

SUDBURY ZONING BOARD OF APPEALS
MINUTES
JANUARY 4, 2016

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.

The meeting was opened at 7:35 p.m.

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

- 1) Public Hearing Case 15-42 – Station Road Auto Body & Garage, Inc., applicant and George J. Sherman and Stephen D. Jones, owners, for renewal of Special Permit 06-1, granted under the provisions of Section 2230, Appendix C12,13,14 of the Zoning Bylaws, for the sale and repair of new and used motor vehicles, property shown on Town Map K08-0040, 40 Station Road, Industrial District #2.

George Sherman was present at the meeting. Mr. O'Brien asked the applicant if there have been any changes to the business.

Mr. Sherman replied that there are no changes, for the past 20 years the business is under the same ownership. He is not asking for any changes to the Special Permit conditions.

Mr. Gossels suggested to renew this Special Permit for 7 years instead of 5, because there have been no complaints about the functioning of the business.

Motion was made, seconded and voted to approve Petition 15-42 with the standard Special Permit conditions for a term of 7 years.

- 2) Public Hearing Case 15-43 – Bank of America, National Association, applicant, and G. Burton Mullen, owner, for a Special Permit under the provisions of Section 3265B(a) of the Zoning Bylaw, to allow a 17 s.f. freestanding sign on a lot having less frontage than the Bylaw allows, on Town Map K08-0075, 22 Union Avenue, Business District #5.

Warren Bowes and Heather Hopkins Didko were present at the hearing representing the applicant.

Mr. Gossels asked the Board to keep in mind that in the future a tenant from this location might request a directory sign or another freestanding sign.

After some discussion the Board stated that this Special Permit will be conditioned that there can only be one freestanding sign on the property.

In the future if there is the need to change it the applicant will need to come in front of the Board for a change to their Special Permit.

This sign will be dedicated to Bank of America only. The sign must comply with the lighting provisions of the Bylaw. The sign lighting will be turned off after business hours, there shall be no lighting from 11 PM until 6 AM.

Motion was made, seconded and voted to approve Petition 15-43 with standard Special Permit conditions.

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- 3) Public Hearing Case 15-38 – Applicant BPR Development LLC C/O National Development, 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.
- 4) 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 a 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.
- 5) 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 a 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.
- 6) 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 a 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.

Steve Senna, Peter Tamm, Karen Staffier and Vinod Kalikiri were present for the applicant at this hearing. Mr. Senna shared his presentation with the Board covering the following items:

1. Zoning compliance.
2. Hours of operation and number of employees
3. Parking counts.
4. Outdoor lighting
5. Existing trees
6. Buffer on western property line
7. Landscape Plan
8. Landscaping in parking lot (Sec. 3540)
9. Signage

Mr. Senna informed the Board that National Development met with the Planning Board and the Design and Review Board jointly, at that meeting they received some feedback about the architecture and signage of the grocery store. The changes to those specific areas are significant and the drawings of those changes are in motion at the moment.

Mr. Tamm shared that feedback about the architecture and signage of the grocery store was good but did not warrant any change on the Special Permit application. The overall dimensions are within the scope of the application.

Mr. Senna shared that National Development is officially the owner of the Raytheon property and by the end of 2016 Raytheon will be occupying only one building.

In response to Ms. Kablack's memo dated December 4, 2015 National Development detailed their responses in regards to the first nine items of that memo.

Mr. O'Brien asked if the applicant knows the exact hours of operation of the grocery store.

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Mr. Senna replied that he estimates 8am to 10pm, but would like to reserve the ability to be open from 7am to 11pm.

Mr. Gossels asked about the possibility of reserving parking spaces without paving.

Mr. Senna replied that they have reduced 7 parallel parking spaces and the proposed number is now 291 parking spaces for the grocery store and this is non-negotiable item for the the tenant. Because of the type of buying experience that they offer, typically a customer spends more time at their store than any other grocery store.

Mr. Senna pointed out that the vegetative buffer located on the westerly side of the property will be kept, and 15% of the parking lot will be landscaped.

Mr. O'Brien is concerned that they are other additional elements of the landscape plan that are not present.

Mr. Tamm replied that there will be other adjustments to the plan as they continue to receive comments from the Boards.

Mr. Kalikiri, Engineer Traffic Consultant for VHB, shared with the Board that a traffic study was done, they have the analysis and they are working in putting the information in a package for the next hearing.

The study reviewed Route 20 from Horse Pond on the west to Landham Road on the east.

Historically the traffic has been about 20,000 cars passing the site each day. Raytheon generates approximately 750 vehicles in the morning and evening peak hours.

Mr. Kalikiri stated that the full traffic report will demonstrate that traffic will be dispersed throughout the day, representing a reduction of about 50% in traffic compared to the full current usage.

Mr. O'Brien asked what are the current peak times and how will the new uses change the peak times.

Mr. Kalikiri replied that currently 80% to 90% of the cars come in between 7-9 AM and same percentage leave in the afternoon around 4-6 PM.

In comparison, the retail business traffic will be spread out throughout the day. The residential traffic will be comparable to commuter traffic. The study is looking not only at the number of vehicles but the uses.

The plan involves a full re-construction of the intersection with a 4-way traffic signal on Route 20.

MassDOT asked National Development to synchronized the lighting with the Nobscot light. MassDOT manages the timing on the lights, and also monitors the intersection after construction. The signal will also provide entrance to the Sudbury Plaza.

Ms. Kablack is concerned about the Master Plan not showing a better pedestrian connection from the main road on both sides. Mr. Senna replied that they have designed a crosswalk that will line up with the Shaw's Plaza, and prefers only one crossing.

Mr. Tamm commented that the ultimate plan will be adjusted, because the Planning Board is asking National Development to go back with revised plans on landscape and signage.

Ms. Kablack concurred with Mr. Tamm that there was a lot of discussion on architecture and design of the landscape, but no major changes to the grocery store layout.

Mr. Riordan asked about the potential number of employees at the grocery store.

Mr. Senna replied that typically a grocery store of this size will have around 200 employees including part

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time employees, but not all at the same time. About 36 spaces near the building will be potentially for employee parking. These parking spaces will be unlabeled and will be located behind the grocery store.

Mr. O'Brien asked if any separate businesses will run inside the grocery store.

Mr. Senna replied that no other business will be inside the grocery store, they will not sub-lease the space to others.

Marie Lewis from 1 Douglas Drive asked about the size of this grocery store compared to the Whole Foods that is located in Dedham or other groceries located in similar towns.

Mr. Senna replied that Wegmans will be around 100,000 s.f. and Shaw's will be around 40,000 s.f. The Whole Foods located in Dedham is about 65,000 s.f. This store is proposed to be 40,000 s.f.

Ms. Lewis asked about the plans in regards of the westerly fence of the property. She is concerned that pedestrians will trespass onto the abutting farm property if the fence is removed.

Mr. Senna replied that at the moment National Development has no plans to remove the chain link fence and that they will keep the vegetative buffer.

The Board summarize their discussion today:

Some of the conversation was in regards to the western side of the property about pedestrian traffic flow. Hours of operation, if tenant intends to open from 7 am -11 pm might spread out traffic. 7 AM to 10 PM will be the maximum hours of operation with additional closing time at 11 PM if applicant should desire as an extension and if tenant demonstrates the need.

Ms. Kablack noted additional conditions, including that lighting needs to be in compliance with the Bylaw, lights will be turned off when business is closed except for security lighting, vegetative buffer on the westerly line will be maintained, any changes to be approve by the Planning Board during site plan review, requirement to obtain a MassDOT access permit, storm water permit, pedestrian access, fencing, limit intrusion to abutter properties and a performance bond will be required.

Mr. Riordan asked if there will be a need for a permit for earth removal.

Mr. Senna replied that this phase of the project will not involve export of earth removal. Any excess will be stock piled for the rest of the development.

Motion was made, seconded and voted to continue Petition 15-38 to January 25, 2016 at 7:30 PM.

Motion was made, seconded and voted to continue Petitions 15-39, 15-40, 15-41 to February 1, 2016 at 7:30 PM.

7) Approval of Meeting Minutes – November 2, 2015 and December 7, 2015.

Motion was made, seconded and voted to approve Minutes from November 2, 2015 and December 7, 2015 meetings.

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8) Approval of 2015 Annual Reports for the ZBA and ERB.

Motion was made, seconded and voted to approve 2015 Town Report.

There being no further business, the meeting was adjourned at 9:45 p.m.

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