
COVENTRY HILLS INITIAL STRATEGY ANALYSIS RESULTS

Prepared By Richard D. Klein
COMMUNITY & ENVIRONMENTAL DEFENSE SERVICES
811 Crystal Palace Court
Owings Mills, Maryland 21117
410-654-3021
800-773-4571
Fax: 410-654-3028
E-mail: info@ceds.org
Web Page: www.ceds.org

At The Request Of

GREEN HILLS ASSOCIATION
123 Main Street
Sudbury, Massachusetts 01776

February 17, 2007

CONTENTS

Introduction	1
Affordable Housing	1
Aquifer Overlay Protection Zone	2
Area of Concern - Massachusetts Natural Diversity Data Base	2
Coastal Area Management Act	2
Comprehensive Plan	2
Fire	2
Historic Resources	3
Open Space	3
Stormwater Management	3
Traffic	4
Water & Sewer	4

Introduction

At the request of Green Hills Association, Community & Environmental Defense Services (CEDS) carried out an initial strategy analysis of the Coventry Hills project. The purpose of the review was to screen applicant submittals and other documents provided by the Green Hills Association for potential impacts to the quality of life of nearby residents which would likely result in a conflict with zoning, subdivision, environmental, and other development-related regulations.

Coventry Hills is proposed for a 2.9-acre site at 123 Main Street, in Sudbury, Massachusetts. The proposal calls for 20 multifamily dwelling units, a portion of which would be “affordable.” There would be a single access to the site off of Main Street.

Affordable Housing

While affordable housing projects provide important benefits to society, the relaxed requirements for these projects frequently results in an excessive impact to the quality of life of nearby residents. Frequently these impacts can be designed out of a project without sacrificing housing affordability.

In the June 11, 2006 memo from Town Attorney Jane Smith, it is stated that the following two-part test must be met for the Town to reject an affordable housing project application:

PART I:

First, the commission must have sufficient evidence to support its decision and the reasons given for its decision. For example, if the commission finds an adverse impact upon the water supply or other natural resources, there must be sufficient evidence in the record to reasonably reach those conclusions. If the record does not support such conclusions by sufficient evidence, then the court does not have to proceed any further with any additional review. However, if the threshold sufficient evidence test is met, then the court will apply three additional tests:

PART II:

A. The commission shall have the burden to prove, based upon evidence in the record, that the decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider.

B. Such public interest must be found to clearly outweigh the need for affordable housing.

C. Such public interests cannot be protected by reasonable changes to the affordable housing development.

On page three of the applicant’s June 5th letter to the Planning & Zoning Commission, it is stated that the shortage of affordable housing is particularly acute among the youngest and oldest workers.

Section 19.2, of the Sudbury Zoning Regulations, state that the Affordable Housing Zone (R-AHZ) must have frontage on an arterial road. The only arterial road in the vicinity is Main Street. The site plan shows that a narrow strip of land separating the site from Main Street so

one might argue that the site does not abut Main Street. However, I presume this strip abuts the Main Street right-of-way. Also, the applicant's metes and bounds description says the property abuts the "streetline."

The applicant's proposed HOD text amendment doesn't address whether a site must abut an arterial to qualify for this new zoning district; just whether it abuts a commercial or DDD zone.

In the June 12th memo from Planning Assistant John Smith to the Planning & Zoning director, it is stated that only 71 additional multifamily units can be approved in Sudbury before reaching the 10% cap. The memo also lists five projects, including Coventry Hills, which would add another 100 multifamily units. It is entirely possible that these other five projects will satisfy the need for affordable housing in Sudbury. Therefore, the negative effects of the project to nearby residents would not be offset by meeting affordable housing needs.

Aquifer Overlay Protection Zone

The site is located within the Aquifer Overlay Protection Zone, but none of the prohibited uses-activities described in §38 of the Sudbury Zoning Regulations have been proposed by the applicant.

Area of Concern - Massachusetts Natural Diversity Data Base

The site is at the edge of an Area of Concern depicted on the *Sudbury, MA State & Federal Listed Species & Significant Natural Communities* map. An Area of Concern is used to flag lands where disturbance may affect a rare, threatened, or endangered species and significant natural communities. CEDS has sent a request to DEP and the Nature Conservancy for species inhabiting the area of concern. If these species are aquatic and they occur in the wetland downhill from the site, then the poorly controlled stormwater discharge from the site may cause significant environmental impact.

Coastal Area Management Act

In Part IV of the applicant's Town of Sudbury Coastal Area Application Form it is stated:

The activity is consistent with coastal use policies in that water and sewer services will not be extended into undeveloped areas. The proposed use is a redevelopment of a previously developed site.

Only 20% of the site is presently developed. The project will result in a six-fold increase in impervious area which could jeopardize nearby sensitive resources.

In Part VII.B, of the applicant's Town of Sudbury Coastal Area Application Form, the *Not Applicable* box is checked next to "locate a non-water dependent use at a site physically suited for..a water-dependent use." If the applicant's proposed storm drain system will outfall at a location suited for, say, a canoe put-in but alternatives to reduce or eliminate the need for the outfall were not addressed, then this may be an issue.

Comprehensive Plan

I see that the 1997 Sudbury Plan of Conservation and Development is presently being updated. There may be value in calling upon the Town to postpone further consideration of the proposed text amendment while this and all other affordable housing issues are studied as part of the plan update process. This would allow the Town to thoroughly consider how affordable housing needs can be met with the least impact to quality of life.

Fire

The applicant submitted a *Fire Safety Response Site Review*, dated June 5, 2006. The documents provided by the Green Hills Association did not contain any agency comments regarding this report or topic. Are these comments available?

The title of this document appears to be a misnomer since it does not directly address the topic of “fire safety response.” The National Fire Protection Association requires a four-minute response time. While searching the internet I came across a 2002 report entitled *White paper on decision to remove Engine 7 (Browns Farms) from service*, which appears to have been prepared by Sudbury Fire Department staff. This report alludes to difficulty in meeting the four-minute response requirement due to the unusually large number of calls received by Sudbury companies when compared to those of other towns in the area.

Historic Resources

In Part V of the applicant’s Town of Sudbury Coastal Area Application Form, the box next to *Cultural Resources* was not checked. It is my understanding that the area qualifies as a historic district. None of the applicant submittals contained in the documents provided by Green Hills Association addressed the historic district or other cultural resources.

Open Space

If we can demonstrate that an open space deficit exists in the vicinity, then preservation of the site may be critical to preventing the open space deficit from worsening.

The Massachusetts State Comprehensive Outdoor Recreation Plan (SCORP) shows that Barton County is running a deficit for a number of recreation categories.

On page 81, of the 1997 Sudbury Plan a standard of 10-15 acres of park and recreation lands per 1,000 residents was presented. SCORP Appendix L shows there are 796 acres of outdoor recreation areas in Sudbury. The 2005 population of Sudbury was 26,615, which yields a minimum park and recreation area need of $(26,615 \div 1,000 \times 15)$ 399 acres.

The 10-15 acres/1000 persons standard is viewed as a secondary indicator of recreation-open space needs. Instead, most agencies rely upon a study of public demand which is then compared with supply. For example, neighborhood parks were ranked as the most desired local recreation-open space amenity in the SCORP document. The National Recreation & Park Association recommends a neighborhood park within walking distance (¼- to ½-mile). A neighborhood park

does not presently exist within a half-mile of Green Hills. Therefore a case can be made that the site should be acquired for development as a neighborhood park.

Stormwater Management

In Part VII.A, of the applicant's Town of Sudbury Coastal Area Application Form, all of the potential adverse impacts are checked *Not Applicable*. In fact, a number of adverse impacts are likely since the applicant is proposing the use of ineffective stormwater management measures. These measures would not be sufficient to protect uniquely sensitive species present in the wetland and other aquatic resources affected by the site. This question will be evaluated further as additional information becomes available, such as inquiries to DEP and the Nature Conservancy regarding species inhabiting the Area of Concern.

The applicant is proposing to install a new storm drain system under Main Street. The plans do not show where the system outfalls. If the outfall is into a sensitive area or a location with existing erosion problems, then the new system could exacerbate impacts.

Traffic

In a memo dated July 3rd, the Police Chief expressed concern about increasing traffic on Main Street. He asked for specific plans and a traffic study. Planning staff sent an email to the Chief asking if he'd seen the June 2nd traffic study from the applicant's consultants. On July 3rd the Chief replied and suggested that the applicant reimburse the Town for an independent review of the traffic study. I urge you to lobby the Town to endorse the Chief's recommendation.

It looks like there may be a hilltop on Main Street just east of the proposed new intersection. The hill may prevent those exiting Coventry Hills from seeing oncoming traffic in time to safely turn. The applicant's traffic report states there's more than 500 feet of sight-distance¹ east of the proposed intersection. I suggest that someone stand at the proposed intersection where a driver would be when waiting at the future stop sign (with your eyes 3.5-feet above the ground). If you can see vehicles coming from the east when they are 400 feet away then sight-distance is probably okay.

Tables 1 and 2 in the traffic report contained vehicles counts taken on Tuesday, April 25, 2006. For Main Street, the applicant's traffic report states peak-hour (5:00 - 6:00 pm) traffic volume on was 617 vehicles (423 northbound; 194 southbound). On page five of the traffic report it is stated that 85th percentile speed on Main Street is 32- and 33-miles per hour.

There would still be value in doing a volunteer traffic count and speed study to verify the applicant's numbers. Procedures for performing the count and speed study can be found on our website at: <http://www.ceds.org/pdfdocs/TrafficAll.PDF> This is something volunteers could do. If the volunteer study shows higher speeds or greater traffic volume then this would be a significant issue. We would likely need the count and speed study repeated by a traffic engineer.

¹ Sight-distance is the point at which approaching vehicles can first be seen.

In the applicant's traffic report it is claimed that little congestion occurs when motorists attempt to turn onto Main Street from other streets. I understand it only takes a few seconds to make a turn onto Main Street from other streets during rush-hour. So the traffic study is probably right about the lack of congestion.

Water & Sewer

The applicant's engineering report claims water and sewer service is adequate in the area. Do any Association members ever experience problems with water pressure? Does anyone know of recent sewer overflows in the area?

It appears the site is served by the Sudbury Water Pollution Control Facility. According to the [USEPA Permit Compliance System](#) database, the last permit violation at the facility occurred in 2004. The PCS database also shows the facility has a capacity of 2.85 millions gallons per day (mgd) and flows are averaging 1.99 mgd with a peak of 2.73 mgd last January. Coventry Hills might increase flows by 0.005 mgd. There are likely a number of other approved (but unbuilt) projects which likely have commitments for portions of the available capacity. A case might be made that no further connections be approved.