

## Voted by Town Meeting on May 3, 2016

### **ARTICLE 5.**

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

Submitted by Petition.

(Majority vote required)

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

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

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

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

BOARD OF SELECTMEN POSITION: The Board of Selectmen will report at the Special Town Meeting. FINANCE COMMITTEE REPORT: The Finance Committee will report at the Special Town Meeting.



# Agenda

- Brief overview of project
- Response from town and citizens
- Poor compliance with ZBA process
- Purpose of funds



# The Village at Sudbury Station

- 13 structures (3 @ 56-60 feet tall)
- 250 units (18.59 units/acre, 3x avg 40b in Sudbury)
- 500+ parking spots (1,638 daily vehicle trips)
- 30+ waivers from Sudbury zoning by-laws
- On-site sewage treatment plant (43,000 gallons/day)



Typical four-story building elevation submitted by Sudbury Station developer

# Before & After

(3 examples, of many)

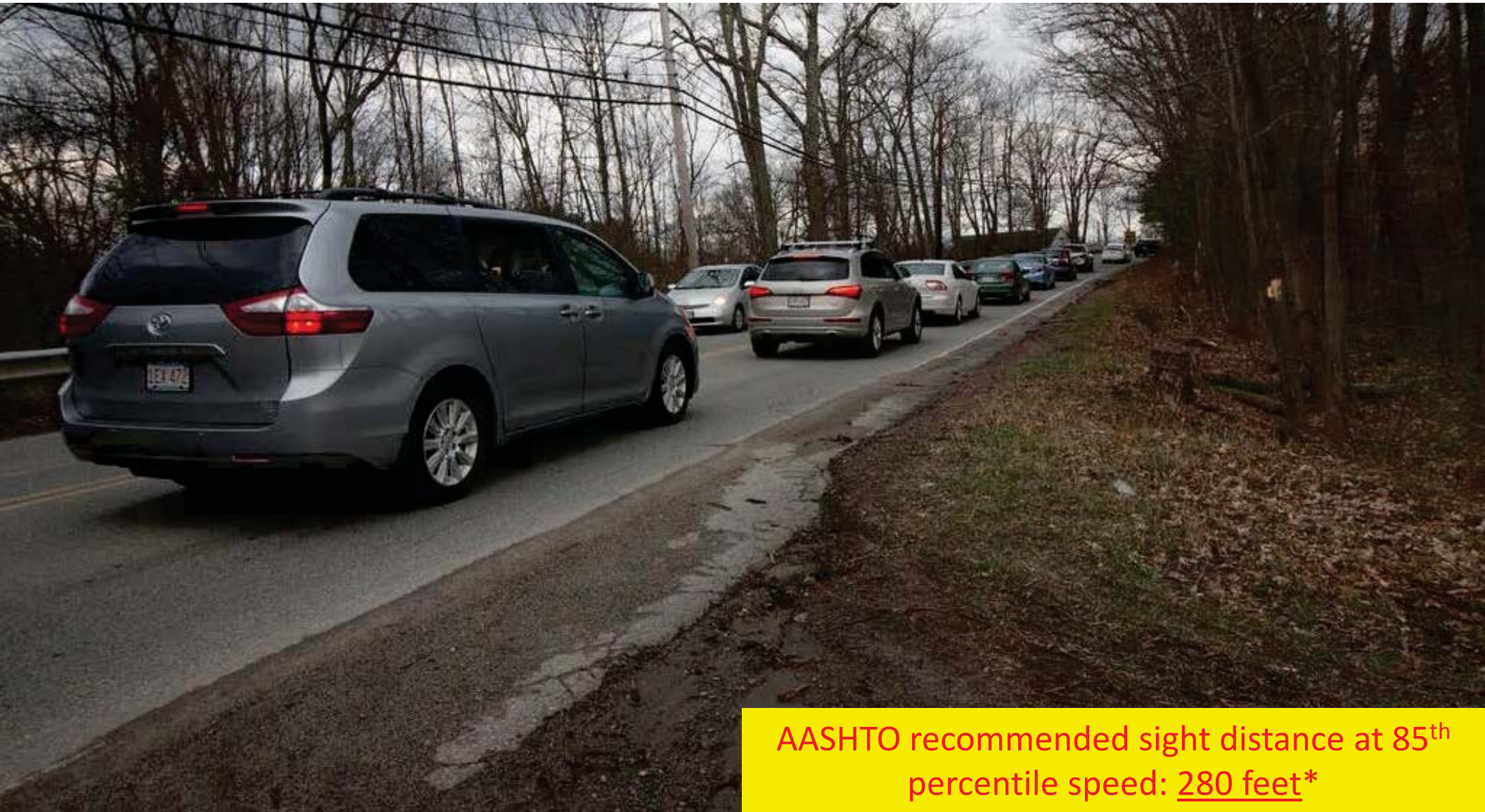








# A new unsafe intersection



AASHTO recommended sight distance at 85<sup>th</sup>  
percentile speed: 280 feet\*

"We believe that a development of this size, with unsafe accesses as currently proposed, adjacent to a National Register Historic District, surrounded by mapped Priority Habitat Area, and on a parcel created to sustain 1 house, will have severe impacts that may not have the capability to be mitigated."

*- Board of Selectmen letter dated November 5, 2015*



~850 signatures collected in a week





# Poor compliance with ZBA process

“Most of the recommendations noted in my memo dated 2/17/16 on this application have not been responded to” 3/21/16

“Many recommendations remain unanswered, most prevalent is the lack of a grading plan and storm water management plan.” 3/21

“Lack of [...] essential engineering information has substantially constrained the review process for this application.” 4/15/16



## **Purpose of funds:**

The Town will use these funds to hire an attorney to review and potentially litigate Peter's Way, and compel the developer to...

- Provide accurate & timely information
- Address full-scope of community concerns
  - Traffic (safety and volume)
  - Environmental impact
  - Historic character
- Ensure proposal is scaled appropriately to site



## Summary:

- 1) Funds used by BOS to hire attorney representing town (the client)
- 1) Purpose is to “assist the town with any legal and litigation matters related to the Peter's Way land transfer, comprehensive permit for the Sudbury Station project and related matters including assistance at ZBA hearings”
- 1) Funds should be sufficient through end of FY '17 excluding unexpected litigation costs

