

#### SUDBURY BOARD OF SELECTMEN TUESDAY DECEMBER 17, 2019 6:00 PM, TOWN HALL - LOWER LEVEL

Item #	Time	Action	Item
	6:00 PM		CALL TO ORDER
			EXECUTIVE SESSION
1.	6:00 PM	VOTE	Open in regular session in Flynn Building Thompson Conference Room, and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.
2.		VOTE	Vote to close Executive Session and convene in Open Session at 7:00 PM, Lower Town Hall, 322 Concord Road.
			Opening remarks by Chairman
			Reports from Town Manager
			Reports from Selectmen
			Citizen's comments on items not on agenda
		Ν	(ISCELLANEOUS (UNTIMED)
3.			Update on Bruce Freeman Rail Trail by Beth Suedmeyer, Environmental Planner.
4.			Update on potential CSX Corridor acquisition by Beth Suedmeyer, Environmental Planner.
5.		VOTE	Vote to grant the Interim Town Manager and Chairman of the Board of Selectmen authority to draft and sign a comment letter to the Massachusetts Environmental Policy Act office (MEPA) regarding the Quarry North Road Residential Development (Melone Quarry, North Road/MA State Route 117, Sudbury, MA).
6.		VOTE	Vote to grant the Interim Town Manager and Chairman of the Board of Selectmen authority to draft and sign a comment letter to the Massachusetts Environmental Policy Act office (MEPA) regarding the ALTA at River's Edge (490 Boston Post Road/MA State Route 20, Wayland, MA) development.

Item #	Time	Action	Item
7.		VOTE	Vote to provide certain comments or concerns (if any) regarding the draft Intermunicipal Agreement for the Making the Connections Microtranist Program.
8.		VOTE	Discussion and vote to take a position on Stone Farm Tavern Special Town Meeting petition article.
9.			Sewataro update
10.		VOTE	Vote to open 2020 Annual Town Meeting warrant for May 4, 2020. Articles due in Selectmen's office by 11:00 AM Friday, Jan. 31. 2020.
11.			Discussion on the Fairbank Community Center.
12.		VOTE	Discussion and vote whether to formally dissolve the Town Hall Blue Ribbon Committee, and the Vocational Education Guidance Committee.
13.			Citizen's comments (cont.)
14.			Discuss upcoming agenda items
			CONSENT CALENDAR
15.		VOTE / SIGN	Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by OSPD Realty Company, LLC for stormwater system maintenance purposes upon the property at 415 Boston Post Road shown as "Plan of Land of 415 Boston Post Road in Sudbury, MA" by Sullivan, Connors and Associates, dated December 12, 2018 that is recorded with the Middlesex South Registry of Deeds in Plan Book 2018, Page 1051.
16.		VOTE	Vote to approve the regular session minutes of 10/8/19.



#### **EXECUTIVE SESSION**

#### 1: Executive Session to discuss CSX

#### REQUESTOR SECTION

Date of request:

Requested by: Leila S. Frank

Formal Title: Open in regular session in Flynn Building Thompson Conference Room, and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.

Recommendations/Suggested Motion/Vote: Open in regular session in Flynn Building Thompson Conference Room, and immediately vote to enter Executive Session to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, pursuant to General Laws chapter 30A, §21(a)(exception 6) with respect to the CSX rail corridor.

**Background Information:** 

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Pending
Pending
Pending
Pending
Pending

12/17/2019 6:00 PM

1



#### **EXECUTIVE SESSION**

#### **2: Close Executive Session**

#### <u>REQUESTOR SECTION</u> Date of request:

Requested by: Leila S. Frank

Formal Title: Vote to close Executive Session and convene in Open Session at 7:00 PM, Lower Town Hall, 322 Concord Road.

Recommendations/Suggested Motion/Vote: Vote to close Executive Session and convene in Open Session at 7:00 PM, Lower Town Hall, 322 Concord Road.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

12/17/2019 6:00 PM



## MISCELLANEOUS (UNTIMED)

#### 3: BFRT update

#### <u>REQUESTOR SECTION</u> Date of request:

Requested by: Leila S. Frank

Formal Title: Update on Bruce Freeman Rail Trail by Beth Suedmeyer, Environmental Planner.

Recommendations/Suggested Motion/Vote: Update on Bruce Freeman Rail Trail by Beth Suedmeyer, Environmental Planner.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting: Beth Suedmeyer, Environmental Planner

Pending

Pending

Pending Pending

Pending

Review: Patty Golden Maryanne Bilodeau Jonathan Silverstein Daniel E Carty Board of Selectmen

12/17/2019 6:00 PM

#### Golden, Patricia

From:	Suedmeyer, Beth
Sent:	Monday, December 9, 2019 2:25 PM
То:	Selectmen
Cc:	Duchesneau, Adam; ORourke, William; Capone, Lori
Subject:	BFRT 25% Design Structural/Sketch Plans Submission
Attachments:	BFRT Sketch Plans Schedule_rev6 11_20_19.pdf

Dear Selectmen,

The BFRT 25% Sketch Plan Submission was made to MassDOT on November 27<sup>th</sup>. I will be uploading the plans to the project webpage (<u>https://sudbury.ma.us/pcd/2017/10/01/bruce-freeman-rail-trail-update-info/</u>) today along with the attached revised project schedule. We hope to have a meeting with MassDOT to discuss the full 25% submission to help facilitate completion of their review in January.

Please let me know if you have any questions.

Thanks,

Beth

Beth Suedmeyer

Environmental Planner | Planning and Community Development Department | Town of Sudbury <u>suedmeyerb@sudbury.ma.us</u> | 978-639-3363 | <u>www.sudbury.ma.us/pcd</u>

	Task Name	Duration	Start	Finish	Qtr 4, 2018	Qtr 1, 2019	Qtr 2, 2019	Qtr 3, 2019	Qtr 4, 2019	Qtr
1	GEOTECHNICAL TASKS	199 days	Fri 2/22/19	Wed 11/27/19		4		GEOTECHNICAL TASKS		
2	Solicit bids and execute subconsultant agreement	15 days	Fri 2/22/19	Thu 3/14/19						
3	Submit Environmental Monitoring Draft checklist to Town of Sudbury	15 days	Fri 2/22/19	Thu 3/14/19						
4	Jacobs Awards NTP	1 day	Thu 3/28/19	Thu 3/28/19			<b>∳</b> _3/28			
5	Contractor Submits Construction Phasing Plans	5 days	Fri 3/29/19	Thu 4/4/19			<b>_</b>			
6	Town of Sudbury Reviews Construction Phasing	5 days	Wed 6/19/19	Tue 6/25/19						
7	Town of Sudbury Stakes BLS	F 3 days	Wed 6/19/19	Fri 6/21/19	_			•		
8	Contractor Provides 48 hour Notice to Start Work	· 2 days	Tue 7/30/19	Wed 7/31/19				ı		
9	Contractor installs Erosion Controls	1 day	Mon 8/12/19	Mon 8/12/19				Ь		
10	Jacobs inspects installed Erosions Controls	1 day	Tue 8/13/19	Tue 8/13/19				h		
11	Contractor completes Subsurface Exploration	15 days	Wed 8/14/19	Tue 9/3/19						GS
12	Soil Samples Analyzed & Tested	13 days	Wed 9/4/19	Fri 9/20/19						
13	Jacobs provides final Erosion Control inspection	n 1 day	Wed 9/4/19	Wed 9/4/19	_				H.	
14	Submit Final Environmental Monitoring Report to Town Sudbury	•	Mon 9/9/19	Fri 9/13/19					♦ 9/13	
15	Prepare & Submit Geotechnical Report	48 days	Mon 9/23/19	Wed 11/27/19						<b>11/27</b>
16	STRUCTURAL TASKS	304 days	Fri 2/22/19	Wed 4/22/20			]	STRU	JCTURAL TASKS	
17	Town of Sudbury completes and provides Hydraulic Surv to Jacobs		Fri 2/22/19	Thu 4/4/19						
18	Jacobs completes HECRAS modeling	10 days	Mon 9/9/19	Fri 9/20/19						
19	Jacobs completes Hydraulic Report	15 days	Mon 9/23/19	Fri 10/11/19						
	Tas	k		Proje	ct Summary	▽	Inactive Milestone	♦ Mi	anual Summary Rollu	ıp
-	t: BFRT Sketch Plans Spli	t		Exter	nal Tasks		Inactive Summary	M	anual Summary	
	Itant: Jacobs Engineering . Wed 11/20/19 Mil	estone	•	Exter	nal Milestone	\$	Manual Task	Sta	art-only	C
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Qt	r 1, 202	0	Qtr 2	, 2020		Qtr 3, 20	020	Attachment3.b: BFRT Sketch Plans Schedule_rev6 11_20_19(3603 : BFRT update)
		Deadline Progress			ţ			

3.b

	Task Name	Duration	Start	Finish	Qtr 4, 2018	Qtr 1, 2019	Qtr 2, 2019	Qtr 3, 2019	Qtr 4, 2019	
20	Jacobs submits Type Selectior Worksheet for Boardwalk to MassDOT	n 1 day	Tue 3/5/19	Tue 3/5/19			h			
21	MassDOT reviews Type Selection Worksheet for Boardwalk	120 days	Wed 3/6/19	Tue 8/20/19			-			
22	Jacobs Prepare Sketch Plans for Br. No. S-31-007	32 days	Wed 9/4/19	Thu 10/17/19					SKETCH	PLAN S-31-
23	Jacobs Prepare Sketch Plans for Br. No. S-31-013	32 days	Wed 9/4/19	Thu 10/17/19					SKETCH	PLAN S-31-
24	Jacobs Prepare Sketch Plans for Boardwalk	61 days	Wed 9/4/19	Wed 11/27/19						SKETCH
25	Jacobs submits Geotechnical Report & Sketch Plans to MassDOT for Boardwalk Br. No. S-31-007 & 013	1 day	Wed 11/27/19	Wed 11/27/19						♦ 11/27
26	MassDOT Completes Reviews of Sketch Plans for Boardwalk Br. No. S-31-007 & 013 (90 Calendar Day Review)		Thu 11/28/19	Wed 1/29/20					Mass	sDOT Comp
27	Jacobs submits Final Sketch plans to MassDOT	5 days	Thu 1/30/20	Wed 2/5/20						
28	Jacobs prepares for Design Public Hearing	10 days	Thu 2/6/20	Wed 2/19/20						
29	Town of Sudbury/MassDOT Schedule Design Public	45 days	Thu 2/20/20	Wed 4/22/20						
	Task			Proie	ct Summary		Inactive Milestone	\$	Manual Summary Rollup	)
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				BFRT Sketch Plan
				Attachment3.b: BFRT Sketch I
Deadline Progress	-			
			Packet Pg	. 8



#### **MISCELLANEOUS (UNTIMED)**

#### 4: CSX update

<u>REQUESTOR SECTION</u> Date of request:

Requested by: Patty Golden

Formal Title: Update on potential CSX Corridor acquisition by Beth Suedmeyer, Environmental Planner.

Recommendations/Suggested Motion/Vote: Update on potential CSX Corridor acquisition by Beth Suedmeyer, Environmental Planner.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting: Beth Suedmeyer, Environmental Planner

Pending

Pending

Pending Pending

Pending

Review: Patty Golden Maryanne Bilodeau Jonathan Silverstein Daniel E Carty Board of Selectmen

12/17/2019 6:00 PM



## MISCELLANEOUS (UNTIMED) 5: MEPA Comment Letter: Quarry North

#### **REQUESTOR SECTION**

Date of request:

Requestor: Adam L. Duchesneau, Director of Planning & Community Development

Formal Title: Vote to grant the Interim Town Manager and Chairman of the Board of Selectmen authority to draft and sign a comment letter to the Massachusetts Environmental Policy Act office (MEPA) regarding the Quarry North Road Residential Development (Melone Quarry, North Road/MA State Route 117, Sudbury, MA).

Recommendations/Suggested Motion/Vote: Vote to grant the Interim Town Manager and Chairman of the Board of Selectmen authority to draft and sign a comment letter to the Massachusetts Environmental Policy Act office (MEPA) regarding the Quarry North Road Residential Development (Melone Quarry, North Road/MA State Route 117, Sudbury, MA).

**Background Information:** 

Attached documents provided by Adam Duchesneau. Please see the attached as a brief summary of the ENF for the project. For additional information and the complete ENF, please read the following. The ENF for the Quarry North Road Residential Development has been accepted by the Secretary of Energy and Environmental Affairs/staff of the MEPA Office and was also received in our office. Comments on the ENF are due to the Secretary by December 31, 2019. The details of an associated MEPA meeting and site visit are being finalized, but it will likely take place at 12:30 PM on December 20<sup>th</sup>, starting at the Flynn Building and the proceeding to the site.

The link and access information to download the complete ENF are as follows:

Login Information Browser link: <u>https://tmpsftp.stantec.com</u> FTP Client Hostname: **tmpsftp.stantec.com** Port: **22** (can be used within an FTP client to view and transfer files and folders; e.g., FileZilla) Login name: **s1225063214** 

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:



## Quarry North Road Residential Development Environmental Notification Form North Road (Route 117), Sudbury

December 2, 2019

December 10, 2019

RE: Sudbury – Quarry North Residential Development Environmental Notification Form – Supplemental Information

To whom it may concern:

The Quarry North, LLC (Proponent) filed an Environmental Notification Form (ENF) with the Executive office of Energy and Environmental Affairs (EEA) for the Quarry North Residential Development on Route 117 (North Road) in Sudbury on December 2, 2019 This ENF replaces the ENF analysis submitted on November 15, 2019.

The enclosed ENF has been updated to clarify that a portion of the Project property is within the Town of Concord. Due to the site topography and the distance between the site and Route 117, it was determined that it would not be possible to design a subdivision road that complies with Concord Planning Board subdivision regulations.

Therefore, the proponent does not propose at this time to develop the Concord land and has no current plans for the use of this portion of the site. If the proponent seeks to develop the Concord portion of the site in the future, they will consult with MEPA staff to determine if MEPA compliance is required.

This Environmental Notification Form (ENF) is scheduled to be noticed in the Environmental Monitor on December 11<sup>th</sup>, 2019.

Comments on this project are due by December 31, 2019.

All comments regarding the ENF should be sent to:

Secretary Kathleen Theoharides Executive Office of Energy and Environmental Affairs ATTN: MEPA Office 100 Cambridge Street, Suite 900 Boston, MA 02114

Please send a copy of your comments to:

Michael Paiewonsky, AICP Stantec Consulting Services, Inc. 226 Causeway Street Boston, MA 02114 <u>Michael.paiewonsky@stantec.com</u>

Thank you for your consideration of this ENF. If you have any questions or require additional information please contact me at (617) 266-8860 or Michael Paiewonsky of Stantec Consulting Services at (857) 415-3920.

Sincerely,

Chris Claussen Quarry North Road LLC 379 Concord Road Sudbury, MA 01776 <u>cclaussen@gmail.com</u>

## 2.0 PROJECT NARRATIVE

Quarry North Road LLC (the Proponent) proposes to develop 274 new residential units on 25± acres in North Sudbury, off Route 117 (North Road). See Figure 1. The Quarry North Development (the "Project") is the result of over a decade of planning studies and public process conducted by the Town of Sudbury regarding this Town-owned property and fulfills the Town's desire to increase the number of workforce and affordable housing units. Smart growth planning design is at the heart of this Project, creating high-density infill at a disturbed site. A key element of this Project is the Proponent is transferring ownership to the Town of Sudbury of that 40 acres of highly desirable, undisturbed land in the historic Sudbury Center.

#### 2.1 BACKGROUND

Since 2006, the Town of Sudbury has been conducting planning studies centered around the "Melone property" – a sand & gravel quarry owned and managed by the Town since the 1990s – to help the community develop consensus around the future of this site. At present, the Melone property has been exhausted of its gravel resources and recognized as the Town's largest remaining property suited for development. The site has been the subject of a Community Preservation Act-funded feasibility study (2006-2011), a well-attended community-led visioning process (2017), among other institutional and professional studies.

In Spring 2018, the Town of Sudbury issued a Request for Proposal (RFP) for the Disposition of Real Property (Melone property). The property available for development included 35.8 acres of quarry land straddling the Towns of Sudbury (20.3 acres) and Concord (15.5 acres). The site is shown on and 2. Out of three development proposals submitted to the Town in response to the RFP, the Quarry North multi-unit residential development project was ranked the most advantageous for the Town. Subsequent to the Town RFP, the Sudbury Water District issued a Request for Proposal for the Disposition of Real Property North Road. Quarry North submitted the only proposal to the Water District.

Negotiations began for a 'Land Disposition and Development Agreement' with both the Town of Sudbury and the Sudbury Water District which resulted in the creation of a Master Plan for the property. This included seven collaborative planning sessions with representatives of the Sudbury Planning Board, Zoning Board of Appeals, Board of Selectmen, Planning Department, Town Manager, Town Council, and the Proponent.

Town meeting approved conveyance of the Town-owned Melone property land to the Proponent, and an amendment to the Sudbury Zoning Bylaw for a North Road Residential Overlay District. Voting to approve a Melone Smart Growth Overlay District for a 5.95-acre portion of the development approved at the May 7, 2019 Annual Town Meeting. The current municipal zoning in the project area is shown on Figure 7.

The result of this collaboration was the *Quarry North Master Plan*, dated November 26, 2018, updated November 30, 2018, and approved at the December 11, 2018 Sudbury Special Town Meeting. The current Master Development Plan is presented in Figure 8. This Plan has been slightly modified to relocate the wastewater treatment's leaching field further north, as a result of the hydrogeologic engineering and permitting process.

The Land Disposition and Development Agreement was signed on February 28, 2019 (Attachment C), detailing the obligations of both parties and outlining the parameters of the development. These parameters include the type and size of development (described in Section 2.3) and project mitigation (see Section 2.5) and other project terms. Any minor modification to the Quarry North Master Plan requires review by the Sudbury Planning Board. A major modification to the Master Development Plan would require a vote by Town Meeting.

The history of the Melone property has been well-documented by the Town on its website. Supporting documents may be viewed there: <u>https://sudbury.ma.us/pcd/2017/09/21/melone-gravel-pit-property-reuse-planning-2-2/</u>

#### 2.1.1 Use of Land in Concord

Under the February 28, 2019 Land Disposition and Development Agreement with the Town of Sudbury, development of the land located in Concord, MA to be conveyed to the proponent is limited to the construction of six single-family residential lots with associated access roads. The Proponent analyzed the development of the Concord land into residential lots and determined that this is impracticable due to both the topography of the land (steep grades between Route 117 and the site), and more importantly, the distance of the Concord portion of the site from North Road (Route 117). Concord Planning Board subdivision regulations limit dead-end roads to no more than 600 feet in length. It was determined that it would not be possible to design a subdivision road that complies with this regulation.

Therefore, the proponent does not propose at this time to develop the Concord land and has no current plans for the use of this portion of the site. If the proponent seeks to develop the Concord portion of the site in the future, they will consult with MEPA staff in order to determine if MEPA compliance is required and, if so, identify the appropriate MEPA document to be filed at that time.

#### 2.2 PROPERTY DESCRIPTION AND PROCUREMENT

The 40.5-acre Project site is bordered by Route 117 on the south, Sudbury conservation land and a private agerestricted condominium development (55+) to the west, Concord conservation land to the north, and a wetland system to the north and east. The Project site was configured from three former parcels (Figure 2):

- 1. 35.8 acres of the formerly Town-owned 'Melone property" (20.3 acres in Sudbury and 15.5 acres in Concord)
- 2. 3.7 acres of land formerly owned by the Sudbury Water District.
- 3. A 1.0-acre single-family residential property.

The 15.5-acre portion of the former 'Melone property' in Concord is not proposed for development (see Section 2.1.1). Further, a 9.9± acres of the Melone property will remain under Town ownership as conservation land (voted into conservation at the April 7, 1998 Annual Town Meeting) and the southern 3.1± acres of the Sudbury Water District parcel will remain under Water District ownership.

#### 2.2.1 Melone Property Land Disposition

The December 11, 2018 Special Town Meeting voted (by more than 2/3) to "allow the transfer from the board or officer with custody of the land to the Board of Selectmen for the purpose of conveyance, and authorize the Board of Selectmen to convey some or all of the town-owned land commonly known as the Melone property."

With the conveyance of the Melone property, the Proponent is able to move ahead with the Quarry North development and transfer the deed of a 39.87-acre property in Sudbury Center to the Town (more information about this property can be seen in Section 2.4).

#### 2.2.2 Water District Land

This property (shown in blue on Figure 2) is identified by the MassGIS Protected and Recreational Open Space datalayer as municipal-owned land for water supply purposes. The original "Order of Taking" shows that this land was taken for "public water supply purposes in connection with its water supply system" and not necessarily for the protection of a natural resource. Furthermore, the property has been substantially altered over the years as a source of revenue for the Water District – one portion as part of the Melone quarry operation and another portion leased to a cell tower operator.

The northern 3.7-acre portion of the Sudbury Water District property is within the existing quarry pit and is not subject to a watershed preservation restriction. In a letter dated August 30, 2019, the Massachusetts Department of Environmental Protection, Northeast Regional Office, approved the conveyance of this 3.7-acre parcel by the Sudbury Water District. See Attachment D.

#### 2.2.3 Environmental Resources

Most of the Project site has been significantly disturbed as part of the sand and gravel operation, 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 with abutting properties. Other landcover on site includes a narrow, wooded buffer along North Road (Route 117) and approximately 4.0 acres of forest at the northwestern corner. Surrounding landcover includes more woodlands to the north (in Concord) and west (Sudbury Conservation Area) of the gravel pit, and an unnamed stream and associated wetland system (in Concord) to the north and east of the gravel pit (Figures 4 through 6).

Several publicly- and privately-owned open space properties existing in the area of the Project (Figure 6A), including White Pond Park in Concord, the Pantry Brook Wildlife Management Area in Sudbury, and land south of Route 117 protected under agricultural restrictions.

#### 2.2.4 Existing Infrastructure

This area of Town is serviced with public water via Sudbury Water District, electrical services through Eversource, and natural gas from National Grid.

The site is located within proximity to three MBTA commuter rail stations; the Lincoln Station (3.3 miles), the Concord Station (3.5 miles) and the Weston / Silver Hill Station (5.2 miles). Each MBTA station is within a 5- to 15-minute drive from the Project site.

#### 2.3 PROPOSED PROJECT

The Proponent has executed a "*Land Disposition and Development Agreement*" with the Town of Sudbury, which includes the creation of a 40R residential development at a newly designated Smart-Growth Overlay District within the former Melone Quarry property.

#### 2.3.1 Plan of Development

The Quarry North "*Master Development Plan*" was approved at the December 2018 Special Town Meeting and includes 274 residential units totaling 624,830 gross square feet on 25± acres, with associated infrastructure (Figure 8). The townhouses are arranged into two neighborhoods and multi-family buildings are centrally located, providing all residents with convenient living options and views of the surrounding landscape.

Zoning allows for a leasing office, meeting rooms, fitness room, recreational facilities, and other amenities to provide on-site opportunities to residents for social gatherings, activities, and community services. Space for small-scale retail/commercial business may also be included. Additionally, Sudbury Town boards and committees would be allowed to utilize meeting space free of charge (subject to availability by the management or residents).

As depicted on Figure 8, the development program includes the following:

- 101 one-, two-, and three-bedroom <u>rental units</u>; 26 of the units shall be "Affordable" in perpetuity. Conceptual design has the rental units housed in three building totaling 139,246 gross square feet in the designated "Smart Growth Overlay District (SGOD)" at the south end of the site adjacent to Route 117 (North Road). Forty-two surface parking and 116 covered parking spaces will be provided for the three buildings.
- 121 townhouses in one-, two-, and three-bedroom <u>for-sale</u> units in the designated North Road Residential Overlay District (NRROD). Thirty-three of the two-bedroom townhouses will be age 55+ age-restricted. The townhouses total 421,000 gross square feet. Parking will include 242 covered parking spaces.
- 50 condominiums <u>for-sale</u>; including 23 one-bedroom units and 27 two-bedroom units, all will be age 55+age restricted in a single 57,684 gross square foot building also included in the designated North Road Residential Overlay District (NRROD). Fifty surface parking and 50 covered parking spaces will be provided for the 50 condominium units.

#### 2.3.2 Site and Building Design

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. Green initiatives have been discussed and planned for the Project, including:

- installing LED site lighting and using Dark Skies-compliant, full cut-off fixtures to facilitate energy efficiency and minimize light spillage
- incorporating some of the parking within each building to reduce the heat island effect
- installing approximately 100 bike racks provided throughout the site in the garages and throughout the community
- constructing on-site pedestrian connections to the adjacent White Pond Reservation trail network and the future Bruce Freeman Rail Trail
- collecting recyclables separate from trash
- exploring solar power feasibility

Buildings are planned to meet the Massachusetts Stretch Energy Code and/or the Home Energy Rating System. The Proponent will also meet standards for LEED Certification (though, the project is not anticipated to be LEED Certified). The following best practices are proposed within each building's design:

- LED lighting
- Energy-Star appliances
- low-flow water toilets and plumbing fixtures
- robust insulation
- high-performance windows
- on-demand hot water heaters
- efficient heating and cooling systems
- low-emitting VOC's for the paint and sealants

#### 2.3.3 Wetland Impacts

There would not be any direct impacts to streams or bordering vegetated wetlands as part of this project. Work would occur in previously disturbed Outer Riparian Riverfront Area (area between 100- and 200-feet from the stream) at the southeastern corner of the Project. This would include roughly 3,330 square feet of land (730 sf permanent and 2,600 sf temporary) of the previously disturbed Outer Riparian Riverfront Area (area between 100- and 200-feet from the stream) at the southeastern corner of the Project to construct the proposed wastewater treatment utilities building and realign the access road from the Water District property.

In accordance with the Wetlands Protection Act Regulations (310 CMR 10.58(6)(h), the 'construction...of a public or private wastewater treatment plant and their related structures' are exempted from the requirements for Riverfront Area.

#### 2.3.4 Wastewater Plant

The Project requires MassDEP Groundwater Discharge Permit as the Project involves the construction of an on-site wastewater treatment plant (WWTP) with associated leaching field to infiltrate treated wastewater. On October 1, 2019, MassDEP approved the Proponent's WP-83 Application: Hydrogeologic Report

(Attachment E). The Proponent will prepare plans for the wastewater treatment facility and submit them with the Ground Water Discharge permit application to MassDEP's NE Regional Office.

Based on a geohydrology study (Attachment F), the location of the leaching field was sited 1,371 feet away from the Town of Sudbury's inactive "Well #5" (Figure 5) to maximize the travel time to these wells. MassDEP concurs that groundwater flow is southeast, away from both White Pond and the Concord White Pond Wells. The proposed leaching facility is outside the Zone II for the Concord White Pond Wells (See DEP Approval of Supplemental HydroGeologic Investigation report, October 1, 2018, Attachment E.

The wastewater treatment facility will be designed to meet and/or exceed State regulatory levels for discharge with a Zone II. A licensed septage hauler would be contracted to remove grit, sludge, and screenings that are generated at the WWTP, and haul those materials to a wastewater treatment facility for disposal.

#### 2.3.5 Stormwater Improvements

Implementation of stormwater BMPs, in compliance with MassDEP's Stormwater Management Standards, will be an important initiative of the proposed development. Various stormwater BMP's will be evaluated to identify the most effective combination of stormwater features for the Project site. BMPs to be evaluated include the use of pervious pavement at townhouse driveways, rain gardens, infiltration basins, dry wells, and subsurface detention and infiltration structures throughout the project site.

#### 2.4 PROJECT ALTERNATIVES

Quarry North Road LLC members are also the proponent for a 40B residential development proposed for 40 acres of land adjacent to Sudbury's historic town center ("Sudbury Station"). This section outlines this development as the alternative for purposes of the ENF. However, the Proponent has come to an agreement with the Town of Sudbury to deed the 40-acre town center land purchased to develop Sudbury Station to the Town in exchange for development rights on the Melone property. At the December 2018 Sudbury Town Meeting, in the largest town meeting in the Town's history, the Town overwhelmingly approved the agreement.

The Land Disposition and Development Agreement for Quarry North (i.e. the Preferred Alternative) was signed on February 28, 2019, detailing the obligations of both the Town of Sudbury and the Project Proponent, and outlining the parameters of the development. These parameters include the type and size of development (described in Section 2.3) and project mitigation (including transfer of the Sudbury Station land and items outlined in Section 2.5). The Quarry North Master Plan proposed and accepted by the Sudbury Board of Selectmen and through Town Meeting. Any minor modification to the Quarry North Master Plan requires review by the Sudbury Planning Board. A major modification to the Master Development Plan would require a vote by Town Meeting.

#### 2.4.1 Off-Site Alternative: The Village at Sudbury Station

In February 2016, three years prior to the Quarry North development proposal, the Proponent had submitted a 40B Comprehensive Permit Application to the Town of Sudbury Zoning Board of Appeals for "The Village at Sudbury Station" – a 40B development on an approximately 40-acre lot adjacent to Sudbury's Town Center with

access drives connecting the development at both Hudson Road and Concord Road (Figure 9). The plan for Sudbury Station included constructing 13 buildings with a total of 250 housing units; 187 units of market rate housing, and 63 units (25% of the total) affordable to households making 80% of the area median income.

While this proposal would have advanced Sudbury's goal of increasing the number of affordable housing units, the level of development proposed on this parcel was opposed by the Sudbury Board of Selectman and the local community due to the potential impacts to the Historic Town Center, ecological value of the site, and safety concerns related to traffic congestion in Sudbury Town Center.

A Comprehensive Permit was awarded for the Village at Sudbury Station development of only 30 units, rather than the 250 units proposed by the proponent. The Proponent appealed this decision to the Massachusetts Housing Appeals Committee (HAC), starting a lengthy litigation as the Town was charged with stating its case against the larger development. Documentation of this process can be viewed on the Sudbury website (<u>https://sudbury.ma.us/pcd/2016/02/09/village-at-sudbury-station-40b-comprehensive-permit-application/</u>)

#### 2.4.2 On-Site Alternatives

The on-site alternatives were developed through a collaborative process between the Proponent and the Town of Sudbury. A comparison of the off-site and off-site alternatives is provided on Table 1 (page 5).

#### On-Site Alternative 1 – 333 Residential Units

The original Project plan for the Quarry North Residential Development, submitted June 28, 2018 in response to Town Request for Proposal, included 333 housing units (300 Section 40B units and 33 age-restricted units) (see Figure 11). The Project ultimately won the support of the Sudbury community due to the environmental and community benefits it would provide in the Town Center:

- Preserving the character of Sudbury (as defined by the Town's Master Plan).
- Preserving large undisturbed natural landscapes and wildlife habitats (through deeding the 40-acre Sudbury Station site to the Town).
- Providing alternative housing (as defined by the Town's Housing Plan) / addressing unmet affordable housing needs in Sudbury.
- Preventing significant traffic issues in the Sudbury Town Center.
- Generation of most beneficial economic return to the town for its land.

The Quarry North development program was identified (by one member of the Conservation Commission) as commanding the "greatest combination of long-term financial and intrinsic, conservation values" to Sudbury. After the Quarry North development was selected through the Town's RFP process, seven collaborative planning sessions with representatives from the community reworked the design and scope of the project to the best interest of all parties.

#### Quarry North – Collaborative Planning Team Members:

- Sudbury Planning Board
- Sudbury Zoning Board of Appeals
- Sudbury Board of Selectmen
- Sudbury Planning
   Department
- Sudbury Town Manager
- Town Counsel
- Proponent and Project Team.

These planning sessions worked to define the:

- Extent of the gravel pit
- Subsidized housing inventory
- Housing density, types/mix
- Building types, heights, and setbacks
- Site plan layout
- Environmental studies (Phase I hazardous materials study)
- Transportation Management Plan
- Sustainability
- Mitigation
- Fiscal impacts, school capacity, and life safety

#### **On-Site Alternative 2 – Fewer Residential Units (Preferred Alternative)**

While the original Project plan generally had the support of the Town of Sudbury, the Project's seven planning sessions involved the evaluation of additional on-site alternatives. See Table 1 – Alternatives Analysis Summary. Based on this collaborative process, the development program for the Project includes the following (see Figure 8):

- 101 one-, two-, and three-bedroom <u>rental units</u>; 26 of the units shall be "Affordable" in perpetuity. Conceptual design has the rental units housed in three building totaling 139,246 gross square feet in the designated "Smart Growth Overlay District (SGOD)" at the south end of the site adjacent to Route 117 (North Road). Forty-two surface parking and 116 covered parking spaces will be provided for the three buildings.
- 121 townhouses in one-, two-, and three-bedroom <u>for-sale</u> units in the designated North Road Residential Overlay District (NRROD). Thirty-three of the two-bedroom townhouses will be age 55+ age-restricted. The townhouses total 421,000 gross square feet. Parking will include 242 covered parking spaces.
- 50 condominiums <u>for-sale</u>; including 23 one-bedroom units and 27 two-bedroom units, all will be age 55+age restricted in a single 57,684 gross square foot building also included in the designated North Road Residential Overlay District (NRROD). Fifty surface parking and 50 covered parking spaces will be provided for the 50 condominium units.

The following lists the key differences between On-Site Alternative 1 and the Alternative 2 (Preferred Alternative):

- Reducing housing units from 333 to 274 (101 40R, 80 age restricted, 93 for sale)
- Revising the rental unit plan to create a 40R district
- · Revising the for-sale unit plan to include age-restricted housing
- A development cap on Concord land portion of the Melone gravel pit to 6 single family homes (Note: No work in the Concord portion of parcel is currently proposed. No further development is currently being contemplated within the Melone parcel.)
- Proponent purchase of 36 North Road, a condemned single-family home. Proponent will clear the site.

2-10

• Creating a 75-foot buffer on the western property line, 100-foot set back along North Road.

#### Additional Environmental Impact Minimization Efforts

Since the *Land Disposition and Development Agreement* was signed, the Project Team has refined the Quarry North Master Plan for 25% Design Development. This has included reducing the amount of impervious area on the site by 1.6 acres (from 11.3 to 9.7 acres, by specifying pervious paving materials at various locations throughout the community).

Further, the wastewater plant's leaching field was relocated to ensure that it was outside of the Zone II of the Concord White Pond Wells, and within the regional southeasterly groundwater flow to ensure no impacts to White Pond from the leaching facility and to maximize the travel time to the Town of Sudbury's "Well #5" (Figure 5), located opposite the site of the south side of Route 117.

#### 2.5 MITIGATION

Mitigation was agreed upon, by the Town of Sudbury and Project Proponent, through the working sessions surrounding the *Land Disposition and Development Agreement* mentioned in Sections 2.1 and 2.4.2. The *Agreement* outlines mitigation that will help lessen the new development's impact to local services, regional traffic, and the environment.

A transportation management plan is under development 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:

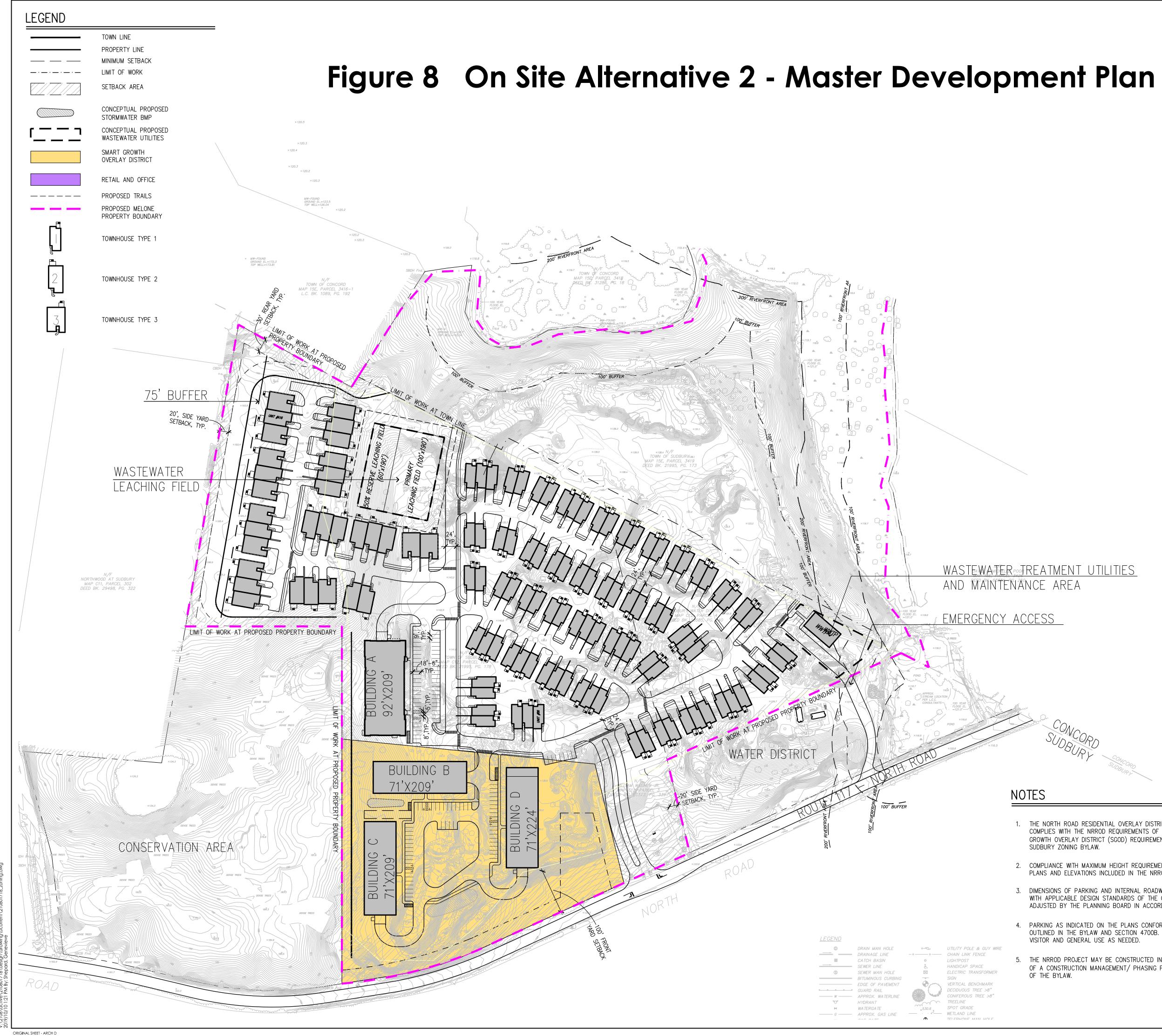
- \$1,000,000 provided to the Town of Sudbury for transportation mitigation. The Town may use these funds to evaluate and implement transportation improvements at locations identified in traffic study completed by town consultant. These locations include:
  - o Route 117 (North Road)/ Mossman/ Powder Mill Road
  - o Route 117 (North Road) / 144 North Road (Cummings Office Park)
  - o Route 117 / Plainfield Road
  - o Traffic Signal Synchronization at multiple location on Route 117
- On Route 117 (North Road), left-turn lanes will be constructed on both the eastbound and westbound approaches to the Site entrance.
- A shuttle service for Project residents to mass transit stations (i.e. West Concord and Lincoln commuter rail stops), Sudbury local businesses, amenities, facilities and attractions. These shuttle services are expected to be used by residents, reducing vehicle trips and providing an important amenity to commuters.
- On-site facilities for car sharing services
- On-site facilities for bike sharing services

The full list of development mitigation can be reviewed on pages five through eight (Section IV.) of the *Land Disposition and Development Agreement* included as Attachment C.

#### Table 1 – Alternatives Analysis Summary

Off-Site Alternative	Housing Units	SHI <sup>1</sup> Units	Affordable Units	Age- Restricted Units	Impervious Area (acres)	Parking Spaces	Wetlands Impact	Work in Zone II	Local Controversy
Sudbury Station	250	250	63	0	7.12	494	No	No	Extreme
On-Site Alternatives	Housing Units	SHI <sup>1</sup> Units	Affordable Units	Age- Restricted Units	Impervious Area (acres)	Parking Spaces	Wetlands Impact	Work in Zone II	Local Controversy
333 Residential Units	333	300	83	33	9.5	646	Minor (< 5,000 SF RFA)	Yes	Moderate
Fewer Units (Preferred)	274	101	26	80	9.7	528	Minor (730 SF RFA)	Yes	Approved by Town

<sup>1</sup> SHI = Subsidized Housing Inventory



# Stantec

Stantec Planning and Landscape Architecture P.C. 226 Causeway St. Boston MA 02114 U.S.A Tel. 617.523.8103 Fax. 617.523.4333 www.stantec.com

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Notes

BOUNDARY UPDATE

Permit-Seal

File Name: 210801718\_zoning.dwg

lssued

The Contractor shall verify and be responsible for all dimensions. DO NOT scale the drawing - any errors or omissions shall be reported to Stantec without delay. The Copyrights to all designs and drawings are the property of Stantec. Reproduction or use for any purpose other than that authorized by Stantec is forbidden.

ENT	UTILITIES
REA	

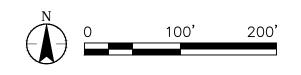
1. THE NORTH ROAD RESIDENTIAL OVERLAY DISTRICT (NRROD) PROJECT SHOWN ON THIS PLAN COMPLIES WITH THE NRROD REQUIREMENTS OF SECTION 4700A AND THE MELONE SMART GROWTH OVERLAY DISTRICT (SGOD) REQUIREMENTS OF SECTION 4700B OF THE TOWN OF SUDBURY ZONING BYLAW.

2. COMPLIANCE WITH MAXIMUM HEIGHT REQUIREMENTS IS REFLECTED ON THE ARCHITECTURAL PLANS AND ELEVATIONS INCLUDED IN THE NRROD PROJECT SUBMISSION.

3. DIMENSIONS OF PARKING AND INTERNAL ROADWAYS ARE NOTED ON THIS PLAN TO CONFORM WITH APPLICABLE DESIGN STANDARDS OF THE OF THE ZONING BYLAW AND MAY BE ADJUSTED BY THE PLANNING BOARD IN ACCORDNACE WITH SECTION 4700A OF THE BYLAW.

4. PARKING AS INDICATED ON THE PLANS CONFORMS TO THE ZONING REQUIREMENTS AS OUTLINED IN THE BYLAW AND SECTION 4700B. ADDITIONAL PARKING IS INDICATED FOR VISITOR AND GENERAL USE AS NEEDED.

5. THE NRROD PROJECT MAY BE CONSTRUCTED IN ONE OR MORE PHASES UPON SUBMISSION OF A CONSTRUCTION MANAGEMENT/ PHASING PLAN IN ACCORDANCE WITH SECTION 4762A



11.30.2018

Appd. MM.DD.YY

BC <u>11.26.2018</u>

Dwn. Chkd. MM.DD.YY

By

GS

Client/Project QUARRY NORTH ROAD LLC 379 CONCORD ROAD, SUDBURY, MA 01776

MELONE QUARRY NORTH ROAD SUDBURY, MA

Title

## MASTER DEVELOPMENT PLAN

Project No.

Scale see plan

Drawing No.

The Commonwealth of Massachusetts House of Representatives State House, Poston 02133-1054

CARMINE L. GENTILE STATE REPRESENTATIVE 13TH MIDDLESEX DISTRICT SUDBURY • MARLBOROUGH WAYLAND • FRAMINGHAM

November 22, 2019

Persons with Disabilities Environment, Natural Resources and Agriculture

Committees: Children, Families and

State Administration and Regulatory Oversight Elder Affairs

STATE HOUSE, ROOM 167 TEL. (617) 722-2810 Carmine.Gentile@MAhouse.gov

Kathleen A. Theoharides Secretary of Energy and Environmental Affairs Executive Office of Energy and Environmental Affairs Attn: MEPA Office Mr. Alex Strysky 100 Cambridge Street, Suite 900 Boston, MA 02114

RE: Quarry North Road LLC

Dear Secretary Theoharides:

I am writing to offer my support for the proposed Quarry North Road development in Sudbury, MA, which will serve as an exemplar of how a project proponent and a municipality can work together to achieve this Administration's goal to produce affordable housing in the Commonwealth.

This proposal is the result of a comprehensive effort between the proponent and the Town to develop an affordable housing proposal that will meet the needs of the Town for many years to come. It will result in the permanent preservation of some 39 acres of land adjacent to Sudbury's Historic Town Center, will allow the Town of Sudbury to meet its affordable housing obligations under c. 40B for many years to come, and will result in significant traffic mitigation along the Route 117 corridor that would otherwise not be implemented.

The proposal under consideration will allow the Town to avoid the construction of a development adjacent to the Town Center that was opposed by the Town, and instead will allow the construction of a development that received overwhelming Town Meeting approval, and includes a c. 40R Smart Growth Zoning District that has been approved by DHCD and Town Meeting. The choice between these two alternatives is a clear choice that favors the present proposal.

Attachment5.a: Quarry North ENF Comments - no\_cover\_sheet(3600:MEPA Comment Letter: Quarry North)

The proposed development also involves the transfer of some 3.7 acres of what has been used as a gravel pit and a cell-tower site from the Sudbury Water District to the proponent. I understand that EEA staff have raised Article 97 issues in connection with this transfer. The land in question has been used for decades as a gravel-mining pit, and is neither in its natural state, nor being used for Article 97 purposes. It is my understanding that the parcel was taken by the Sudbury Water District for general water supply purposes and never devoted to Article 97 purposes. I also understand that counsel for the Sudbury Water District, the Town of Sudbury, and the proponent all concur that the transfer is not subject to Article 97.

The proposal contemplates that the Sudbury Water District will receive fair appraised value for the land, will receive an additional \$300,000.00 in funds for the development of its water system from the proponent, and will receive some 8.2 acres of highly desirable land from the Town of Sudbury in exchange for this 3.7 acres of gravel pit land. The voters of the Water District and the Sudbury Town Meeting have approved these measures. I am persuaded that the proposed transfer is beneficial to the Sudbury Water District and that, based on the review of multiple attorneys, that Article 97 approval by the General Court is not required in this instance.

I urge you to find that this MEPA filing adequately describes the proposed development and its alternatives, which as a practical matter are a return to a prior proposal that the Town finds objectionable, and which will not confer the many benefits that will flow from the proposal under consideration.

Thank you for your consideration of my views on this matter.

Sincerely,

m / Mintel

Carmine L. Gentile

cc: Mary Anne Bilodeau, Interim Town Manager Vincent J. Roy, Exec. Director, Sudbury Water District Christopher G. Kennedy, Quarry North LLC



SENATOR MIKE BARRETT

Third Middlesex District

STATE HOUSE, ROOM 109D

Boston, MA 02133-1054 Tel. (617) 722-1572

FAX. (617) 626-0898

The Commonwealth of Massachusetts MASSACHUSETTS SENATE

> Chairman Telecommunications, Utilities and Energy

> > Vice Chairman

GLOBAL WARMING AND CLIMATE CHANGE

Mike.Barrett@MAsenate.gov www.MAsenate.gov

December 9, 2019

Kathleen A. Theoharides Secretary of Energy and Environmental Affairs Executive Office of Energy and Environmental Affairs Attn: MEPA Office Mr. Alex Strysky 100 Cambridge Street, Suite 900 Boston, MA 02114

RE: Quarry North Road LLC

**Dear Secretary Theoharides:** 

I'm writing to express my support for the proposed Quarry North Road development in Sudbury, MA. Located in my district, the development exemplifies how a project proponent and a municipality can work together to achieve this Administration's goal of producing affordable housing in the Commonwealth.

The proposal results from a comprehensive effort between the proponent and the town to develop a model affordable housing development. It preserves some 39 acres of land adjacent to Sudbury's historic town center, enables the town to meet its affordable housing obligations under c. 40B, and mitigates automotive traffic along the Route 117 corridor.

I should add that the proposal allows Sudbury to avoid construction of a development adjacent to the center that the town opposed strongly. Instead, it will bring about construction of a development that received overwhelming town meeting approval, one that includes a c.40R Smart Growth Zoning District approved by both DHCD and local residents.

The proposed development requires the transfer of some 3.7 acres of what had been used as a gravel pit, as well as a cell-tower site. EEA staff may have some Article 97 questions in connection with the property. It's my understanding that the land in question has been used for decades for gravel mining. It is not in its natural state and is not being used for Article 97 purposes. It's also my understanding that the parcel was taken some time back by the Sudbury Water District for general water supply purposes. Fortunately, counsel for the Sudbury Water District, the Town of Sudbury, and the developer all concur that the transfer is not subject to Article 97.

The proposal contemplates that the Water District will receive fair appraised value for the land plus an additional \$300,000 from the proponent, and will receive 8.2 acres of highly desirable land from the Town of Sudbury in exchange for this 3.7 acres of gravel pit. I understand that Water District voters and Sudbury Town Meeting have both approved this arrangement. I'm persuaded that the proposed transfer benefits the Water District and that Article 97 approval by the General Court is not required.

I urge you to let the development proceed. Thank you for your consideration.

Sincerely Michael J. Barrett

State Senator 3<sup>rd</sup> Middlesex District



## MISCELLANEOUS (UNTIMED) 6: MEPA Comment Letter: River's Edge

#### REQUESTOR SECTION

Date of request:

Requestor: Adam L. Duchesneau, Director of Planning & Community Development

Formal Title: Vote to grant the Interim Town Manager and Chairman of the Board of Selectmen authority to draft and sign a comment letter to the Massachusetts Environmental Policy Act office (MEPA) regarding the ALTA at River's Edge (490 Boston Post Road/MA State Route 20, Wayland, MA) development.

Recommendations/Suggested Motion/Vote: Vote to grant the Interim Town Manager and Chairman of the Board of Selectmen authority to draft and sign comment letter to the Massachusetts Environmental Policy Act office (MEPA) regarding the ALTA at River's Edge (490 Boston Post Road/MA State Route 20, Wayland, MA) development.

**Background Information:** 

Please see the attached documents as a brief summary of the ENF for the project. For additional information and the complete ENF, please read the following.

The ENF for the ALTA at River's Edge development has been accepted by the Secretary of Energy and Environmental Affairs/staff of the MEPA Office and was also received in our office. Comments on the ENF are due to the Secretary by December 31, 2019.

The link to access and download the complete ENF are as follows: 2019-11-26 - FINAL - ALTA at Rivers Edge Wayland - MEPA ENF.pdf

2019-12-06 - Supplemental Alternatives Analysis Information.pdf

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending



## ALLEN & MAJOR ASSOCIATES, INC.

#### SITE LOCUS SCALE: 1"=500'



## ALTA at RIVER'S EDGE 490 BOSTON POST ROAD WAYLAND, MASSACHUSETTS ENVIRONMENTAL NOTIFICATION FORM

DATE PREPARED: DECEMBER 2, 2019

#### APPLICANT: WP EAST ACQUISITIONS, LLC. 91 HARTWELL AVENUE LEXINGTON, MA 02421

#### OWNER:

THE TOWN OF WAYLAND 41 COCHITUATE ROAD WAYLAND, MA 01778

#### PREPARED BY: ALLEN & MAJOR ASSOCIATES, INC. 100 COMMERCE WAY, SUITE 5 WOBURN, MASSACHUSETTS 01801

#### SITE ENGINEER/LAND SURVEYOR:

ALLEN & MAJOR ASSOCIATES, INC. 100 COMMERCE WAY, SUITE 5 WOBURN, MASSACHUSETTS 01801 ARCHITECT: THE ARCHITECTURAL TEAM, INC. 50 COMMANDANT'S WAY AT ADMIRAL'S HILL CHELSEA, MA 02150

#### LANDSCAPE ARCHITECT:

COPLEY WOLFF DESIGN GROUP, INC. 10 POST OFFICE SQUARE BOSTON, MA 02109

#### TRAFFIC ENGINEER:

THE ENGINEERING CORP 146 DASCOMB ROAD ANDOVER, MA 01810

#### **GEOTECHNICAL ENGINEER:**

HALEY & ALDRICH, INC. 465 MEDFORD STREET, SUITE 2200 BOSTON, MA 02129

#### ENVIRONMENTAL ENGINEER:

THE VERTEX COMPANIES, INC. 400 LIBBEY PARKWAY WEYMOUTH, MA. 02189 A&M PR

Packet Pg. 32

## SECTION 1.0 – ENVIRONMENTAL NOTIFICATION FORM (ENF)

## Commonwealth of Massachusetts

#### **Executive Office of Energy and Environmental Affairs Massachusetts Environmental Policy Act (MEPA) Office**

#### **Environmental Notification Form**

For Office	Use	Only
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EEA#: ----

MEPA Analyst:

The information requested on this form must be completed in order to submit a document electronically for review under the Massachusetts Environmental Policy Act, 301 CMR 11.00.

Project Name: ALTA at River's Edge						
Street Address: 490 Boston Post Road (MA Route 20)						
Municipality: Wayland	Municipality: Wayland		Watershed: SuAsCo			
Universal Transverse Mercator Coordinates:		Latitude: 42°21'49.464"N				
303840.70 Easting, 4692911.58 Nor	thing	Longitude: 71°22'55.632"W				
Estimated commencement date:		Estimated completion date:				
	June 2020 January 2022					
Project Type: Multi-family		Status of project	design: 50 %complete			
Proponent: Town of Wayland/WP Ea						
Street Address: 41 Cochituate Road	/91 Hartv					
Municipality: Wayland/Lexington		State: MA	Zip Code:			
			01778/02421			
Name of Contact Person: Carlton M.						
Firm/Agency: Allen & Major Associa	ites, Inc.		00 Commerce Way			
Municipality: Woburn	1	State: MA	Zip Code: 01801			
Phone: 781-935-6889	Fax: <b>78</b> '	1-935-2896	E-mail: cquinn@			
			Allenmajor.com			
Does this project meet or exceed a mandatory EIR threshold (see 301 CMR 11.03)?         □Yes ⊠No         If this is an Expanded Environmental Notification Form (ENF) (see 301 CMR 11.05(7)) or a Notice of Project Change (NPC), are you requesting:						
a Single EIR? (see 301 CMR 11.06(8))       Yes No         a Special Review Procedure? (see 301CMR 11.09)       Yes No         a Waiver of mandatory EIR? (see 301 CMR 11.11)       Yes No         a Phase I Waiver? (see 301 CMR 11.11)       Yes No         (Note: Greenhouse Gas Emissions analysis must be included in the Expanded ENF.)						
Which MEPA review threshold(s) does the project meet or exceed (see 301 CMR 11.03)? Transportation Review Thresholds: 301 CMR 11.03(6)(b)(14) – Generation of 1,000 or more new ADT on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location.						
301 CMR 11.03(6)(b)(15) – Construction of 300 or more new parking spaces at a single location.						

Identify any financial assistance or land transfer from an Agency of the Commonwealth, including the Agency name and the amount of funding or land area in acres: The project will be privately financed.

Summary of Project Size	Existing	Change	Total
& Environmental Impacts			
LAND			
Total site acreage	8.25 acres +/-		
New acres of land altered		8.25 acres +/-	
Acres of impervious area	1.24 acres +/-	2.99 acres +/-	4.23 acres +/-
Square feet of new bordering vegetated wetlands alteration		N/A	
Square feet of new other wetland alteration		N/A	
Acres of new non-water dependent use of tidelands or waterways		N/A	
STRUCTURES			
Gross square footage	11,000+/- S.F.	349,200+/- S.F.	360,200+/- S.F.
Number of housing units	N/A	218 Units	218 Units
Maximum height (feet)	1 Story at 21' +/-	3 Stories at 31.59' +/-	4 Stories at 52.58' +/-
TRANSPORTATION	l		
Vehicle trips per day	34	+ 1,038	1,072
Parking spaces	15	+ 329	344
WASTEWATER			
Water Use (Gallons per day)	0	44,748	44,748
Water withdrawal (GPD)	0	0	0
Wastewater generation/treatment (GPD)	0	37,290	37,290
Length of water mains (miles)	0	0.38	0.38
Length of sewer mains (miles)	0	0.06	0.06

Has this project been filed with MEPA before? Yes (EEA # ) 🖂 No

Has any project on this site been filed with MEPA before?

Yes No (EEA # 7471 – December 12, 1988 "490 Boston Post Road – Wayland/Sudbury Septage Treatment Facility). Project proponent was the Road Commissioners. Although a MEPA filing was submitted in 1988, some sources have indicated the project may have been constructed in approximately 1983. Use of the site for septage treatment was abandoned in 2009.

#### **GENERAL PROJECT INFORMATION – all proponents must fill out this section**

#### **PROJECT DESCRIPTION:**

Describe the existing conditions and land uses on the project site:

The 8.25± acre project site is located at 490 Boston Post Road, Wayland, MA, Route 20 (Town of Wayland Assessor's Parcel 22-006) in the Town of Wayland, Massachusetts. The existing site is owned by the Town of Wayland and was formerly used by the Town as a septic treatment facility. It is currently used by the Town for school bus parking, material harvesting (sand and gravel pit) and police shooting/firing range. Surrounding land uses include a transfer station for the Town of Sudbury to the west; conservation land to the north, east, and south; and industrial use to the southwest.



Describe the proposed project and its programmatic and physical elements:

The proposed project (ALTA at River's Edge) is a multi-family residential development. The proponent is working with the Town of Wayland in the development of the project. The Town added an article to their Town Zoning Bylaws with the purpose of increasing the supply of housing in the town, of which a minimum of 25 percent of the units shall be affordable units and a minimum of 25 percent will be age-restricted units (55 and over).

The proposed project consists of three buildings that vary between three to four stories. There are parking garages beneath and site amenities such as a pool and fitness area. The project will also include internal access drives, improved site utilities and stormwater drainage, landscaping, and associated site elements. Vehicular access to the site will be provided by two driveways from an access drive that is immediately adjacent to Boston Post Road (MA Route 20). Onsite, there is a total of 344 proposed parking spaces, of which 180 spaces will be garage parking under the proposed buildings and the remaining will be surface parking. See Section 4 for copies of the proposed site design plans.

The proposed improvements will result in approximately 4.23 acres of impervious surface. During and after construction, access to the site will be from the access road located off of Boston Post Road, lessening the direct impact on Boston Post Road traffic. Construction activities will take approximately 19 months and will be in compliance with federal, state, and local requirements.

As the project designs are further developed, a comprehensive landscape plan will be designed. The landscape plan will be both practical and enhance the aesthetics of the site. A variety of native, hardy, multi-seasonal interest trees, shrubs and perennials will be utilized throughout the site. These plantings will provide shade within the parking areas, walkways and seating areas and buffering from adjacent roadways and land uses. In addition, the proposed landscape design will establish a pleasant sense of place throughout all seasons.

NOTE: The project description should summarize both the project's direct and indirect impacts (including construction period impacts) in terms of their magnitude, geographic extent, duration and frequency, and reversibility, as applicable. It should also discuss the infrastructure requirements of the project and the capacity of the municipal and/or regional infrastructure to sustain these requirements into the future.

Describe the on-site project alternatives (and alternative off-site locations, if applicable), considered by the proponent, including at least one feasible alternative that is allowed under current zoning, and the reasons(s) that they were not selected as the preferred alternative:

As part of an effort to evaluate available housing in Wayland, the Town analyzed their properties with more than one acre of land to determine their suitability. The Town also developed a Local Housing Program with DHCD in an effort to use their suitable land to develop more affordable housing units. As part of this effort, the Town of Wayland added an article to their Zoning Bylaws limiting the use of the property located at 490 Boston Post Road (MA Route 20). The purpose of the article "is to increase the supply of housing in the Town of Wayland that is available to and affordable by low-income and moderate-income households." The article established the River's Edge Housing Overlay District (REHOD) on the project parcels in order to promote the construction of a residential use. As such and in partnership with the Town, the proponent is seeking approval from the Town for a multi-family residential development. The existing site is uniquely suited to accommodate the project due to its size, buildable land outside of on-site resource areas, and within the zoning overlay district.

As part of evaluating the Town Master Plan and usability of sites in Wayland, the Town of Wayland Real Asset Planning Committee established a Site Considerations document that lists available Town properties and how to best use the land. The Town determined the site at 490 Boston Post Road would be best suited for development of housing units. Other potential sites owned by the Town were eliminated from consideration due to size, zoning, or unsuitable land or materials on site.

The Zoning Article establishing the REHOD stipulated a lower density of 190 units versus the preferred alternative of 218 units. The lower density multi-family residential of the 190 units was analyzed by the proponent. Due to rising costs of materials over the past few years, the estimated cost of construction has risen while the project has been in the design phase, making the development economically unfeasible if the project were to proceed at 190 units. Increasing the unit count from 190 to 218 helps to mitigate the impact of the project costs, driving the cost per unit lower and increasing the net income generating and ultimately resulting in higher tax revenue for the Town of Wayland. The site was also evaluated for single home housing units, but due to unsuitable topography and the required removal of approximately 50,000 cubic yards of material on site, the Town determined a lower density development would be cost prohibitive.

The No-Build alternative assumes that the proposed development does not occur. This fails to address the pressing local and regional need for housing that will be advanced by completion of the project. Under this alternative, the site would remain largely unused, outside of storage for the Town of Wayland. Stormwater runoff into on-site and adjacent resource areas would be left unmitigated, as no drainage system currently exists on site.

**NOTE**: The purpose of the alternatives analysis is to consider what effect changing the parameters and/or siting of a project, or components thereof, will have on the environment, keeping in mind that the objective of the MEPA review process is to avoid or minimize damage to the environment to the greatest extent feasible. Examples of alternative projects include alternative site locations, alternative site uses, and alternative site configurations.

Summarize the mitigation measures proposed to offset the impacts of the preferred alternative:

#### Site and Off-Site Mitigation Measures

- The Applicant is working with the Town and MassDOT to provide enhanced pedestrian accommodations along / across Boston Post Road to a future Town-sponsored multiuse path and rail trail project. The Applicant has committed to contribute funding for the design and installation of a pedestrian crosswalk with accessible ramps across Boston Post Road at the DPW Transfer Station Access Roadway.
- The Applicant should provide signage and pavement markings to delineate travel within the on-site parking field to improve site circulation. This should include the installation of a stop-sign and stop-line along the DPW Transfer Station Access Roadway at Boston Post Road.
- The Applicant is coordinating with the Town to provide pavement markings along the DPW Transfer Station Access Roadway between Boston Post Road and the site's drive aisle to potentially provide a left-turn lane and a right-turn lane.
- The Applicant, in coordination with the Town and MassDOT, will evaluate traffic signal timing modifications and optimizations at the intersection of Boston Post Road / Cochituate Road post-occupancy based on future traffic demands.

#### **Transportation Demand Management Measures**

<u>Transportation Coordinator (TC) or Transportation Management Office (TMO)</u> - A Transportation Coordinator (TC) or Transportation Management Office (TMO) will be provided and will assume responsibility for managing rideshare and carpool programs, as well as distributing information to residents to encourage alternative means of transportation. The TC or TMO will be responsible for posting and distributing announcements, holding promotional events to encourage rideshare, bicycling, and walking, and monitoring the TDM program. This role may be filled by an on-site employee or by outside means such as direct membership in the MetroWest / 495 Transportation Management Association (TMA).

<u>MetroWest TMA</u> - The Proponent is discussing opportunities for potential membership or work with the association. Opportunities for coordination with MetroWest / 495 TMA may include a consistent rideshare / carpooling program.

<u>Public Transportation Shelter and Amenities</u> – The site will include a dedicated bus stop with proposed 18'x9' bus shelter. The stop will be serviced by the Wayland Council of Aging (COA) shuttle, school buses, and other potential public transportation services.

<u>Ride Sharing Pick-up & Drop-Off</u> – The site will include dedicated parking spaces for ride sharing pick-up and drop-off to allow for a reduction in overall parking space quantity as illustrated in the Site Development Plans.</u>

<u>Transit Maps and Schedules</u> – Public Transportation schedules and maps for all nearby routes will be provided to residents and posted within each residential building and at the bus shelter location.

<u>Electric Vehicle Charging Stations</u> – The Proponent has committed to install charging stations for electric vehicles within the site with a minimum 12 spaces (3.5 percent of site parking supply). In addition, the Proponent will provide infrastructure for an additional 36 spaces (14.0 percent of site parking supply) for future expansion of the system as demand warrants. Directional signage will be implemented to direct drivers toward these electric vehicle charging stations. Charging station parking will be located strategically in convenient locations near entryways to promote usage.

<u>Podium Parking</u> – The site has been designed to provide a majority of the parking below the residential buildings in order to limit the amount of impervious area on-site and to allow for an increase in open space for recreational use by the residents.

<u>Pedestrian Friendly Development</u> - The proposed River's Edge Development will create a pedestrian-friendly area. A network of sidewalks will establish pedestrian-friendly connections between the residential buildings, Amenity spaces, courtyards and US Route 20. The sidewalks will be designed to encourage walking. Trees and landscaping treatments will create aesthetically-pleasing and pedestrian-friendly areas.

<u>Bicycle Parking</u> – Each building will be provided with a secure bicycle storage room and a fixit station for maintenance as illustrated in the Site Development Plans. Bicycle racks encourage residents to ride bicycles to/from the Site by allowing them a secure place to store bicycles.

<u>Bicycle Path Connections</u> - The Applicant is working with the Town and MassDOT to provide enhanced pedestrian accommodations along / across Boston Post Road to a future Townsponsored multi-use path and rail trail project. The Applicant has committed to contribute funding for the design and installation of a pedestrian crosswalk with accessible ramps across Boston Post Road at the DPW Transfer Station Access Roadway.

<u>Site Accessories</u> - Several accessory uses will be provided at the Site to assist in reducing vehicular demand, which include: multiple resident amenity spaces, a business center, fitness center, event lawn, outdoor pool area, resident garden area, grill stations and multiple social spaces located around the site.

<u>Promotional Events and Activities</u> - The TC or TMO will be responsible for organizing promotional events and activities to encourage rideshare and alternative transportation means. For example, the TC or TMO may hold monthly drawings for participants in the carpool program. Drawings would be held on a random basis and all residents who carpooled, used public transportation, walked, or bicycled to work that day will be entered into the drawing. These drawings would encourage those who carpool, use public transportation, walk, or bicycle to do so more often while encouraging participation among those who do not currently travel in these manners. In addition, the TC or TMO will distribute brochures to all new residents and post posters and bulletins on various subjects from carpooling to the rideshare program throughout the Site.

If the project is proposed to be constructed in phases, please describe each phase: N/A

AREAS OF CRITICAL ENVIRONMENTAL CONCERN:
Is the project within or adjacent to an Area of Critical Environmental Concern?
Yes (Specify)
⊠No
if yes, does the ACEC have an approved Resource Management Plan? Yes No;
If yes, describe how the project complies with this plan.
Will there be stormwater runoff or discharge to the designated ACEC? Yes X_ No;
If yes, describe and assess the potential impacts of such stormwater runoff/discharge to the designated ACEC.
RARE SPECIES:
Does the project site include Estimated and/or Priority Habitat of State-Listed Rare Species? (see
http://www.mass.gov/dfwele/dfw/nhesp/regulatory_review/priority_habitat/priority_habitat_home.htm)
☐Yes (Specify) ⊠No
HISTORICAL /ARCHAEOLOGICAL RESOURCES
Does the project site include any structure, site or district listed in the State Register of Historic Place
or the inventory of Historic and Archaeological Assets of the Commonwealth?
□Yes (Specify)
If yes, does the project involve any demolition or destruction of any listed or inventoried historic
or archaeological resources?  Yes (Specify)
WATER RESOURCES:
Is there an Outstanding Resource Water (ORW) on or within a half-mile radius of the project site?Yes
<b>X</b> No;
if yes, identify the ORW and its location.
(NOTE: Outstanding Resource Waters include Class A public water supplies, their tributaries, and bordering
wetlands; active and inactive reservoirs approved by MassDEP; certain waters within Areas of Critical
Environmental Concern, and certified vernal pools. Outstanding resource waters are listed in the
Surface Water Quality Standards, 314 CMR 4.00.)
Are there any impaired water bodies on or within a half-mile radius of the project site? X Yes No; if yes,
identify the water body and pollutant(s) causing the impairment: <u>Sudbury River; E. Coli &amp; Mercury in</u>
Fish Tissue
Is the project within a medium or high stress basin, as established by the Massachusetts

Water Resources Commission? <u>X</u> Yes No

#### STORMWATER MANAGEMENT:

Generally describe the project's stormwater impacts and measures that the project will take to comply with the standards found in MassDEP's Stormwater Management Regulations:

The existing site has a limited stormwater management system. Two catch basins capture runoff from the access drive while the remainder of the site is unmitigated. For the proposed condition, stormwater will be greatly improved over existing conditions. The attached Stormwater Report will show by means of narrative, calculations, and exhibits that there is no increase in peak rate of runoff from the site at each of the study points for all design storm events. The stormwater management system (SMS) incorporates structural and non-structural Best Management Practices to provide stormwater quality treatment and conveyance. The performance standards of the Massachusetts Stormwater Management Policy have been implemented as part of the overall stormwater management plan for the proposed improvements. The goal of these standards is to improve water quality and protect the waters

of the Commonwealth from adverse impacts due to development. The performance standards are met by implementing appropriate Best Management Practices (BMPs) as outlined in the MassDEP Stormwater Management Handbook, volumes one and two. BMPS implemented in the design include: parking area and street sweeping, catch basins with deep sumps (48" minimum sump) and hoods, stormwater infiltration systems, and water quality inlets (Contech CDS or approved equal). See the Stormwater Report for a detailed analysis.

#### MASSACHUSETTS CONTINGENCY PLAN:

Has the project site been, or is it currently being, regulated under M.G.L.c.21E or the Massachusetts Contingency Plan? Yes <u>X</u> No <u>;</u> if yes, please describe the current status of the site (including Release Tracking Number (RTN), cleanup phase, and Response Action Outcome classification):

Action Outcome classification):

The project site is considered an open site.

Release Tracking Number: 3-0034474, Clean Up Phase II The release was addressed by characterizing the site for ACM and removing approximately 2,000 cubic yards of comingled soil and ACM under a Non-Traditional Asbestos Work Plan in December 2018

Is there an Activity and Use Limitation (AUL) on any portion of the project site? Yes  $\_____ No \_\underline{X}_\_$ ; if yes, describe which portion of the site and how the project will be consistent with the AUL:

Are you aware of any Reportable Conditions at the property that have not yet been assigned an RTN? Yes  $\underline{X}$  No  $\underline{}$ ; if yes, please describe:

During soil characterization activities of the approximate 32,000-cubic yard stockpile conducted in February and March 2019, several semi-volatile organic compounds (SVOCs) and metals were detected at concentrations that exceed Massachusetts Contingency Plan (MCP) RCS-1 Reportable Concentrations.

#### SOLID AND HAZARDOUS WASTE:

If the project will generate solid waste during demolition or construction, describe alternatives considered for re-use, recycling, and disposal of, e.g., asphalt, brick, concrete, gypsum, metal, wood: The site contractor for the project has not been engaged as of this filing. The contractor will be encouraged to reuse any demolition materials to the maximum extent feasible. The existing site has a few abandoned septage treatment tanks and sheds that may not immediately lend themselves to reuse.

(NOTE: Asphalt pavement, brick, concrete and metal are banned from disposal at Massachusetts landfills and waste combustion facilities and wood is banned from disposal at Massachusetts landfills. See 310 CMR 19.017 for the complete list of banned materials.)

Will your project disturb asbestos containing materials? Yes <u>X</u> No <u>;</u>; if yes, please consult state asbestos requirements at <u>http://mass.gov/MassDEP/air/asbhom01.htm</u>

Describe anti-idling and other measures to limit emissions from construction equipment: The contractor will be prohibited from allowing idling vehicles during construction. Only construction vehicles warming up or engaged in activity will be on.

Attachment6.a: Rivers Edge ENF Comments - no\_cover\_sheet(3601:MEPA Comment Letter: River's Edge)

#### DESIGNATED WILD AND SCENIC RIVER:

Is this project site located wholly or partially within a defined river corridor of a federally designated Wild and Scenic River or a state designated Scenic River? Yes \_\_\_\_ No \_X\_\_; if yes, specify name of river and designation:

If yes, does the project have the potential to impact any of the "outstandingly remarkable" resources of a federally Wild and Scenic River or the stated purpose of a state designated Scenic River? Yes \_\_\_\_\_No \_\_\_\_; if yes, specify name of river and designation: \_\_\_\_\_;

if yes, will the project will result in any impacts to any of the designated "outstandingly remarkable" resources of the Wild and Scenic River or the stated purposes of a Scenic River. Yes \_\_\_\_ No \_\_\_\_;

if yes, describe the potential impacts to one or more of the "outstandingly remarkable" resources or stated purposes and mitigation measures <u>proposed</u>.

# ATTACHMENTS:

- 1. List of all attachments to this document.
- 2. U.S.G.S. map (good quality color copy, 8-1/2 x 11 inches or larger, at a scale of 1:24,000) indicating the project location and boundaries.
- 3.. Plan, at an appropriate scale, of existing conditions on the project site and its immediate environs, showing all known structures, roadways and parking lots, railroad rights-of-way, wetlands and water bodies, wooded areas, farmland, steep slopes, public open spaces, and major utilities.
- 4 Plan, at an appropriate scale, depicting environmental constraints on or adjacent to the project site such as Priority and/or Estimated Habitat of state-listed rare species, Areas of Critical Environmental Concern, Chapter 91 jurisdictional areas, Article 97 lands, wetland resource area delineations, water supply protection areas, and historic resources and/or districts.
- 5. Plan, at an appropriate scale, of proposed conditions upon completion of project (if construction of the project is proposed to be phased, there should be a site plan showing conditions upon the completion of each phase).
- 6. List of all agencies and persons to whom the proponent circulated the ENF, in accordance with 301 CMR 11.16(2).
- 7. List of municipal and federal permits and reviews required by the project, as applicable.

# LAND SECTION – all proponents must fill out this section

#### I. Thresholds / Permits

A. Does the project meet or exceed any review thresholds related to **land** (see 301 CMR 11.03(1) \_ Yes \_X\_ No; if yes, specify each threshold:

#### **II. Impacts and Permits**

A. Describe, in acres, the current and proposed character of the project site, as follows:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Footprint of buildings	0.25 ac	+1.62 ac	<u>1.87 ac</u>
Internal roadways	0.27 ac	<u>-0.02 ac</u>	<u>0.25 ac</u>
Parking and other paved areas	<u>0.67 ac</u>	+1.39 ac	2.06 ac
Other altered areas	<u>2.41 ac</u>	-2.36 ac	<u>0.05 ac</u>
Undeveloped areas	<u>4.65 ac</u>	-0.63 ac	4.02 ac
Total: Project Site Acreage	<u>8.25 ac</u>	0.00 ac	<u>8.25 ac</u>

- B. Has any part of the project site been in active agricultural use in the last five years? \_\_\_\_Yes \_X\_\_ No; if yes, how many acres of land in agricultural use (with prime state or locally important agricultural soils) will be converted to nonagricultural use?
- C. Is any part of the project site currently or proposed to be in active forestry use? \_\_\_\_Yes \_X\_\_\_No; if yes, please describe current and proposed forestry activities and indicate whether any part of the site is the subject of a forest management plan approved by the Department of Conservation and Recreation:
- D. Does any part of the project involve conversion of land held for natural resources purposes in accordance with Article 97 of the Amendments to the Constitution of the Commonwealth to any purpose not in accordance with Article 97? \_\_\_ Yes \_X\_ No; if yes, describe:
- E. Is any part of the project site currently subject to a conservation restriction, preservation restriction, agricultural preservation restriction or watershed preservation restriction? \_\_\_\_\_\_\_Yes\_X\_\_\_No; if yes, does the project involve the release or modification of such restriction? \_\_\_\_\_\_Yes \_\_\_\_\_No; if yes, describe:
- F. Does the project require approval of a new urban redevelopment project or a fundamental change in an existing urban redevelopment project under M.G.L.c.121A? \_\_\_\_ Yes \_\_X\_ No; if yes, describe:
- G. Does the project require approval of a new urban renewal plan or a major modification of an existing urban renewal plan under M.G.L.c.121B? Yes \_\_\_\_ No \_X\_; if yes, describe:

#### **III. Consistency**

1)

- A. Identify the current municipal comprehensive land use plan Title: <u>Wayland Town Master Plan</u> Date: <u>August 2004</u>
- B. Describe the project's consistency with that plan with regard to:

economic development: The proposed project will provide both affordable housing and senior housing for a community that's housing supply is in need of housing opportunities that meet the town's demographic mix.

2) adequacy of infrastructure: The project will provide adequate vehicular and pedestrian access with ADA compliant walkways to the project, as well as improve stormwater management infrastructure.

- open space impacts:
   The proposed provides approximately 48% of landscape area and undisturbed resource area, consistent with other developments of similar use.
  - 4) compatibility with adjacent land uses: The proposed project is located adjacent to resource areas/conservation land and a transfer station for the Town of Sudbury. Although the development is not of the same use, the layout and setback from the roadway and adjacent transfer station make it compatible with the surrounding areas.
- C. Identify the current Regional Policy Plan of the applicable Regional Planning Agency (RPA) RPA: Metropolitan Area Planning Council

Title: MetroFuture Regional Plan Date: May 2008

D. Describe the project's consistency with that plan with regard to:

1) economic development:

The proposed project will provide both affordable housing and senior housing for a region that's housing supply is in need of housing opportunities that meet the region's demographic mix.

2) adequacy of infrastructure:

The project will provide adequate vehicular and pedestrian access with ADA compliant walkways to the project, as well as improve stormwater management infrastructure.

3) open space impacts:

The proposed provides approximately 48% of landscape area and undisturbed resource area, consistent with other developments of similar use.

# RARE SPECIES SECTION

#### I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **rare species or habitat** (see 301 CMR 11.03(2))? \_\_\_\_ Yes **\_X**\_No; if yes, specify, in quantitative terms:

(NOTE: If you are uncertain, it is recommended that you consult with the Natural Heritage and Endangered Species Program (NHESP) prior to submitting the ENF.)

- B. Does the project require any state permits related to rare species or habitat? \_\_\_\_ Yes \_X\_ No
- C. Does the project site fall within mapped rare species habitat (Priority or Estimated Habitat?) in the current Massachusetts Natural Heritage Atlas (attach relevant page)? \_\_\_\_ Yes \_X\_\_ No.
- D. If you answered "No" to <u>all</u> questions A, B and C, proceed to the Wetlands, Waterways, and Tidelands Section. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Rare Species section below.

#### II. Impacts and Permits

A. Does the project site fall within Priority or Estimated Habitat in the current Massachusetts Natural Heritage Atlas (attach relevant page)? \_\_\_\_ Yes \_\_\_ No. If yes,

1. Have you consulted with the Division of Fisheries and Wildlife Natural Heritage and Endangered Species Program (NHESP)? \_\_\_Yes \_\_\_No; if yes, have you received a determination as to whether the project will result in the "take" of a rare species? \_\_\_Yes \_\_\_No; if yes, attach the letter of determination to this submission.

2. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? \_\_\_\_ Yes \_\_\_\_ No; if yes, provide a summary of proposed measures to minimize and mitigate rare species impacts

3. Which rare species are known to occur within the Priority or Estimated Habitat?

4. Has the site been surveyed for rare species in accordance with the Massachusetts Endangered Species Act? \_\_\_\_ Yes \_\_\_\_ No

4. If your project is within Estimated Habitat, have you filed a Notice of Intent or received an Order of Conditions for this project? \_\_\_\_ Yes \_\_\_ No; if yes, did you send a copy of the Notice of Intent to the Natural Heritage and Endangered Species Program, in accordance with the Wetlands Protection Act regulations? \_\_\_\_ Yes \_\_\_ No

B. Will the project "take" an endangered, threatened, and/or species of special concern in accordance with M.G.L. c.131A (see also 321 CMR 10.04)? \_\_\_\_ Yes \_\_\_\_ No; if yes, provide a summary of proposed measures to minimize and mitigate impacts to significant habitat:

# WETLANDS, WATERWAYS, AND TIDELANDS SECTION

# I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wetlands**, **waterways**, **and tidelands** (see 301 CMR 11.03(3))? \_\_\_\_ Yes \_X\_\_ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits (or a local Order of Conditions) related to **wetlands**, **waterways, or tidelands**? \_X\_ Yes \_\_\_\_ No; if yes, specify which permit: **MA DEP Notice of Intent** 

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Water Supply Section**. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Wetlands, Waterways, and Tidelands Section below.

# **II. Wetlands Impacts and Permits**

A. Does the project require a new or amended Order of Conditions under the Wetlands Protection Act (M.G.L. c.131A)? \_X\_\_ Yes \_\_\_ No; if yes, has a Notice of Intent been filed? \_X\_\_ Yes \_\_\_ No; if yes, list the date and MassDEP file number: <u>322-0942</u>; if yes, has a local Order of Conditions been issued? \_\_\_ Yes \_X\_\_ No; Was the Order of Conditions appealed? \_\_\_ Yes \_X\_\_ No. Will the project require a Variance from the Wetlands regulations? \_\_\_ Yes \_X\_\_ No.

B. Describe any proposed permanent or temporary impacts to wetland resource areas located on the project site:

# No proposed permanent or temporary impacts to wetland resource areas are proposed. A natural 30' buffer is proposed to be maintained from the wetland line.

C. Estimate the extent and type of impact that the project will have on wetland resources, and indicate whether the impacts are temporary or permanent:

<u>Area (square feet) or</u> Length (linear feet)	<u>Temporary or</u> Permanent Impact?
0	0 0
0	0
0	<u>          0                          </u>
0	0
0	0
0	0
<u>~</u>	0
<u>~</u>	<u>0</u>
00	0
	0
<u>0</u>	<u> </u>
0	0
<u>942 LF</u> 0	<u>     0                               </u>
	O           0

- D. Is any part of the project:
   1. proposed as a limited project? \_\_\_\_ Yes \_X\_\_ No; if yes, what is the area (in sf)?\_\_\_\_
  - 2. the construction or alteration of a **dam**? Yes **X** No; if yes, describe:
  - 3. fill or structure in a velocity zone or regulatory floodway? \_\_\_\_ Yes X\_\_ No
  - dredging or disposal of dredged material? \_\_\_\_ Yes \_X\_\_ No; if yes, describe the volume of dredged material and the proposed disposal site:
  - 5. a discharge to an **Outstanding Resource Water (ORW)** or an **Area of Critical Environmental Concern (ACEC)**? \_\_\_\_ Yes \_X\_\_ No
  - 6. subject to a wetlands restriction order? <u>Yes</u> X. No; if yes, identify the area (in sf):
  - 7. located in buffer zones? <u>X</u> Yes <u>No; if yes, how much (in sf)</u> <u>58,067 S.F.</u>
- E. Will the project:
  - 1. be subject to a local wetlands ordinance or bylaw? **X** Yes No
  - 2. alter any federally-protected wetlands not regulated under state law? \_\_\_\_ Yes \_X\_ No; if yes, what is the area (sf)?

#### III. Waterways and Tidelands Impacts and Permits

A. Does the project site contain waterways or tidelands (including filled former tidelands) that are subject to the Waterways Act, M.G.L.c.91? \_\_\_\_ Yes \_X\_ No; if yes, is there a current Chapter 91 License or Permit affecting the project site? \_\_\_\_ Yes \_\_\_ No; if yes, list the date and license or permit number and provide a copy of the historic map used to determine extent of filled tidelands:

- B. Does the project require a new or modified license or permit under M.G.L.c.91? \_\_\_\_ Yes \_X\_\_ No; if yes, how many acres of the project site subject to M.G.L.c.91 will be for non-water-dependent use? Current \_\_\_\_ Change \_\_\_\_ Total \_\_\_\_ If yes, how many square feet of solid fill or pile-supported structures (in sf)?
- C. For non-water-dependent use projects, indicate the following:

Area of filled tidelands on the site: \_\_\_\_N/A\_

Area of filled tidelands covered by buildings:\_\_N/A\_\_

For portions of site on filled tidelands, list ground floor uses and area of each use: N/A\_\_\_\_\_

Does the project include new non-water-dependent uses located over flowed tidelands? Yes \_\_\_\_ No \_X\_\_

Height of building on filled tidelands N/A

Also show the following on a site plan: Mean High Water, Mean Low Water, Waterdependent Use Zone, location of uses within buildings on tidelands, and interior and exterior areas and facilities dedicated for public use, and historic high and historic low water marks.

D. Is the project located on landlocked tidelands? \_\_\_\_ Yes \_X\_ No; if yes, describe the project's impact on the public's right to access, use and enjoy jurisdictional tidelands and describe measures the project will implement to avoid, minimize or mitigate any adverse impact:

E. Is the project located in an area where low groundwater levels have been identified by a municipality or by a state or federal agency as a threat to building foundations? \_\_\_Yes \_X\_ No; if yes, describe the project's impact on groundwater levels and describe measures the project will implement to avoid, minimize or mitigate any adverse impact:

- F. Is the project non-water-dependent and located on landlocked tidelands or waterways or tidelands subject to the Waterways Act and subject to a mandatory EIR? \_\_\_\_\_Yes \_X\_\_\_\_No; (NOTE: If yes, then the project will be subject to Public Benefit Review and Determination.)
  G. Does the project include dredging? \_\_\_\_Yes \_X\_\_\_No; if yes, answer the following questions:
  - What type of dredging? Improvement \_\_\_\_ Maintenance \_\_\_\_ Both \_\_\_\_\_ What is the proposed dredge volume, in cubic yards (cys) What is the proposed dredge footprint \_\_\_\_length (ft) \_\_\_width (ft)\_\_\_depth (ft); Will dredging impact the following resource areas? No ; if yes, sq ft Intertidal Yes Outstanding Resource Waters Yes No\_\_; if yes, \_\_\_\_ sq ft Other resource area (i.e. shellfish beds, eel grass beds) Yes\_\_\_ No\_\_; if yes \_\_\_ sq ft If yes to any of the above, have you evaluated appropriate and practicable steps to: 1) avoidance; 2) if avoidance is not possible, minimization; 3) if either avoidance or minimize is not possible, mitigation? If no to any of the above, what information or documentation was used to support this determination? Provide a comprehensive analysis of practicable alternatives for improvement dredging in accordance with 314 CMR 9.07(1)(b). Physical and chemical data of the sediment shall be included in the comprehensive analysis. Sediment Characterization Existing gradation analysis results? \_\_\_Yes \_\_\_No: if yes, provide results. Existing chemical results for parameters listed in 314 CMR 9.07(2)(b)6? \_\_\_\_Yes No; if yes, provide results. Do you have sufficient information to evaluate feasibility of the following management options for dredged sediment? If yes, check the appropriate option. Beach Nourishment Unconfined Ocean Disposal Confined Disposal: Confined Aquatic Disposal (CAD) Confined Disposal Facility (CDF) Landfill Reuse in accordance with COMM-97-001 Shoreline Placement Upland Material Reuse In-State landfill disposal Out-of-state landfill disposal (NOTE: This information is required for a 401 Water Quality Certification.)

#### IV. Consistency:

A. Does the project have effects on the coastal resources or uses, and/or is the project located within the Coastal Zone? \_\_\_\_ Yes **\_X**\_\_ No; if yes, describe these effects and the projects consistency with the policies of the Office of Coastal Zone Management:

B. Is the project located within an area subject to a Municipal Harbor Plan? \_\_\_\_ Yes **\_X**\_\_ No; if yes, identify the Municipal Harbor Plan and describe the project's consistency with that plan:

# WATER SUPPLY SECTION

#### I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to water supply (see 301 CMR 11.03(4))? \_\_\_\_ Yes X\_\_ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to water supply? Yes X No; if yes, specify which permit:

C. If you answered "No" to both questions A and B, proceed to the Wastewater Section. If you answered "Yes" to either question A or question B, fill out the remainder of the Water Supply Section below.

#### II. Impacts and Permits

A. Describe, in gallons per day (gpd), the volume and source of water use for existing and proposed activities at the project site: 

	Existing	Change	lotal
Municipal or regional water supply Withdrawal from groundwater			
5	<u> </u>	<del></del>	<del></del>
Withdrawal from surface water Interbasin transfer			

(NOTE: Interbasin Transfer approval will be required if the basin and community where the proposed water supply source is located is different from the basin and community where the wastewater from the source will be discharged.)

B. If the source is a municipal or regional supply, has the municipality or region indicated that there is adequate capacity in the system to accommodate the project? \_\_\_\_ Yes \_\_\_\_ No

C. If the project involves a new or expanded withdrawal from a groundwater or surface water source, has a pumping test been conducted? \_\_\_\_ Yes \_\_\_\_ No; if yes, attach a map of the drilling sites and a summary of the alternatives considered and the results.

D. What is the currently permitted withdrawal at the proposed water supply source (in gallons per day)? Will the project require an increase in that withdrawal? Yes No; if yes, then how much of an increase (gpd)?

E. Does the project site currently contain a water supply well, a drinking water treatment facility, water main, or other water supply facility, or will the project involve construction of a new facility? Yes \_\_\_\_No. If yes, describe existing and proposed water supply facilities at the project site:

	Permitted <u>Flow</u>	Existing Avg <u>Daily Flow</u>	Project Flow	<u>Total</u>
Capacity of water supply well(s) (gpd)				
Capacity of water treatment plant (gpd)				

F. If the project involves a new interbasin transfer of water, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or proposed?

G. Does the project involve:

- 1. new water service by the Massachusetts Water Resources Authority or other agency of
- the Commonwealth to a municipality or water district? <u>Yes</u> No 2. a Watershed Protection Act variance? <u>Yes</u> No; if yes, how many acres of alteration?
- 3. a non-bridged stream crossing 1,000 or less feet upstream of a public surface drinking water supply for purpose of forest harvesting activities? \_\_\_\_ Yes \_\_\_\_ No

#### III. Consistency

Describe the project's consistency with water conservation plans or other plans to enhance water resources, quality, facilities and services:

#### WASTEWATER SECTION

#### I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **wastewater** (see 301 CMR 11.03(5))? \_\_\_\_ Yes **\_X\_\_** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **wastewater**? **\_X**\_Yes **\_\_**No; if yes, specify which permit:

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Transportation -- Traffic Generation Section**. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Wastewater Section below.

#### **II. Impacts and Permits**

A. Describe the volume (in gallons per day) and type of disposal of wastewater generation for existing and proposed activities at the project site (calculate according to 310 CMR 15.00 for septic systems or 314 CMR 7.00 for sewer systems):

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Discharge of sanitary wastewater Discharge of industrial wastewater TOTAL	0 0	37,380 gpd 0 37,380 gpd	37,380 gpd 0 37,380 gpd
Discharge to groundwater Discharge to outstanding resource water Discharge to surface water Discharge to municipal or regional wastewater	<u>Existing</u> 0 0	<u>Change</u> <u>37,380 gpd</u> 0 0	<u>Total</u> <u>37,380 gpd</u> 0 0
facility TOTAL	0	0 37,380 gpd	0 <u>37,380 gpd</u>

B. Is the existing collection system at or near its capacity? <u>Yes</u> No; if yes, then describe the measures to be undertaken to accommodate the project's wastewater flows: **NOT APPLICABLE** 

C. Is the existing wastewater disposal facility at or near its permitted capacity? <u>Yes</u> No; if yes, then describe the measures to be undertaken to accommodate the project's wastewater flows: **NOT APPLICABLE** 

D. Does the project site currently contain a wastewater treatment facility, sewer main, or other wastewater disposal facility, or will the project involve construction of a new facility? \_\_\_\_ Yes \_\_\_\_X\_ No; if yes, describe as follows:

Please note as described above, the project is proposing a wastewater facility. There is a historic use of a wastewater facility associated with this site that ceased its operations in 2009. The proponent has answered No because there is currently no wastewater treatment or disposal associated with the site and by "new" it assumed that the question references a replacement facility, which this is not.

	Permitted	Existing Avg	Project Flow	<u>Total</u>
		<u>Daily Flow</u>		
Wastewater treatment plant capacity				
(in gallons per day)				

E. If the project requires an interbasin transfer of wastewater, which basins are involved, what is the direction of the transfer, and is the interbasin transfer existing or new? **NOT REQUIRED** 

(NOTE: Interbasin Transfer approval may be needed if the basin and community where wastewater will be discharged is different from the basin and community where the source of water supply is located.)

F. Does the project involve new sewer service by the Massachusetts Water Resources Authority (MWRA) or other Agency of the Commonwealth to a municipality or sewer district? \_\_\_\_ Yes \_X\_ No

G. Is there an existing facility, or is a new facility proposed at the project site for the storage, treatment, processing, combustion or disposal of sewage sludge, sludge ash, grit, screenings, wastewater reuse (gray water) or other sewage residual materials? \_\_\_\_ Yes \_X\_ No; if yes, what is the capacity (tons per day):

It is understood by the proponent that this question is asking if sewage sludge is going to be stored and processed onsite or are we reusing the wastewater. The answer is "NO" because the sludge will be hauled offsite for processing and we are not doing reuse for this project.

	Existing	<u>Change</u>	<u>Total</u>
Storage Treatment	<u> </u>		<u> </u>
Processing			
Combustion Disposal			
Disposal			

H. Describe the water conservation measures to be undertaken by the project, and other wastewater mitigation, such as infiltration and inflow removal.

As the proposed residential complex is being constructed new, all the proposed plumbing fixtures will meet the current version of the plumbing code and will be low flow, thereby conserving water to the greatest extent practical. Because the proposed WRRF is a new private facility and will not be connected to the municipal collection and treatment system, no infiltration and inflow measures are required or necessary

#### III. Consistency

**A.** Describe measures that the proponent will take to comply with applicable state, regional, and local plans and policies related to wastewater management:

Wastewater generated from the site would be treated and disposed of via an onsite water resource recovery facility with subsurface land disposal. It is anticipated that wastewater generated from the proposed development would be consistent with a residential strength wastewater. The proposed development would be expected to generate approximately 21,000 gallons per day (gpd) of sewage on an average day, with a maximum day sewage generation of approximately 37,380 gallons (per MassDEP technical documents on actual flow vs. maximum day Title 5 design flows).

These sewage estimates were calculated using the anticipated development's full build out schedule in concert with system sewage flow design criteria established by 310 CMR 15.000, Title 5. Since the total calculated design flow for the site exceeds 10,000 gpd, the project will require a Groundwater Discharge Permit. While the design flow for the site has been established using 310 CMR 15.000, Title 5, the proposed development would utilize low flow plumbing fixtures in an effort to reduce overall water consumption. The sewage collection system shall consist of gravity sewers from the proposed buildings. All sewage flow will be collected in a solids/trash trap pretreatment tank system at the treatment facility location at the rear of the site. The sewage collection system and water resource recovery facility tanks will be tested for water tightness prior to being placed into service in accordance with project specifications.

The proposed water resource recovery facility will employ an aerobic biological process to accomplish treatment and therefore has the potential to produce an effluent far superior to that provided by a conventional subsurface sewage disposal system. Aerobic biological treatment processes are capable of removing substantially greater amounts of Biochemical Oxygen Demand (BOD) and Total Suspended Solid (TSS) than a conventional subsurface sewage disposal system.

Additionally, the treatment process is also capable of nitrifying the ammonianitrogen present in the wastewater to nitrate-nitrogen, which can subsequently be removed through an anoxic denitrification process. Disinfection at such facilities provides significant reductions in the number of pathogenic organisms in the wastewater prior to discharge to the environment. As currently proposed, the on-site water resource recovery facility would utilize a Sequencing Batch Reactor (SBR) wastewater treatment technology in order to reduce these wastewater constituents to below the anticipated Groundwater Discharge Permit levels.

The SBR process is a modified activated sludge treatment process, which combines a conventional activated sludge treatment process in a single tank batch process that completes all the major steps of biological wastewater treatment in a single reactor vessel. For small facilities, this configuration allows for multiple treatment units to be combined into one basin, reducing capital costs, facility footprint, and treatment complexity. The high level of operator control and regulatory acceptance has led to more use, proven reliability, and a better understanding of the long term concerns with life cycle costs associated with SBR system performance and maintenance.

One of the primary attributes of the SBR treatment system is that this variation of the activated sludge process provides an enormous degree of flexibility in the design variations available to meet the requirements of specific waste treatment applications. Due to this flexibility and other inherent advantages, SBR systems are employed more frequently in a variety of process design situations with residential, municipal and industrial wastewater treatment applications. Furthermore, SBR's are capable of producing an extremely high quality effluent while operating over a wide range of hydraulic and organic loadings. The biological growth providing waste treatment develops in response to the imparted load and the SBR can contain a very high level of solids and organisms within the system because of the dual tank system, and the settle and decant process, which traps biological solids in the system and recycles them for additional treatment, therefore, the treatment level achieved is typically excellent. During periods of low hydraulic or organic loading, the biological growth can be concentrated and maintained within the reactor by reducing the frequency of sludge wasting. However, as the flow (or organic load) is increased, the organisms begin to proliferate and a larger percent can remain in the system and be used for high levels of treatment. Therefore, sludge wasting from an SBR system is typically

much less than in conventional activated sludge systems. Thus, the system is quickly able to adjust to the strength and volume of the influent wastewater stream.

In addition to removing organic matter, SBR treatment systems are also capable of oxidizing influent nitrogen typically present in the reduced ammonia-nitrogen and organic nitrogen forms. Recovery facilities equipped with anoxic treatment removal process have proven capable of further treating the oxidized wastewater, performing a treatment step referred to as denitrification. This process releases nitrogen to the atmosphere as nitrogen gas, enabling the treatment facilities to comply with the stringent Total Nitrogen and Nitrate-Nitrogen limitations, which will be included in the site's Ground Water Discharge Permit.

A number of safety factors will be incorporated into the design of this system. First, design calculations for the size of each unit operation will include industry standard safety factors to account for variations in flows and waste strength. This facility will be configured with two SBR reactor basins, each sized to treat the average day flow anticipated. This will allow for redundancy in the main process while also providing the operator with increased flexibility on treatment times because there will be a second reactor used in treatment at all times.

High water level switches activating both audible and visual alarms will be provided to alert the operator of a potential problem. Additionally, an electronic auto-dialer telephone paging system will be installed to provide the operator with notice of an alarm. All pumps in the system will have a duplicate unit plumbed and wired to automatically start should the primary pump malfunction. Any pump malfunction will also activate the alarm system. A spare parts inventory will be maintained to minimize the downtime of any unit due to a malfunction.

The recovery facility will be connected to a standby generator of sufficient size to provide enough electricity to operate the entire WRRF's pumps, treatment processes and lighting. The generator system will be equipped with an automatic transfer switch to activate the standby generator in the event of a prolonged power outage. The main control panel will be equipped with a sequential starter to prevent an overload of the circuitry upon transfer to the alternate electric source.

Treated effluent disposal will be accomplished using a subsurface effluent disposal system consisting of gravity fed chambers in a trench format located in the areas of most permeable soils at the site. Based on loading rates established by field infiltration (percolation) tests, the leaching facility has a capacity of 37,380 gallons.

The area designated for on-site effluent disposal was determined after extensive field testing of the soils and hydraulic conditions of the site. The field testing program included soil evaluations, percolation tests, borings, and monitoring well installations and testing to determine soil types, groundwater levels, groundwater flow direction and the in-situ permeability of the soil.

The project proponent, as part of the permitting for the project, is required to obtain a MassDEP Groundwater Discharge Permit in order to meet the Commonwealth of Massachusetts Groundwater Discharge Permit Program requirements associated with the design of the sewage collection system, water resource recovery facility, and subsurface effluent disposal system. The permitting of the treatment works is under the purview of MassDEP and Wayland Board of Health, as the Town has a local Bylaw. As part of the permitting process, the proponent will prepare a design report, drawings and specifications for review and approval by State and local agencies. However, since the proposed discharge will be subsurface, permitting associated with the US E.P.A. National Pollution Discharge Elimination System (NPDES) permit program for a surface water discharge is not required.

Through the design, permitting, operation and maintenance process of the water resource recovery facility, the proponent will be required to meet all regulatory treatment, reporting and compliance standards set forth by MassDEP and the Wayland Board of Health. The proposed resource facility will be designed, installed, operated and maintained, under the supervision of the proponent, to meet all applicable standards. Specifically, the Groundwater Discharge Permit, issued by the MassDEP, will set forth minimum monitoring requirements for influent and effluent wastewater, as well as the monitoring wells to be installed up-gradient of and downgradient from the subsurface effluent disposal systems. The Groundwater Discharge Permit requires that the results of the sampling periods be submitted to the MassDEP on a monthly basis for compliance monitoring.

The permitted treatment facility will be operated by a Certified Plant Operator in accordance with the requirements in "Rules and Regulations for Certification of Operators of Wastewater Treatment Facilities" (257 CMR 2.00). The Permittee bears the ultimate responsibility of providing the proper operation and maintenance of the facilities in accordance with "Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Works and Indirect Discharges" (314 CMR 12.00).

The treatment system operations will receive regular supervision and maintenance from trained and skilled personnel. Regulations require that a licensed operator be present at the facility at least two hours per day, five days per week, to perform operational supervision and routine maintenance. A monthly inspection report must be submitted to the MassDEP and the Town of Wayland detailing the performance of the water resource recovery facility as well as the daily flows and any groundwater sampling results. An annual compliance fee is submitted to the MassDEP to cover the expense of the Department's independent compliance inspection.

In order to sustain both the short and long term operating condition of the water resource recovery facility, the MassDEP requires that a Capital Reserve Escrow Account be established. The account funding amount is determined by the MassDEP in order to address the immediate replacement/repair as well as the long term replacement of normal wear items. This account is typically required to be in place and funded prior to the start-up of the facility. As a means for the MassDEP and Town of Wayland to monitor this reserve funding information, the Owner is required to submit an annual financial report by May 1st of each year for the previous year. This report contains all of the previous year's financial transactions for the facility, summarizes the account balance and disbursements, and provides a summary of operation and maintenance expenses.

B. If the project requires a sewer extension permit, is that extension included in a comprehensive

wastewater management plan? \_\_\_\_ Yes \_\_\_\_ No; if yes, indicate the EEA number for the plan and whether the project site is within a sewer service area recommended or approved in that plan: **NOT REQUIRED** 

6.a

# TRANSPORTATION SECTION (TRAFFIC GENERATION)

#### I. Thresholds / Permit

A. Will the project meet or exceed any review thresholds related to **traffic generation** (see 301 CMR 11.03(6))? **\_X\_\_** Yes \_\_\_ No; if yes, specify, in quantitative terms:

301 CMR 11.03(6)(b)(14) – Generation of 1,000 or more new ADT on roadways providing access to a single location and construction of 150 or more new parking spaces at a single location.

301 CMR 11.03(6)(b)(15) – Construction of 300 or more new parking spaces at a single location.

B. Does the project require any state permits related to state-controlled roadways? \_X\_\_ Yes \_\_\_\_\_
No; if yes, specify which permit: MASSDOT State Highway Access Permit

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Roadways and Other Transportation Facilities Section**. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Traffic Generation Section below.

#### **II. Traffic Impacts and Permits**

A. Describe existing and proposed vehicular traffic generated by activities at the project site:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Number of parking spaces	<u>    15    </u>	+ 329	344
Number of vehicle trips per day	<u>34*</u>	+ 1,038	1,072
ITE Land Use Code(s):	_151/ <u>170</u> _	221,252	221,252

#### \* From Peak Hour Traffic Counts

B. What is the estimated average daily traffic on roadways serving the site?

1.	Roadway US Route 20	5	Existing 18,295	<u>Change</u> +910*	<u>Total</u> _ <u>19,205</u>
2.					
3.					

#### \* US Route 20, east of site driveway (85% of trip generation)

C. If applicable, describe proposed mitigation measures on state-controlled roadways that the project proponent will implement:

#### State Highway Layout Mitigation

The Applicant is working with the Town and MassDOT to provide enhanced pedestrian accommodations along / across Boston Post Road to a future Town-sponsored multiuse path and rail trail project. The Applicant has committed to contribute funding for the design and installation of a pedestrian crosswalk with accessible ramps across Boston Post Road at the DPW Transfer Station Access Roadway.

The Applicant is providing signage and pavement markings to delineate travel within the on-site parking field to improve site circulation. This should include the installation of a stop-sign and stop-line along the DPW Transfer Station Access Roadway at Boston Post Road. The Applicant is coordinating with the Town to provide pavement markings along the DPW Transfer Station Access Roadway between Boston Post Road and the site's drive aisle to potentially provide a left-turn lane and a right-turn lane.

The Applicant, in coordination with the Town and MassDOT, will evaluate traffic signal timing modifications and optimizations at the intersection of Boston Post Road / Cochituate Road post-occupancy based on future traffic demands.

D. How will the project implement and/or promote the use of transit, pedestrian and bicycle facilities and services to provide access to and from the project site?

<u>Public Transportation</u> - The site will include a dedicated bus stop with proposed 18'x9' bus shelter. The stop will be serviced by the Wayland Council of Aging (COA) shuttle, school buses, and other potential public transportation services. Public Transportation schedules and maps for all nearby routes will be provided to residents and posted within each residential building and at the bus shelter location.

<u>Ride Sharing Pick-up & Drop-Off</u> – The site will include dedicated parking spaces for ride sharing pick-up and drop-off to allow for a reduction in overall parking space quantity as illustrated in the Site Development Plans.

<u>Pedestrian & Bicycle</u> - The Applicant is working with the Town and MassDOT to provide enhanced pedestrian accommodations along / across Boston Post Road to a future Town-sponsored multi-use path and rail trail project. The Applicant has committed to contribute funding for the design and installation of a pedestrian crosswalk with accessible ramps across Boston Post Road at the DPW Transfer Station Access Roadway.

<u>Pedestrian</u> - The Proponent will construct a network of sidewalks with enhanced streetscape connecting between the residential buildings, on-site amenities, and to provide connection to Boston Post Road (US Route 20) and the aforementioned Town-sponsored multi-use path and rail trail project. All new sidewalks, crosswalks, and curb ramps will be constructed to meet current Americans with Disabilities Act (ADA) and Massachusetts Architectural Access Board (MAAB) guidelines. The sidewalks will be designed to encourage walking. Trees and landscaping treatments will create aesthetically-pleasing and pedestrian-friendly areas.

<u>Bicycle</u> – Each building will be provided with a secure bicycle storage room and a fix-it station for maintenance as illustrated in the Site Development Plans. Bicycle racks encourage residents to ride bicycles to/from the Site by allowing them a secure place to store bicycles.

E. Is there a Transportation Management Association (TMA) that provides transportation demand management (TDM) services in the area of the project site? **X** Yes No; if yes, describe if and how will the project will participate in the TMA:

The MetroWest / 495 TMA is a non-profit transportation and environmental organization working to address transportation issues within the MetroWest region of Massachusetts. The MetroWest / 495 TMA's goals are to reduce traffic congestion, reduce vehicle emissions, improve air quality, and enhance multi-modal access by promoting and advocating for transportation options that support environmental/sustainability goals and promote business and municipal economic development objectives.

The Proponent is discussing opportunities for potential membership, or work with, the association. Opportunities for coordination with MetroWest / 495 TMA may include a consistent rideshare / carpooling program.

- F. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation facilities? <u>Yes</u> Yes X No; if yes, generally describe:
- G. If the project will penetrate approach airspace of a nearby airport, has the proponent filed a Massachusetts Aeronautics Commission Airspace Review Form (780 CMR 111.7) and a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) (CFR Title 14 Part 77.13, forms 7460-1 and 7460-2)?

#### **III. Consistency**

Describe measures that the proponent will take to comply with municipal, regional, state, and federal plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services:

Boston Post Road (US Route 20) along the site frontage is under the jurisdiction of MassDOT. Throughout the permitting and design process, the Proponent will continue to meet with MassDOT and the Town, as well as conform to both the Town and MassDOT in their design processes. The Proponent is also committed to design and permit on-site transportation and driveway components through the Town of Wayland Zoning Ordinances and Site Plan Review Regulations.

# TRANSPORTATION SECTION (ROADWAYS AND OTHER TRANSPORTATION FACILITIES)

#### I. Thresholds

A. Will the project meet or exceed any review thresholds related to **roadways or other transportation facilities** (see 301 CMR 11.03(6))? \_\_\_\_ Yes \_X\_\_ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **roadways or other transportation facilities**? \_\_\_\_ Yes **\_X**\_\_ No; if yes, specify which permit:

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Energy Section**. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Roadways Section below.

#### **II. Transportation Facility Impacts**

A. Describe existing and proposed transportation facilities in the immediate vicinity of the project site:

#### B. Will the project involve any

- 1. Alteration of bank or terrain (in linear feet)?
- 2. Cutting of living public shade trees (number)?
- 3. Elimination of stone wall (in linear feet)?
- **III. Consistency** -- Describe the project's consistency with other federal, state, regional, and local plans and policies related to traffic, transit, pedestrian and bicycle transportation facilities and services, including consistency with the applicable regional transportation plan and the Transportation Improvements Plan (TIP), the State Bicycle Plan, and the State Pedestrian Plan:

# **ENERGY SECTION**

#### I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **energy** (see 301 CMR 11.03(7))? \_\_\_\_ Yes **\_X**\_\_ No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **energy**? \_\_\_\_ Yes **\_X\_\_** No; if yes, specify which permit:

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Air Quality Section**. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Energy Section below.

#### **II. Impacts and Permits**

A. Describe existing and proposed energy generation and transmission facilities at the project site:

	<u>Existing onunge</u>	<u> </u>	otai	
Capacity of electric generating facility (megawatts)				
Length of fuel line (in miles)				
Length of transmission lines (in miles)				
Capacity of transmission lines (in kilovolts)				

B. If the project involves construction or expansion of an electric generating facility, what are:

- 1. the facility's current and proposed fuel source(s)?
- 2. the facility's current and proposed cooling source(s)?

C. If the project involves construction of an electrical transmission line, will it be located on a new, unused, or abandoned right of way? \_\_\_\_Yes \_\_\_\_No; if yes, please describe:

D. Describe the project's other impacts on energy facilities and services:

#### III. Consistency

Describe the project's consistency with state, municipal, regional, and federal plans and policies for enhancing energy facilities and services:

The Applicant has been working closely with the Town of Wayland Planning Board, Zoning Board, Design Review Board and the Energy and Climate Committee to provide an energy efficient building and have incorporated the following items into the design:

#### STRETCH CODE

Massachusetts utilizes the 2015 IECC (International Energy Conservation Code) which is the most stringent in the nation. The project will be designed to meet the Massachusetts Stretch Code requirements for energy efficiency (adopted by Wayland in 2010) which is 10% more efficient than the 2015 IECC. The project will meet NGBS Silver (National Green Building Standard) which requires 3<sup>rd</sup> party verification for: Grade 1 Insulation installation, Air sealing, Blower door testing and duct testing for air sealing

#### **HEATING & COOLING**

The heating and cooling system for the apartments will be individual vertical fan-coil air handling units (Aquatherm) with energy efficient motors and seven-day programmable thermostats that will help reduce the demands on utilities. Per the 2015 IECC, all apartments will have fresh air intake ducted directly from the exterior. All units will utilize MERV 8 air filters. Each apartment will be provided with a gas-fired hot water heaters producing hot water for the plumbing fixtures and the fan-coil. The heaters will be 90%+ efficient.

#### WATER: HOT WATER

All residential units will have a high efficiency (93%+/-) tankless hot water heater that provides hot water on demand only when needed by the resident

#### WATER: PLUMBING FIXURES

Low flow/flush Water Sense plumbing fixtures are specified as 1.28 GMP for toilets, 1.0 GPM for lavatory faucets, 1.5 kitchen faucets and 1.5 shower heads for a reduction in water usage of 30% compared to the baseline.

#### **LIGHTING**

Almost all of the building will be equipped with high efficiency LED lighting in the apartments, common areas, garages and exterior site lighting. Occupancy sensors will be installed in all common areas and back of house spaces to reduce energy consumption when the spaces are not occupied. We strategically lamp the apartments to limit the need for residents to provide additional lighting that may not be LED.

#### **APPLIANCES**

Residential appliances that qualify are specified as ENERGY STAR . There are no ENERGY STAR certified ovens, ranges, range hoods, or microwave ovens.

#### **RADON MITIGATION:**

We will provide a Radon mitigation system in each building with a 15 mil. Class A vapor barrier vented to the roof.

#### **EV STATIONS**

We have doubled the total number EV charging stations from (24) to (48) which represents 14% of the 344 parking spaces on site. Of that total, (12) EV charging stations will be provided at occupancy with conduit to install (36) future spaces.

#### **BICYCLE STORAGE**

Each building will be provided with a bicycle storage room and a fix-it station for maintenance. There is capacity for 137 bicycles in the rooms and the ability to add wall mounted racks in front of the parking spaces if additional spaces are needed after occupancy.

#### **WINDOWS**

Operable, Low E insulated glass windows are provided in each unit with a U-value = .29+/-, SHGC = .31+/- and VT = .55+/-. Standard glazing can have a U value of .48.

#### ROOF:

The roof is a 'bathtub' style roof with a pitched roof at the perimeter and a recessed flat roof in the middle to hide the rooftop condensing equipment. A high albedo white roof will be specified at the flat portion of the roof to reflect sunlight and absorb less heat than a standard black roof surface.

#### **SOLAR PANELS & GREEN ENERGY**

Rooftop area is limited due to the pitched roof required to hide the condensing units per the River's Edge RFP. We have had discussions with multiple local Solar Energy companies and have a plan to provide (100) solar panels located on the west facing pitched roof areas which would produce approximately 40,000kw/hrs per year. We will engage a solar consultant during the design phase to design a plan to maximize solar capacity on the site.

# LANDSCAPE:

Many existing trees and understory plants along the perimeter of the site, including along Route 20, will remain and additional trees and shrubs will be added to these edges to provide additional screening and habitat. Turf grass will be added in key areas adjacent to buildings and parking, including a large lawn at the courtyard between buildings one and two. Native trees, shrubs, and perennials will be planted in mulched beds around the foundations of buildings and behind retaining walls. Small areas for vegetable and herb gardens for resident use will also be designated within the courtyards. The landscaped areas at the perimeter of the buildings and courtyards will have irrigation but we will not irrigate the sides and rear of the site to blend in with the natural surroundings and vegetation.

6.a

#### I. Thresholds

**AIR QUALITY SECTION** 

A. Will the project meet or exceed any review thresholds related to **air quality** (see 301 CMR 11.03(8))? \_\_\_\_ Yes **\_X\_\_** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **air quality**? \_\_\_\_ Yes **\_X\_\_** No; if yes, specify which permit:

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Solid and Hazardous Waste** Section. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Air Quality Section below.

#### **II. Impacts and Permits**

A. Does the project involve construction or modification of a major stationary source (see 310 CMR 7.00, Appendix A)? \_\_\_\_\_ Yes \_\_\_\_ No; if yes, describe existing and proposed emissions (in tons per day) of:

. ..

~ .

. .

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Particulate matter Carbon monoxide Sulfur dioxide			
Volatile organic compounds Oxides of nitrogen			<u> </u>
Lead Any hazardous air pollutant Carbon dioxide			

B. Describe the project's other impacts on air resources and air quality, including noise impacts:

#### **III. Consistency**

A. Describe the project's consistency with the State Implementation Plan:

B. Describe measures that the proponent will take to comply with other federal, state, regional, and local plans and policies related to air resources and air quality:

# SOLID AND HAZARDOUS WASTE SECTION

#### I. Thresholds / Permits

A. Will the project meet or exceed any review thresholds related to **solid or hazardous waste** (see 301 CMR 11.03(9))? \_\_\_\_ Yes **\_X\_\_** No; if yes, specify, in quantitative terms:

B. Does the project require any state permits related to **solid and hazardous waste**? \_\_\_\_ Yes \_**X**\_\_ No; if yes, specify which permit:

C. If you answered "No" to <u>both</u> questions A and B, proceed to the **Historical and Archaeological Resources Section**. If you answered "Yes" to <u>either</u> question A or question B, fill out the remainder of the Solid and Hazardous Waste Section below.

#### **II. Impacts and Permits**

A. Is there any current or proposed facility at the project site for the storage, treatment, processing, combustion or disposal of solid waste? <u>Yes</u> No; if yes, what is the volume (in tons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage			
Treatment, processing			
Combustion			
Disposal			

B. Is there any current or proposed facility at the project site for the storage, recycling, treatment or disposal of hazardous waste? \_\_\_\_ Yes \_\_\_\_ No; if yes, what is the volume (in tons or gallons per day) of the capacity:

	<u>Existing</u>	<u>Change</u>	<u>Total</u>
Storage	<u> </u>		
Recycling			
Treatment			
Disposal			

C. If the project will generate solid waste (for example, during demolition or construction), describe alternatives considered for re-use, recycling, and disposal:

- D. If the project involves demolition, do any buildings to be demolished contain asbestos? \_\_\_\_\_Yes \_\_\_\_No
- E. Describe the project's other solid and hazardous waste impacts (including indirect impacts):

#### **III. Consistency**

Describe measures that the proponent will take to comply with the State Solid Waste Master Plan:

# HISTORICAL AND ARCHAEOLOGICAL RESOURCES SECTION

#### I. Thresholds / Impacts

A. Have you consulted with the Massachusetts Historical Commission? \_\_\_\_Yes \_X\_\_ No; if yes, attach correspondence. For project sites involving lands under water, have you consulted with the Massachusetts Board of Underwater Archaeological Resources? \_\_\_\_Yes \_\_X\_\_ No; if yes, attach correspondence

B. Is any part of the project site a historic structure, or a structure within a historic district, in either case listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? \_\_\_\_Yes \_X\_\_ No; if yes, does the project involve the demolition of all or any exterior part of such historic structure? \_\_\_\_ Yes \_\_\_ No; if yes, please describe:

C. Is any part of the project site an archaeological site listed in the State Register of Historic Places or the Inventory of Historic and Archaeological Assets of the Commonwealth? \_\_\_\_ Yes \_X\_\_ No; if yes, does the project involve the destruction of all or any part of such archaeological site? \_\_\_\_ Yes \_\_\_\_ No; if yes, please describe:

D. If you answered "No" to <u>all parts of both</u> questions A, B and C, proceed to the **Attachments and Certifications** Sections. If you answered "Yes" to <u>any part of either</u> question A or question B, fill out the remainder of the Historical and Archaeological Resources Section below.

#### II. Impacts

Describe and assess the project's impacts, direct and indirect, on listed or inventoried historical and archaeological resources:

#### **III. Consistency**

Describe measures that the proponent will take to comply with federal, state, regional, and local plans and policies related to preserving historical and archaeological resources:

# **CERTIFICATIONS:**

The Public Notice of Environmental Review has been/will be published in the following newspapers in accordance with 301 CMR 11.15(1):

(Name) Wayland Town Crier

(Date)

5 19 12

2. This form has been circulated to Agencies and Persons in accordance with 301 CMR 11.16(2).

Signatures:

1.

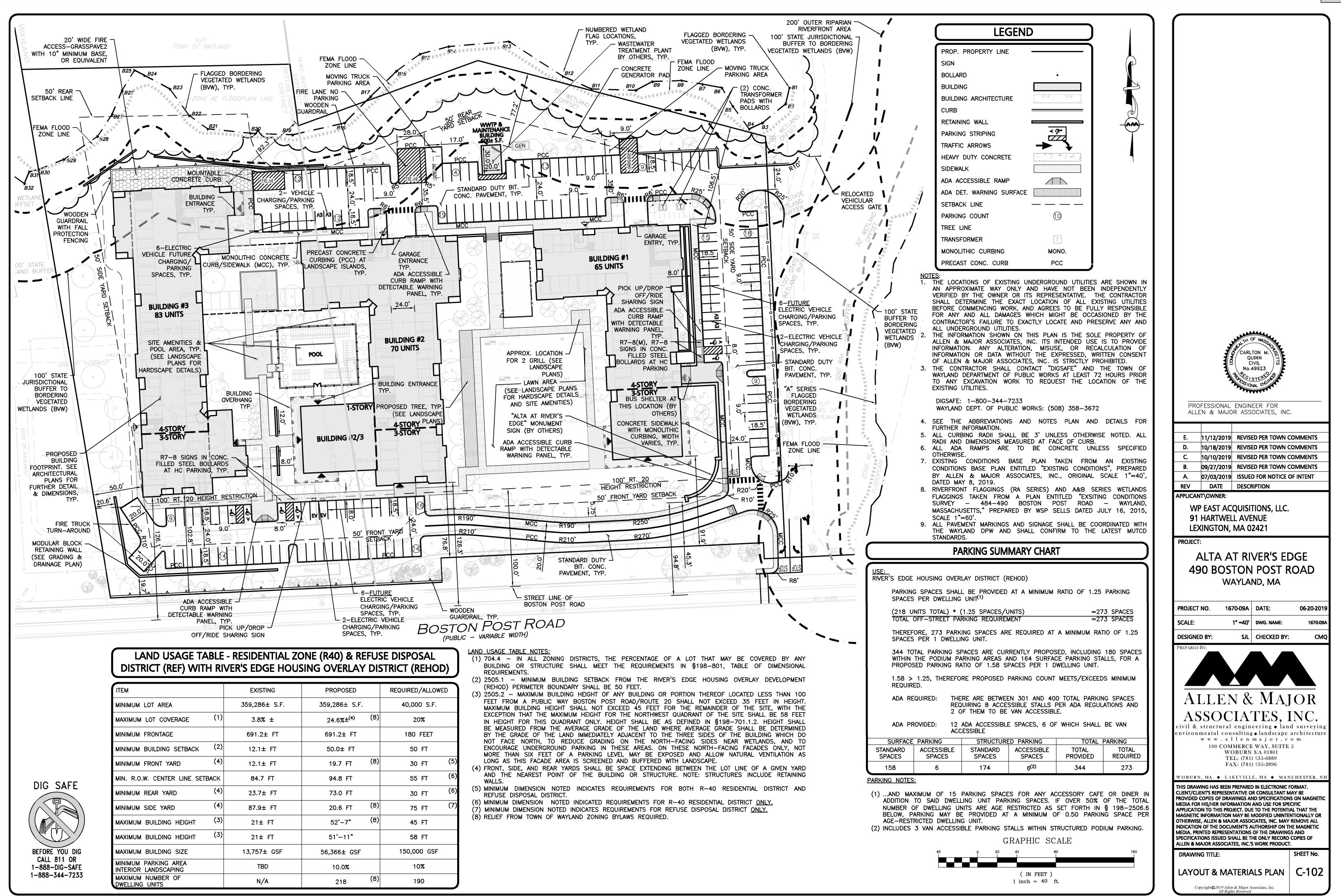
Date

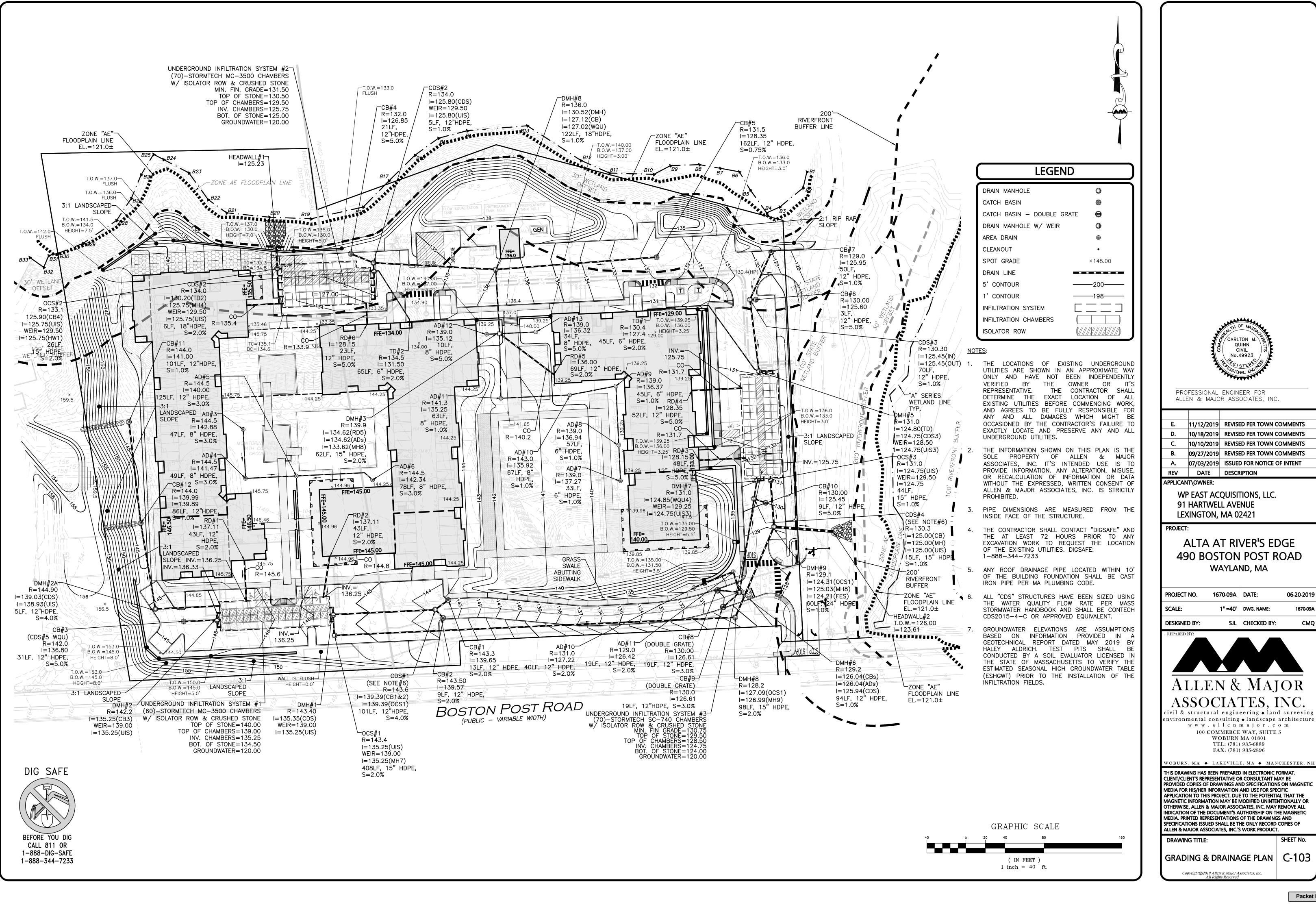
or Proponent

Signature of Responsible Officer Date

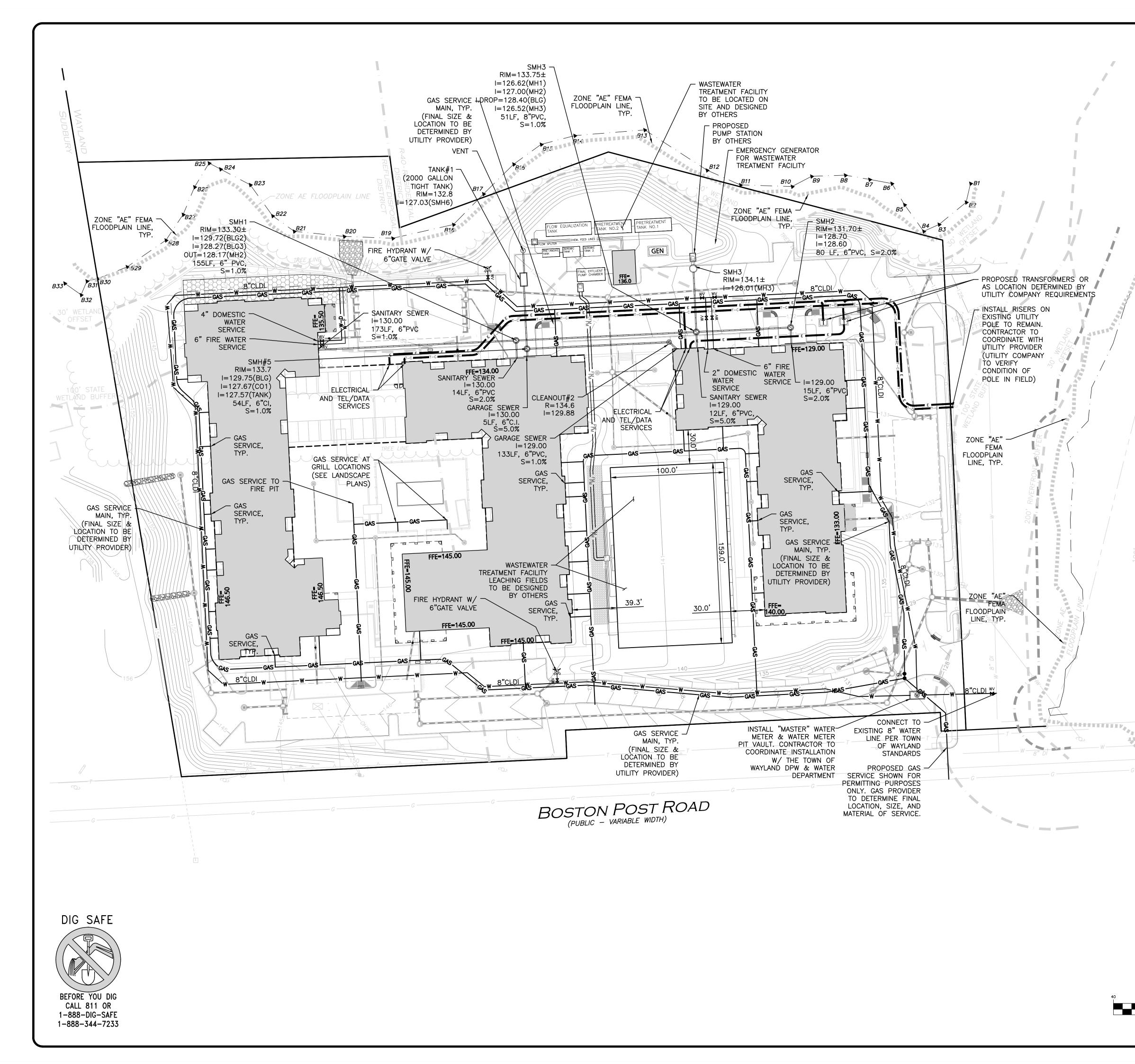
Signature of person preparing ENF (if different from above)

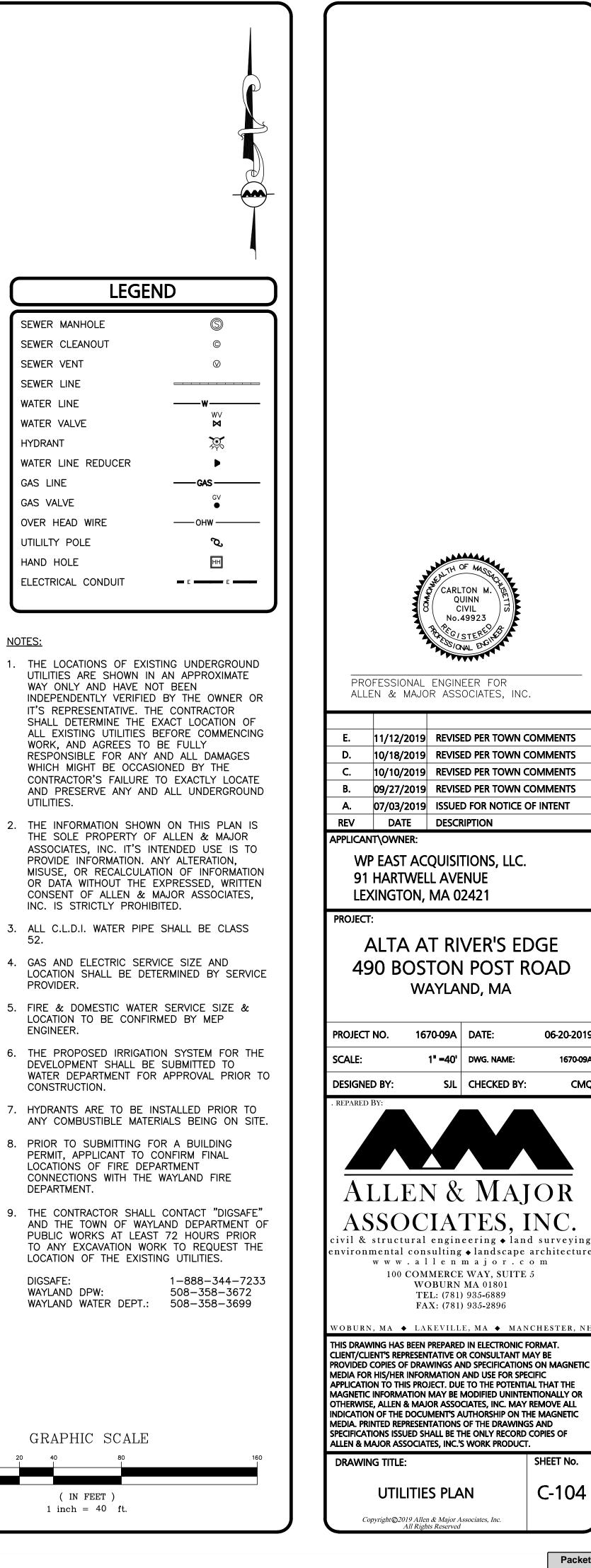
Jim Lambert	Carlton M. Quinn, P.E.	
Name (print or type)	Name (print or type)	
WP East Acquisitions, LLC	Allen & Major Associates, Inc.	
Firm/Agency	Firm/Agency	
91 Hartwell Avenue	100 Commerce Way, Suite 5	
Street	Street	
Lexington, MA 02421	Woburn, MA 01801	
Municipality/State/Zip	Municipality/State/Zip	
(781)541-5821	(781) 935-6889	
Phone	Phone	





Packet Pg. 69





NOTES:

52

Packet Pg. 70

CMQ



# MISCELLANEOUS (UNTIMED)

# 7: Draft IMA for Making Connections Microtransit Program

## **REQUESTOR SECTION**

Date of request:

Requestor: Adam Duchesneau, Director of Planning & Community Development

Formal Title: Vote to provide certain comments or concerns (if any) regarding the draft Intermunicipal Agreement for the Making the Connections Microtranist Program.

Recommendations/Suggested Motion/Vote: Vote to provide certain comments or concerns (if any) regarding the draft Intermunicipal Agreement for the Making the Connections Microtranist Program.

Background Information: see attached documents provided by Adam Duchesneau.

Financial impact expected:None aside from staff time. Other costs associated with this IMA which creates a multi-municipality Microtransit Pilot Program would be covered with funds awarded through a Community Compact Best Practices Grant.

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:Patty GoldenPendingMaryanne BilodeauPendingJonathan SilversteinPendingDaniel E CartyPendingBoard of SelectmenPending

12/17/2019 6:00 PM

#### TO: Collaborating Towns for Making the Connections FROM: Travis Pollack, Senior Transportation Planner, Metropolitan Area Planning Council (MAPC) DATE: November 12, 2019 RE: Draft Intermunicipal Agreement (IMA) for Review

As you know, the Town of Sudbury was awarded a Community Compact Best Practices grant by the Commonwealth of Massachusetts in spring 2019, to create a multijurisdictional program of on-demand transportation pilots, called Making the Connections (hereinafter "Program"). Since that time, MAPC has been providing technical assistance in the startup process, which involves crafting an Intermunicipal Agreement (IMA) to be entered into by and between the Towns of Sudbury, Acton, Bolton, Carlisle, Stow, and others.

The IMA document attached to this email is based on similar agreements involving municipalities throughout the Commonwealth. It has been tailored to the specific Program that is focused on connecting seniors, people with disabilities, financially vulnerable residents, and veterans to health services, community resources, and economic opportunities with on-demand transportation services.

Members of the grant Steering Committee from collaborating Towns have reviewed the document, which has been amended according to received input. The document addresses such issues as:

- Terms of the Agreement
- Lead Municipality
- Duties of the Program Manager
- Steering Committee Composition and Function
- Program Participation
- Payment
- Indemnification

It also addresses the process for adding new municipalities and for terminating the agreement.

We are completing the process of sharing and getting signatures on the final IMA in a two-step process, to allow Towns the time to review the IMA: 1) We are sending this copy of the IMA along for review at or after your next Select Board meeting. I ask that you and your counsel review this document and let me know if you have any requested modifications by telephone or email (see below). When we have incorporated suggested changes, 2) we will send the final copy of the IMA to your Board's subsequent meeting for approval. We look forward to the success of this much-needed Program!

Sincerely,

Travis Pollack, AICP Senior Transportation Planner Metropolitan Area Planning Council tpollack@mapc.org | 617-933-0793

#### **DRAFT** Intermunicipal Agreement for the Making the Connections Program

This Intermunicipal Agreement (hereinafter "Agreement"), is entered into by and between the Towns of Sudbury, Acton, Bolton, Carlisle, Concord, Lincoln, Stow, and Weston hereinafter referred to collectively as "Municipalities", and individually as a "Municipality", this \_\_\_\_\_ day of \_\_\_\_\_, 2019, as follows:

WHEREAS, the Town of Sudbury was awarded a Community Compact Best Practices grant by the Commonwealth of Massachusetts to create a multijurisdictional program of on-demand transportation pilots, called Making the Connections (grant application with tasks in Exhibit A, and hereinafter "Program");

WHEREAS, this Program focuses on connecting seniors, people with disabilities, financially vulnerable residents, and veterans to health services, community resources, and economic opportunities with on-demand transportation services;

WHEREAS, many communities offer some variety of on-demand or reservation-required paratransit, and some offer general public vans or commuter shuttles, there are times when these services do not cover all transportation needs; it is these unmet needs that the Program will attempt to meet through pilot services, and will collect data to determine the need and feasibility of creating new transit services;

WHEREAS, the Municipalities desire to share the services of a Program Manager for the Program;

WHEREAS, the Town of Sudbury, entering the Community Compact Best Practices agreement with the Commonwealth of Massachusetts is willing and capable of managing the Community Compact grant and obtaining the services of the Program Manager;

WHEREAS, each Municipality has the authority to enter into this Agreement pursuant to G.L. c. 40, s. 4A;

NOW THEREFORE, in consideration the mutual covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency are hereby acknowledged, the parties hereto covenant and agree as follows:

- <u>Term</u>. The term of this Agreement shall commence on the date set forth above and shall expire when the Community Compact agreement entered by the Town of Sudbury expires, or when the funds for the Program are no longer available, but in no event shall the Term of this Agreement exceed twenty-five (25) years unless permitted by statute.
- Lead Municipality. During the term of this agreement, the Town of Sudbury, acting as the Lead Municipality, shall oversee the Program and the Program Manager, including hiring the Program Manager.
- <u>Duties of Program Manager</u>. During the Term of this Agreement, the Program Manager shall
  perform transportation administrative services described in the contract entered into by the
  Lead Municipality and the Program Manager.
- 4. <u>Steering Committee</u>. There shall exist a Steering Committee comprised of one (1) representative from each Municipality, who shall be appointed by the appropriate appointing authority of the Municipality. The Steering Committee will work to mutually guide the Program. Early in the Program, the Steering Committee shall mutually develop the goals of the Program and guidelines to evaluate how well the Program has met these goals. The Committee shall meet as needed, and at least guarterly. The Program Manager, with direction from the Town

#### DRAFT FOR REVIEW AND COMMENT ONLY

of Sudbury as Lead Municipality, shall prepare and send to each Municipality a quarterly status report prior to the quarterly meeting. The Town of Sudbury, or its designee, shall maintain the files and notes of the Steering Committee meetings.

- 5. <u>Program Participation</u>. Each Municipality as part of this Agreement shall participate in the Program as follows:
  - a. The Municipality will either join an existing on-demand transportation pilot, or will create a new transportation pilot within the terms and conditions of this Agreement, that will address the mobility and access needs noted in this Agreement, and that is approved by the Steering Committee.
  - b. The Municipality will be a member of the Steering Committee as established under section 4 above.
  - c. The Municipality will ensure the representative to the Steering Committee and/or other staff representatives will attend any required training sessions and will participate in the Steering Committee meetings (either in-person or via remote access) throughout the life of the Program.
  - d. The Municipality will assist in collecting the necessary data as agreed to by the Steering Committee to help determine the trip needs, origins, and destinations that will help scale additional transportation programs beyond the pilot, and to help determine how well the pilot has met the goals of the Program.
  - e. The Municipality shall have the authority to determine eligibility for riders in their jurisdiction (e.g., residents or workers within their municipal or service boundaries, or clients for their services) as part of the Program.
  - f. The Municipality, in determining ride eligibility, will prioritize rides when and where existing transportation (including CrossTown Connect, Council on Aging, MBTA, or Regional Transit Authorities) is not in service, or the time required to access such transportation is not possible, to ensure the Program provides a complementary transportation service, and does not replace existing transportation services.
  - g. The Municipality will help promote and market the Program to the clients and community residents served.
- 6. <u>Payment</u>. If a Municipality creates a transportation pilot approved by the Steering Committee that draws on grant funds, the Municipality will submit monthly invoices to the Town of Sudbury for reimbursement from the Community Compact funds for the Program. The Town of Sudbury will pay the invoice within 30 days. Any funds contributed by the Minuteman Advisory Group on Interlocal Coordination (MAGIC) shall only be used for pilots serving MAGIC member municipalities.
- 7. Indemnification. Notwithstanding the final sentence of G.L. c. 40, s. 4A, to the extent permitted by law, each Municipality (the "Indemnifying Municipality") separately agrees to indemnify the Town of Sudbury, including all officials, officers, employees, agents, servants and representatives, from and against any claim arising out of the duties performed by the Program Manager pursuant to this Agreement in or on behalf of the Indemnifying Municipality for any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission by the Program Manager while performing services for the Indemnifying Municipality. As to any claim or

occurrence, the express indemnification set forth above shall be municipality-specific. Obligations of an individual municipality shall be limited to the services provided for the individual municipality. Acton's obligations shall be limited to the services provided for Acton; Bolton's obligations shall be limited to the services provided for Bolton; Carlisle's obligations shall be limited to the services provided for Carlisle; Concord's obligations shall be limited to the services provided for Concord; Lincoln's obligations shall be limited to the services provided for Lincoln; Stow's obligations shall be limited to the services provided for Stow; and Weston's obligations shall be limited to the services provided for Weston. The Indemnifying Municipality's obligation to indemnify under this Section shall be limited to and benefited by the law or statute limiting the liabilities of municipalities as if the negligent act or omission had been made by an employee of the Indemnifying Municipality. Furthermore, the Indemnifying Municipalities shall not be liable for any claims arising from:

- a. Violations of state or federal civil rights statutes;
- b. Violations of state or federal discrimination statutes;
- c. Wrongful termination claims;
- d. Violations of any state or federal statute dealing with employment practices;
- e. Claims that are covered by any insurance policy.

By entering into this Agreement, no Municipality has waived any governmental immunity or limitation of damages which may be extended to it by operation of law.

- Addition of New Municipalities to Agreement. Any municipality, not a part of this Agreement, may petition the parties involved in the Agreement to join the Agreement. In order to approve the addition of a new entity to the Agreement, no less than a super majority of the Municipalities must approve the addition.
- 9. Termination. Any Municipality other than the Town of Sudbury as Lead Municipality, by a vote of its respective authorizing Board, may withdraw from and terminate this Agreement with the provision of at least three (3) months prior written notice to the Lead Municipality. No such termination shall affect any obligation of indemnification that may have arisen hereunder prior to such termination. Upon such termination, the Lead Municipality shall prepare full statements of outstanding unpaid financial obligations under this Agreement and present the same to the terminating Municipality for payment within thirty (30) days thereafter. The Town of Sudbury as Lead Municipality, by a vote of its Board of Selectmen, may together terminate this Agreement upon the provision of at least three (3) months prior written notice to the participating Municipalities. After termination of this Agreement, the Town of Sudbury as Lead Municipality shall remain liable to the participating Municipalities for any portion of the payments received not earned. Any Municipality may withdraw at the end of any fiscal year in which the municipal legislative body equivalent bodies have not appropriated funds sufficient to support that Municipality's participation in the subsequent fiscal year. In such an event, the Municipality shall give as much notice to other subscribers to this Agreement as the circumstances allow. The Steering Committee has the authority to reallocate grant funding or other outside funding that would have be allocated to the Municipality that has left the Agreement. Any data collected from the terminating Municipality through a Programsponsored pilot will remain within the Program for analysis by the Program Manager and the Steering Committee.
- 10. <u>Conflict Resolution</u>. The Steering Committee may hold additional meetings to discuss and resolve any conflicts that may arise including, but not limited to, disagreements regarding the needs of each Municipality. Any recommendations made to the Sudbury Director of Planning &

7.a

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Community Development overseeing the Program Manager must be made by a majority vote of the Steering Committee. Any unresolved issues shall be decided by the Executive Assistant (Chief Administrative Officer) of the Town of Sudbury.

- Financial Safeguards. The Town of Sudbury as Lead Municipality shall maintain separate, accurate, and comprehensive records of all services performed for each of the Municipalities and hereto, and all contributions received from the Municipalities.
- 12. <u>Assignment</u>. None of the Municipalities shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of all of the other Municipalities.
- <u>Amendment</u>. This Agreement may be amended only in writing pursuant to a vote by all Municipalities, duly authorized thereunto.
- 14. <u>Severability</u>. If any provision of this Agreement is held by a court of competent jurisdiction to be invalid, illegal, or unenforceable, or if any such term is so held when applied to any particular circumstance, such invalidity, illegality, or unenforceability shall not affect any other provision of this Agreement, or affect the application of such provision to any other circumstances, and the remaining provisions hereof shall not be affected and shall remain in full force and effect.
- 15. <u>Governing Law</u>. This Agreement shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts.
- 16. <u>Headings</u>. The paragraph headings herein are for convenience only, are no part of this Agreement, and shall not affect the interpretation of this Agreement.
- 17. Notices. Any notice permitted or required hereunder to be given or served on any Municipality shall be in writing signed in the name of or on behalf of the Municipality or Trust giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery or three (3) business days after the date of any properly addressed notice sent by mail as set forth below.

Town of Sudbury \_\_\_\_\_, Town Manager 278 Old Sudbury Road

Sudbury, MA 01776

Town of Acton John S. Mangiaratti, Town Manager 472 Main Street Acton, MA 01720

Town of Bolton Donald Lowe, Town Administrator 663 Main Street Bolton, MA 01740

Town of Carlisle

4

Timothy D Goddard, Town Administrator
66 Westford Street
Carlisle, MA 01741
Town of Concord
Stephen Crane, Town Manager
PO Box 535
Concord, MA 01742
Town of Maynard
Gregory Johnson, Town Administrator
195 Main Street
Maynard, MA 01754
Town of Stow
William J. Wrigley, Town Administrator
380 Great Road
Stow, MA 01775
Town of Lincoln
Timothy Higgins, Town Administrator
16 Lincoln Road
Lincoln, MA 01773
Town of Weston
Leon A. Gaumond, Jr., Town Manager
PO Box 378
Weston, MA 02493

18. <u>Complete Agreement</u>. This Agreement constitutes the entire Agreement between the Municipalities and the Trust concerning the subject matter hereof, superseding all prior agreements and understandings. There are no other agreements or understandings between the Municipalities concerning the subject matter hereof. Each Municipality acknowledges that it has not relied on any representations by any other Municipality or by anyone acting or purporting to act for another Municipality or for whose actions any other Municipality is responsible, other than the express, written representations set forth herein.

Exhibit A: Proposal to Community Compact Cabinet Best Practices Program: MAGIC Communities' On-Demand Transportation Pilot – *Making the* Connections 7.a

#### DRAFT FOR REVIEW AND COMMENT ONLY

WITNESS OUR HANDS AND SEALS as of the first date written above.

Town of Sudbury

Town of Acton

Town of Bolton

Town of Carlisle

Town of Concord

Town of Stow

Town of Lincoln

Town of Weston

7.a

### Proposal to Community Compact Cabinet Best Practices Program:

### MAGIC Communities' On-Demand Transportation Pilot – Making the Connections

Municipal Designation: Town City or Town Name: Sudbury Contact: Alice Sapienza, DBA Contact Phone: 978 443 2878 Contact Email: <u>alicesapienza@verizon.net</u> Compact Signatory: Robert Haarde Signatory Title: Chair, Board of Selectmen Best Practice Area #1: Age and Dementia Friendly Best Practice: "Develop policies and services to improve elder economic security and help people age in community, such as... transportation for non-drivers..." Are you applying for this best practice with other communities? Yes Why did you choose this best practice and what assistance would you need to accomplish this best practice?

### Why did you choose this best practice?

In the Minuteman Advisory Group on Interlocal Coordination (MAGIC) region generally, between 11% and 27% of residents are 65 years of age or older; in 2030, this will jump to between 14% and 36%. Area Agencies on Aging (AAA) report the top unmet need is transportation for medical, social, recreational, and other requirements. According to Centers for Disease Control and Prevention (CDC) data: (1) 60% of adults 65 years and older report at least one basic action difficulty or complex activity limitation; (2) about 15% of adults report hearing trouble; and (3) about 9% of adults report vision trouble. Cognitive disability among seniors in our region averages 15%, and several towns are characterized as "vulnerable" according to the CDC's Social Vulnerability indices for disability and transportation.

Studies of individual MAGIC towns underscore the urgency of transportation needs, such as the recently completed livable assessment of Sudbury:

- 42% of residents with a participation limitation reported they "had missed, canceled, or rescheduled a medical appointment due to lack of transportation."
- Nearly half of residents 60+ are not satisfied with their "ability to get where they want to go."
- When questioned in a public forum on results, the principal investigator answered that the town's biggest need was "transportation."

The town of Carlisle completed a community health needs assessment in 2017, with similar results:

• Almost 25% of Carlisle residents age 65 or older have a disability.

- More than 50% of those with a disability noted that they had problems with mobility.
- Nearly 50% of residents did not have a relative nearby to rely upon for help.
- More than 50% of survey respondents had concerns about the lack of transportation options.
- To improve transportation, the assessment recommended exploring pooling of resources and funding opportunities.

Data from recent community health assessments in the town of Acton illustrate the same challenges. The lack of access to transportation is a significant barrier to seniors and especially to the most vulnerable (including seniors), who experience limited access to food pantries and grocery stores; to employment opportunities; to medical services; and to social opportunities. More than 20% of Acton households earn less than \$50,000 per year, and nearly 25% of households qualify for state-aided housing. The three most critical needs facing veterans are financial stability, ability to manage money, and transportation, primarily to employment opportunities.

In addition, domestic violence reports in Acton and Boxborough are higher than in other area towns. Although victims benefit from a strong partnership between the police departments and the Domestic Violence Services Network (DVSN), victims lack transportation to jobs and to the court house; to legal and immigration assistance; and to secure housing

This application—*Making the Connections*—is submitted to the CCC by Acton, Bolton, Boxborough, Carlisle, Stow, and Sudbury, acting as lead municipality. We are focusing on seniors, people with disabilities, financially vulnerable residents, and veterans, with the objective of providing them with transportation services to health and community resources as well as economic opportunities. We chose this best practice, because we have more than adequate data to prove that transportation needs are urgent.

Recognizing the regional importance of the above transit needs, MAGIC towns voted in 2018 that Metropolitan Area Planning Council (MAPC) provide technical assistance to determine what types of on-demand transit might meet the needs of the communities, and provided up to \$10,000 from their common fund for this work. It should be emphasized that, in April 2018, all MAGIC towns were admitted to the AARP Age and Dementia Friendly Network and committed to focus initially on housing and transportation initiatives.

### What assistance would you need to accomplish this best practice?

A unique challenge this pilot seeks to address is transportation for non-drivers, who live in rural towns and "rural" areas of suburban communities. A new report from AARP stated: "Rural areas are aging at a faster rate than the general population; [and] older adults also disproportionately live in rural areas.... [Aging] in place can prove difficult in rural regions where spread-out geographies and a lack of public transportation make accessing needed supportive services and amenities difficult."

Indeed, the above data illustrate that our target population is at risk of isolation, loss of work, reduced access to medical care, etc. Our pilot is thus designed to address the gaps and, simultaneously, to collect demand data that can help regional transit authorities provide effective and costefficient services in the future. By partnering with vehicle providers that utilize appropriate dispatch and operational software, the collaborating communities will finally be able to quantify such data as ride numbers, destinations, points of origin, time, etc. At the end of the pilot, we ex-

such data as ride numbers, destinations, points of origin, time, etc. At the end of the pilot, we expect to identify potential hubs and fixed route services that regional transit authorities could serve economically and, at the same time, increase equity and inclusiveness as features of age and dementia friendly communities.

Using data from this pilot, we intend to (1) explore the future applicability of shared microtransit platforms to optimize transit programs and regional cooperation in the larger MAGIC subregion of the MAPC, and (2) ensure the sustainability and continuous improvement of regional transportation, particularly to our most needy residents. By adopting new and useful ride-hailing technologies in a three-RTA region, we overcome the hurdle of providing and funding inter-RTA transportation.

To accomplish our goals, we are seeking \$80,000 to support four major tasks:

<u>Task 1. Coordination</u>: The pilot will be governed by a steering committee composed of representatives from each participating community, as well as from Cross Town Connect. Regional transit authorities – including MetroWest RTA and Lowell RTA, which provide senior and fixed route public transit in portions of the area, and representatives from the Massachusetts Bay Transit Authority (MBTA), which provides commuter rail services in the area, will be invited to participate. MAPC will provide technical expertise. This committee will meet regularly and, at the start of the pilot, will:

- Identify "small win" options within and across towns addressing priority needs, pressing gaps, and key preferences.
- Determine target subgoups, geographic coverage, eligible pickup locations and destinations, days, hours, etc., and rider eligibility requirements.
- Develop policies, including interjurisdictional agreements among participating municipalities (likely in the forms of memoranda of agreements) and, with MAPC, determine clear roles among the agencies.
- Procure project manager to oversee daily operations of the pilot.
- Create a list of possible taxi, bus, livery and TNC providers and intersections with Council on Aging and RTA services (see Task 2).
- Describe same-day, door-to-door options in detail.
- Outline Plan/Do/Study/Act (PDSA) continuous quality improvement policies and processes for each option. This includes marketing and outreach plans to help spread the word of the new services.

Implementation of this pilot will help fill gaps in existing public transit services within the MAGIC subregion for weekday needs such as medical trips, employment, and social services, as well as connections to existing transit and paratransit services. Other gaps to be addressed are evening and weekend transportation needs. The steering committee will establish policies informing rules for trip eligibility, rider eligibility, geographic guidelines (eligible trip origins, destinations, etc.), time of day rules, and maximum trip lengths and subsidies. A major objective is to find ways to extend the reach of existing transit services (local shuttles, buses, and commuter rail), and particularly serve areas without transit service, and not switch transit trips to ridehailing. Included in this goal is the provision of a sizable proportion of shared rides, to be determined by the steering committee and embedded in emerging policies and procedures.

Implementation will include coordination with area RTAs and Councils on Aging and surveys of pilot participants, to ensure the program provides additional coverage and does not shift riders from existing services. As needed, the pilot will always be subject to modification of implementation policies and practices, to ensure it meets program goals.

<u>Task 2. Procurement</u>: After the goals, policies, metrics, and geography have been established, a request for proposals will be developed and opened to transportation and technology providers, to populate the pilot program. The procurement process will include a requirement for one or more of the vendors to provide wheelchair accessible vehicles, ensuring that persons with disabilities have service. The procurement process will also require the provision of multiple modes of requesting services (e.g., smart device app, internet, telephone, walk-up), including possible concierge service, in which a local organization takes care of securing rides for individuals who require that level of assistance. The steering committee will provide input into the procurement process and members will be involved in the selection process of the preferred vendor. MAPC will provide technical assistance in the procurement process and in best policies and best practices es on contracting terms.

Simultaneous with procurement, the steering committee (in whole or in designated part) will:

- Explore voucher, gift certificate, bundling options, sponsorships, etc., to support rides and help ensure future sustainability in the towns.
- Compile, from stakeholder management activities, likely demands or opposition; assess, craft responsive strategies; assign implementation responsibility.
- Assign PDSA oversight responsibility for options. This will entail continuous STUDY of real time outcomes using established measures and modifying parameters as needed (ACT), to improve.
- Craft policies to assure continuity and effectiveness of documentation and communications.

<u>Task3. Implementation of Pilot and Monitoring of Progress</u>: As noted above, a Plan/Do/Study /Act process of continuous improvement will assure real-time effectiveness and efficiency. Be-

cause of the latter process, data sharing on rides, including origins and destinations, time of day, trip types, and costs are important components, and a data sharing agreement will be a key portion of the contract with the vendor. Given the importance of the customer in transit endeavors, rider surveys and other forms of feedback will be instituted. MAPC will provide additional technical support on the data analysis and rider surveys, along with steering committee members with quality improvement expertise.

<u>Task 4. Pilot Assessment and Development of Future Initiatives</u>: At the end of the pilot, the steering committee will review data from all PDSA documentation, provide summary analytics, and compile lessons learned. The data on trip demands will be a critical input to developing future initiatives that will close gaps for regional residents by improving the effectiveness and efficiency of (1) existing Cross Town Connect services, (2) CoA senior transportation, and (3) RTA services, likely in the form of a future microtransit initiative and revised ride-hailing partnerships.

As noted above, MAPC will provide technical assistance and will provide required staff time using its existing resources. Specific new expenditures required for this pilot are the following (to-tal: \$80,000):

- Project manager (part time), to manage initiative tasks and subtasks, reporting to the steering committee. Because this is a multi-jurisdictional pilot, it is vital to have one individual identified as responsible for day-to-day operations. This individual will work with the steering committee as a whole and with each individual participating municipality on rider and trip eligibility, cost sharing arrangements, and provide assistance in booking trips and monitoring the data to ensure the pilot is meeting its goals. The eligible project manager will be an individual with municipal and transportation operations expertise. While this individual will likely be a municipal employee or contractor with one of the participating municipalities, we expect this individual will have several temporary spaces from which to work and travel among the towns. *Cost: \$45,000, to cover labor and travel expenses.*
- Marketing and outreach staff for the towns. In these rural communities, many of the proposed transportation services are new. To ensure effectiveness of the pilot, research shows that communication, advocacy, and customer support are vital. Although printed materials and social media will be an important component, we propose having individuals who know and understand riders and can provide help as needed to serve as community advocates. Some advocates may live in affordable developments in the towns; others may be retired seniors active in their communities. They can help book trips, coordinate with the vendors, and (under supervision of the project manager) compile customer input for the steering committee. *Cost: \$15,000 to support part time labor, plus travel, printing, and other direct costs.*

• Matching subsidies. The towns involved in the pilot are expected to seek their own subsidies in the form of donations, mitigation funds, Community Health Needs Assessment funds, etc. However, as experience is gained in the implementation, additional funds may be necessary. We have prepared estimates of ride-hail ride costs (based on the CAR experience) and weekly numbers of rides, based on several subsidy assumptions. *Cost:* \$20,000 to supplement town subsidy funds.

Additional details for this application may be found in the following document:

"E&R grant exhibit 1"

7.a



# **MISCELLANEOUS (UNTIMED)**

# 8: Vote to take position on STM Stone Farm petition article

#### **REQUESTOR SECTION**

Date of request:

Requested by: Patty Golden

Formal Title: Discussion and vote to take a position on Stone Farm Tavern Special Town Meeting petition article.

Recommendations/Suggested Motion/Vote: Discussion and vote to take a position on Stone Farm Tavern Special Town Meeting petition article.

**Background Information:** 

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Pending
Pending
Pending
Pending
Pending



## **MISCELLANEOUS (UNTIMED)**

## 9: Sewataro update

# REQUESTOR SECTION

Date of request:

Requestor: Chairman Carty

Formal Title: Sewataro update

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

## Golden, Patricia

From:	Bilodeau, Maryanne
Sent:	Thursday, December 12, 2019 9:19 AM
То:	Golden, Patricia; Frank, Leila
Subject:	FW: Sewataro Update
Attachments:	12_19 BOS Update.pdf

Patty and Leila, This is a Sewataro Update from Kristen Drummey for the Board's discussion on 12/17. Please add to the packets. Thanks so much! Maryanne

From: Kristen Drummey <kristen@sewataro.com>
Sent: Thursday, December 12, 2019 8:16 AM
To: Bilodeau, Maryanne <BilodeauM@sudbury.ma.us>; Barletta, William <BarlettaW@sudbury.ma.us>
Subject: Sewataro Update

Hello Maryanne, Here is the update you requested. Thank you! -Kristen

--Kristen Drummey Community Liaison Camp Sewataro One Liberty Ledge Sudbury, MA 01776 <u>kristen@sewataro.com</u> 617-893-7806 Attachment9.a: Drummey\_email (3594 : Sewataro update)

Since the October 28th closing date, the Sewataro team has been working closely with Bill Barletta and Sudbury DPW to ensure that the property is secure and safe for resident access. We have stored and secured equipment, including boats, docks, and other town-owned equipment used during the summer months by Camp Sewataro, and have prepared the residences on property for the winter. Additionally, we have placed signage around the property indicating rules, regulations, and safety precautions. We are also working in partnership with the town to provide updates to the fencing and gating of the site to provide further access to the public and secure it during off-hours.



We have begun the process of purchasing the tools and equipment required for year round maintenance of the property and its buildings and grounds, and are moving forward on purchasing a plow truck. We have also retained a site manager, who is living in one of the residences with his family to ensure constant monitoring of the property, and that immediate attention is given to any unexpected maintenance issues.

On November 16, we had a very successful Open House, where residents were invited to enjoy the property, including the use of basketball and tennis courts, soccer fields, and the recreational/fishing pond. Additionally, many residents took advantage of the property tours we offered throughout the event. Sudbury Scout Pack 60 was on hand to help keep everyone warm on the chilly fall day, selling hot chocolate, coffee, and donuts. All proceeds went to the Scouts, and will be used to help fund their upcoming year of activities.



We are working with Lincoln Sudbury Adult Ed, and plan to offer a drone licensing course through dartDRONES in the spring. In addition, we are working toward scheduling programming with the Senior Center and the Park and Recreation Department. We have contributed to various fundraising and sponsorship efforts in town, including the annual auction at Haynes School, and will contribute to the auctions of the other elementary schools and at Curtis Middle School when they occur in the spring, as well as the annual fundraising efforts for Jamaica Jammin' and other events at LS. We have also applied for a Special Permit to provide for 50 children from Sudbury to attend each two week session of Camp Sewataro next summer as scholarship campers at a significantly reduced rate, and a hearing on that application is scheduled for Monday, January 6 at 7:30pm. In the meantime, the Sewataro team is looking forward to meeting with acting Town Manager Maryanne Bilodeau and Town Social Worker Bethany Hadvab next week to discuss the application and placement processes for scholarship recipients.

We are brainstorming for our Spring Community Event, and we are very excited about sponsoring a presentation by Michael Thompson, New York Times Bestselling author, and international speaker on childhood, friendships, and schools, entitled 'Best Friends/Worst Enemies: Community, Friendships, Social Power and Bullying in Childhood' at Curtis Middle School on Thursday, March 5, at 7pm. This will be the first in a series of talks featuring experts in child development and education that we will be sponsoring every year for the families of Sudbury.

#### **MEMORANDUM**

TO:	Maryanne Bilodeau, Interim Town Manager
FROM:	Dennis Keohane, Finance Director/Treasurer-Collector
DATE:	December 13, 2019
RE:	Camp Sewataro – 2020 Receipts and Disbursements

#### **2020 Financial Summary**

For calendar year 2020 the Town will receive \$120,000 in guaranteed payments from the Camp Sewataro operator. Additionally, there will be a payment related to percentage of net revenues from the camp operator, but we do not have currently have an estimate for this. After camp operations have concluded in the summer of 2020, we will able to calculate an estimate for future payments.

The only projected Camp Sewataro expenditures for The Town in 2020 are for debt service. There is a payment of \$240,937.50 (interest) due in July 2020. The next debt payment due will most likely be in January 2020, but that hasn't been determined yet. This will depend on the maturity date of the notes that we issue in July 2020.

#### FY2021 Budget

For the FY2021 Budget, the Town could reduce the amount of tax revenue raised to pay the debt service by the \$120,000 guaranteed payment. Since the variable payment (net revenue) is not known, I would not advise projecting this revenue to offset the debt payments. These payments would then be included in the FY22 Free Cash calculation and I would suggest considering a contribution to the Capital Stabilization Account, from free cash, in the amount of the FY21 net revenue payment. This can be used to pay for future capital needs at Camp Sewataro.



# MISCELLANEOUS (UNTIMED) 10: Open 2020 ATM warrant

#### <u>REQUESTOR SECTION</u> Date of request:

Requested by: Patty Golden

Formal Title: Vote to open 2020 Annual Town Meeting warrant for May 4, 2020. Articles due in Selectmen's office by 11:00 AM Friday, Jan. 31. 2020.

Recommendations/Suggested Motion/Vote: Vote to open 2020 Annual Town Meeting warrant for May 4, 2020. Articles due in Selectmen's office by 11:00 AM Friday, Jan. 31. 2020.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending



# MISCELLANEOUS (UNTIMED)

# 11: Fairbank update

#### <u>REQUESTOR SECTION</u> Date of request:

Requested by: Patty Golden

Formal Title: Discussion on the Fairbank Community Center.

Recommendations/Suggested Motion/Vote: Discussion on the Fairbank Community Center.

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending



# **MISCELLANEOUS (UNTIMED)**

# 12: Dissolve Town Hall Blue Ribbon and Vocation Guidance committees

#### **REQUESTOR SECTION**

Date of request:

Requestor: Vice Chairman Brown

Formal Title: Discussion and vote whether to formally dissolve the Town Hall Blue Ribbon Committee, and the Vocational Education Guidance Committee.

Recommendations/Suggested Motion/Vote: Discussion and vote whether to formally dissolve the Town Hall Blue Ribbon Committee, and the Vocational Education Guidance Committee.

Background Information: See attached current member lists and mission statements

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

Next Selectmen's Meeting on Tuesday, December 10, 2019

News Documents Meetings Members FAQs Links

# **Members**

Members					
Name	Position	Address	Term	End Date	Appointed By
VACANCY	Ex- Officio member		Indefinite		Town Manager
VACANCY	Member		1		Selectmen
Howard S. Gold	Member	18 Moran Cir	1	06/30/2016	Selectmen
Sally P. Hild	Member	206 Nobscot Rd	1	06/30/2016	Selectmen
Christine A. Hogan	Member	49 Blueberry Hill Ln	1	06/30/2016	Selectmen
Bill M. Johnson	Member	103 Puritan Ln	1	06/30/2016	Selectmen
Frank W. Riepe	Member	54 New Bridge Road	1	06/30/2016	Selectmen
Susan Ciaffi	Member	140 Morse Rd	1	06/30/2016	Selectmen
Michael E. Melnick	Member	97 Lincoln Road	1	06/30/2016	Selectmen
Joseph J. Sziabowski	Member	54 Intervale Rd	1	06/30/2016	Selectmen

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S Back to Town Hall Blue Ribbon Committee

### Town Hall Blue Ribbon Committee

Interested in serving on this committee? <u>Appointment Application</u>

The Board of Selectmen voted to establish this committee on March 10, 2015.

It is the intention of the Selectmen, in creating the Town Hall Blue Ribbon Committee to provide a mechanism for thoughtful and public review of the best alternative for the future use of Sudbury Town Hall in conjunction with municipal needs and operational efficiencies. The Blue Ribbon Committee is expected to develop a draft report by October 1, 2015 that could be the basis of an article to be submitted by the Board of Selectmen for consideration by the 2016 Town Meeting.

Town Hall Blue Ribbon Committee, Mission Statement

#### Contact

Email: <u>thbrc@sudbury.ma.us</u>

2

#### **Related Departments**

Counterpart Committees

- Facilities Department
- Planning & Community Development

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### Town Hall Blue Ribbon Committee

Voted by the Sudbury Selectmen on March 10, 2015

#### **Mission**

It is the intention of the Selectmen, in creating the Town Hall Blue Ribbon Committee to provide a mechanism for thoughtful and public review of the best alternative for the future use of Sudbury Town Hall in conjunction with municipal needs and operational efficiencies. The Blue Ribbon Committee is expected to develop a draft report by October 1, 2015 that could be the basis of an article to be submitted by the Board of Selectmen for consideration by the 2016 Town Meeting.

The Blue Ribbon Committee will evaluate and report on options for the future of Sudbury's Town Hall. This building is centrally located within the Sudbury Center Historic District, a National Register District and a local Historic District. Town Hall is surrounded by several historic, municipal, religious and institutional buildings. It is at the crossroad of a highly used intersection, and shares parking with several other buildings. The building is approximately 14,700 gross square feet, 2 stories, and was built in 1932. The building exterior is in poor condition, including the 83 year old slate roof, single pane double hung windows that do not seal, and flashings and envelope deterioration. The interior of the building is also in poor condition and is not up to building code or accessibility requirements, rendering the second floor closed to the public, and all major systems need replacement (HVAC, plumbing, electrical).

The Board of Selectmen will be looking for an analysis of the pros and cons of the following options: (1) rehabilitating the building for its current or amended use; (2) expanding the building to accommodate additional or new uses; (3) demolishing and reconstructing the building to accommodate additional or new uses; or (4) any new options brought forward by the Committee. As part of the mission, the Committee will also prepare a suggested schedule that coordinates with other town building projects such as the Flynn Building, Loring Parsonage, and Fairbank Community Center; prepare a suggested time line and construction cost estimate for each of the various options for Town Hall; and evaluate the impact of each option on the Capital Funding Plan. The Committee will recommend one final solution on how the Town of Sudbury can maximize the value and future use of Town Hall.

Once the appropriate course of action is determined by the Committee, the resulting project will be presented to the Board of Selectmen for review, then be handed over to the Permanent Buildings Committee to manage.

#### **Responsibilities**

The Committee will examine the prior planning that went into the facility condition assessment and feasibility study prepared by Bargmann Hendrie and Archetype, Inc. (BH+A) in 2013 as well as current available facility studies for the Sudbury Public Schools, Fairbank Community Center and Loring Parsonage. Specifically, the tasks of the Committee shall be:

- Review options from the 2013 Town Hall Study prepared by Bargmann Hendrie and Archetype, Inc.
- Review other reports, including:
- Town of Sudbury Space Needs Study (2002)
- Loring Parsonage Conditions Assessment and Feasibility Study (2014)
- Fairbank Community Center Feasibility Study (2015)
- Visit the subject facilities as appropriate
- Prioritize options, developing a pros and cons list, and a narrative for prioritizing
- Provide a timeline for each option
- Provide an estimated budget for each option
- Engage the public in discussions of options

In completing these tasks, the Board has determined that the following elements are essential to any recommended option:

- All options must demonstrate wastewater and parking capacity for the multiple users.
- All design options must include consideration of minimum standards and codes for Public Buildings (e.g. seismic, energy codes, life safety, ADA requirements, etc.).
- All design options shall include cost estimates (derived from existing studies, plus an escalation factor).
- The building shall be as energy efficient and sustainable as possible.
- All options must maintain the historic character of the Town Center.

#### Draft Timetable (tasks to be done by this date)

March, 2015	Interviews, appointments by Board of Selectmen
April - June, 2015	Meeting(s) held, studies/plans reviewed
July, 2015	Draft report prepared
Sept, 2015	Draft report and recommendations made to Selectmen with
	consideration for whether there should be a submission of an article to
	the May 2016 Annual Town Meeting
Oct, 2015	Final report submitted

#### Membership Requirements and Expectations

The Town Hall Blue Ribbon Committee shall have up to nine (9) voting members who shall be appointed by the Selectmen. The Committee shall include two (2) members from the Permanent Building Committee, one (1) member from the Capital Improvement Planning Committee, one (1) member from the Sudbury Historic Districts Commission, one (1) member from the Sudbury Historical Commission, one (1) member from the Sudbury Public Schools, one (1) member from the Sudbury Historical Society and two (2) at large members. All Committee members shall be expected to educate themselves as necessary to address issues associated with the current condition of Town Hall as well as the current municipal space needs and current reports documenting those needs that are integral pieces of the long term solution. Most importantly, the Board is looking for people with an open mind and willingness to work diligently to develop the best possible study of this important issue. All appointments are until June 2016.

The Committee shall elect a Chair from among its members, who shall conduct meetings and act as point of contact to staff for the scheduling of meetings. The Committee shall elect a Clerk from among its members, who shall insure that all open meeting laws are complied with.

2

Minimum requirements for all applicants: Applicants must be available and willing to attend the majority of scheduled meetings.

#### **Staffing Assistance**

The following staff of the Town of Sudbury will be available on an occasional basis as time permits and the Town Manager approves: The Facility Director and/or Director of Planning and Community Development or her designee. The Town Manager shall also approve the involvement of ex-officio members as needed, including other Town employees, to assist the committee in its mission. Minimal Town financial resources are currently available to support the work of the Committee.

#### Compliance with State and Local Laws and Town Policies

The Town Hall Blue Ribbon Committee is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all Town policies which affect committee membership. In particular, all appointments are subject to the following:

- The Code of Conduct for Selectmen Appointed Committee. A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.
- The Town's Email Communication for Committee Members Policy. Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the Committee by the Selectmen.
- General guidelines for Sudbury committees, boards and commissions. Appointed committee members are expected to follow general guidelines on meeting requirements, communication, committee interaction, etc. which are consistent with state and local laws.
- The Town's Policy on Access to Town Counsel. Appointed committee members have limited and specific access to Town Counsel, which is necessitated by the need to control the costs of legal services.
- Use of the Town's Web site. The Town Hall Blue Ribbon Committee will keep minutes of all meetings and post them on the Town's web site. The Committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.

Full versions of these and other policies can be found on the Town's website, and should be read by all appointed committee members.

Next Selectmen's Meeting on Tuesday, December 10, 2019

News Documents Meetings Members FAQs Links

# **Members**

Members					
Name	Position	Address	Term	End Date	Appointed By
VACANCY	Vice- Chairman		1		Selectmen
Leonard A. Simon	Chairman	40 Meadowbrook Cir	1	05/31/2018	Selectmen
Christine A. Hogan	Member	49 Blueberry Hill Ln	1	05/31/2018	Selectmen
Ivar Henningson	Member	22 Pratt's Mill Rd	1	05/31/2018	Selectmen
David R. Manjarrez	Member	47 Firecut Ln	1	05/31/2018	Selectmen
Dennis Keohane	Member	278 Old Sudbury Road	1	05/31/2018	Selectmen
Aida Ramos	Member	390 Lincoln Road	1	05/31/2018	Selectmen
Douglas Michaud	Member	9 Center St	1	05/31/2018	Selectmen

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Back to Vocational Education Guidance Committee

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### Vocational Education Guidance Committee

Interested in serving on this committee? <u>Appointment Application</u>

This committee's goal is evaluate the vocational high school choices for Sudbury students beginning in school year 2017-2018 and to make a recommendation to the Town, Board of Selectmen, and stakeholders regarding the school for Sudbury.

<u>Click here</u> to view the committee's mission statement.

#### Contact

Email: vegc@sudbury.ma.us

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Packet Pg. 98
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### Vocational Education Guidance Committee Town of Sudbury Voted to establish April 26, 2016 by the Sudbury Board of Selectmen

### **Mission Statement**

To evaluate the vocational high school choices for Sudbury students beginning in school year 2017-2018 and to make a recommendation to the Town, Board of Selectmen, and stakeholders regarding the school for Sudbury.

To consider transportation arrangements and transportation costs, for Sudbury students to attend a vocational education high school, and report accordingly.

To investigate becoming a member of the recommended vocational high school district.

To answer questions and concerns from parents, students, and educators regarding the committee's mission and recommendations.

To consult with other towns, in particular Wayland and Lincoln, as the committee pursues its mission.

### Membership

The *Vocational Education Guidance Committee* will be appointed by the Board of Selectmen and shall be comprised of:

- Town Manager
- One Sudbury Selectman
- One member of the Sudbury Public Schools or a designee of the SPS Committee
- One member of the Lincoln-Sudbury Regional School Committee or a designee of the L-S School Committee
- One guidance counselor of the Sudbury Public Schools
- One representative of the Sudbury Finance Department
- One Minuteman School Committee representative
- Two members-at-large

### **Compliance with State and Local Laws and Town Policies**

The **Vocational Education Guidance Committee** is responsible for conducting its activities in a manner which is in compliance with all relevant state and local laws and regulations including but not limited to the Open Meeting Law, Public Records Law, and Conflict of Interest Law, as well as all

Town policies which affect committee membership. In particular, all appointments are subject to the following:

*The Code of Conduct for Selectmen Appointed Committee*. A resident or employee who accepts appointment to a Town committee by the Board of Selectmen agrees that he/she will follow this code of conduct.

*The Town's Email Communication for Committee Members Policy.* Anyone appointed to serve on a Town committee by the Board of Selectmen agrees that he/she will use email communication in strict compliance with the Town of Sudbury's email policy, and further understands that any use of email communication outside of this policy can be considered grounds for removal from the committee by the Selectmen.

*Use of the Town's Web site.* The Committee will keep minutes of all meetings and post them on the Town's web site. The committee will post notice of meetings on the Town's website as well as at the Town Clerk's Office.



# **MISCELLANEOUS (UNTIMED)**

# 13: Citizen's comments

# REQUESTOR SECTION

Date of request:

Requested by: Patty Golden

Formal Title: Citizen's comments (cont.)

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

 $12/17/2019\ 6{:}00\ PM$ 



# **MISCELLANEOUS (UNTIMED)**

# 14: Upcoming agenda items

### <u>REQUESTOR SECTION</u> Date of request:

-

Requested by: Patty Golden

Formal Title: Discuss upcoming agenda items

Recommendations/Suggested Motion/Vote:

Background Information:

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending

 $12/17/2019\ 6{:}00\ PM$ 

### POTENTIAL UPCOMING AGENDA ITEMS/MEETINGS

MEETING	DESCRIPTION
Thursday, Jan. 2, 2020 7:00 PM – SNOW DATE MONDAY JAN. 6	Special Town Meeting at LSRHS Auditorium
Tuesday, Jan. 7, 2020 5:45 PM	Potential interviews with Town Manager candidates
Date to be determined	Discussion and possible vote on BOS financial policiesDiscussion on Historic Districts Commission appointment(s)Town Counsel 3-year evaluationUpdate from BOS Policy SubcommitteeBOS social media policyTown meeting recap – year in reviewRoute 20 empty corner lot – former gas stationUpdate on traffic policy (Chief Nix)Update on crosswalks (Chief Nix/Dan Nason)Citizen Leadership ForumTown-wide traffic assessment and improve traffic flowTemporary Trailer permit - 150 Boston Post RoadWayside Inn Road BridgeLegal opinion on Bond CounselEversource double pole discussionTransportation Committee extension (January 2020)
STANDING ITEMS FOR ALL MEETINGS	Future planning of Sewataro         DLS discussion and possible presentation         BOS requests for future agenda items at end of meeting
	Citizens Comments, continued (if necessary) Fairbank Community Center update (ongoing) Bruce Freeman Rail Trail (BFRT) update (quarterly)



# CONSENT CALENDAR ITEM

## 15: Accept easement for 415 Boston Post Road

### **REQUESTOR SECTION**

Date of request:

Requestor: Beth Suedmeyer, Environmental Planner

Formal Title: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by OSPD Realty Company, LLC for stormwater system maintenance purposes upon the property at 415 Boston Post Road shown as "Plan of Land of 415 Boston Post Road in Sudbury, MA" by Sullivan, Connors and Associates, dated December 12, 2018 that is recorded with the Middlesex South Registry of Deeds in Plan Book 2018, Page 1051.

Recommendations/Suggested Motion/Vote: Pursuant to the provisions of G.L. c. 83, §4, Article XII s. 3 of the Sudbury General Bylaws, and any other enabling authority, vote to accept the Grant of Easement set forth in the document entitled "DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM" granted by OSPD Realty Company, LLC for stormwater system maintenance purposes upon the property at 415 Boston Post Road shown as "Plan of Land of 415 Boston Post Road in Sudbury, MA" by Sullivan, Connors and Associates, dated December 12, 2018 that is recorded with the Middlesex South Registry of Deeds in Plan Book 2018, Page 1051.

Background Information: See attached easement for signature

Financial impact expected:n/a

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Pending
Pending
Pending
Pending

### DECLARATION OF RESTRICTIVE COVENANTS AND GRANT OF EASEMENT REGARDING STORMWATER MANAGEMENT SYSTEM

This Declaration of Restrictive Covenants and Grant of Easement (this "Restriction") is made as of \_\_\_\_\_\_, 2019, by OSPD Realty Company, LLC, a Massachusetts limited liability company with a place of business at 1881 Worcester Road, Suite 200, Framingham, Massachusetts (the "Owner"), the owner of 415 Boston Post Road, Sudbury, Massachusetts 01776 (the "Property") in favor of the Town of Sudbury (the "Town"), a Massachusetts municipal corporation, by and through its Board of Selectmen, having an address of 278 Old Sudbury Road, Sudbury, MA 01776.

Whereas, the Owner applied to the Sudbury Planning Board for approval of a Stormwater Management Permit for the Property (the "Project"), and the Planning Board, on July 11, 2018, issued a Stormwater Management Permit (the "Permit") upon the Property, which contains approximately 27,074 square feet of land, and is identified as Town Assessor Map #K08, Parcel 0006.

Whereas, the stormwater management system required to drain stormwater relating to the Project is to be located on the Property; and

Whereas, the Sudbury Planning Board's decision to grant the Owner the Permit is contingent upon the Owner being responsible for the perpetual maintenance of the stormwater management system located on the Property, including, without limitation, all catch basins, pipes, drywells, stormceptor treatment structures and other structures, facilities, and/or appurtenances related thereto (as the same may be altered from time to time, the "Stormwater System"); and

Whereas, the Owner agrees to provide such perpetual maintenance of the Stormwater System by imposing restrictive and protective covenants on the Property and by granting an easement over the Property and to allow the Town if the Owner fails to do so, to perform such maintenance and charge and assess the Owner for the cost thereof,

Now therefore, the Owner hereby declares the following covenants and grants to the Town the following easement:

1. The Owner, and/or its successors and assigns, shall be responsible, at its sole cost and expense, for constructing, installing, maintaining, operating, repairing, and replacing, the Stormwater System located on the Property for the purpose of allowing for the proper and efficient flow of stormwater as described in the Best Management Practices and the Operation and Maintenance Plan and the Stormwater Operations and

15.a

Maintenance Manual entitled "Stormwater Operation and Maintenance Plan" prepared by Connorstone Engineering, Inc., dated May 22, 2018, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, as the same may be amended or renewed from time to time with the prior written consent of the Town such consent not to be unreasonably withheld, delayed or conditioned.

2. The Owner hereby grants to the Town the non-exclusive, perpetual right and easement to enter the Property and any and all portions thereof for the purpose of inspecting the Stormwater System to determine compliance with the terms hereof, and to take any and all actions necessary or convenient to abate or remedy any violation hereof upon the terms and conditions set forth herein. Notwithstanding the above, the Town shall have no obligation to take any such actions.

3. In the event of a failure by the Owner to comply with the requirements of this Restriction resulting in the failure of the Stormwater System to function properly, the Town shall have the right to deliver to the then Owner of the Property a written notice (pursuant to the notice provision below) to remedy said violation specifying the work that is required in order to enable the Stormwater System to function properly and providing for a thirty (30) day time period in which to complete such work. If the remedy is of such a nature that the same cannot be reasonably completed within said thirty (30) day period, then the Town shall impose such other, additional timeframe upon the Owner as is reasonable under the circumstances. In the event the remedy is not completed in a manner reasonably satisfactory to the Town within said thirty (30) day period (or such other additional timeframe imposed by the Town), or the Owner shall fail to commence such remedy within the applicable period, or thereafter fail to prosecute the completion of same with diligence and continuity, then the Town may, but shall have no obligation to, enter upon the Property and remedy the failure described in its notice as set forth in Paragraph 4 below.

4. In connection with any such entry, the Town shall use reasonable efforts (a) to give prior notice to the Owner of same, except in the case of emergency, and (b) not to unreasonably interfere with the current use of the Property, or with access to the Property, except to the extent as may be reasonably required in order to prosecute such remedy. The Town shall promptly restore or replace any portion of the areas outside the Stormwater System disturbed in the exercise of its rights hereunder to the condition it was in prior to undertaking such work, to the extent reasonably possible.

Prior to exercising any right to enter the Property under this Restriction, or, in the case of emergency, as soon as is practicable, the Town agrees to carry and keep in effect, at the Town's sole cost and expense, comprehensive general liability insurance covering the Property in commercially reasonable amount in light of the nature of the work to be undertaken which may be included under the Town's so-called blanket or master insurance policy covering other property or insureds in addition to those required hereunder. The Town shall also cause any party performing work on the Town's behalf

15.a

on the Property and/or the Stormwater System in accordance with the terms of this Restriction to obtain and keep such insurance prior to entering upon the Property. Any insurance provided for above shall name the Owner as additional insured and certificate holder, provided however, that the coverage amounts set forth in the Town's policy of insurance naming the Owner as an additional insured shall be limited \$100,000 as set forth in M.G.L. c. 258.

5 The rights hereby granted to the Town include the right to enforce the obligations of the Owner set forth herein by appropriate legal proceedings and to obtain injunctive and other equitable relief against any violation, including, without limitation, relief requiring repair, maintenance or replacement of the Stormwater System (it being agreed that the Town has no adequate remedy at law), and shall be in addition to, and not in limitation of, any other rights and remedies available to the Town. The Town shall have the option to enforce said obligations, but does not have the obligation to do so. The actual expenses incurred by the Town in abating or remedying any violation hereof and in enforcing the duties of the Owner hereunder shall be paid by the Owner within thirty (30) days after delivery of written notice to the Owner by the Town accompanied by reasonable evidence of such expenses, and, if not paid within the time allowed, the Town may recover its costs by means of a municipal lien and/or betterment assessments on the Property in accordance with M.G.L. c. 80 and/or other applicable law. Any election by the Town as to the manner and timing of its right to enforce these covenants or otherwise exercise its rights hereunder shall not be deemed or construed to be a waiver of such rights.

6. Within twenty (20) days after written request therefor, the Town shall execute and deliver to the then Owner an estoppel certificate stating that to the best of the Town's knowledge as of the date of the certificate whether any default has occurred under this Restriction by the Owner, and if there are known defaults, specifying the nature thereof. Notwithstanding anything contained herein to the contrary, the issuance of an estoppel certificate shall in no event subject the Town to any liability whatsoever, notwithstanding the negligent or otherwise inadvertent failure of the Town to disclose correct and/or relevant information included in any such estoppel certificate, but the Town shall be estopped from claiming or enforcing hereunder any then-existing default not set forth in such certificate, the same, if any, being waived upon the issuance of any such certificate.

7. No amendment, release or rescission of this Restriction shall be effective without the written approval of the Town.

8. This Restriction shall run with the Property and shall bind and inure to the benefit of the owners of the Property and their respective successors and assigns.

9. The covenants and obligations contained herein are for the benefit of and enforceable by the Town in perpetuity. The Owner acknowledges that said covenants, as

Page 3

they are held by the Town, constitute perpetual restrictions held by a governmental body, as those terms are defined in G.L. c. 184, §26, and are thus not subject to G.L. c. 184, §§27-30, and, in any event, shall be enforceable for a term of at least 99 years.

10. The Owner, its successors and assigns, solely during the period of its and their respective ownership of the Property, shall defend, indemnify and hold the Town harmless from any and all claims, damages, losses, costs and liabilities, including, without limitation, reasonable attorneys' fees, relating to the Stormwater System and/or the Owner's actions taken or the Owner's failure to take action as may be required under this Restriction, excluding in any event from the foregoing indemnity, any matter arising from the negligence or willful misconduct of the Town.

11. The Owner agrees to record this Restriction with the Middlesex South District Registry of Deeds within twenty (20) business days after the date hereof, but the failure to do so shall not affect the validity hereof. The Owner further agrees to provide the Town with a copy of the recorded Restriction within seven (7) business days after its recording.

12. All notices required or permitted hereunder shall be in writing and addressed to the parties as set forth above or at such other addresses as the parties may designate from time to time by notice given in accordance with the terms hereof. Notices may be given by hand delivery, or by recognized overnight delivery service, including the U.S. Postal Service, and shall be deemed given upon receipt in hand, or one (1) business day after deposit with such overnight delivery service, as applicable.

13. The Owner agrees to obtain from any mortgagee having a mortgage on the Property as of the date hereof a subordination to this Restriction, stating that such mortgages shall be subject to this Restriction. Such subordinations shall be obtained and recorded promptly.

14. The recitals stated in the preamble of this Restriction are incorporated herein in their entirety.

[End of text. Signatures on next page.]

Executed under seal as of this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

PROPERTY OWNER: OSPD Realty Company, LLC

Name: John R. Parsons, Jr. Title: Manager Duly Authorized

### COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss.

On this day of \_\_\_\_\_\_, 2019, before me, the undersigned notary public, John R. Parsons, Jr., the above-named member person personally appeared and proved to me through satisfactory evidence of identification, which was \_\_\_\_\_\_\_, to be the person whose name is signed on the preceding document and acknowledged to me that s/he signed it voluntarily for its stated purpose as Manager of OSPD Realty Company, LLC.

> Notary Public My Commission Expires:

#### ACCEPTANCE OF EASEMENT

On this \_\_\_\_\_\_ day of \_\_\_\_\_\_, 2019, the Town of Sudbury, acting by and through its Board of Selectmen pursuant to the provisions of G.L. c. 83, §§1 and 3, and any other enabling authority, hereby accepts the foregoing Grant of Easement for drainage purposes.

TOWN OF SUDBURY, By Its Board of Selectmen

Daniel E. Carty, Chairman

Patricia A. Brown, Vice-Chairperson

Janie W. Dretler, Member

Jennifer S. Roberts, Member

William J. Schineller, Member

#### COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

On this \_\_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, \_\_\_\_\_, the above-named member of the Board of Selectmen for the Town of Sudbury, personally appeared and proved to me through satisfactory evidence of identification, which was

\_\_\_\_\_\_, to be the person whose name is signed on the preceding document and acknowledged to me that s/he signed it voluntarily for its stated purpose as a member of the Board of Selectmen of the Town of Sudbury.

Notary Public My Commission Expires:



# **CONSENT CALENDAR ITEM**

## **16: Minutes approval**

#### <u>REQUESTOR SECTION</u> Date of request:

Requested by: Patty Golden

Formal Title: Vote to approve the regular session minutes of 10/8/19.

Recommendations/Suggested Motion/Vote: Vote to approve the regular session minutes of 10/8/19.

Background Information: attached redline draft

Financial impact expected:

Approximate agenda time requested:

Representative(s) expected to attend meeting:

Review:	
Patty Golden	Pending
Maryanne Bilodeau	Pending
Jonathan Silverstein	Pending
Daniel E Carty	Pending
Board of Selectmen	Pending