

ZONING BOARD OF APPEALS

19 WASHINGTON STREET
SHERBORN, MASSACHUSETTS 01770

MINUTES

May 21, 2015

Members Present: Alan Rubenstein, Richard Novak, Ron Steffek, and Paul Kerrissey

Others Present: Kristen Lawler, Cheechong Tai, Peggy Novak, Josh Abrams, Royale Abrams, Daryl Beardsley, Michael Lesser, Bridget Grazian, Eliot Taylor, Gina Kapilian, David Kapilian, Addie Mae Weiss, Neil Kessler, Ben Stevens, Bruce Saluk, Edward Marchant

Chairman Alan Rubenstein called the meeting to order at 8:04 p.m. in the Sherborn Town Hall, Room 204B.

MINUTES - The minutes of March 12, 2015 and April 29, 2015 were reviewed and unanimously approved as amended.

THE FIELDS AT SHERBORN

This is a continuation of the public hearing for the 40B special permit process for the proposed Fields at Sherborn project. Alan Rubenstein set out the goals for tonight's meeting, including reporting and making a selection on the revised peer review proposals, hearing input from the Conservation Commission (Con Com) and Board of Health (BOH) on these proposals, and detailing the schedule of the special permit process going forward.

After receiving proposals from two peer review firms – Allen & Major and BETA Engineering – it was decided at the last meeting of the Zoning Board of Appeals (ZBA) that further revision on the scope of the work laid out in those proposals was necessary from both firms. Having received those revised proposals, Ron Steffek regards the differences between the two, in terms of the estimated price and the scope of work, to be “night and day.” ZBA has received written responses from BOH and Con Com regarding their opinions of the peer review proposals and both groups had representatives present at tonight's meeting to offer those opinions at the public hearing.

Michael Lesser, representing Con Com, reports that his group favors the peer review proposal and revisions by BETA. He feels BETA was more responsive to the specific needs of this site and of the Town of Sherborn, while Allen & Major were almost non-responsive to the request for a revised work scope. Furthermore, he feels BETA has more experience in municipal settings while Allen & Major seem more experienced in corporate settings. He also cited that Allen & Major offered no traffic analysis while BETA does. Mr. Lesser feels that some tasks detailed in the BETA peer review proposal can be edited and performed by Town groups and that there is room to negotiate the price by requesting fewer meetings and refining tasks. Mr. Lesser and Con Com will provide the ZBA with a list of things they feel can be edited from the BETA proposal, and are strongly in favor of having BETA perform the peer review.

Daryl Beardsley, speaking for the BOH, also reports a preference for BETA. She expressed concern over the difference in the revised proposals and at Allen & Major's lack of addressing some important issues. This, she says, does not bode well for future responsiveness and performance. Agreeing with Michael Lesser, she feels that the proposed number of meetings in BETA's proposal can be reduced and, thus, the cost of the work can be reduced. Daryl also reported that there was an informal joint presentation by the applicants to Con Com and BOH on May 20, 2015, where it was stated that the applicants expect to provide both groups with engineering plans for the Fields at Sherborn by the end of May.

Applicant Ben Stevens, in response to the peer review proposals, noted that he has never paid in excess of \$10,000 for a peer review and that, understanding the complexity of this location, was still not expecting the price projection to be more than \$12,000 to \$15,000. He has past experience with BETA and found them to be unreliable at times. Edward Marchant, representing the applicant, says they are seeking a neutral, professional, and accurate peer review process.

Cheechong Tai, an abutter, expressed the importance he places on the performance of a traffic review for this site, a concern that was echoed by several members of the public. Peggy Novak also favored BETA for their experience in residential areas versus the more commercial experience of Allen & Major.

Alan Rubenstein, addressing the applicant, asked if BETA would be an acceptable choice if the price could be negotiated. Ben Stevens will accept BETA if the price can be reduced, if the work can be clearly defined, and, if possible, it can be requested that one or two people from BETA be required to be in regular attendance at all meetings and knowledgeable on all topics specifically relating to this project. Richard Novak made the motion that the ZBA authorize and direct Chairman Alan Rubenstein to select BETA, with the condition that BETA provides information on the billing rate schedule and the ZBA's ability to control the staffing of this peer review, and that Mr. Rubenstein will be advised by Con Com and BOH on further refining the scope of work to be done by the peer reviewer. Additionally, Alan Rubenstein stated that it will be his objective to bring the cost of the peer review as close to \$15,000 as possible. This motion, with Mr. Rubenstein's amendment, was approved unanimously by the ZBA.

In moving forward, is it expected that the applicants will provide engineering plans to Con Com and BOH by the end of May. Both groups were reluctant to give a specific date for when their review of these plans will be completed as that is dependent on the delivery and the complexity of the plans. Acknowledging this, the next ZBA meeting for this 40B project will be held on Tuesday, June 30, 2015 at 8:00 p.m. at the Sherborn Town Hall and will focus on civil engineering issues unrelated to Con Com and BOH, namely the traffic report. Additionally, Mr. Rubenstein asks Con Com and BOH to provide the ZBA with their recommendations for how to reduce the scope and the price for work to be performed by BETA.

The meeting adjourned at 9:24 p.m.

Respectfully submitted,
Samantha Shepherd
Approved June 30, 2015