



Town of Sudbury

Planning & Community Development Department

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Staff Report Final Plan Approval and Plan Approval

April 3, 2020

Site: 16 & 36 North Road

Applicant Name(s): Quarry North Road LLC
Applicant Address: 2134 Sevilla Way, Naples, FL 34109
Owner Name(s): Town of Sudbury
Sudbury Water District
William M. Wagner Jr. 2012 Trust
Owner Address: 278 Old Sudbury Road, Sudbury, MA 01776
36 North Road, Sudbury, MA 01776
199 Raymond Road, Sudbury, MA 01776

Legal Notice: The Sudbury Planning Board will hold a public hearing on Wednesday, April 8, 2020 at 7:30 PM in the Lower Town Hall, 322 Concord Road, Sudbury, Massachusetts, on the application of Quarry North Road LLC, Applicant, and William M. Wagner, Jr., the Sudbury Water District, and the Town of Sudbury, Owners, for Final Plan Approval under Town of Sudbury Zoning Bylaw Section 4700A, Plan Approval under Town of Sudbury Zoning Bylaw Section 4700B, and Stormwater Management Permits under Town of Sudbury General Bylaw Article V(F), Section 5.C to construct 274 dwelling units (81 being age restricted and 26 being affordable) in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure at 16 and 36 North Road (Assessor's Maps C12-0003, C12-0004, and C12-0100), Research-1, North Road Residential Overlay District, Melone Smart Growth Overlay District, and Water Resource Protection Overlay District Zone II Zoning Districts.

Zoning District(s): Research-1, Flood Plain Overlay District, Water Resource Protection Overlay District Zone II, Wireless Services Overlay District, North Road Residential Overlay District, and Melone Smart Growth Overlay District

Zoning Approval Sought: Final Plan Approval under Section 4700A and Plan Approval under Section 4700B

Date of Application: March 11, 2020

Date(s) of Public Hearing: April 8, 2020

I. Project Description

1. Subject Property: The subject property consists of three parcels totaling approximately 38 acres on the north side of North Road/Route 117 in north Sudbury, where North Road/Route 117 transitions into the Town of Concord. The property owners are the Town of Sudbury, the Sudbury Water District,

and a private landholder trust. The site had been used as a sand and gravel quarry owned and managed by the Town of Sudbury since the 1990s. As such, the vast majority of the site has been stripped of all vegetation and underlying soils. Also, currently on the subject property are a single-family dwelling and garage building, as well as a wireless services tower which will remain. Wetlands can be found on the eastern-most portion of the property as well as on abutting parcels to the north, east, and south.

2. Proposal: The Applicant is proposing to construct 274 residential units on an approximately 26 acre project area. Of the remaining land on the site, just under 10 acres will remain with the Town as conservation land and just over 3 acres will remain under Sudbury Water District ownership. The dwelling units will be comprised of three neighborhoods. Emery at Cold Brook Crossing will have 81 age-restricted (55+) dwelling units with 50 units (23 one-bedroom units and 27 two-bedroom units) in a four-story condominium building and 31 two-bedroom townhouses located at the rear portion of the site. Pines at Cold Brook Crossing will contain 92 (88 two-bedroom and 4 three-bedroom) non age-restricted, for-sale, townhomes. These 173 dwelling units would be located in the North Road Residential Overlay District portion of the project site. The Apartments at Cold Brook Crossing would consist of two, four-story multi-family residential buildings with 101 rental apartments in the Melone Smart Growth Overlay District. 26 of these apartments would be designated as affordable in perpetuity and would qualify for the Town's Subsidized Housing Inventory as maintained by the Department of Housing and Community Development. The other 75 rental units would be market rate units. Of the 101 units there would be 52 one-bedroom units, 38 two-bedroom units, and 11 three-bedroom units. The project would contain surface parking spaces as well as garaged spaces in the townhouse units and underground spaces beneath each of the multi-family dwelling buildings. Of the 766 total parking spaces, 392 would be surface spaces and 374 would be garaged. The project would have its own wastewater treatment facility as well as a small clubhouse. The total duration of construction is expected to last 3 to 4 years to complete all aspects of the project.

3. Nature of Application: Pursuant to Section 4740A of the Zoning Bylaw, at the December 11, 2018 Special Town Meeting, the Quarry North Master Development Plan was approved for the subject property. The Applicant is now seeking Final Plan Approval under Zoning Bylaw Sections 4742A and 4744A, and Plan Approval under Section 4700B.I.

4. Surrounding Neighborhood: The subject property is located in the Research-1 Zoning District, Water Resource Protection Overlay District Zone II, Wireless Services Overlay District, North Road Residential Overlay District, and Melone Smart Growth Overlay District on North Road/Route 117 in north Sudbury. A small portion of the project site is also located in the Flood Plain Overlay District. Town of Sudbury conservation land, private age-restricted (55+) condominium developments (Northwood and Frost Farm Village), and a large office building border the property to the west. Town of Concord conservation land sits to the north and there is a wetland system to the north, east, and south across North Road/Route 117. Sudbury Water District Number 5 well is located just 150 feet south across the roadway.

5. Comments:

The Applicant requested and participated in two pre-application, and one post-application, meetings with Town staff to discuss the proposed project. At each of these meetings there were a number of comments, requests, and recommendations discussed by Town staff and the Applicant. The list of comments below represent any additional comments which were issued since the last Town staff meeting with Applicant regarding the proposed project, but do not reflect the numerous verbal comments made at each Town staff meeting prior to this Staff Report.

Board of Health: The Board of Health did not provide any additional comments regarding the application.

Building Department: The Building Department did not provide any additional comments regarding the application.

Conservation Commission: In a memorandum to the Director of Planning on March 27, 2020, the Conservation Coordinator provided the following comments:

“Thank you for the opportunity to review the proposed Cold Brook Crossing Development. I provide the following comments on wetland related elements.

The applicant had preliminarily met with the Conservation Commission on December 30, 2019 to discuss using the existing driveway for the cell tower as an emergency access roadway. I was pleased to see that this driveway is no longer being proposed, resulting in a project that no longer proposes alteration to an undeveloped Riverfront Area. The Wastewater Treatment Plant, however, is still proposed within the Commission’s jurisdiction, specifically an altered Riverfront Area and 100-foot Buffer Zone. The Wetlands Protection Act exempts the construction, expansion, repair, restoration, alteration, replacement, operation, and maintenance of public or private local or regional wastewater treatment plants and their related structures, conveyance systems, and facilities, including utilities from meeting the performance standards for work in the Riverfront Area. The Sudbury Wetlands Administrative Bylaw does not provide for this exception. There also appears to be grading for this facility in the Buffer Zone which would not be exempt under this provision of the Wetlands Protection Act. Therefore, a Request for Determination of Applicability will need to be submitted for this aspect of the proposed development. There is a significant vegetated hill between this facility and the adjacent wetland resource area, therefore construction of this wastewater treatment plant should pose no negative impacts to the resource area.

The development includes the retention of 9.9 acres of land by the Conservation Commission, which land was voted into conservation at the April 7, 1998 Annual Town Meeting. The developer should work with the Conservation Commission to develop a trail connection between Cold Brook Crossing and the future Bruce Freeman Rail Trail.

Phase I of the project includes site grading, construction of the Wastewater Treatment Plant, leaching field, stormwater management system, underground infrastructures, access drive and construction of 90 residential units. The project, when completed, will result in 9.7 acres of new impervious cover. The Stormwater Management System was designed for 1.6 acres of porous pavement to be used within the development to keep the total impervious cover below 10 acres, as new impervious coverage exceeding 10 acres would trigger a mandatory Environmental Impact Report. If non-porous pavement is required during construction to provide adequate access for the Fire Department and other emergency vehicles, the SWPPP will need to provide adequate temporary stormwater management features during construction to manage any additional stormwater generated by these surfaces, until the porous pavement is installed. The project should be phased to ensure that the site does not contain more than 10 acres of impervious cover at any given time, and/or confirm with MEPA that further review is not required. As porous asphalt is proposed only in some areas, the applicant should provide information on how snow removal contractors and homeowners are going to be informed on where these surfaces are located and how they are to be managed to maintain their porosity.

Please do not hesitate to contact me with any questions.”

Department of Public Works: The Department of Public Works did not provide any additional comments regarding the application.

Fire Department: The Fire Department did not provide any additional comments regarding the application.

Police Department: The Police Department did not provide any additional comments regarding the application.

Select Board: The Select Board did not provide any comments regarding the application.

Sudbury Water District: The Sudbury Water District did not provide any additional comments regarding the application.

II. Compliance with Zoning Bylaw Section 4100 Flood Plain Overlay District

While a small portion of the project site in the eastern-most corner of the property is located within the Flood Plain Overlay District, the proposed disturbance activity on the site is located entirely outside of the Flood Plain Overlay District. Therefore, the proposed work is in compliance with this section of the Zoning Bylaw.

III. Compliance with Zoning Bylaw Section 4200 Water Resource Protection Overlay Districts

Section 4720A of the Zoning Bylaw states that any North Road Residential Overlay District Project shall comply with Section 4200 (Water Resource Protection Overlay Districts) to the maximum extent practicable. Under Section 4200, subsection 4275 states that after notice and public hearing, and after due consideration of the reports and recommendations of the other Town boards or agencies, the Special Permit Granting authority may grant such a Special Permit provided that it finds that the proposed use:

- a. Will in no way during construction or any time thereafter, adversely affect the existing or potential quality or quantity of water that is available in the Water Resource Protection Overlay District.
- b. Will not cause the groundwater quality to fall below the standards established in 314 CMR 6.00 Massachusetts Groundwater Quality Standards or for parameters where no standards exist, below standards established by the Board of Health and, where existing groundwater quality is already below those standards, upon determination that the proposed activity will result in no further degradation.
- c. Is in harmony with the purpose and intent of the bylaw and will promote the purposes of the Water Resource Protection Overlay District.
- d. Is appropriate to the natural topography, soils and other characteristics of the site to be developed, and is designed to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water related natural characteristics of the site to be developed.
- e. Will not, during construction or thereafter, have an adverse environmental impact on any water body or course in the district.
- f. Will not adversely affect an existing or potential water supply.

IV. Compliance with Zoning Bylaw Section 4300 Wireless Services Overlay District

The proposal does not involve the creation or modification of any type of wireless services. There is an existing wireless services tower currently on the subject property, however, this tower is not included in

the project area for the proposed development, nor are any changes being proposed to this existing facility. Therefore, the proposed project is in compliance with (does not apply to) this section of the Zoning Bylaw.

V. Compliance with Zoning Bylaw Section 4744A Planning Board Decision

Section 4744A.a. states the Planning Board shall approve the Master Development Plan if it finds that the final plans and materials (i) materially conform to the Master Development Plan approved by Town Meeting and the standards and requirements set forth in Section 4700A, and (ii) promote the purposes of the Zoning Bylaw as noted in Section 4710A, as follows:

(a) Encourage redevelopment along the Route 117 corridor that exhibits a blend of complementary land uses, including multi-family residential development, thereby promoting an active streetscape, enhancing the vitality of businesses, and spurring the revitalization of underutilized properties which build the Town's tax base.

(b) Establish a set of development controls that allows for greater flexibility and development alternatives and promotes creative, efficient, and appropriate solutions for the redevelopment of complex sites.

(c) Improve the aesthetic character of the Route 117 corridor and its surroundings and encourage efficient and organized layout of buildings, circulation and open spaces.

(d) Diversify and expand the Town's economy and local job opportunities through economic activity and private investment in primarily residential uses with limited commercial use.

VI. Compliance with Zoning Bylaw Section 6380 Site Plan Review Approval

For both the North Road Residential Overlay District (Section 4700A) and the Melone Smart Growth Overlay District (Section 4700B), the Planning Board adopted their Site Plan Review Rules and Regulations as the North Road Residential Overlay District Rules and Regulations (Section 4764A) and the Plan Approval Authority Regulations (Section 4700B.I.). As such, the project should comply with Zoning Bylaw Section 6380 Site Plan Review Approval.

This section indicates Site Plan Review Approval shall be granted upon determination by the Planning Board that the plan meets the following objectives. The Planning Board may impose reasonable conditions at the expense of the Applicant, including performance guarantees, to promote these objectives. Any new building construction or other site alteration shall provide adequate access to each structure for fire and service equipment and adequate provision for utilities and stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations. New building construction or other site alteration shall be designed in the Site Plan, after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development, so as to:

6381. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution.

6382. Maximize pedestrian and vehicular safety both on the site and egressing from it.

6383. Minimize obstruction of scenic views from publicly accessible locations.

6384. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned.

6385. Minimize glare from headlights and other light sources from the site onto other properties.

6386. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places.

6387. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances.

6388. Ensure compliance with the provisions of this Zoning Bylaw, including parking and landscaping.

VII. Recommendation

Final Plan Approval under Sections 4742A and 4744A, and Plan Approval under Section 4700B.I

Planning staff recommends the Planning Board obtain the peer reviews from the Town's stormwater management and traffic engineering consultants prior to the Board rendering a decision on the application. Therefore, Planning staff is recommending the public hearing for the application be continued to the Planning Board's next meeting on April 29, 2020 after discussion.

The recommendation is based upon a technical analysis of the application materials by Planning staff, the required findings of the Sudbury Zoning Bylaw, and upon information submitted prior to and during the public hearing. This report may be revised or updated with new recommendations, findings, and/or conditions based upon additional information provided to staff during the public hearing process.

Please find below a preliminary list of draft conditions to consider as the Board and the Applicant work towards a finalized project plan set.

1. Approval is based upon the following Plans and Documents:
 - a. (Finalized plan set list to be inserted here.)
2. **Prior to the commencement of any site work**, the Applicant/Owner shall record the Decision with the Middlesex South Registry of Deeds and provide verification of recording to the Building Department and Planning and Community Development Department.
3. To alleviate excessive noise generated from the proposed activity, all construction activity shall take place on weekdays between the hours of 7:00 am and 6:00 pm, and on Saturdays between 9:00 am and 5:00 pm. There shall be no construction on Sundays or holidays. Construction activities include delivery of materials; idling of machinery; removal of trees; grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities on the property; removal of stumps and debris; and the erection of structures. Notwithstanding the above, the above restriction on the hours of construction activities shall not apply to any work undertaken off the property that is normally or customarily conducted during hours other than the hours permitted for such work set forth above.

4. **Prior to the issuance of each Building Permit**, the Applicant/Owner shall install rough asphalt around the building site to accommodate the Town's emergency services vehicles during construction. The Fire Department shall sign off on the installation of this asphalt prior to each Building Permit being issued.
5. All infrastructure, roadways, lighting, and utilities within the development site shall be constructed, operated, and privately maintained by the Applicant/Owner at its sole expense, including without limitation, snow plowing, trash removal, water supply, and wastewater treatment. The Town shall have no responsibility for installation, maintenance or repair of such services.
6. All signage at the property shall comply with Section 3200. Signs and Advertising Devices of the Zoning Bylaw.
7. All lighting shall be Dark Sky Compliant. Lighting shall be extinguished during non-event hours to the greatest extent possible so as to provide minimum lighting for security proposed consistent with adjacent properties. Lighting on the premises shall be Dark Sky Compliant per the International Dark Sky Association, such as the Fixture Seal of Approval lighting standard that has a correlated color temperature of 3000K or less (ANSI C. 78.377).
8. Violation of any of the conditions of this Decision, as acknowledge by the permit holder or determined by a court of competent jurisdiction to have occurred, shall be grounds for enforcement of this Decision, or of any Building or Occupancy Permit granted hereunder. The Town may enforce compliance with the conditions of this Decision by any action of injunctive relief before any court of competent jurisdiction.