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Office of Town Counsel
TOWN OF SUDBURY
278 Old Sudbury Road
Sudbury, MA 01776



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Sudbury Housing Trust
278 Maynard Road
September 8, 2014

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NOTICE OF DECISION
MODIFICATION OF COMPREHENSIVE PERMIT
SUDBURY HOUSING TRUST
278 MAYNARD ROAD
SUDBURY, MA
ZONING BOARD OF APPEALS CASE NUMBER 10-08
SEPTEMBER 8, 2014

51485-311

I. Background

The Sudbury Zoning Board of Appeals (the "Board") received an application for a modification of a Comprehensive Permit under Massachusetts General Laws Chapter 40B, Sections 20-23 and the regulations promulgated thereunder, as amended from time to time, from the Sudbury Housing Trust (the "Owner") dated August 27, 2014 to modify a decision of the Board granted on November 8, 2010 to construct three (3) dwelling units, on approximately .97 acres of land located at 278 Maynard Road. Said Property is within the A-1 Residential Zoning District, and is identified as Parcel 0400 on Town Assessor's Map E07 (the "Property").

The Board convened a public hearing on the modification application on September 8, 2014, and closed the hearing at the conclusion of the September 8, 2014 proceedings. Board members in attendance were Benjamin D. Stevenson, Chairman, Jonathan F.X. O'Brien, Jonathan G. Gossels, Stephen A. Garanin and Nicholas B. Palmer.

The Board has considered the recommendations of the boards and committees of the Town of Sudbury regarding the Sudbury Bylaws, and finds that reasonable conditions relative to these regulations have been incorporated herein.

In reviewing the modification application of the Sudbury Housing Trust, as well as evidence presented in written or oral form by citizens and Town Boards and departments during the course of the public hearing, the Board has determined that the modifications requested are substantial, and the process defined in 760 CMR 56.11 has been complied with.

The Board finds that there is compelling evidence to support the granting of the modification to the Comprehensive Permit (the "Permit") to enable the construction of the Project described in the modification application and during the public hearing, subject to all of the following terms and conditions, all of which are binding upon the Applicant as conditions of this Permit.

Address of affected property: 278 Maynard Rd., Sudbury MA

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II. Application Details

This approval is based on the following plans, reports and information submitted to the Board prior to and during the public hearing, and with the benefits of modifications required under this Permit, including the following:

1. Memo from the Sudbury Housing Trust to the Zoning Board of Appeals dated August 27, 2014.
2. Site Development Plans dated August 21, 2014, prepared by Meridian Associates, containing 8 sheets:
 - ◆ Sheet 1 – Cover Sheet
 - ◆ Sheet 2 – Existing Conditions Plan
 - ◆ Sheet 3 – Layout and Materials Plan
 - ◆ Sheet 4 – Grading, Drainage and Utilities Plan
 - ◆ Sheet 5 – Erosion and Sedimentation Control Plan
 - ◆ Sheet 6 – Landscape Plan
 - ◆ Sheets 7 and 8 – Site Details
3. Stormwater Management Report dated August 22, 2014, prepared by Meridian Associates;
4. Architectural Plans prepared by Benjamin Nickerson, Architect, dated July 17, 2014, containing 7 sheets (Items 2-4 constitute the “Plan”);
5. Minutes of the Design Review Board meeting dated August 27, 2014;
6. Memo from William Miles, Fire Chief, to the Board dated September 2, 2014;
7. Memo from Mark Herweck, Building Inspector, to the Board dated September 3, 2014;
8. Memo from William Place, DPW Director, to the Board dated September 4, 2014;
9. Memo from Jody Kablack, Director of Planning and Community Development, to the Board dated 9/5/14;
10. Letter from the Sudbury Housing Trust to the Board dated September 8, 2014;
11. Email from Debbie Dineen, Conservation Coordinator, dated September 8, 2014.

III. Exceptions

The Board hereby grants exceptions to the following local bylaws, regulations and rules and regulations promulgated thereunder in approving this Project:

1. Zoning Bylaw, Article IX of the Sudbury Bylaws, Sections 1210 and 1310 to allow development of the Project which is not in conformity with the Zoning Bylaw.
2. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 2230 to allow for the construction of a two-family dwelling, which is not an allowed use.
3. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 3300 and 3310, to allow a common driveway to serve 3 residential units.

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4. Zoning Bylaw, Article IX of the Sudbury Bylaws, Sections 3130 and 3145, to allow the driveway serving the project to be 18 feet wide.
5. Zoning Bylaw, Article IX, of the Sudbury Bylaws, Sections 4241 and 4251(e) allowing construction of the Plan within Zone 3 of the Water Resource Protection District.
6. Sudbury Board of Health Regulations, sections III, IV, V, VI and X, to the extent necessary, to allow the construction of a Presby soil absorption system in compliance with Title V requirements.
7. Zoning Bylaw, Article IX of the Sudbury Bylaws, Section 2210 to allow for more than one principal structure on a lot, which is not an allowed use.
8. Town of Sudbury Driveway Location Approval Rules and Regulations, Appendix A, to allow the location of a common driveway serving a residential use which is less than 50 feet from a street intersection.

IV. Conditions

All conditions and waivers as part of the original Comprehensive Permit dated November 8, 2010 are incorporated herein and shall remain in full force and effect, with the exception of the following:

1. This Permit is hereby assigned to 278 Maynard Road LLC (the "Applicant").
2. Modify Condition IV.3 to read: This Permit shall become void if the Project does not commence construction as approved herein by May 31, 2015. Commencement of the Project shall mean that the Applicant obtains a building permit for the construction of the Project and commences substantive construction work under the building permit. The Board may grant extensions for good cause, including appeals of this Permit, in accordance with 760 CMR 56.04(12).
3. Modify Condition IV.7 to read: This Permit approves the construction of the Project, consisting of one 2-unit structure and one single unit structure, with associated infrastructure, utilities and landscaping, all as shown on the Plan, and as modified by this Permit. Unit sizes and mix of units, including the number of bedrooms, shall be substantially consistent with the Plan.
4. Modify Condition IV.11 to read: Exterior construction activities shall be confined to the hours between 7:00 am and 5:00 pm, Monday through Friday, and 8:00 am through 4:00 pm on Saturday. There shall be no construction on state or federal holidays. Additionally, construction vehicles and/or equipment shall not be started or operated prior to or after the times stated herein. For this condition, construction activities shall be defined as: start-up of equipment or machinery, delivery of building materials and supplies; removal of trees;

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grubbing; clearing; grading; filling; excavating; import or export of earth materials; installation of utilities both on and off the site; removal of stumps and debris; and the erection of structures.

5. Modify Condition IV.12 to read: The Applicant shall be permitted to locate one (1) temporary enclosure or construction/marketing trailer on the Property for the duration of the construction. The enclosure shall be located in an area slated for disturbance, shall not require the need to remove any additional vegetation and shall not obstruct sight distance entering or exiting the Property. No further approval shall be necessary.
6. Delete Condition IV.14 in its entirety.
7. Modify Condition IV.16 to read: Six (6) parking spaces shall be provided, as shown on the Plan. The parking is allocated as two (2) parking spaces for each unit. The Board has determined that adequate visitor parking exists on the driveway.
8. Modify Condition VII.1 to read: A Final Landscape Plan shall be submitted for review and approval of the Board prior to issuance of any occupancy permit, which shall be accompanied by and consistent with the recommendations of the Design Review Board.
9. Modify Condition VIII.9.b to read: There shall be no conversion of interior space into additional bedrooms. The total number of bedrooms in the Project shall be limited to no more than seven (7).
10. Modify Condition VIII.9.d to read: There shall be no more than two (2) detached accessory structures, no greater than 120 sq. ft. each, allowed on the Property.
11. Delete Condition VIII.11 in its entirety.
12. Modify Condition IX.1 to read: All three (3) units in this Project shall be available in perpetuity for purchase and occupancy by households whose income is no more than 80% of the Median Family Income for the Boston-Cambridge-Quincy, MA-NH HMFA, adjusted for household size and as determined by the United States Department of Housing and Urban Development. Applicants must satisfy all other applicable eligibility requirements established under guidelines issued by the Massachusetts Department of Housing and Community Development (DHCD). Before any unit is sold, the Applicant shall submit to the Board the proposed form of Deed Rider to be attached to and recorded with the Deed for each and every unit in the Project at the time of each sale and resale, which Deed Rider shall restrict each such unit in accordance with this requirement in perpetuity in accordance with the requirements of M.G.L. Chapter 184, sections 31-33. Each Deed Rider for the

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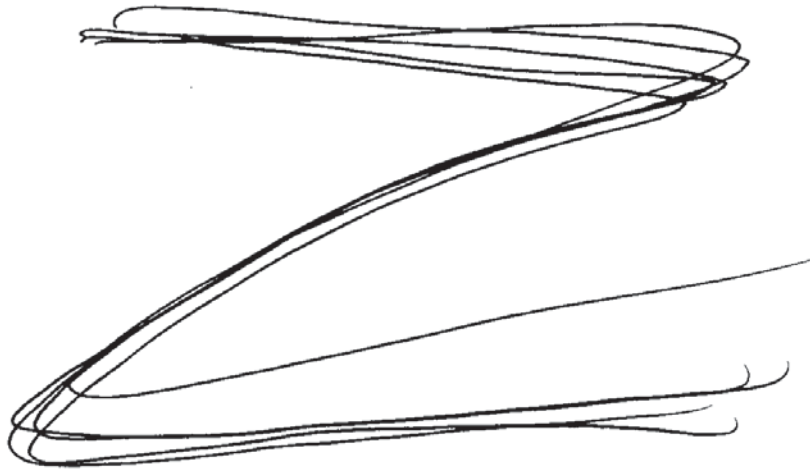
Affordable Units in the Project shall set forth the period of affordability to be in perpetuity.

13. Modify Condition IX.7 to read: The maximum household size to be used in determining Median Family Income for the purpose of calculating the Maximum Initial Price shall be three persons for two bedroom units and four persons for three bedroom units, unless MassHousing requires that a different household size be used.
14. Modify Condition X.5 to read: Snow removal, maintenance of driveways and walks, stormwater management and drainage structures, wastewater treatment and disposal, lighting and utilities shall be maintained by the Applicant, and upon the establishment of the condominium, the Condominium Association created for the Project. The Town of Sudbury does not accept responsibility for any infrastructure improvements or maintenance in this Project.
15. Modify Condition X.8 to read: An Operation and Maintenance Plan shall be submitted for review and approval of the DPW Director prior to commencement of construction.
16. Modify Condition of XI.1 to read: The final Site Plans and Architectural Plans, stamped by a Registered Professional Engineer and Architect (respectively), have been revised to reflect any additional modifications requested by the Board.
17. Delete Conditions XI.2-11 in their entirety, and replace with:
 2. A notation shall be added to the Plan indicating that the existing water main is located under a corner of the retention basin.
 3. The concrete walkways shall be replaced with concrete pavers, and a concrete paver detail must be added to the Plan.
 4. The fence between units A and B shall be removed.
 5. Utility details shall be added, including sizes of pipes and individual fees to each unit.
 6. The construction access shall be installed at both driveway entrances and shall conform to the Construction Entrance/Exit Pad detail on the Plan.
18. ADD a new condition of XII.5 (Building Permits) to read: Building Plans, stamped by a Licensed Architect, are submitted, reviewed and approved by the Building Inspector for consistency with this Decision.
19. ADD a new condition of XII.6 (Building Permits) to read: Confirmation from the Engineer of Record that the Plans have been prepared in accordance with standard engineering practices, comply substantially with the approved Site Plan and fully incorporate all requirements of the Decisions of the Board.

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20. Delete Condition XIII.3 (Construction) in its entirety.

21. Delete Condition XIII.3 (Occupancy) in its entirety.



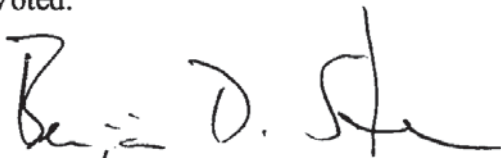
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On Motion:

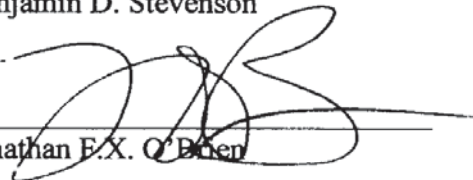
To approve the Modification of the Comprehensive Permit granted to the Sudbury Housing Trust under the provisions of General Laws Chapter 40B, sections 20-23, inclusive, to permit the construction of three (3) condominium units to be sold for occupancy by low or moderate income residents at established sales prices pursuant to the Department of Housing and Community Development's Guidelines and/or other applicable requirements, on land owned by the Sudbury Housing Trust, consisting of .97 acres of land at 278 Maynard Road in Sudbury, Town Assessor's Map E07, Parcel 0400, subject to all of the conditions stated in the foregoing Modification Permit decision:

Voted:

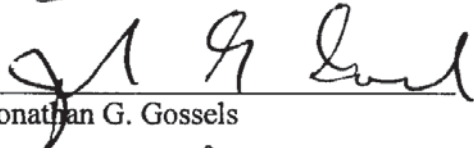
Date: September 8, 2014



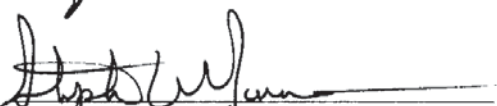
Benjamin D. Stevenson



Jonathan F.X. O'Brien



Jonathan G. Gossels



Stephen A. Garanin



Nicholas B. Palmer

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COMMONWEALTH OF MASSACHUSETTS

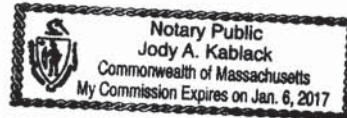
MIDDLESEX, SS

September 8, 2014

On this 8th day of September, 2014, before me, the undersigned notary public, personally appeared the above-named individuals, proved to me through satisfactory evidence of identification, which was personal knowledge, to be the person whose name is signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose, as members of the Sudbury Zoning Board of Appeals, a municipal board.

Jody A. Kablack

Jody A. Kablack, Notary Public
My commission expires January 6, 2017



- cc: Town Clerk
Board of Health
DPW Director
Water District
Conservation Commission
Board of Selectmen
Building Inspector
Town Counsel
Fire Chief
Director of Planning and Community Development
278 Maynard Road LLC
Sudbury Housing Trust
Meridian Associates

October 6, 2014

This is to certify that no notice of an appeal from the Board of Appeals Decision, Case #10-08 was filed in this office within 20 days after such decision was filed on September 9, 2014.

A True Copy Attest:

Veronica W. Craven

Veronica W. Craven
Assistant Town Clerk