor as well. They would have preferred to be able to shift some of the square footage from the first floor up to the second floor but it doesn't work from a business perspective, so whatever they lose on the first floor is basically lost on the second floor.

In response to a question from Mr. Athanas as to what will be on the first floor, Mr. Fox replied that it is display, service and sales.

Mr. Klofft asked how that compares with Herb Chambers in Boston which is on multi levels with different product on different levels.

Frederick Tierney said Herb Chambers has about 3 or 4 stories and needs this because of his location and small footprint. It would add a tremendous amount of expense to the buildings to create this and would become a huge project – larger than anything that was anticipated. He said he has utilized the second floor as much as possible – the accounting office, the training rooms and a portion of the parts department are on the second floor.

Mr. Richmond asked whether 50 service bays are still proposed. Mr. Tierney said they were. He said the cutback is on the showroom, the reception area, the stalls as you come in, some parts and some space in the service room.

Mr. Gossels commented that the service bays are a huge part of what's driving this project.

Mr. Fox said when they met with BMW and explained the importance of scaling back the size of the building, one of the things they did not have any flexibility in was the number of service bays. They said if they absolutely needed to cut 6,000 s.f. off the size of the building to make it smaller, they would take it from other areas. They would take from the service area if they absolutely needed to but one of the things they were not willing to give up on were the service bays.

Mr. Richmond asked if the traffic estimates take into account the 50 service bays given that the service component of the proposal is significantly larger than the sales component. Mr. Tierney said there is formula which is used to determine the number of service bays which is based on size of the showroom and projected sales. There was general discussion about the adequacy of the projections using standard estimation methods for car dealerships. Mr. Richmond asked about the number of service bays at the applicant's Natick facility in relation to the size of the sales floor at that facility. Mr. Tierney said the total facility in Natick is about half the size of this proposal; however, it is inadequate and its functions are spread out in three different locations in Natick.

Regarding building design, Mr. Fox said this proposed building is custom designed for the site. He said although all the BMW facilities have some similarities, every one is distinguishable.

If that is the case, Mr. Klofft asked if the building could be structured and designed in such a way to pull it back and utilize some of the space differently to get it a little further away from the road and still maintain the footprint and 50 bays.

Mr. Fox said not being an architect he couldn't speak to that, but they could look at it.

Mr. Richmond asked what the cost of stacked parking would be. Mr. Tierney said Channel Builders estimated approximately \$10K per space.

Mr. Gossels said the 50 bays drive traffic which compounds the intersection problem. He felt there was still too much on that site.

Mr. Richmond asked for an overview of the traffic impact study.

Brian Biesel said in the original study the trip generation was based on 120 employees which is the maximum shift at one time. He felt this to be conservative because ITE rates have become outdated largely in part because of the use of internet for new car sales. Previously people would go back to different places to determine what car they were going to buy. Now, with the internet the average number of trips is two which makes ITE rates very high. He anticipated the actual trips will be less than the numbers on the report. The report was based on

the number of employees rather than square footage because it would result in the highest trip numbers.

Considerable discussion followed on the calculations and what was factored into those calculations. Mr. Biesel provided a brief explanation noting they were in his memo of March 28. The Board had not received copies of this memo. Mr. Fox said he had provided them to the Selectmen and apologized for the oversight.

Mr. Klofft was concerned about the peak hours because of the series of left hand turns off Route 20 and an intersection that's inadequate at best which will be even further exacerbated.

Mr. Fox said there have been discussions with the Selectmen but they haven't come to finality on any of the issues. They have been looking at reconstruction of the intersection at Old County Road and Boston Post Road, the possibility of a left turning lane heading east down Route 20 onto Old County Road, or possibly making a financial contribution towards the greater traffic mitigation allowing the town to decide where that money should be best spent.

Mr. Richmond asked what the accident rate was.

Mr. Biesel said they researched accident data but was not sure they did the accident crash rate. He said he would provide that information.

Mr. Richmond felt this should definitely be looked at. His personal feeling was that to add a large amount of traffic onto this road, two things must be done – a turn lane on Route 20 and signalization so that there are breaks in the through traffic for people entering and exiting Route 20. He wanted to see a combination of the two.

Ms. Kablack said the Town Engineer has spoken with Mass. Highway regarding this stretch of the road and more particularly Landham Road, signalization of Landham Road and a left turn lane. She said these discussions have just begun and are very preliminary. Landham Road is an intersection that is identified as one that does need a traffic light. And because of the recent developments in this part of town, the town is starting to try and plan for that and will be gathering some mitigation money from all the developers and hoping to at least design the light there.

Mr. Richmond asked about the number and routes for car carriers bring cars to the facility. Mr. Biesel said there will be two per week. He pointed out where they will enter into the facility. Mr. Tierney said they can be directed and controlled through a dispatcher as to how they come in and the time of day they come in. Mr. Fox said the Selectmen specifically requested that all deliveries come from the west.

Ms. Kablack said another aspect the Selectmen were concerned about was the vehicle loading trucks for Sky Restaurant which pull up as they go around Old County Road where their loading dock is. They are essentially parking on Old County Road. She said they are working with BMW and Schofield Brothers to see if that can be better designed to get Sky's vehicles trucks off the road.

Mr. Fox said there is a mound of fill in back of Sky and it appears that if it can be moved, the delivery vehicles could pull in a little bit further off OCR.

Mr. Richmond asked where the Selectmen are with regard to the site plan.

Ms. Kablack said the town is waiting for more information to be submitted. The developer needs to get the placement of the building locked in. They will be meeting the first week in June. She said the ZBA needs the traffic report and any other documentation which should have been submitted to them.

Mr. Richmond suggested the applicants continue the traffic discussions with the Selectmen with the understanding that the ZBA has some serious issues with the left hand turn and no signalization. With regard to the building location, he said there is clearly a preference from this Board to move it back further and that the applicants should consider this view as they work with the final positioning of the building.

The hearing continued to June 13, 2006.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

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Nancy G. Rubenstein, Alternate

