

TOWN OF SUDBURY

Board of Appeals

RECEIVED
TOWN CLERKS OFFICE

K06-501

Sudbury, Mass. 01776 1981 FEB 19 PM 2:57

Location of Property:
Lot #501 (Assessor's Map K06) --
BOSTON POST ROAD

Owner's Title Referen NO
Deed Dated TOWN OF SUDBURY, MASS.
Book _____ Page _____

Name and Address of Owner:
Mary A. Scholz Piona
63 Brewster Road
Sudbury, MA. 01776

Name and Address of Applicant:
McNeil & Associates, Inc. (Longfellow Glen --
P.O. Box 407 Associates)
420 Providence Highway
Westwood, MA. 02090

After hearings held Tuesday, July 15, 1980, and Tuesday, January 13, 1981, the Board of Appeals of the Town of Sudbury voted on the following motions:

- (1.) "That we conditionally approve the application of Longfellow Glen Associates for a comprehensive permit under the provisions of General Laws, Chapter 40B, Sections 20-23, inclusive, to permit the construction of (approximately) 140 units of mixed income housing for elderly, handicapped persons and families on land now owned by Mary A. Scholz Piona (Assessor's Map k06, lot #501) consisting of 22+ acres on Boston Post Road in Sudbury as described in the application submitted to the Board and subject to conditions to be specified and determined by the Board as the public hearing continues." (7/15/80)

VOTED: In Favor: Unanimously (Five members present and voting)
Opposed: None

BOARD OF APPEALS
By Ronald G. Adolph, Clerk
Ronald G. Adolph

- (2.) "To adopt the conditional Comprehensive Permit dated January 13, 1981, as attached hereto with all the conditions therein." (1/13/81)

VOTED: In Favor: Unanimously (Four members present and voting)
Opposed: None

BOARD OF APPEALS
By Robert P. Savoy, Clerk
Robert P. Savoy

Note: The decision rendered above is concerned only with the Zoning Bylaw and not with the Building Code or any other Town Bylaw. The applicant is responsible for determining and complying with the regulations of the Town in using the authorization granted.

A copy of the proceedings is on file in the office of the Town Clerk to which reference may be had.

This is to certify that no notice of an appeal from the Board of Appeals decision #80-16 was filed in this office within 20 days after such decision was filed on Feb. 19, 1981

Jean M. MacKenzie
Jean M. MacKenzie
Assistant Town Clerk

81005

RECEIVED
TOWN CLERKS OFFICE

Longfellow Glen

1981 FEB 19 PM 2:57

Conditional Comprehensive Permit
Case #80-16

NO
TOWN OF SUDBURY, MASS.

Notice was published in the Sudbury Town Crier on May 15 and May 22, 1980, and posted, mailed and read at the public hearing, all as required by law, as follows. (See attached Notice of Public Hearing.)

PETITION OF LONGFELLOW GLEN ASSOCIATES

The Sudbury Zoning Board of Appeals held a public hearing in the Town Hall on the following dates on the above petition.

June 3, 1980	July 15, 1980
June 10, 1980	August 19, 1980
June 11, 1980	September 23, 1980
June 23, 1980	October 15, 1980
July 8, 1980	November 5, 1980
	January 13, 1981

PRELIMINARY PLANS which are incorporated as part of this Decision:

Preliminary Site Plan, Claude Miquelle Associates, dated March 24, 1980, Revised thru November 3, 1980.

Floor Plans & Elevations Townhouses, Sheet #1, Claude Miquelle Associates, dated March 24, 1980.

Two & Three Story Buildings Typical Elevations, Sheet #2, Claude Miquelle Associates, dated March 24, 1980.

Floor Plan Building #1 (Two Story), Sheet #3, Claude Miquelle Associates, dated March 24, 1980.

Floor Plan Building #2 & 3 (Three Story), Sheet #4, Claude Miquelle Associates, dated March 24, 1980.

Typical Unit Plans, Sheet #5, Claude Miquelle Associates, dated March 24, 1980.

Typical Unit Plans, Sheet #6, Claude Miquelle Associates, dated March 24, 1980.

Community Building Plans & Elevation, Sheet #7, Claude Miquelle Associates, dated March 24, 1980.

81005

DECISION:

The Sudbury Zoning Board of Appeals hereby grants a Comprehensive Permit under Massachusetts General Laws, Chapter 40B, Secs. 20-23, to Longfellow Glen Associates, a limited dividend partnership, to construct 140 low, moderate and market rate housing units including 68 one-bedroom, 52 two-bedroom, and 20 three-bedroom dwelling units on land currently owned by Mary A. Scholz Piona, consisting of 22[±] acres on Boston Post Road in Sudbury, as described in the application and shown as part of lot 501 on Assessor's map K6 and more fully described by the above-mentioned Preliminary Site Plan, dated 3/24/80, revised thru 11/3/80. Mrs. Piona has agreed to sell this land to the petitioner. Board Members present were Ronald G. Adolph, Joseph A. Klein, Robert P. Savoy, Myron J. Fox, and David G. Berry. The following documents and exhibits were submitted to the Zoning Board of Appeals and are a part of record: Application to Zoning Board of Appeals by Longfellow Glen, dated March 24, 1980, Presentation Plans prepared by Claude Miquelle & Associates, dated March 24, 1980, exhibits and correspondence from various Town officials and interested citizens as attached to the case file in this petition.

In reviewing the application of Longfellow Glen Associates, as well as written documents and evidence presented by

citizens and Town Boards during the course of the hearing, the Board of Appeals has determined that the Town of Sudbury has not met the specific statutory criteria for Sudbury's minimum housing obligation as defined under Massachusetts General Laws, Chapter 40B, Sec. 20.

Sudbury has not complied with any of the three tests outlined in Section 20 as demonstrated by the figures in the minutes for this hearing.

In addition neither the regional need for 8,571 units of housing nor the Sudbury need for 310 units as documented in the DCA booklet entitled "Housing Needs in Massachusetts as of 1/1/78" have been met.

Therefore, under Massachusetts case law and statutes and the DCA regulations, the Board finds that there is compelling evidence that the regional need for housing outweighs any valid planning objections against the proposed development which were expressed at the hearing. The Board grants the permit because in the opinion of the Board, the planning objections are not of such gravity in terms of protection of the health and safety of the prospective tenants of the development and of Sudbury residents, or promotion of better site and building design, or preservation of open space so as to outweigh the regional need for low and moderate income housing.

On July 15, 1980, the Zoning Board of Appeals voted unanimously to grant a Comprehensive Permit subject to certain conditions and safeguards which were finally determined on January 13, 1981 by the Board as follows:

I. PRE-CONSTRUCTION CONDITIONS OF LONGFELLOW GLEN
COMPREHENSIVE PERMIT

It is required that the applicant obtain the following approvals and permits and meet the following engineering criteria prior to starting construction of Longfellow Glen. In the event said criteria cannot be complied with or permissions are not obtained, this permit shall become null and void unless otherwise modified by the Sudbury Zoning Board of Appeals.

1.0 PERMIT TO APPLICANT

The Comprehensive Permit shall run to the applicant as provided for herein. In the event the applicant does not proceed with the development, the Permit shall become void. Said Permit shall not run to the proposed site.

2.0 INSURANCE

- a. The applicant/owner shall provide adequate Builders Risk Insurance, as well as Comprehensive Liability Insurance and other normal property insurance, in accordance with industry standards and the requirements of the MHFA and/or the Department of Housing and Urban Development.
- b. Prior to starting construction, the general contractor shall post a 100% Payment and

Performance Bond payable to the financing agency and owner to guarantee completion of the development in accordance with the final plans and related contract documents or to restore the land to its former condition if the development is abandoned.

- c. A Reserve for Replacement Fund shall be established by the owner, pursuant to MHFA and/or HUD regulations, as applicable, but not in an amount less than .6% of the construction contract annually.

3.0 CHANGES

This Decision and Comprehensive Permit shall allow for consideration of changes by the Board of Appeals in the design of the housing development, as shown on the Preliminary Plans referred to on page 1, if such changes are required by the Massachusetts Housing Finance Agency (MHFA) or the U.S. Department of Housing and Urban Development (HUD) in connection with the granting by such agencies of a construction loan for the construction of this housing development or mortgage insurance on the construction loan; also, this Decision and Comprehensive Permit shall allow changes in the design of the housing development, if jointly agreed to by the Board of Appeals and Longfellow Glen Associates, provided such changes are approved by the applicable State or Federal subsidizing agency--MHFA or HUD.

4.0 BUFFER ZONES

Buffer zones shall be provided, as shown on the Preliminary Site Plan referred to on page 1. The buffer zones shall be established, based on the following description:

The buffer area will preserve as many of the existing trees as possible and include the addition of compatible trees, such as white pine and hemlock, in a quantity sufficient to provide adequate visual screening between the abutting property and the proposed housing. The proposed trees may be pruned by the abutter in the event shadows are cast onto the abutting house which interfere with passive or active solar heating efforts by the abutter. In addition, professionally-designed landscaping shall be provided as shown on the Preliminary Site Plan referred to on page 1.

5.0 UTILITY DESIGN

The following items shall be reviewed and be subject to the approval of the listed authorities prior to starting construction.

- a. Water mains - Water District Superintendent.
- b. Hydrant locations - Water District Superintendent and Fire Chief.
- c. Fire alarm cable and boxes - Fire Chief.
- d. Electric primary and secondary cables (including street crossings, above-ground transformers and secondary distribution boxes) - Wiring Inspector.

- e. Street lighting - Wiring Inspector.
- f. Telephone cables - Wiring Inspector.
- g. Gas pipes - Wiring Inspector.

6.0 BUILDING PERMITS

- a. Prior to beginning construction, detailed plans shall be prepared by the applicant and submitted for review and approval by the Sudbury Building Inspector. All plans shall be in compliance with applicable Local, State, and Federal Building Codes. In the event any variances to applicable codes are sought, the applicant shall submit evidence of approval by the appropriate authority to the Sudbury Zoning Board of Appeals. If anything in this Decision and Comprehensive Permit would seem to permit the building or operation of the housing development in accordance with standards less safe, in the opinion of the Building Inspector, than the applicable building and site plan requirements of the applicable State or Federal agencies financially assisting the housing development (either MHFA or HUD), the standards of such agencies shall control.
- b. All necessary plumbing, gas, electrical and other permits normally required shall be applied for and obtained. All permit fees normally required by the Town of Sudbury shall be paid.

7.0 WORKING DRAWINGS

A complete set of Final Working Drawings will be prepared by appropriate Registered Professional architects and engineers in accordance with the applicable requirements of the Comprehensive Permit, as well as Federal, State and Local regulations.

The Final Site Plan shall include, but not be limited to the following:

- (i) All driveways, walkways, parking areas, etc. in accordance with this Decision.
- (ii) Site lighting, including fixture types, locations, mounting heights, power output, etc.
- (iii) Landscaping plan with planting lists, including caliper sizes of trees and applicable details of buffer zones and other areas.
- (iv) The Final Plans shall be submitted to the Zoning Board of Appeals for review and approval.

8.0 PARKING

The applicant shall construct one hundred and fifty-two (152) parking spaces in accordance with applicable regulations and codes, as shown on the Preliminary Site Plan referred to on page 1.

9.0 GENERAL DESIGN CRITERIA,

The following design criteria shall be included in the final plans and specifications, which plans and specifications shall be subject to review of the ZBA to determine that they are consistent with the Preliminary Plans, specifications and conditions of this Decision. The applicant shall comply with all Federal, State and local design criteria, as well as the following specific requirements:

- a. No buildings shall be erected upon land in a Flood Plain Zone, as defined in the Sudbury By-Laws.
- b. All utility lines including the fire alarm systems shall be placed underground. The applicant/owner shall assume all costs of installation of all utilities, including water, into and on the site, including tie-in with available municipal utilities.
- c. As many existing trees as reasonably possible shall be preserved.
- d. All embankments and regraded areas shall be loamed and seeded.
- e. The entrance driveway shall include a safety island, as shown on the Preliminary Site Plan referred to on page 1.
- f. The center line grade of the driveways shall not be less than 1%, nor exceed 6%, unless otherwise approved by the applicable Federal, State and Local authority.

- g. At the approach to the intersection of Boston Post Road, the driveway shall have a leveling area, with no grade greater than 2% for a distance of at least 50 feet, unless otherwise approved by the applicable Federal, State and Local authority.
- h. The driveway shall be provided with a turn around at the closed end, having a minimum layout radius of 60 feet.
- i. Easements shall be provided where required by applicable authorities having jurisdiction over public utilities.
- j. The access road from Route 20 to the cul-de-sac shall provide a surface width of 24 feet.
- k. A sign no larger than 3 feet by 4 feet, and placed no higher than 7 feet at the highest point, shall be provided.
- l. Walkways shall be constructed adjacent to the main driveway and in other locations, connecting all buildings as dictated by sound planning or required by applicable authorities.
- m. A flaring of the pavement along the driveways shall be permitted.
- n. Sloped granite curbing shall be provided at the intersection of the driveway to Boston Post Road, at the island of the cul-de-sac, and at all driveway intersections within the complex.

10.0 DRAINAGE

- a. Prior to starting construction, the applicant shall file an application with the Sudbury Conservation Commission pursuant to the Wetlands Protection Act, Chapter 131, Section 40. The application shall include appropriate details and exhibits normally required pursuant to the Act. No work shall commence until an Order of Conditions has been issued by the Massachusetts Department of Environmental Quality Engineering (DEQE) or the Sudbury Conservation Commission pursuant to the Act. Upon receipt of an Order of Conditions, the applicant should forward same to the Sudbury Zoning Board of Appeals as evidence of compliance with this condition. Applicant shall comply with the Wetlands Protection Act and all other Orders and regulations of Mass. DEQE or Sudbury Conservation Commission, as applicable.
- b. Prior to starting construction, detailed drainage plans as prepared by the applicant in accordance with the above-referenced Order of Conditions, shall be submitted for review and approval by the Sudbury Town Engineer. Site plans shall include but not be limited

to the following: A detailed system for handling drainage on the site throughout the entire construction period, and for handling drainage following construction designed to provide the maximum amount of on-site percolation as is reasonably possible in the opinion of the Town Engineer. The objective is to provide 0% increase in the rate of present run-off. In the event an increase in the rate of run-off is necessary, the Zoning Board of Appeals shall review the matter further and decide whether or not a proposed increase in the rate of run-off is acceptable.

- c. No silt from soil erosion during the construction period and after completion of the construction phase shall be permitted to enter on the streets or abutting properties. The detailed drainage plans will show erosion control methods and outline maintenance procedures.
- d. The detailed drainage plans shall be submitted as part of the Final Working Drawings and shall be consistent with this permit and the Order of Conditions from the Sudbury Conservation Commission or DEQE, as applicable.
- e. Said plans to show storm drains, culverts, ditches, drainage systems and related installations, including, but not limited to, catch

- basins, gutters, manholes and drain pipes, to provide adequate disposal of surface and subsurface water, including control of erosion, flooding and standing water from said property or adjacent land.
- f. The street and parking lot drainage system shall be designed for a storm frequency of twenty (20) years. Cross culverts shall be designed for a storm frequency of fifty (50) years. Retention or storage ponding areas shall be designed for a storm frequency of one hundred (100) years.
 - g. Calculations relative to the twenty (20), fifty (50) and one hundred (100) year design storms shall be submitted together with working drawings and final plans for review by the Town Engineer.
 - h. In the event of conflicting requirements in this section h, the more restrictive requirements shall prevail.

11.0 SEWAGE DISPOSAL

Prior to starting construction, the applicant shall conduct engineering tests as required by the Rules and Regulations for the Disposal of Sanitary Sewage, dated April 14, 1976, as amended 12/11/78 and 9/20/80, consisting of 9 pages published by the Sudbury Board of Health. The on-site engineering tests shall also comply

with Title V - Subsurface Disposal of Sanitary Sewage, dated February 14, 1976, published by the Commonwealth of Massachusetts. Said engineering tests shall also comply with Manual of Septic Tank Practice, published by the U.S. Department of Health, Education and Welfare, revised through 1972 (Publication #HSM 72-10020, formerly #526.) Said engineering tests shall be conducted in the presence and under the supervision of authorized representatives of the Sudbury Board of Health.

Based on the above-referenced engineering test data, the applicant shall prepare detailed plans and specifications in accordance with the above-referenced Federal, State and Local criteria. In the event the sanitary sewage system cannot be designed in accordance with the above-referenced criteria, the applicant shall so notify the Sudbury Zoning Board of Appeals and this permit shall become void unless otherwise modified.

All engineering testing and design work shall be completed by the applicant and approved by the Sudbury Board of Health in compliance with the latter's rules and regulations prior to any construction commencing at the site. Evidence of such approval shall be submitted to the Sudbury Board of Appeals.

12.0 FIRE SAFETY

Final plans and specifications must comply with the following requirements of the Sudbury Fire Chief:

- a. The water system and mains shall be looped through from Route 20 and Easy Street, subject to compliance with applicable codes and approvals of the Sudbury Water District and Fire Chief.
- b. All fire walls shall extend to the roof of each building. The construction of common attic space shall be kept to a minimum. Attic fire stops shall be spaced in accordance with the requirements of the Sudbury Fire Chief, pursuant to applicable codes.
- c. Hydrants shall be provided in accordance with applicable Codes and regulations, and shall be placed as per the recommendations of the Fire Chief of the Fire Department and the Sudbury Water District.
- d. An emergency access to Easy Street shall be provided at the discretion of the Sudbury Fire Department. Access roads shall be built and maintained at a minimum width of twenty-four feet (24'), paved, with a sixty-foot (60') radius at the cul-de-sac for maneuvering emergency equipment. A combination of twenty-four foot (24') road and adjacent walkway shall total thirty feet (30') or alternate access (through parking areas, etc.) shall

be available and maintained by petitioner year round for emergency equipment subject to approval of the Fire Chief. There shall be no parking on any roadway or fire lanes within the development and said roadways and fire lanes shall be posted with "no parking" signs.

- e. Elevators shall have a Fire Department control switch installed.
- f. Fire alarm installation shall be in accordance with applicable State Building Code and Sudbury Fire Department requirements.
- g. The design of the hallways and stairways to all living quarters shall allow sufficient area for the use of a standard wheeled ambulance stretcher in accordance with applicable codes.
- h. All construction shall meet National Fire Protection Association Life Safety Code #101 requirements for all dwelling units.

Detailed plans shall be submitted to the Sudbury Fire Chief for review and approval in compliance with the existing rules and regulations in accordance with specific criteria described herein. Evidence of approval shall be submitted to the Sudbury Zoning Board of Appeals (ZBA).

II. CONSTRUCTION PHASE CONDITIONS

- 1.0 All construction conditions must be complied with and construction can commence only in accordance with the conditions of the Comprehensive Permit. The contractor shall be responsible to comply fully with all applicable Federal, State and Local requirements for construction of the Longfellow Glen housing complex.
- 2.0 This Decision is not intended to relieve the applicant of any inspection, permits or approvals that would otherwise be required by the Town.
- 3.0 The contractor will be responsible to undertake the development in a manner so as not to adversely affect any abutting property.
- 4.0 The contractor will be held responsible to fully comply with the Order of Conditions, pursuant to Chapter 131, Section 40.
- 5.0 Periodic notification of the progress of the work shall be given to the Building Inspector and other appropriate Town departments and agencies so that inspection of the construction can be made to determine compliance with the appropriate codes and regulations involved.
- 6.0 Regular inspections shall be conducted by the Sudbury Board of Health, consistent with their rules and regulations. All construction shall be in accordance with plans approved by the Sudbury Board of Health.

7.0 No portion of the new construction shall be higher than described in the proposed Preliminary Plans.

8.0 Driveways shall be continuous, of uniform width and in alignment with existing streets, as far as practicable.

9.0 All existing materials shall be removed for a depth of at least 12 inches below finished grade for the full roadway width.

10.0 Clay, mulch, or other unsuitable material shall be removed to a greater depth, as required.

11.0 Back fill of stable material shall be used to bring the subgrade to a uniform grade 12 inches below finished grade.

12.0 The subgrade shall be thoroughly compacted before graveling is started.

13.0 Total depth of gravel at all points after complete compaction shall be not less than 12 inches.

14.0 Proper connections shall be made with any existing drainage system in accordance with the requirements of the Town Engineer and the Highway Surveyor.

15.0 Catch basins, curb inlets, manholes and other appurtenant drainage structures shall be constructed in accordance to the Commonwealth of Massachusetts Department of Public Works "Construction Standards of 1977" and to the Commonwealth of Massachusetts Department of Public Works "Standards Specifications for Highways and Bridges of 1973."

16.0 Upon completion of the project an "As-built" plan shall be prepared by a Registered Professional Engineer or Registered Land Surveyor for submission and filing in the Office of the Town Engineer, and shall include all improvements made to the site, i.e., building location, parking areas and hydrants, as well as the drainage system.

17.0 The applicant shall make adequate provisions for playground and recreation facilities in the area of the family housing units.

18.0 The three-story buildings shall be of concrete block and plank First Class construction as defined by the State Building Code.

19.0 No living areas shall be constructed below the adjacent ground level.

20.0 In the event any historic artifacts are discovered on the site, they shall be donated to the Sudbury Historical Commission, or otherwise made available to appropriate State officials, in accordance with applicable rules and regulations.

III. OPERATIONAL PHASE CONDITIONS

1.0 Occupancy of the proposed structures may be allowed on a phased basis in accordance with applicable procedures of the Sudbury Building Inspector.

2.0 Unless otherwise approved by the Sudbury Zoning Board of Appeals, occupancy is to be limited as follows:

a. Unit Mix

68 1 bedroom
52 2 bedroom
20 3 bedroom

b. Income Mix

30% low, as defined by HUD as "Very Low."
70% moderate, as defined by HUD as "Low."
Market rate, as permitted by HUD.
Current regulations permit up to 19% of total units to be available at market rate. Said units are deducted from moderate category. In the event Longfellow Glen is approved for financing pursuant to an alternate mixed-income housing program, the income mix may be revised in accordance with applicable HUD regulations if approved by the ZBA.

c. Age Restriction

50 of the units are restricted to elderly occupancy, age 62 and over. The remaining units may be occupied by elderly persons, handicapped persons or families. The age restriction shall be applicable consistent with appropriate HUD rules and regulations. Revisions to the age restriction may be considered and approved by the Zoning Board of Appeals, subject to HUD requirements based on a written request from the applicant.

3.0 Sufficient access shall be maintained year around for fire apparatus to reach a minimum of three (3) sides of each building.

4.0 All rubbish shall be kept in an inside trash room or enclosed dumpsters located as required outside the

buildings. In the event interior trash rooms are utilized, they must be of masonry construction (walls, ceilings and floors) with no pipe chases, an automatic fire door, an outside automatic venting system activated by a smoke detector and sprinklered.

The owner of the dwelling unit shall maintain the property free from insects and rodents and shall be responsible for exterminating them.

5.0 No voluntary transfer of ownership of the premises during the first twenty years following approved completion of construction shall be permitted without prior approval of the Board of Appeals (except to an entity owned and/or controlled by the applicant), approval not to be unreasonably withheld. Approval of the Board of Appeals will take into account the credit rating, track record and reputation of any proposed new owner.

6.0 A qualified full-time resident manager and assistant manager shall be property trained and compensated, such that full-time professional management service will be available on site to the residents of Longfellow Glen.

7.0 Snow removal and maintenance of roads, walks, lighting and utilities will be provided by Longfellow Glen Associates.

8.0 In the event the applicant has a right to use Nokomis Road, it shall only be for emergency purposes, unless otherwise approved by the Board of Appeals.

9.0 A community building shall be provided as shown on the Preliminary Plans referred to on page 1, Sheet #7.

IV. MISCELLANEOUS CONDITIONS

1.0 The applicant shall utilize its best efforts, working with State and local officials, to encourage the construction of a sidewalk from the proposed housing along Route 20 to the Star Market Shopping Area.

2.0 The number of occupants per apartment shall be limited to no more than two persons per bedroom. No unit may be converted to provide additional bedrooms in excess of that shown on the Preliminary Plans.

3.0 Approval of the Zoning Board of Appeals shall be required in the event the proposed housing is to be converted to condominiums.

4.0 This Decision and Comprehensive Permit shall be recorded at the Middlesex South District Registry of Deeds prior to commencement of construction.

5.0 This Comprehensive Permit shall expire and become null and void unless construction has begun within three years from the date of the filing of the Decision with the Town Clerk's Office and said construction is completed within two years thereafter. These time limits may be extended upon request of the applicant to the ZBA. Requests for extensions shall be for a period

of one year; approval of extension requests shall not be unreasonably withheld by the ZBA.

6.0 In the event any conditions set forth herein are not complied with during construction of said development, the Zoning Board of Appeals shall so notify the applicant. The applicant shall comply with or correct any defect so as to comply with the Comprehensive Permit within thirty days from receipt of said notification. The applicant may request a hearing before the Zoning Board of Appeals in the event of a dispute relative to compliance. If after said hearing, the Zoning Board of Appeals finds the condition has not been complied with, or in the event the applicant requests no hearing and fails to comply with the Comprehensive Permit, all construction shall cease until such time as the Comprehensive Permit shall be complied with.

7.0 Prior to the start of construction, all necessary public financing and subsidies for the development shall be obtained and evidence submitted to the Zoning Board of Appeals.

8.0 The applicant shall notify the Sudbury Housing Authority of any tenant application period.

RECEIVED
TOWN CLERKS OFFICE

1981 FEB 19 PM 2: 58

NO _____
TOWN OF SUDBURY, MASS.

Myron J. Fox
Myron J. Fox, Chairman until December 2, 1980

Ronald G. Adolph
Ronald G. Adolph, Clerk until December 2, 1980
Chairman from December 2, 1980

Joseph A. Klein
Joseph A. Klein

David G. Berry
David G. Berry

Robert P. Savoy
Robert P. Savoy, Clerk from December 2, 1980

AMENDMENT NO. 1
TO CASE NO. 80-16

After a hearing held on March 9 and March 23, 1982, in the Town Hall to consider the "Request for Consideration and Approval of Changes in the Plans and Design as Described in Longfellow Glen, Conditional Comprehensive Permit Case #80-16, Submitted to the Sudbury Board of Appeals by Longfellow Glen Associates," the Sudbury Board of Appeals hereby grants such approval, agrees jointly with the applicant to allow said changes in the design of the housing development and hereby modifies said Decision, as follows:

1. The following new site plan and architectural plans are approved and are substituted in place of all of the Preliminary Plans referred to on Page 1 of the Decision:
 - (A) Townhouse Buildings Plans, Elevations and Sections
 - (B) Family Apartment Building Elevations
 - (C) Family Apartment Building Floor Plans
 - (D) Elderly Apartment Building - Elevation, Typ. Unit Plans
 - (E) Elderly Apartments - 50 Unit Building - First Floor Plan
2. The building types and locations, the driveways, walkways, parking areas, the buffer zones and other site improvements as shown on the Preliminary Site Plan (dated March 24, 1980, revised through November 3, 1980), are changed to that shown on the Longfellow Glen - Site Development and Landscape Plan, dated February 10, 1982, and revised March 17, 1982, as filed with this Amendment No. 1 to the Decision.
3. Section I. 8.0 (on Page 8 of the Decision) is hereby deleted in its entirety, and the following is substituted in place thereof:

"The applicant shall construct one hundred thirty-two (132) parking spaces in accordance with applicable regulations and codes as shown on the Site Development and Landscape Plan."
4. Section I. 9.0(f) (on Page 9 of the Decision) is amended by striking the number "6%" and substituting in place thereof the number "8%."

5. Section I. 9.0(h) (on Page 10 of the Decision) is deleted in its entirety and the following is substituted in place thereof:

"A gravel fire access way to Easy Street shall be provided adjacent to the location of the Townhouse Buildings, as shown on the Site Development and Landscape Plan."

6. Section I. 12.0(d) (on Page 15 of the Decision) is modified by striking the first and second sentences and inserting the following new sentence at the end of that sub-section:

"Access shall be maintained year around for fire apparatus as shown on said Site Development and Landscape Plan with (a) an 8' wide fire access way to Easy Street, (b) an 8' wide fire access way on all four sides of the fifty (50) unit Elderly Apartment Building, and (c) an 8' wide fire access way along the three-story high side of the thirty (30) unit Family Apartment Building."

7. Section III. 2.0(a) (on Page 20 of the Decision) is amended by striking it in its entirety and the following is substituted in place thereof:

"a. Unit Mix: up to 120 units consisting of:

- (i) up to 50 one bedroom units;
- (ii) 48 and up to 58 two bedroom units; and
- (iii) up to 12 three bedroom units."

8. Section III. 9.0 (on Page 22 of the Decision) is deleted in its entirety and the following is substituted in place thereof:

"The applicant shall provide community space in the Elderly Apartment Building as shown on the First Floor Plan, filed with this Amendment No. 1 to the Decision."

Approved this 23 day of March, 1982.

SUDBURY BOARD OF APPEALS

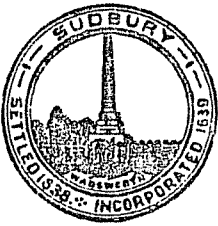
Ronald S. Delaney
Chairman

Lawrence L. Blasker
Member

Joseph A. Keen
Member

Lawrence L. Blasker
Member

Member



TOWN OF SUDBURY

Board of Appeals

K06-501
Received March 24, 1982
Town Clerk's Office

Sudbury, Mass. 01776

om

Location of Property:

Boston Post Rd. Assessor's Map

K06-501

Name and Address of Owner:

Mary A. Scholz Piona
63 Brewster Rd.
Sudbury, MA 01776

Owner's Title Reference:

Deed Dated _____
Book _____ Page _____

Name and Address of Applicant:

Longfellow Glen Associates
420 Providence Highway
Westwood, MA 02090

After a hearing held TUESDAY, MARCH 9, 1982, the Board of Appeals of the Town of Sudbury voted on the following motion:

"To vote to conditionally approve the request for consideration and approval of changes in the plans and design as described in 'Longfellow Glen, Conditional Comprehensive Permit Case No. 80-16' submitted to the Sudbury Board of Appeals by Longfellow Glen Associates, dated March 9, 1982, subject to conditions to be specified by this Board as the public hearing continues."

Vote: In Favor: Unanimously

Opposed: None

Note: The decision rendered above is concerned only with the Zoning Bylaw and not with the Building Code or any other Town Bylaw. The applicant is responsible for determining and complying with the Town, State, and Federal Regulations in using the authorization granted. A copy of the proceedings is on file in the office of the Town Clerk to which reference may be had.

BOARD OF APPEALS

By Lawrence L. Blawie, Clerk

01028

MINUTES OF PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MARCH 9, 1982

*Record March 24, 1982
Town Clerk's Office
CML*

The Board consisted of:

Ronald G. Adolph, Chairman
Lawrence L. Blacker, Clerk
Myron J. Fox
Joseph A. Klein
Harvey R. Peters, alternate for David G. Berry

Notice was published in the Sudbury Town Crier on February 18 and 25, 1982, posted, mailed, and read at the hearing.

Mr. Adolph, Chairman, said he would waive reading of the requirements necessary to substantiate the granting of a revision to a comprehensive permit since the applicant was familiar with them, and the other conditions did not apply.

Mr. William R. Roop, Vice President of McNeil and Associates, Inc., appeared before the Board to request a revision to a comprehensive permit previously issued pursuant to Massachusetts General Laws, Chapter 40-B as determined in Board of Appeals Case #80-16, said revision being to reduce the number of units of housing from 140 to 120, property located on Boston Post Road and shown on Town of Sudbury Assessor's map as parcel K06-501, Residential Zone C-1.

Mr. Adolph read a letter from the Planning Board concurring with the reduction of housing units.

Mr. Roop presented to the Board copies of a request for consideration and approval of the following changes (see Case File): Parking, from 152 to 132 spaces; driveway gradient, increase from 6% to 8%; cul-de-sac elimination to be replaced with fire access way to Easy Street; reduction of elderly units from 68 to 50; increase of 2-bedroom units from 52 to 58; decrease of 3-bedroom units from 20 to 12; maintenance of 8' wide fire access ways on Easy Street and along all four sides of Elderly unit; relocation of community space from separate housing to Elderly Unit, with increased space of 1,139 sq. ft.

Fire Chief Josiah Frost told the Board that he is satisfied with the fire access as shown on the revised site plan.

Mr. Richard Rogers of 12 Easy Street appeared before the Board to express his concern about the access roads (which are only paths now) generating traffic and perhaps causing septic and drainage problems.

Mr. Roop responded that access roads are intended for emergency use only.

Mr. Clark Hills of Nokomis Road appeared before the Board to ask about the proposed change in buffer zone boundaries. As a contiguous abutter, Mr. Hills said McNeil Associates had agreed upon a 100' buffer between his property line and the proposed housing units. According to the new plan, that 100 feet was lessened, as well as a reduction in density of shrubbery to act as buffer.

Mr. Roop agreed that there was less than 100' buffer in the revised plan, but suggested that the placement of the housing unit would be closer to Mr. Hills' boundary line but actually further from his house.

Mr. Bernard Bradstreet of 665 Boston Post Road appeared before the Board to express his concern about the tree buffer line abutting his property. Mr. Bradstreet pointed out that the trees now there are high, tall pines with little density at eye level; they therefore offer little protection as a buffer.

Mr. Roop responded that it is possible to plant lower trees or shrubs along the property line to remedy the situation.

Mr. William Duckett of 656 Boston Post Road addressed a question to Mr. Roop about parking space reductions in the proposed plans. Mr. Duckett was concerned that a reduction in parking might result in inadequate facilities for the housing area, thereby causing parking problems on the Post Road.

Mr. Roop expressed his opinion that the proposed parking facilities would be adequate.

Mr. Klein asked Mr. Roop about Board of Health approval of the proposed plans.

Mr. Roop replied that the process has begun but that the septic system hasn't been finalized or approved as yet by the Board of Health.

Mr. Peters expressed his concern to Mr. Roop that the abutters' objections be addressed.

Mr. Roop said he would be glad to meet with abutters at a later date to address their concerns.

Mr. Adolph invited those concerned abutters present to come up and view the site plan proposal.

Mr. Adolph asked Mr. Roop for clarification on the revised plans; specifically for a revision that would reference the proposed changes with the original permit request (Board of Appeals Case 80-16).

Mr. Adolph instructed the secretary that the hearing would be continued to March 23, 1982 at 8:00 PM and that notice be posted with the Town Clerk.

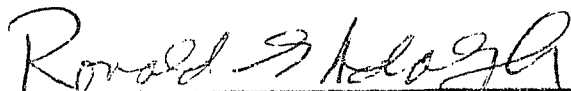
There were no further comments either in support of or opposed to this petition.

After deliberation, the following motion was placed and seconded:

Motion: "To vote to conditionally approve the request for consideration and approval of changes in the plans and design as described in "Longfellow Glen, Conditional Comprehensive Permit Case No. 80-16" submitted to the Sudbury Board of Appeals by Longfellow Glen Associates, dated March 9, 1982, subject to conditions to be specified by this Board as the public hearing continues."

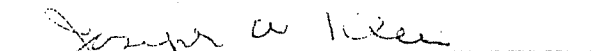
Voted: In Favor: Unanimously

Opposed: None




Ronald G. Adolph, Chairman


Lawrence L. Blacker, Clerk



Joseph A. Klein



Myron J. Fox



Harvey R. Peters

1982 APR 21 AM 11: 22

K06-501

MINUTES OF PUBLIC HEARING
SUDBURY BOARD OF APPEALS
TUESDAY, MARCH 23, 1982

The Board consisted of:

Ronald G. Adolph, Chairman
Lawrence L. Blacker, Clerk
Joseph A. Klein
Harvey R. Peters, Alternate for David G. Berry

Notice was posted with the Town Clerk after hearing was continued from March 9, 1982.

Mr. Adolph, Chairman, read the reasons for reconvening this hearing and read a letter from Clark Hills of Nokomis Road (see Case File) outlining the status of negotiations between himself and McNeil & Associates regarding buffer zones and other objections raised at the last hearing. Enclosed with Mr. Hills' letter was a real estate appraisal submitted by Parker Wheeler, Certified Appraiser, stating that the value of Mr. Hills' property would be effected detrimentally by the presence of the Longfellow Glen housing complex.

Mr. William R. Roop, Vice President of McNeil & Associates, Inc., appeared before the Board to present copies of Amendment No.1 to Case 80-16 (see Case File) in which each of eight proposed changes were matched to the original submission of plans.

Mr. Roop also told the Board that in response to Mr. Hills' objections at the March 9 hearing, fourteen 6' high white pines would be placed as a treed buffer to the area abutting Mr. Hills' property.

Mr. Adolph asked Mr. Hills if he received the revised site plan in enough time to confer with his appraiser as to any changes the latest tree plan would make.

Mr. Hills responded that he had.

Mr. Adolph asked Mr. Hills if he was satisfied with the proposed tree buffer.

Mr. Hills said that fourteen trees may not be adequate. He went on to comment that it was not his intention to put expensive obstacles in the way of the proposal, but to protect the value of his property.

Mr. Adolph asked Mr. Hills if his objection to the exterior trash rooms as expressed in his letter had been answered satisfactorily by Longfellow Glen Associates.

82015

Mr. Roop said that a fully enclosed dumpster would be provided for trash in the exterior of the premises, it being impossible from a health standpoint to have an enclosed trash room within the building.

Mr. Hills said he could live with a well camouflaged dumpster.

Mr. Adolph next addressed the objection in the Hills letter regarding use of Nokomis Road, which is a private way.

Mr. Roop said he was not of the opinion that Nokomis Road was anything but a private way and that plans were to use Easy Street as a fire access road.

Mr. Peters asked Mr. Hills what for him would constitute a successful agreement between himself and Longfellow Glen Associates.

Mr. Hills said he preferred continued negotiation with McNeil & Associates.

Mr. Klein asked Mr. Hills about the possibility of Mr. Hills' planting sapplings along a boundary.

Mr. Adolph asked Mr. Roop if in the revised plans a gravel access was being repropoed together with a turn-around road.

Mr. Roop responded that it was.

Mr. Klein asked Mr. Roop about the wording of Section 7(a) in Amendment No.1 regarding a reduction of "up to 120 units".

Mr. Roop replied that under Federal guidelines, reductions in units may be required making the housing complex consist of fewer than the proposed 120 units.

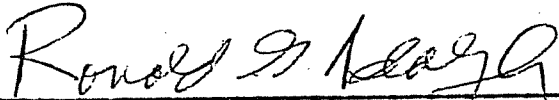
There was no further discussion either in support of or opposed to this petition.

After deliberation, the following motion was placed and seconded:

Motion: "To accept Amendment No.1 to Case No. 80-16 submitted to the Board of Appeals by Longfellow Glen Associates at the hearing of March 23, 1982."

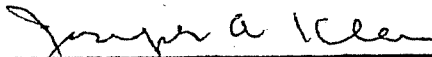
Voted: In Favor: Unanimously

Opposed: None



Ronald G. Adolph, Chairman

Lawrence L. Blacker, Clerk



Joseph A. Klein



Harvey R. Peters