

Present: Michael Fee (Chairman), Eric Poch (Vice-Chairman) Christopher Morely, Michael Hunter, Jody Kablack (Director of Planning and Development)

Absent: Joe Sziabowski and Craig Lizotte (Associate)

At 7:40 p.m., Chairman Fee called the meeting to order.

The Coolidge Comprehensive Permit – 192 Landham Road – Discussion and Recommendations for the Zoning Board of Appeals (ZBA)

Present: Attorney Joshua Fox and B’Nai B’rith Housing New England Senior Project Manager Holly Grace and other applicant representatives

At 7:40 p.m., Chairman Fee opened the discussion regarding The Coolidge at Sudbury project. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack to the Zoning Board of Appeals, (ZBA) dated June 2, 2011, describing the project for 64 age-restricted rental housing units in a 63,300 gross square foot building on approximately six acres of land located on Boston Post Road and noting recommendations; a Preliminary Grading and Utility Plan C4 and a Preliminary Landscape Plan C5; a letter from Sudbury Senior Center Director Debra Galloway dated May 4, 2011, stating the Council voted to withhold support for the proposal, based on several questions from Board members that remain unresolved, but will reconsider support in the future; and a letter of response to Ms. Galloway from B’nai B’rith Housing New England, providing additional project information.

Attorney Fox summarized the project, noting the Comprehensive Permit process has begun with the ZBA. He introduced applicant team members present tonight. Mr. Fox stated the applicant has had numerous meetings with Ms. Kablack and other Town staff. In addition, the applicant has met with neighbors to address issues and concerns. Mr. Fox described the proposed site area as an ideal location, since it is within a mixed-use corridor along Route 20.

Mr. Fox stated the ZBA’s main concerns in their earlier hearing was the location of the building relative to Route 20, and if the height could be reduced. The architect and consultants are reviewing the plans, but moving the building back might be difficult, due to topography and the narrowness of the lot. Mr. Fox stated the project is restricted by the number of proposed units, and thus altering the height of the buildings could also be challenging. He stated the applicant has come before the Board tonight to ask for support of the project.

B’Nai B’rith Housing New England Senior Project Manager Holly Grace briefly reviewed the Preliminary Plan and displayed an architectural rendering. She noted there

is a change in grade of approximately 10-12 feet down towards the rail corridor in the back. Ms. Grace described the location of the driveway and proposed parking. She emphasized the existing evergreens along Route 20 would be preserved for screening and additional plantings would be installed for further screening from Route 20. Ms. Grace further stated a sidewalk and crosswalk have been proposed, leading across to Landham Road. She also described the location of the proposed fire lane.

Ms. Grace described the types of services which will be provided to senior citizens 55 and older. However, she noted the complex is not an assisted living facility, and no meals or healthcare would be provided. A residence coordinator will be on staff and community meeting areas would be available. Ms. Grace stated the MetroWest Regional Transit Authority is interested in providing transportation services for residents.

Ms. Grace displayed the architectural rendering of the facility, noting the traditional design, which is compatible with Sudbury's aesthetics.

Todd Short, 3 Willis Lake Drive, asked how high the proposed landscape berm would be. John Boardman, the applicant's civil engineer, stated approximately three to four feet. Mr. Short asked how tall the existing evergreen trees are. Mr. Morely estimated the height of the trees at approximately 50-60 feet. Mr. Short stated the proposed site is at a very busy intersection, where it is already difficult to pull out onto Route 20 from Landham Road. He asked what the impacts for sight lines and traffic would be from the development.

Ms. Grace stated a traffic study has been completed and submitted with the Comprehensive Permit application. She stated the sight lines in both directions exceed the minimum requirements. Ms. Grace stated the proposed landscaping would not impede sight lines and traffic impacts are anticipated to be small to negligible.

Chairman Fee stated Mr. Short has identified a challenge for this development. However, he further stated the ZBA would be carefully evaluating these issues. Chairman Fee asked where the applicant is in the ZBA process.

Mr. Fox stated there has been one meeting, and the next one is scheduled for June 22, 2011. In addition, a working session will be held this Friday.

Chairman Fee asked what the ZBA's initial reaction to the project was, and if a decision timeline has been discussed.

Mr. Fox stated the initial reaction seemed positive, but no timeline was discussed. Mr. Morely stated the deadline for a decision is November 12, 2011.

Chairman Fee asked if the ZBA requested a peer review traffic study. Mr. Fox stated it did not. However, Mr. Fox further stated the applicant's traffic consultants (Vanesse) made a presentation to the ZBA.

Chairman Fee asked if there has been any discussion with the Town regarding re-configuration of the intersection, and participation regarding funding of a traffic signal.

Mr. Fox noted the applicant is a non-profit organization, working with a very limited budget, but he believes this issue may be broached by the ZBA.

Ms. Kablack stated the issue was raised by the Board of Selectmen during the site eligibility phase. The consensus, at that time, was there would not be much in the form of mitigation funds available from the applicant to put towards this purpose.

Chairman Fee asked what the tax impact would be to the Town from the development. Ms. Grace stated, in FY11, the Town received approximately \$7200 in property tax revenue from the property. This development is anticipated to generate \$100,000 in tax revenue, with no school-expense impact.

Mr. Morely stated he does not believe the development will impact traffic. However, he asked if there is a timeline for installation of a traffic signal at the intersection.

Ms. Kablack stated the estimated cost is \$500,000, which the Town does not have the ability to currently fund, and nor is the State inclined to pay for it. She further stated work is being done on the traffic signal design. In addition, Ms. Kablack stated the Town's traffic consultants will renew discussions with the State since there has been a recent fatality from an accident at the intersection. She estimated installation of a traffic signal is at a minimum five years out.

Mr. Short asked if a roundabout was considered for the intersection. Ms. Kablack stated many designs were considered, including a rotary. However, it was determined not enough land exists to create a roundabout.

Mr. Morely asked for clarification from Ms. Kablack regarding the building height references in her June 2, 2011 memo, which she provided. Mr. Morely stated he is accepting of the proposed height, but he suggested the building be dropped a bit and that the berm be built up along the existing evergreens.

Mr. Hunter opined the Preliminary Plan seems to indicate the building cannot be dropped more. Mr. Morely explained that he believes the whole project would benefit from sinking down a bit, including the north building.

Ms. Grace stated the ZBA raised the height issue, and the architects are in the process of reviewing options.

Mr. Morely asked why the roof water is being proposed to infiltrate in the front of the building. He suggested it be relocated to the side of the building. Mr. Boardman explained the rationale for the current position, but he stated it could be reviewed.

Mr. Morely stated he is pleased with the project and the design.

Mr. Hunter suggested a painted crosswalk be considered across Route 20 to the west side of the entrance. Ms. Kablack stated the State does not allow a painted sidewalk in this location.

Over many years, Chairman Fee stated the Board has seen many proposals for this site. He believes this is an excellent proposal for this property. Chairman Fee also stated the proposal benefits the community by offering affordable rental housing for senior citizens, and it provides tax revenue to the Town. He believes it is an easy decision for this Board to support the project. Chairman Fee stated there are legitimate concerns regarding traffic, building height and stormwater design, but he is confident these issues will be appropriately resolved through the ZBA process.

Mr. Morely stated the screening along Route 20 is important to consider. Ms. Grace assured the Board that every effort will be made to work with the Town to preserve as many mature trees as possible. The consensus was that the vegetation providing the perimeter buffer between the roadway and the building should be preserved as much as possible.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Board, to draft a letter to be sent to the Zoning Board of Appeals prior to its next meeting on June 22, 2011, expressing the Planning Board's support for The Coolidge at Sudbury Comprehensive Permit Application, 189 Boston Post Road.

Public Hearing: Stormwater Management Permit – Lot 16 Kato Drive

At 8:13 p.m., Chairman Fee opened the Public Hearing regarding an application for a Stormwater Management Permit for Lot 16 Kato Drive, and immediately,

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application for a Stormwater Management Permit for Lot 16 Kato Drive to August 3, 2011 at 7:45 p.m.

Chairman Fee asked Ms. Kablack to inform the applicant that, unless the Public Hearing proceeds on August 3, 2011, the Board will consider denying the application without prejudice, and thus the process would need to begin anew.

Stormwater Management Permit – 15 Thoreau Way – Delegate Approval Authority

Ms. Kablack provided a brief description of the project, noting aspects of review are within the jurisdiction of the Conservation Commission. Thus, she recommended the Board delegate its authority to the Commission.

On motion duly made and seconded, it was unanimously

VOTED: To delegate the Planning Board's authority for Stormwater Management Permit review to the Conservation Commission regarding the Stormwater Management Permit Application submitted for 15 Thoreau Way.

FY12 Projects and Priorities

The Board was in previous receipt of copies of an updated listing of FY12 Planning Board Projects and Priorities dated June 8, 2011, a memorandum from Ms. Kablack dated June 7, 2011, regarding next steps for the Route 20 Sewer project and a draft Citizens' Advisory Committee Mission Statement dated November 2010.

Although the Route 20 Sewer Design and Permitting ballot question failed at the Special Town Election yesterday, Ms. Kablack believes the Town should move ahead to begin addressing issues that were articulated during the last few months. She also stated there is a high expectation the Planning Board would direct and form a committee to address zoning issues. Ms. Kablack stated she is also continuing to explore funding opportunities.

Chairman Fee expressed his apprehension that enough "buzz" can be created regarding the project without devoted funds. Ms. Kablack stated the word can be spread through web articles and other communications. Mr. Poch stated there needs to be at least three Town advocates for this project to spearhead community education. He believes there is a disconnect with the public regarding where issues begin and end.

Chairman Fee believes the only weak element of the proposed article was that the Town was not further along in the process of information available. However, he also noted a few business leaders were able to influence public opinion that the project is not necessary and/or would adversely impact them, or that the project was analogous to the "Big Dig." Chairman Fee opined that the focus of discussion should be on what is necessary to do to get this project passed by the public rather than spending time on amorphous zoning issues.

Mr. Poch stated he believes the financials of the project need to be addressed and boundaries need to be established around revised zoning for the area. He does not think it would be too difficult to work through a financial analysis which could present the public with a few scenarios for consideration.

Chairman Fee asked if the Chamber of Commerce or large retail business owners could be re-assembled and asked how they think money could be raised for consulting time and/or whether they are willing to contribute to such costs.

Mr. Morely stated someone with a real passion for zoning and expertise in this area should be considered as a member of the Steering Group. Ms. Kablack suggested Frank Riepe as a possible candidate.

Mr. Hunter asked if the Town could consider securitizing some of the development rights it has purchased through the years to be resold to help fund this project. He stated this is done in other parts of the country to redirect development and generate revenue. Mr. Morely and Ms. Kablack did not seem to think the public would support this concept.

Mr. Morely stated he does not think funding this project in the long-term is a problem. Mr. Hunter referenced examples from other communities, including Acton, where citizens would rather sell their properties than pay betterment fees.

Mr. Poch stated even the small businessmen who say they are opposed to the sewer system, know their property values would increase upon completion of the project. He believes the public needs to be provided this kind of data to better assess the value of the project. Mr. Poch believes time, energy, effort and focused goals will help the Town accomplish this project.

Chairman Fee suggested a smaller Executive Committee be established than the proposed nine-member Steering Group. He also opined that three committees do not seem to be needed at this stage. Chairman Fee believes the goals need to be well defined, and the financial figures need to be well articulated, which can be done by five or six interested people.

Ms. Kablack highlighted this topic is a Board of Selectmen issue. Chairman Fee suggested, and the Board concurred, that the Planning Board attends the next Selectmen's meeting to discuss ideas for moving this project forward. Ms. Kablack stated she has already requested time on the Selectmen's June 21, 2011 meeting agenda for discussion.

Ms. Kablack believes there are several issues which need to be addressed prior to the issue possibly being presented to the public again on a March 2012 ballot. She believes the issues should be worked on openly with the public throughout this timeframe.

Mr. Morely noted that, although the Board has discussed this issue for decades, to many citizens, this is a new topic.

Mr. Poch believes the Steering Group needs to be a working group to help orchestrate outreach to the public. He also believes the CAC should be formed to begin its work, and that the Planning Board could possibly begin to address zoning issues.

Chairman Fee noted the Wellesley Linden Street zoning would be a good model to research. The Board concurred.

Mr. Morely noted some research has indicated that, although citizens say they want a pedestrian-friendly community, they are not so willing to walk between errands. He highlighted Sudbury also has the challenge of having a lengthy retail corridor (approximately 1.7 miles) compared to that of Concord or Lexington.

Ms. Kablack suggested the Board discuss with the Selectmen which committees should be formed and what specific actions they should try to accomplish before March 2012. She will draft some suggestions for the Board's review prior to meeting with the Selectmen.

Mr. Morely suggested that membership in the CAC mission statement be clarified to not be construed as being only for at-large members.

Ms. Kablack briefly reviewed Board priorities and projects eliminated and/or completed from last year's list.

Chairman Fee suggested, and the Board concurred, under Community Housing, that "procure small, non-conforming lots for housing" be deleted, since it is handled well by the Sudbury Housing Trust.

The Board briefly discussed the status of the Melone property. Mr. Morely suggested the Cummings Properties management team be consulted. He also opined that before any money is spent regarding this parcel, the Town needs to resolve acquisition of the private lot in the middle of the property. Ms. Kablack noted several stakeholders are involved, and issues need to be resolved with the private owner, the Sudbury Water District and the Town of Concord.

Chairman Fee stated discussion is futile regarding this property, until the Selectmen decide the use for the parcel.

Ms. Kablack noted the annual Town Walkway Forum would be scheduled for the August 3, 2011 meeting. She also noted much of the Regional Transit Authority project work is directed by the Council on Aging.

Chairman Fee asked the status of the Bruce Freeman Rail Trail project. Ms. Kablack stated work would continue on a concept plan. She also stated there are issues to be resolved regarding purchase of the CSX rail corridor parcel.

Sudbury resident Carol Wolfe, 637 Concord Road, asked if the Board was familiar with the MPO long-range planning draft. She recommended the Board access the information on the Internet. Ms. Wolfe stated the MPO material notes a timeframe of 2021-2025 as the earliest for towns including Acton and Concord to received funding. She highlighted neither Sudbury or Framingham are listed or mentioned by the MPO. In addition, Ms. Wolfe stated it appears there is not going to be much funding available. Thus, she emphasized this is a very long-term project for Sudbury. Ms. Wolfe stated estimated costs are \$30 million for construction of six miles of a rail trail.

Mr. Morely stated he believes work on the concept plan should proceed.

Ms. Kablack noted that the list of priority projects is smaller this year because many have been accomplished. She and Chairman Fee stated it would be beneficial to review and update the Town's Master Plan. Chairman Fee suggested a portion of each Board meeting be devoted to this agenda topic.

Chairman Fee also stated a Board goal this year would be to evaluate inclusionary zoning as a possible bylaw revision.

Ms. Kablack stated she believes such zoning would need to include density incentives to counteract the cost for a developer to do it.

Mr. Morely does not believe such zoning would help Sudbury in reaching its affordable housing goals, and it would not add significant units to its affordable housing inventory. He further stated the Town does not have very large tracts of land which could be developed.

Chairman Fee reiterated his belief that the Board needs to have this dialogue to justify its opinion to be presented to the Selectmen at a later date.

Mr. Poch asked if there were other overlay district ideas which were generated in the recent Housing Public Forum. He suggested researching what other towns have done to revitalize their business districts and towns. Chairman Fee and Ms. Kablack suggested these discussions would be better suited as part of a larger Master Plan discussion.

Based on tonight's discussion, Ms. Kablack will revise the listing of "FY12 Planning Board Projects and Priorities," and she will circulate it to the Board for approval.

Minutes

It was determined the April 13, 2011 Meeting Minutes were not yet approved. Chairman Fee will be provided a draft for review, and it was suggested the April 13, 2011 Meeting Minutes be voted at the next meeting.

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of May 3, 2011.

Chairman Fee abstained from the vote.

On motion duly made and seconded, it was also unanimously

VOTED: To approve the regular meeting minutes of May 11, 2011, subject to correcting all references of "HHP" made on pages 5-7, to read as "HPP."

Chairman Fee abstained from the vote.

Miscellaneous

Robert COLLINGS & Others (FN1) vs. Planning Board of Stow - Discussion

The Board was previously in receipt of copies of a summary of the Appeals Court legal decision regarding the Robert COLLINGS & Others (FN1) vs. Planning Board of Stow case No. 10-P-533, December 9, 2010 - May 10, 2011, a Construction Law, Massachusetts Real Estate Law, Permitting/Zoning, Zoning web article by Rich Vetstein dated May 16, 2011 regarding the decision. Chairman Fee summarized the case as questioning whether the Town of Stow Planning Board could require, as a condition of granting subdivision approval, the dedication of open space for public use and actual conveyance of that space to the town in exchange for certain waivers without violating Massachusetts General Laws. It was decided the conditions requiring reservation of open space for public use and transfer of the property to the town or a land trust exceeded the Board's authority, as they were imposed without compensation and do not serve the purposes of the subdivision control law.

Chairman Fee stated this case is a road map for Planning Boards to negotiate such items correctly. He stated the case emphasizes that, if a Board asks something of an applicant in exchange for waiver approval, the requested concession must be conceptually related to the requested waiver.

Mr. Poch stated he also found the case interesting because of the monetizing aspect of the decision.

Sudbury Board of Selectmen Liaison Assignments 2011-2012

The Board was previously in receipt of copies of a Sudbury Board of Selectmen Liaison Assignments 2011-2012 listing, dated May 31, 2011.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for August 3, 2011.

The meeting was adjourned by Chairman Fee at 9:18 p.m.