

IN BOARD OF SUDBURY SELECTMEN  
MONDAY, NOVEMBER 30, 2015

Present: Chairman Patricia A. Brown; Vice-Chairman Susan N. Iuliano; Selectman Leonard A. Simon; Selectman Robert C. Haarde; Selectman Charles C. Woodard; Craig Lizotte, Planning Board Chair; Melissa Murphy-Rodrigues, Town Manager; Jody A. Kablack, Director of Planning and Community Development; Greg Watson, Mass Housing; Nancy McDonald, Mass Housing

The statutory requirements as to notice having been complied with, the meeting was convened at 1:00 p.m. in the Silva Room, Flynn Building, 278 Old Sudbury Road.

**Discussion with MassHousing on Village at Sudbury Station 40B Application**

Ms. Brown thanked Mr. Watson and Ms. McDonald for coming to Sudbury to discuss the Village at Sudbury Station application. Ms. Brown asked Board members if they wanted to begin the discussion. The Board and the MassHousing representatives were previously in receipt of a letter from the Board dated November 5, 2015 expressing concerns related to this application.

Ms. Iuliano highlighted several points from the November 5, 2015 letter. She noted that Sudbury has been working hard towards the 10% affordable housing goal, and that affordable housing is not an undesirable land use. However, the location proposed for the Sudbury Station development is fraught with issues, including its proximity to the historic district, its scale in relation to abutting land uses, the concern that it will not be adequately buffered and that the information submitted to date is not adequate to assess all the impacts of the development. She also noted that traffic from the development will be added to an already congested intersection which does not have the capacity to be increased, particularly in the north/south direction. Her final point was regarding the archaeological findings on the property.

Mr. Watson noted that it is customary for plans to be preliminary at this stage. MassHousing is looking to see if the location is generally suitable for residential development, and that the developer is credible. He stressed that it is important for the Town to raise issues at this time, but that many of the issues raised will be reviewed and resolved at the ZBA public hearings.

Selectman Haarde stated that this application is no different from other 40B applications submitted to the Town during the project eligibility stage. He also stated that it is not realistic to attempt to make this development invisible from abutting properties. He felt that the Town can work with the developer to screen the housing from the historic district. He noted that the land is zoned residential.

Mr. Lizotte noted that several Planning Board members are attorneys and engineers who have professional expertise in these types of plans, and he felt that this particular application was not only deficient and misleading, but he doubts whether the issues identified can be physically designed to function properly, particularly in regards to screening, traffic mitigation and stormwater.

Mr. Watson noted that the Project Eligibility Letter (PEL) will not resolve engineering issues. He described MassHousing's role as regulatory. The PEL will reflect the Town's concerns and require the developer to address the stated concerns. He again noted that the engineering issues will be reviewed and resolved during the ZBA review.

Ms. McDonald stated that MassHousing has a low threshold to meet in terms of issuing a PEL, and that is to determine that the property is generally suitable for residential development.

Selectman Haarde stated that he is the senior member of the Board and is more familiar with the 40B process than other members. He sees little difference between this application and Johnson Farm, yet the Board's response to MassHousing was not as harsh for the former application.

Selectman Woodard stated that the unsuitability of the parcel is the paramount concern with this application, and he felt this was different from other Sudbury 40B applications, particularly since the Town is now faced with the possibility of adding 500 new units of rental housing. Selectman Woodard was also unclear as to what generally suitable means from MassHousing's view.

Mr. Watson explained that economic feasibility is important to MassHousing. They will complete their own appraisal and market analysis, and will base their findings on this data, as well as the data contained in the developer's application, and the Town's comments. Mr. Watson acknowledged that they have not reviewed the Avalon Bay proposal yet since they are not the subsidizing agency, but that will be taken into consideration when they make their findings.

Selectman Woodard agreed that economic feasibility is very important here, but he also was concerned that the answers in the application are misleading and inaccurately portray the development, and could sway MassHousing if careful analysis is not done. Selectman Woodard noted several places where the applicant made statements that are not accurate, which are also noted in the Town's letter.

Mr. Watson responded that in particular, the Sustainability Guidelines in the application are not used in making the MassHousing findings, but are guidelines that are important on a state-wide basis.

Vice-Chairman Iuliano asked that MassHousing differentiate between what is appropriate for residential development and what is appropriate for this specific parcel, and that this be taken into consideration before their findings are made.

Mr. Watson stated that MassHousing will look at the property and its physical characteristics, including topography and surrounding neighborhoods. He noted that design elements were brought to the forefront of their review process in 2008 with the revised DHCD Guidelines. He noted that the project narrative included in the application helps them understand the project and the design elements.

Mr. Lizotte wondered how MassHousing could review the project under the guidelines as it is incomplete and misleading.

Selectman Simon reiterated that this is not a redevelopment project as has been stated in the application. This development will disrupt adjacent forested areas and the peaceful and reflective Town cemetery. Mr. Simon also noted that there is some question as to the legality of the land swap that created the frontage for the property, as the original intent and applications were to create 1 lot and did not envision a large development.

Mr. Watson that site control is a required finding, and if site control is limited this could impact their approval.

Selectman Simon continued to discuss that the property is undeveloped, is on the Town's Open Space and Recreation Plan and is adjacent to the historic district. He believes that MassHousing needs to more closely review the feasibility of the development on this site, including the creation of the lot and the accuracy of the application.

Selectman Haarde noted that he was on the Board when the land swap occurred, and had the understanding that a larger subdivision was possible in the future.

Chairman Brown asked if MassHousing was financing the project, and the answer was not necessarily. She then asked if anyone had any further comments, as it was approaching the end of the one hour meeting.

Ms. Kablack noted that additional documentation on the archaeological remains is forthcoming, and requested that MassHousing wait to issue the PEL until this information has been reviewed.

Mr. Watson asked if Mass. Historical Commission has been contacted yet, and Ms. Kablack answered that it is her belief that they do know about the property and the potential for archaeological significance, however there is nothing in the application about this issue.

Selectman Haarde stated that affordable housing is important to allow young people to live in Sudbury, however he does not want to see it concentrated in large developments, but prefers it scattered around the Town.

Selectman Simon stated he does not believe this site is suitable for this development.

Mr. Lizotte asked if MEPA factors into the MassHousing PEL, as this development may exceed some MEPA thresholds, particularly for wastewater discharge and archaeological issues. He requested that MassHousing require the applicant to file a Project Notification Form with the Mass. Historical Commission as a condition of the PEL.

Mr. Watson answered that they have not completed their review yet, and that they will take the comments received at the meeting today into consideration before they issue findings.

There being no further discussion, Chairman Brown thanked the MassHousing representatives, and then entertained a motion to adjourn, which was seconded and voted unanimously at 2:10 pm.

Attest: \_\_\_\_\_  
Melissa Murphy-Rodrigues  
Town Manager-Clerk