

Present: Michael Fee (Chairman), Christopher Morely, Michael Hunter, Joseph Sziabowski, Pat Brown, Craig Lizotte (Associate), and Jody Kablack (Director of Planning and Development)

At 7:33 p.m., Chairman Fee called the meeting to order.

Cail Farm - Request for Bond Release – Cail Farm

Ms. Kablack announced this agenda item is on hold.

Minutes

Ms. Brown asked that the minutes be revised on Page 8 to reflect that the discussion regarding Priority Projects was informal, noting the list was distributed at the meeting, without the opportunity for review in advance. She suggested the heading be changed from “Projects” to “Miscellaneous.”

Chairman Fee stated his recollection of the discussion was that it was part of the Board’s process of identifying projects to work on and a discussion of how the Board would approach responsibilities for projects.

Mr. Morely noted the draft project list distributed at the last meeting was not new to most members, but may have been new information for Ms. Brown.

Ms. Kablack stated a final project priority list has not been prepared and/or distributed. She further stated the discussion at the last meeting was for the Board to give her guidance on what projects to focus on in the next year. Mr. Sziabowski concurred that this was similar to his recollection.

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of September 19, 2012, subject to a revision to be made on Page 8 to change the first heading wording from “Projects” to “Miscellaneous.”

Landfill Solar Project - Discussion

Present: Energy and Sustainability Green Ribbon Committee Chair Bill Braun and Combined Facilities Director Jim Kelly

The Board was previously in receipt of copies of the Pre-Application Meeting of August 14, 2012 Notes. In addition, a plan exhibit prepared by Ameresco Company was distributed tonight for review. Mr. Kelly also distributed copies of a spreadsheet of costs/savings projections for the 20-year life of the Solar PV project.

Mr. Braun explained the Town has been interested for a long time in establishing a renewable energy source on its landfill. He stated the development of this project was one of the core missions for the Energy and Sustainability Green Ribbon Committee when it was formed by the Board of Selectmen. Mr. Braun stated the 2010 Town Meeting approved proceeding with the project, and it is now far along in the design phase.

Mr. Braun stated the Town is working with Ameresco Company to develop a proposal to lease a portion of Sudbury's landfill to operate and maintain a solar project, which would supply Town buildings with electricity (by credits used). He stated the 1.6 megawatts facility would utilize eight acres of the approximate 20-acre landfill. Mr. Braun stated there is still work to do with Sudbury's Conservation Commission and the Department of Environmental Protection (DEP). He stated there is a strong movement currently in the State to support the development of these types of systems from DEP and the Department of Energy Resources (DOER). Mr. Braun and others have met several times with DEP, and the next meeting is scheduled for November 7, 2012, to continue to discuss specifics of the project and how it could help the Town obtain a closure certificate for the landfill.

Mr. Braun stated the Energy Committee interviewed numerous potential developers, and negotiations began earlier this year with the selected solar developer, Ameresco, to develop a Power Purchase Agreement (PPA) to install, own, operate, maintain and decommission a photo-voltaic system under a 20-year contract with Sudbury. He explained this system allows the Town to capitalize on the more favorable tax credits afforded to the private sector, which are not available to municipalities. It is anticipated that these savings would be passed along to the Town.

Mr. Braun stated a pre-application for site plan review was held. He briefly explained the anticipated installation, noting there would be no penetration of the landfill. At the end of the 20-year lease contract, Mr. Braun stated the Town could buy the installation for a \$1 or ask that it be dismantled at the cost of the developer.

Mr. Kelly stated the Town has worked on this idea for years. He emphasized that the Energy Committee interviewed several potential installers before choosing Ameresco. Mr. Kelly noted Sudbury's landfill is not yet certifiably capped, and it is likely no other use could be currently permitted. Thus, he believes this project is a great way for the Town to put an unused property to good use.

Mr. Sziabowski asked what the view would be from Route 20. Mr. Braun explained the panels face south, and there will be some type of fencing to restrict access to the area.

Mr. Morely noted there is currently a white fence in this area, and he has concerns as to what type/quality of fencing would be installed. Mr. Kelly stated it would likely be a chain-link fence. Mr. Braun stated these details are yet to be determined, but he will request a rendering from the developer. Mr. Morely suggested a dark color fence may be appropriate in this location.

Mr. Sziabowski asked how high the panels are. Mr. Braun described the typical panels that could be used, which are between 3 and 12 feet off the ground, depending on their angle of installation.

Mr. Lizotte stated that, typically the panels are set on racks at 30-degree angles, which could result in the top of the panel being approximately 10-12 feet off the ground. He referenced a small installation located at the Concord Prison at the Concord rotary on Route 2.

Mr. Morely stated that, if the fencing of the whole property is reviewed, he would prefer that a long-term approach be taken regarding materials, and that the cheapest product not be purchased and installed.

Mr. Braun stated that he believes Ameresco understands this because their reputation matters to them as well. He emphasized the company is local, with a Framingham office, but has a national presence and extensive expertise in the field.

Mr. Hunter asked a question as to how energy payments would vary for a homeowner versus the scenario presented tonight, and whether a retail figure is paid. Mr. Braun briefly described how NStar would pay a homeowner against their energy production. He also stated NStar now pays a retail rate, which a change was made a few years ago.

Mr. Braun stated Sudbury has also been successfully participating in the Solarize Mass program.

Ms. Brown asked if at the end of the contract, decommissioning by a developer would also include the panels. Mr. Braun responded affirmatively.

Ms. Brown asked what the feedback was about the project from the Finance Committee. Mr. Braun stated he believes the Committee had no objections to the project and supports it. Mr. Kelly concurred, stating presentations have also been made to the Board of Selectmen and Board of Assessors to help educate the community.

Sudbury resident John Danielson, 37 Landham Road, wanted to know about Ameresco, and why they were chosen for the project. Mr. Braun reiterated that the Town benefits from the tax credit advantages afforded to Ameresco as a private company. He also noted the PPA has been developed in a manner so that all the risk sits with the developer. Mr. Braun stated the Town wanted to work with a company that had a proven track record and the financial credibility to get the project done.

Chairman Fee asked what the municipal approval process includes. Mr. Braun stated Town Meeting already approved the project. He further stated a lot of towns do not complete a Site Plan review process, but Sudbury plans to proceed with one.

Chairman Fee suggested the Board write a letter of support for the project to be sent to the Selectmen for consideration during the Site Plan review. Ms. Kablack suggested the Board draft the letter after the Site Plan application is filed. Mr. Kelly and Mr. Braun anticipate the application to be filed in the coming month.

Chairman Fee stated the project sounds good, and it appears as if the Board will endorse the project in a future letter, noting the items discussed tonight such as screening and fencing quality. At 8:03 p.m., he concluded the discussion.

Route 20 Zoning – Discussion

At 8:04 p.m., Chairman Fee opened the discussion regarding Route 20 zoning. The Board was previously in receipt of copies of minutes from a November 22, 2011 meeting of a Planning Board subgroup and MAPC representatives, an online map of the proposed Rte. 20 business corridor, a memorandum from MAPC Senior Regional Planner Cynthia Wall dated 26 March 2012, and a Planning Board Draft dated 10/10/12 of a Route 20 Overlay Zoning Bylaw.

Chairman Fee explained that he collected some zoning approaches from other Massachusetts towns to draft some zoning ideas for the sewer project, and Ms. Kablack created a map, which he displayed, of potential overlay districts. He stated the material was presented to the Route 20 Sewer Advisory Committee and the Route 20 Sewer Citizens Advisory Committee a few weeks ago as concepts for discussion. Chairman Fee briefly described the segregated districts depicted in the material and maps, noting that each district has a constituency with its own unique preferences, which must be addressed in

the bylaw, if it is to have broad-based support. He emphasized the material is fluid, and that no specifics have been included to date. Chairman Fee encouraged Board members to share their suggestions for input.

Mr. Morely asked how the material was received at the joint meeting. Chairman Fee believes the information was received well. He stated that he and Ms. Kablack emphasized the desire by the Planning Board to work with the Sewer Committees. Chairman Fee also highlighted that it was clearly stated that the Planning Board would not submit a zoning article until a sewer article could be concurrently submitted. He further offered to meet with the Route 20 Sewer Committees again. Ms. Kablack stated their next meeting is November 14, 2012.

Chairman Fee reiterated his request for suggestions from Board members regarding what uses are best suited for each proposed district, what dimensional requirements should be allowed by right, and when the Special Permit should be triggered.

Ms. Kablack stated the Sewer Committees suggested meeting with property and business owners from each district to learn more about their perspectives and needs. Chairman Fee stated this would be a good way to educate the public on the project, and for the Board to be educated about public opinions.

Mr. Morely noted the village business district is not included in the material.

Ms. Kablack stated it was not included, or concentrated on at this time, because it is already a cohesive district with an appropriate scale.

Ms. Kablack highlighted that it was noted to the Sewer Committees that Sudbury's current zoning provides for the protection of resources, but also allows for growth. It was noted that more analysis is needed to demonstrate these points.

Mr. Morely asked if the Sewer Committees had any opinions on District Zone D (the western portion of the Route 20 business area). Chairman Fee stated it had been commented that the district had no visual continuity. Ms. Kablack stated the residential properties of District D were not included in tonight's material, and she asked the Board to be mindful that their inclusion could make the district look very different.

Mr. Lizotte stated that District D is far away from the core village business district. He recalls previous discussions by the Board where it was suggested that development not be encouraged in this location. Mr. Lizotte had understood the focus of the zoning to be to re-develop the core business area, and not to develop District D. Mr. Morely concurred that this too was his recollection.

Ms. Brown stated that, if the Town does not want the sewer district to stretch out for several miles, then the development should not be put that far out.

Chairman Fee stated that, if the sewer extends to District D, then he believes it would be important to include language in the bylaw which responds to the particular needs of that constituency to encourage support of the project.

Ms. Kablack noted the two largest and most critical parcels in District D are Longfellow Glen and Sudbury Pines. However, both of these parcels have or are currently replacing their old septic systems with Title V compliant systems.

Mr. Sziabowski asked what would be the determining factor on the decision to extend the sewer as far west as presented on the map.

Ms. Kablack noted cost of the entire system is a factor, and that decreasing the number of available properties could have a detrimental impact. The proposed treatment plant will have a fixed cost (currently estimated at \$14 million). She noted that the initial betterment fees must cover the cost of the system.

Mr. Hunter referenced previous discussions by the Board regarding encouraging the incentivizing of bundled parcels. He believes this is a good concept which should be included in the bylaw.

Route 20 Sewer Citizens Advisory Committee member John Danielson, 37 Landham Road, addressed the Board only in his role as a private citizen. He stated he moved to Town in 2005, and did not get involved in Town projects until he opposed the Johnson Farm development. Mr. Danielson believes the sewer project will impact everyone in Sudbury. Although he believes the idea of a Route 20 sewer sounds great to vitalize the business district, to help diversify the tax base, and to create a pedestrian-friendly business district, he also believes discussions are not focusing on the “big picture.” Mr. Danielson stated he has heard from real estate professionals that the Town “is kidding themselves,” if it thinks a sewer will bring more businesses. He believes that what a sewer will attract is more multifamily housing. Mr. Danielson is concerned that the draft bylaw language may be incentivizing multi-family housing in a way which will have a negative financial impact on the Town. He fears the project could augment an already bad Chapter 40B situation in Town.

Chairman Fee stated this is a fair point to be raised. He asked if Mr. Danielson had attended a previous Route 20 Sewer visioning session, and Mr. Danielson responded affirmatively. Chairman Fee stated at this session, the least acceptable proposed uses noted were housing-related. However, consultants have recommended to the Town that, if Sudbury wants to nurture a village-type business district, then it needs to include an element of mixed uses, which include housing.

Mr. Lizotte stated Mr. Danielson appears to be cautious of the scale of housing which could be initiated. However, Mr. Lizotte emphasized the number of housing units being considered as part of a mixed-use model would be very small, and just enough to help jumpstart a vibrant business district. He suggested the Board work to create bylaw language which would limit and/or prohibit the large and out of scale Chapter 40B developments Mr. Danielson is concerned about, while also allowing for the flexibility to create a true mixed-use development model.

Mr. Morely stated he believes the draft material touches upon this recommendation.

Ms. Kablack stated it is possible the bylaw could be shaped in a manner which could help the Town achieve its 10% affordable housing goals, after which, the Town could better control its destiny, for example, by the development of rental units. She stated the Town needs to face its Chapter 40B fears.

Mr. Morely concurred, stating it is important not to “throw the baby out with the bath water,” in the process.

Ms. Brown stated one purpose of the creation of a sewer system is meant to alleviate the residential tax burden by allowing more business. However, if the sewer results in attracting more housing developments, then the purpose has been negated. Ms. Brown believes the zoning should drive the Town’s plan to achieve its goals.

However, Mr. Lizotte emphasized that, in order for the Town to achieve its goals, you need to include a housing element. He stressed that people who live in close proximity are needed to stimulate and support businesses. Mr. Lizotte views a few housing units above or interspersed within retail and/or businesses as all part of the greater commercial enterprise.

Mr. Danielson stated 10 units of housing could add a lot more children to the Town's schools and financial infrastructure. Mr. Lizotte stated this is not borne out in studies which indicate that 95% of one and two-bedroom units have no children as occupants. He further stated language could be added to restrict the number of bedrooms in a unit. Several Board members concurred.

Mr. Morely stated the purpose of this bylaw would be to improve the uses in the zoning districts, and that this is a separate discussion from Chapter 40B developments.

Mr. Danielson stated he has no problem with three apartments over a professional office building. However, he is concerned that an inappropriate mix of uses will arise over such a long stretch of Route 20 as proposed.

Mr. Morely noted the development will not occur soon, and that some of what is being discussed may take 25 years to come to fruition. However, he highlighted that, in order to be where the Town wants to be in the future, the sewer needs to be developed now. Mr. Morely stated the purpose is to re-develop the business district which currently exists by possibly assembling properties.

Chairman Fee stated he is interested in Mr. Danielson's feedback and that it is helpful to the Board to consider how to incorporate this perspective into where the Town wishes to encourage commercial density with mixed uses. He suggested it might be better to concentrate 40B housing on Route 20, in the dense business area, rather than to develop it in someone's back yard farther away. Chairman Fee stated it needs to be further researched as to whether mixed uses can be incorporated responsibly into a plan design.

Mr. Morely stated it might be better for the Town to determine where multi-family housing goes along Route 20 because this is where this marketplace tends to want to be located.

Mr. Danielson stated the Town has not always chosen to intervene as to where Chapter 40B developments would be pursued in Sudbury.

Chairman Fee stated he understands Mr. Danielson has strong feelings on this issue, but he asked for comments to remain focused on the zoning agenda item under discussion.

Mr. Hunter asked Mr. Danielson how the Board could help the community to understand these issues better.

Mr. Danielson stated he does not believe the community knows a lot about this topic. As a member of the Sewer Citizens' Advisory Committee, he has been asking residents for their opinions, and he has found many do not know much about the topic. When he does get feedback, it is typically related to beliefs that the sewer will not generate a dense downtown, and that it will remove limitations for a massive Chapter 40B project.

However, Mr. Danielson further stated people he has spoken to do like the idea of a village-type business district and the idea of diversifying the tax burden with the commercial base. He thanked the Board for its time tonight.

Chairman Fee stated this is a complicated issue, which will need many subsequent discussions.

For a first draft attempt, Mr. Morely thought Ms. Kablack and Chairman Fee provided good working documents. It was noted Mr. Sziabowski is also on the subcommittee with Ms. Kablack and Chairman Fee.

In response to a question from Mr. Morely, Ms. Kablack stated the permitted uses referenced in the draft bylaw come from the existing bylaws.

Mr. Hunter asked if it would be presented as a regular zoning bylaw, requiring a two-thirds vote, at Town Meeting. Chairman Fee and Ms. Kablack responded affirmatively. He also asked for confirmation that, if an overlay district is established, that it would not negate the underlying zoning in place. Chairman Fee and Ms. Kablack confirmed this to be accurate.

Ms. Brown stated it is clear more work is needed. She asked for further clarification regarding Districts A and B as presented. Ms. Kablack provided a brief explanation of the differences as she perceived them in each district. District A is primarily business and retail. District B contains more industrial uses.

Chairman Fee noted there are subtle differences in each district from the other, which need to be further detailed, and he asked for the Board's feedback and assistance.

Mr. Lizotte noted the proposed districts have been formed on current uses, but he encouraged the Board and Town to consider what uses it might want to have in an overlay district.

However, Chairman Fee noted it is important to be mindful that it is the current property owners who will be asked to support this in principal and financially.

Mr. Morely presented a contrary opinion regarding service-related uses proposed for District B. He believes the area between Codger Lane and Route 20 should be thought of as a Main Street type area, which is ideally suited for retail/restaurants. Mr. Morely further believes service-related uses are better encouraged in more secluded areas of Town.

Ms. Kablack opined that she does not believe a zoning article should be proposed for the 2013 Town Meeting.

Chairman Fee stated he believes he was clear about this in his remarks to the Sewer Committees, noting that when they are ready to submit a sewer article, the Planning Board will be ready with a zoning-related article. He also stated this was expressed in a letter previously sent to the Selectmen. Ms. Kablack stated that she believes the message may have been misinterpreted by the Selectmen, and she encouraged the Board to state its position again and clearly. Chairman Fee stated he could draft another letter to be sent to the Board of Selectmen to clarify this point.

Mr. Danielson stated it is clear to him that the two articles go hand-in-hand, and that they should be submitted together.

At 8:51 p.m., Chairman Fee thanked Mr. Danielson for his input, and he concluded the discussion.

Old Framingham Road – Walkway Project Update

The Board was previously in receipt of copies of a map of Mahoney Farms, noting the proposed walkway for the southern portion of Old Framingham Road to the Framingham town line. Ms. Kablack and DPW Director Bill Place have been studying the project, and they believe the western side of the street is the best location, since the eastern side could have safety issues due to the steep drop off. A proposed walkway has been staked through the Mahoney Farm woods, and trees have been flagged, which would need to be removed. Ms. Kablack stated neighbors were notified of these activities, and no objections have been received since the staking.

In response to a question from Chairman Fee, Ms. Kablack explained only one easement is needed at the end of the walkway segment, which she has broached with the relevant neighbor in Framingham via letter, however no response has been received. She stated a survey plan would be prepared for the project and a Scenic Road application, which she hopes to be ready for the Board's review at its November 28, 2012 meeting.

Northern Bank – 430 Boston Post Road – Update

The Board was previously in receipt of a memorandum from Ms. Kablack dated October 15, 2012, a memorandum from the Design Review Board, and copies of a letter from the applicant's attorney Shaun Briere dated October 12, 2012, requesting a continuance of the Public Hearing until November 7, 2012, to consider and review suggestions made by various Town departments and Boards with respect to design were distributed. Copies of a revised plan were distributed.

Ms. Kablack stated she, Mr. Morely and Ms. Brown met with representatives from the Design Review Board (DRB) and Northern Bank and Trust Company to discuss issues raised to date. She noted the group emphasized that the future use of the site should be considered carefully given its prime location, particularly in light of a future sewer system on Route 20. Ms. Kablack stated the group focused its discussion on the location of the septic system, location of the building and the use of the alley as an access to the development. It was recommended the septic system be moved to the rear or near the western lot line. It was also recommended the building be placed so as to be parallel to Route 20. Ms. Kablack will discuss the possibility of widening the alley and sharing its use with the current owners. She stated the applicant is amenable to making the recommended changes.

Mr. Lizotte suggested that, if the applicant is not able to use the alley for access, then it should be recommended to them to make the proposed circulation one way. The Board concurred.

Mr. Sziabowski questioned whether the proposed building is closer to the street than the current building, and whether this is preferred. Ms. Kablack stated the building has been set back 25 feet.

Chairman Fee stated the design of the site will be paramount.

Sudbury Housing Roundtable – Planning Board Representative

Chairman Fee stated a Board member is needed as a volunteer to participate in the upcoming Sudbury Housing Roundtable in December. Ms. Kablack noted everyone is invited to attend.

Ms. Brown asked if minutes are kept from these forums. The consensus was that there may not be minutes taken.

Mr. Morely stated he is planning to attend as a representative of the Community Preservation Committee, and he is also willing to represent the Board, if needed.

Peakham Road Walkway Segment - Update

Ms. Kablack reported a walkway is being planned on Peakham Road up to French Road, and three out of four easements have been obtained. A brief discussion ensued regarding whether the Board should delegate its Stormwater Management permitting authority to the Conservation Commission. However, Ms. Kablack determined that only an administrative application would be required. In response to a question from Mr. Lizotte, she also stated the Commission does now hire peer consultants as needed for full permit applications.

Miscellaneous

Sudbury Housing Authority – Sudbury Duplexes Ribbon Cutting

The Board was previously in receipt of copies of the invitation to the Sudbury Housing Authority's Ribbon Cutting Ceremony to be held on November 1, 2012 at 10:30 a.m. at 19 Greenwood Road.

Upcoming Meeting Schedule

The Board's meeting scheduled was reviewed. Meetings are tentatively scheduled for November 28, 2012, December 12, 2012 and January 23, 2012, to be held at Town Hall at 7:30 p.m.

Ms. Kablack stated the next meeting will include three Public Hearings: the Old Framingham Road Scenic Road Public Hearing, a Stormwater Management Public Hearing for 804 Boston Post Road, and a Public Hearing regarding revising the stormwater regulations to coincide with the recently approved bylaw revisions.

Peter's Way Extension Definitive Subdivision – Endorse Plans

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the plans as reviewed tonight for the Definitive Subdivision Plan for Peter's Way Extension dated January 24, 2011, and last revised June 15, 2012.

Maple Meadows SRC Modification – Endorse Plans

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

VOTED: To endorse the Site Plan for Maple Meadows SRC Modification – Phase 2 dated April 13, 2012, and last revised August 28, 2012.

The meeting was adjourned by Chairman Fee at 9:15 p.m.