

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.

##### Sudbury Villages Modifications – Case #06-37:

Members of the ZBA were in receipt of a letter dated November 5, 2010 from Russell Tanner, for TD Sudbury Village, LLC, requesting a withdrawal of the Notice of Project Change for Sudbury Village, ZBA Case 06-37. A motion was made and seconded to accept the request for withdrawal and was unanimously approved.

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

The hearing for Case #10-8 was reconvened by Acting Chair, Jeffrey Klofft. Appearing on behalf of the applicant, NOAH, Inc., was Attorney John Smollack. Town of Sudbury Staff present included Jody Kablack, Director of Planning and Community Development, and Beth Rust, Community Housing Specialist.

The Board was in receipt of the draft decision. Mr. Klofft pointed to condition #2 and asked Ms. Kablack to clarify who was the actual applicant, NOAH, Inc. or the Sudbury Housing Trust. Ms. Kablack said that the applicant is NOAH, Inc.

In regard to Section 4, condition 14, Mr. Klofft raised concerns that systems, in this case fire protection sprinklers, would be affordable for the residents. Ms. Kablack reminded the Board that maintenance is jointly shared by the residents through the condominium budget. She said that even though NOAH Inc. is the applicant, the Sudbury Housing Trust has the ultimate control over all project specifications and who is chosen to build, and this would keep costs affordable.

Given that the project is now only a 3-unit project and given the location of the fire hydrant, Mr. Klofft asked whether automatic sprinklers were required since they are costly. Ms. Kablack said that sprinklers are included in the building code which requires automatic sprinklers when there are three units in one building.

Mr. Klofft then asked about driveway sealants. Ms. Kablack explained that under the new stormwater management bylaws driveway sealants are prohibited. Mr. Klofft wanted to be sure that the neighbor who would be sharing a portion of the driveway with this project was aware that sealants cannot be used.

Lastly, Mr. Klofft pointed to Section 9, condition 1 and asked for clarification on the affordability of the units. Under 40B guidelines 25% of the project has to be affordable. Ms. Rust explained that one unit is 80% affordable, meaning that the occupants' income would be no greater than 80% of the Median Family Income, and the other two units are 100% affordable.

Following up on a question from Mr. Garanin, Ms. Kablack said that The Sudbury Housing Trust may want to install a construction sign for the duration of the project. She said that the Housing Trust has not yet discussed it, but given that this is a public project and a Town project they may want to do so.

Mr. Klofft then asked whether or not NOAH, Inc. was going to be coming to the ZBA for a waiver of fees. Ms. Kablack said that the Board of Selectmen need to approve a waiver. They did, however, ask the

Board of Appeals to waive the application review fee. There are other fees, such as a building permit fee, that would need to be paid.

Mr. Klofft asked Sudbury resident in attendance, Steve Tripoli, of 31 Marlboro Road, whether or not he had any questions or comments. Mr. Tripoli asked whether or not the decision clarified that the development would be a three-unit development. Ms. Kablack said that the three unit development was reflected in the plans.

The Board reviewed the decision and made one change to update Zoning Board Member Elizabeth Quirk’s name to reflect her married name.

Upon completion of the review of the draft decision, the Board voted to close the hearing. A motion was made, seconded and it was unanimously voted to approve the decision as drafted, with the amendment as discussed. The Board then signed the decision.

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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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