

SUDBURY ZONING BOARD OF APPEALS
DRAFT MINUTES
APRIL 25, 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: Selectmen Leonard Simon; Selectmen Susan Iuliano; Michael Jacobs, the Town's 40B consultant; peer review consultant Clifford Boehmer from Davis Square Architects; Barbara Saint Andre, Town Counsel; Attorney Silverstein from Kopelman and Paige, P. C., Town Counsel

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

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

1. Public Hearing Case 16-11 – Sandeep and Sarah Green Vaswani, Applicants and Owners, for a Special Permit under the provisions of Section 5500 of the Zoning Bylaws, to allow an Accessory Dwelling Unit that is no greater than 500 s.f., property shown on Town Map F04-0527, 45 Great Lake Drive. Residential Zone A-1.

Mr. and Mrs. Green Vaswani were present at the Hearing.

Mr. O'Brien commented that this application complies with the old bylaw and will be for family use only and it is modest in size.

Mr. Gossels pointed out that the drawing looks a bit odd and the roof line looks uneven.

Ms. Vaswani replied that they asked the contractor to lower the roof line and perhaps the contractor made the changes on top of the previous drawing.

Mr. Klofft asked the Applicants if they have any issue with the Board conditioning this approval for family members use only.

Mr. Vaswani replied that they do not have issues with that.

No neighbors were present for this case.

Motion was made, seconded and voted to approve Petition 16-11 with the standard Special Permit conditions and with the condition that the Accessory Dwelling Unit shall be restricted to use by family members only.

2. 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.

The Chairman then read the preamble to the hearing on the Comprehensive Permit as set out in Exhibit A to the meeting minutes.

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Mr. O'Brien started the hearing by addressing the quantity and content of emails the Board received. He requested that instead of writing individual emails to the Board, that residents of the community create a petition to be signed by each of them that represents their interests. He explained that the email address appeals@sudbury.com was typically used for administrative purposes instead of as an alternative forum for discussion, as all discussion should be held in open meeting. He noted that recently the Board's email address had been the subject of back and forth between various stakeholders and that the email, should not be used for back and forth communication. Moreover, he stated that any and all communication should remain civil. The hearings are the forum for public comment. Mr. Gossels added that the Board is unable to respond because of the Open Meeting law.

Mr. O'Brien stated there was a 4-page list of all the material they have received since the last hearing. The list will be available in Lillian Vert's office. The list of correspondence included the following items regarding the application:

- Memo from Jody Kablack, dated 4/15/16 with attachments
- Memo from the Sudbury Historic Commission to Mass Historic Commission, dated 3/4/16
- Memo from Jody Kablack, dated 4/20/16
- Letter from Bill Henchy regarding the Fiscal Impact Report, dated 4/20/16
- Fiscal Impact Report by John Connery, dated 1/23/16, received 4/20/16
- Letter from Bill Henchy, dated 4/19/16, received 4/20/16
- Sudbury Station revised architectural plans, 16 pages, dated 4/18/16
- Visual Impact Analysis from The Cecil Group, 14 pages, dated 4/19/16
- Letter from Lenard Simon, dated 4/25/16
- Email from Bill Henchy responding to Lenard Simon, dated 4/25/16
- Revised Preliminary Plans from Sullivan Connors and Associates, revised 4/22/16, received 4/25/16
- Memo from Barbara Saint. Andre in response to Bill Henchy's Memo, dated 4/25/16
- Email from David Hornstein regarding excavating and grading, dated 4/21/16
- A two-page list of emails from citizens of the Town.

The Chairman noted that tonight's hearing is on massing and density and he noted that there was a site walk of the property this afternoon. Mr. O'Brien then asked that the applicant and his attorney, Mr. Henchy, present their materials to the Board.

Mr. Henchy stated that he had attended the Historic Districts Commission meeting on 4/14/16 and had encouraged them to come to this meeting. He noted that the Historic District Commission has been copied on some of the material pertaining to their concerns and that today's site visit was attended by multiple members of the Board, as well as Attorney Saint Andre, Attorney Silverstein, Davis Square Architects and Hancock and Associates. Tonight the applicant will make a presentation regarding site architecture and the visual impacts. Mr. Henchy stated that since the last meeting, the applicant had discovered it could make additional improvements.

Mr. Henchy acknowledged that in one of the correspondence Mr. O'Brien referenced was a complaint about the late filing of the engineer's plans. The plans submitted today were changes in the ground elevations and architecture to minimize visibility. They were able to eliminate visibility from most areas offsite, but not all. They were sensitive about the views at Sudbury Center and the Historic District. Mr. Henchy stated that under the 40B rules they have no legal obligation to do this but they have tried very hard to be sensitive to the concerns regarding the visual impact of the proposed buildings on the property.

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Mr. Henchy then turned to Mr. Carr from Cube 3 to present the architectural component of the application. He stated that the architecture was an effort at replicating the local New England vernacular in Sudbury and that he had tried to incorporate many of those elements into the design of Sudbury Station. He continued to describe the design elements included in the project such as porches, prominent white trim, dormers, simple columns, traditional windows, trellis caps at open balconies, a mixture of siding exposures, and stone bases. He also stated the roof line is separated by gables and the parking is invisible on the street side of the building. Mr. Carr included a slide on the 3-story and 4-story building section, which was new to the study.

The 3-story building is about 200 feet long and 65 feet wide. The 4-story building is about 220 feet long. There is a mixture of 1, 2, and 3 bedroom units. An elevator and 2 stair cases are located in the building. There is full egress to and from the units which is ADA compliant.

Mr. Carr noted that the townhomes are buried into the hill and the cemetery is behind the buildings. Mr. Carr included a sectional view of one of the buildings, which is 30-feet tall from peak to grade and 42 feet on street side. There are 5 townhome buildings, 4 buildings have 7 units and one building has 8 townhomes. The fitness area, leasing, mailroom, social gathering space, and pool are located in the clubhouse. They are trying to echo the train station vernacular and the building will have an elevator. There will be two utility buildings in the corners of the site. The maintenance building will be fairly small with a height of 20 feet to the roof line. The trash compactor will be located there. The second utility building will be the self-contained wastewater treatment facility. The architecture fits into the rest of the site.

Mr. Cecil began his presentation about the site plan and cross sections. There is a ridge behind the historic center, and because it slopes down away from the Town Center, all the roofs become the same elevation. The larger buildings are at bottom of the slope. Because of the slope the parking is able to be located under the buildings.

Mr. Cecil continued his presentation by showing the cross sections from various viewpoints. The process they used is a specific camera and a 3D model. He started with Concord Road and indicated that the crest of the hill conceals the buildings from most viewpoints. Next he showed the view from the Hudson Road entrance. He explained that a retaining wall will be built in this location to maintain the slope along the railroad right-of way. The development team again opined that the buildings will not be visible from that viewpoint. The third view was from the cemetery looking toward the townhouses. They removed the trees that will be taken down and showed the townhouses. Mr. Cecil added that these views are essentially how it will look during the winter. Mr. Klofft added that the views will probably be the same in the summer because the tree covering is thin.

Mr. Riordan asked if the existing vegetation is going to remain because those trees are located in the cemetery. Mr. Cecil stated that they are on the cemetery line or just over. The property line to the back of the building is 25 feet. Mr. Riordan followed up by asking if the structures will include patios. Mr. Carr said yes, 5-10 foot patios off the back of the building.

Mr. Palmer asked for clarification on the location of buildings 12 and 13. Mr. Cecil pointed it out and said he will add it to the diagram.

View 4 is at Concord Road and the Town Hall looking from the historic church, past the cemetery and hillside. The projected building heights will be located below the horizon line. Mr. Henchy added that the photo was taken from the island at the center of Town.

View 5 from Concord Road showed the buildings below horizon line.

View 6 from Peter Noyes School and the ball field showed the buildings below the horizon line.

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View 7 from Concord Road looking through the vegetation showed the buildings were concealed from site view.

Mr. O'Brien asked for clarification on plan notations, and Mr. Clausen responded that BF stood for "basement floor level" and FF "finished first floor." Mr. O'Brien asked for the ridge heights for comparison purposes because these heights were missing in the application materials. He asked that the graph presented correspond to actual numbers.

The applicant responded that the following elevations should have been included in the presentation materials:

Building 4: 266.6 feet (highest building)

Building 10: 249 feet (lowest building)

Ridge on Building 1: 259.5

Ridge on Building 2: 258.5

Ridge on Building 3: 258.5

Ridge on Building 4: 262.6

Ridge on Building 5: 261.6

Ridge on Building 9: 250.25

Ridge on Building 10: 249.25

Ridge on Building 11: 256.75

Ridge on Building 12: 259.75

Ridge on Building 13: 259.25

Some discussion as to the actual building elevation ensued. Mr. Carr noted that the ridge at Concord Road tops out at 268 feet but then drops down to 250 just to left of position 7 and then down to 230 at the Peters Way entrance. Most of the views from the Town Center are below the 250 ridge.

Mr. O'Brien asked what the elevation was on building 6 and 8 as these were missing too. Building six is the clubhouse and the pump house. Mr. Clausen said he would get the Board the elevations.

Mr. Cecil continued describing the views. At view 8 from Concord and Candy Hill Road buildings 13, 4, 2, and 3 will be visible. The dark roofs blend in with vegetation.

At view 9, from Parkinson field the buildings will be prominent due to the rail alignment.

Mr. Klofft stated that things could be done from a design perspective to lessen the impact from a massing perspective. Mr. Gossels added the applicant hasn't worked with the Board to respect their guidelines. Mr. O'Brien added that the Board likes to sit down with developer and discuss the design. He asked the applicant if they would be willing to sit with the Town, preferably this month, as the Board wanted to get a better understanding of the design, which still seemed to be a work in progress. Mr. Claussen suggested that they wait for Davis Square Architecture to look at the plan.

Mr. O'Brien confirmed with the applicant that the applicant is ok with Davis Square doing the peer review. Mr. Henchy said yes and they have already made the payment and added the applicant would be anxious to incorporate the comments from Davis and then meet with the Board.

Clifford Boehmer from Davis Square Architects said that makes sense to him.

Mr. Claussen asked if the applicant had addressed the Board's concern about the Town Center in regards to the hearing topics today. Mr. O'Brien stated that there were items that remained outstanding. Among other

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items, he said the Board had not seen information on the landscaping and that the plans remained in an early phase in the Board's view.

Mr. Klofft added the Center includes the Historic District that surrounds it. This area is sensitive to the more urban aspects of 40B projects. He said that the architect has done some things to incorporate the historic nature of the area into the project but the size and massing of the buildings doesn't work. Mr. Claussen responded that his question is more specific about the views from Sudbury Center. Mr. Klofft said its more about this type of development in this specific area, it's all about context, scale, and density. Mr. Gossels added this is denser than anything they have ever done.

Mr. Henchy stated that none of the buildings are within Historic District but the access roads are. He suggests that the jurisdiction of Historic District Commission is limited to the construction of the buildings in the district and they might withdraw the waiver for signage and go before the Historic District Commission. Mr. Henchy argued that the idea that the Board has jurisdiction over a building not in the Historic District but can be seen from the Historic District is a stretch.

Mr. O'Brien argued that he disagrees with this view, and that the Board's perspective is that chapter 40B of the MGL provides specifically that the Board sits in the place of the Historic Districts Commission for Comprehensive Permits and the Board must consider the factors that are under the jurisdiction of the Historic Districts Commission. Section 40C of the MGL provides that the Historic District Commission reviews factors such as the historic significance of the site and the impact of the development on the architectural and planning aspects of the surroundings within the Historic District. In particular, Section 7 of Section 40C of the MGL states that the historic aspects and the architecture aspects of the District and the relation of buildings to and structures in the surrounding area are under the jurisdiction of the Historic Districts Commission. Mr. O'Brien questioned the statement that the Historic Districts Commission is limited to reviewing only buildings and signs.

Mr. Henchy stated that this is a different location, outside of the jurisdiction of 40C. He doesn't think this Board or any Historic Districts Commission has jurisdiction over the visual impact of a structure built outside the district on the district. Mr. O'Brien agreed that 40C applies to the district, but that the project directly impacts properties that are within the district as the applicant is running roads over and through Historic District parcels, and this impact must be considered with regard to the Town center that has been protected for many years through significant effort. Mr. Henchy acknowledges the project is adjacent to Sudbury Center and claimed that the applicant worked hard with the site design to make sure they preserved the views.

Mr. Carr stated the elevations of buildings discussed earlier.
Ridge on Building 6: 235.5 and 240.5 feet
Ridge on Building 7: 215.7
Ridge on Building 8: 227.1

Elevation at Hudson Road at the entrance is 196 feet. Building 5 is 700 feet from the entrance. The entrance roadway has a slope to the side of about 20 feet and a retaining wall would be created. The townhouses would be tucked up and around the corner of the road and will be out of view from the drive.

Mr. Boehmer from Davis Square Architecture suggests the Board request a balloon test in areas of concern. Mr. O'Brien and Mr. Klofft stated that the Board has found that balloon tests often don't yield great results and the Board would consider a balloon test at a later date. Mr. Klofft added that he believes building 5 will be visible from Hudson Road entrance. Mr. Engler added that he doesn't see the balloon test working in a wooded site. Mr. Gossels stated that there is no need for a balloon test when there are so many fundamental

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design issues with this project. Mr. O'Brien added that the applicant is running out of time and a balloon test would delay the process.

Ms. Saint Andre added that with respect to a separate meeting to discuss the design, an executive session is only allowed during very limited circumstances. Mr. Klofft explained that they don't want an executive session; they want a workshop that would be open to public.

Mr. Boehmer stated that he is just starting with the review and the applicant has agreed to get him more current documents. Mr. Boehmer asked what is the projected population of the project. Mr. Claussen said he will email the specific bedroom count. Mr. Boehmer requested ground level perspective views within the development. He specified that he wanted to see more than the cross sections.

Ms. Rubenstein asked what the dormers would be used for. Mr. Carr responded that they would not be any loft space and are usually just the frame.

Mr. Boehmer requested an outline spec and lighting plan. Mr. Carr stated they haven't completed a lighting plan yet. Mr. Boehmer followed up that a light study would still be helpful. Mr. Henchy added that the Historic Districts Commission is also concerned with the lighting. Due to the steep site, Mr. Boehmer requested a diagram describing the site accessibility.

Mr. Riordan looked at Mr. Connery's Fiscal Impact Report and stated that there are 409 bedrooms proposed (116 1-bedroom units; 209 2-bedroom units, and 25 3-bedroom units).

Mr. Boehmer asked if school busses will be entering the site. Mr. Claussen stated that he had met with the school superintendent and town police chief and they both preferred the option of picking up students on site. Sudbury uses 3rd party bus company and he is still trying to contact them.

Mr. Boehmer asked what are the accommodations for bikes. Mr. Carr said most garages will have bike storage and there will be outdoor storage by the club house. He asked the Board about what the reasonable target is for bike storage. Mr. Boehmer asked about the sustainability aspects of the plan. Mr. Carr stated that they are required to use the Stretch Energy Code and he believes they can do 20% better than that with good design. He agreed to provide a 1-page summary. Davis Square has only been on it a couple of days.

The Board discussed the date of the proposed public workshop and scheduled it for May 17th at 8am in the Flynn building

Mr. Riordan asked if there is parking for guests and visitors. Mr. Claussen stated there are 2 spots per unit in aggregate. Mr. Carr said there is a 1 indoor parking spot per unit. Mr. Riordan asked if there is adequate parking for visitors and are there marked parking spots. Mr. Claussen said there will be no marked spots. Mr. Cecil said it will be more like a neighborhood and people will have to circulate throughout the site to find parking spots. Mr. Riordan asked about the ratio for handicap parking and if the spots will be accessible because of the grades. Mr. Cecil stated that the handicap spots would be distributed throughout the site. Mr. Klofft added that he thinks people using the field will park in the parking lots in the development.

Mr. O'Brien opened the meeting to public comment.

David Hornstein, 23 Candy Hill Road: Had questions about how the model was constructed. He stated that using modeling software like SketchUp and with easily available 2ft contour data from the Town, the Town should have been given a 3D model of what the development will look like with contours, grading, and building heights. He added that all this data and modeling should have already been submitted to the board. Mr. O'Brien stated that the Board has never received that for any 40B project. Mr. Hornstein has already

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created the model and is willing to give it to the town. Mr. O'Brien stated that the stormwater submission is also at that level of detail and the Board would be very interested in receiving this kind of data.

Mr. Hornstein pointed out an error in the site plan dated 3/14/2016 (an updated version of the site plan was submitted today). He believes there is a fundamental misrepresentation on the plan. He pointed out that at building 2, the existing site contour is at 176ft and the parking lot is at 197ft, a difference of 21ft. Meaning the site is 21ft lower than what is shown. His concern is that there has never been an accurate site cross section accounting for that difference. He asked if the retaining wall is going to be 20ft tall and added whatever the height of the retaining wall is it needs to be shown on the artist renderings. He believes the more accurate view from Parkinson's Field would be a building on top of a 20ft retaining wall. Mr. Klofft believes the wall is 15ft. Mr. Hornstein asked why the Town is relying on Photoshop documents that don't include a 15ft wall. Mr. O'Brien asked Sullivan Architects to compare the plans submitted to the GIS data. Mr. Hornstein added that the architect's plans the Board was shown tonight are not relevant because they are based on the inaccurate site plans.

Mr. Claussen stated that the new site plans submitted today are reflected in the model. Mr. Klofft clarified that the plans are correct but the picture did not accurately depict the retaining wall. Mr. Cecil added that the projects are based on overlaying a SketchUp model on the picture. He stated that there is thick vegetation next to the base of the wall. He added the ridge line is correct since the components are correct.

Mr. Henchy added that the railroad bed raises up from the adjacent topography so the retaining wall as viewed from the field would be behind the railroad bed. Mr. Claussen had a conversation with the Town Engineer and both would prefer to not grade it off to match the existing grading.

Mr. Hornstein stated that since the photo is being represented as fact, he wants to understand the accuracy of the data and believes it would be better to show the topographical data in SketchUp with the buildings. He asked why they weren't just being shown the model and that something must be missing. Mr. Klofft stated that instead of trying to understand the accuracy of this design he has issue with the fundamentals of the design. Once those concerns have been addressed they can go back with more accuracy. Mr. Hornstein stated that since the essence of the design is to be tucked behind the hillside it is extremely important to understand the topography of the hillside. He added that the surface parking lots are shown in green and it is misleading. He also stated he doesn't understand why citizens can't speak at the upcoming working session. Mr. Klofft stated that it is a matter of productivity.

Mr. Riordan added that the BFRT is at a design stage but he knows that the MassDOT regulations require at least 18 feet wide for emergency vehicle access. He has concerns because right now the plans only show a small 4-5ft wide area and they will lose green vegetation that would screen the retaining wall.

Kristen Salerno, 564 Peakham Road: Has concerns about safety and air quality. She asked what is the expected duration of the construction and how will that affect air quality. Mr. Claussen stated that the project will most likely take 1.5 years to complete. In regards to air quality he doesn't have the exact answer but can find out. Mr. Hornstein states that the earth removal will require 2,400 18-wheel dump trucks using the assumption that the retaining wall will be 750ft long, 20ft high and 2ft wide.

Ms. Salerno asked if BBQs will be allowed on balconies. Mr. Claussen said most likely not and that it is up to the fire regulations. Ms. Salerno asked if parking would be allowed on the Hudson Road access way. Mr. Claussen said no.

Leonard Simon, 40 Meadowbrook Circle: Asked about View 9 and the massive building that would be shown from Parkinson's field. His concern is that only one building was shown and the buildings behind

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were not shown in the diagram. Mr. Carr stated that the heights of the building are pretty similar and will hide the views of the other buildings.

Mr. Cecil stated that a 3D model was used to create the sightline images. He used the parameters in the 3D model (SketchUp) incorporating the contours and took a photograph of the view knowing the person's height and understanding the geometry of the camera. He then matched the model with the photo taken and drew an outline of the features on the photograph.

Mr. Gossels stated that the massing was so far off that the model doesn't matter.

Attorney Jonathon Silverstein from Kopelman and Paige stated that he was asked by the Board of Selectman to appear at the ZBA hearings and noted he recognizes this Board's autonomy and jurisdiction over the 40B process. He stated that he was struck by the views from field and cemetery. He stated that he believes the applicant has done everything practicable to lessen the impact for 250 units which is the maximum they can come to the Board and ask for, and added a lot more can be done to limit visual impacts if reducing the density is not off the table. He doesn't think it should be off the table. He applauds the applicant and Board for their willingness to have these upcoming discussions. He stated that parking is driven by density so if density is reduced parking will also be reduced. He asked if the views from any of the taller buildings in the historic center have been studied.

Mr. Gossels asked Mr. Silverstein about an issue brought up in the first hearing about how the parcel got put together at Town Meeting. He asked from a Selectman's point of view is that something that can be looked into. Mr. Silverstein stated he would have to ask the Selectmen.

Taryn Trexler, 253 Concord Road: Sent an email to the Board today. She stated that any project that requires funding, licenses, or permits from the State must be reviewed by the MA Historic Commission and no PNF has been filed for the wastewater treatment facility permit. Filing the PNF would trigger a MHC review that would take into account the effects on the areas outside the historic district. She asked if a PNF will be filed and when. Mr. O'Brien asked if Barbra Saint Andre knew the answer. Ms. Saint Andre stated there are some divergence of views on this. She believes the applicant has taken the position that there are some requirements and she has been looking into it. She does not believe it is something under the purview of this Board and must be worked out with the State. She recalls that this is the discussion they had last time.

Mr. O'Brien said to him it sounded like it was necessary for the 30-day notice for DEP wastewater treatment plan. Per his understanding, before the hearing is completed the applicant should have written to the MA Historical Commission and stated the wastewater permit has been issued or needs to be issued. Ms. Saint Andre said she cannot answer that off the top of her head. Her understanding is that there are MEPA and MA Historical issues that need to be addressed. Mr. O'Brien added that the reason it is coming up tonight is because the application is approaching the deadline.

Mr. O'Brien asked the applicant if they had a position on this. Mr. Henchy stated that if they are required to apply they will. His view is that they are not required to apply because they don't need a permit from the State. He added that the Board doesn't have jurisdiction over this. He explained that the applicant is only required to file if it needs a permit for the wastewater plan. They are not getting a permit for their wastewater discharge plan; they are seeking approval from the DEP General Programmatic Permit for a small wastewater treatment plant under 50,000 gallons/ day. This is included in his memo.

Mr. Klofft added that he remembers one 40B approval on RT 20 that was contingent to state approval and will review that file.

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Mr. Trexler added that it would be nice to see more cross sections and more views from the cemetery. She also had concerns about how the wildlife will cross the retaining wall. In a past study done for the rail trail it was noted that there should not be any physical barriers for wildlife to cross.

Roanna London, 46 Hudson Road: Asked why there was no information in the presentation about the area east of Hudson Road. Mr. O'Brien stated he would also like to see more information regarding the view approaching the site from the west along Hudson Road. Mr. Claussen stated they weren't asked to do that but they can. Ms. London requested restrictions on overnight parking in the lot near TI Sales.

Mr. Hornstein stated he had created a computer model on his laptop and would be happy to show the model to the Board Members. Mr. O'Brien asked for him to send it after the meeting.

Mike O'Malley, 177 Plympton Road: Sudbury Historic Center is 176 acres and 80 separate buildings, it is not just where two roads meet. He asked if the applicant really wants to be part of this town wouldn't they want to do all that's possible to show what the project will look like and not only meet the base requirements.

Ms. Salerno requested that the parties at the working session make responsible decisions. She asked if they were sure that the property had been properly secured for multiple dwellings.

Craig Gruber, 187 Goodmans Hill Road: Thinks it's incumbent on ZBA to approach any development in Sudbury in a thoughtful deliberate manner that takes into context the historic nature of Town. He stated that there has been no regard for density and scale and they need to be careful about that.

Mr. O'Brien then asked the applicant to confirm that the applicant was not willing to fund the archeological study which would analyze the general impact on the Historic District, quoted at \$5,900 from Public Archeological Laboratory. Mr. Henchy stated that the applicant was not willing to fund the study. Mr. O'Brien then noted to the Board that the Town would be asked to fund the study.

A motion was made, seconded, and voted to request funding for the Public Archeological Laboratory study from the Community and Planning Department budget in the amount of \$5,900.

A motion was made, seconded, and voted for a Working Session on May 17, 2016 at 8am in the Silva Room at the Flynn Building.

A motion was made, seconded, and voted to continue this hearing on May 23, 2016 at 7:30pm in the same room.

A motion was made, seconded, and voted to engage Davis Square Architects.

1) Approval of Meeting Minutes –

A motion was made, seconded and voted to accept the minutes from February 22, 2016, March, 7 2016, and March 21, 2016.

There being no further business, the meeting was adjourned at 9:36pm.

EXHIBIT A

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.

Under section 21 of Chapter 40B, the zoning board of appeals is to hear a single application to build low or moderate income housing rather than requiring the applicant to make separate applications to the applicable local boards such as the Town's Conservation Commission, the Board of Health, the Historic District Commission, etcetera.

Under section 21, the board may request representatives of the local boards to appear as may be necessary or helpful in reaching its decision upon the application and shall have the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application, including but not limited to the power to attach to the said permit conditions or requirements with respect to height, site plan, size or shape, or building materials consistent with the terms of Chapter 40B.

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.

Because the number of qualified year-round "affordable" units in the town of Sudbury remains below the threshold of 10% of the total housing stock, Massachusetts regulation creates a rebuttable presumption that there is a substantial housing need which outweighs local concerns. Further, Massachusetts regulation limits those "local concerns" that may be taken into consideration when reviewing a comprehensive permit to (i) the need to protect the health or safety of the occupants of a proposed project or of the residents of the municipality, (ii) to protect the natural environment, (iii) to promote better site and building design in relation to the surroundings and municipal and regional planning, or (iv) to preserve open spaces.

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.

The agenda for tonight's meeting is Building Massing/Density; Architectural Design/Landscaping

- Hearing 4, May 23 - Other site impacts – visual, fiscal, historic impacts; Mitigation/Community Needs
- Hearing 5, June 20 - Physical constraints of the site – stormwater, wastewater, clearing & grading
- 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.

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- 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 he will direct the questions to the appropriate responder.
- When you speak, please state your name and address so that our records may be complete.

The Village at Sudbury Station
Peters Way and Peters Way Extension
Materials received as of 5/24/16

The Board of Appeals is in receipt of the following:

1. Comprehensive Permit Application under M.G.L. Chapter 40B, Sections 20-23 (received January 29, 2016) that includes:
 - Project and development team summary
 - Applicant Qualifications
 - Project Eligibility Letter
 - Evidence of Site Control
 - Preliminary Site Plans for The Village at Sudbury Station, prepared by Sullivan, Connors and Associates, dated January 18, 2016, consisting of 3 sheets (unstamped).
 - Landscape Plan prepared by The Cecil Group, dated January 22, 2016 (unstamped)
 - Narrative and Plans on Existing Conditions
 - Existing Conditions Plan of Peters Way & Peters Way Ext., prepared by Sullivan, Connors and Associated, dated July 8, 2015, last revised October 26, 2015, consisting of 4 sheets (unstamped)
 - Preliminary Architectural Drawings prepared by Cube 3, dated January 20, 2016 and January 31, 2016, consisting of floor plans and parking plans dated January 20, 2016, and building elevations
 - Waivers and Exceptions Requested
 - Certified List of Abutters
 - DHCD'S Subsidized Housing Inventory of Sudbury
 - Traffic Report Summary
 - Endangered Species Act correspondence
 - Traffic Impact and Access Study prepared by MDM Transportation Consultants, Inc., dated December 2015.
2. Comments from Town Engineer/DPW Director, William Place, dated February 9, 2016.
3. Email from William Hench to Town Manager regarding Peer Reviewers, dated February 4, 2016
4. Memo from Jody Kablack, Director of Planning and Community Development, dated February 17, 2016.
5. Email from resident David Hornstein, dated February 17, 2016.
6. Conflict of Interest disclosure from Jonathan F.X. O'Brien, dated February 18, 2016.
7. Memo from Mark Herweck, Building Inspector, dated February 18, 2016.
8. Full sized, stamped Landscape Plans prepared by The Cecil Group, dated January 22, 2016, submitted on Feb. 22, 2016.
9. Email from Melissa Rodrigues, in regards to a call from a resident, Mr. Robert Noyes, opposing this project; dated February 22, 2016.

Items received since the last Hearing date on February 22, 2016

10. Full sized, stamped Preliminary Site Plans prepared by Sullivan, Connors and Associates, dated January 21, 2016, submitted on Feb. 22, 2016.
11. Memorandum from William C. Henchy; dated February 22, 2016, 4 pages.
12. Email from William Henchy, Ref: Sudbury Station-peer review follow up; dated February 23, 2016.
13. Letter from John Whalen, Sudbury Fire Department; dated February 24, 2016.
14. Letter from MHP approving the 40B Technical Assistance Grant.

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15. Form 11- Soil Suitability Assessment for On-Site Sewage Disposal. Received on 2/29/16 from William Henchy via email. 17 pages.
16. Traffic Engineering Peer Review, Vanasse & Associates, dated March 3, 2016.
17. Email from resident Sherry Weiland, dated March 5, 2016.
18. Memorandum from Conservation Commission, Charles Russo; dated March 18, 2016.
19. Letter from the Board of Selectmen to ZBA, dated March 8, 2016.
20. Email from Jody Kablack to applicants, requesting Steve Cecil's Cross sections presentation of the development that are not in our files; dated March 8, 2016.
21. Hancock Associates Contract for Peer Review Services; dated March 9, 2016.
22. Revised Preliminary Site Plans by Sullivan, Connors and Associates (7 pages); dated January 25, 2016, last modified March 14, 2016.
23. MDM Transportation Consultants Memorandum, Response to Peer Review Comments; dated March 15, 2016. (14 pages)
24. MDM Transportation Consultants Memorandum, response to Peer Review Comments; dated March 15, 2016. (Full Report-Spiral bound book)
25. Email from Jody Kablack to Sullivan Connors and Associates; dated March 15, 2016, requesting cover memo detailing changes made to the plan since previous submittal date.
26. Email from William Henchy; dated March 16, 2016, Transportation Peer Review Responses.
27. Email from Chris Claussen; dated March 16, 2016, with a list of site plan revisions.
28. Email from Fire Chief William Miles; dated March 17, 2016, in regards to raised cross walks.
29. Memorandum from William Henchy; dated March 21, 2016 summarizing progress since the last hearing date.
30. Nancy Rubenstein's signed certification form for missed hearing February 22, 2016; dated March 21, 2016.
31. Supplemental Traffic Engineering Peer Review Report from Vanasse & Associates; dated March 21, 2016.
32. Memo from Jody Kablack, Director of Planning and Community Development dated March 21, 2016.

Items received since last Hearing March 21, 2016

33. William Ray's signed certification form for missed hearing February 22, 2016; dated February 26, 2016.
34. Memo from Jody Kablack, Director of Planning and Community Development dated April 15, 2016, with attachments.
35. Letter from Sudbury Historical Commission to Mass Historical Commission; dated March 4, 2016.
36. Memo from Jody Kablack, Director of Planning and Community Development; April 20, 2016.
37. Letter from William Henchy, RE: Fiscal Impact Report; dated April 20, 2016.
38. Fiscal Impact Report, prepared by John W. Connery, Connery Associate, dated January 23, 2016, received April 20, 2016.
39. Letter from William Henchy, dated April 19, 2016, received April 20, 2016.
40. Sudbury Station revised Architectural Plans, containing 16 pages; dated April 18 2016. Received April 19, 2016.
41. Visual Impact Analysis from The Cecil Group, consisting of 14 pages including cover letter; received April 19, 2016.
42. Letter from Leonard Simon dated April 25, 2016.
43. Email from William Henchy, replying to Leonard Simon letter; dated April 25, 2016.
44. Revised Preliminary Plans from Sullivan, Connors & Associates; last revised April 22, 2016; received April 25, 2016.

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45. Memorandum from Barbara Saint Andre, Response to Attorney Henchy's Memorandum; dated April 25, 2016.
46. Email from David Hornstein, Grading and Excavation-Layout; dated April 21, 2016.
47. Email from resident Larry Robiner, 56 Crescent Lane; dated March 22, 2016.
48. Email from resident Leslee Halleran; dated March 22, 2016.
49. Email from resident Robyn Lewis, 10 Birchwood Ave; dated March 22, 2016.
50. Email from resident Colin Anderson, 63 Wake Robin Road; dated March 22, 2016.
51. Email from resident Amber Fairbanks, 34 Goodmans Hill Road; dated March 22, 2016.
52. Email from resident David Hornstein, dated March 23, 2016.
53. Email from Maura Carty, 15 Stonebrook Rd; dated March 29, 2016.
54. Email from Jemimah Milburn, 103 Water Row; dated March 29, 2016.
55. Email from Qi Jin, 2 Meachen Rd; dated March 29, 2016.
56. Email from Kristin Schenider, 30 Rice Road; dated March 29, 2016.
57. Email from Christian and Darlene Tupta; dated March 29, 2016.
58. Email from Andrea Jewett, resident; dated March 29, 2016.
59. Email from Leah Ciappenelli, 268 Old Sudbury Rd.; dated March 29, 2016.
60. Email from Teresia LaFleur, 80 Moore Road; dated March 29, 2016.
61. Email from Christy Webster, 18 Suffolk Road; dated March 29, 2016.
62. Email from Colleen Mazin, 56 Butler Road; dated March 29, 2016.
63. Email from Susan Kennedy, 40 Bowditch Road; dated March 29, 2016.
64. Email from Chris Caliri, 48 Newbridge Road; dated March 29, 2016.
65. Email from Robert Lee, 38 Candy Hill Road; dated March 29, 2016.
66. Email from Mary Sadri, resident; dated March 29, 2016.
67. Email from Marlin Griffin, 25 Clark Road; March 30, 2016.
68. Email from Jenn Sneath, 279 Old Sudbury Road; March 30, 2016.
69. Email from Laurie Caliri, resident; April 1, 2016.
70. Email from Casey Boardman, 260 Peakham Road, April 4, 2016.
71. Email from Scott Sawin, 52 Puffer Lane; April 5, 2016.
72. Email from Taryn Trexler, 253 Concord Road; April 7, 2016.
73. Email from Ed Chao, 365 Hudson Road; April 9, 2016.
74. Email from Christina Weeks, 272 Concord Road; April 10, 2016.
75. Email from Kristin Grill, 40 Clark Road; April 12, 2016.
76. Email from Jill Falvey; April 12, 2016.
77. Email from Dana Judge, 60 Willis Road April 13, 2016
78. Email from Linda Dubois, 18 Lafayette Drive; April 13, 2016
79. Email from Gerry Connors, 7 Brookdale Road; April 13, 2016
80. Email and video from David Hornstein; April 14, 2016.
81. Email from Glenn Merrill, 18 Allen Place; April 14, 2016.
82. Email from Joyce and Pierre Fricke, 39 Candy Hill Road; April 15, 2016.
83. Email from Lisa Vitale_286 Old Lancaster Road; April 15, 2016.
84. Email from Shirley Huettig, 54 Wake Robin Rd.; April 15, 2016.
85. Email from Tiffani Bonk, 49 Willis Road; April 15, 2016.
86. Email from Sharon Schmidt-Gross, 298 Maynard Road; April 15, 2016.
87. Email from Christine Barrett, 151 Peakham Road; April 15, 2016.
88. Email from Pierre Fricke, 39 Candy Hill Road; April 15, 2016
89. Email from Mary-Michael Merhige; April 15, 2016.
90. Email from John Parker, 14 Deacon Lane; April 15, 2016.
91. Email from Valerie Friedholm, 59 Shadow Oak Dr.; April 15, 2016.

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92. Email from Jenn Munroe, 36 Thunder Road; April 15, 2016.
93. Email from Kristin Dolan; April 15, 2016.
94. Email from Tracey Cacciatore, 165 Marlboro Road; April 15, 2016.
95. Email from Alison Thompson, 6 Old County Road #31; April 15, 2016.
96. Email from Steve Logan, 33 Virginia Ridge Road; April 15, 2016.
97. Email from Lisa West, 42 Hawes Road.; April 15, 2016.
98. Email from Sarah Troiano, 342 Lincoln Road; April 15, 2016.
99. Email from Christine Barret, 151 Peakham Road; April 15, 2016.
100. Email from Sharon and Ray Schmidt-Gross, 298 Maynard Road.; April 15, 2016.
101. Email from Tiffany Bonk, 49 Willis Road; April 15, 2016.
102. Email from Shirley Huettig, 54 Wake Robin Road; April 15, 2016.
103. Email from Mark Waiting, April 16, 2016.
104. Email from Laurel MacKinnon; April 16, 2016.
105. Email from Leah Ciappenelli; 268 Old Sudbury Road; April 16, 2016.
106. Email from Dan Velonis, 3 Basswood Ave; April 16, 2016.
107. Email from Tracy and Rick Billig, 79 Robert Best Road; April 16, 2016.
108. Email from Emily Reith; April 16, 2016.
109. Email from Maria Iglesias, 230 Peakham Road; April 17, 2016.
110. Email from Erin Channel, 16 Stock Farm Road; April 18, 2016.
111. Email from Richard Granfield, 20 Read Road, April 18, 2016.
112. Email from Craig Gruber, April 18, 2016.
113. Email from Jim, Sue, Derek and Kristin Richards, Codman Dive, April 20, 2016.
114. Email from Ray Liberatore, 41 Codman Drive;
115. Email from The Ewings, 23 Codman Drive; April 20, 2016.
116. Email from Lisa Mudrick, 9 Codman Drive; April 20, 2016.
117. Email from Emma Wang, 22 Codman Drive; April 20, 2016.
118. Email from Daniel Petitt, 66 Robins Road; April 20, 2016.
119. Email from Vivian Yee, April 20, 2016.
120. Email from Nathan Goldstein, 32 Beechwood Ave; April 20, 2016.
121. Email from Christina Wusnow, April 20, 2016.
122. Email from Skyhorse Chen, 71 Brimstone Lane; April 20, 2016.
123. Email from Shaoli Fu, 39 Great Lake Drive; April 20, 2016.
124. Email from Chris Wu, 23 Pinewood Ave; April 20, 2016.
125. Email from Jackie Wu, 62 Phillips Road; April 20, 2016.
126. Email from Claudia Libertore, 41 Codman Drive; April 20, 2016.
127. Email from Robert Ewing, 23 Codman Drive; April 21, 2016.
128. Email from Helen Huang, 15 Hollow Oak; April 21, 2016.
129. Email from Jean Guan, April 21, 2016.
130. Email from Sherry Shy, 135 Morse Road; April 21, 2016.
131. Email from Judith Harris; April 21, 2016.
132. Email from Mara Huston; April 22, 2016.
133. Email from Jason Bernard; April 22, 2016.
134. Email from David Hornstein; April 25, 2016.
135. Email from Jennifer and Barry Murphy; April 25, 2016.
136. Email from Chris Cox; April 25, 2016.