

SUDBURY ZONING BOARD OF APPEALS
DRAFT MINUTES
MARCH 21, 2016

The Board consisted of:

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

Also present at the meeting on behalf of the Town were: Mark Herweck, Building Inspector and Zoning Enforcement Agent and Barbara Saint Andre, as Town Counsel.

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 15-39 – 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.
- 2) CONTINUATION - 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.
- 3) CONTINUATION - 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.

The Chairman opened the public hearing on cases 15-39, 15-40 and 15-41, regarding BPR Development LLC and a motion was immediately made, seconded and voted to continue them to April 4, 2016 at 7:30 pm without taking any testimony.

- 4) CONTINUATION - Public Hearing Case 16-4 – Sudbury Station LLC, Chris Claussen, Applicant and JOL TRUST, JRH TRUST, Matthew and Molly Gilmartin, Owners, for a Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B, Sections 20-23, and 760 CMR 56, for the construction of a 250-unit rental apartment community, 25% of which will be affordable units, on approximately 40 acres, (13.45 buildable acres), property shown on Town Assessor Map G09-0100, G09-0004, G09-0300 and H09-0068, Peters Way and Peters Way Extension, Zoned Residential A-1 and Residential C.

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Chairman O'Brien read the following into the record:

This Board is acting under the authority granted in the Massachusetts General Laws, Chapter 40B, sections 20-23, and under the DHCD regulations codified in 760 CMR 56.

The Board is reviewing this application because less than 10% of the year round housing units in Sudbury are qualified "affordable" units pursuant to 760 CMR 56.03 (3) (a).

The Board may act upon the application in the following manner:

- Approve a comprehensive permit on the terms and conditions set forth in the application;
- Deny a comprehensive permit as not consistent with local needs, or
- Approve a comprehensive permit with conditions that do not render the construction or operation of such housing uneconomic.

If the Board approves the comprehensive permit, any person aggrieved may appeal to the court in accordance with the requirements set forth in M.G.L. c. 40A, Section 17.

If the Board denies the comprehensive permit or approves the permit with conditions or requirements the applicant considers unacceptable, the applicant may appeal to the Housing Appeals Committee as provided in M.G.L. c. 40B, Section 22.

We expect the public hearings to last approximately 6 months. The Board will attempt to review specific issues at each hearing. The hearing scheduled today is on Access; traffic; circulation.

- Hearing 3, April 25 - Physical constraints of the site – storm water, wastewater, clearing & grading
- Hearing 4, May 23 - Other site impacts – visual, fiscal, historic impacts; Mitigation/Community Needs
- Hearing 5, June 20 - Building Massing/Density; Architectural Design/Landscaping
- Hearing 6, July 25 - Additional information

Each hearing will proceed as follows:

- The Applicant will make a presentation.
- The Town's experts will give comments.
- The Board will ask questions.
- Once the Board is finished, the chair will ask for any public comments on the materials under discussion. You must be recognized by the Chair to speak.
- All questions must be addressed to the Chair, and the Chair will direct the questions to the appropriate responder.
- When you speak, please state your name and address so that our records may be complete.

You may call our administrator, Lillian Vert at 978-639-3389 for information about this application. We will attempt to provide application materials on the Town's website so that the public may examine the same evidence that the Board is reviewing.

The traffic reports conducted by MDM and the peer review completed by Vanasse and Associates will be reviewed this evening.

There were 22 additional pieces of correspondences received since the February 22, 2016 hearing, which included:

1. Full size preliminary site plans from Sullivan, Connors and Associates dated 1/21/16

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2. Memo from Attorney William Henchy, 2/22/16
3. Email from Attorney William Henchy, referencing Sudbury Station peer review follow-up, 2/23/16
4. Letter from John Wayland, Sudbury Fire Department, 2/24/16
5. Letter from MHP approving 40B Technical Assistance Grant,
6. Form 11 Soils Suitability Assessment via Mr. Henchy's email, 2/29/16
7. Traffic Engineering Peer Review, Vanasse and Associates 3/3/16
8. Email from Sherry Weiland, 3/5/16
9. Memo from Conservation Commission, 3/8/16
10. Letter from the Board of Selectmen to ZBA, 3/8/16
11. Email from Jody Kablack to Applicant requesting Steve Cecil's Cross Sections presentation not on file, 3/8/16
12. Hancock Associates contract for peer review services, 3/9/16
13. Revised Preliminary Site Plan by Sullivan Connors and Associates dated 3/14/16
14. MDM Transportation Memo, Response to Peer Review Comments, 3/15/16
15. Email from Jody Kablack to Sullivan, Connors and Associates requesting a cover sheet detailing changes made to plan since previous submittal date, 3/15/16
16. Email from Attorney William Henchy, re: transportation Peer Review responses, 3/16/26
17. Email from Chris Claussen with list of site plan revisions, 3/16/15
18. Email from William Miles, Fire Chief, in regards to raised crosswalks, 3/17/16
19. Memo from William Henchy summarizing progress from last hearing date, 3/12/16
20. Nancy Rubenstein signed certification form for missed meeting, 3/21/16
21. Supplemental traffic engineering report from Vanasse and Associates, 3/21/16
22. Memo from Jody Kablack, 3/21/16

Mr. O'Brien noted that at least two additional emails came in today.

Hancock and Associates will be doing storm water and engineering peer review which the applicant has agreed to.

An estimate for services from Public Archaeological Laboratory for a historic impact assessment has been received. The applicant has not had an opportunity to review it and will be responsive to it but is not willing to discuss it today. This issue has been discussed with Attorney Saint Andre and that discussion will be continued.

Mr. O'Brien requested memos be given to the Board in advance of the day of the hearing to facilitate more productive discussion at the meetings as the Board members need time to process the various papers they receive.

Mr. Claussen asked if they had a copy of the correspondence from MHP. Mr. Henchy stated he does not have a copy but the Town will forward it to him.

Mr. Henchy summarized his follow-up from the last meeting. The stormwater consultant has been agreed upon and historical review has been discussed. Correspondences from the Fire Chief and Deputy Fire Chief were received shortly after the last meeting. Mr. Claussen has met with them and changes to the plans have been made; largely to the exits and entrances to the development, as well as the addition of fire lanes. To the applicant's knowledge the fire department is satisfied with these improvements. During the traffic peer review, Vanasse and Associates recommended raised crosswalks but the Fire Department does not approve

of raised crosswalks.

Mr. Michaud from MDM submitted revisions to the original traffic study and it has been peer reviewed by Jeffrey Dirk of Vanasse and Associates. Mr. Michaud has responded to the peer review and today received a response from Mr. Dirk. Mr. Henchy stated that it appears that all issues regarding traffic and traffic safety have been addressed.

Mr. Michaud, principal with MDM, provided a recap of what was submitted in December 2015 and MDM's response to the peer review. Mr. Michaud stated that MDM has addressed all issues outstanding from the peer review.

Mr. Michaud discussed two key findings; safety and operations. The development was designed to have efficient access which ensures efficient traffic operation at the driveways, adequate sight lines, and accommodations for pedestrian activity. The roadways in the development accommodate emergency vehicles and ADA compliant sidewalks connect all proposed units with the existing network. In regards to operations, this development will have a modest traffic increases of 2-3% on abutting streets around the development. It was determined that there is adequate capacity in the existing Town Center intersection to handle this additional traffic and there will be no change in the overall level of service at the nearby intersections.

Mr. Michaud continued his presentation by addressing the comments of the peer review. Two items of correspondence were submitted from Vanasse and Associates (3/3/16 and 3/21/16). The findings of the peer review were broken down into three categories. Mr. Dirk concurs with MDM's Traffic Impact and Access Study (TIAS) modeling and recommendations. Per the peer review, MDM's study, the intersections are appropriate, trip generations and distribution patterns are appropriate, countermeasures are not warranted for safety, and the driveways meet applicable safety based criteria. The peer review also found that the study concurs with TIAS primary findings. The safety-related criteria will be met for site access and according to the peer review, MDM's conclusions were confirmed that there appeared to be no material change in traffic operations at study intersections with the increased traffic volume from the proposed development. The peer reviewer requested updated data/analyses to verify TIAS findings. These updates include updated traffic data and analysis, site plan AutoTurn evaluations, and driveway sight line profiles.

Mr. Michaud gave an overview of the Site context. The site is accessible from Peters Way, the secondary lower volume driveway, and Hudson Road, anticipated to be the primary driveway. The parking on site is designed so it naturally lends itself to Hudson Road and provides the most efficient way to exit. The peer review requested that the site context be shown in proximity to bicycle infrastructure. Phase 2D of the Bruce Freeman Rail Trail abuts the site and is currently going through 25% design being funded by the Town.

Mr. Michaud explained the safety findings which included the MassDOT crash data, driveway design features and site circulation. The MassDOT crash data analysis included data from 2010-2013 and MDM used that data to determine a crash rate at each intersection. They determined that relative to average crash locations, the study locations are ½ the average crash rate and as such are not classified as high crash locations. The peer reviewer went one step further and looked at the Highway Safety Improvement Program list that identifies high crash locations that are eligible for state and federal funding. None of the study intersections were on the list.

Mr. Michaud discussed the pedestrian safety at the driveways at Hudson Road and just east of Peakham Road, which showed the ADA compliant crosswalks that connect to the existing network. The diagram also showed the proposed signs, which are MUTCD compliant. Peters Way has the same type of design elements and they propose bringing the signs up to MUTCD code.

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Next, driveway sightlines were discussed. MDM looked at the minimum sightline height required based on travel speeds. They found that at Hudson and Concord Road the sightlines were well in excess of what is required by minimum standard.

Mr. Gossels asked if elevations were an issue and if acceleration from the stop light would have any effect. Mr. O'Brien followed up by asking if there would be any clearing or grading on properties not under control of the applicant. Mr. Michaud stated that there would be no grading and no vegetation removal besides at 30 Hudson Road.

Mr. Michaud explained his diagram and stated that at no point is there a grade that exceeds the drivers eye. Mr. Klofft asked what vegetation will be cleared and how high. Mr. Michaud stated about 5 trees will be removed and the trees are not substantial, probably 10-15 feet high. Mr. Klofft requested that future cross section submissions include the clearing. Mr. Henchy took note and will make sure the vegetation removal is shown on all submittals.

Similar findings were found at Concord Road. Grading will not be necessary.

Part of the December findings included a speed assessment to determine the 85 percentile measured travel speeds and found that on Concord Road they are 42 mph southbound and 38 mph northbound.

Mr. Gossels asked about the difference in stopping distances between an incline and flat surface. Mr. Michaud said sight lines are adjusted for grades so when they calculate the stopping distance the grade percentage is factored in. They found that at both Concord and Hudson Road there was ample distance to stop.

Next, MDM looked at the driveway vehicle access. In their analysis they used the Town's largest emergency vehicle, the ladder truck, to determine if the sweep area of the turning vehicle can be properly accommodated. Mr. Klofft asked if the analysis takes into account cars queued at the intersections as the intersections typically have queues running along Hudson Road and Concord Road. Mr. Michaud responded that vehicles are obligated to get out of the way and that his model didn't take into account cars queuing, but there is space for that to occur. Mr. Klofft's concern is that there is nowhere for the vehicles queuing to go. Mr. Michaud stated he will take it into consideration.

Mr. O'Brien stated that Vanasse talked about increasing the radii of the entrances and asked if this analysis takes into account larger vehicles. Mr. Michaud stated that it does take it into consideration a single unit vehicle, which is modeled at 40 feet. The sweep area of a turning vehicle would be similar to the vehicle modeled. Mr. Michaud believes that the management plan will define the largest vehicle allowed and Winn Residential can talk about that more. Management plans for moving trucks will limit the truck size.

Mr. Riordon asked if a UPS truck is similar in size and Mr. Michaud stated it would be smaller. Ms. Rubenstein asked if the speed of an emergency vehicle was taken into consideration. Mr. Michaud said that the auto trend software models a speed of about 15 mph and he believes a commercial operator would use more care.

Mr. Klofft asked if trucks waiting to turn left into the property from Hudson Road will have to wait for an extended period of time. Mr. Michaud stated that the analysis showed a small delay.

Mr. Klofft asked if the applicant had developed a snow storage plan. Mr. Claussen responded by stating a snow storage plan hasn't been submitted yet. Mr. Klofft followed up by asking how do they know the snow won't impede the traffic circulation. Mr. Michaud believes that Hancock as a peer reviewer will speak to that. But in his experience when snow storage is not available on site it becomes a condition of the property

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to have it removed. Mr. Claussen did not commit to all snow being removed but will have a snow removal plan. He did commit to not allowing snow build up at the intersections.

Mr. Michaud spoke to the peer reviewer's comment requesting a modification to the driveway access to eliminate the 1-foot encroachment into the left turn lane when exiting onto Concord Road. That can be addressed by adjusting the curb edge to ensure the swept path stays within the travel lane. On Concord Road there is a similar 1-foot encroachment that could be solved by a slight adjustment to avoid encroachment by an expanded centerline. Mr. Michaud's understanding is the School Board would entertain allowing school buses to enter development, and the Exhibit 5 Diagram in the slide show shows that school buses will be able to enter/exit the development using the travel lane. Mr. Michaud also presented a diagram showing that circulating traffic does not cross marked parking spots in various locations, and that there was sufficient space for cars to enter and exit parking spaces.

Mr. Michaud showed a diagram advancing the roundabout design at Peters Way to meet current roundabout standards. They also considered raised pedestrian crosswalks that would slow down traffic speed in the development too but that the Sudbury Fire Department had stated they did not want raised speed bumps or walks at this location. Mr. O'Brien asked why Wayland has speed bumps and Sudbury does not. Mr. Michaud responded by saying some town fire departments are ok with them and some are not. Mr. O'Brien followed up by asking if there are other traffic calming measures that are effective. Mr. Michaud responded that stamped crosswalks and signs could visually accomplish the same effect and added that the size of the bump is 6 inches but not as effective as speed bumps.

Mr. Michaud moved onto the operation portion of his presentation. He addressed trip generation and distribution patterns, relative trip increases, and capacity analysis findings. In regards to trip distribution, the parking and building layout is naturally oriented towards Hudson Road and the primary trip patterns would be towards the eastern employment markets, RT 20, and to a smaller extent westerly and Peakham Road. Mr. O'Brien disagreed with the primary trip patterns described and Mr. Klofft stated the massing of the buildings doesn't agree with that. Mr. Michaud responded by saying the orientation and garages are oriented to Hudson Road. Mr. O'Brien stated that at peak traffic times people commuting to Boston will use Candy Hill Road to avoid the traffic light. Mr. Michaud stated that trips generating from the north do that about 10% of the time and it is logical to go to Plympton Road and not Candy Hill. Mr. O'Brien asked if cut through traffic through the development is anticipated. Mr. Michaud responded by saying the amount of time to travel through the property makes that unlikely. Mr. Gossels stated that they are forgetting about the amount of time cars have to sit at the signal. Mr. Michaud responded by saying the Town is looking into improved timing of signals in the center of Town and those inefficiencies will be worked out when that development is completed. MDM looked at the single length and found that it was 2 minutes longer to drive through the development, and very inefficient. If the traffic signal is optimized, the delay will decrease and their analysis shows that if you operate that single at 100 seconds as opposed to 120 seconds it would be optimized. Mr. Gossels pointed out that traffic avoidance at the intersections happens three times a day when the intersection is a mess. Mr. Klofft stated it's not just the Boston traffic either, people use it to get to RT. 20 as well. Mr. O'Brien stated they will need to increase traffic calming measures in the development so it is not used as a cut through.

Mr. Klofft asked again about access efficiency, and questioned the finding that a resident of the development trying to go east on RT. 27 will be more likely to exit left onto Hudson Road instead of going to Peters Way and taking a left at the light. Mr. Michaud said yes and they have measured the delay and said it is very efficient. He stated his methodology does acknowledge a rolling que at the light.

Mr. Michaud continued by saying that 15% of traffic distribution is heading north and west. The primary distribution (45%) is to the east, and 20% is traffic headed south to Concord Road. These are the patterns applied in the review. They then estimated how much traffic that would generate over the peak hours. They

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found that 101 cars would be exiting the development in the am peak hour, and the same would enter in the evening peak hour. MDM's own firm's empirical data shows that the industry standards are 20-30% higher than what they have observed in similar developments.

Mr. Michaud showed a slide that described the trip increase leaving the site. For cars leaving the at peak hours at Concord Road or traveling west on RT. 27, MDM projects an increase of 1 vehicle every 3 minutes. Mr. Klofft responding by saying that there will be 80 left turns out the development, which is over one a minute and asked what the stacking analysis is. Mr. Michaud stated it was 2 stacked cars or less at any given time.

Mr. Klofft stated there is problem with the incremental increase in traffic. Each proposed development is looked at on its own and the Town center hasn't improved even though the town engaged in a significant construction project for the center of town that has only recently been completed. Mr. Klofft noted that the bad intersections will be made worse and our public safety buildings are concentrated in the area. Mr. Michaud stated that average traffic that comes into town center will fluctuate by 5% every day.

Mr. Henchy asked what has changed since 1977. He added that the point of this exercise is limited by law to two questions to be analyzed in light of existing and proposed conditions: a safety problem and the degradation to the level of service. Mr. O'Brien replied that Mr. Klofft's questions are valid in light of these inquiries. Mr. Klofft stated the population is higher than 1977 and Sudbury has concentrated emergency services in the area. Mr. Henchy stated that the placement of emergency vehicles near the Town center was the Town's decision. Mr. Klofft responded by saying that the emergency services in Town existed before Sudbury Station submitted its application.

Mr. Michaud stated MDM's analysis is no different than the numbers that the Town's own firm has come up with during the Town Center Study.

Ms. Rubenstein asked if school hour traffic counts have been done and is curious to see what they would be. Mr. Michaud stated traffic is recorded over a continuous 48 hour period, and picks the hours of greatest combined impact of the development and the areas adjacent. He recognized that patterns are different at school peak hours but the site would be generating less traffic during that period of time. The use of Peters Way as a cut through is an onsite issue and the developer will have the means to address that. The traffic engineers are looking at offsite impacts and assuming people will not cut through.

Mr. Michaud continued that PM travel conditions are very similar but in the opposite direction, and there is still a 2-3% increase in volume. The 70 vehicle increase per hour means there will be 1 extra car on the roadway per minute.

The capacity analysis showed that the intersection is a level of service (LOS) D, meaning it has a manageable delay. All intersections will be achieved at a D or better after development. This is an overall grade for the entire intersection not a grade for individual approaches. There are no circumstances where there will be a failing intersection after Sudbury Station is developed.

Ms. Rubenstein doesn't agree with main egress/entrance being Hudson Road. She pointed out that the garages are closer to Peters Way. She asked if any analyses were done where the main egress was Peters Way. Mr. Michaud did not look at that but opined it would be a relatively small number.

Mr. Klofft asked if people returning to the development would be more likely to avoid the Town Center. Mr. Michaud states that the most efficient way to get return to the development is to stay on RT. 27.

Mr. Riordan asked if the peak hour impact was 7-9am. Mr. Michaud stated the highest hour was from 7-8am

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but they did the count from 7-9 am. Mr. Riordan responded by saying that traffic is backed up past the fire station at 6:50 am for people heading east. Was the impact averaged over a time that most commuters aren't commuting. He asked if a more realistic picture would be 6-8 not 7-9. Mr. Michaud responded that the automatic traffic recorders (ATRs) showed that the volume is lower between 6-7am but that does not address smaller traffic surges that happen.

Mr. O'Brien then asked if the peer reviewer had any comments on Mr. Michaud's presentation and invited him to respond to the discussion.

Jeffery Dirk, Principal at Vanasse and Associates, presented himself and noted that he is on retainer for the Town to review the traffic study. Vanasse & Associates submitted two letters to the Board, the first on March 3, 2016 which was the initial review of the traffic study and then a supplemental letter addressed dated today, March 21, 2016, which responded to MDM's March 15, 2016 response.

Mr. O'Brien's understanding of the March 3, 2016 letter was that Mr. Dirk agreed with the methodology and applicable standards used by MDM, but that Vanasse & Associates appeared to question the total number of the cars on the property in comparison to the number of units.

Mr. Dirk confirmed that MDM's analysis met industry standards but he had requested that MDM collect additional traffic count data so he can test some of their assumptions in the traffic study. Essentially he asked them to re-do the traffic counts and include longer time periods, which has been completed. Vanasse still needs to review the site plan which they received tonight in regards to the number of vehicles.

Mr. O'Brien asked about the softer uses of the site, including bicyclist and pedestrian use. Mr. Dirk mentioned that cyclists were the most important soft use because the Town is trying to keep the vehicular congestion down. He also stated that the Town is expending funds on the Bruce Freeman Rail Trail and he wants to make sure that that new developments are embracing that.

Mr. Dirk asked MDM to look at bicycle conditions as they exist today. They found that currently the road infrastructure does not meet safety standards for bicycle traffic and MDM has documented that. This makes the connection to the future Bruce Freeman Rail Trail important. Pedestrian accommodations exist in its current conditions and the applicant has made a commitment to include them in the application so they connect to the current infrastructure.

Mr. O'Brien asked about commercial development across the street, and the fact that is isn't currently rented out yet but that more traffic should be anticipated competing directly with the Hudson Road main entrance to the development. Mr. Dirk said that the applicant has accommodated for that, as well as the general growth of the Town, and traffic projections for one other development in Town. They have done projections for what the Town will likely look like in 10 years.

Mr. O'Brien asked about a difference between the operations and LOS rating in the report. Mr. Dirk confirmed that there was a discrepancy, but stated that the applicant used two different analyses - a standard modeling approach where you program in the variables and the algorithm calculates the delays over the course of an hour which correspond to a letter grade. A is the best condition, meaning around 10 seconds of delay, and F is a failing condition. D is defined as the limit of acceptable traffic operations, with 30-35 seconds of delay. The graph displays the average of the movements. Mr. Michaud pointed out that since it is an average there will be individual movements that operate below what is shown on the graph. In addition to the modeling, the applicant also observed actual delay. In some instances, on the diagram, the applicant showed the model delay and in some he showed the observed delay.

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Mr. Dirk used the model calculations in his analysis so the results could be compared. He posed the question that if there is a backup on the site can the emergency vehicles still enter. He found that there is an inconvenience to people that have to queue but emergency vehicles can still get into site. Mr. Dirk asked them to change the turning radii so a right turn would be easier for a truck.

Mr. O'Brien asked for clarification on the sight lines from both entrances to the development. Mr. Dirk responded by explaining that the new 3D diagrams demonstrate how the sight lines provide for sufficient safety for exiting cars. He had requested that the applicant show exactly what the tree removal and grading would look like. The diagrams showed that the regrading was not necessary but tree removal would be. The diagram also shows the limit of the public right of way. This is important to determine if the Town, applicant, or other party owns the land.

Mr. O'Brien asked about alternative traffic calming measures because of the fire departments objection to speed bumps. Mr. Dirk stated that he understands the fire departments concerns. The raised crosswalks and speed bumps are the most effective measures to reduce speed. The speed bumps are usually designed for fire trucks traveling at 15-20 miles per hour. Mr. Dirk suggested doing stamped asphalt and colorized crosswalks, which provides visual cue, tactile cue and signs. It does not reduce speeds as much as raised crosswalks. Adding medians is also effective and helps with storing snow. Chicanes might work well but might not be appropriate for this size development. He wouldn't recommend stop signs because people in the development will violate them, especially in private development. It creates expectations that are not met.

Mr. Palmer asked if Mr. Dirk could come up with ideas or methods to improve the public ways because Sudbury is at its capacity right now. He asked if Sudbury has exhausted all their options. Mr. Dirk stated that the trend now is to not widen roadways, however that is the best method to accommodate increases in traffic volume. But he understands that wide roads do not match the characteristic of what is in the town center. Mr. Dirk continued that the Regional Transit Authority is looking to increase bus service and that other modes of travel beside vehicles is needed in the future. Mr. Riordan stated that the Town is in the design phase of BFRT and it intersects driveways and Peakham Road. He asked Mr. Dirk to explain if signalized pedestrian crossings are used at the BFRT crossing, how would that affect other intersections and the traffic leaving the development. Mr. Dirk imagines that there will be a push button or detector pedestrian signalization. It would break up traffic and create artificial breaks. It will also hold traffic on the fire station side but it can be designed to have a preemptive control for emergency vehicles. There would have to be some sort of control at that intersection to offset from the Peakham Road intersection because it has to be at least 50 feet away.

Mr. Dirk added that this development needs two access points to the development for flexibility. The flexibility allows people to alter their routes to find better options with less queuing, and if that happens they want to make sure it happens in a safe way.

Mr. Gossels stated that the intersection is failing and asked how it's possible that adding 100 cars will not have an effect on it. Mr. Dirk responded by saying it's because it is an average number over an hour. He stated that the worst results during that hour will be worse than what was presented. At the minimum you want the applicant to create a no harm condition. He said it's not uncommon for the Board to request a traffic monitoring condition where the applicant has to check the accuracy of their counts and turn motions as a condition of approval. If the conditions are worse than anticipated, corrective actions have to be completed. For residential developments, usually the traffic monitoring is completed at both 60% and 80% occupancy. Mr. Dirk stated that he will make recommendations prior to approval of this development. If harm is found due to unintended consequences of the development, having that monitoring and ongoing compliance effort will allow for some flexibility to mitigate future problems.

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Mr. Klofft asked if any of the mitigation measures are options now. Mr. Dirk said not necessarily and that the Board can work with the applicant to improve circulation patterns.

Mr. Henchy stated that he heard the “no harm” standard articulated by Mr. Dirk. He stated that this is not an application for a special permit, it is an application for a comprehensive permit. He noted that the applicable legal standard is not “no harm”, it is an analysis of the impact to the public safety. He suggested by that measure, they have met that test and there is no degradation to the level of service. Mr. Henchy noted that he wanted to focus the Board on what the applicable legal standard is for the Board’s review: public health and safety, and believes they have met that. He is not averse to talking about mitigation measures but suggests the appropriate standard is no public health or safety hazard.

Mr. O’Brien responded that the Board understands the legal difference between no harm and no public health or safety hazard. He however noted that the Board liked the traffic monitoring condition suggested by Mr. Dirk.

Mr. Klofft asked if the applicant would entertain fewer units to lessen the traffic impact. Mr. Henchy said there is a procedure to getting to that but that he is unwilling to pull numbers from anywhere at this time and doesn’t believe the applicant is anywhere near prepared to have this discussion at this point.

Mr. Engler noted that the Housing Appeals Committee does not like subsequent conditions. He believes it is not something that the HAC would be responsive to but the applicant would be cooperative on this point.

Public Comments about traffic:

Colin Anderson, 66 Wake Robin Road: Requested a qualitative answer regarding the traffic increase. How much worse will the traffic be on a specific road? How much worse are we going allow it to be? Has no idea what this 2-3% increase in traffic will do in regards to time.

Mr. Michaud stated that on average the overall impact at the signalized intersection would be an increase of several seconds at the peak hour. Eastbound in the morning it will be a couple of seconds and westbound it will be about 5 seconds.

Mr. O’Brien asked if at peak it could be a 10 second delay, and the lower would be 1 or 2 seconds. Mr. Michaud responded by saying the peak hour factor takes the highest 15 minutes and measures the impact for that period of time. The results show at that condition and are an average. Mr. Dirk agreed with this statement but added that the delay is every cycle.

Mr. Klofft asked if it is a few seconds each cycle, if you had to wait multiple cycles would it be a cumulative? Mr. Michaud responded by saying on average during that peak 15-minute period you are going to have an additional 3 second delay throughout, whether or not your approach from further away or not. The average over an hour is 3 seconds.

Joe Sicree, 16 Candy Hill Road: Why weren’t side streets like Candy Hill studied? If you use Waze or other GPS programs they will send you down the side roads as traffic increases. What is being done to prevent that?

Mr. O’Brien reiterated that the Board pointed out that the nationally accepted models ignore human behavior. He pointed out to the applicant that the way people drive and the devices they use are counterintuitive. There are unintended consequences of the development and the Board is very concerned about them but they don’t know if there is anything they can do about Candy Hill Road. Do you add slow down signs? The matter of fact is there will be an impact. Is there a public safety argument against the application, is the local need

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sufficient to create a condition against this development? Mr. O'Brien stated the Board didn't have a full answer to that question yet.

David Hornstein, 22 Candy Hill: Sent a letter to board post last meeting but prior to the peer review that raised the Candy Hill issue. He is concerned that there was no mention of Candy Hill or Plympton Road. He wonders if the traffic review is inherently wrong because the models don't address the real world concerns. There was no discussion about construction traffic which is a completely different use then being discussed this evening. When people leave Peters Way and turn left there is a line of cars blocking the view of Concord Road. Other intersection of concern is turning right from Peakham Road and the view of the cross walk, was that studied?

Mr. Dirk stated that the Peakham crosswalk meets the standards for crosswalk design but it's not foolproof.

Mr. Hornstein asked what the speed limit will be in the development. Mr. O'Brien stated that it is irrelevant if there are calming measures. Mr. Hornstein asked, from a legal standpoint is the Town asking the developer to specifically include those mitigation measures as part of this submission. Mr. O'Brien stated that they will. Mr. Hornstein asked what does the LOS D stand for, is it compared to communities like Boston or is for communities like Sudbury. Mr. Dirk responded by saying D is acceptable for a suburban development and E is acceptable in an urban setting. Mr. Hornstein asked since the traffic projection could be wrong, why do we have to wait until after the development is completed to include mitigation? Mr. O'Brien stated that those are the unintended consequences. The applicant stated that the HAC would probably not like the post review but maybe we will get them to do it. Mr. Hornstein asked why couldn't there be resident only or do not enter signs. Mr. Gossels stated that it is a bad precedent to restrict through traffic on town roads.

Mr. Gossels responded to Mr. Hornstein about his thoughtful letter and said because of the open meeting law they can't respond outside of a public meeting. Mr. Hornstein responded by saying he expected the peer reviewer to acknowledge his concerns this evening. Mr. Dirk stated that he just received the email this afternoon and will follow-up with that at a later date. Mr. Henchy also did not receive the email. He also stated that the development road is a private road and he didn't state that post-development mitigation wasn't possible.

Greg Crescenzi, 40 Clark Road: Believes there is a current safety issue on the surrounding roads because of the amount of traffic volume on the roads and the use of the development as a cut through to avoid the center of Town.

Mr. Gossels stated that Candy Hill has always been a cut through. He also acknowledged that there are no sidewalks on the surrounding roads.

Laurie Eliason, 411 Concord Road: Plympton Road will also be effected. She asked about the snow bank maintenance when turning left or right onto Concord Road. Mr. O'Brien stated that this will be part of the Board's findings. Ms. Eliason was surprised by the little discussion about effect on children. The majority of the people impacted will be school children.

Jason Bernard, 35 Wake Robin: asked what efforts are going to be made to increase access to the data on the Town's website surrounding these issues. He requested a format that summarized the top 10 takeaways for readers.

Mr. O'Brien stated that almost all material is posted online, including Mr. Michaud's study is posted and the peer review comments. The Board is already trying to digest a lot of the material and it is also the job of the Town's citizens to review the material and to inform themselves about the proposed development.

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Bob Stein, 7 Thompson Drive: Concerned with the cut throughs at Candy Hill and Plympton. Has anyone looked at making Peters Way emergency vehicles only?

Mr. Dirk said it was certainly a possibility. But because of the number units it might not work. Another possibility is making it one way. Mr. Klofft said if that is done you are not changing the problem just pushing it somewhere else.

Mike O'Malley, 77 Plympton Road: Is there a correlation between an increase in traffic and an increase in accidents? Mr. Michaud said that MassDOT crash data has a rate associated with it. With the 2-3% change you could theoretically calculate the number of accidents but it would still show that the locations studied are well below the average characteristics.

Mr. O'Malley restated his question and asked about the incremental risk associated with an 1% increase in traffic.

Mr. Michaud said that it can be calculated using the rates but it varies by 5% on each side and it still falls within the fluctuation levels that currently exists.

Jane Dretler, 286 Goodman's Hill: hoping the town will increase police presence in the Town Center. Has the Town considered a proposed time change for starting school later. Mr. O'Brien stated that this is out of the Board's purview.

Taryn Trexler, 253 Concord Road: Asked if there are plans to expand the study to look at the number of crossings near the schools. Children use three cross walks to get to school in the vicinity of this development.

Mr. Claussen stated he met with the school superintendent and asked which school the kids would go to and she still has to analyze it. It could be either Noyes or Nixon.

Ms. Trexler asked if the study data points were expanded to a two-hour window.

Mr. Michaud asked for clarification on studying crosswalks. He can quantify it but doesn't believe that they are materially changing traffic conditions. He stated that there is already a control, being the crossing guards.

Mr. O'Brien said the question leads to the health and safety of the facility. What is going to be done to look at bike and pedestrian safety when kids walk to school? How do we make the crosswalks safe? He said traffic isn't just cars, there is a second aspect with the soft uses of the development, as the peer reviewer had pointed out, that is important as well, particularly in light of the public safety discussion. Mr. Michaud stated his study does acknowledge the pedestrian aspect. They have included sidewalks, they have designed and will build ADA compliant crossings, and signs.

Mr. Gossels said that the board needs to address how to get kids to school safely. Mr. Michaud suggested the Safe Routes to School program that addresses that issue. Ms. Trexler followed up by asking why wasn't the boundaries of the study extended to the schools?

Kristen Roopenian, 45 Harness Lane: Believes the Board has been treated very arrogantly by the development team and they need to hold the applicant to the highest standards possible. She wants the applicant to do the right thing.

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Scott Smigler, 125 Plympton Road: If this development passes, have you contemplated what you would do mitigate these traffic conditions?

Mr. Klofft said he is not sure the Board has the authority to do that. Mr. Smigler followed up by asking about budgetary concerns for more policing on the surrounding roads. Mr. O'Brien said the Board can't come up with all the solutions for all the concerns that come up as a result of the development but they can understand the safety issues the Town and community raise because they can then take those into consideration when making a decision.

Mr. Smigler asked if the Board could commit to a serious focus on what the safety impact will be on the side roads. Mr. O'Brien responded that they have to, that it is a point that has to be brought into consideration under the 40B rules. Mr. Smigler then asked why weren't these roads in the original study.

Mr. Klofft said they did do some of these in the original study but acknowledge that there has to be a limit to the study area because it's not an exact science. He said that traffic discussion will not be closed tonight and it will continue to be discussed throughout this process.

Andrea Jewett, 308 Concord Road: Interested in preserving town charm and character, what are the plans for signage and what are the plans for the sign at the entrance of the development at Hudson Road. She also shares the concern about walking her kids to school.

David Hornstein, 22 Candy Hill Road: Asked if the public can drive on a private way. Mr. Henchy responded by saying it's a maybe.

Mr. Henchy asked about outstanding items the Board wants the applicant to respond to regarding traffic. Mr. O'Brien stated that clearly there was a concern about the safety of crosswalks at least to the schools. He asked what can be done to facilitate pedestrian traffic from the site to the schools and to improve the safety of the existing sidewalks. Mr. Henchy asked how the Board would propose to effect those changes in a permit granted to them. Mr. Klofft said potentially if there are costs associated with the improvements or painting the sidewalks. Mr. Michaud recommended a Safe Routes to school inventory be completed and Mr. Henchy said they could do that. Ms. Rubenstein added that construction traffic was still a concern. Mr. Michaud said that a construction management plan will be done by the contractor. Mr. Klofft requested information on routes and hours of construction vehicles.

Lastly, the Board discussed hiring Hancock Associates for peer review of stormwater and engineering, and the consensus was to proceed with a contract with that firm.

Motion was made, seconded and voted to continue them to April 25, 2016 at 7:30 pm.

5) Approval of Meeting Minutes – February 22, 2016.

Motion was made, seconded and voted to approve Minutes from the February 22, 2016 meeting.

There being no further business, the meeting was adjourned at 11:03 p.m.