



# Town of Sudbury

Planning & Community Development Department

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July 15, 2020

## **FINAL PLAN APPROVAL AND PLAN APPROVAL DECISION Quarry North Road LLC 16 & 36 North Road**

DECISION of the Planning Board (Board) on the application of Quarry North Road LLC (Applicant) of 2134 Sevilla Way, Naples, Florida 34109 and William M. Wagner, Jr., the Sudbury Water District, and the Town of Sudbury (Owners) for Final Plan Approval and Plan Approval for the property at 16 & 36 North Road (Route 117). The subject property is located in the Research-1, North Road Residential Overlay District (NRROD), Melone Smart Growth Overlay District (MSGOD), Water Resource Protection Overlay District Zone II, Flood Plain Overlay District, and Wireless Services Overlay District Zoning Districts and is known as Assessor's Maps C12-0003, C12-0004, and C12-0100.

This Decision is in response to an application filed under Sections 4700A and 4700B of the Town of Sudbury Zoning Bylaw by the Applicant on March 11, 2020 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.

After causing notice of the time and place of the public hearing and of the subject matter thereof to be published, posted, and mailed to the Applicant, Owners, abutters, and other parties in interest, as required by law, the public hearing was opened on April 8, 2020 and continued on April 29, 2020, May 13, 2020, May 27, 2020, June 2, 2020, June 10, 2020, June 24, 2020, and July 15, 2020, when it was closed. The Board deliberated on the proceedings on July 15, 2020. The following members of the Board were present throughout the proceedings: Stephen Garvin, Charles Karustis, John Hincks, Justin Finnicum, and John Sugrue. The record of the proceedings and submissions upon which this Decision is based may be referred to in the office of the Town Clerk or the Planning and Community Development Department.

After due consideration of the application, the record, and based upon the findings set forth herein, the Board voted 5 to 0 to **GRANT** conditional approval of the Final Plan Approval and Plan Approval on July 15, 2020 pursuant to the following findings and conditions:

### **COMPLIANCE WITH 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 Board finds the proposed work is in compliance with this section of the Zoning Bylaw.

## **COMPLIANCE WITH SECTION 4200 WATER RESOURCE PROTECTION OVERLAY DISTRICTS**

Section 4720A of the Zoning Bylaw states 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.

Even though the proposed development cannot fully comply with many of the provisions above, the Board finds (a) the Applicant has extensively studied groundwater resources on the site; (b) the study has been approved by the Massachusetts Department of Environmental Protection (MassDEP); (c) measures have been carefully taken to both maximize the time and distance of flow between any wastewater leachate and the Sudbury Number 5 well; (d) the Applicant has carefully situated the proposed leaching facility to preclude any flow of leachate into the Concord White Pond Wells; (e) the Applicant has designed the wastewater treatment plant to exceed the 5 mg/l nitrate threshold contained in Section 4242(i); (f) the wastewater treatment plant has been designed to meet extremely stringent MassDEP requirements for all other constituents in wastewater within a Zone II; (g) the Applicant has created a project where no earthmoving will result in bringing the finished surface grade to anywhere near 5 feet of groundwater, as required by Section 4242(j); and (h) all stormwater will be managed in

accordance with best management practices. The Board finds confirmation of these items due to the following.

## 1. Groundwater Study and Monitoring

As a first step following the signing of the Land Disposition and Development Agreement on February 28, 2019, the Applicant began extensive investigation into soils and groundwater on the subject property. Between April 16, 2019 and April 19, 2019, extensive test pits and monitoring wells were installed on the site. Groundwater depth measurements were taken on April 22, 2019, May 7, 2019, May 16, 2019, and June 11, 2019. Multiple test trenches (13) and percolation tests (4) were conducted on July 1, 2019 and July 2, 2019, witnessed by MassDEP personnel. An additional observation well was also installed on July 2, 2019.

These investigations were done to determine the suitability of soils for on-site wastewater disposal; establish the depth and flow of groundwater under the site and the surrounding areas; and site any wastewater disposal works in the most appropriate place given the nearby wells in both Sudbury and Concord.

Groundwater was found at depths ranging from 11 feet below existing grade to over 70 feet below grade. Soils were largely coarse sand and perked at rates suitable for subsurface wastewater disposal. Based upon the groundwater table, regional direction of flow, mounding analysis, and location of Zone II boundaries, the proposed wastewater-leaching field was located outside of the Concord Zone II and as far away from the Sudbury Well Number 5 as practicable.

The time of travel of leachate to both the Concord wells and the Sudbury Number 5 well were calculated based upon existing and proposed conditions. The time to travel to the Concord wells is infinity—the wastewater does not travel to the Concord Wells at all. The travel time to the Sudbury Number 5 well was 356 days, slightly under a year. The results of the draft report were presented to both the Sudbury Water District and the Concord Water Department for review and comment before submission to MassDEP for review. The suggestions of each were incorporated into the final submission to MassDEP.

On October 1, 2019, MassDEP approved the results of the Geologic-Hydrological investigation. As proposed, ongoing monitoring wells are required to continue to monitor the groundwater and ensure that the quality of the leachate does not impair the quality of the aquifer as a source of drinking water.

## 2. Protection of Groundwater through Stringent Wastewater Design Specifications

MassDEP wastewater design specifications are exceptionally stringent if a proposed facility is within a Zone II and the travel time to the wellhead is less than two years. First and foremost, total nitrogen is limited to not more than 5 mg/l, which is one-half of the allowed level of nitrogen in drinking water. Since that level of total nitrogen will be discharged at the rate of less than 50,000 gallons per day (gpd) into a vastly larger aquifer, the proposed wastewater facility

will more than ensure that the limit of 5 mg/l in drinking water wells established by Section 4242(h) will be met or surpassed.

All other constituents in wastewater are similarly limited. Biochemical Oxygen Demand (BOD) is limited to 10mg/l, which is one-third the normal allowable rate. Total Suspended Solids (TSS) are limited to 5 mg/l, one-half the otherwise allowable rate. Total Organic Carbon (TOC) is limited to 1 mg/l, one-third of the otherwise allowable rate of 3 mg/l. Zero colonies of fecal coliform bacterial are allowed in leachate.

### 3. Protection of Groundwater through Landscape Design, Fertilizer Management, and Snow Removal Management

The landscape design plan by Boehler Engineering emphasizes drought resistant native species, and limited applications of organic fertilizers in order to limit and reduce the total nitrogen and phosphorous load from the site. Snow management will be limited to non-harmful de-icing materials.

### 4. Earth Moving and Grading will be Appropriate and will not Violate the Required 5 Foot Separation from Groundwater

The grading plan prepared in connection with the proposed development indicates the lowest point will be within a proposed stormwater detention swale near the entrance drive, approximately 6 feet above the seasonally adjusted, mounded high groundwater level of 123 feet MSL. Throughout the rest of the site, finished grades will generally exceed 10-20 feet above groundwater.

A primary focus of the Applicant's efforts to date have been directed at documenting the groundwater resources on-site, and carefully siting the proposed development so that these groundwater resources will be protected. Though the Special Permit provisions of Section 4200 do not directly apply to the proposed development, the substantive requirements for the issuance of such a Special Permit contained in Section 4275 will be met. Based on the above, the Board finds the proposed project complies with Section 4200 to the maximum extent practicable.

## **COMPLIANCE WITH 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 Board finds the proposed project is in compliance with (does not apply to) this section of the Zoning Bylaw.

## **COMPLIANCE WITH SECTION 4742A FINAL PLAN APPROVAL**

The Board finds the Applicant has submitted all of the items required pursuant to Sections 4741A, 6350, and 4742A.a. through 4742A.h.

## **COMPLIANCE WITH 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.

The proposed project would redevelop a piece of vacant Town-owned land to create 274 dwelling units in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure. 151 of these 274 units would be distributed between the three multi-family residential buildings. The property is currently very underutilized by the Town and its redevelopment would bring a significant benefit in building 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.

Through the permitting and review process mapped out in Sections 4700A and 4700B of the Town's Zoning Bylaw, the Board worked extensively with the Applicant to improve all aspects of the proposed development using significant input from various Town departments and the Board's peer review consultants for the stormwater, wastewater, and traffic aspects of the project. The finalized project design which resulted from the review process will allow for the efficient redevelopment of a site with numerous challenges which has been greatly underutilized by the Town.

(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.

The proposed development is well screened from the surrounding properties by existing/proposed vegetation or changes in topography. Along North Road/Route 117, the project will be screened by existing and proposed vegetative plantings and a berm along the front property line. The buildings are also setback a significant distance from North Road/Route 117 as well. As such, while perhaps not significantly improving the aesthetic character of North Road/Route 117, the project would not detract from the rural and scenic nature of this stretch of the roadway. Additionally, the development's buildings are well organized to accommodate appropriate circulation of pedestrians, vehicles, and the Town's emergency responders/services. There are also two open space amenity areas (one in the north and one in the south), as well as a community garden for residents on site.

(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.

Most of the existing project site has been significantly disturbed as part of the former sand and gravel operation at the property, with the removal of all vegetation and underlying soils leaving the site almost completely barren. The proposed project would create 274 dwelling units in townhouses and multi-family buildings on approximately 26 acres of land with associated parking, amenities, and infrastructure. This new development would bring substantial private investment for the residential use and greatly increase the property's value bringing in fairly significant additional tax revenue to the Town. The Applicant expects it will take 3 to 4 years to complete construction of all buildings, with the first units to close in the summer of 2021 and the last unit to close sometime in 2023-2024. With construction activity ongoing for a few years, the project should also generate a good amount of temporary jobs in the community.

**COMPLIANCE WITH SECTION 4700B.I. PLAN APPROVAL**

The Board finds the application submitted was complete under the requirements of Section 4700B.I. when filed with the Town Clerk. In particular, per Section 4700B.I.2.c., the Board finds the materials submitted by the Applicant constituted a complete application.

**COMPLIANCE WITH 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.

Most of the existing project site has been significantly disturbed as part of the former sand and gravel operation on the property, with the removal of all vegetation and underlying soils. Some

existing vegetation will be cleared along the northwest boundary and the landscape plan calls for this area to be revegetated for slope stabilization and screening with Red Osier Dogwood, Showy Border Forsythia, Highbush Blueberry, Compactum European Cranberrybush, and other species. The project is subject to the National Pollutant Discharge Elimination System (NPDES) program of the United States Environmental Protection Agency (USEPA), which will require construction operations to comply with the NPDES General Permit For Stormwater Discharges From Construction Activities and will require the implementation of a site-specific Stormwater Pollution Prevention Plan (SWPPP) addressing erosion and sedimentation control practices to be used throughout the construction period. Proposed erosion and sedimentation control measures will include compost filter socks, silt fence, crushed stone, riprap, hydroseeding, mulching, erosion control matting, diversion berms, and sedimentation basins. The contractor will be required to keep a reasonable stock of erosion controls on site to be able to supplement or make repairs as necessary. The project also includes a post-construction stormwater management system designed to collect, convey, treat, infiltrate, and control stormwater discharges associated with the development in accordance with applicable state and local requirements. The stormwater Best Management Practices (BMPs) have been designed such that the post-development peak discharge rates and volumes do not exceed pre-development peak discharge rates and volumes up to and including the 100-year storm event. BMPs are also designed to treat the water quality volume beyond the required 80% removal of total suspended solids, to exceed the required groundwater recharge volume, and to incorporate infiltration measures. Specific BMPs that are proposed include deep-sump hooded catch basins, proprietary water quality treatment units, infiltration basins, and subsurface infiltration systems. A comprehensive Stormwater Management Report and Operation & Maintenance Plan has also been developed. Therefore, the Board finds the proposed project minimizes or eliminates the volume of cut and fill, the number of trees removed, the area of wetland vegetation displaced, and other alterations to the property.

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

One of the primary traffic ingress/egress safety items that would be implemented by this project would be roadway improvements to North Road/Route 117, including a new left-turn lane into the project on the eastbound approach to the property's entrance boulevard. The development would have an extensive sidewalk network throughout the project site including crosswalks to ensure connectivity and safety for pedestrians. The project will also link into the existing off-site trail network in the immediate area, which will provide connectivity for residents to the Bruce Freeman Rail Trail to the west. The Land Disposition and Development Agreement between the Town of Sudbury and the Applicant outlines mitigation measures to help lessen the new development's impact on local services, regional traffic, and the environment. A Transportation Management Plan has been developed to mitigate the increase in daily vehicular traffic anticipated from the creation of 274 new housing units at the project site. At a minimum, the project's transportation mitigation measures will include a shuttle service for the project's residents to mass transit stations (i.e. West Concord and Lincoln Commuter Rail Stations), local businesses, amenities, facilities, and attractions; on-site facilities for car sharing services; and on-site facilities for bike sharing services. The Applicant would also be providing \$1,000,000 to the Town of Sudbury for transportation mitigation. The Town may use these funds to evaluate and

implement transportation improvements at locations identified in the traffic study completed by the Town's consultant. Based on the above, the Board finds the proposal maximizes pedestrian and vehicular safety both on the site and egressing from it.

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

The proposed residential development would not obstruct any scenic views from publicly accessible locations, is fairly isolated in this section of Sudbury, and is well screened from the surrounding properties by existing/proposed vegetation and changes in topography. The project's design retains the natural grading and existing vegetation, as much as possible, to provide a visual buffer around the development, enhancing the aesthetics of the development both for residents, and for neighbors and drivers along North Road/Route 117. North Road/Route 117 will be screened from the development by vegetative plantings and a berm along the front property line. The project's buildings are also setback a significant distance from North Road/Route 117. As such, the Board finds the proposed project will minimize the 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.

The proposed development is well screened from the surrounding properties by existing/proposed vegetation or changes in topography. Along North Road/Route 117, the project will be screened by existing and proposed vegetative plantings and a berm along the front property line. The buildings are also setback a significant distance from North Road/Route 117 as well. The area underneath each of the multi-family buildings is being used for parking spaces to minimize the amount of visible surface level parking spaces. Of the project's 766 total parking spaces, 374 (49%) will be garaged either underground (128) or in the garages of the townhouse units (246). Trash rooms, storage, and utility spaces will all be located internally in the multi-family buildings and the townhouse units will have garages where refuse can be stored until pickup/drop off. Additionally, the wastewater treatment facility is tucked away in the far eastern corner of the project site and would be well screened by vegetative plantings. Therefore, based on the above, the Board finds the proposed project minimizes the visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas.

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

The proposed residential development is fairly isolated in this section of Sudbury and is well screened from the surrounding properties by existing/proposed vegetation, changes in topography, or by the dwelling units themselves. North Road/Route 117 will be screened from the development by vegetative plantings and a berm along the front property line. The buildings are also setback a significant distance from North Road/Route 117. On the project site itself, the Applicant has proposed vegetative plantings which should help to screen headlights from intruding onto the dwelling units. The Board has also included a condition which requires all lighting on the subject property be Dark Sky Compliant per the International Dark Sky Association. The Photometric Plan for the subject property indicates that, for the most part,

lighting is confined to the property. The only exception is in the location of the entry/exit boulevard where there is a small amount of light spillage into North Road/Route 117 for visibility and safety purposes. Based on the above, the Board finds the proposed project minimizes 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.

The proposed site plan has been designed to embrace the topography of the site. The design retains the natural grading and existing vegetation, as much as possible, to provide a visual buffer around the development, enhancing the aesthetics of the development both for residents and for neighbors and drivers along North Road/Route 117. Specifically, with regard to the proposed buildings, the mixing of various different materials, design accents, and peaked roofs lend themselves to the local architecture of the area without attempting to directly replicate the historic buildings in town with new construction. While the multi-family buildings are rather tall, there are other buildings in this area of town which are at a similar scale including the adjacent Northwood residential development and the commercial/office buildings just beyond to the west. Additionally, the buildings are also setback a significant distance from North Road/Route 117 and will be screened from most views by vegetation and a berm along the front property line. Therefore, the Board finds the proposed project minimizes the unreasonable departure from the character, materials, and scale of buildings in the vicinity.

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.

Even though the proposed development cannot fully comply with many of the provisions Section 4200 of the Zoning Bylaw, the Board finds (a) the Applicant has extensively studied groundwater resources on the site; (b) the study has been approved by the MassDEP; (c) measures have been carefully taken to both maximize the time and distance of flow between any wastewater leachate and the Sudbury Number 5 well; (d) the Applicant has carefully situated the proposed leaching facility to preclude any flow of leachate into the Concord White Pond Wells; (e) the Applicant has designed the wastewater treatment plant to exceed the 5 mg/l nitrate threshold contained in Section 4242(i); (f) the wastewater treatment plant has been designed to meet extremely stringent MassDEP requirements for all other constituents in wastewater within a Zone II; (g) the Applicant has created a project where no earthmoving will result in bringing the finished surface grade to anywhere near 5 feet of groundwater, as required by Section 4242(j); and (h) all stormwater will be managed in accordance with best management practices. Please see the section above regarding compliance with Section 4200 for further details of these findings. Based upon the above, the Board finds the proposed project will minimize the contamination of groundwater from on-site wastewater disposal systems or operations on the premises.

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

The proposed project complies with the dimensional requirements of each of the overlay zoning districts. The MSGOD calls for a minimum of 150 parking spaces and a maximum of 177 parking spaces based upon the unit and bedroom count within the overlay district. The proposed project provides 177 parking spaces in the MSGOD including 99 surface spaces and 78 garaged spaces. The NRROD requires a minimum of 346 parking spaces based upon the number of dwelling units in the overlay district. The proposed project provides 589 parking spaces with 293 surface spaces and 296 garaged spaces. Across the entire development there are 766 parking spaces which is compliant with the Zoning Bylaw.

Most of the existing project site has been significantly disturbed as part of the former sand and gravel operation on the property, with the removal of all vegetation and underlying soils. The sand/gravel pit on the project site includes 19.6 acres of excavated land with steep slopes (upwards of 35%) where the site adjoins abutting properties. As part of this new residential development, extensive plantings are proposed throughout the project. There is a tree-line boulevard at the project's entrance, substantial plantings around each residential building for aesthetics, screening vegetation to provide privacy to the townhouse units whose backs face each other, new screening plantings in the northwest portion of the property where vegetation will be cleared, a community garden, and two open space amenity areas for residents (one in the north and one in the south). The diversity in the variety of vegetative plantings for the property is extensive. Therefore, the Board finds the proposed project is compliant with the provisions of the Zoning Bylaw, including parking and landscaping.

## **CONDITIONS OF APPROVAL**

This Final Plan Approval under Sections 4742A and 4744A, and Plan Approval under Section 4700B.I is subject to and with the benefits of the following restrictions:

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. **After installation of a foundation for any of the three (3) multi-family buildings**, 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 utilities for the project shall be located underground.
6. 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.
7. The Applicant/Owner shall construct an eight (8) foot wide sidewalk along North Road/Route 117 between the development's main entrance/exit driveway and its emergency access driveway to the west.
8. The Guest Suite on the First Floor of Building 1 in the Melone Smart Growth Overlay District shall only be used as temporary (no more than one week at a time) lodging for family and friends of current residents of Buildings 1 or 2 in the Melone Smart Growth Overlay District. The Guest Suite shall not be converted to a permanent/full time dwelling unit for the development.
9. Two (2) sheltered bicycle parking spaces shall be provided for each garaged parking space.
10. Due to the common ownership between the land in the Town of Sudbury and the land in the Town of Concord, a Variance is not required from the 30 foot rear yard setback requirement of the townhouse dwelling units along the municipal boundary because, for the purposes of zoning, since the land is in common ownership the rear yard would extend to all of the remaining land in the Town of Concord. However, in the event the Applicant/Owner should convey the land in the Town of Concord to any third party, the land that would constitute the required rear yard setback from the townhouse dwelling units shall be conveyed to the owner of the North Road Residential Overlay District land in order to retain the required rear yard setback.
11. All signage at the property shall comply with Section 3200. Signs and Advertising Devices of the Zoning Bylaw and any approvals issued by the Zoning Board of Appeals.
12. All lighting shall be consistent with the provisions of Section 3427.f. of the Zoning Bylaw. 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. All 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).

13. As-Built drawings shall be submitted to the Building Department and Town Engineer, and the plans shall be certified by a Registered Professional Engineer or Registered Land Surveyor of record, who shall certify the work has been done in accordance with the approved Plan and this Decision, as well as verifying the drainage system has been built in accordance with the design and is in compliance with all applicable regulations.
14. 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.

The authority granted to the Applicant/Owner by this Decision is limited as follows:

This Decision shall not take effect until a copy has been recorded with the Middlesex South Registry of Deeds and until a certified copy of the recorded document is submitted to the Board. The Applicant/Owner, by acceptance of this Decision and recording thereof, acknowledges the binding effects of the conditions of this Decision.

**APPLICABILITY OF FINAL PLAN APPROVAL AND PLAN APPROVAL:** This Final Plan Approval and Plan Approval applies only to the site which is the subject of this application. All construction to be conducted on the site shall be conducted in accordance with the terms of this Decision and shall be limited to the improvements shown on the plans.

**OTHER PERMITS OR APPROVALS:** This Decision applies only to the requested Final Plan Approval and Plan Approval. Other permits or approvals required by the Sudbury Zoning Bylaw, other governmental boards, agencies, or bodies having jurisdiction shall not be assumed or implied by this Decision.

**BYLAW COMPLIANCE:** The foregoing conditions are stated for the purpose of emphasizing their importance, but are not intended to be all inclusive or to negate the remainder of the Sudbury Zoning Bylaw.

**AMENDMENT OF THIS DECISION:** Any changes to the physical condition of the site, including, but not limited to, changes in the location or design of structures or systems, or changes to the conditions of approval, following initial approval of the Final Plan Approval and Plan Approval will require approval of the Board as specified in Sections 4750A and 4700B.L. of the Sudbury Zoning Bylaw, Section 8 of the Planning Board North Road Residential Overlay District Rules and Regulations, and Section 8 of the Planning Board Melone Smart Growth Overlay District Rules and Regulations.

**LAPSE OF THIS DECISION:** Final Plan Approval shall lapse three (3) years from the date of this Decision by the Board and Plan Approval shall lapse two (2) years from the date of this Decision by the Board, unless a substantial use thereof has commenced except for good cause or

any construction has begun by said date except for good cause. Any request for an extension of the time limitation set forth herein shall be made in accordance with Section 9 of the Planning Board North Road Residential Overlay District Rules and Regulations, Section 9 of the Planning Board Melone Smart Growth Overlay District Rules and Regulations, and Massachusetts General Laws Chapter 40R, Section 11.(1), as applicable, and the Board reserves its rights and powers to grant or deny such request without a public hearing.

Appeals, if any, shall be made pursuant to Massachusetts General Laws Chapter 40A, Section 8 or Massachusetts General Laws Chapter 40R, Section 11, as applicable, and shall be filed within twenty (20) days after the date of filing of the above-referenced Decision with the Town Clerk.

Witness our hands this 15<sup>th</sup> day of July, 2020.

**SUDBURY PLANNING BOARD**

\_\_\_\_\_  
Stephen Garvin, Chair

\_\_\_\_\_  
Charles Karustis, Vice Chair

\_\_\_\_\_  
John Hincks, Clerk

\_\_\_\_\_  
Justin Finnicum

\_\_\_\_\_  
John Sugrue

This is to certify that no notice of an appeal against this Decision was filed in the Town Clerk's Office within 20 days after such Decision was filed.

A True Copy Attest:

\_\_\_\_\_  
Rose M. Miranda  
Assistant Town Clerk

\_\_\_\_\_  
Date

cc:   Applicant  
      Town Clerk  
      Building Inspector  
      Board of Health  
      Planning & Community Development Department

Conservation Commission  
Department of Public Works  
Fire Chief  
Sudbury Water District  
Board of Selectmen