

Town of Sudbury

Planning Board

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TOWN CLERK
SUDBURY, MASS

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March 30, 2016

SITE PLAN DECISION SUDBURY PLANNING BOARD Grocery Store at Meadow Walk Sudbury 526 & 528 Boston Post Road

DECISION of the Planning Board of the Town of Sudbury, Massachusetts (the "Board") on the petition of BPR Development LLC, c/o National Development, "Applicant", and BPR Sudbury Development LLC, c/o National Development, Owner, for property located at 526 & 528 Boston Post Road, Sudbury, MA to construct a new 45,000 sq. ft. grocery store, driveways, parking and associated improvements including stormwater management facilities, utility improvements, landscaping and lighting (the "Project"). The Property is shown on a portion of Sudbury Town Assessors' Maps K07, Lot 0011 and K07, Lot 0013, containing approximately 49.498 acres, and zoned Limited Industrial District and Residential A-1 (the "Property").

This decision is in response to an application by the Applicant for approval of a Site Plan submitted to the Board on November 12, 2015 pursuant to the Zoning Bylaw of the Town of Sudbury (the "Zoning Bylaw"), Section 6300.

After causing notice of the time and place of its public hearing and of the subject matter thereof to be published, posted and mailed to the Applicant, abutters and other parties in interest, as required by law, Peter Abair, Chairman of the Board, called the public hearing to order on December 9, 2015. The hearing was continued to December 16, 2015, January 13, 2016, January 27, 2016, February 10, 2016, February 24, 2016, March 9, 2016, March 23, 2016 and March 30, 2016, and was closed at the end of the March 30, 2016 proceedings. Board members Peter Abair, Stephen Garvin, and Christopher Morley were present throughout the proceedings. Martin Long was absent at the February 10, 2016 and, pursuant to G.L. c. 39, § 23D, has certified that he has examined all of the evidence received by the Board on this subject and is therefore eligible to vote on the subject application. The records of the proceedings and submissions upon which this decision is based may be referred to in the office of the Town Clerk or the Board office.

The Board is in receipt of the following:

1. Application for Site Plan Approval dated November 10, 2015 (received November 12, 2015)
2. Site Plans prepared by VHB dated November 10, 2015, last revised 3/3/16, containing 11 sheets: C-1 Legend and General Notes; C-2 Overall Site Plan; C-3 Site Preparation Plan; C-4 Layout and Materials Plan (last revised 3/9/16); C-5 Grading, Drainage and Erosion

- Control Plan; C-6 Utility Plan; C-7.1 - C-7.3 Site Details; L-1.1 Planting Plan; L-2.1 Planting Notes and Details;
3. Additional Plans dated March 9, 2016, prepared by VHB: TT-1, TT-2a and TT-2b Truck Turning Plans; ISD-1 Intersection Sight Distance Plan
 4. Existing Conditions Plans of Land, prepared by VHB dated October 28, 2015, containing 6 sheets, Sv-1 - Sv-6 (Sheet Sv-1 last revised 2/16/16)
 5. Site Lighting and Photometric Plan prepared by VHB and Engineering Advantage Inc., dated November 10, 2015, last revised 3/3/16, consisting of 1 sheet
 6. Architectural Plans prepared by Jacobs: A-0A Rendering View 1 (last revised 1/6/16); A-0B Rendering View 2 (last revised 1/6/16); A-0C Rendering 3 (last revised 1/6/16); A-1 Floor Plan (last revised 2/18/16); A-2 Mezzanine Plan (last revised 2/18/16); A-3 Elevations-East and South (last revised 2/18/16); A-4 Elevations- West and North (last revised 2/18/16); A-6 Exterior Materials (last revised 1/6/16); A-7 Miscellaneous Perspective Images (dated 11/10/15); A-8 and A-9 Precedent Images (dated 11/10/15); A-10 Green Screen, color elevations and materials plans (dated 11/10/15)
 7. Plans prepared by ADART dated 10/28/15, last revised 2/18/2016, consisting of 8 sheets – elevations and signs

Items 2-7 constitute the “Plan”.

8. Application for Stormwater Management approval dated November 10, 2015 (received November 12, 2015)
9. Letter from Robert J. Moore, VP, Business Services, Raytheon Company, dated November 2, 2015, Owner’s Consent
10. Traffic Memorandum prepared by VHB dated November 10, 2015
11. Stormwater Management Memorandum prepared by VHB dated November 10, 2015
12. Disclosure of Appearance of Conflict of Interest as Required under MGL c.268A, s. 23(b)(3) from Craig Lizotte dated 11/5/15
13. Email from Arlene Schrage, resident, dated November 19, 2015
14. Memo from Bill Place, DPW Director, dated November 30, 2015
15. Memo from Jody Kablack, Planning Director, to the Planning Board, Zoning Board of Appeals and Design Review Board dated December 4, 2015
16. Email from Lui Binbin, resident, dated 12/4/15
17. Email from Jim Gish, resident, dated 1/1/16
18. Response Memo from BPR Development LLC, c/o National Development, dated December 29, 2015, including 12/18/15 letter from Lawrence A. Farrer, PE, President, Advantage Engineering Inc., re: lighting
19. Traffic Impact and Access Study prepared by VHB, dated January 6, 2016
20. Response Memo to Jody Kablack’s December 4, 2015 memo, prepared by VHB dated January 7, 2016
21. Response Memo to Bill Place’s memo dated November 30, 2015, prepared by VHB dated January 7, 2016
22. Traffic Memorandum prepared by Vanasse & Associates, Inc. dated January 21, 2016.
23. Special Permit decision from the Sudbury Board of Appeals, dated January 26, 2016

24. Work Plan for Hydrogeological Evaluation Report from Sanborn Head, dated January 6, 2016
25. Phase 1 Environmental Site Assessment with Subsurface Investigation Report from Sanborn Head, dated August 20, 2015
26. Email from Steve Senna, c/o National Development, dated January 29, 2016
27. Email from Karen Staffier, VHB, dated February 3, 2016
28. Memo from Sanborn Head dated, February 4, 2016
29. PowerPoint presentation by Sanborn Head, Summary of Environmental Conditions, presented to the Planning Board on Feb. 10, 2016
30. Memo from Steve Senna, c/o National Development, dated February 8, 2016, including revised architectural and signage plans, dated February 18, 2016, by Jacobs and ADART
31. Response memo to January 21, 2016 Traffic Peer Review Comments, prepared by VHB, dated February 18, 2016
32. Supplemental Traffic Engineering Peer Review memo dated February 26, 2016, prepared by Vanasse & Associates, Inc.
33. Memo from Evan Miller, VHB, Summary of Planting Plan changes VHB, dated March 3, 2016 with revised Plan set
34. Memo from Karen Staffier, VHB, Summary of Site Plan changes VHB, dated March 3, 2016
35. Phase 1 Meadow Walk at Sudbury: Grocery Store Stormwater Management Report prepared by VHB, dated March 2016
36. Site Plan Review Memo from Jeffrey Dirk, Vanasse & Associates, Inc., dated March 4, 2016
37. Response Memo to Vanasse & Associates Site Plan Comments memo dated March 4, 2016, prepared by VHB dated March 9, 2016
38. Request for Extension dated March 9, 2016, submitted by Steve Senna, c/o National Development for Site Plan Application entitled "Grocery Store at Meadow Walk Sudbury" submitted on November 12, 2015
39. Minutes of the Design Review board dated March 9, 2016 and March 23, 2016
40. Memo from Vanasse & Associates dated March 14, 2016
41. Peer Review for Preliminary Stormwater Management Master Plan Meadow Walk, prepared by Horsley Witten Group, dated March 22, 2016
42. Peer Review for Stormwater Phase I Meadow Walk at Sudbury, prepared by Horsley Witten Group, dated March 28, 2016
43. Response to DRB Comments, prepared by VHB dated March 30, 2016

Based upon a determination that the foregoing evidence, together with the plans and materials submitted, conformed to the intent and purpose of the Zoning Bylaw requirements, a motion was made and unanimously approved as follows:

VOTED: To approve the Site Plan Application of BPR Development LLC, c/o National Development, Applicant, and BPR Sudbury Development LLC, c/o National Development, Owner, for approval to construct the Project, consisting of a new 45,000 sq. ft. grocery store, driveways, parking and associated improvements including stormwater management facilities, utility improvements, landscaping and lighting at 526 & 528 Boston Post Road, a portion of Sudbury

Town Assessors' Maps K07, Lot 0011 and K07, Lot 0013, as shown on the Plan, subject to compliance with all applicable governmental laws and regulations including, but not limited to Wetlands Protection Act and Sudbury Wetlands Administration Bylaw, zoning, building and health laws and regulations, and further subject to the following conditions insofar as they apply to the Property:

1. Issuance of an Order of Conditions by the Conservation Commission, or a Superseding Order of Conditions by DEP, if applicable.
2. Issuance of a Water Resource Special Permit by the Planning Board, if applicable.
3. Issuance of a Stormwater Management Permit by the Planning Board.
4. Approval of any required modification to the existing Groundwater Discharge Permit by the Massachusetts Dept. of Environmental Protection, if applicable.
5. Receipt of a Special Permit by the Zoning Board of Appeals for any proposed signage that does not comply with the applicable provisions of the Zoning Bylaw. One freestanding sign, in compliance with the Zoning Bylaw and in the approximate location as noted on the Plan, is permitted under this Site Plan approval, subject to review by the Design Review Board.
6. The Project is subject to a Special Permit granted by the Zoning Board of Appeals dated January 26, 2016. All conditions contained in the Zoning Board of Appeals decision shall be incorporated herein.
7. The screening of the grocery store to the adjacent residentially-zoned property to the west shall be reviewed by the Board to determine whether any gaps are present that need and can be filled by additional plantings and/or fencing. The Board or their representative shall inspect the Property for compliance with this condition prior to occupancy of the Project. If, in the opinion of the Board, additional screening or landscaping is required, the Applicant shall forthwith rectify such concerns (taking into consideration limitations imposed by underground infrastructure, utilities, etc.) by the planting of additional vegetation of a type, size and caliper consistent with those provided for in the Plan for similar application, and/or the installation of fencing, to the reasonable satisfaction of the Board. The performance of this condition shall be secured in accordance with condition 27 below.
8. The Applicant shall comply with section 3427(f) of the Zoning Bylaw regarding lighting. Exterior lights shall be arranged to avoid glare and minimize light spilling over to neighboring properties. Lighting, except for security lighting, shall be turned off when the building is not in use, including sign illumination. The Board is concerned with the potential for excessive night lighting of the site. The Board or its representative shall inspect the Property prior to occupancy and make a determination on the overall lighting of the Property. If, in the opinion of the Board, the lighting is excessive and not in compliance with Section 3427(f), the Board shall require the Applicant to make modifications to the site lighting to bring any nonconformity into compliance.

9. The Plan must be revised, as follows:
 - a) The Landscape Plan shall be revised to reflect the changes noted in the VHB memo dated March 30, 2016, which meet the recommendations of the Design Review Board noted in the minutes dated March 23, 2016.
 - b) Signature blocks shall be added to all Plan sheets for the Planning and Community Development Director, DPW Director and Building Inspector.
10. The Applicant has agreed to construct a walkway along the frontage of the Property as shown on the Plan. Accessible curb cuts shall be installed at all driveway entrances, pursuant to the regulations of the Architectural Access Board.
11. The applicant has agreed to grant the Town a pedestrian access easement along the frontage of the Property along Route 20. Prior to the issuance of a final Certificate of Occupancy for the Project, the Applicant shall submit an executed easement encompassing the proposed walkway granting the Town of Sudbury the ability to enter the Property to maintain, reconstruct, improve, sweep and plow said walkway, and for the general public to use said walkway as walkways are customarily used in the Town of Sudbury. Upon acceptance of this easement by the Town, the Applicant shall record the easement with the Middlesex South Registry District of Deeds.
12. There shall be no construction activities which produce off-site noise before 7:00 AM or after 6:00 PM Monday-Friday, or before 8:00 AM or after 5:00 PM on Saturdays and federal holidays. No construction activities shall occur on Sundays, except as permitted with advance notice and consent of the Building Inspector.
13. All new on-site utilities shall be installed underground on the Property.
14. All proposed retaining walls, if any, which are four feet high or greater shall require design by a Registered Professional Structural Engineer, and review and approval by the Building Inspector.
15. Site access and pedestrian and bicycle improvements defined in the Applicant's traffic studies shall be designed and constructed by the Applicant. These improvements shall include the installation of a traffic control signal at the primary (east) site driveway intersection with Route 20, Highland Avenue and the Sudbury Plaza west driveway; installation of an emergency vehicle signal at the Sudbury Fire Station driveway; coordination of traffic signals along the Route 20 corridor from the Fire station to Union Avenue; and installation of a pedestrian activated crosswalk traffic signal, all subject to the approval of the Massachusetts Department of Transportation (MassDOT).
16. Prior to issuance of a Building Permit for the Project, the Applicant's traffic consultant shall confirm in writing that the full scope of the proposed traffic improvements is as previously noted and are progressing through the MassDOT design process. The Applicant shall provide the Board with copies of all plans and correspondence submitted to MassDOT in support of the

site access and off-site improvements. Should MassDOT determine that the installation of a traffic control signal is not warranted at this time, the Applicant shall present an alternative access plan to the Board for consideration at a regularly scheduled Planning Board meeting, which shall require a modification of this approval prior to issuance of a Certificate of Occupancy.

17. All signs and landscape features that will be installed along the Route 20 site frontage as part of the Project shall be designed and implemented so as to not to impede lines of sight. Specifically, proposed features along the site frontage located between 2.5 feet and 5 feet above the roadway surface shall be subject to this requirement. The Proponent shall include the following measures as part of its regular site maintenance:
 - a) Selectively trim vegetation along the site frontage where feasible to maintain sight lines to/from the site driveways; and
 - b) Promptly remove any snow windrows within the site that are in excess of 2.5 feet and within the sight triangles of the driveways.
18. Traffic Signs/Markings: All signs and pavement markings installed within the site shall conform to applicable sections of the Manual on Uniform Traffic Control Devices.
19. Traffic Monitoring: The Applicant shall have a traffic monitoring study performed within six (6) months of the date of issuance of a Certificate of Occupancy for the Project. The traffic monitoring study shall be submitted to the Board, and comply with the following requirements:
 - a) Actual dates of traffic counts shall be coordinated with the Director of Planning and Community Development and adjusted if necessary, to ensure that atypical conditions such as the December holiday season are avoided.
 - b) Subject to the approval of the Director of Planning and Community Development, the timing and scope of such monitoring study may be extended or adjusted in order to coordinate with any potential MassDOT traffic monitoring study to avoid duplication of efforts.
 - c) The monitoring study shall include the following:
 - i. 72-hour (Thursday through Saturday) ATR count of the two site driveways.
 - ii. Manual turning movement counts at the intersections of the site driveways with Route 20 during the hours of 7-9 AM and 4-6 PM on a typical weekday and 11 AM – 2 PM on a typical Saturday.
 - iii. Capacity analysis based on the actual traffic volumes and comparison of the results to those presented for the full build-out in the traffic study.
 - iv. If the actual observed counts during any monitoring phase deviate from the full build-out estimate presented in the February 2016 traffic study by more than 10%, and, as a result, the traffic operations at either of the two driveway intersections on Route 20 are demonstrated to be worse than those presented in the traffic study, the Applicant shall investigate and identify feasible remedial measures to address any unanticipated congestion. The Applicant shall implement such remedial measures, subject to review and approval by MassDOT, which shall be limited to:
 - Signage and pavement marking changes;

- Traffic signal timing changes; and/or
 - Minor geometric adjustments at the site driveways.
- v. The results of the monitoring study shall be submitted to the Board in a technical memorandum summarizing the findings of the study, including a discussion of the implementation timeline for any identified remedial improvements.
20. No wells for drinking water supply to be installed on the Property.
21. No storage or use of chemicals on the Property except in conformity with guidelines and requirements of the Board of Health and the Fire Chief; the owner or operator of the Property shall comply with the Massachusetts Oil and Hazardous Materials Release Prevention and Response Act, M.G.L. Chapter 21E, as amended, and all regulations issued thereunder.
22. Maintenance of the stormwater management system for the Project shall be in conformance with the Operation and Maintenance Plan submitted for this proposal in the Stormwater Drainage Report prepared by VHB dated March 2016, as amended and approved in the Stormwater Management Permit issued by the Board.
23. The Applicant shall repair, in a timely manner, any damage to public roads adjacent to the Project that results from the construction and/or maintenance of the Project to the satisfaction of the Director of Public Works.
24. All fire lanes and parking areas associated with the Project shall be kept clear at all times, and all snow shall be removed from these areas to ensure access by fire trucks and other public safety vehicles. All signage shall be maintained in good order.
25. The use of any construction trailers on the Property shall be subject to approval by the Board of Selectmen pursuant to section 2324 of the Zoning Bylaw and in conformance with the procedural regulations adopted by the Board of Selectmen regarding same.
26. Prior to the granting of the final Certificate of Occupancy, the Applicant shall submit an "as built" plan for the Project. Any material deviation from the approved Plan, including changes in the location or design of structures or systems, will require modification of the Site Plan and approval by the Board.
27. Prior to the granting of the final Certificate of Occupancy, a site review will be conducted by the Board or its representative, and a performance surety shall be required from the Applicant of a type and amount sufficient to secure any conditions noted above which have not been completed, including condition 19 above.
28. No Building Permit shall be issued until, the plans are revised as noted in condition 9, and reviewed and signed by the Board, and certain items noted above [1, 2, 3, 4, 9, 14, 16 and 25], as specified by the Board, are complied with or are determined by the Director of Planning and Community Development not to be applicable.

29. No Occupancy Permit shall be issued until the Decision has been recorded in the Middlesex South Registry of Deeds, and certain items noted above [5, 7, 8, 10, 11, 13, 15, 17, 18, 20, 21, 23, 26 and 27] as specified by the Board, are complied with or are determined by the Director of Planning and Community Development not to be applicable.

30. This approval shall lapse if construction or substantial use thereof have not commenced except for good cause within two (2) years from the effective date of said approval.

Appeals of the grant of this site plan approval, if any, shall be made pursuant to M.G.L. Chapter 40A, Section 8.

Date: March 30, 2016

SUDBURY PLANNING BOARD

Peter Abair
Peter Abair, Chairman

Stephen Garvin
Stephen Garvin, Vice Chair

Christopher Morley
Christopher Morley

Martin Long
Martin Long

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss

March 30, 2016

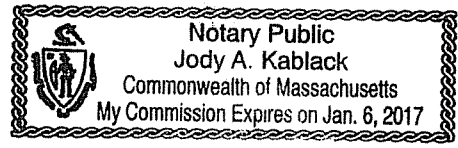
On this 30th day of March, 2016, before me, the undersigned notary public, personally appeared the above-named

Peter Abair, Stephen Garvin, Christopher Morley and Martin Long

proved to me through satisfactory evidence of identification, which was personal knowledge, to be the persons whose names are signed on the preceding document, and acknowledged to me that they signed it voluntarily for its stated purpose as members of the Sudbury Planning Board.

Jody A. Kablack
Jody A. Kablack, Notary Public
My commission expires: January 6, 2017

- cc: Town Clerk
- Board of Health
- DPW Director
- Building Inspector
- Town Counsel
- Fire Chief
- Police Chief
- Conservation Commission
- Sudbury Water District
- Applicant



A TRUE COPY, ATTEST:
Rosemary B. Hamell
TOWN CLERK