

SUDBURY ZONING BOARD OF APPEALS
MINUTES
October 15, 2012

The Board consisted of: Benjamin D. Stevenson, Acting Chair; Jonathan W. Patch, Acting Clerk; Jonathan G. Gossels; Jeffrey P. Klofft; and Jonathan F.X. O'Brien.

MEETING OF THE ZONING BOARD OF APPEALS

The meeting was convened by ZBA Acting Chair Benjamin Stevenson at 7:20 p.m.

Request for Approval of Insubstantial Changes to Comprehensive Permit #11-16, Landham Crossing, 192 Boston Post Road, to Allow Fencing, First Floor Master Bedrooms, and a Sunroom:

Ben Stevens, Manager for Landham Crossing LLC, was present to request three insubstantial changes to Comprehensive Permit #11-16, Landham Crossing, located at 192 Boston Post Road. Mr. Stevens said that as he was currently building the berm along the front section of the project he would like to add a six-foot wooden fence to run between the two layers of trees that are to be installed at the top of the berm in order to further reduce the impact of traffic sounds and headlights on the units closest to the intersection of Boston Post Road and Landham Road. The fence would be unpainted and should weather to a natural color. The landscaping on both sides of the fence should eventually fill in to shield the fence from view.

Mr. Gossels questioned the effectiveness of the berm as it was being built. He had thought that the approved plans showed a larger berm. Mr. Stevens described the size of the berm and said that he did not think that he could build a higher berm given the amount of physical space that exists. Mr. Gossels asked about the use of a retaining wall in the interior side of the berm. Mr. Klofft agreed with Mr. Gossels and suggested that with the use of a retaining wall the berm could go up higher. Mr. Stevens said that he had not initially planned on using a retaining wall and noted that the berm had not yet been completed.

The Board then discussed whether the change to allow the fence was insubstantial. In the end they agreed that it was since the ZBA approved the initial comprehensive permit according to the elevations and plantings presented and Mr. Stevens was simply requesting a fence to be included along the top of the berm.

Mr. Stevenson said that Mr. Stevens had presented a good landscape plan and he does not want to see it ruined with the six-foot fence running through it. He was concerned about the view of the berm from the street. Mr. Gossels agreed that the fence would change the look, but he felt that it was necessary. Mr. Stevens said that it would look different from Route 20 but said that there were enough trees to shield it.

Mr. Klofft said that the Board should consider the impact on the livability of the units affected by the traffic and suggested that the visual change from Boston Post Road would be minimal.

Mr. Stevens next requested the ability to build up to eight of the thirty-one units with first-floor master bedrooms. He said that the housing market is changing in Sudbury and local residents who are down-sizing their homes or who are aging and in need of first-floor living space now appear to want these units. He said that he wants to provide a product that would meet the demand for residents who want to stay local and explained that the request is simply for the ability to create these units. He said that the first

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eleven units completed did not have first-floor bedrooms. He also anticipated that there could be four to five first-floor sales. Allowing eight would provide more flexibility and eliminate the need to come before the Board for additional requests.

Mr. Gossels asked whether there would be any visual changes from the exterior of the units. Mr. Stevens said that there would be none and the window configuration would not be different from the other units.

In response to Mr. O'Brien's question about number of bedrooms, Mr. Stevens said that all first-floor master bedroom units would still have two-bedrooms.

Mr. Gossels recommended that the Board approve up to eight first-floor master bedrooms in order to provide buyers with an alternate plan. Mr. Klofft expressed that he does not want to see any of the second floor bedrooms in the first-floor master bedroom units being used as accessory dwellings. The rest of the Board agreed.

Lastly, Mr. Stevens requested that he be allowed to build a sunroom, rather than a deck, onto unit #11. He said that the ability to create sunrooms was allowed per the comprehensive permit for units 8 and twelve through 28, however the concern for unit 11 was the visual impact to the abutting neighbors and therefore only a deck had been approved for that unit. Mr. Stevens said that the first unit to sell was #11 and the buyer wanted a sunroom.

Seeing that the abutter was present in the audience Acting Chair Mr. Stevenson asked whether he wished to speak. Patrick Delaney, 206 Boston Post Road, said that he was familiar with the project and could see from the finished unit #8 what the sunroom would look like. While a deck is more desirable from his perspective he understood that Mr. Stevens would be able to make a sale if the sunroom were approved. He said that if there were only one sunroom that could be seen from his view then he would be fine with that amendment. As to the earlier discussion about the berm he said that Mr. Stevens had done a wonderful job with the trees that had been planted.

Mr. Klofft made a motion to approve as insubstantial changes the addition of the fence along the berm and the sunroom at unit 11, provided that units #9 and #10 were to have decks only, and to approve up to eight first-floor master bedrooms for any and all units provided that no second floor bedrooms be approved for accessory dwellings. The Board unanimously approved the insubstantial changes.

Request for Two-year Extension of Time and Transfer of Comprehensive Permit #10-8, 278 Maynard Road, from NOAH, Inc. to the Sudbury Housing Trust:

Lydia Pastuszek, Housing Commissioner for the Sudbury Housing Authority and Member of the Sudbury Housing Trust (SHT), was present to request a two-year extension for Comprehensive Permit #10-8, 278 Maynard Road and a transfer of the permit from applicant NOAH, Inc. to the Sudbury Housing Trust.

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Ms. Pastuszek explained that NOAH, Inc. is no longer working with the SHT which necessitates the transfer of the permit to the SHT. She said that a new development partner will be sought to work with the set of plans already created for the site through the Comprehensive Permit. As the time limit for the Comprehensive Permit is to expire, an extension of time is necessary. Director of Planning and Community Development Jody Kablack was also present and further explained that that the termination of NOAH, Inc. was due to budget issues. She said that a new development partner would build the project with the budget that had been approved by the Sudbury Housing Trust.

Mr. Klofft made a motion to grant the extension of time for two years, expiring November 8, 2014, and to transfer the Comprehensive Permit #10-8 to the Sudbury Housing Trust. The Board voted unanimously to approve these requests.

There being no further business the meeting was adjourned.

Benjamin D. Stevenson, Acting Chair

Jonathan F.X. O'Brien

Jonathan W. Patch, Acting Clerk

Jeffrey P. Klofft

Jonathan G. Gossels