

ZONING BOARD OF APPEALS

19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

MINUTES

March 12, 2015

Members Present: Alan Rubenstein (Chairman), Ron Steffek, Rick Novak

Alan Rubenstein called the meeting to order at 8:05p.m. in the Sherborn Town Hall, Room 204B

INITIAL PUBLIC HEARING: THE FIELDS AT SHERBORN

Tonight's meeting marks the initial public hearing for a 40B project between 247 and 257 Washington Street, named The Fields at Sherborn. Many members of the public as well as members of other Town boards were present at the meeting. Mister Rubenstein gave an overview of the regulations and requirements surrounding the approval of a 40B project in which Massachusetts state law allows applicants to propose and receive a permit for a project, as long as the project is in compliance with all applicable federal and state laws and regulations. Such projects are, therefore, allowed to override certain local regulations that may, in some cases, be more restrictive than those federal and state regulations. There are exceptions to the ability to override local regulations, however. One instance is where upholding local regulations is shown to be an important need and that that need is shown to be of greater importance than the development of affordable housing in the area. Mister Rubenstein reminds the Zoning Board of Appeals (ZBA) and those in attendance to consider whether the project meets all federal and state regulations and, where it does not meet the local regulations and bylaws of the Town of Sherborn, to consider whether those bylaws override the importance of affordable housing for the Town.

In describing the process of the 40B application, the Chairman emphasized that this is an initial public hearing for the purposes of the development team to present the project and that limited public comment will be had at this meeting, with many more meetings in the future and many more opportunities to address specific concerns at later dates. Regulations give 180 days from the initial public hearing to conduct additional hearings.

A general overview of the project was given by Alan. The Fields at Sherborn is a proposed 36-unit townhouse development with three to four units per building and 10 buildings. Of these 36 units, 27 will be market-priced and nine will be affordable. Each townhouse will be either a two- or three-bedroom unit and will be approximately 2,500 square feet of living space. The parcel is 17.55 acres, of which 6.89 acres are wetlands.

Ben Stevens, the sole member and manager of The Fields at Sherborn, a limited liability company, Edward Marchant, the real estate lawyer, and Bruce Saluk, the civil engineer for the project were introduced. Mister Marchant expanded on the summary of the development plans with details of the physical and financial expectations of the site. He reports that there will be one well per building with a common septic system. End units will have two-car garages, with middle units having at least one- and some two-car garages, and each will have parking in

individual driveways for a total of roughly 130 parking spaces on site. For the 27 market-priced units, two-bedroom units are expected to be priced from \$600,000 to \$640,000 and the three-bedroom units at \$655,000. For the nine affordable units, the two-bedroom units will be priced at \$170,000 and the three-bedroom units at \$185,000. He clarified that the prices will be finalized in the last stage of the comprehensive application process and that affordability and eligibility are functions of state- and federally-dictated formulas. The State income limit for affordable two-bedroom units is \$62,750 and for affordable three-bedroom units is \$69,700. Additionally, there is a local preference for applicants to these affordable units.

Bruce Saluk, a registered civil engineer and land surveyor for the development team, presented site plans to the Board and the public. The development area is proposed to cover approximately 5.5 acres of the 17.55 acres that comprise the property. The physical environment of the site was described and an ecological survey has been performed. There is an area of the site which is a vernal pool; some of it has been deemed a pre-worked site and can, therefore, be developed as part of this project, but some of it cannot be disturbed before or during construction. The soil on site is a sandy loam and the landscape is currently meadow. The electric and telephone utilities for the proposed project would be underground. As stated earlier, there will be one well per building and Mr. Saluk ensures that the spacing of the wells meets state regulations. The primary sewage system will be a standard manhole system, with a secondary system called FAST – fixed activated sludge treatment – also in place. There will be perpetual monitoring of the performance of the sewage system. The State requires testing every month for the first three years and every three months beyond that. These findings are reported to the Department of Environmental Protection (DEP). The stormwater management plan is compliant with DEP regulations, including stormwater treatment, groundwater recharge, and storm damage prevention. The management system includes deep-sunk catch basins which flow to one of two water quality inlet units. After that, the water flows to a chamber system for groundwater recharge. Additionally, there are also five chambers that collect roof water. A traffic study was performed and found that, at peak hours – the two busiest hours of the day – there will be one additional vehicle per five minutes. Trash cans will be kept in garages and will be picked up, curbside, one day per week. Trash removal will be the responsibility of the condo association and will be performed by a subcontractor. The center island around which the units are constructed, and under which the stormwater collection catch basin sits, will be the main site of snow storage. The final version of the stormwater management plan will be completed after the testing of the annual highs in spring is performed. For fire protection, each unit will have sprinklers and there will be two hydrants on site with access to water tanks compliant with Fire Protection Association regulations.

Ben Stevens, the owner of Trask Incorporated, introduced himself and his development company and provided a brief history of past projects they have done similar to the proposed Fields at Sherborn. The company has built around 300 homes and townhouses, including 160 40B units. He suggested that interested parties visit his other developments to get a better sense of the plans for 247-257 Washington Street in Sherborn. In each of the past developments, wetlands have been present and he and his team feel comfortable working in such an environment. The typical profile of a buyer for one of his units tends to be people downsizing, empty nesters, and young working couples, and there are generally few young children. Because of the similarities in architecture, price, unit size and development size, Mr. Stevens expects a similar profile for this

development. The developers expect a six- to nine-month ramp-up period, a full construction period of about three years, and a two-year sell out period, averaging about one sale per month, or 12 to 15 units sold per year.

There was a question regarding how long the buyers of affordable units are required to stay in the units. Mister Marchant answered that the goal of 40B units is to keep them affordable in perpetuity and, thus, regulations should prevent purchasers of the affordable units from reselling at market value for profit.

The question of why the developers decided to pursue this development as a 40B project was raised. The answer, given by Mr. Stevens, was that this land is zoned as two lots and that this is a more profitable way of developing the land.

The two-bedroom units have a study rather than a third bedroom, theoretically limiting the number of residents allowed to occupy the unit. It was asked how it would be enforced that people not use the study as a third bedroom. The answer, offered by Mr. Saluk, was that the septic flow is monitored and that the condo association will have limits on the number of residents per unit and should enforce those limits.

The sewer system is run on electricity. The issue of a prolonged power outage and its impacts on the sewer system's function was raised. Mister Saluk responded that the sewer tanks have 48 hours of capacity, after which point pumping the tank would take place or a generator would be brought in to restore power to the system.

A Conservation Commission member wondered about the appropriate time and place to investigate and present local bylaws and to show their importance to potentially override proceeding with this 40B project. Mister Rubenstein answered that both formal and informal talks would be forthcoming and more information would arise to clarify this process.

Alan Rubenstein described the process going forward. The ZBA expects to hire a peer reviewer, paid for by the Applicant, to review all environmental, health, and other impacts of this project. Mister Stevens asked that the ZBA solicit requests for proposals for the peer reviewer so that, at the next meeting of the ZBA, a selection can be made from among those proposals. The ZBA is agreeable to that. The next meeting will take place on Wednesday, April 29, at 8:00p.m. in the Sherborn Town Hall; this public hearing is continued to that date.

Submitted by Samantha Shepherd
Planning Board Clerk
Approved May 21, 2015