

MINUTES OF THE PUBLIC HEARING CONTINUATION
SUDBURY BOARD OF APPEALS
May 2, 2007

The Board consisted of:

Stephen M. Richmond, Chairman
Jeffrey P. Klofft, Clerk
Elizabeth A. Taylor
Nancy G. Rubenstein
Jonas D.L. McCray, Associate

Also: Jody Kablack, Planning Director

For the applicant:

Attorney David A. Wallace
Russell Tanner, Applicant
Jeff Richards, Landscape Architect

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

- Letter dated April 3, 2007 from Town Engineer
- Revised Volume Calculations dated April 5, 2007
- Letter dated April 20, 2007 from Meridian Associates sent in response to Town Engineer's letter dated April 3, 2007 (submitted at this hearing)
- Schedule of Unit Types dated April 25, 2007 (submitted at this hearing)
- From Meridian Associates undated – Requested Exceptions from Requirements of Wetlands Administration Bylaw & Regulations (submitted at this hearing)
- Letter dated May 1, 2007 from Jeff Richards, Meridian Associates, including Summary Narrative and conceptual Irrigation Plan from Philip Reidy, Rainwater Recovery, Inc., and revised plans (12 sheets) dated May 1, 2007
- Memo dated May 2, 2007 from Conservation Coordinator
- Memo dated May 2, 2007 from Planning Director (submitted at this hearing)

Jeff Richards reported the Conservation Commission hearing was held last week. That hearing was closed and the Commission suggested that at their next meeting of May 7th, they will have a draft of an Order of Conditions for discussion.

Mr. Richards provided a sheet-by-sheet overview of his summary memo which included a checklist of what has been refined since the last ZBA hearing of March 28th:

A 10th sheet was added which shows three typical landscape planting treatments in response to the Conservation Commission's interest in the types of plantings proposed.

Unit 55C was chosen as a typical unit being neither the smallest or largest. Mr. Richards said it illustrates how one might come out of the first floor level in the rear to the elevated deck and come down a couple steps to a patio area, and how this unit is positioned relative to privacy screening and landscaping. He also described how the drainage and runoff from the site will collect and flow to the swale along the side of this unit.

The second illustration, Unit 38B which is in the buffer zone, focuses on the interests of the Conservation Commission. Mr. Richards said there is agreement with the Conservation Commission that the plantings in these buffer unit locations will all be a variety of native plants. For those units near the walkway there will also be included vegetated screening.

The 3rd illustrative sample depicts the rain gardens of which there are half a dozen or so scattered through the development. The locations were pointed out by Mr. Richards. He said each of those rain gardens is part of the low impact development storm water management approach to mitigate the storm water from the site. In response to Conservation Commission requests, the plant species will all be native plants.

Mr. Richmond said each of the units on the typical drawing is either an end unit or corner unit. He asked if an additional typical could be added for a middle unit to show the proposed landscaping.

Mr. Richards said he would add a typical middle unit to the plan. He said the intent is to have the character of the end units carry along to the middle units in terms of landscaping.

Sheet 3 is a refinement of the plan which defines the central green space and identifies a "central plaza" which is the link between the upper green and the central green and provides pedestrian space and emergency vehicle circulation. The central plaza can be surfaced with a product like grass pave or other variety of products which are on the market, but something which in the winter is plowable and would allow an emergency vehicle to get through, yet still looks green.

Ms. Rubenstein said at one time there was discussion about possibly eliminating Unit 57A to better connect to the green area. She asked whether this was looked at as it seemed tight to her.

Mr. Klofft said this was discussed at the work sessions and it became more problematic to begin shifting units around although there was much discussion to try and open up some of that space.

Mr. Richards said the distance from the side of 57A to the mailbox is approximately 20 feet, so there is room for privacy hedging and landscaping. He added that at this juncture he would not want to drop a unit.

The final two exhibits are the Boston Post Road Walkway and the Conservation Restriction plan. Mr. Richards said there was a work session in with representatives from the

Conservation Commission as well as Town Engineer with regard to the problems associated with the proposed walkway in the area of the day care center. The conclusion was that the problems would have to be solved entirely within the Boston Post Road right of way as there is a conservation restriction on the Next Generation Day Care Center which would take an act of the legislature to amend, and the applicant is not interested in that route.

Mr. Richards outlined a solution offered by Town Engineer which proposes a new drainage structure to replace the non functioning one and allows for a walkway with varying grades. Portions that will be 8% will require a waiver from ADA requirements and Town Engineering has agreed to be the applicant for this process. Mr. Richards said Town Engineer has also agreed to be the applicant to the Conservation Commission as a town project for the Order of Conditions. He said the developer is committing to develop the plans but ultimately Town Engineer will be the applicant in the processes.

Mr. Richmond said it seemed the walkway has been designed around the Conservation Restriction. He asked who held that restriction.

Ms. Kablack said the town does. She added that typically those areas are not paved and the developer may want to look at alternatives.

Mr. Tanner said the plans still need to be engineered and resolved with the Conservation Commission, Town Engineer, & Mass. Highway; however, he was confident that it is doable.

Further discussion continued on the walkway, its location, the guardrail and connection to the existing walkway.

Mr. Tanner said he was agreeable to a connection.

Mr. Richards said the Proposed Conservation Restriction plan resulted from discussions last week with the Conservation Commission. He said Mr. Tanner is working out the wording for the type of physical monumentation which will be used to define that area.

Mr. Richards said a great deal of time was spent in discussions with the Conservation Commission regarding irrigation. The Commission expressed a desire for the developer to investigate whether rainwater or precipitation or storm water runoff could actually be recovered. An expert in rainwater recovery was retained and his scenario indicates that the whole front area in the central block would be able to be irrigated with recovered precipitation which about 22% of the site. There will be a backup metered connection for drought situations.

The back lands do not need irrigation - the only areas it was felt necessary to irrigate related to the attraction of the front main areas. With small private yard spaces, the additive wear and tear on the natural turf of the central area without irrigation is not recommended. Therefore, it is proposed to support the irrigation of the central green front with a private well. The Kreisel property area is currently irrigated courtesy of municipal water – it is proposed that municipal service irrigation for Kreisel be separate as it is grandfathered and irrigated with the

water supply from Route 20. 22% of the total site will be irrigated from the private well. The rest is either not irrigated or captured.

Mr. Richmond asked whether this irrigation will be in the Order of Conditions. Mr. Tanner said it will.

Discussion followed the entranceway and the school bus stop.

Ms. Kablack said originally the bus stop was proposed to be inside the developed. Speaking with the Police Chief today, she explained that a bus would probably have difficulty maneuvering on the site. He was not opposed to a bus stopping on Route 20 but would prefer the children to congregate within the development and not standing along the curb line. He would like that area to be protected. She said the location of the bus stop and barrier still needs to be reworked.

Mr. Richmond asked how the plans are handled from this point on.

Ms. Kablack explained that the developer is proposing that from the plans presented this evening that they come back with final plans which should be in substantial conformance with the conditions of the Decision. Everything that should be in those plans will be enumerated as conditions. She added that this is allowed under the statute and that she felt comfortable with the amount of detail provided to date to move in that direction.

Ms. Rubenstein said it would be helpful to label the sidewalk plan (Sheet 1 of 1) with addresses to delineate where each section is located.

The Board briefly reviewed Town Engineer's letter dated April 3, 2007 and Meridian Associates' responses dated April 20, 2007. Mr. Richards said updated stormwater calculations have been provided and all items requested to be either further provided, detailed, and/or added to the final plans will be done.

Ms. Kablack noted that with regard to the emergency access width, Town Engineer is requesting 18 feet. The developer was providing 14 feet with a 4-foot sidewalk. She said the Fire Chief is satisfied with 14 feet. This will be resolved before the decision.

Discussion followed on the Conservation Commission's memo dated May 1, 2007.

David Wallace said he spoke with the Conservation Coordinator who is in the process of drafting an Order of Conditions as a result of their hearing. He felt there might be some controversy as to whether they should do a formal application, which isn't required, or whether it should be through the ZBA through the 40B process.

Mr. Richmond said the memo seems to suggest that the Commission would anticipate two separate filings.

Ms. Kablack said the other 40B applications have been filed under local and state and so they felt comfortable in waiving what they would normally waive – so they issued permits – two separate permits.

Mr. Richmond asked why Mr. Tanner would not want to do this.

Mr. Tanner said he would want the Order of Conditions going on at the same time as WPA filing but to provide the Conservation Commission with detailed itemization of the project according to the local bylaws. He said the ZBA is the granting authority, not the Conservation Commission. He said he had discussions with Ms. Dineen and thought everything was settled, but will work this out with the Commission at their May 7th meeting.

Review then followed on Ms. Kablack's memo dated May 2, 2007 which provides a preliminary list of conditions for approval under the categories of General, Traffic Mitigation, Affordability, Construction Details, Landscaping/Lighting, Legal and Board of Health/Conservation Commission requirements. These were explained by Ms. Kablack and reviewed by the Board after which it was agreed that a Decision document incorporating the necessary additions will be prepared for discussion at the next hearing.

The hearing was continued to May 30, 2007, 7:30PM at the Lower Town Hall.

Stephen M. Richmond, Chairman

Jeffrey P. Klofft, Clerk

Elizabeth A. Taylor

Nancy G. Rubenstein

Jonas D.L. McCray, Associate

