

SUDBURY ZONING BOARD OF APPEALS  
WORKING SESSION MINUTES  
February 16, 2018

Board Members Present: John Riordan, Chairman; and Frank Riepe ((Alternate).

Staff Present: Meagen Donoghue, Director of Planning and Community Development; Bill Murphy, Director of Board of Health; John Whalen, Fire Chief.

Others: Attorney Joshua Fox, Rolling and Rolling and Fox; Jake Parsons, Parsons Commercial; Mike Sullivan, Sullivan & Connors; Mr. Westerbeg; Daniel Kuster and Stephanie Kuster.

1. Public Hearing Case 18-4 –OSPD Realty Company, LLC, Applicant and Owner, for a Variance under the provisions of Section 3114 of the Zoning Bylaw, for construction after demolition with parking proposed not completely behind or to the side of the proposed building, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.
2. Public Hearing Case 18-5 – OSPD Realty Company, LLC, Applicant and Owner, for a Variance under the provisions of Section 2600/2620 of the Zoning Bylaw, to request a dimensional variance for a front yard deficiency of approximately 7.5’ on the LBD portion of the premises and a front yard deficiency of approximately 12.5’ on the Res. A District portion of the premises, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.
3. Public Hearing Case 18-6 – OSPD Realty Company, LLC, Applicant and Owner, for a Variance under the provisions of Section 2600/2620 of the Zoning Bylaw, to request a dimensional variance for a side yard deficiency of approximately 14’ on the Res. A District portion of the premises, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.
4. Public Hearing Case 18-7 – OSPD Realty Company, LLC, Applicant and Owner, for an Use Variance under the provisions of Section 2200/2230 of the Zoning Bylaw, to permit retail/office/restaurant/and/or personal service, property shown on Town Assessor Map K08-0006, at 415 Boston Post Road, Residential Zone LBD/Res A-1.

Mr. Riordan open the meeting at 9 a.m. remarking that at the last ZBA hearing of February 5, 2018 the above petitions could not be review and discussed because of the lateness of the hour.

Before February 5, 2018 hearing, the Board received correspondence from abutters and decided it would be beneficial to have today’s open working session meeting to received more information about the project, he explained today was an open public meeting of the Board of Appeals, but it was not a hearing, therefore it is a non-binding meeting and no decision will issue after this meeting, and the Board will not be taking formal testimony at this meeting.

Mr. Riepe and Mr. Riordan were present representing the Board of Appeals at this meeting only to received information, to learn about the project and to hear from town staff and owner of the property.

Mr. Fox made couple of points about the general concept of the project and talked about the schematic plan and landscape of the property. He stated the former police station is approximately 6,000 s.f., the foot print of the proposed building is a little smaller than that; the former police station is one story building and they are proposing a one story building as well, with a slightly higher roof line, regarding green-open space and walkways there will be an increase on these areas. The building will be demolished and the intent is to shift a building a little bit towards the east and south, bringing the building a bit closed to TD Bank and to Route 20. The objective is to move the building further away from the residential neighbors and bring the front elevation of the building in line with the two adjacent properties on Route

SUDBURY ZONING BOARD OF APPEALS  
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20, creating a street scape, the Applicant plans to work with the Planning Board in the future submitting a full site plan review and a storm water review. This project will involve multiple Boards review at the same time.

Mr. Fox stated, the Applicant will work on preparing a full landscape design that will address the three major concerns from neighbors: Lighting, noise and landscape/screening. Lighting will be dark sky compliant, lights will be turned off when business is not open. The Applicant believes they will be not adding any extra noise to the site. Mr. Fox presented a schematic building perspective drawing showing the East side row of the property with existing 5-6 not mature, deciduous trees if there is an ability to enhance that with more planting, it will be considered, the Applicant will locate the trees in comparison with the property line, identify the trees and find out how tall will they grow.

Mr. Riordan asked for the approximate distance from the proposed building to the line of trees on the East side of the property.

Mr. Sullivan answered it is about 12 to 10 feet from the proposed building.

The area of greater focus is the South Easterly corner of the property, when TD Bank was built they planted some screening, the Applicant will provide a plan that will show how that portion will be screened.

Mr. Riordan clarified the applicant will need to work with two Boards, he asked when this application will go to the Planning Board.

The Applicants are estimating submitting on early March, 2018 an application for a site plan review, at that time they will have water calculations, and landscape plans as well as water soil testing.

Mr. Sullivan stated the impervious area will be about the same as the existing, the site will be regraded but it will not be higher, there will be not a significant change on grade. The same septic system will be use and they will submit specific details to the Board of Health.

Mr. Murphy stated the property is very limited regarding flow, and it is located in an aquifer protection district.

The existing grade at the entrance is 140 feet, then it changes to 144 - 146 feet. Proposed slab will be 143 feet, they will have more detail at the meeting on March 5, 2018. The rear of the building will be closer to the elevation of the parking lot, there will be a set of steps on the front of the building, the building will have around 3 separate entrances, the applicant will provide grading information. The required parking spaces are 32.9 and the applicant is proposing 33 spaces.

Mr. Riepe suggested to have the building moved slightly few feet towards the West and to pull the two proposed front parking spaces to the back, this will result in a big improvement over the existing condition. Mr. Riepe's suggestion is to remove the parking in the front of the building and put the spaces in the back of building. Mr. Riepe would like to have the building closer to Route 20 to be align with the other buildings.

Mr. Sullivan replied they will take a look at it.

Mr. Riordan asked if the large tree along Route 20 will stay?

Mr. Sullivan reply yes, the tree will stay, there is no reason to remove it.

SUDBURY ZONING BOARD OF APPEALS  
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February 16, 2018

Mr. Riordan asked for the dumpster location and loading area.

Mr. Sullivan reply the plan is to have one dumpster for the whole property screened from neighbors, this will be part of the landscape plan as well.

Mr. Parsons stated the future use of this property will be a dry commercial use, because of the limitation with septic and it will not be a heavy trash accumulation location. The Applicant plans to have 2 – 3 tenants.

Mr. Murphy asked for the location of the air conditioning units.

Mr. Sullivan reply they have not gone that far yet.

Mr. Murphy added he is asking this question, because the location of where these units will be might generate or not additional noise, if they are located on the roof or ground level, if the units have an enclosure as to mitigate noise.

Mr. Riordan asked what the applicant has in mind for the retaining wall.

Mr. Sullivan reply they have in mind a physical fence and vegetation because of safety reasons, to avoid people walking over the fence by accident.

Mr. Riordan asked if the Planning Board should review this application first and then ZBA.

Ms. Donoghue reply she has been working for the town for only a year and a half and she cannot speak to it, but she feels the applicant would need the variances first.

Mr. Riepe opined the ZBA can issue the variances and accompanied them with comments, expectations or assumptions to guide the Planning Board, in his opinion this would be the right and customary order.

Mr. Fox stated that in the past they have submitted the request first to ZBA and have received a decision subject to planning board approval and or subject to plans been modify by the Planning Board.

Mr. Sullivan added that they have always gone to Planning Board second, because they have specific guidelines and they as applicants either met the requirements or not and they can adjust their plans and have issues resolve, on the other hand the ZBA is a thumbs up or down board.

The Board will officially open the hearing for these petitions on the night of March 5, 2018.

The working session meeting adjourn at 10:26 am.