

SUDBURY ZONING BOARD OF APPEALS
MINUTES
August 7, 2018

Board Members Present: John Riordan, Chairman; William Ray, Clerk; Benjamin Stevenson; Jonathan O'Brien and Frank Riepe.

Chairman Riordan open the hearing by asking the Clerk to read the notice as published in the newspaper.

Chair Riordan read guidelines for special permit and variance.

- 1) CONTINUATION - Public Hearing Case 18-22 – Marie Campana & Frank Campana Zambrano, Applicants and Owners for a Special Permit under the provisions of Section 2420 of the Zoning Bylaw, to construct an addition consisting of a third attached car garage with a second story over, proposed construction to a pre-existing, non-conforming structure and non-conforming lot, resulting in a side yard setback deficiency of approximately 8 feet, property shown on Town Assessor Map D09-0510, 20 Village Road, Residential Zone A-1.

Mr. Campana and Mrs. Campana where present with revised drawings, they removed a garage door and replace it with a regular door and they reduced the height of the structure.

Chair Riordan thanked the applicant and noted the size and height of the addition is now consistent with the original structure and at the last meeting the only neighbor that had something to say about this application was in favor of it.

Mr. Riepe commented the presented plans are a much better scheme and he finds it to be satisfactory.

Mr. Stevenson thanked the applicant as well and expressed he is in support of the revised petition as presented.

Mr. Ray appreciate the work and effort and stated he was in favor of this petition.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

Motion made, seconded and voted to approve petition 18-22 with standard conditions.

- 2) CONTINUATION - Public Hearing Case 18-23 – Lisa Tursi, Applicant and Lisa Tursi & Francis Tursi Owners, for a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to raise up to eight hens, property shown on Town Assessor Map B08-0446, 61 Maynard Farm Road, Residential Zone Res A-1.

Ms. Tursi was present requesting to build a chicken coop, mostly for eggs and for educational purposes for her children. The enclosed chicken coop will be located on the back of the property, the applicant received approval from the Conservation Commission as well due to the proposed location of the coop. The existing shed will remain in place and the chicken coop will be located nearby. Waste will be compost and or disposed in the trash once a week.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

Motion made, seconded and voted to approve petition 18-23 with standard conditions for one year.

- 3) Public Hearing, Case 18-24 – Amy Hansen, Applicant and Owner, for a Renewal of Special

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Permit 17-10 under the provisions of Section 2313 of the Zoning Bylaws, to raise up to 4 hens, property shown on Town Assessor Map F09-0403, 114 Morse Road, Residential Zone A-1.

Ms. Hansen was present requesting a renewal of her chicken coop permit and asked for approval to perhaps in the future increase the number of hens to six.

Mr. Stevenson suggested a more extended period be considered for the renewal.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

Motion made, seconded and voted to approved petition 18-24 for a five (5) year term for up to six (6) hens with standard conditions.

- 4) Public Hearing, Case 18-28 – Eric J. Fitzgerald, Applicant and Eric J. Fitzgerald & Katherine E. Fitzgerald Owners, for a Special Permit under the provisions of Section 2313 of the Zoning Bylaws, to raise up to 8 hens, property shown on Town Assessor Map K09-0409, 14 Massasoit Avenue, Residential Zone A-1.

Mr. Fitzgerald was present requesting a special permit for a chicken coop at his property, he stated waste will be composted and or disposed in the trash.

The applicant provided a shed sample and he will be building a custom chicken coop.

The Board asked for the coop to be located at least 40 feet of King Philip Road.

Chair Riordan asked if any members of the public wished to speak.

Marlana Voerster, 48 King Philip Road was present and the hearing and was in favor of the application.

Motion made, seconded and voted to approve petition 18-28 for a one (1) year term, and for the coop to be located at least 40 feet of King Philip Road.

- 5) Public Hearing, Case 18-26 – Yael Kupiec-Dar & Yaron Dar, Applicants and Owners, for a Special Permit under the provisions of Section 2620 Appendix B of the Zoning Bylaws, to construct on an existing non-conforming lot a 10'x14' storage shed that will result in a side-front yard setback deficiency of approximately 12 feet, property shown on Town Assessor Map H05-0557, 77 Hemlock Road, Residential Zone A-1.

The applicants were present at the hearing, requesting to build a shed at their property, they requested the shed to be located on the side of the property, because their septic is located behind their house, they proposed to build a small stone wall and move mature shrubs to the front of the shed.

Mr. Riepe asked why the shed was not flushed with the garage.

Ms. Dar explained the shed will be located few feet in front of the house in order to have room to access the shed, if the shed is located in line with the house there might not be enough room to put in or take out the snow blower, she further clarified the existing addition on top of the garage is set back by two feet, but the drawings do not reflect it.

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The board is in receipt of a letter of support from Caleb Cochran from 78 Hemlock Road.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

Motion made, seconded and voted to approve petition 18-26 as presented with the condition that appropriate vegetative screening is placed around the shed.

- 6) Public Hearing, Case 18-25 – Nashawtuc Country Club, Applicant and Owner, for a Special Permit under the provisions of Section 4100 of the Zoning Bylaws, to allow grading and compensatory storage of fill within a 100-year Floodplain on the Sudbury portion of the existing golf course, property shown on Town Assessor Map D13-0300, 0 Concord Road, Residential Zone A-1.

Michael J. Toohill from BSC Group and Troy Noble, Golf Course Superintendent were present at the hearing representing Nashawtuc Country Club requesting a special permit for grading work within the flood plain, the proposed project is a renovation of grading within an existing golf club.

A letter from the Conservation Commission was received this afternoon and read to the Board. The Conservation Commission closed the hearing on August 6, 2018 and will be issuing an Order of Conditions shortly approving the project. Ms. Dineen thoroughly reviewed the floodplain fill calculations to be sure that compensator flood storage is being provided as required in wetland regulation performance standards. It is being provided on a foot-by-foot basis at the same elevation as the filled areas. The compensatory flood areas are being created all on existing golf course play areas except by hole #10 where comp storage is being created in a previously disturbed area currently containing invasive plants. The area will be planted with high value native plants and will be maintained to manage for colonization of invasive plants without the use of herbicides.

Overall, the plan will improve current ecological conditions. They will have more storage build than fill, the Applicants have applied with the Town of Concord's Board of Appeals, Natural Resources and Planning Board, because the golf club is located in both towns.

As a result of the project more wetland resource areas are being created by reconfiguring the banks of the ponds. Shelves are being created in the ponds to provide planting areas for additional wildlife habitat and better pollution attenuation.

Mr. O'Brien asked the type of equipment that will be used for the project to ensure there are not secondary impacts as they move large amounts of dirt around, trucks drive on the ground and how will the impact will be mitigated.

Mr. Toohill reply they will use dozers and graders to move the dirt around and a lot of the material is being re-position they are trying not to take material off site, to mitigate they will use compost socks and the advantage of that is that when done they can just open the bags and spread them out, within the buffer zone a line of erosion control will be place between the work and resource area.

Mr. Riepe asked the reason of the proposed re-shaping of the land.

Mr. Toohill reply that as year passes golf courses features aged and can become too compacted to grow

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grass effectively, some of the reasons are aesthetic and some are to change the strategy of the golf course or to move the location of the holes that have draining problems, or to replace the irrigation system.

Mr. Stevenson asked about a correspondence received from Board of Health Director asking for the location of the irrigation wells to be noted on the plans.

Mr. Toohill replied the irrigation is in the Concord side and they will add the location to the plans.

Mr. Stevenson thanked the Conservation Commission for the revision of this application and added he was in support.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

Motion made, seconded and votes to approve petition 18-25 with the condition that they provide the information requested by Board of Health Director.

- 7) Public Hearing, Case 18-27 – Sudbury Water District, Applicant and Owner, for a Special Permit under the provisions of Section 2200-Principal Use of the Zoning Bylaws, to allow renovation and expansion to an existing Water District Facility (Essential Services Use) in Residential A-1 zone, property shown on Town Assessor Map L08-0001, 199 Raymond Road, Residential Zone A-1.

The Sudbury Water District was represented by Sudbury Water District Director Vincent Roy, as well as the Project Manager Steven Kirby of Vertex, and Architect JP Parnas of Weston & Sampson. The renovation to the Sudbury Water district building at 199 Raymond Road was presented requesting a special permit to allow renovation and expansion of the facility located in a residential district, providing a site plan showing the existing and the proposed facility.

Mr. Parnas described the project and proposed work, the intention is to fully renovate and expand the building that will include a shop space and a garage, the entire site will be re-paved, they will be installing a new septic system and a new stormwater plan will be submitted. They have been in front of the Conservation Commission and they are outside of Zone 1 and 2 water protection area, a portion of the existing building is located within the wetlands buffer zone, but the proposed work is located outside of the buffer zone. The applicants have been before the Design and Review Board, received some comments from them and they are scheduled to appear before the Planning Board.

Mr. Riepe asked about the nature of comments received from the Design and Review Board.

Mr. Parnas replied the DRB had minor comments about the sign, about the front vestibule, and different configuration with a small gable, they are considering those changes and will present few options to the Planning Board. The remainder of the building is an insulated panel building.

Mr. O'Brien asked if there was any change on equipment to require a large garage as it is being proposed.

Mr. Parnas and Mr. Roy replied the garage will be to accommodate existing trucks that currently are stored outdoors.

Mr. Stevenson asked if the level of activity will change on the site.

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Mr. Parnas replied there will be no change, just accommodating existing operations and improving it because they are placing all activities indoors, Mr. Roy stated they are increasing the size of the administration portion of the main structure to provide adequate space for the operation.

Mr. Riepe commented that he is concerned about the new shed, and he asked about the east elevation, asked if a small retaining wall will be built and if additional landscaping will be planted.

Mr. Parnas replied that their plan is to put in a small retaining wall to be able to use the east side of the building as an egress point and the back of the building will be nestled into the hill. The driveway is being reconfigured to be more perpendicular to Raymond Road and they are eliminating the secondary driveway that comes out to the south of the property.

Mr. Stevenson stated he felt comfortable with the application considering the applicant will see the Planning Board for additional review.

The board asked to communicate to Planning Board a recommendation about screening vegetation, to preserved as many trees as possible and to install new screening to be planted along Raymond Road and the entrance way.

Chair Riordan asked if any members of the public wished to speak.

No neighbors were present for this petition.

Motion made, seconded and voted to approve petition 18-27 with recommendations to the Planning Board regarding appropriate screening for a commercial, industrial use building located in a residential neighborhood.

8) Discussion of Melone Property RFP Responses.

Around 9 p.m. Mr. Klofft joint the Board for the discussion of the Melone property.

The Sudbury Zoning Board of Appeals met in open session to discuss the applications submitted in response to the Requests for Proposals issued by the Sudbury Board of Selectmen regarding the development of the approximately 46-acre parcel of land on North Road commonly known as the "Melone Property".

Chair Riordan stated the Board of Selectmen issued an RFP for a disposition of the Melone property and received three responses, one from Cavicchio, EDF Renewable and Quarry North. Chair Riordan asked the Board members to communicate to the Selectmen their opinion within their zoning jurisdiction.

The Board is in receipt of correspondence from Mr. Claussen via email on August 7, 2018 read at this meeting by Chair Riordan.

Mr. Stevenson stated the way the question was presented by the Chair at this meeting is correct, that this Board should look at this from a zoning perspective, and assume the litigation at the Housing Appeals Committee is and will be an uphill battle, and further it seems that it would be a non brainer to assume this project will be better off at the Melone site instead of the Town Center, based on quality of life category, and especially considering traffic safety.

Mr. Klofft shared that as a matter of zoning he would be in favor of having 333 units at the Melone

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property instead of 30 units in Town Center.

Mr. Ray stated that in his opinion the 333 units seems too big, even though the Melone location is a better location, but again the number of units could decrease.

Chair Riordan stated the proposed development will be under the LIP program, essentially a friendly 40B application.

Mr. O'Brien asked Mr. Roy of the Sudbury Water District if he is aware of any water conditions at the Melone site that are irremediable.

Mr. Roy reply that they have met with all three proponents, Mr. Claussen's proposal is the only proposal contingent with the purchase of the Water District property, and in that event the Water District will need to issue their own RFP, but at the moment they are on hold until the Selectmen's decision.

Chair Riordan asked if any members of the public wished to speak.

Jennifer Roberts, 14 Griffin Lane, expressed she is strongly in favor of the Quarry proposal in exchange of the Sudbury Station project because of traffic safety concerns.

Mr. O'Brien stated the Zoning Board is for the exchange of land; however, the Board reserves the right to negotiate in good faith with the developer.

Mr. Stevenson stated the Quarry North by far is the best choice out of the three proposals in concept and the Board should ask the Selectmen to consider all possible avenues to give the Board of Appeals few number of limitations on the ability of the Board to go through a normal 40B review application process.

Chair Riordan stated the Board does not know at this point how much negotiating room the Board of Selectmen will have if the Quarry North proposal is accepted.

Mr. Riepe stated the way Quarry North has framed the proposals in meetings with the Town as a friendlier 40B process and that they stated their commitment to excellence and wanting to work with the Town remarking this will be a cooperative process.

At the conclusion of its discussion, the ZBA unanimously voted to strongly recommend that the Board pursue the proposal presented by Quarry North, LLC, in light of the ZBA's mandate to best develop the town's resources under the Sudbury zoning bylaws and State zoning statutes governing the Town.

Notwithstanding such endorsement, the ZBA urges the Board of Selectmen to refrain from committing the Town to unit numbers and other strict rules regarding the site, which would preclude good faith negotiation with the developer as to the most appropriate use and improvement of the property. The ZBA is committed to the best development of Town resources, and feels that in prior similar developments it has demonstrated reserve, prudence, and friendly discussion with developers, all the while serving the Town's obligations in consideration of Massachusetts statutory requirements. The ZBA respectfully requests the same latitude with respect to any proposal regarding the Melone Property.

Motion made, seconded and voted to send a letter to the Board of Selectmen with comments expressed at this meeting.

Benjamin Stevenson in support

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John O'Brien in support
Frank Riepe in support
John Riordan in support
William Ray in support
Jeffrey Klofft in support

9) Approval of Meeting Minutes for February 27, 2017 and July 9, 2018.

No Meeting Minutes approved on this night.

10) Administrative Report.

Chair Riordan requested the Planning Department to request Town Counsel availability for a future meeting to get an update about Sudbury Station.

Motion to adjourn at 10:22 p.m.