

MINUTES OF THE PUBLIC HEARING CONTINUATION  
SUDBURY BOARD OF APPEALS  
MAY 1, 2007

The Board consisted of:

Jonathan G. Gossels, Acting Chairman  
Elizabeth A. Taylor, Clerk  
Jeffrey P. Klofft  
Nancy G. Rubenstein  
Stephen A. Garanin, Associate  
Richard D. Vetstein & Jonas D.L. McCray, Alternates

Also: Jody Kablack, Planning Director  
Edward H. Marchant, Consultant

For the Applicant:

Robert Engler, Development Consultant  
Jerry Scully, Architect  
Paul Finger & David Fisher, Engineers  
Mark Howland, Traffic Engineer

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

- Letter dated March 7, 2007 from Lt. Glavin, Police Dept.
- Letter (undated) for Ti-Sales
- Memo dated March 19, 2007 from the Conservation Commission
- Memo dated March 29, 2007 from the Design Review Board
- Letter dated April 17, 2007 from Town Engineer to Conservation Commission
- Memo dated May 1, 2007 from Planning Director
- Agreement for Technical Services (Edward H. Marchant/Consultant) dated May 1, 2007
- Memo dated May 1, 2007 from Mark Howland, Traffic Engineer (submitted at this hearing)
- Summary Appraisal Report dated July 28, 2005 by Avery Associates (submitted at this hearing)

Mr. Gossels noted that Edward H. Marchant has been retained by the town as a consultant on this application.

Mr. Klofft said in the past the Board has required that all materials to be presented at the hearing be submitted at least 7 days in advance to allow for review. He requested this be done in the future.

Mr. Gossels said the purpose of this hearing was to continue with discussion of the design and traffic.

A revised plan was displayed by the applicant which shows a change in the driveway location.

Mark Howland said his memo of May 1, 2007 provides an overview of the traffic issues in terms of trying to look at what this site will do and how that compares with what could be built as of right. He looked at numbers for the small amount of activity that is there now as well as for the existing potential. He said the numbers for housing are much less and is shown in the trip generation table. The number of trips is broken up into AM/PM peak hours.

Mr. Gossels felt the AM/PM numbers appeared artificially low. Even though he felt the numbers might not be very large, 9 trips did not seem reasonable for the 20 units proposed.

Mr. Howland said those trips will occur over a 3-4 hour period. Peak hours are derived from traffic counts. He said one of the things to note about this area is that in general it is busy throughout the day even though there is a peak hour. The hour next to the peak hour and the hour after the peak hour are pretty close, even during the middle of the day. There is almost a peak hour throughout the day.

Mr. Gossels whether it would be more relevant to talk about total trips as opposed to peak hour trips if this area is constantly at peak.

Mr. Howland said the calculations are analyzed for the period of the day which is why you would pick the peak hour in and out.

Mr. Gossels said it seems like trips are being added into an area that's constantly congested during at least a large part of the day.

Mr. Howland agreed. He said this is an area that experiences congestion throughout the day – which reflects that the traffic has a lot of different destinations. It's not all happening at the peak hours.

Further discussion followed on the trip generation calculations and comparison of the peak hour numbers between the existing condition, existing potential, proposed project and current traffic conditions along Hudson Road.

Mr. Vetstein asked whether there was a way to take a look at specific time periods. He said he travels this road daily and it is a very congested area.

Mr. Howland said he didn't know which hour was the most congested and didn't have that information with him.

Mr. Finger felt the key is that whatever that hour is and however it's spread out the number of trips being generated by this project is de-minimus over what is current or has potential as retail/office development. He said we are talking about impact, and there is less impact associated with this project.

Mr. Klofft said a notable exception would be the left turns out of this property in the morning. He felt the difference is that office and retail has inbound traffic in the AM hours whereas with residential, someone is going to want to make a left turn out. He felt there is a difference in terms of the traffic impact even though he agreed that the total trips would be less than a fully occupied retail complex, left turning traffic in the morning will exacerbate the already bad traffic situation.

Robert Engler said this is a 40B project for which they are showing the Board relevance to what it could be under current zoning. He said the volume is not an issue – the issue is traffic safety. The issue for them or any other applicant is that if they are increasing and making an unsafe condition, they have to mitigate that.

Mr. Klofft felt there is a potential legitimate safety issue with the left turns coming out of this property, particularly in the morning peak hours which would be different from the existing conditions. He said the Police Chief referenced this in his memo.

Mr. Howland said he shows 2 left turns in the AM peak hour and 2 left turns in the PM peak hour. Mr. Engler said the safety issue is how long they have to wait.

Mr. Klofft said with another project it was clear that people do get to a point where patience wears thin.

Mr. Howland said in comparing these conditions, he looked at the existing level of service, the level of service that the proposed project could generate, and the level of service with a build out of existing uses. The level of service all came out the same as the existing conditions.

Ms. Taylor asked for the status of the town's work on the Hudson Road/Concord Road intersection

Ms. Kablack said they received funding at Town Meeting for the next phase which is a survey to do more engineering. She said much of the data was from Mr. Howland who is a consultant on this project. There is no concept plan but basically there would be a slight reconfiguration of the intersection, including lights. They're not looking at moving the road in any major way.

Ms. Taylor asked if there was any scenario that would impact this project.

Ms. Kablack said one scenario that was talked about was the creation of an additional lane on Hudson Road westbound. However, she said the Sudbury Centre Committee hasn't really gotten into that at all. The focus primarily has been on the intersection. The data indicated

the intersection needs to be fixed to achieve a higher level of service. The issue with the westbound lane is going to be an issue of property. For anything looked at in that respect, the town will be looking at this property to handle any changes to the right of way rather than on the other side of the street.

Mr. Howland said a lot of the delay seen on Peakham Road is because the traffic is having a hard time getting through the center. He said once you fix one thing, you start to see other things improve.

Referring to the plan on display, Mr. Howland said one of the reasons for changing the driveway location was because the whole site is located on a curve. The sight distances change as you go around the curve.

Mr. Klofft asked if there was an appreciable difference in sight distance with the change to the driveway further to the east.

Mr. Howland said there is good distance for the east driveway which is a right turn only and is proposed as an exit only. He would not want to comment at this time on the sight distances without further review except to say they're better here than they are at the other end of the site. He believed that on the left turn (west) there was adequate sight distance, but would have to check that.

Mr. Klofft said his concern with the driveway being moved further east was that if someone was going to take a right and then immediately wanted to take a left to go onto Concord Road, it might better for them to have a bit of time on the roadway to move over.

Mr. Howland did not feel this would be an issue here because they're very close to where that lane starts. Traffic is just starting to diverge there.

Further discussion followed on the two driveways – a one-way turn only near the Concord Road intersection and the 2-way exit/entrance near Peakham Road.

Mr. Klofft asked whether there was a way to design this so that the driveway near Peakham Road would be entrance/egress only with the driveway now proposed for a right turn only being used for emergency purposes only, so there is only really one way in and one way out. He felt the project might be small enough to do this. He felt the closer the driveway is to the Concord Road intersection the more difficult it is to maneuver into the left travel lane.

Mr. Howland said he did not share Mr. Klofft's concern.

Mr. Finger said there wasn't enough pavement width to do this since the final portion of the east drive is made narrower to provide for a dedicated right turn only. He said there are 20 units of housing here. People learn routes from their homes. If they are going to turn left at the Concord Road intersection, they will most likely use the Peakham Road exit and will use the

right turn only lane when heading in other directions. He felt it improves circulation when there are two lanes of access/egress – or a loop.

Mr. Gossels felt that if the Board is going to accept the developer's claim that there are only 20 units and the incremental traffic is de-minimus, he wouldn't see a need for that eastbound driveway at all.

Mr. Klofft added that this is a fairly dense property and elimination of that second driveway will create more of a sense of openness. He said grass pavers are being used in other projects so that if an emergency vehicle had to get in and out, it could. Under normal circumstances it's not going to look like blacktop – it'll look a bit more open.

Mr. Finger would agree that grass pavers could be used. He said the problem is maintaining it during the wintertime. His experience has been that in order to keep it open for security and fire protection, it's going to have to be some sort of paved area. With grass pavers you're going to have the soil that's just above the nubs that are there and a plow will just rip them up and they'll have to be redone every year. He felt grass pavers to be a great southern solution where you don't have weather conditions. It's not a great northern condition and they have to be snowplowed manually.

Given the size of this project, Mr. Klofft suggested the Fire Chief should be asked for his comments on one entrance and the grass pavers.

Mr. Finger felt one entrance could be considered if it was agreeable to the Fire Chief and Police Chief; however, he did feel the right turn only was an advantage. He felt the major improvement was in moving it away from where it currently was because it frees up the landscape basis.

Mr. Klofft agreed that while it does improve landscaping, he felt it ends up entering into Hudson Road at a worse spot.

Mr. Howland said the conclusion of his study is that there is a lot less traffic with this type of use than with the existing uses that are there. He added that there was discussion of a wider lane that allows traffic to bypass rather than have a turning lane on Hudson Road. The preference was for the wider lane. He pointed out on the plan where the lane would be wider.

Ms. Kablack noted that any changes would have to be thoroughly discussed with the Historic Districts Commission as this is a historic area.

Mr. Engler said they would speak with the Fire Chief and Police Chief and report back.

Discussion followed on the design. Mr. Fisher said he would like to go through some of the changes since the last hearing. He said they met with the Design Review Board and have submitted a Notice of Intent to the Conservation Commission. They are in discussions with the Board of Health and have sent a letter to DEP on the technical portion. They were hoping to get a determination from the DEP but it has not come in yet.

Mr. Fisher said this plan has small differences from the last plan – the main one being the relocation of what was the entrance driveway to a proposal to make it an exit only. He said the rationale for an exit only with a right hand turn is that it picks up about 80 feet which means about 4 extra cars of queuing space. If the cars are coming in today and are turning into this property, they back up because there is no room for a car to pass. With the entrance further west (near Peakham Road) there is that extra segment of roadway for extra queuing which is probably 140-150 feet. He said they were trying to get as far away from the Concord Road intersection as possible. Also, there is a benefit of having a much larger landscaped area along Hudson Road.

A couple of dumpsters have been added, which were not on the first plan. He pointed out those locations. They will be screened with a fence and gated and there will also be plant materials. The garages were also pointed out and will be screened on the back side and landscaped.

Also pointed out and described was a small ancillary private space for the residents to use. One of the comments from the DRB was that it looked very formal and they asked to look at a plan that was less formal. Mr. Fisher described Option B which is less formal noting he is comfortable with either scheme.

With regard to the existing stone wall along the front of the property, Mr. Fisher said it is relatively low and doesn't block the visual lines of the site, but it's harder psychologically. The proposed fence is softer as one drives by and has a more open feeling to it.

In response to a question from Mr. Klofft, Mr. Fisher said the existing wall is probably 24-30 inches high. The fence would probably 30 inches with the post being 36 inches. They are roughly the same height.

Ms. Kablack said this will have to be discussed with the Historic Districts Commission.

Mr. Gossels asked about the round structure shown on the plan.

Mr. Fisher said it's just a paver plot in the location of the existing flagpole. It will not be seen from the road. The stone wall is not a retaining wall; you can sit on it and look out.

Mr. Fisher said he is scheduled to meet with the Conservation Commission next week and has submitted a package to them. He said he has also received comments from Town Engineer and has responded to them.

Mr. Gossels asked what the responses were.

Mr. Finger said with respect to the runoff, there will not be an increase - there is in fact a decrease. One of the Town Engineer's concerns was that he wanted to reduce the amount of runoff that currently goes out on Hudson Road. From the plan, he pointed out where the water that was sheeting out of the left hand driveway has been redirected to the rear of the site. He said

a couple of dry wells were replaced and the grades were raised slightly to be able to redirect the water to the rear. When both watersheds are combined, there will be a reduction.

Second, there is a very large parking lot. There is a net reduction in the amount of pavement but some of that roof drainage is being converted and added to infiltrators. However, the infiltrators were not included in the original design and Town Engineer was only looking at the pure pavement sections. While Town Engineer noted a negligible increase looking at pure pavement, when you take into consideration the amount being redirected and reducing that whole watershed, plus the infiltrators from the roofs, there is going to be a reduction.

Mr. Gossels asked about the pipe referenced in Town Engineer's letter.

Mr. Finger said his survey showed that the drainage pipe actually came past Building 3 which is the very long building and tied into their (developer's) drainage system. Town Engineer indicates that he has a plan that shows it coming off-site and coming back on-site. He said it doesn't make a difference because they are proposing to bypass the town's drainage; however, he will do some additional research on the location.

As far as storm water standards, Town Engineer indicated that he needed some additional calculations on meeting the 1" storm because it's a tributary to a water resource. Mr. Finger said he not only meets the 1" storm but is able to meet the 25-year storm.

Mr. Gossels said the DRB had comments on landscaping and the buffer.

Mr. Fisher said their main comments were on the common areas and some of the buffering. He pointed out those locations and had no issues with the DRB requests.

Mr. Klofft asked whether a table of units and sizes has been submitted.

Mr. Engler said it should be in application package. If it isn't he will submit copies.

Jerry Scully said at the last hearing there was discussion of the long building in the center. He met with the DRB who had several comments that he tried to incorporate into the design. He provided a side-by-side comparison of the original design and the current one. Starting with the front elevation which faces Hudson Road, DRB issues were with regard to the windows and placement of the windows that were on the main building. The DRB asked for more of a colonial look and to separate those windows and incorporate that into the design. They also had the same concerns with the rear of that building where again they would rather have a lot more colonial detailing. He described the plans for the windows and doors.

With regard to the design of the townhouses at the rear of the site, Mr. Scully said those are still a work in progress which he will be sharing with the Board in the future. He said the DRB had a lot of issues with the townhouses.

Mr. Klofft said the Board is dealing with a similar project on Boston Post Road where some of the backs of units are up against the road and the attempt is to try and maintain the appearance of a front façade. While he felt the developer has done some work in this regard, the main area that's still troublesome is the face of the double patio door. He said it still seems a bit incongruous to the rest of the design.

Mr. Scully said the DRB suggested a different door than the double door – but still French style and wood, which could be considered.

Mr. Klofft would like to see something that resembles more of a front door. While he understood this may be difficult, he said this is a historic district it should maintain that feel.

Mr. Fisher said those areas are the private side of the units and the landscaping will shield them. The landscaping is designed to hide the foundation and the patio and what is on the patios.

Mr. Gossels said the doors will still be visible.

Mr. Klofft said he would like to find a balance. Mr. Engler said he will look again at the doors.

Mr. Scully said the DRB brought up the existing chimneys on the buildings. It is proposed to put on a thin brick façade. They have also asked for dormers to be added to the loft spaces.

He said there wasn't much comment from the DRB with regard to the other two existing buildings. The only thing that was done to the gambrel was to add finished loft space.

Mr. Scully said the floor plans for the two units of the building that were originally shown with just a single door and vestibule have been changed. Each now has its own separate entrance which faces to the common.

Mr. Klofft asked for the height of the garage buildings. He was most concerned about the ones along Peakham Road which to him was tight to the property line and sparse in terms of buffer.

Mr. Scully said they are approximately 15 feet high and the setback is 5 feet.

Mr. Klofft felt that to be tight, his concern being with maintenance of the structure. While the other adjacent property would be the rail trail, he said a ladder, etc., can't be set up on the rail trail to maintain it. He suggested other alternatives be considered.

Given that changes have been made to some of the lofts, Mr. Klofft said he would like to see a table which includes the loft space to get a sense of the total square footage of the various units.



Edward Marchant asked whether there will be any habitable space in the basements.

The response was that there will be no habitable basements.

Mr. Marchant said it would be helpful to have the plans labeled 1<sup>st</sup> floor, 2<sup>nd</sup> floor, and loft.

Mr. Engler asked whether Mr. Klofft was saying that he preferred not to have structured garages.

Mr. Klofft said there could be structured garages; however, this design is very close. There is very little screening between Peakham Road and the rail property – even what exists right now is sparse. There is also the issue of maintenance.

Mr. Fisher suggested perhaps he could work with the town to do something there, given the closeness.

Discussion followed on the next steps and a continuation date. Mr. Gossels said the Board needs to have a site plan with the final number of units and sizes.

Ms. Kablack said the plans presented this evening have changed from the original. The ZBA and the Town Boards and Departments need this information prior to the public hearing in order to allow for review. She stressed the importance of this. She said no one had submitted the change to the access driveway and the developer had been asked to submit a site context plan showing more of the abutting properties. She said after the discussion about the circulation this evening, she is particularly concerned about the Peakham Road intersection. She said this came up in the Planning Board meeting and it appears Peakham Road might actually be in the railway right of way. The separation of Peakham Road and this driveway is very narrow. She felt the developer should present a plan showing a to-scale drawing of where the existing edge of pavement is. Also needed is the tabulation of ground coverage, storm water calculations, and a pro forma for 20 units. She said Mr. Marchant had suggested to her that construction specifications should also be submitted. Also, the revised site plan should be submitted. Ms. Kablack didn't feel a lot of real information has been submitted.

Mr. Gossels said at the next hearing the Board will ask for responses on Ms. Kablack's two memos.

The hearing was continued to June 18, 2007, 7:30PM in the Lower Town Hall.

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Jonathan G. Gossels, Acting Chairman

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Elizabeth A. Taylor, Clerk

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THE RESIDENCES AT SUDBURY COMMONS

29 Hudson Road

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