

SUDBURY ZONING BOARD OF APPEALS
MINUTES
DECEMBER 7, 2015

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; Nicholas B. Palmer, Clerk; John Riordan (Alternate) and William Ray (Alternate).

Also present at the meeting on behalf of the Town were: Jody Kablack, Director of Planning and Community Development and Mark Herweck, Building Inspector.

The meeting was opened at 7:30 p.m.

Mr. Palmer read the Hearing Notice published in the Sudbury Town Crier.

- 1) CONTINUATION - Public Hearing Case 15-35 – Leo Rotman, applicant and owner, for a Special Permit under the provisions of Section 2420 of the Zoning Bylaws, to construct a 24' x 24' attached garage, on a nonconforming lot resulting in a front yard setback deficiency of approximately 29 feet to Christopher Lane, property shown on Town Map M11-0019, 35 Stock Farm Road, Residential Zone A-1.

Mr. Rotman was present at this hearing. He shared with the Board a certified surveyed plot plan entitled: "No.35 Stockfarm Road Sudbury MASS", prepared by Drake Associates Inc., dated December 3, 2015, indicating the location of the garage with setbacks.

No neighbors were present to speak about this application.

Motion made and seconded to approve Petition 15-35 with the standard Special Permit conditions.

- 2) Public Hearing Case 15-36 – Paris Trust, LLC, applicant and owner, for a Special Permit Renewal under the provisions of Section 2230A,C, Use 22 to allow an indoor commercial recreation facility (known as The Field House) at property shown on Town Map K07-0018, 31 Union Avenue, Limited Industrial District #1.

Brett Taylor, Facilities Director for the Field House, was present for the Applicant. Mr. O'Brien asked if there are any new activities requested. Mr. Taylor replied that there is nothing new from the previous Special Permit granted in 2010.

Mr. Gossels suggested to increase the renewal to seven years.

A Motion was made, seconded and voted to approve Petition 15-36 for a term of seven (7) years. Renewal will expire on December 7, 2022.

- 3) Public Hearing Case 15-37 – Applicant Aljoy, LLC and Owner Jeannette G. Willey, for a Special Permit under the provisions of Section 2460B to construct a dwelling after demolition of approximately 4,760 s.f, property shown on Town Map C08-0027, 262 Mossman Road, Res A-1.

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Mark Kaplan, Manager of Aljoy LLC was present for this application. Mr. Kaplan presented drawings of the proposed project after demolition, indicating the dwelling is proposed to be approximately 4,760 s.f., and two stories high. The driveway will be located in the same place as it has being over the years. The house will have an approximately 120 foot setback on the front of the property, the grading on the first 90 feet of the front of the property will not change. The wiring and all utilities will be installed underground. All overhead wires will be removed.

Mr. Gossels stated that this is a big house but it is set far back from the road. It was also noted that along the driveway there is a row of pine trees on the neighbors line. The neighborhood is changing and houses similar to this one are being constructed.

David Charles Provosts from 266 Mossman Road was present at the hearing and he stated that there is a right of way easement between his property and 262 Mossman Road that he would like removed as a condition of the Special Permit.

The applicant is conceptually in favor of the request of his future neighbor, but he would like to check with his attorney. No easement is shown on the Plan.

The Board discussed the neighbor's request, and determined that this is a legal matter between the buyer, seller and abutter from 266 Mossman Road, and not within the purview of the Board.

Motion was made, seconded and voted to approve Petition 15-37 with the standard Special Permit conditions.

4) Overview of Raytheon Redevelopment Plan by National Development and Avalon Bay.

Present: National Development representatives Peter Senna, Peter Tamm, Avalon Bay Communities representatives Scott Dale and David Gillespie

Chairman O'Brien welcomed representatives from National Development and Avalon Bay Communities to the Meeting to provide the Board with redevelopment plans for the Raytheon property, noting the first portion of tonight's discussion is intended primarily as informational and as an introduction. After the introduction, the special permit hearing on the grocery store will commence.

National Development representative Stephen Senna stated his company has been chosen by Raytheon as the buyer of the property. He further stated his company is a Newton-based, locally-owned, private real estate development company, working only in the Greater Boston area. Mr. Senna stated the company has a 30-year track record working on a variety of projects, and it has a well-established history with retail/mixed-use projects and senior housing projects.

Avalon Bay Communities representative Scott Dale stated his company is a public real estate investment trust, with a local management team. Mr. Dale stated the company specializes in the development, management and acquisition of apartment communities in selected markets in the United States. He noted the company manages 39 apartment communities in Greater Boston. Mr. Dale emphasized the company is committed to quality and long-term investments, noting it cares about its reputation in the industry and the communities where they are located.

National Development representative Stephen Senna displayed aerial photographs of the site, and he summarized the existing conditions and ideas for site planning. Mr. Senna stated mixed-use projects are

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viable in today's market. He stated plans are to take the site from an industrial use to that of mixed uses, with less impervious surface and more open spaces. Mr. Senna stated the existing buildings will be demolished in order to construct retail space in front, senior/assisted living services, some age-restricted housing, and a multi-family component. He stated the plan is to "soften" the site with existing and additional buffers, open spaces and amenities. Mr. Senna referenced the proximity of the potential rail trail, noting it would have nice synergy with the property. He explained site planning would include connecting active and passive open spaces on the site. Mr. Senna also stated the plan includes a new aligned signalized intersection with the Shaw's Plaza, pedestrian connections to a future rail trail, and establishing itself as an anchor for a new Route 20 streetscape. He described the plan to develop a "village" retail area of approximately 75,000 to 100,000 square feet, with a high-end grocer using approximately 40,000 square feet of this area. Mr. Senna stated retail is currently an allowed use, but a Special Permit from the Zoning Board of Appeals (ZBA) is needed for any new commercial building over 20,000 square feet. He also mentioned several current zoning and dimensional criteria will hinder the development of several of their proposed uses in the Limited Industrial zone, so these issues will need to be brought to the 2016 Annual Town Meeting.

Mr. Senna described the second component of the development as a specialty care senior housing community, focusing on Alzheimer's patients. He noted these units would not be part of the Town's affordable housing inventory, as they are not considered housing units by the State. Mr. Senna stated this too would need to be brought to Town Meeting, since it is not now an allowable use in this zoning district. He described the third development component as age-restricted housing of 50-60 units, which is not now an allowable use, and thus would also need to be brought to Town Meeting. It was noted each development component will be reviewed separately regarding permitting.

Mr. Dale described the fourth development component as 250 rental housing units in 32 separate buildings, 2 and 3 stories in height, every building will have their own garage and direct access to the apartment, their own front door like a townhome. He displayed renderings of the planned neighborhood, describing them as having tree-lined streets, sidewalks, benches, streetlights, and smaller building with architectural variety, which would be connected to open spaces. He stated the multi-family apartments would have a smaller footprint, lower heights and density and they would have high-end finishes. Mr. Dale stated each apartment has its own garage and front doors, and there are many styles of one and two-bedroom apartments and townhouses. The development will have amenities, including an outdoor pool, and the new proposed supermarket and restaurants will provide convenience-shopping. Mr. Dale explained the development will go through a Comprehensive Permit process with the ZBA, once they receive a Site Eligibility letter from Mass Housing Partnership.

Mr. Senna stated it is an exciting project. He highlighted benefits for the Town as including a new safer intersection, creating a vibrant streetscape, and mixed-use amenities (retail, specialty senior care, age-restricted housing, and a high-quality rental community, which provides housing diversity). Mr. Senna stated they were aware of the possible expansion needs of the Fire Station, and thus they have not planned any uses for that part of the property. He further stated the project should create a significant increase in net revenue for the Town, and he noted a detailed fiscal impact study would be provided. Mr. Senna stated the redevelopment team is working to create a "win-win" project for all parties. He summarized next steps in the process as site plan and Special Permit review by the Planning Board and Zoning Board during this fall and the winter of 2016, and 2016 Town Meeting articles to address. He also stated the remaining retail, senior housing, and age-restricted zoning and the Chapter 40B housing permitting process will occur in 2016.

Mr. Senna stated the two companies decided to merge forces early in the process rather than to compete against each other for the project. Mr. Dale stated the two companies have known of each other and their accomplishments for decades.

Mr. O'Brien asked about the time frame for construction.

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Mr. Dale replied that part of the demolition will take place first, and that the building will be done in sequence. Avalon prefers to build all at once on a single phase that usually takes about 20 months. It presents less disruption for the site in their experience. The first phase could begin in 2016.

Mr. Gossels asked what would it happen if Mass DOT does not approve their request for a traffic signal.

Mr. Dale replied that the feedback from the state is positive until now. Mr. Senna stated that once the subdivision is done there will be different owners of the parcels, but all will be subsidiaries of National Development and Avalon Bay. The grocery store will be the first thing to be done on site. Construction will begin mid-2016 and it will take about 9 months, opening will be around August, 2017.

Mr. O'Brien asked about the wastewater management. Mr. Senna replied that there is a permit for the existing 50K gallons per day treatment plan that will probably not serve the entire development, therefore National Development is working with DEP on expanding the plant.

Lin Haiyan of 18 Trailside Circle asked if the town has enough infrastructure to handle the big impact that a development of this size will present.

The Board replied that the impact will not be all at once, and the applicant will hire an economic consultant to present data about the impact of this development.

Mr. O'Brien asked about the on going functioning of the treatment plant. Mr. Dale replied that Avalon is familiar with this and they are required by DEP to have capital reserves on hand.

Mr. Gossels stated that the increase in students will be incremental, but the preliminary figures given estimate 60 students. The data submitted will be reviewed by the Town.

Mr. Riordan asked about the breakdown of the proposed development.

Mr. Dale replied that out of 250 units 50% will be one bedroom, 40% two bedrooms and 10% 3 bedrooms.

Jenny Yanzhen from 11 Trailside Circle expressed her concern about traffic on Route 20. She stated that the quality of living in Sudbury might change because of this development.

Mr. O'Brien replied that the Board will get a traffic impact study and will review any impact on Route 20 with our consultant. At the present time Raytheon has an opening and closing traffic issue, with this development the impact on traffic will not be all at the same time of the day.

Cao Yong from 11 Trailside Circle asked the developer to consider changing the plan and to build the over 55 portion of the site where the 250 residential units are proposed. He also added that there are different species of animals that migrate and live around that area.

Mr. Dale replied that Avalon is more than happy to discuss with the abutter.

5) ZBA Representative for National Development Discussions.

Ms. Kablack explained that the BOS are negotiating a development agreement with National Development regarding mitigation for the impact of the development at the Raytheon site. A member of ZBA should be part of the discussion. This agreement will be presented at Town Meeting.

Mr. Palmer nominated Mr. O'Brien to represent the Board.

Motion made and seconded and voted to nominate Jonathan O'Brien to represent the Board.

6) Public Hearing Case 15-38 – Applicant BPR Development LLC C/O National Development.

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Owner Raytheon Company, for a Special Permit under the provisions of Sections 2230 and 6200 to construct a commercial building greater than 20,000 square feet, property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.

- 7) Public Hearing Case 15-39 – Applicant BPR Development LLC C/O National Development, Owner Raytheon Company, for a Special Permit under the provisions of Section 3290 to install an Aluminum sign of approximately 148 square feet on the East Elevation Main Entry at property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.

- 8) Public Hearing Case 15-40 – Applicant BPR Development LLC C/O National Development, Owner Raytheon Company, for a Special Permit under the provisions of Section 3290 to install an Aluminum sign of approximately 96 square feet on the East Elevation Secondary Entry, property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.

- 9) Public Hearing Case 15-41 – Applicant BPR Development LLC C/O National Development, Owner Raytheon Company, for a Special Permit under the provisions of Section 3290 to install an Aluminum sign of approximately 96 square feet on the South Elevation Facing Route 20, property shown on Town Map K07-0011 and K07-0013, 526 and 528 Boston Post Road, LID and Res A-1.

Stephen Senna and Peter Tamm expressed their appreciation and efforts of the Boards with this application keeping in mind that Whole Foods is the anchor tenant and the most important component for the retail portion of the development. The Board was previously in receipt of a memo from Jody Kablack, Director of Planning and Community Development which summarized the applications received and included the Special Permit criteria the Board must follow in reviewing the applications.

The applicants are seeking the approval of one principal and two secondary signs for Whole Foods which exceed the size requirements in the Bylaw, as well as a Special Permit for a Major Commercial Project.

Architect Ben Anderson from Jacobs Engineering described how they have worked the Whole Foods plan making visual connections and describing the location of the signs. The building will have 3 signs, two smaller and one large, one of the smaller signs measuring about 96 square feet will be facing Route 20, the other two signs one measuring 96 square feet and the other one 148 square feet will be on the same side of the building facing the parking lot. The parking lot will have approximately 298 spaces.

Mr. O'Brien asked the applicant to provide a percentage of visibility of the signs from Route 20.

Ms. Kablack will get some information comparing this signs to other large signs in town.

Mr. Gossels stated that he is comfortable with these 3 signs.

Mr. O'Brien would like to get some answers from the applicant to Ms. Kablack's memo dated December 2, 2015 before closing the hearing.

Mr. O'Brien asked if all utilities will go underground. Mr. Dale replied that he personally reached out to the utility companies, the cost prohibits this for the front of the development along Route 20. However the interior portion will have all utilities underground.

Mr. Riordan asked about the lighting of this development, expressing that a night sky initiative will be

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appreciated.

Mr. Senna replied that he has a light consultant that will work on those requirements of the bylaw to provide an adequate balance to the development.

There were no more question from the Board or residents.

Motion made, seconded and voted to continue cases 15-38, 15-39, 15-40 and 15-41 to January 4, 2016 at 7:30 PM.

There being no further business, the meeting was adjourned at 10:30 p.m.

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