

12 FEB -9 AM 9:35

The Board consisted of: Elizabeth T. Quirk, Chair; Benjamin D. Stevenson, Clerk; Jeffrey P. Klofft; Jonathan F.X. O'Brien; and Nancy G. Rubenstein.

MEETING OF THE ZONING BOARD OF APPEALS

Request for Insubstantial Changes to Comprehensive Permits 10-9 (11 Ford Road), 10-10 (19 Greenwood Road), 10-11 (41 Great Road), 10-12 (56 Great Road), and 10-13 (10 Landham Road) known as the Sudbury Housing Authority Duplex Redevelopment Project:

Attorney Joshua Fox, Rollins, Rollins & Fox, on behalf of the Applicant, the Sudbury Housing Authority (SHA), provided a project update for the Board. He explained that the SHA obtained its Comprehensive Permits in March of 2010 and is nearing the end of its two year deadline to obtain building permits. He said that the SHA's contractors are now working with the Sudbury Building Inspector, Jim Kelly, to obtain those. He said that the SHA has arranged for construction financing and are weeks away from closing and starting the demolition of the existing structures on the properties. He then introduced Jo-Ann Howe, Executive Director for the SHA, Rebecca Mautner, Project Consultant, and Henry Korman, an attorney representing the SHA with the Department of Housing and Community Development (DHCD) and the construction lenders to the project.

Mr. Fox explained that as the SHA has entered into negotiations with the DHCD on the development of the Regulatory Agreement it has been determined by the DHCD that their regulations prohibit a municipality, in this case the Town of Sudbury, from being a party to a regulatory agreement. The DHCD has suggested instead that the Town of Sudbury could be named as party to a 99 year Affordable Housing Restriction, which serves the same purposes as the Regulatory Agreement and would meet the Town's objectives. The five Comprehensive Permits as written require the Town to be a party to the Regulatory Agreement therefore changes need to be made in order to move forward with the DHCD. Another issue is that the Comprehensive Permits require that the Regulatory Agreement be executed prior to issuance of the building permits. However, the Regulatory Agreement will be executed by the DHCD and recorded at the time of the SHA's financial closing and the financial closing is contingent upon issuance of the building permits. Changes would need to be made to address these conflicts.

Mr. Fox therefore requested that the ZBA consider approval of minor modifications to Comprehensive Permits 10-9, 10-10, 10-11, 10-12, and 10-13 to remove conditions which relate to the Town being a party to the Regulatory Agreement, while instead imposing a requirement that the Town be named a party to an Affordable Housing Restriction. Specific amendments, as outlined in a memo written by Mr. Fox dated February 1, 2012, include:

- 1: Article VIII, Section 1: Delete the requirements that the Regulatory Agreement be executed prior to issuance of the building permits, and that the Town be a party to the Regulatory Agreement;
2. Article IX, Section 6: Delete the requirement that the Town's lien should be referenced in the Regulatory Agreement;

SUDBURY ZONING BOARD OF APPEALS

MINUTES

February 6, 2012

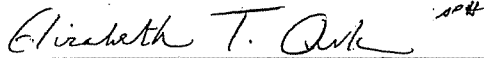
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3. Article XI, Section 7: Delete the requirements that the Regulatory Agreement be executed prior to the issuance of the building permits; and
4. Insert a condition that the Town be a party to an Affordable Housing Restriction.

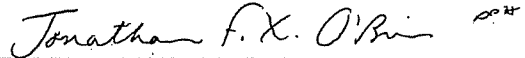
Mr. Fox said that he has reviewed these changes with Beth Rust, Community Housing Specialist, and with Jody Kablack, Director of Planning and Community Development. Ms. Quirk noted that Ms. Kablack had submitted a memo dated February 6, 2012 to the Board with her recommendations. Per Ms. Kablack's recommendation, Mr. Fox said that in regard to the lien regarding stormwater maintenance the SHA would record a separate restricted covenant prior to certification of occupancy.

There being no further discussion the Board then voted to approve the changes as listed by Attorney Fox as insubstantial changes to the Comprehensive Permits. The vote was unanimously approved.

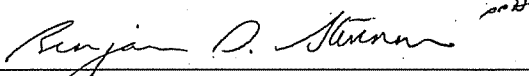
The meeting was adjourned.



Elizabeth T. Quirk, Chair



Jonathan F.X. O'Brien



Benjamin D. Stevenson, Clerk



Jeffrey P. Klofft



Nancy G. Rubenstein