



# Town of Sudbury

Planning and Community Development Department

Jody A. Kablack, Director

Flynn Building  
278 Old Sudbury Rd  
Sudbury, MA 01776  
978-639-3387  
Fax: 978-443-0756

<http://www.sudbury.ma.us/services/planning>  
[kablackj@sudbury.ma.us](mailto:kablackj@sudbury.ma.us)

TO: Zoning Board of Appeals  
FROM: JAK Jody Kablack, Director of Planning and Community Development  
DATE: April 15, 2016  
RE: Village at Sudbury Station Comprehensive Permit Application

In preparation for the April 25, 2016 continued public hearing on this application, I wanted to give the Board information on several topics that have developed over the last several weeks. Additionally, I will not be able to attend the meeting on the 25<sup>th</sup>.

1. The developer has agreed to pay for a peer review of the potential visual impacts of the project, and the Town will be entering into a contract with Davis Square Architects from Somerville to complete this work. I have attached the scope of services for your information. Mr. Boehmer will be present at the 4/25 meeting to hear the applicant's presentation, and will present his peer review at a subsequent meeting.
2. The applicant is requested to submit additional funds for peer review in the amount of \$7,800 for Davis Square Architects and additional review by Vanasse Associates for traffic. The Town cannot enter into the contract with Davis Square Architects until the funds are received, so time is of the essence. It is noted that an additional \$1900 was recently submitted for peer review, however that did not take into account these 2 additional contracts.
3. To complement the visual impact analysis, the Board should consider having a Historic Property Effects Assessment completed. Although the applicant has declined to pay for this service, the Board can request the Town Manager to pay for it through available funds in the Planning and Community Development Department budget. If this is something the Board feels will be a valuable source of information on this application, the request should be made. I have attached the scope of services for that study to this memo.
4. The Board should be aware of the petition article that will be discussed under Article 5 of the May 3 Special Town Meeting requesting the transfer of \$45,000 from the Town Stabilization Fund to be used to hire outside legal counsel for the purpose of reviewing the proposed Sudbury Station development and Peter's Way land swap. Over 200 residents have signed the petition. The warrant article is attached for your information.
5. To date this office has not received any detailed plans or additional information as noted in the memo dated February 17, 2016. The information listed in that memo is required under either the DHCD Regulations, 760 CMR 56.05, or the ZBA Supplemental Rules for Comprehensive Permits. Particular areas of concern are the engineering analysis of the stormwater and wastewater systems, the extent of grading and vegetation removal that will be required to construct a large development on slopes of greater than 15%, the proximity of such a large development and its visual impact on the Town's cemetery and the Town Center Historic District, the proximity of the development to restricted agricultural land and the potential impacts of construction on the restricted land. Without this information the Board cannot determine if the project is sensitive to "local concerns", including protecting the health and safety of the future occupants or the residents of the municipality,



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protecting the natural environment, promoting better site and building design in relation to the surroundings and municipal and regional planning, and preserving Open Spaces.

It is noted that as of the next hearing date on 4/25, the Board will be ½ way through the total hearing time allowed under the DHCD regulations. The hearing must close on or before July 28 unless extended by mutual consent. Lack of this essential engineering information has substantially constrained the review process of this application.

6. Information previously requested includes:
  - a) Description of materials for streets, drives, parking areas, walks and paved areas
  - b) Construction type of buildings and exterior finishes
  - c) Details on the drainage system
  - d) Details on the wastewater disposal system
  - e) The boundaries and dimensions of the applicant's lots
  - f) Proposed setbacks from the front property line, center of right of way, all side property lines and the rear property line
  - g) Two separate plans showing the existing and proposed grade lines, with significant spot elevations in relation to mean sea level
  - h) Location and details of all proposed signs and exterior lighting
  - i) Stormwater flow and direction from all disturbed areas of the property, and all proposed stormwater protection features
7. This application will require MEPA review due to the creation of greater than 5 acres of impervious area (7.12 acres proposed), as well as the proposed number of parking spaces exceeding the threshold of 300 spaces (494 spaces proposed). One other aspect of the development that is close to MEPA threshold, but may not exceed it, is total discharge volume of the wastewater treatment plan (MEPA threshold is more than 50,000 gallons/day; the application is unclear as to total volume anticipated. MEPA review will be undertaken by DEP prior to construction.
8. This application will require a Project Notification Form from the Massachusetts Historical Commission due to its need for a state permit (Groundwater Discharge Permit from DEP). This permit will be required prior to construction.
9. I have attempted to schedule a site visit of the property with the Board, however the applicant has not responded with acceptable dates.
10. The hearing schedule as amended is as follows (Follow up from previous hearings has been added to the June 20 meeting):
  - **Hearing 3, April 25** - Building Massing/Density; Architectural Design/Landscaping
  - **Hearing 4, May 23** - Physical constraints of the site – stormwater, wastewater, clearing & grading
  - **Hearing 5, June 20** - Other site impacts – visual, fiscal, historic impacts; Mitigation/Community Needs; follow up from previous meetings
  - **Hearing 6, July 25** - Additional information, hearing must close unless extended.



# Town of Sudbury

*Planning and Community Development Department*

Jody A. Kablack, Director

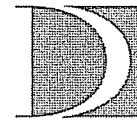
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- **Hearing must be closed by July 28.**
- **Decision must be issued by September 3 (or September 6 due to Labor Day).**

## Attachments

cc: DPW Director  
Building Inspector  
Conservation Coordinator  
Health Director  
Fire Chief  
Town Counsel  
Historic Districts Commission  
Historical Commission  
Board of Selectmen  
Planning Board  
Applicant



DAVIS  
SQUARE  
ARCHITECTS

240A Elm Street  
Somerville, MA 02144  
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davissquarearchitects.com

Brooks A. Mostue, AIA  
Clifford J. Boehmer, AIA  
Ross A. Speer, AIA  
Iric L. Rex, AIA

April 11, 2016

Jody Kablack  
Director of Planning and Community Development  
Town of Sudbury  
278 Old Sudbury Road  
Sudbury, MA 01776  
978-639-3387

RE: Sudbury Hudson Road 40B Development  
Revised Architectural Fee Proposal

Dear Jody:

Thanks for reviewing my previous proposal, and I'm happy to provide you with this new version. This proposal is based on a comprehensive review process similar to a project that I am involved with in Sturbridge. While I don't yet know the specifics of your development, I believe that the project qualities reviewed in my proposal are typical for this level or 40B architectural peer review.

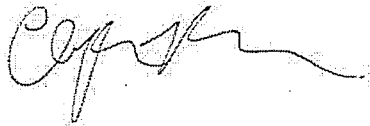
For the services described below, my proposed Lump Sum fee including travel mileage and reproduction costs is \$4,800. If attendance at additional evening (or daytime) meetings is required, I propose a fixed, per meeting rate of \$850. I have attached DSA's hourly billing rates for T&M services beyond our Lump Sum fee, which we will hold until the end of 2016. I will perform all of the services myself, with the possible participation of support staff for preparation of presentation materials. Following is a summary of the services included in this proposal:

- Review of the Developer's Application, Plans, and Drawings
- Initial Meeting with the Developer's Design team and Representative of the Town (concurrent with Initial Meeting)
- Site Visit and Reconnaissance of Surrounding Residential and Nonresidential Areas (concurrent with Initial Meeting)
- Attendance at a ZBA hearing on April 25, 2016 (also same day as Initial Meeting)
- Consultation with Applicant's Design Team (limited to telephone conferences and emails)
- Written Letter Report to ZBA that discusses:
  1. *Orientation of principal buildings in relation to each other, and to streets, parking areas, open space, and on-site amenities, and to solar access.*
  2. *Elevation and massing.*
  3. *Side and rear elevations visible from the street, public areas, or from the vantage point of nearby residential neighborhoods.*
  4. *Compatibility of building design with surrounding areas, including but not limited to design elements to mitigate the visual impact of higher density and taller buildings on nearby residential neighborhoods.*
  5. *Relationship between proposed building design and existing multifamily buildings or other appropriate larger-scale buildings in Sudbury.*
  6. *Integration of buildings and site, including but not limited to preservation of tree cover.*
  7. *Exterior materials.*
  8. *Placement and design of accessory structures, such as garages.*
  9. *Exterior lighting.*
  10. *Any other design-related considerations identified by the consultant in the course of its review.*

- Attendance at a second meeting of the ZBA.
- Review and provide written comments on proponent's final revised submission prior to the close of the public hearing.
- Written recommendations to the ZBA for design-related conditions of approval for the comprehensive permit.

Thanks again for considering Davis Square Architects for your project in Sudbury. Please get in touch with me if you have any questions about this proposal.

Sincerely,

A handwritten signature in dark ink, appearing to read 'C. Boehmer', with a stylized flourish extending to the right.

Clifford Boehmer, AIA

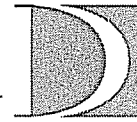
Attachment: Schedules of Fees and Conditions, Hourly Rates

Accepted by: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



**DAVIS  
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SCHEDULE OF FEES AND CONDITIONS

January 1, 2016

**HOURLY RATES**

Fees on Time and Materials Agreements are based on time worked on the project, including travel, at hourly rates provided upon request. Estimates, when provided on hourly-billed projects, are good-faith estimates intended to assist you generally in project planning and are not upset maximums. Hourly rates are fixed for six months from the date of the Agreement, and thereafter they are subject to renegotiation. Time spent on trial preparation or testimony relating to any kind of proceeding will be billed at 1.5 times the basic rates.

**OVERTIME**

Overtime, when authorized by you, will be billed at 1.5 times basic rates.

**REIMBURSABLE EXPENSES**

Project-related expenses for printing, photocopying, typesetting, facsimiles, long-distance telephone, travel, photography, postage and delivery, renderings, models, outside consultants, and client-requested additional insurance will be billed at cost plus an appropriate multiplier, typically 1.1 x direct expense.

**ADDITIONAL SERVICES**

Additional Services will be provided at the then-current basic hourly rates plus reimbursable expenses as above defined. Additional Services include revisions necessitated by your changes in project scope, quality, or budget, and any changes in previously approved drawings or specifications.

**PROPOSALS**

Proposals are valid for 30 days. Your request that we commence work on a project prior to your executing and delivering to us a written agreement constitutes acceptance of the proposal's terms.

**INVOICES**

Invoices are issued monthly for services rendered the previous month. Payment of each invoice is due on your receipt of the invoice, and interest on unpaid amounts will be charged at the rate of 1.5% per month 30 days after presentation of the invoice. Notwithstanding the above provision regarding interest, we may suspend our work, at our option, without being in breach of contract if any previously issued invoice remains unpaid for more than 30 days after delivery of the invoice to you.

**AGREEMENT**

We intend to enter into a written agreement with you based on AIA Document B141, *Standard Form of Agreement Between Architect and Owner*. Legal fees incurred in reviewing other forms of agreements will be billed as Additional Services.

**DESIGN/BUILD**

Design/Build services may be solicited by you from design/build contractors based on our design documents with the understanding that you will assume responsibility for and hold us harmless from: any and all engineers' computations, certifications, code compliance, changes or additions to drawings and specifications, and coordination of design professional work, and all work performed by architects other than us. Our review of any design/build work not originally performed by us will be solely for compatibility with our aesthetic design intent.

#### CONSTRUCTION CONTRACT ADMINISTRATION

Our services during construction phase will consist of administration of the construction on a periodic basis.

#### CONTINGENCY FUNDING

In accepting these terms, and in acknowledgment of the risks inherent in construction, you agree to establish a construction contingency fund for change orders and other unanticipated costs. In performing our services we will exercise that degree of care normally exercised by competent architects practicing in Massachusetts on projects of this type.

#### LEAD, ASBESTOS, MOLD AND HAZARDOUS SUBSTANCES

We are not insured for, do not provide services related to, and will not be liable for any damages or costs relating to, the detection, identification, treatment or removal of lead, asbestos, mold, or any other hazardous or polluting substances.

#### INSURANCE

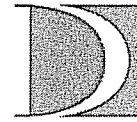
Copies of our Workman's Compensation and Professional Liability insurance certificates will be provided upon request.

#### AGREED REMEDY

Our liability to you and all other claimants at any time for any damages or costs resulting from our errors, omissions, or professional negligence relating to the project will be limited to a single aggregate sum equal to the greater of \$50,000 or our fee under our agreement with you for the Project.

#### TERMINATION AND SUSPENSION

At any time you suspend or terminate the project, you agree to pay for all fees and reimbursable expenses incurred to that time. Projects suspended for more than three months, or terminated and later reactivated, are subject to renegotiation of fees. If you elect to hire another architect to perform services on the project subsequent to or in addition to performance of our services, you shall hold us harmless from errors and omissions of any and all such other architects.



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**SCHEDULE OF HOURLY RATES**  
*January 1, 2016*

Position	\$/hour
Principal	\$ 180.
Associate	115.
Project Architect	100.
Job Captain	90.
Designer II	75.
Designer I	70.
Clerical Support / Intern	60.

The above rates are an attachment to Davis Square Architects, Inc.'s standard *Schedule of Fees and Conditions*, dated January 1, 2016. Please refer to this schedule for additional information regarding fees and expenses.





## **Scope of Services** **Village at Sudbury Station** Sudbury, Massachusetts

### *Historic Property Effects Assessment*

Submitted to:  
**Town of Sudbury**  
278 Old Sudbury Road  
Sudbury, MA 01776

*February 25, 2016*  
*Revised March 21, 2016*

In response to a request from the Town of Sudbury, PAL is pleased to submit the following scope of services to conduct a historic property effects assessment for the proposed Village at Sudbury Station project in Sudbury, Massachusetts (Project). The Project will include the construction of a 250 unit 40B housing development on a 38-acre parcel that is primarily undeveloped woodland. The Project is being reviewed by several Town departments and MassHousing and may be subject to review by the Massachusetts Historical Commission (MHC).

The goal of the historic property effects assessment will be to assess the potential effects that the Project could cause on the Sudbury Centre Historic District, which is listed in the National and State Registers of Historic Places and is designated as a local historic district.

#### **Task 1. Coordination, Consultation, and Meetings**

The effects assessment study will be managed by a Senior Architectural Historian (SAH) who will serve as PAL's point of contact for all Project communication and will be responsible for the quality and timely submittal of all work products. The SAH will coordinate all research, fieldwork, and report production and provided regular progress reports to the client. The SAH will participate in conference calls with other Project team members, as necessary, throughout the course of the Project.

#### **Task 2: Documentation Review**

Prior to the start of fieldwork, PAL will identify and review existing documentation about previously recorded historic properties within the vicinity of the Project site. The review will include reports from previous historic property surveys, MHC inventory forms, National Register documentation, and local historic district information. Materials submitted with the Village at Sudbury Station application to the Town of Sudbury will also be reviewed.

#### **Task 3. Effects Assessment**

A team consisting of a qualified architectural historian and an assistant architectural historian will conduct a field review. The team will visit each of the previously recorded properties identified during the documentation review to verify their current condition. Any other properties within the vicinity of the Project that appear to be at least 50 years of age and may be eligible for listing in the State/National Registers. The team will conduct an assessment to determine the potential direct and/or indirect effects of the Project on the identified historic properties. The assessment will take

into account potential views of the project sites to and from the historic property and assess whether such views may impact the qualities of significance that make the property eligible for listing in the State/National Register. The team will take photographs and prepare sketch maps as necessary to document the findings the effects assessment in a report.

#### **Task 4: Report Preparation**

The findings of the historic property effects assessment will be presented in a report that will include a project description, a statement of the methodology used to conduct the study, description of historic properties identified, description of potential effects, and recommendations regarding additional investigations or consultation services that might be necessary to address Project effects.

#### **Project Schedule**

PAL is prepared to begin work immediately upon the receipt of a signed contract. The documentation review and site visit will be completed within two weeks. A draft of the effects assessment report will be supplied to the client for review within two weeks of the completion of the site visit. A final report will be submitted within one week of the receipt of comments on the draft.

#### **Project Personnel**

The historic property effects assessment will be carried out under the direction of a SAH with the assistance of an Architectural Historian and Assistant Architectural Historian. All supervisory personnel meet the qualifications set by the National Park Service (36 CFR Part 66, Appendix C) for direction of historic preservation projects.

#### **Cost**

A fee proposal is attached.

#### **Assumptions**

This proposal covers work necessary to complete a preliminary review of the potential effects of the Project on historic properties, including the historic district. If, upon review of this study, additional information, including visual simulations, intensive architectural survey, or consultation services, a separate proposal will be prepared and submitted at the client's request.



**PUBLIC ARCHAEOLOGY LABORATORY**  
- COST PROPOSAL -

Public Archaeology Laboratory

PREPARED FOR Town of Sudbury  
DATE March 21, 2016  
PROJECT Village at Sudbury Station  
SERVICES Historic Property Effects Assessment

PERSONNEL	TASK	HOURS	RATE	COST
Senior Architectural Historian	Coordination	8	110.48	884
	Report	8	110.48	884
Architectural Historian	Documentation Review	8	80.56	644
	Effects Assessment	8	80.56	644
Architectural Assistant	Documentation/Report	16	80.56	1,289
	Effects Assessment	8	50.64	405
	Documentation/Report	4	50.64	203
Production Specialist	Typing/Formatting	4	73.65	295
GIS Specialist	Technical Graphics/Maps	6	73.65	442
TOTAL PERSONNEL COSTS		70		5,690
OTHER EXPENSES	DESCRIPTION			COST
Reproduction	Report Preparation, Copying, Graphics etc.			50
Photographs	Processing & Prints			50
Communication	Express Mail			35
Mileage	140 Miles @ \$		0.56	78
TOTAL OTHER EXPENSES				213
TOTAL PAL COST PROPOSAL				5,903
* This quote is valid for 120 days from date listed above.				

## ARTICLE 5.

To see if the Town will vote to transfer an amount not to exceed \$45,000 from the Stabilization Fund to fund outside legal counsel for the purpose of reviewing the proposed Sudbury Station development and Peter's Way land swap, or act on anything relative thereto.

Submitted by Petition.

(Majority vote required)

**PETITIONERS' REPORT:** The *Village at Sudbury Station* is a dense, large-scale 40B housing development proposed for a significant parcel of open land immediately abutting Sudbury's historic center, cemeteries, and wetlands. The project is proposed for 12 buildings, some as tall as 50 feet and four stories high, 250 residential units, and 500 parking spaces. It will be immediately visible at multiple points throughout Town Center, permanently altering historic view sheds and erasing large swaths of forested land listed on the town's open space targets. The proposed development adds two hazardous intersections within 500 feet of the newly reconfigured intersection at Route 27 and Concord Road, raising a myriad of traffic safety and environmental issues, and creating a marked, increased burden on Town resources, services, schools, and infrastructure.

At the 2011 Annual Town Meeting a land swap was approved between the Town and the parcel's owner, giving the owner frontage access along Peter's Way in exchange for two acres of land for the Town cemetery. This was accepted by the Town with the understanding that one house could be developed on the parcel. This was misrepresented by the landowner in order to build a dense 40B housing project.

The development application is currently under review by the Zoning Board of Appeals (ZBA). In order to rigorously address all issues raised by this application, including the legality of the Peter's Way land swap, the Town of Sudbury must have a legal advocate whose primary focus is ensuring the developer applicant provide all information required to then make a comprehensive analysis of the impacts a development of this scale, in this location, will have on Sudbury.

This development is vigorously condemned by the Sudbury Board of Selectmen, Sudbury Planning Board, and the Conservation Commission. The article requests the Town of Sudbury to set aside funding for outside legal counsel to assist the Town in reviewing the Peter's Way land swap and advocate against the *Village at Sudbury Station* application currently before the ZBA.

**BOARD OF SELECTMEN POSITION:** The Board of Selectmen will report at the Special Town Meeting.

**FINANCE COMMITTEE REPORT:** The Finance Committee will report at the Special Town Meeting.