

The Board consisted of: Elizabeth T. Quirk, Chair; Nancy G. Rubenstein, Clerk; Stephen A. Garanin; Jonathan G. Gossels; Jeffrey P. Klofft; and Benjamin D. Stevenson, Associate.

### MEETING OF THE ZONING BOARD OF APPEALS

The meeting convened at 7:30 p.m.

#### NOAH, Inc. – Case 10-8, 278 Maynard Road:

Documents received for November 1, 2010 included the following:

- 10/25/2010 Memo from NOAH with 2<sup>nd</sup> revised development plan for three units
- 10/25/2010 Revised site plans
- 10/25/2010 floor plans
- 10/25/2010 Budget Comparisons of Sudbury 40B projects
- 10/25/2010 Condominium Budget
- 10/25/2010 Scope of Construction Work
- 10/25/2010 List of Waivers
- 10/25/2010 Memo from the Sudbury Planning Board
- 10/25/2010 E-mail message from Sudbury resident Steve Tripoli with attached letter of support from Maynard Road neighborhood
- 10/25/2010 E-mail message from Steve Tripoli with neighbors comments
- 10/13/2010 E-mail message from Sudbury resident Doris Grandinetti expressing disapproval of the project.
- 10/29/10 e-mail message from Gregory Watson, Mass Housing
- 10/29/2010 Access and Utility Easement Memorandum of Understanding, Sudbury Housing Trust
- 10/29/2010 Memo from Jody Kablack, Director of Planning and Community Development
- 10/29/2010 Memo from Bill Place, Town Engineer/DPW Director
- 10/29/2010 Memo from the Design Review Board
- 10/29/2010 Memo from Robert Leupold, Health Director
- 10/29/2010 Draft Notice of Decision for the Comprehensive Permit, Case 10-8
- 11/1/2010 Revised list of Waivers

Present for the Sudbury Housing Trust were Chairman Mike Fee; Member Daniel Hewett; Mark Beaudry, Engineer, Meridian Associates; Bob Wegener, Architect, The Narrow Gate, and Toby Kramer, Project Manager, NOAH, Inc. Town of Sudbury Staff who were present were Jody Kablack, Director of Planning and Community Development; Beth Rust, Community Housing Specialist; and Jim Kelly, Building Inspector.

Mr. Fee began with a statement that he was hopeful that this meeting would be the last time the Sudbury Housing Trust would meet before a decision was rendered given that the application process has been going on for almost 11 months. He explained that that Sudbury Housing Trust has now owned the property at 278 Maynard Road for almost two years and while the proposal before the ZBA is not what was originally envisioned he said that it is a project that will work both for the Sudbury Housing Trust and the neighbors. The scale has been down-sized, however other qualities have been added. He then introduced Mark Beaudry who walked the Board through the revised plans.

Mr. Beaudry said that since the September 27 meeting minor changes had been made to the plans. Changes included tweaks to the layout and surface materials used, the driveway easement, septic plan, and the stormwater basin. Parking and driveways are all paved surfaces however walkways and patios

will be pervious. He said that two residential-scale light poles had been added in the rear of the building to shed some light into the parking spaces. The one-story unit will be lit, but not with a light pole.

Given feedback from the Design Review Board the entrance to the one-story flat unit has been flipped to be closer to the parking space.

Mr. Beaudry then walked through the grading plan.

Mr. Gossels asked about the height of the septic system from the street. The height did not change from the previous plan with the height being three and a half feet from the road. Vegetation has been added to that area. The septic system will consist of a Presby System, under a Title V system. The reserve area for a Title V system is under the parking and is larger due to the soils in that area. The stormwater basin itself has been slightly reconfigured per Town Engineer Bill Place's suggestions.

Mr. Beaudry said that the Fire Chief, Ken MacLean, had questioned whether fire trucks could back up and drive out of the driveway. Upon checking, a forty-three foot ladder truck can maneuver around the property.

Mr. Beaudry reported that the basements in the duplex are above the seasonal water table but the one-story flat would have a full basement that would be below the water table. A foundation drain would be installed along with a sump pump.

The planting plan would include evergreens along the east side of the property to screen the driveway and parking spaces. Drought-resistant grass seed would be planted in the lawn areas. Per the DRB's concerns, deer-resistant species were removed from the plan. Yew trees and arborvitae were kept. The final landscape plans will be brought before the Board for approval.

Overall the Board felt that the engineering plans looked good. There were no additional comments.

Bob Wegener then discussed architectural revisions made from comments at the September 27 meeting. He said that the linear plan was kept but that there were modifications made to address the length and enhance the style to make it look less long. The building measures 95 feet across total. With the entry of the one-story section being flipped, the unit is recessed slightly. The roof plan has been varied to give the look of a main two-story house with a link to an extension. At the back of the house the massing is improved by windows that have been added to the staircases and the shed has a lower pitched roof. Windows have also been added to the storage sheds however the stand-alone utility shed does not have any windows. The height of the buildings is 30 and a half feet.

Mr. Wegener than showed the Board three-dimensional plans to illustrate the varied roof slopes.

Mr. Klofft questioned whether ice and snow build-up would be a problem at the area around the windows at the back sheds and whether snow and ice would then collect at the patios. Mr. Wegener said that the windows may be shorter with the sills higher to avoid that problem and the shed roofs would have a membrane added to them prior to applying shingles. The roof pitch on the duplexes is the same as the flat.

Mr. Klofft asked about the materials that would be used at the front steps. Mr. Wegener said that the steps would be wood. After a brief discussion about possible materials he said that he would look into the use of composite materials for the front entries.

Comments from the Board about architectural revisions were all positive.

Mr. Klofft said that he had received questions about some people from the community about what will be done with the construction equipment used at the site. Ms. Kablack said that any equipment cannot obstruct road movement and the construction entrance will need to be placed away from the neighbor's existing driveway. She noted that a large shoulder runs along the front of the property. The work schedule has not yet been determined.

Beth Rust then discussed the financial comparison of all 40B projects in Sudbury as previously requested by the Board. She noted that because Maynard Road has the fewest number of units the project costs were driven higher, but it is the least expensive overall of the 40B projects. She said that real estate consultant Ed Marchant was extremely helpful in developing these costs.

Mr. Stevenson said that he was still stymied by the costs of \$373 per square foot, which he understands is because of the unit number. He understands that the Board is not supposed to impose projects on the town that are costly. He also noted that this development has extreme sensitivity to the neighbors and said that in terms of its design it is terrific.

Given the costs, Mr. Gossels questioned whether or not the three families that will eventually be living in the units will be able to maintain the property. Mr. Fee reminded the Board that the Sudbury Housing Trust would serve as the monitoring agent and so would be a resource for the residents and would play a role in the condominium association for the first five years. He said that all of the prospective residents would have jobs and would qualify for mortgages. And he said that all three residents would share the responsibility of any maintenance issues that emerge.

At this point the Board discussed the decision that Ms. Kablack had drafted. The Board agreed that they would all submit comments to Ms. Kablack by the next scheduled meeting so that a final decision could be signed.

Mr. Gossels said that he still wanted to see a landscape plan. Ms. Kablack said that review of a landscape plan prior to occupancy would be one of the conditions. The Design Review Board would also review any landscape plan in depth and would need to approve it.

Mr. Klofft asked whether any of the Board members had further comments. Mr. Gossels said that he felt the Town lost an opportunity to produce more affordable housing and the farmhouse and barn plan would have worked.

Mr. Garanin said that the Sudbury Housing Trust worked hard to produce a plan that looks good and is appropriate for the lot.

Mr. Stevenson said that he was concerned about the ultimate number of units making the project uneconomic, but he said that he was very mindful of how the proposal was developed.

Mr. Klofft ended by saying that he too understands the missed opportunity to house more people, but he noted that neighbors have concerns about the project and that it was good to have a dialogue.

The public hearing of the ZBA was continued to Monday, November 8, 2010 at 7:30 p.m. in the Flynn Building, Silva Meeting Room.

Sudbury Villages Modifications – Case #06-37:

Members of the ZBA were in receipt of a letter dated October 29, 2010 from Russell Tanner, for TD Sudbury Village, LLC, requesting that the discussion of the Notice of Project change submitted by Freeman Law on October 13, 2010 for the Sudbury Village project (Case 06-37), be rescheduled until November 8, 2010. The Board agreed, voting to accept the extension. The date by which the Board must act on its request for a determination of substantial or insubstantial change was therefore extended to November 8 as well.

The Residences at Sudbury Commons extension – Case #07-17:

The Board was in receipt of a letter dated October 13, 2010 from Steven P. Duffy, for Somerset Sudbury Development, LLC, requesting that the ZBA grant a two-year extension to extend the Comprehensive Permit (Case 07-17) for Somerset Sudbury Development LLC, The Residences at Sudbury Commons, located at 29 Hudson Road. Mr. Duffy made this request because the three-year Comprehensive Permit is set to expire on January 13, 2011 and construction has yet to begin due to the economy and declining housing prices.

Mr. Gossels, Mr. Klofft, and Mr. Garanin did not want to grant an extension. Ms. Quirk questioned the fact that a non-renewal would require more time and town resources in order to deal with the property.

Jody Kablack, Director of Planning, said that developers have recently expressed interest in the property. She suggested that another 40B developer might submit an application in which the existing buildings would be demolished or in which the property was intended for commercial use alone.

A motion was made and seconded to accept the request for a two-year extension. Mr. Gossels, Mr. Klofft, Mr. Garanin, and Mr. Stevenson voted against accepting the request. Ms. Quirk voted in favor of accepting the request.

Accessory Dwelling Guidelines and Application Review:

The Board discussed and approved a set of guidelines that were developed by Board members and were created to be a reference for Sudbury residents applying for Special Permits for Accessory Dwellings.

The Board also discussed a new version of the Accessory Dwelling Application that had been revised in order to make it more user-friendly for applicants. The revisions also would ensure consistency regarding applicants' calculations of unit size. Section 5522 of the Town's Bylaws define the square footage of the existing dwelling as the actual heated living area, which does not include unfinished basements, attics, or storage spaces. There was some discussion about how Sudbury's property tax bills are determined using a different calculation based on measurement of exterior walls which often confuses applicants who are using the tax bills as a guide to complete their applications for special permits. Building Inspector Jim Kelly said that the bylaws are fairly specific about how measurements should be taken to determine unit size. Therefore the entire house should be measured according to that language.

The Board agreed to use the revised accessory dwelling application for a period of six months to see whether or not the changes have been helpful for both the applicants and for the Board when making determinations about special permits.

Director of Planning, Jody Kablack, mentioned that the Planning Board had reviewed the draft Accessory Dwelling Guidelines at a recent meeting. The Planning Board had questioned whether or not the Zoning Board was interested in revising the bylaw. Ms. Quirk said that it was her sense that the ZBA was not interested in revising the bylaws at this time and other members of the Board agreed.

Approval of Minutes:

Ms. Quirk read the dates of meeting minutes needing Board approval, which included the February 1, 2010 public hearing, Case 10-8; February 23, 2010 public hearing, Case 10-8; March 10, 2010 working session meeting, Case 10-8; March 29, 2010 working session meeting, Case 10-8; April 27, 2010 public hearing, Case 10-8; May 24, 2010 public hearing, Case 10-8; July 12, 2010 public hearing, Case 10-8; Sept 27 public hearing, Case 10-8; Sept. 20 public hearing; and Sept. 20 public meeting. The Board was in agreement that no changes needed to be made and the minutes, as written, were thereby approved.

Miscellaneous:

Having read the Open Meeting Law Guide in advance of the meeting, members present then completed and submitted to the ZBA Secretary copies of the Certificate of Receipt of Open Meeting Law Materials.

There being no other business the meeting was adjourned.

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Elizabeth T. Quirk, Chair

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Jonathan G. Gossels

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Nancy G. Rubenstein, Clerk

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Jeffrey P. Klofft

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Stephen A. Garanin

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Benjamin D. Stevenson, Associate