

February 6, 2017

Mr. Jonathan F.X. O'Brien, Chairman  
Zoning Board of Appeals  
Flynn Building  
278 Old Sudbury Road  
Sudbury, MA 01776

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BY: .....

Re: **Response to Planning Board letter dated January 25, 2017**  
**Coolidge at Sudbury Phase 2**

Dear Mr. O'Brien and Members of the Board:

On behalf of the applicant Covenant Commonwealth Corporate ("Applicant"), we are writing in response to the letter from the Sudbury Planning Board to the Zoning Board of Appeals ("ZBA") dated January 25, 2017. Below are our responses. We are grateful for their input and believe that it is important to clarify certain matters:

**1. Planning Board Comment:** *There are a significant number of responses to the peer review comments that start with or reference that as a 40B the Applicant does not need to submit certain details and/or a level of design the Planning Board considers a requirement to properly evaluate the project. Such responses are not aligned with a project considered a "friendly" 40B. The Planning Board requests that they met all the requirements they can, provided a full package of design, calculations, and details, and responded to all comments, questions, and requests.*

**Response:** While we recognize that the Planning Board and other town boards would like fully engineered drawings and prescription specifications, M.G.L. Chapter 40B is, as you know, structured to bifurcate the design process into two parts. The first part is to develop preliminary drawings and specifications in order to obtain input, develop a site plan, and serve as the basis for issuance of a Comprehensive Permit. The second part is the development of fully engineered drawings and specifications which are then submitted to all town boards which have separate jurisdiction under state permitting processes, and are also submitted to the Zoning Board of Appeals for final review by the Board and its peer reviewer to ensure compliance with the Comprehensive Permit and with all applicable regulations. In this case, in addition to final review by the ZBA, we will be submitting fully engineered drawings and specifications to the Sudbury Conservation Commission for review and permitting under the Wetland Protection Act and to the Sudbury Board of Health under Title 5.

In order to ensure that the above procedure is followed, we suggest that the following condition be included if the Board determines to issue a Comprehensive Permit for the Project:



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"Prior to issuance of a Building Permit for the project, the Applicant shall submit fully engineered drawings and specifications to the Zoning Board of Appeals, to the Sudbury Conservation Commission, and to the Sudbury Board of Health, and shall (a) obtain final approval of such drawings and specifications from the Zoning Board of Appeals (b) obtain an Order of Conditions under the Wetlands Protection Act and (c) obtain a Disposal System Construction Permit under Massachusetts Title 5 regulations. Further, the Applicant will pay the reasonable cost of an engineering peer review by an engineering firm engaged by the Zoning Board of Appeals to review the final engineered drawings and specifications for compliance with the requirements of the Comprehensive Permit and applicable regulations."

**2. Planning Board Comment:** *There are a number of inconsistencies and omissions from the plan and report submission. The Planning Board understands that the Applicants design engineer will be providing new plans and calculations for review in the next two weeks. It is anticipated there will be additional review due to the number of changes (such as adding an outlet to the infiltration basin) that will affect the calculations.*

**Response:** Revised plans and calculations have been submitted as agreed, and such plans have been reviewed by Horsley Witten. As of this writing, most issues have been addressed to Horsley Witten's satisfaction, and the few remaining issues are in the process of being resolved.

**3. Planning Board Comment:** *Details and cross sections for the BMPs, as requested in the peer review, should be required.*

**Response:** Details and cross sections for the BMP's, as requested in the peer review, have been provided on the revised plans.

**4. Planning Board Comment:** *A soil erosion plan should be required along with a plan to illustrate drainage and erosion control during construction (with phasing), as they will be disrupting the existing detention basin for this construction.*

**Response:** Erosion control is not typically shown on preliminary plans; erosion control measures will be shown and detailed on the fully engineered plans to be submitted to the Conservation Commission as part of the Notice of Intent filing pursuant to the Massachusetts Wetlands Protection Act.

**5. Planning Board Comment:** *The Applicant should demonstrate they are initiating preparation of a SWPPP, as requested in Comment 8 of the peer review.*



**Response:** The Applicant will prepare an SWPPP, to be submitted to the Zoning Board of Appeals for its review as part of the final plan submission, and to the Conservation Commission as part of Notice of Intent.

**6. Planning Board Comment:** *The detention basin freeboard should be as close to 1 foot as possible (see Comment 2.f. of the peer review).*

**Response:** The detention basin freeboard has been raised as close to one foot as possible per comment 2(f) of the peer review report, as shown on the revised plans.

**7. Planning Board Comment:** *An attempt should be made to “work harder” at providing more Low Impact Development (LID) BMPs, such as rainwater harvesting, in revamping the drainage.*

**Response:** The Applicant will continue to consider Low Impact Design elements as the Project moves through permitting with the Conservation Commission.

**8. Planning Board Comment:** *The Planning Board considers the landscaping of Coolidge, Phase1 as being inconsistent with the neighborhood and hopes that the landscaping for Phase 2 will better keep with expectations and be consistent with landscaping in the neighborhood. Residents have expressed concerns regarding Phase 1 landscaping.*

**Response:** Revised landscape plans have been submitted to the Zoning Board and will be reviewed at the February 6 hearing.

**9. Planning Board Comment:** *In particular, the existing Phase 1 landscaping / screening along Landham Road should be supplemented, as the amount of screening for that courtyard is not to the level that the Planning Board expects (for comparison, see the screening at Landham Crossing’s screening across the street).*

**Response:** As above, revised landscape plans have been submitted to the Zoning Board and will be reviewed as part of the February 6 hearing.

**10. Planning Board Comment:** *There is concern about the number of parking places included in the design being inadequate. The site is constrained with almost no opportunity to add spaces in the future. The parking analysis conducted has not met zoning requirements. The Planning Board requests that reserve parking be incorporated into the plan to avoid parking along the street or on grass in the future.*

**Response:** As described in our previous response to a comment from the Conservation Commission, in this case, the Applicant has access to actual parking statistics for the existing Coolidge project – which has the same demographic profile

as the proposed project will have. Therefore, the Applicant undertook a parking study of existing parking patterns to determine the number of spaces needed. A series of 13 actual counts of parked cars were taken on nine separate days, including weekdays, Saturdays, and Sundays, and at various times when peak parking demand would be likely to occur; this includes times ranging from 6:00 am to 10:50 pm, and includes peak visiting times on Saturday and Sunday. The results showed actual parking counts ranging from a low of .53 cars/unit to a peak of .84 cars per unit. The current site plan provides one (1.00) space per unit; thus, the proposed parking is more than adequate to serve the needs of the project.

**11. Planning Board Comment:** *The issue of the septic/treatment plant threshold came up at a previous Planning Board meeting and is now a concern with the ZBA and Conservation Commission as well. Greater clarification should be sought regarding the appropriateness of lot separation. The Board of Health should also weigh in on this, but Title 5 addresses the issue under sections 15.010 and 15.011. The fact that the project is called "Phase 2", involves the same organization, and shares facilities and maintenance / emergency staff speaks directly to section 15.011 in Title 5 in particular.*

**Response:** We have provided additional information as requested regarding the subdivision and the Title 5 question, as well as a legal opinion from our lending attorney, Nixon Peabody LLP.

**12. Planning Board Comment:** *The Planning Board would like to review the inspection reports for septic system and stormwater management systems associated with Phase 1 of the Coolidge to ensure performance and maintenance is operating as expected.*

**Response:** Routine maintenance is performed on the Phase 1 septic system that includes pumping of the septic tanks and inspection of the pump chamber. No formal reports are required. The Stormwater Management system is required to have routine maintenance in accordance with the approved Stormwater Management System Operation and Maintenance Plan.

We look forward to working further with the Zoning Board of Appeals to answer any additional questions it may have.

Sincerely,



Susan Gittelman  
Executive Director