



# Town of Sudbury

## Zoning Board of Appeals

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<http://www.sudbury.ma.us/services/planning>

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776

### MINUTES

Sudbury Zoning Board of Appeals Subcommittee

TUESDAY, June 1, 2016, 8:00 AM

Flynn Building, Silva Meeting Room, Second Floor

278 Old Sudbury Road, Sudbury, MA

1. Work Session meeting with a subcommittee of the ZBA on the Village at Sudbury Station 40B Application, 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.

This will be a working session between the subcommittee and the Applicant. The public is invited to attend, but public comment will not be taken. The Public Hearing will resume on June 20, 2016 at 7:30 pm, Town Hall.

Present at the meeting were: Jonathan O'Brien, Jeffrey Klofft, Frank Riepe, Jody Kablack, Barbara Saint Andre, Lori Elson, Taryn Trexler, Bob Engler, Chris Morely, Chris Claussen, Bill Henchy, Chris Kennedy

Mr. Claussen began the meeting by stating the five main areas he believes the Board asked him to look into. They included:

1. Minimizing the impact of the building on the views from the cemetery.
2. Restrict or eliminate access at the Peters Way entrance.
3. Redesign the land plan incorporating smaller buildings.
4. Reduce the visual impacts of the retaining wall.
5. Look into aligning Peakham Road with the entrance of Hudson Road and reduce visual impacts along that corridor.

Mr. Claussen asked if Town Counsel had analyzed the APR. Ms. Saint Andre stated that she doesn't believe a leaching field is a farming use but doesn't have a formal opinion. Mr. Claussen requested an opinion. Mr. O'Brien stated that even if Town Counsel gives an opinion the Board can elect to do something else. Mr. Henchy stated that an agricultural restriction is different than an easement, and they can't use the land for anything that takes away from farming. He added that they are purposing putting subservice stations below and then community gardens above and he doesn't believe doing so would be a violation. He stated that the Conservation Commission administers the APR on behalf of the Town. Mr. Henchy stated that unless they get an opinion

the developer won't go any further with exploration of using the APR. Mr. Klofft tabled this discussion until the Board can discuss this with Town Counsel.

Mr. Claussen stated that the Fire Chief needs two access points in to the site. Ms. Kablack concurred and said that he will require a 20ft wide access road.

Mr. Claussen looked at two options for restricting Peters Way; first, with a "right turn only" to address the Candy Hill concerns and installing a turnaround at the bend in Peters Way extension. The second concern is the development creating an unsafe environment when the high school lets out. Mr. Claussen presented that they install gates that emergency vehicles and residents could buzz through and for people that don't have access a bend could be provided in Peters Way that could be developed into a turn around. This would eliminate traffic from Concord Road but is not the developer's preference in terms of development of Peter's Way.

Mr. Henchy presented a draft plan for discussion showing the relocation of the townhouses away from the cemetery, the lowering of the clubhouses, with a 50ft buffer near the clubhouse and a greater buffer in some places.

Mr. Henchy stated that there is land off an access road off of Codman Road that is actively used by Bartlett's Farm that is part of the agreement of sale for the development. He added that this will substantially improve the backyard of the Codman Road residents.

Mr. Henchy stated that the 3D models are not 100% accurate yet and are being used to show scale and design.

Mr. Claussen stated that the applicant explored building townhouses and building a large number of small buildings but the numbers wouldn't work.

Mr. Clausen stated that aligning Peakham with their access drive on Hudson Road wouldn't work because they are not sure TI Sales would entertain it. Ms. Kablack stated that DOT owns all the frontage. The idea is appealing to the applicant but the DOT timeline is unknown and therefore obtaining permission couldn't be a condition of the project. Mr. Henchy suggested getting a green light after a date certain for the alignment of the road. The Board could approve both accesses and indicate that they are required to use the one that aligns with Peakham until the date certain and then they could progress with the alternate plan. Mr. Klofft stated that safety is vastly different if the road doesn't align. Mr. Henchy stated that they were exploring this option until they were notified that the Town would not offer a letter of support to MassDOT at that time.

The final concept they investigated was locating the leach field on the APR land and creating a linkage between the newly created green and the APR land. The public would get access to the APR land, the retaining wall would go away and the site would reduce by multiple feet. Bartlett's would continue to lease if they could. Mr. Morley stated that the conservation minded people like grassland habitat.

Mr. Klofft asked if the APR land is under the 40B application and Mr. Henchy stated it was but that the Board doesn't have jurisdiction over the deed restrictions on the APR land.

Mr. Claussen stated other benefits for the Town that they would implement are water fountains along the bike trail, benches, access to restrooms, air pumps for bikes, and public access to the trails on the APR land.

Ms. Saint Andre doesn't think that leach fields are compatible with farming, she suggests not spending a lot of time on something that might not be feasible. Ms. Kablack stated that at the time of the filing the leach fields were not on the APR land but the Town has never seen the plans for wastewater or stormwater. Ms. Saint Andre stated that the APR land is under the control of the Conservation Commission.

Mr. Claussen said they are willing to look at density. Mr. Henchy added that losing one of the big buildings is unlikely. Mr. O'Brien stated that the developer is maximizing the buildable land.

Ms. Kablack asked if the applicant didn't need the Gilmartin's land anymore, would it change the economics. She added that you could get to the DOT land without the purchase and that could line up with Peakham Road. Mr. Claussen added that they would probably run out of time with the acquisition of the Gilmartin parcel before they get any approvals. They have attempted to meet with TI Sales.

Mr. Henchy suggested that the Board take a vote to request or ask the Town Manager for support with the DOT. He believes that a letter from the ZBA is not the same as one from the executive branch of the Town. Mr. Henchy stated that during a meeting the Selectman where contemplating litigation over this project and suggested the ZBA should advocate for time. Mr. Henchy is not open to an extension at this time if that is the case and the applicant is willing to do everything possible to get it done before the deadline. He added that assuming the hearing ends on schedule, they would be willing to open it back up during the 40 days if something better comes up.

Ms. Saint Andre stated that if the applicant needs a letter from the BOS, Mr. Henchy doesn't feel he is going to get one. Mr. Klofft stated that they shouldn't underestimate the ZBA.

Mr. Klofft stated he doesn't like the gate and is in favor of the one way. Ms. Kablack encouraged the Board to engage the peer review on these discussions.

Mr. Klofft said density is a concern now. Mr. Henchy said dropping units along the cemetery is not incremental.

Ms. Kablack will ask the Fire Chief to explore his emergency access to the site so that the development might be able to use speed humps on other non-emergency routes.

This group will reconvene on June 14<sup>th</sup> at 8am.

Ms. Kablack asked when the Town was getting the grading plan and stormwater plan and stated it will take them more than 2 weeks to look at the grading plan. Mr. Clausen stated they do not have the 2-foot grading plan and stormwater will be in within a week. Ms. Kablack is concerned that once the grading plan is done the Town won't have enough time review the grading plan.

Mr. Henchy asked what they are doing about the letter for MassDOT. Mr. Klofft stated that they will wait and see what happens on the 14<sup>th</sup>.

Mr. Morely stated that there are two issues with DOT, filling in the grading at the top of the site so the retaining wall is eliminated and aligning Peakham Road.

Mr. Henchy asked if the group agrees on some plan how should they proceed. Mr. O'Brien stated they will discuss today's meeting with the entire Board and then present the alternative. Mr. O'Brien stated that the original submission hasn't changed.

The agenda for the next meeting is stormwater, traffic follow-up, fire department, clearing, grading, Conservation Commission comments, site distance, water district comments, Board of Health comments, visual impact, and historical impact.

Mr. Henchy asked about an anonymous letter from the Steering Committee of Oppose Sudbury Station and suggested that the authors need to identify themselves. He asked for direction from the Board. Ms. Saint Andre stated the Board has to accept it. Mr. O'Brien will not require the names on written correspondences.

Mr. Hornstein stated the reason the letter wasn't signed was because an associate of the development team threatened a member of the group. Mr. Hornstein stated that he signed the letter to Citizen's Bank. Mr. O'Brien stated that there will be no threats allowed at any of the meetings and the workshops will be public.

Mr. Claussen asked how many concepts they want to see. Mr. Klofft stated 3 or 4.

The agenda was discussed again. Items included stormwater, traffic, fire department, recap of workshops, Conservation Commission, sewer and wastewater, and Board of Health. Ms. Kablack stated that the Sudbury Water District is requiring a study that has not been submitted yet. Ms. Saint Andres suggests that all Boards and Commissions are notified that they can come speak.

The Hearing was closed at 9:43am.