



Town of Sudbury

Zoning Board of Appeals

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MINUTES

APRIL 29, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

Members Present: John Riordan, Chairman; William Ray, Clerk; Jonathan Gossels; Frank Riepe; and Benjamin Stevenson.

Members Absent: Nancy Rubenstein.

Others Present: Adam Duchesneau, Director of Planning and Community Development; and Mark Herweck, Building Inspector and Zoning Enforcement Agent.

Mr. Riordan opened the hearing by noting the presence of a quorum and the appointment of Associate Board Member Mr. Stevenson to sit in place of Nancy Rubenstein who was not in attendance. Mr. Riordan then asked Mr. Ray to read the legal notice as published in the newspaper into the record, which noted the following Zoning Board of Appeals applications and opened all of the public hearings listed below.

Mr. Riordan noted the requirements for Special Permits and Variances as discussed in the Zoning Bylaw.

CONTINUATION Public Hearing Case 19-3 – Anne Stone, applicant and owner, to request a Use Variance under the provisions of Section 2230 of the Zoning Bylaw, to allow for the construction of a self-storage facility in a Residential A-1 District. Property shown on Town Assessor Map K06-0602 at 554 Boston Post Road, Residential A-1

and

CONTINUATION Public Hearing Case 19-4 – Anne Stone, applicant and owner, to request a Variance under the provisions of Section 2210 of the Zoning Bylaw, to allow for more than one principal structure. Property shown on Town Assessor Map K06-0602 at 554 Boston Post Road, Residential A-1

Attorney Jerry Effren, property owner Anne Stone, Quentin Nowland of Lynch Landscape & Tree Service, Inc., William Dickinson from Dickinson Architects, LLC, Mike Sullivan from Sullivan Connors and Associates, Inc., Bob Pulliam from Boardwalk Solutions, Patrick Dunford from Vanasse Hangen Brustlin (VHB), and Clifford Hughes, owner of Orchard Hill Assisted Living, were present to continue discussing the applications with the Board. Mr. Effren provided a recap summary of the proposed project to the Board. The request was concerning two applications for Variances for the premises located at 554 Boston Post Road. The proposed project contemplates a self-storage facility comprised of approximately 672 climate-controlled units with driveway access to the interior of the structure. Mr. Effren noted Ms. Stone has a Purchase and Sale Agreement in place with Lynch Landscape & Tree Service, Inc., who would construct and operate the storage facility. The front portion of the property is approximately 3.1

acres and currently zoned Single Residence A-1. It has a commercial use as a doggie day care and a seasonal use as a farm stand. Currently, there are two driveways which service the property, one of which is shared with the property owner to the west (J.P. Bartlett's Wholesale Greenhouse). One of the proposals for the project would change the use of the driveway, providing an easement to the Bartlett's Wholesale Greenhouse property which would allow them to have separate access to their property. The approximately 56-acre parcel located in the back of the subject property is not part of the application. This land has a Chapter 61A permanent Agricultural Restriction imposed on it after the 1984 Town Meeting approved joint acquisition of the restriction with the Commonwealth.

On April 24, 2019 the Board of Appeals received a Supplemental Memorandum that included a supplemental traffic study and Conditions. The Applicant proposes to preserve the farm stand and to relocate it to the east. The farm stand would be operated by Lynch Landscape & Tree Service, Inc. The Applicant is also proposing to reorganize the parking spaces in a safer manner for traffic going to and from the property. The Stone Tavern building would be redesigned and put to use, keeping the original historic footprint. The additions that are not original to the property would be removed and the space would be used as an office. Mr. Effren noted the project, if approved by the Zoning Board of Appeals, would still need Site Plan Review from the Planning Board and review by the Design Review Board.

Mr. Nowland continued the presentation, sharing plans and designs. He indicated the project team felt they had a solid plan for the reuse of the Stone Tavern, where the storage facility office and transaction desk could operate. Mr. Nowland indicated they plan to keep the farm stand on the property and relocate it approximately 100 feet to the east near the Stone Tavern, creating additional gravel and paved parking spaces. The farm stand will also act as a buffer to the self-storage facility building.

Mr. Sullivan presented a site plan for the property, pointing out the emergency exit on the east side would be eliminated and they would only have one driveway. He noted the proposal called for 12 outside parking spaces (six in the back, six in the front) and ten spaces inside the storage facility itself. Two surface infiltration basins with additional filtering had also been added to the design. Mr. Sullivan indicated the septic system was designed for 200 gallons per day and a hydrant would be located on each side of the building. He also stated the dumpsters would be located in back of the building and the property would be encapsulated with a fence. Mr. Sullivan also noted Bartlett's Wholesale Greenhouse would have an easement to allow continued access to their property.

Mr. Nowland stated the design of the self-storage facility had been reduced by about 20% in size since the original application for the proposal back in October 2018. He noted the current proposal would be the 13th largest commercial building in Sudbury and the facility would have approximately 672 units of varying sizes. Mr. Nowland continued on to note the facility would also have a pin code access system and internal loading using drive-in access.

Mr. Sullivan stated there had been some modifications to the Site Plan since it was last presented. One was the elimination of an exit way on the east side of the property instead of consolidating the entrance and exit on the westerly side of the property. Additionally, the driveways had been modified to accommodate a larger fire truck similar in size to the City of Framingham's largest fire truck. Under the Town's Zoning Bylaw, the Applicant is required to have 20 parking spaces and the proposed plan presented 22 spaces. The foot print of the proposed building was 170 feet by 23 feet, totaling a foot print of 39,950 square feet. The total square footage for the entire proposed building, including all three floors, would be 105,000. The proposed height of the building would be 34 feet and 0.8 inches.

Mr. Hughes, owner of Orchard Hill Assisted Living, was present to describe his intent to re-use the dismantled pieces of wood from the Stone Farm Barn. He was considering two different projects on an approximately 26-acre site and his intent was to build a timber framed barn and four Alzheimer's units, on the approximately 20 acres of land he owns on Route 20/Boston Post Road.

Mr. Stevenson asked the Applicant if he had considered rehabilitating the barn for a more vibrant use or possibly relocating it within the same parcel. Mr. Nowland replied the site had limitations on its potential uses due to its available septic capacity.

Mr. Dunford, a Traffic Engineer from VHB, determined the farm stand operation would have a minimal impact on the proposed project. Current conditions on the site reflect a wide open and undefined entrance along Boston Post Road. The proposed site plan consolidated access to and from the property into a single access point, further on the west side of the property.

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

Diana Warren and Chris Hagger from the Sudbury Historical Commission were present with comments on the application. They stated the Stone Tavern was a historical treasure noting it ranked historically with the Wayside Inn. They pointed out the evidence suggested it was more historically significant to the history of Sudbury than any other property in town including the Loring Parsonage and Pantry Brook Farm. Ms. Warren and Mr. Hagger felt the project before the Zoning Board of Appeals was not positive change but a development which would harm, rather than safeguard, the history and town character. They indicated the Sudbury Historical Commission strongly opposed the granting of the requested Variances because they believed any approval would lead to the destruction and demolition of a historically significant, well known farm house and barn complex, as well as harm the historic neighborhood in which it sits. Ms. Warren and Mr. Hagger stated the Stone Tavern Farm represented the full spectrum of Sudbury's history beginning with Sudbury Plantation in 1638. Collectively the Farm and the historic neighborhood tell the story of Sudbury's history as a farming town. Removing either the barn or farmhouse tavern would take away the heart of this historic neighborhood. Ms. Warren and Mr. Hagger stated the Stone Tavern Farm was part of a complex that included 15 historic structures. The Stone Tavern Farm and Barn had all the criteria the National Register uses to determine historical significance. They noted the barn, and in particular its cupola, have exceptional design, scale, and proportions. Perhaps more than any other farm still existing in Sudbury, the Stone Tavern Farm, surroundings, and family history tell the story of Sudbury as a Massachusetts farming town. Ms. Warren and Mr. Hagger felt destroying, altering, or removing any part of it would be a substantial detriment, culturally and historically, to the public good. They reiterated the Historical Commission believed the granting of these Variances would be contrary to the intent and purpose of the Zoning Bylaw's statement of: "to preserve the cultural, historical and agricultural heritage".

The Zoning Board of Appeals expressed interest in receiving information related to prior purchase offers for this property. The Applicant replied they would pull together some information on this inquiry.

Fred Taylor, Chair of the Historic Districts Commission (HDC), stated the HDC had sent a letter to the Zoning Board of Appeals with comments. However, Mr. Taylor indicated he was speaking at the meeting as a private citizen. He stated he felt the size of the proposed building would take away from the streetscape and noted Town Meeting had approved money to save the land located in the back of this property. Mr. Taylor suggested the Zoning Board of Appeals consider as a condition of granting the Variances, asking the Applicant to consent to making the farmhouse structure and parcel a local historic district. This way the Town would have some control over the preserved tavern in the future.

Mr. Stevenson noted the Zoning Board of Appeals could put a condition on the Stone Tavern building to have it be preserved in perpetuity.

Deborah Dineen, Conservation Coordinator, stated she was in favor of the Variances being granted and indicated she was present to answer any questions in her capacity as Conservation Coordinator. She also noted she was present to speak in favor of the application as a town resident and acquaintance of the Stone family. Ms. Dineen added she felt the subject property was no longer suitable as a single-family residence. She stated the significant amount of traffic on Route 20/Boston Post Road, the numerous trucks which rattled the walls of the residence, delivery trucks, the beeping of snow plows in the expanse of the adjacent parking lots, maintenance workers coming and going at all hours for Whole Foods, and the town's soon-to-be-enlarged Fire Station as examples that contributed to the property no longer being able to be enjoyed as a normal residential property. Ms. Dineen now viewed the subject property as an "island of residential use" in the middle of a busy commercial area. She felt the hardship to the owner was the exemptions and previous rezoning directly adjacent to her house which contributed to a very poor quality of life compared to other residential areas in town.

Ms. Dineen pointed out that in 1984 the Stone family recognized the value of the farm land and wanted to preserve it for future generations. As such, they sold the development rights jointly to the Town and State for \$612,000 with a 54/46 cost split. She noted this action prevented a 43-lot subdivision from being constructed in what is now permanently preserved farm fields. Ms. Dineen stated she was involved in that transaction and worked with Tim Storrow at the Department of Agriculture. She indicated Anne's father, William Stone, had a goal to keep the land open but allow for change to occur on the developed area of the property. Ms. Dineen noted Mr. Stone had done something very similar when he excluded a 5-acre parcel on Horse Pond Road for his other daughter, who had since sold the land to a religious use under the Dover Amendment.

Ms. Dineen stated that to the contrary of the Historic Districts Commission Chairman's letter dated April 25, 2019, the purchase of the 56-acre farmland to the north did not address the 3-acres containing the house, barn, and other outbuildings. She inquired why, if the HDC and Historical Commission were interested in preserving the structures, was there no outreach to assist the owner with a plan to maintain and preserve them for the long term. Ms. Dineen stated there had been no attempt to contact the property owner regarding this matter. She also pointed out none of the property or structures were located within a Historic District. Ms. Dineen stated she believed if the Variances were not granted one of the following possible scenarios would occur:

- The current developer of the storage facility would not wait for a fall Town Meeting and the land would go to another developer and use. The property owner had received higher offers than the one accepted for the storage facility. The storage facility offer was chosen due to it having the lowest impact use on traffic and septic, two of the biggest concerns in town along the Route 20/Boston Post Road corridor in Zone II of our wells. These other offers included several offers for agricultural uses that would invoke the Dover Amendment and leave the Town with only limited control for permitting. The proposed storage facility was the only proposal which included a reuse of the house and the offer to work with Mr. Hughes on reuse of the barn.
- If the property owner did nothing at this time, the house and barn fall further into disrepair and would need to be removed from the site for safety reasons. The barn was already unsafe during winter conditions and the owner's horses had to be moved to an alternate facility for the winter months.

Ms. Dineen believed there was no scenario where the owner decided to stay and make the major, extremely costly necessary repairs. She felt the current proposal was the best option because it preserved and reused the house, rebuilt the barn within town, provided a low-impact reuse involving a well-respected, current, Sudbury business owner, and added to the Town's tax base, all while respecting a founding family that took a financial loss to protect farmland and is now taking another financial loss so as not to overburden the town with additional traffic and additional sewerage.

Ms. Dineen stated the proposed use chosen for the project was not the "highest and best use" as normally defined, but was an appropriate use which respected the traffic and environmental issues facing the immediate Route 20/Boston Post Road area. The historic house would be restored and repurposed. The agricultural farmland has been preserved for the past 35 years. The barn structure would be reused within town and the commercial tax base would be increased. All of which were factors which would contribute to the welfare of the town's residents.

Ann McGovern McAdam, who grew up at 925 Boston Post Road, spoke in favor of the owner, Anne Stone, and her decision to transition this property in the best way she saw fit.

Chuck Mills, an employee of the Stone family, spoke in favor of the owner Anne Stone. He stated the tavern was operated for a short time but this was a family run farm. In his opinion, the proposed scenario was the best plan for this site.

Mr. Sullivan answered a question about the development potential of this land as residential use. He stated there was not enough frontage for more than one lot unless a new roadway were constructed. If a new roadway were built, they would lose one of the lots and could end up with a 250-meter-long road with at most, two lots.

Andrea Holland of 31 Woodland Road stated the request from the Applicant should be a zoning change from Town Meeting and not a Variance because the supporting documents submitted with the application failed to meet the criteria for a Variance. Ms. Holland indicated she could not find where the hardship criteria was coming from. Further, she stated that from what she heard at the Lynch and Stone meetings, Ms. Stone had received several other purchase offers for the property, two of which were agricultural uses. Ms. Holland noted if there were other offers which fit within the current zoning, she did not see how this would be considered a hardship and therefore believed the Variances were not justified.

Sam Jackson of Woodland Road stated the Variances would be a step in the wrong direction and expressed worry about the future of the homes located across the street.

Brett Holland of 31 Woodland Road indicated the property had never been listed as a residential property to prove the hardship. He was very concerned about the hours of operation for the proposed use.

Mr. Riordan requested a detailed memorandum from the Applicant clarifying the interpretation of whether the standards for Variances under Chapter 40A had been met because this had been a key issue raised at the hearing.

Mr. Stevenson stated it would be helpful to see the purchase offers received by Ms. Stone, as they relate to the hardship discussion and other possible uses for the property. He also noted the intent was not to isolate the discussion to a number.

Mr. Gossels stated before closing deliberations, he would like to find out if the massing of the building could be reduced.

Mr. Duchesneau reminded the Zoning Board of Appeals, if the application was approved by the Board it would then need to go before the Planning Board for Site Plan Review and to the Design Review Board as well.

Mr. Stevenson made a motion to continue the public hearings for the Variance applications for 554 Boston Post Road, petitions 19-4 and 19-5, to the Zoning Board of Appeals meeting on May 28, 2019 at 7:30 PM. Mr. Gossels seconded the motion. The vote was unanimous, 5-0.

Mr. Stevenson made a motion to adjourn the meeting. Mr. Riepe seconded the motion. The vote was unanimous, 5-0. The meeting was adjourned at 10:49 PM.