

SUDBURY ZONING BOARD OF APPEALS
MINUTES
SEPTEMBER 12, 2016

The Board consisted of:

Jonathan F.X. O'Brien, Chair; Jonathan G. Gossels; Jeffrey P. Klofft; Clerk; Nancy Rubenstein; Nicholas Palmer, Clerk; 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, Glenn Garber, Interim Town Planner.

The meeting was opened at 7:37 p.m.

Mr. O'Brien opened the hearing by asking the Clerk to read the notice as published in the newspaper.

1. CONTINUATION - Public Hearing Case 16-14 – Deborah and David Gordenstein, Applicants and Owners for a Special Permit under the provisions of Section 2313 of the Zoning Bylaw, to raise up to 8 hens on the premises, property shown on Town Map E08-0019, 208 Marlboro Road, Residential Zone A-1.

Mr. Gossels was the Chairman for Case 16-14.

There was no one representing the applicant. Earlier in the day the Board was in receipt of an email from Ms. Gordenstein stating that she was unable to be present at the hearing.

Natalie Haight from 275 Morse Road was present at the hearing and stated the chicken coop is in construction and she believes there are hens at 208 Marlboro Road.

Mr. Gossels instructed Mark Herweck the Building Inspector and Zoning Enforcement Agent to check Ms. Haight testimony and to instruct the applicants that they cannot have chickens until they have a valid permit from this Board.

Motion made and seconded to continue petition 16-14 to September 26, 2016 at 7:30 pm.

2. CONTINUATION - Public Hearing Case 16-19 – Sidney and Rita Bourne, Applicants, for an Appeal under the provisions of M.G.L. Chapter 40A Section 15, of a decision of the Building Inspector to issue building permits at 30-34 Northwood Drive, property shown on Town Map C11-0302, zoned Research District.

Attorney Peter Mirageas representing the applicants and Mr. Bourne were present at the hearing.

Mr. O'Brien expressed that this case should be in front of a court and that this Board is being asked to decide on a matter that is beyond their expertise, he sees this as a land dispute case; this case is for a judge a court and experts because this is a land ownership case and it is not for this board to decide.

Mr. Mirageas gave couple of case examples that he used to based his rational to this case, giving that as a situs authority. He cited Bernstein vs Chief Building Inspector of Falmouth Mass Palate Court case and Scalli vs Tellery SJC456-MASS758.

The Board members are reluctant to get involved in this case because they feel this case belongs with a Judge.

Roll call was made to find out if the Board would like to rule on a property law matter:

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Mr. Riordan did not find the memorandum received from Thomas Moriarty from Marcus, Errico, Emmer & Brooks very compelling. Mr. Riordan does not see this case purely as a land dispute, but a question about a permit to build something that is totally different from the original permit. In his opinion a court will be better equipped to review this case.

Mr. Palmer agreed with the other members and added that the key factor in this case is not a land use.

Mr. Klofft expressed that he does not want to rule on this matter and feels more comfortable deferring this to a judge.

Mr. Gossels expressed that he does not want to rule on this case and that this case belongs in a court with a judge.

Mr. Ray expressed that this is a case that the Board should not consider.

Ms. Rubenstein expressed that she has reviewed all the material provided for this case and she could not help and think that she was asked to be a judge and play a lawyer on this matter, and she feels it would be inappropriate for her to rule in this matter.

Motion made and seconded to jurisdictionally deny petition 16-19.

3. Public Hearing Case 16-21 – B’nai Brith Housing New England, Inc./Covenant Commonwealth Corporation—Post Road Limited Partnership (Owner), Applicants, for a Comprehensive Permit and Substantial Modification of the existing Comprehensive Permit pursuant to Massachusetts General Laws, Chapter 40B and 760 CMR 56.04 & 56.05, to allow construction at 187 Post Road of a second 56-unit senior age-restricted housing building. This application constitutes Phase II of the project originally approved in 2011, and includes the subdivision of the 6 acre parcel into two 3 acre parcels to accommodate the new structure. The project is known as Coolidge at Sudbury, Phase Two, and is identified as Assessor’s map and parcel K10-0012.

Mr. O’Brien opened the 40B hearing for Developer B’Nai B’Rith Housing and Applicant Covenant Commonwealth Corporation for Coolidge Phase II.

Mr. O’Brien asked Mr. Joshua Fox, Attorney for B’Nai B’Rith Housing of New England and Covenant Corporation explained the applicants are seeking approval for two (2) components to the application:

1. The modification of an existing comprehensive permit to subdivide the six-acre parcel where Coolidge Phase I will sit on one three-acre parcel and Coolidge Phase II will sit on the remaining three acres.
2. The new comprehensive permit application for Phase II at 187 Boston Post Road.

Mr. Gossels asked for clarification of the two names listed on the application. Attorney Fox stated B’Nai B’rith and Covenant Commonwealth will individually own and manage each building upon completion of Phase II, yet share finances, parking, driveway, employees; much like a homeowners’ association.

Not having been on the Board for Phase I, Mr. Klofft asked if the proposed subdivision of land was thought of during the original proposal. Mr. Fox answered that it was not. Mr. O’Brien stated that what was discussed during the original projected was landscaping and proposed parking, a rain garden and greenery to

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off-set nestled next to Landham and Route 20 on the undeveloped three acres, but never thought it would be subdivided.

Mr. Riordan asked about the existing stormwater management or septic and whether it will be shared with the Phase II project. He further asked if subdividing would impact the existing stormwater management and drainage. If so, which of the two owners would respond? Ms. Gittelman of B’Nai B’Rith indicated that the shared ownership is finance driven and funded by tax credits and investments and being financed as 2 separate entities but will be operated as fully integrated. She further explained that B’Nai B’Rith is the main managing partner of both properties. Mr. O’Brien stated that this is an issue that will be further explored in depth due to the amount of calls to Fire and Police.

Mr. Klofft asked if the original application came to the Board in this form; with two buildings, would it be approved? Mr. Fox added to think of this situation as a homeowner’s association for whatever common facilities there are, such as a common drainage system and the homeowner’s association is usually responsible. Typically, there is a resident trustee re-presenting the homeowner’s association who would be the contact who would then contact B’Nai B’Rith. Mr. Fox further indicated that the record title owners would share in the expenditures of maintaining the common facilities. Mr. O’Brien asked when a resident buys into the community, are they renting or owning? Mr. Fox stated that the facility is all rentals.

Mr. Fox noted Coolidge Phase I is a living, breathing model of the work and his team worked collaboratively with the Fire Chief, Police, Building Inspector, Planning Board, and ZBA to successfully achieve it. He further added that there is a demand for this kind of housing and a waiting list in Sudbury so that is why they are before the ZBA with Phase II.

Mr. Fox introduced the Coolidge team, including Susan Gittelman, Director of Housing for B’Nai B’Rith Housing; Holly Grace, Senior Project Manager; Betsy Cooke, Architect; Jim Koningisor, Development Consultant; and Joseph Peznola, Hancock Engineering. Mr. Fox indicated this was the same project team for Phase I.

Mr. Fox spoke of the existing Coolidge structure, comprising of 64 units and the new building consisting of 56 rental units. All are affordable (moderate and low income) and accountable toward the 40B 10% threshold. Additionally, the are all age-restricted, one bedroom independent units. He also referred to a memo written by former planner Jody Kablack on January 20, 2016 regarding 40B indicating that with the Coolidge, the Town of Sudbury would be over the 10% threshold for 2030 if all 56 units are approved coupled with the recent approval of Avalon.

Ms. Gittelman explained that B’Nai B’Rith Housing is a non-profit, non-sectarian housing organization, led by a board of directors. She indicated that Phase I has been fully occupied since its inception two (2) years ago and the place is bustling with many planned activities. She also noted that the organization is working with through growing pains in areas needing improvement, including refining how Phase I is operated; especially protocols on assisting residents with declining health. She mentioned how Town staff have been more involved with the residents of Phase I than they would like and are addressing the issues. She stated that Phase II was contemplated and driven by demand.

Ms. Grace discussed the process to date; indicating the team began the discussion of the project with the Town since spring. She also noted that she and her team did outreach at the end of the May to the residents regarding the process and will have a follow-up meeting on September 28, 2016. She also sent a letter to all of the immediate neighbors on the abutters list and incorporated their comments into Phase II’s design. Ms. Grace then provided the scope of work referring to illustrations of existing conditions, proposed construction and elevations; in coordination with the architects of the team. She explained where the subdivision of land would take place, parking, the use of a shared driveway, the change in slope on the site, a newly constructed sidewalk by the Town, and the proposed 56 units. Mr. O’Brien asked about the removal of trees along the

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sidewalk. Ms. Grace explained the trees are still there, but the undergrowth has been cleared away. She added that the neighbors want screening and are committed to having a nice barrier.

She added that all 56 one-bedroom units are 100% affordable for moderate and low-income seniors 55 and over. She noted that the maximum income, set by HUD is at \$47,000/year, and rents for each unit will be \$1000/month, similar to Phase I. Mr. O'Brien asked where other funding would come from to cover the costs. Ms. Gittelman said that all other costs are covered using tax credits and equity generated by the sale of tax credits. She further stated that the major costs are covered by equity and grants and very little debt. Mr. O'Brien asked how the tax credits are sold. Ms. Gittelman noted that they compete for a state-wide allocation from the Department of Housing and Community Development. Once they receive an allocation, they then go to market and sell them to investors such as Bank of American who invested in the Phase I project. Ms. Gittelman further explained that they will use both state and federal low-income tax credits to fund Phase II.

Mr. Riordan asked how much rent will be for Phase II. Susan stated it was to be \$1004/month based on the maximum income set by HUD, then adjustments are made based on utilities. Mr. Riordan then stated that 25% of one's income would go to rent, but when people are farther down the income scale, they are looking at 30%. He then asked what the average income was for residents.

Ms. Gittelman explained there are two (2) different tiers: a low income tier which involves federal subsidies for people at 30% of the median or less, and then there is the tax credit tier. She indicated they are very careful having not pay over a certain percentage of their income depending on the tier they are in. Mr. Riordan asked if utilities were included in the rent or separate. Ms. Gittelman stated the residents pay for electric and they pay for everything else.

Ms. Cooke presented the architectural plan including a 1A garage and three floors of 5A construction above. The plan also calls for 46 parking spaces in the garage and 10 additional spaces on the surface level equaling 56 total. They seek to match the existing Phase I and its residential character and the greater Sudbury architectural aesthetic. Apartment units average about 700 s.f., and there is a 5000 s.f. of amenity space, including a trash removal/mitigation area as a result of problems that occurred in Phase I. Ms. Cooke also addressed the issues of height with the use of gables and steep dormers to address this so that the building appears to be a 2-story building from Boston Post Road. Mr. O'Brien stated that during the Phase I process, the Board talked a lot about the use of a gambrel roof and colors to reflect the aesthetic of the Wayside Inn and will probably revisit this on this project.

Mr. Gossels asked to see an elevation plan. Ms. Cooke showed elevations of the east and west side which illustrate the slope change, but are still being developed. Mr. Gossels stated Phase I was tucked into a hollow between Rt. 20 and Landham Road, where as Phase II does not have this scenario, except for the slope. He is concerned about the front façade on Route. 20 and hopes it doesn't read like a massive building along the roadside. Ms. Cooke indicated the proposed dormers would break up the street presence as much as possible by bringing down the eave levels as much as possible. She also indicated that the height will be reduced with the use of mechanical wells.

Mr. Peznola explained the existing conditions including a bio-retention area to the left of Phase I. The plan is to modify that area and create a turn around to give a sense of entry to Phase II. As a result, they will lose 10 parking spaces from Phase I. Therefore, they will extend the parking lot further down to the property line which he indicates will make up for the lost spaces at the turnaround but also is part of the 10 surface-level spaces of Phase II. He also highlighted where the entry to the underground garage would be. He mentioned there is currently a swale and a steep slope at that location and will bring that slope down (a 10-foot grade differential) in order to create the entry-way to the garage. Mr. Gossels asked if the swale is removed, what is preventing water from flowing right into the lower level into the garage. Mr. Peznola indicated a whole

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new drainage system would have to be created for the new half of the parking lot as well as stormwater management. He indicated a new detention basin would be created, located down in the back corner of the property to make up for the loss of the swale and attenuate for the impervious areas.

He noted that they are working away from the pocket wetland (located to the south west corner of the property). They will also have a separate septic system for Phase II. Mr. O'Brien asked about the wetland disturbance along the eastern most length of the building. Mr. Peznola indicated that the closest point from Phase II to the wetlands is 58 feet. Mr. O'Brien asked of the location of the railroad line. Mr. Peznola showed it did not abut right up against the buildings. Mr. O'Brien pointed out the wetlands are between the rail line and the proposed project. Mr. Gossels asked if the wetland was man made from the construction of Phase I. Mr. Peznola stated that it was there during Phase I and they mainly stayed away. Mr. Gossels pointed out the south east corner and said he thought that portion was built upon the wetland. Mr. Peznola pointed out the area Mr. Gossels referred to is upland. He also noted the closest the building is on the wetlands would be 58 ft. but they will have disturbance in work, closer to the wetlands.

Mr. Klofft asked how big the new detention basin will be. Mr. Peznola answered approximately between 700 and 800 square feet. Mr. Riordan asked what the current size of the bio-retention basin is. Mr. Peznola responded it is only about 3,000 square feet, and a foot to a foot and a half deep and stated its purpose is treatment. He indicated that he would replace that treatment system with proprietary treatment devices. He further noted that the current system was not providing enough volume for attenuation. With the new phase, will intercept some flow from parking lot to an existing basin and the other half will go into a new detention basin in the far south. Mr. Klofft asked how close will the new basin be to the wetlands. Mr. Peznola stated with grading, he is trying to keep a 25-foot undisturbed buffer and then start the grading for the basin. Mr. O'Brien restated that Mr. Peznola has to disturb the wetland in order to build. Mr. Peznola noted he would not disturb any wetland, but rather disturbing buffer; under the local Sudbury Wetland Bylaw. Under 40B they are asking for waivers for this and will maintain a 25-foot, undisturbed buffer, grading between 25-50 feet, and then building the impervious surface 50 feet and beyond.

Mr. Obrien asked about the age of the railroad. Mr. Peznola responded it is over 100 years plus and noted that the old rail is there by the ties are all gone.

Mr. Riordan asked about parking and where the drop off location is positioned. He asked if parking would go right up to the end of the lot line. Mr. Peznola indicated it would go to the line abutting the Eversource property. He noted at the lot line, there is a drop off and cannot see the abutting property. Mr. Riordan asked if once the vegetation is removed, residents can see the Eversource property. Mr. Peznola indicated screening would be planted along the lot line along Boston Post Road and the wetlands to the south and west will act as a screen.

Mr. Klofft asked Mr. Peznola to point out who and where the abutters are surrounding the entire property. Mr. Peznola indicated Buddy Dog and Eversource's substation are to the east, there are residential areas to the north and west and a larger wetland is to the south.

Mr. Gossels referred to condominium development across the street. The ZBA granted the request for a berm and said it may be helpful for Phase II. Mr. Peznola indicated that he would consider the suggestion.

Mr. O'Brien ask if Mr. Peznola would consider moving the parking under the building. Mr. Peznola indicated the lower level is already parking.

Ms. Rubenstein referred to an email the Board received referring to the addition of further handicapped parking and the loss of adequate parking. Ms. Cooke responded (inaudible). Mr. O'Brien asked if their parking numbers are driven by the Town of Sudbury's Bylaws, or do they find that there are frequent empty

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spaces. Ms. Grace indicated that they would be asking for a waiver for the parking as well due to a number of frequent empty spaces. She further stated that they are proposing one parking space per unit for Phase II, and no change for what already serves Phase I. Mr. Peznola added that Phase I's parking was at 1.25 spaces, and going to 1 space per unit based on they have experienced less than 1.25 on demand. Mr. O'Brien asked if the spaces were needed in front of the house. He then asked how many spaces were proposed in front of Phase II. Mr. Peznola responded with 16. Mr. Kloft referred to a blend of parking and Mr. O'Brien further added that it is a blend of 1.8 for the entire lot and asked if it is still too much parking. Mr. Riordan asked how many vehicles residents are using at Phase I with 64 units. Ms. Grace stated she has information and would provide it at a later date.

Ms. Grace asked for clarification of the parking goal. Mr. O'Brien stated the goal is to reduce impervious surfaces, have more green space, be more aesthetically pleasing, and reduce parking waste. Mr. Riordan asked if much of the surface area was for emergency vehicles. Mr. Peznola said they would not be able to reduce all of the parking lot due to access for public safety vehicles. He also noted that he still is looking to have fire access from the lot. Mr. O'Brien noted the space behind Phase II on the east side is for access for the Fire Department, but indicated that the proposed building is quite a tall structure and asked how fire trucks would access the roof. Mr. Peznola indicated he would be working with the Fire Department to work with NFPA requirements.

Mr. Kloft asked how the Team determined 56 units. Ms. Gittelman stated it is part of a financial model.

Mr. O'Brien asked what the timeframe was in terms of presenting materials and how quickly they wanted to proceed.

Mr. Fox said they would like to continue for a month and refine the general plans and try to address the issues presented at this meeting and from Town Department Heads.

Mr. O'Brien stated that he is most interested in finding out about an on-site manager or personnel so the Town's emergency services are not so impacted as reflected from the Fire Chief's correspondence on the rate of demand. He further asked what policies will be put in place for this development to help alleviate the call situation—would it be an on-site or on-call person to help internally? He would like to see this early on rather than later. Mr. Fox noted that he will address this issue early on.

Mr. Fox stated they were fairly successful with Phase I without any peer review and noted it was very helpful. He asked if peer review is needed, to have it early on, rather than later.

Mr. Gossels stated that before the Board can approve Phase II, the operational issues of Phase I must be addressed. He added that that Route 20 is the place for this kind of development and it is only a matter of working out a good design and project to make it successful. He noted the only reason they did not have to get into peer review last time was due to they were not pushing the envelope as it was a conservative approach. This project is different because it is pushing the envelope.

Mr. O'Brien spoke on the traffic issues of Route 20 and that several traffic studies were done. He noted traffic needs should be discussed, including the signal at Landham Road. Ms. Rubenstein asked if Goodman's Hill Road could also be discussed as turning out to Route 20 is difficult, and the Coolidge's driveway is very close to that intersection.

Mr. Gossels referred to the Special Permit granted to Buddy Dog to share a driveway with Bosse Sports and never closed up previous entrance and its impacts onto Goodman's Hill Road.

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Mr. O'Brien stated the main topics include: traffic, building design (which gets into open space and wetlands), architecture, engineering (stormwater and waste water), landscaping. Mr. O'Brien suggested devoting an entire meeting on landscaping including screening and berms. He asked what the group wanted to go with first.

Mr. Klofft asked for a revised over-view of the presentation and when is the discussion the land division going to take place? He asked if the land division piece needs to be decided before any of the other 40B discussions can happen. Mr. Fox stated no, it does not need to be decided first, but will confirm this. Mr. O'Brien indicated that it falls under the comprehensive permit. They would have to vote to amend the existing permit and then Phase II.

Mr. O'Brien suggested Hearing 2 is a revised overview and traffic. Mr. Riordan suggested peer review for stormwater.

Mr. Klofft suggested Team go before the Design Review Board. Mr. Fox noted they were scheduled to meet with them. Mr. O'Brien asked if they could come up with some preliminary architecture plans.

Mr. O'Brien outlined the rest of the timeline to include:

Hearing 3: Stormwater, wastewater, Sudbury Water District (in 2 months)

Hearing 4: Landscaping and other

Mr. O'Brien stated there will be four hearings with one month delays between each hearing.

Discussion ensued regarding the next date.

Mr. O'Brien stated the next meeting is October 24, 2016 at 7:30 and keep independent of other matters. He further indicated the next date would be decided at the next meeting.

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

Resident Jim Gish of 35 Rolling Lane stated it was refreshing to see an appropriately scaled project is being proposed and also appreciated a 100% low income and affordable. He asked if there were plans to make the project LEED Certified and has a concern of the general carbon foot print. He stated this is a prime opportunity to do a solar system as it would assist the residents with affordability and in terms of investment the SREC and federal and state credits are attractive. He said since the ground will be torn up, the project seems like a good fit for a geo-thermal system or a heat pump system.

Jeanie Dretler of Goodman's Hill Road is concerned about the traffic at the end of her road and with the increased traffic with Wholefoods and Avalon and proposed signal at Landham Hill, she hopes a good peer reviewer will be chosen.

Mr. Klofft, indicated that they have not chosen a peer reviewer with traffic. Mr. O'Brien asked if the Board wants to get involved. Mr. Klofft noted that there have been extensive reports done and part of the solution is a traffic signal at Landham Road.

Mr. Fox indicated a traffic impact study was submitted. He also noted that Mass Highway elevated the intersection at Landham Rd. was elevated to High Priority.

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Ms. Dretler clarified stating she does not believe Coolidge causes direct traffic impacts to Landham Road and Route 20 and hasn't seen the plans, but is concerned of the with increased traffic, coupled with that from Buddy Dog.

Mr. O'Brien found interesting that they are not changing the curb cut, and using the same entrance/exit that has been in place since Phase I. He further stated that there will be a slight increase in volume, but not changing the road in any way. He said his usual concerns are when there is a new entrance, but the Board knows what the entrance is and what occurs there. This was discussed during the Phase I process with a focus on not impacting Landham Road, the development across the street, etc., and that was the ideal spot at the time. He noted they had the same discussion with the developer across the road, including placement of curb cut and berm and other safety factors in relation to Landham Road. He further stated there was another 40B years before on Landham Road and had several similar discussions, but the project did not go in for various reasons. He said we can have an extensive review of the traffic, but is not sure of any improvement by getting a peer review and saw this in the most recent application. He said it conveys the same information. However, he never knew of the issues with Buddy Dog and Bosse and has a greater impact on the Phase II project. Ms. Dretler asked if they are moving closer to the right.

Mr. Klofft indicated that if there is a decision in place for Buddy Dog and they are not following it, the Code Enforcement Officer should be dealing with it.

Ms. Dretler noted cars coming up Landham Road who want to take a left, turn right and do a U-Turn across the street from Coolidge and head west. She doesn't believe the Coolidge is contributing to the traffic issues. Ms. Rubenstein noted that this happens at the bottom of Goodman's Hill Road as well, where people turn around at the island. She stated that Buddy Dog is really the issue with several near accidents occurring. Ms. Dretler noted that if cars take a left onto Goodman's Hill Road, people drive up on the curb and dirt area. Mr. Kofft said the proper way to correct this is to put a signal at Landham Road.

Coolidge Resident Judy Lindsey discussed the issue with the Fire Chief noting that the ages of the residents are 60-96 with 64 apartments, on a land mass that would usually only allow 3 houses. She said of course they are going to get several calls due to the volume of people living at the Coolidge. Mr. O'Brien noted that the project is getting more important and the issue is that there are more people there and there should be people on hand for calls vs emergencies. He further stated that when the Fire Chief is indicating is that when he gets a call, whatever the situation is, he needs to send an ambulance because it could be a life-threatening situation. Often he is receiving calls that are non-life-threatening such as neighbor issues or Alzheimer's. Ms. Lindsey said it happens in houses too, and Mr. O'Brien agreed, but he explained the Police and Fire Chief are professionals and needs to tell the ZBA when they are seeing a situation when there is an inordinate number of calls. Mr. Klofft stated that he suspects the Police and Fire Chiefs have rough numbers of how many calls they typically get, and if they are getting more calls than what is reasonable, then there may be some operational issues and the ZBA is just investigating it.

B'Nai B'Rith Board member, Bob Golden indicated that they have met with the Fire Chief and are looking at a number of measures moving forward to make improvements and will provide an update at a later time and believes it will be a better situation.

Mr. O'Brien closed the night's meeting, but the hearing and motioned to continue to October 24, 2017 at 7:30 p.m. Mr. Gossels second; vote all in favor.

The Board will attempt to review specific issues at each hearing. The hearing schedule is tentatively set as follows:

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- Meeting 2: Overview
- Meeting 3: Revised Overview and Traffic
- Meeting 4: Stormwater and Wetlands
- Meeting 5: Landscaping and Other

All documents are available on the Town's website. Correspondence received to date on this application consists of:

1. Comprehensive Permit Application under M.G.L. Chapter 40B, Sections 20-23 (received June 29, 2016), including:
 - Preliminary Site Development Plans
 - Tabulations of Proposed Buildings
 - Preliminary Architectural Drawings
 - Preliminary Subdivision Plan
 - Preliminary Utilities Plan
 - Report of Existing Conditions
 - Proof of Limited Dividend Organization Status
 - Project Eligibility Letter from DHCD
 - Evidence of Site Control
 - List of Requested Waivers
 - Certified List of Abutters
 - Comprehensive Modification Plan, Existing Conditions Plan, Preliminary Subdivision Plan, Preliminary Site Plan,
 2. Letter from B'Nai B'rith requesting modification of comprehensive permit, dated June 29, 2016.
 3. Sudbury Water District letter to B'Nai B'rith, dated May 16, 2016.
 4. Board of Selectmen letter to DHCD, dated June 8, 2016.
 5. Department of Housing & Community Development, Site Approval Letter, dated June 27, 2016.
 6. Email from Holly Grace agreeing to an extension of the first hearing until September 12, dated June 30, 2016.
 7. Board of Health, Bill Murphy, Health Director letter, dated August 19, 2016.
 8. Fire Department letter, dated August 23, 2016.
 9. Building Inspector, Mark Herweck letter, dated August 29, 2016.
 10. Conservation Commission letter, dated August 31, 2016.
 11. Conservation Commission revised letter, dated September 1, 2016.
 12. Coolidge Response to Fire Department's Memo, dated September 9, 2016.
 13. Coolidge Response to Building Inspector's Memo, dated September 9, 2016.
 14. Coolidge Response to Board of Health Director's Memo, dated September 9, 2016.
 15. Letter from Sudbury Friends of B'Nai B'rith Housing, dated September 12, 2016
 16. Letter from Springwell, dated June 6, 2016, received September 12, 2016.
 17. Letter from BayPath Elder Services, dated May 2, 2016, received September 12, 2016.
 18. Letter from Wingate, dated April 26, 2016, received September 12, 2016.
 19. Letter from David & Andrea Shamoian, 2 Windy Hill Lane, Wayland, MA, received September 12, 2016.
 20. Low Income Housing Tax Credit Market Study - The Coolidge at Sudbury Phase II, date of Report May 11, 2016, date received September 12, 2016.
 21. Transportation Impact Assessment, dated July 2016, received September 12, 2016.
4. Initial deliberations on Sudbury Station draft decisions.

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The Board began by discussing the draft decisions prepared by Barbra Saint Andre and Glenn Garber.

Mr. Klofft suggested that in the denial draft any mention of the 30-unit approval should be removed.

Mr. O'Brien suggested changing the structure of the document to get into the historical part first because it situates the decision as to location and meaning of the center to the town. Mr. Klofft questioned if that was strongest argument. Mr. O'Brien stated it is an emotional argument but it explains the sensitivity of the location. Ms. Rubenstein agreed with Mr. O'Brien.

Mr. Gossels believes there are two legal arguments, Sudbury has met the 10% affordable housing threshold and the safety issues.

Mr. Klofft suggested adding information about Sudbury's history with 40Bs in both the denial and the conditional approval.

Ms. Rubenstein asked why the decisions were drafted the way they were. Mr. Garber stated that there was some presumption that the technical information carried some weight and that's why it was first, but there was no scientific reason it was done like that.

Mr. Riordan suggested that the language around the misalignment of entrance be strengthened and to emphasize that Hudson Road is only a two-lane road maintained by the state. Mr. Gossels suggested that they include an exhibit. Mr. O'Brien agreed.

Mr. Klofft asked about the waivers included in the conditional approval of 30 units. He requested that they remove the waivers for setbacks and the historic district because of the decrease in units. He asked Mr. Garber if in the conditional approval there was any language about using a septic instead of the wastewater treatment plant. Mr. Garber didn't feel that they had enough engineering data to include it.

Mr. Gossels stated that the part of the property is protected under an APR. Mr. O'Brien stated that the language around it is as strong as possible. Mr. Klofft questioned how the Gilmartin property plays into the proformas.

Mr. O'Brien requested that the word "project" be changed to "development" throughout the document and suggested using a conclusion section.

Mr. Riordan requested that emphasis be made that Hudson Road is only two lanes, dangerous, narrow, country road.

Ms. Rubenstein asked about the development in Maynard and if that traffic had been taken into consideration. Mr. Garber stated he did an analysis on the new development but found that the traffic studies completed stopped well short of the Sudbury line.

Mr. Palmer stated that allowing 30 units could destroy the historic district argument. Mr. O'Brien stated he didn't agree because a historic district is still buildable.

Mr. Klofft stated that there is case law addressing a dueling application scenario. Mr. Palmer asked when they reached the 10%. Mr. O'Brien stated that they reached 10% on July 18, 2016 and added that the statute says that the date the application was filed is the date used to determine the numbers. Mr. O'Brien stated that the Superior Court has ruled that once a Town reaches the threshold they have the right to start balancing the need for affordable housing with their other concerns.

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Mr. Gossels stated that he had issues with the timing they received the stormwater analysis. Mr. O'Brien stated he started to write about the timing of the submissions but was told by Ms. Saint Andre to tone the language down. Mr. Klofft added that the review done by Horsley and Witten was not addressed by the applicant. Mr. Garber stated that there was a general pattern of late submittals and the Town had to contract with Horsley and Witten directly for the hydrogeology report.

A motion was made, seconded and voted to continue this hearing to September 20, 2016 in the Silva Room in the Flynn Building.

5. Approval of Meeting Minutes

Motion made seconded to approve Meeting Minutes for May 9, 2016; May 17, 2016; May 23, 2016; June 1, 2016, June 14, 2016; June 20, 2016; June 29, 2016; July 18, 2016; July 25, 2016 and August 8, 2016.

There being no further business, the meeting was adjourned at 10:40 p.m.

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