

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

At 7:00 p.m., Chairman Fee called the meeting to order.

Metropolitan Area Planning Council – Route 20 Zoning District Local Technical Assistance Project

Present: Metropolitan Area Planning Council Senior Regional Planner Cynthia Wall

Chairman Fee opened the discussion regarding the Metropolitan Area Planning Council (MAPC) for District Local Technical Assistance project. The Board was previously in receipt of copies of a “Draft Scope of Work for the MAPC and Town of Sudbury District Local Technical Assistance FY2011 Project.”

Ms. Kablack introduced Metropolitan Area Planning Council Senior Regional Planner Cynthia Wall. She stated that, following the failure of the override request for the Route 20 Sewer Project, she re-submitted an application to the MAPC for District Local Technical Assistance funds. Sudbury has now been awarded the opportunity to receive up to \$25,000 and the time of two MAPC staff members to assist Ms. Kablack and the Planning Board to develop a public process regarding the Route 20 zoning issues. The funds are set to expire at the close of December 2011. Ms. Kablack stated MAPC is providing much of the required material and resources according to the direction it receives from the Town.

Ms. Wall distributed to the Board copies of her agenda outline for tonight’s meeting for discussion purposes. She stated environmental planner Julie Conway was unable to attend tonight, but will be the other MAPC person assigned to Sudbury’s Project.

Ms. Wall summarized other MAPC resources which will be available and used for the Sudbury project.

Ms. Wall stated her objective for tonight is to introduce the project and herself to the Board, to reach consensus regarding the draft scope of work, and to discuss plans for a community meeting. She referenced the three tasks identified in the Draft Scope of Work, i.e., conducting a community forum, establishing the regulatory framework, and finalizing the draft regulations.

Chairman Fee asked if MAPC envisions accomplishing all the tasks presented by the end of this year. Ms. Wall responded affirmatively.

Ms. Kablack noted the MAPC is familiar with countless community bylaws which can be used as reference, many of which relate to mixed-uses and commercial zoning. She further stated the MAPC has worked with Littleton on a project very similar to Sudbury’s project, and some of that information will also be relevant for reference.

Chairman Fee expressed concern regarding the proposed schedule and the proposed deliverable date of December 13, 2011 for draft regulatory options for the Board’s review. He would prefer the Board have the opportunity for input sooner in the process. Ms. Wall stated delivery of the draft could be accelerated to sometime in November. Schedules were discussed, and it was determined a draft outline could be available for the Board’s November 9, 2011 meeting.

Chairman Fee stated the Planning Board will be responsible for the zoning issues related to the Route 20 Sewer project. He asked if MAPC would consider extending the deadline into 2012 to accomplish the required tasks. Ms. Wall will pursue this option.

The Board discussed accelerating the date of the Community Forum to October 12, 2011. Mr. Morely asked if three weeks provided enough time to inform the public. The consensus of the Board and Ms. Kablack was three weeks is insufficient time.

Mr. Lizotte noted that, once the Board has received the draft zoning regulations from the MAPC, it will be up to the Town as to how to incorporate them for Sudbury, and thus the process is not as severely constrained by the December 31, 2011 deadline as it appears. He also suggested the Board might want to look at zoning issues independent of the sewer project. Chairman Fee stated this work with the MAPC is intended to be within the context of preparing for a pending Route 20 Sewer Project Annual Town Meeting article.

Mr. Lizotte asked if MAPC will also evaluate the environmental constraints of the Route 20 corridor, including traffic analysis. Ms. Wall stated all of these issues are not part of the proposed scope of work, and she does not think they could be covered within the approved budget. However, she further stated basic information, such as evaluations of wetlands and traffic generation studies for proposed uses would be included.

The consensus of the Board was to conduct a pre-working session with the Board and the MAPC on October 12, 2011, followed by a Community Forum on October 26, 2011. Ms. Wall stated public outreach would be the Town's responsibility. As a result of tonight's discussion, Ms. Wall will revise the project calendar to present an outline of potential regulations to the Board on November 9, 2011, followed by draft regulations on November 30, 2011, with the intent to present a final version on December 14, 2011. Ms. Wall will also ask if the MAPC will extend its project deadline.

Chairman Fee asked if Ms. Wall had reviewed Sudbury's zoning bylaws and if she had initial comments. Ms. Wall stated she has not had enough time to study the material, however, she has received a map of the business district and has toured it with Ms. Kablack. Chairman Fee noted that zoning along the business corridor has been done inconsistently in the past. He stated it is this Board's belief that the zoning of Route 20 deserves the professional attention the MAPC will bring for future improvements. Chairman Fee stated Sudbury is excited to have this assistance. Ms. Wall stated she too is excited about the Sudbury project. She commended the Town for being as far along in this process as it is, given it is a non-sewered community. Ms. Wall noted that Route 20 already includes a wide array of uses and services for Sudbury.

Mr. Hunter asked if the MAPC provides legal review of materials generated. Ms. Wall and Ms. Kablack stated this activity is usually overseen by Town Counsels and later approved by the State's Attorney General.

Chairman Fee invited Ms. Wall and her colleagues to continue to be involved in the process with Sudbury after December. Ms. Wall stated MAPC often stays involved with communities, given the nature of the work.

Ms. Wall reviewed proposed ideas for the Community Forum, stating the meeting should run about 1.5 hours. She stated the meeting could cover the context of the project, confirm/revise community land use goals/vision as presented in the 2001 Master Plan and the Cecil Study of Community Vision, review impacts if the sewer project proceeds, review opportunities for new or updated uses, discuss possible design concepts, and discuss next action steps.

Ms. Kablack noted there currently are no design guidelines in the bylaws and that this aspect of the discussion could be beneficial. Mr. Sziabowski stated that, although he favors the idea of addressing design issues, he questions if it is too much to tackle as part of this project. If the Town decides to consider design options for its business district, Mr. Morely suggested Manchester Vermont should be studied for how it has successfully incorporated consistent, but not identical, designs within its business district.

Ms. Kablack reviewed some of the regulatory options which could be included as noted on page two of the Draft Scope of Work. Mr. Poch suggested the list also include Site Plan Review.

Chairman Fee stated the focus of the Forum should be on what the Town wants Route 20 to look like if the sewer project comes to fruition. He cautioned against the discussion digressing into too many tertiary issues. Mr. Poch concurred, but noted some peripheral issues could possibly be highlighted briefly, as was done successfully during the recent Regional Housing Forum. He further stated the discussion could revolve around what methods would be most effective for Sudbury.

Ms. Wall again commended the Town on its foresight to pursue a sewer project, which she views as an insurance policy for the future. She stated it may prove very useful in the future to have such infrastructure in place. Mr. Morely stated it is gratifying to receive this feedback, which validates the hard and good work down by Town staff.

At 7:49 p.m., Chairman Fee closed the discussion.

Public Hearing: Stormwater Management Permit – Lot 16 Kato Drive

Present: Applicant Perry Beckett and engineers Thomas DiPersio, Jr. and Thomas DiPersio, Sr.

At 7:49 p.m., Chairman Fee opened the Public Hearing regarding an application for a Stormwater Management Permit for Lot 16 Kato Drive, which was continued from August 3, 2011. The Board was previously in receipt of copies of a letter from Thomas DiPersio, Jr. of Thomas Land Surveyors dated August 25, 2011 and accompanying revised plans dated August 25, 2011 and September 12, 2011, (the letter dated August 25, 2011 addressed the comments presented by the Planning Board and its member Craig Lizotte and the Department of Public Works (DPW) Director/Town Engineer Bill Place) and information regarding Soil Type and Groundwater Table Measurement and Required Recharge Volume, and Total Runoff Volume Calculations report.

Ms. Kablack summarized concerns noted by the Board at its last meeting, including the desire for more infiltration to be moved to a location above the house.

The applicant's engineer, Thomas DiPersio, Jr., presented revised plan exhibits and described the revised stormwater management plans. He stated he responded to a recent request for additional calculations from Mr. Place. Mr. DiPersio stated a drywell has been proposed for roof runoff, however, the water quality volume (calculated at 1") and recharge requirements are met using the other stormwater practices

proposed. He further stated the grassed swale near the driveway has been moved to the north side of the driveway. This will allow for a greater separation from the septic system and make final grading easier.

The system has been revised to consist of a sediment forebay and infiltration basin. The basins have been moved south and farther east (away from the abutter's house), below the proposed boulder wall.

Mr. Lizotte stated that, although he has not reviewed the revised plans in detail, his long-term concern still remains regarding the water being collected at the bottom of the site in close proximity to the property line.

Mr. DiPersio stated that, following the last meeting, he met with the applicant to address concerns posed by the Board. Since that time, Hurricane Irene provided the opportunity to witness drainage patterns during an extreme storm event, during the worst of times, i.e., the construction phase. No problems were experienced, and thus the conclusion reached is that the proposed design works.

In addition, Mr. DiPersio stated that, given the tightness of the site and setback requirements, there is no opportunity to mitigate runoff at the top of the site.

Mr. Morely asked if the revised calculations are based on higher storm event years.
Mr. DiPersio responded affirmatively.

Chairman Fee asked if the plan meets the criteria of the Town's Stormwater Bylaw.

Ms. Kablack stated she believes it does because Mr. Place typically carefully reviews the plans based on these criteria.

Chairman Fee stated it is unquestionably a constrained site. He asked for the Board's opinion as to whether the proposed design matches the spirit of the bylaw.

Mr. Lizotte acknowledged the tightness of the site, but reiterated his opinion there is potential for a future issue to arise. Mr. Lizotte and Mr. DiPersio briefly shared design perspectives. Mr. Morely asked Mr. Lizotte to clarify his concern. Mr. Lizotte stated he is concerned about what happens if the proposed design fails.

Thomas DiPersio, Sr. stated the worst fear for a developer is to have a severe rain event during construction. However, as previously stated, even without any vegetation, the site worked in the worst of conditions possible. Thus, he believes the recent hurricane was a very good test that the proposed design is sufficient.

Chairman Fee referenced bylaw language which suggests that any design should attempt to constrain stormwater issues to the greatest extent possible, but it is not expected to perfect a situation. He stated the purposes of the bylaw have been met by the applicant's proposal, and thus the question for the Board to decide is does the proposal sufficiently mitigate the prior situation.

Mr. Lizotte stated it is an appropriate design, which, if constructed and maintained properly, could work. He believes the worst conditions possible will be 15 years from now, when the site has not been properly maintained, and not the recent construction phase. Mr. Lizotte opined it is unrealistic to assume the average homeowner will maintain stormwater management conditions on an annual basis.

Ms. Kablack stated the Town has in past decisions included the requirement for a covenant to be placed on the property requiring maintenance be performed by the homeowner and allowing the Town to place a lien on the property for non-compliance. Mr. Morely stated maintenance should not be onerous for a homeowner. The Board indicated support for such a covenant on this property

Chairman Fee commended the applicant and his team for the excellent plan presented for a difficult site. He believes the proposal meets the criteria for approval under the Town bylaw.

On motion duly made and seconded, it was unanimously:

VOTED: To direct Ms. Kablack to prepare a draft Stormwater Management Permit Decision based on tonight's discussion, regarding the application for Lot 16 Kato Drive for review by the Board at its October 12, 2011 meeting.

On motion duly made and seconded, it was also unanimously:

VOTED: To continue the Public Hearing regarding the application for a Stormwater Management Permit for Lot 16 Kato Drive to October 12, 2011 at 8:00 p.m.

Given the time-sensitivity of the growing season, property owner Perry Beckett clarified that landscaping plans could proceed in the coming weeks. Chairman Fee stated the Board is inclined to approve the Permit application, and thus landscaping, as proposed, can proceed.

Public Hearing: TD Bank – 407 Boston Post Road

Present: Joshua Swerling from Bohler Engineering and Future Owner and Developer Rick Curtin

At 8:17 p.m., Chairman Fee opened a discussion regarding applications submitted by TD Bank, 407 Boston Post Road.

Mr. Morely noted two topics related to this applicant are on tonight's agenda. He requested the agenda items as listed be reversed, and that the Board first discuss comments on the Site Plan for the Board of Selectmen. Mr. Morely further stated he has significant concerns regarding the proposed design, and he believes reversing the discussion topics would benefit his evaluation of the permit applications submitted. Mr. Poch and Mr. Hunter echoed Mr. Morley's concerns.

Ms. Kablack stated Sudbury's Board of Selectmen opened the Site Plan Public Hearing on September 6, 2011 and continued it to September 21, 2011. She reported the Selectmen did note design concerns, and that neighbors voiced support for the project.

Ms. Kablack also reported an Order of Conditions will be required from the Conservation Commission and that the Design Review Board has given its approval to the proposal.

The Board was previously in receipt of copies of the Stormwater Drainage report dated June 30, 2011, a memorandum from Director of Planning and Community Development Jody Kablack to the Selectmen and Planning Board dated August 23, 2011, noting comments and recommendations regarding the proposal, a memorandum from Conservation Coordinator Debbie Dineen dated July 20, 2011, memoranda from Department of Public Works Director Bill Place dated August 8, 2011 and September 1, 2011, and a letter and ten attachments from Bohler Engineering dated September 9, 2011, supplementing its Special Permit application, and providing an update on waivers previously requested. Tonight, Ms.

Kablack distributed copies to the Board of her memorandum dated September 13, 2011, noting additional comments and recommendations regarding the Special Permit application materials.

Joshua Swerling, from Bohler Engineering described the current site and proposal for new construction, noting a variance was approved in March 2011 for use as a commercial bank. He also described the physical properties of the site and stated plans are to construct a LEED-certified building. Mr. Swerling presented exhibits of the site plan and landscape plan. He stated his firm spent several months working with neighbors and the Zoning Board of Appeals (ZBA) to refine the plans. Mr. Swerling described the Raymond Road entrance only and the other exit driveway and re-circulation routes for parking convenience. He noted 24 parking spaces are proposed and that Town guidelines establish a minimum of 17 spaces. Mr. Swerling further stated TD Bank's company standard is to provide a minimum of 25-35 parking spaces at each of its locations.

Mr. Swerling explained the Bank's philosophy to provide complimentary services to customers and to promote the community with historic artwork. He emphasized the work of the applicant with neighbors to develop an acceptable design. Mr. Swerling stated extensive landscaping has been proposed, including 38 trees and 230 shrubs, which are drought resistant. Plans also include a temporary one-year irrigation system.

Mr. Swerling stated the proposed impervious surface equals 52%. Chairman Fee asked for stormwater management plans to be discussed during the next agenda item.

Mr. Swerling described the lighting plans have been revised to comply with Town bylaws and to comply with LEED-certified designs. He stated the current septic system would be replaced with one that meets or exceeds the Town standards. Mr. Swerling also stated no gas consumption is planned for the building, and high-efficiency electric options have been incorporated into the plan.

Mr. Morely stated he is pleased TD Bank wants to expand business in Sudbury, He further stated he does not object to the design presented, however, he strongly objects to this design at this particular location. Mr. Morely expressed a strong interest in retaining the existing building and existing mature trees and creating a design which incorporates them. Mr. Morely described the character of the current corner at Raymond Road, stating it currently has the aesthetic appeal Sudbury is aspiring to in the future which utilizes the existing house as a commercial use. He believes constructing the proposed building design presented tonight would be taking a step backward for the Town's vision of Route 20.

Mr. Sziabowski concurred that the corner of Raymond Road has a residential vernacular and that the design presented tonight appears very commercial. He later stated he does not see significant value in retaining the existing building on the site.

Mr. Morely also stated his objection to the proposed driveways, noting there is potential for drivers to cut through the property, which should not be allowed.

Mr. Poch stated he respects the work the applicant has done with the neighborhood, but he is extremely disappointed in the implementation of the design. He referenced a previous meeting with this Board when the applicant had the opportunity to hear the varying opinions regarding preferences for the site design, and he feels as if that feedback was ignored. Mr. Poch highlighted the current aesthetics of the area, noting the majority of nearby structures are clapboard with a residential, New England essence, and the design presented tonight is not at all compatible. He further objects to having drive-through lanes

situated near the abutting residents. Mr. Poch questioned whether drive-through services are even necessary, given that, now and in the future, many people do banking online.

Mr. Swerling stated TD Bank has provided information suggesting 40% of its customers prefer drive-through services.

Mr. Poch stated the design created is decent, but it is not at all appropriate for this location. He also noted there are two other TD Bank branches within a five-mile radius, and he questions if this location is needed.

Mr. Hunter expressed several objections to the proposed design based on its form, color, texture and scale. He believes the form is out of character with the surrounding area.

Mr. Hunter noted the texture of nearby buildings are either clapboard or cedar-shake shingle. He believes the proposed design could be good for Arizona or other parts of the country, but not for this strip of Route 20 in Sudbury. Mr. Hunter also believes the proposed scale of the building does not fit the parcel. He views the proposed design as vertically-oriented and the existing nearby structures as more horizontally oriented.

Chairman Fee clarified where the application is in the process. He noted the commercial bank has already been approved as an allowed use. Chairman Fee acknowledged Board member's objections, but urged the Board to provide comments for improvement for consideration in the Site Plan review process.

Mr. Hunter acknowledged the desire by the bank to showcase its brand, however he stated it can be done in a manner consistent with the aesthetics of the Town, as was done by Dunkin Donuts.

Developer Rick Curtin emphasized the brand of the bank is what it is, and although you may not like it, similar issues would arise with any other bank applicant.

Tim Walsh, 236 Raymond Road, stated the bank has been very cooperative with abutters and the neighbors are satisfied with the design.

Mr. Sziabowski clarified that tonight is the first time this Board has seen the design imagery, and thus discussion is appropriate. He stated there are several positive aspects of the proposed design, but he remains sympathetic to the opinion that it does not feel right for this section of Sudbury. Mr. Sziabowski stated he would prefer additional time to think about ways the design could be improved.

Ms. Kablack stated she and Building Inspector Jim Kelly met with the applicant twice over the past year. She stated they were shown many design iterations approved by TD Bank, which have not been presented tonight. Ms. Kablack stated that the general feeling from earlier meetings was that none of the designs appealed to her and Mr. Kelly, but some of those other options might be better than what has been proposed. She also noted there is precedence in town for keeping an existing structure and adding to it, as was successfully done with the former Hitchcock Furniture site.

At 9:02 p.m., Chairman Fee directed the discussion to the second agenda item, and he opened the Public Hearing regarding the Water Resource Special Permit and Stormwater Management Permit applications for TD Bank at 407 Boston Post Road. He asked the Board to consider the Permit applications tonight based on the proposed design and footprint.

On motion duly made and seconded, it was unanimously:

VOTED: To waive the reading of the Public Hearing notice.

Mr. Swerling described the stormwater management improvements proposed for the site, including using low impact designs. He noted the impervious surface area (proposed at 52%), emphasizing that all runoff is captured and treated, and the proposed plan would slightly reduce current rates.

Mr. Swerling stated a few waivers have been requested from the Water Resource Bylaw. He noted a few improvements were made as recommended by the Conservation Commission. Mr. Swerling further stated the septic system would be constructed to meet local Board of Health and Title V requirements.

Ms. Kablack stated her recommendations include reducing the impervious surface area by reducing the number of parking spaces and removing the bypass lanes.

Mr. Swerling noted the plan meets the net improvement standards in spite of the proposed 52% impervious surface.

Mr. Lizotte stated the system has been designed to handle the amount of impervious area.

Chairman Fee stated he does not believe the amount of proposed impervious area is relevant to the stormwater management plan.

Mr. Swerling stated previous comments from Town staff and Boards were not ignored. He emphasized the Town's standards state a minimum of 17 parking spaces.

Mr. Swerling stated the plan meets the standards with its proposed infiltration basins, and thus the impervious area does not have an appreciable impact on stormwater management.

Ms. Kablack reviewed her recommendations as stated in her September 13, 2011 memo regarding the requested waivers. She recommends approval of the first three waivers and has suggested a non-refundable \$500 fee be submitted for the fourth waiver.

Mr. Swerling stated the applicant accepts all the recommendations made regarding the waivers. However, he stated the applicant does not accept the recommendations suggested for reducing the impervious area.

Mr. Sziabowski asked how the applicant reconciles the amount of proposed impervious area with its sustainable goal of meeting LEED standards, which grant credits for reducing impervious area. Mr. Swerling stated he would further research whether the design qualifies for this particular LEED-certification credit. He stated the need for 24 parking spaces was reviewed and supported by neighbors. Mr. Swerling opined the Bank may only agree to eliminate one parking space.

Mr. Hunter stated the stormwater management plan presented seems fine.

Mr. Sziabowski concurred, but he noted reducing the amount of pavement rather than increasing it is always preferred.

Chairman Fee stated he does not see the impervious area as an issue related to the Permits under discussion tonight nor in the context of the amount of pavement in the area on Route 20. He recommended a favorable vote for the two Special permits. He asked Ms. Kablack if a Draft Decision has been prepared for review. Ms. Kablack responded no.

On motion duly made and seconded, it was unanimously:

VOTED: To direct Ms. Kablack to prepare a Draft Water Resource Special Permit Decision of approval and a Draft Stormwater Management Permit Decision of approval for TD Bank, 407 Boston Post Road, for review and a vote at the Board's October 12, 2011 meeting.

On motion duly made and seconded, it was also unanimously:

VOTED: To continue the Public Hearing regarding the Water Resource Permit and Stormwater Management Permit applications for TD Bank, 407 Boston Post Road, to October 12, 2011 at 8:15 p.m.

Later in the meeting, discussion ensued regarding drafting a letter of comments to be sent to the Board of Selectmen regarding the proposed Site Plan.

Mr. Poch reiterated his opinion that previous suggestions regarding design from the Board were ignored by the applicant. Ms. Kablack read aloud a letter drafted by the Board on February 15, 2011 and sent to the Zoning Board of Appeals.

Chairman Fee opined the proposed design is very different than what currently surrounds it. However, he believes the Planning Board should be business-friendly, and thus suggestions should be made as to how the look of the commercial use can be improved.

Mr. Morely disagreed, stating he views the variety of styles on Route 20 in Sudbury as a positive, and he prefers if the residential feel of this section be retained.

Mr. Lizotte noted the site is approved for commercial banking use and any bank will have similar branding issues.

Mr. Poch stated he favors the plan to move the existing building across the street, but he does not like the proposed design or the drive-through and bypass lanes so closely situated to residents.

Mr. Hunter suggested changes can be made to improve the appearance of the building, such as changing the style of the windows and adding hip or gambrel roofs.

The consensus of the Board was that, at present, the proposed design vernacular is not consistent with the residential context of the site and the vision Sudbury has for the area.

Mr. Morely and Ms. Kablack questioned whether there is a definitive agreement to move the existing structure across the street.

Ms. Kablack asked if some Board members would be interested in participating in a joint design working session with the Selectmen and the applicant. The Board responded affirmatively.

On motion duly made and seconded, it was unanimously:

VOTED: To direct Ms. Kablack to prepare a letter, on behalf of the Board, to be sent to the Board of Selectmen, commenting on the proposed Site Plan application submitted by TD Bank, 407 Boston Post Road, reflecting tonight's discussion and noting that several Board members believe the proposed design is inappropriate for the site, a few members objected to the proposed removal of the existing structure and believe branding could be maintained through its use and/or renovation, but that this was not the majority opinion of the Board, that the Board is opposed to the proposed drive-through and bypass lanes which abut a residential area, that two members believe any access to or from Raymond Road should be reconsidered, that the Board believes in general, the district would benefit from less impervious surface area, and it suggests the Selectmen consider coordinating a working design session with members of the Planning Board and applicant.

Release of Bond Request – Dakin View

Ms. Kablack announced this agenda item is not ready for consideration and it will be rescheduled for a future Board meeting.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of June 24, 2011 and September 8, 2011.

On motion duly made and seconded, it was also unanimously

VOTED: To approve the regular meeting minutes of August 3, 2011 as revised by Mr. Morely in the third line from the bottom of Page 5 to replace the word "several" with the words "dozens of."

Inclusionary Zoning Bylaw – Discussion

This agenda item will be rescheduled for a future meeting date.

Miscellaneous

Application Not Required Application – 181 Dutton Road

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Gary Christelis, 181 Dutton Road. Ms. Kablack recommended approval.

On motion duly made and seconded, it was unanimously

VOTED: To approve the Form A Application Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Gary Christelis, 181 Dutton Road.

The meeting was adjourned by Chairman Fee at 10:14 p.m.