

# Town of Sudbury

## Zoning Board of Appeals

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## Memorandum

**To:** Stephen Garvin, Chair, Planning Board

**From:** John D. Riordan, Chair, Zoning Board of Appeals

**Subject:** Zoning Board of Appeals Recommendations on Cold Brook Crossing Master Plan

**Date:** April 23, 2020

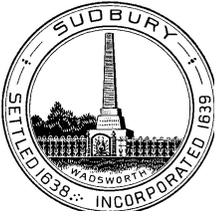
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Pursuant to the requirements of Sudbury Zoning Bylaw Section 4743A the Zoning Board of Appeals transmits herewith its recommendations and suggested plan modifications to the Planning Board with respect to Master Development Plan and NRROD Project Approval for Cold Brook Crossing, North Road, Assessors Maps C12-0100, C12-0003 and C12-0004, 16 and 36 North Road, Research-1, North Road Residential Overlay District, Melone Smart Growth Overlay District, and Water Resources Protection Overlay District Zone II Zoning Districts.

The Zoning Board of Appeals convened lengthy public hearings to review the Master Development Plan materials on Monday, April 6, 2020 and on Tuesday, April 21, 2020 at which time it closed the public hearing. The Zoning Board of Appeals has put considerable effort into this review and appreciates the opportunity to work with the Planning Board on this important matter. The Zoning Board of Appeals would be happy to respond to any questions the Planning Board might have regarding these recommendations and suggested plan modifications.

cc: Duchesneau, A., Director, Planning and Community Development

Members, Zoning Board of Appeals



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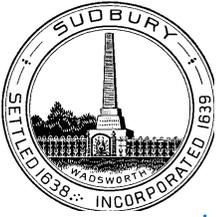
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## Board of Appeals Written Recommendations to the Planning Board Cold Brook Crossing Development April 23, 2020

### Architecture and Aesthetics Generally

- 1. Harmony:** The various buildings should harmonize in style and detail. We appreciate this comment. The various Boards have been helpful in clarifying our thinking about the buildings. We have rejected the notion that they should be identical twins. At this point, we are balancing the concept as to whether they should be siblings or cousins. We have multiple firms providing market research feedback to the architectural teams to ensure that the buildings meet the demands and expectations of the discerning clientele that we hope to attract as our clients and tenants. The architectural teams, lead by Pappageorge Haymes, have clearly heard the comments, and we hope, as the buildings are refined, they will reflect this input.
- 2. Height/Massing Relief:** The four-story apartment buildings should emphasize strong horizontal lines to bring down the apparent height and should be of the same style. The architectural teams, lead by Pappageorge Haymes, have clearly heard this message. We have re-thought this issue multiple times, and we have expended time and treasure to experiment with various techniques. There is not perfect unanimity from the various town Boards or board members regarding this issue. Yet we continue to work to try to come to a solution that will please everyone. Hopefully by the end of the process, we'll have designs that reflect the input we have received.
- 3. Sophistication:** Do not attempt to create obviously colonial features as these buildings are not colonial in nature. The style should have a contemporary feel while relating to the local vernacular. Pursue creativity and sophistication. Avoid faux rusticity. We brought in Pappageorge Haymes as the lead design architect in part because of their proven record, providing a modern take on traditional design. We believe they have the elements of this challenge well in hand. We certainly will not embrace the notion of misappropriating colonial features from two centuries ago into the details of the project, and yet we are committed to honoring the strong historic traditions in Sudbury.
- 4. Facades:** Multiple facade materials are encouraged, but such palette should still show restraint and create harmony. We believe our architectural team embraced this notion, even during our first meeting with them. They have been sensitive to the notion that the individual material selection should reflect the values of the Town, and we will make sure each element contributes to the mosaic, which in fullness will reflect the Town's desires for interesting yet consistent design.
- 5. Architectural Consistency:** Multiple architecture firms are shown to be involved at this point, but one architect should be responsible for coordinating all of the architectural design and consistency. Architectural firms should be identified on the plans. Pappageorge Haymes has had direct access to all market research and all comments from every Board and member are funneled to them. They are in a position to share their thinking with the rest of the team and to



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create guidelines that will create overall harmony within the community.

- 6. Sense of Place:** Creating a sense of community and place through the architecture must be a top priority. This is a strong and unanimous recommendation by the Board of Appeals. This project is creating a new neighborhood in Sudbury, and can be expected to house many families. [The capacity to engage in place-making was one of the key attributes of our vetting process when we were developing the team of consultants necessary to thoughtfully create a neighborhood of this size and scale. While we embrace elements of the new urbanism movement, we amplify the elements related to the site's natural setting, and it is this notion of a neighborhood in a conservation preserve that drives much of our thinking. While the immediate area has been disturbed, we believe that the surrounding space, such as the conservation area, complete with vernal pool to our west, and the White Pond reservation to our north and west, as well as the incredible vistas to our east and south, will define the residents' experience. We have accentuated the many ways in which residents can form community in harmony with nature, and the extensive amenity offerings within the various parts of the development are testament to our commitment to place-making.](#)
- 7. World Class Quality and Aesthetics:** The Board recommends that the developer meet its publicly stated objective to achieve a timeless design excellence. Seek to make it the most handsome such project they have done. All of Sudbury wants to be proud of this project as an example of what can be done when you do it right. [The leadership of the development team takes great pride in its body of work, and we hope that the Cold Brook Crossing project will contribute to our stature and reputation. We have assembled a team, each of which is recognized as best-in-class for their element of the project. Our land planning, we believe, has created a program that, given the team's imaginative responses to various constraints and limitations, would be difficult to improve upon. The architecture and engineering we believe will create a built environment that not only are we proud of but that each resident will find to be a source of pride in their own lives.](#)
- 8. Windows:** The end unit windows on the 2nd story right side elevation (p. A-26 of the Architectural Plans) look incongruously small. Windows on p. A-30 were grayed out. [Grayed out windows are optional windows for the Townhouse plans.](#) The windows shown in the architectural renderings for the SGOD apartment buildings are pedestrian. Windows are a critical face of a building and more attractive windows could have been illustrated. [The window selection has been part of our discussions and agenda from the earliest meetings we have had with the architectural team, the engineering team, and the builders. We are committed to use our vast supply chain to identify windows that not only improve the experience for the resident but also contribute to the overall aesthetic of the site.](#)

**9. Garage Doors:** The interspersing of garage door types (some with windows, others solid) breaks up the monotony of the units. A commitment to this feature shown in the architectural plans should be made, and not wind up on the cutting room floor when the final plans are approved. We believe that this issue is a subset of the larger issue around creating diversity and harmony within the many aspects of the development. Given the scale of the garage doors and their capacity to define a building, we will continue to give it the robust consideration it deserves.

**10. Signs:** The pillars bracketing the stone entry way sign off North Road/Route 117 are overkill. Three end pillars have been reduced to one end pillar. Backlit LED letter signage is understated but elegant, and preferable to the hideous gooseneck and spot lighting that scars much of the Sudbury landscape. Backlit LED was replaced with flood per the Planning Board and DRB instruction. Internal directional signs clutter the visuals; street names should suffice, especially in the age of GPS directional capabilities in most every vehicle. Directional signs have been redesigned. We know that our signage program cannot "scar" the Sudbury landscape, or if it does, it will scar our own development, and that clearly is not in our best interest. We will continue to work with the various town boards which have provided input regarding the signage, and we are confident that our ongoing dialogue will yield a signage package that not only meets the Sudbury regulations but contributes to interest in and fondness for the overall site.

### **Smart Growth Overlay District (SGOD)**

**11. Screening:** Fast growing screening vegetation such as Baby Giant Arborvitae, Jr. Giant Thuja Arborvitae, or the like should be planted at the southwest corner of the SGOD along North Road/Route 117 to screen the view of the 4-story apartment buildings. It would be a good idea, in fact, to line most of the length of North Road/Route 117 along the berm for an added layer of screening, as well as traffic noise suppression, allowances being made for traffic sightlines. We have been committed to a robust screening program since the site was first identified to us by the Town. The beauty of Route 117 is a wonderful aspect of the site itself, and we want to be in harmony with the elements of the road in each direction. We have been making progress regarding the entryway, for both the boulevard and the emergency entrance. Additionally, we have found a way to minimize disruption along the wetlands on the east side, which has been the traditional entrance to the site. These modifications have resulted in much greater buffering, and we will continue to work through the details, as suggested in the comments, with our landscape architect as well as with the site plan engineer.

**12. Emergency Access Point:** The Board supports a draft alternative layout for the Rte. 117 limited emergency access drive shown at its April 21 hearing that does not require disturbing the contours of the existing berm. The emergency entranceway should be screened as noted in the preceding section. We will continue to work cooperatively with the elements of town government as well as the town boards to reconcile various concerns while always respecting that public safety is a primary concern. We think the way this issue has been handled has been a positive reflection on the Town and its government, and we look forward to continuing to explore alternatives until we find the one which best fits the various constraints and limitations.

**13. EV Stations:** The three identified EV recharging stations in the SGOD complex appear inadequate for the number of residences. The Board recommends increasing this number. We will revisit this issue with our market research teams. There is incredibly detailed data about the use of such stations at various developments throughout Massachusetts, and our current thinking has been shaped by the experience of renters and owners throughout the exurbs in the Boston area. It is important to note that the ability to add additional stations if demand warrants is relatively easy, and as landlords, we will continue to be responsive of the demands of the marketplace such that, if tenants want additional stations, we will add them to satisfy market needs.

## North Road Residential Overlay District (NRROD)

**14. Overall Peer Review:** The Planning Board (PB) will be engaging expert peer review on fundamental aspects of the development such as storm and waste water management and transportation impacts, it would be worth adding perhaps a limited peer review of the landscape design. ANSI standards should be specified for all tree plantings. Minimum tree heights should be 8-10 feet high. [We have enjoyed our collaborative and collegial experience working with the various Boards on the Cold Brook Crossing site, and we will continue to take direction as to elements that need peer review.](#)

**15. Bedrooms:** The Board is concerned about the number of "bedrooms" represented in both the Emery and Pines townhomes portion of the project. The rooms labeled "flex room" are likely in many instances to be utilized as third bedrooms. This potentially could impact both the wastewater treatment facility and the Town's Fiscal Impact Study (especially regarding school-age children). There should be enforceable covenants or other limitations (including monitoring) in the sales agreements with the homeowners regarding the number of permanent bedrooms.

[For individual units that have been identified by the committee as concerning, it should be noted that these are for-sale units and that, as such, their value is tied to the deed that controls them. The deed itself restricts the number of bedrooms, as do other elements of the project, such as condo master deed, sales contract, DEP permit, and the Land Disposition and Development Agreement. It would be surprising if a homeowner put the value of what is, for most people, their most important asset at risk by breaking the law to modify this space. From the very beginning, our market research indicated that many of the homeowners would be folks from Sudbury and perhaps neighboring communities wishing to downsize and that overflow space for living room furniture and home offices were important concerns for these constituents, which is why the space has been provided.](#)

**16. Construction Plan Detail:** Some reasonable limit on the hours of permitted use of generators in the early phase of construction would be desirable. There should be a deadline for

the removal of construction storage trailers from the site (e.g., issuance of occupancy permits), or sections of the development site. Hours: M-F 7:00-6:00, Sat 7:00-5:00 We are committed to being good neighbors, not only to existing neighbors but also to ones whom we attract to the structures we build. Therefore, we will avoid doing anything that antagonizes current and future customers. We intend to live within the limitations provided by the Town of Sudbury and other regulatory bodies, and we believe that they provide for adequate protection for neighbors.

**17. Community Center:** The community building is an amenity limited exclusively to the age-restricted townhomes and condominium units in Building A. From the standpoint of site plan development and fostering a sense of neighborhood there does not appear to be a compelling rationale for this. It serves only to Balkanize the overall development, creating a “Haves” and “Have Nots” dichotomy within the development. Further, it is squeezed into a less than desirable island location, bounded by a sea of asphalt with extremely limited parking serving it, which is an especially significant issue if this meeting space is to be used by others outside the development, which is contemplated by the LDDA. The Board strongly urges the Planning Board to revisit this troubling aspect of the site plan. We believe that our market research teams and our architectural teams have found a way to strike the right balance around amenities for each element of the development. The market is changing and remains dynamic. In fact, many for-rent residential buildings now have amenities that are far superior to for-sale or condominium buildings. There is a great deal of research available around what renters and buyers desire, and we believe we have been responsive to the market. We will continue to review this comment and this concept with our design teams to ensure that we do not create a community of haves and have-nots.

**18. Building A NRROD Condos:** Access to the Building A condominium units could, in the view of the Board, be improved significantly by repositioning the driveway entrance to the underground parking on the south side of the structure. This would enable a better design for the access to the Community Center (which as noted above should be accessible to all the townhome units) and it would also do a better job of knitting together Building A with the other age-restricted townhomes. The Cold Brook Crossing site is town land, and we reviewed all of the studies that were available regarding the condition of the property. Unfortunately, there were limited studies of the enormous ledge that exists, most troubling in the southwest corner of the site. This ledge was discovered during the engineering phase of the planning. It makes access to the underground garage nearly impossible from any other route than the one the engineering and architectural teams have settled on. The very route that was suggested in this comment was considered multiple times, as we too would have liked to have embraced it, but unfortunately the site's topography and underlying make it impossible.

**19. Building A Inadequate Package Facility:** Additionally, the Board took notice of the lack of meaningful package storage space on the first floor of this structure and found wholly unconvincing the rationale that as a 55+ restricted building the residents would be home all day to get their deliveries. We believe that the packaging facility is appropriate and more than adequate. We believe that there is enormous market research on this subject. It not only tracks the current state of affairs related to package delivery but also the massive change that has come about in our economy as a result of organizations like Amazon. As owner, operator and builder of such facilities, we are keenly aware of trends, and we believe that we have accommodated future demand. We certainly intend to review this comment with the team.

## General Site Plan Comments

**20. Layout:** Perhaps the layout of the non-age restricted townhome section is dictated by the geometry and topography of the development site but it is unfortunate that a slightly different, less linear clustering plan that might have yielded more open space could not have been envisioned. We believe that open space is a critical element of our competitive advantage, and that is why, in part, we worked with the Town to ensure that we could segregate and create additional conservation land to our southwest. Additionally, the linkages to conservation land in Concord and other conservation land in Sudbury make this development incredibly appealing to those who want open space. Little of this is obvious when looking at only the specifics of the land plan within what will be the distributed area, but a broader view of the surrounding areas demonstrates clearly that residents will have incredible access to open space and nature.

**21. Recreation/Community:** Both the age-restricted townhomes and the apartment areas include some outdoor community gathering/exercise spaces as well as indoor activity spaces. The non- age restricted Pines townhome area are bereft of any such amenities. It is not even clear from the master plan documents that the “open space” leaching field will be accessible to the residents of the non-age restricted townhomes. Regardless, the Board is concerned that this area is woefully inadequate to serve the entire population of this large community. These residences suffer from an obvious lack of breathing room and community gathering/play space.

We believe that the open space and access to recreational areas are an incredible part of the lifestyle which the residents will enjoy. When looking at the land plan, one can come to the conclusion that there is enormous segregation between one of the elements of the plan and others, but the truth is, the recreational fields are always within a couple of blocks of every resident, as are the access points to the surrounding network of conservation trails and land. People are not going to feel excluded from moving from one part of the development to another. In fact, taken as a whole, this is one of the great neighborhoods in all of Sudbury to take a stroll or enjoy a walk.

**22. Dedicated Open Space:** The Board would like to see that the final plans meet the 10 percent open space dedication requirement of Chapter 40R.

When we entered into our initial discussions with the Town about the site, we were intrigued by the notion of transferring a significant portion of the site to the Conservation Commission for its stewardship. This aspect of the development must be considered when evaluating the overall open space. We have reviewed the 40R regulations as suggested, and we could use some help identifying the specific requirement mentioned in the comment.

**23. Lighting:** All outdoor lighting fixtures should be dark sky compliant, which it appears is contemplated in the plan details. The newer generation of 2700-3000 Kelvin “warmer color” products emit less blue light. The lower kelvin lights are cost and energy efficient, safer, better

for human health and wildlife conservation, and contribute less to skyglow. Their energy efficiency is now comparable to the earlier 500K lights and is preferable for a non-commercial development. We have submitted 3000Kelvin LED lights that are dark sky compliant.

Given the importance of the natural habitat as a key competitive advantage for the overall success of the community, we embrace the notion of being dark sky compliant, even before retaining architecture and design teams. We will share this comment with those teams to make sure that our thinking is as current as possible.

**24. EV Recharging for the Townhomes:** When this development goes on-line in 2021-23 it should include a least a significant percentage of townhomes with EV recharging capabilities. This is consistent with the Commonwealth's carbon emission reduction goals commitment to a green economy and environment. The marginal cost of including the appropriate Level 2 240-volt recharge capability at the time of construction will save homeowners from much more expensive post-acquisition retrofits and will be much safer and subject to inspection and approval by the Building Inspector before occupancy. As a benefit to the development's investors it is likely to increase the selling price of the units so dedicated. We will review the comment with our engineering and architectural team. We believe that the allocation of electric charging stations reflects the best thinking from both our market research teams and our architects and engineers, all of whom are involved in current projects in communities similar to Sudbury. We have ensured that, if the market evolves in the future, it will be possible for any homeowner to add the necessary equipment to easily charge such vehicles. Again, we will review with our team.

**25. Trail Connection:** Page 6 (Overall Layout Plan) of the Site Plan shows a Trail Connection in the northwestern corner. The Board of Appeals commends the developer for opening up a dialog up with the Town planners to make this connector a reality. A rudimentary foundation for a future, MassDOT quality surface could be prepared and then serve as a catalyst for future state grant funding (Particularly since the Bruce Freeman Rail Trail to which it would connect takes you directly to the West Concord MBTA rail station). We have been in constant contact with the Town's executive staff regarding this issue since the beginning of our negotiations. We continue to explore the ways to create greater connectivity. We believe solutions exist. There are many constituents involved in these discussions, and we are just one of them. We are pleased with our dialogue with the Town and are confident we can create a resolution that pleases everyone.

**26. Telecommunications Infrastructure:** While the plans are being drawn up for the underground utilities servicing the development, particularly the townhome units, is any consideration being given to providing access by both Verizon and Comcast for phone, internet, and cable service? YES. Effectively this would mean both providers could share the underground transit to a hookup in the dwelling unit. The Board recommends that both in the short term and over the long run this will be a better economic arrangement for the consumer/ residents of this project. This is not a difficult reach for the developer who shortly after the last units are sold will have no beneficial interest in the new community. The comment reflects much of our thinking. We believe if any one firm ends up with a monopoly, they might not be as customer service-oriented as they might be were they forced to earn each customer's business annually or monthly. As our discussions with providers progress, we will share our latest thinking.

**27. Lack of Retail:** At the time of the adoption of the LDDA there was a plan to include as much as 2,500 square feet of commercial space in the development. The Board feels that it is

unfortunate that this modest commitment has been dropped from the Master Plan. Even a small shop or three, housing a coffee shop/convenience store (similar to the market at 29 Sudbury), perhaps an ATM and maybe an ice cream/candy store would both aid in reducing transportation congestion and create a sense of community. [We will continue to survey the market to better understand the interest of local retailers who might want to extend their business into the Cold Brook Crossing location. There are certain models in both Sudbury and in neighboring towns of pop-up retail concepts that provide a constant and yet ever-changing selection of often handmade items. We have had limited dialogue with the organizers of these programs, and we will continue to explore ways that we can support the burgeoning art and artisan communities in the area.](#)

**28. Landscaping Behind the Townhomes:** One feature that the Board recommends catch the watchful eye of the Planning Board is the landscaping behind the non-age restricted townhomes. Though the floor plans and rear elevations seem to indicate the small decks attached to each dwelling do not provide access to the green areas behind these homes, there are steps shown on both the Landscape and Layout Plans. [There are steps off of the patios.](#)

Particularly since no other shared outdoor space is provided for these units, it is critical that these residents have access from their units to the common landscaped areas between the units. At the same time, however, the landscaping design must consider the topography and size and species of the trees in order to provide some level of screening between units. It does little good to place

a six foot tree on the downslope of a deck that is 3-4 feet above grade. Accordingly, the Planning Board might want to consider a limited peer review of the overall landscape plan. We believe the access that has been identified here has been a great benefit, and we have initiated discussions with the architectural team to better understand how this can be achieved, given the topography of the site.

**29. Parking for Visitors:** The Board of Appeals is concerned over the lack of parking provided for visitors in all districts of the development. There is very little curbside space between the townhome driveways (particularly in the Pines neighborhood), and roads are not wide enough to provide parallel parking spaces on both sides. Also noted by the Board is the apparent lack designated visitor parking spots in the outdoor parking areas around the multistory units and the Community Center. This is more than an inconvenience because it could become an issue for first responders. There does not appear to be any plan for parking in this regard, just an illustration of a certain number of spots solely to meet the minimum mathematical requirements of the zoning bylaw. We have 1.8 parking spaces/unit for the age restricted building A and 1.75 parking spaces/unit for the apartments. We have four parking spaces for each townhouse. There is additional daytime parking along the streets that can be used if needed. We believe there is plenty of parking available.

We believe that the parking is adequate for the development, which would include the need to accommodate occasional visitors. Most importantly, we believe that we have met the thresholds and the constraints provided by various regulatory bodies. We will continue our discussions to better understand the restrictions on parking the necessary infrastructure, such as pavement, to provide it, which had been embraced by the regulatory bodies.