

Present: Chairman Craig Lizotte, Christopher Morely, Peter Abair, Jody Kablack (Director of Planning and Development) and Jim Kupfer (Assistant Planner arrived 8:30 p.m.)

Absent: Martin Long

At 7:32 p.m., Chairman Lizotte called the meeting to order.

**Public Hearing: Water Resource Special Permit – Proposed Police Headquarters - Hudson Road - Assessor's Map #G08-0008**

Present: Applicant's civil engineer William Murray and Permanent Building Committee Co-Chair Mike Melnick

At 7:32 p.m., Chairman Lizotte opened the Public Hearing regarding a Water Resource Protection District Special Permit application submitted by the Town of Sudbury, Applicant and Owner, to install an emergency backup power generator and 409 gallon diesel fuel tank as part of the construction of the new Police Station Headquarters located at 77 Hudson Road (Town Assessor's Map G08-0008), which is within Zone 3 of the Water Resource Protection Overlay District, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of the application and accompanying plans, a memorandum from Director of Planning and Development Jody Kablack dated August 20, 2014, and a Draft Decision and Water Resource Special Permit Police Headquarters 77 Hudson Road dated August 27, 2014.

Ms. Kablack stated the Public Hearing is being recorded for the benefit of tonight's absent Board member.

Chairman Lizotte stated that, since a Board member is absent tonight, the Special Permit application would not be voted tonight, but would be considered for voting at the September 17, 2104 meeting. He summarized the purpose of the application as being due to the Police Headquarters needing a generator which will be diesel-based, and this requires a Special Permit.

The applicant's civil engineer William Murray circulated three photographs to the Board indicating the type of generator and fuel storage tank being proposed.

Mr. Morely expressed concern that a barrier higher than the driveway be considered to ensure safety and to avoid cars going off the road into the generator. Chairman Lizotte shared this concern, and he suggested a guardrail be installed, which would comply with Federal Highway standards.

Permanent Building Committee Co-Chair Mike Melnick stated the project has already gone out to bid, and a guardrail would be a change order.

Ms. Kablack referenced her August 20, 2014 memo, asking the Board to acknowledge the waivers noted. She stated the application is considered a minor proposal for Zone 3.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing regarding a Water Resource Protection District Special Permit application submitted by the Town of Sudbury, Applicant and Owner, to install an emergency backup power generator and 409 gallon diesel fuel tank as part of the construction of the new Police Station Headquarters located at 77 Hudson Road (Town Assessor's Map G08-0008), which is within Zone 3 of the Water Resource Protection Overlay District.

### **Minutes**

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of July 23, 2014.

### **Board Appointment – Melone Redevelopment Committee**

The Board was previously in receipt of copies of the Melone Property Redevelopment Advisory Committee draft Mission Statement.

On motion duly made and seconded, it was unanimously:

VOTED: To appoint Chairman Craig Lizotte as the Planning Board's representative to the Melone Property Redevelopment Advisory Committee, and to notify the Board of Selectmen of their choice.

### **Application Not Required Application – 37 Webster Circle - Andrew Centauro**

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by James L. Grinham and Andrew J. Centauro regarding 37 Webster Circle. She stated no new buildable lots are being created, and the applicant is doing a land transfer, but the Registry of Deeds requires a new endorsement by the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by James L. Grinham and Andrew J. Centauro regarding 37 Webster Circle.

### **Public Hearing: Stormwater Management Permit – Maynard Road, Lots E & F Assessor's Map #E06-0304 and 0305**

Present: Applicant's Attorney George Connors, applicant's engineer Desheng Wang

At 7:46 p.m., Chairman Lizotte opened the Public Hearing regarding the Stormwater Management Permit application regarding modification of a Stormwater Management Permit for property located on Maynard Road (Assessor's Map E06, Parcels 0304 & 0305), SF Holdings LLC, Owner, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of two letters from the applicant's engineer Desheng Wang dated July 23, 2014 and August 19, 2014, a revised slope stabilization plan, and two letters from Cornerstone Engineering, Inc. engineer Vito Colonna dated July 23, 2014 and August 1, 2014.

Ms. Kablack distributed copies to the Board tonight of a revised plan submitted by the applicant dated 4/25/14, last revised 8/26/14 and of an email from Sudbury Stormwater Management Peer Reviewer John Boardman dated August 27, 2014. She and Mr. Boardman attended a site visit with representatives from the applicant's team since the Board's last meeting. Ms. Kablack stated the slope has vegetated nicely, and Mr. Boardman suggested only fixing the areas where there were failures as opposed to re-grading the entire slope.

The applicant's attorney George Connors stated the area is now approximately 80% vegetated and the failure planes have stopped. By concentrating efforts on only the unstable, failed areas, the project work to be done has been significantly reduced.

Mr. Connor also stated a neighbor has recently agreed to grant an easement for access at the top of the slope, which will facilitate the remediation work.

Mr. Morely asked if the areas to be fixed can be done so from the base with large machines.

The applicant's engineer Desheng Wang stated it is unlikely machines could reach the 40-foot height needed, but that access from the top will accommodate the work.

Mr. Wang highlighted on a plan exhibit the changes made since the Board's last meeting. He also emphasized how helpful the site visit was.

Mr. Morely referenced conditions mentioned by Mr. Boardman in his email.

Ms. Kablack stated a draft decision was not prepared for this evening for review. She noted a draft Decision would include conditions for a design engineer to be on site, for a construction monitor (at an additional charge) to be on site and a schedule for completion. Ms. Kablack asked when the work would commence and be completed.

Chairman Lizotte stated the biggest risk in modifying the Permit is time. He emphasized that, for the Board to approve the modification, the work would need to be completed by October 15, 2014. Mr. Morely concurred, stating final grass would need to be in by October 15<sup>th</sup>.

Chairman Lizotte asked what is the earliest date for the start of construction.

Mr. Connors stated it could begin in approximately two weeks.

Chairman Lizotte reiterated that the work has to be guaranteed to be done by October 15<sup>th</sup> for the Board to approve it, or it will need to wait until next spring.

Mr. Connors stated the soil is the simplest thing to do. He suggested approval be considered if the swale is in by October 15, 2014, and if there is sufficient time to also complete the remainder of the work, it will also be done.

Chairman Lizotte stated the Board will meet next on September 17, 2014 to review a draft decision and conditions. He stated the Board would be very pleased on September 17, 2014, if it could be reported that the swale has been built.

Sudbury resident John Cutting, 381 Maynard Road, stated this project has been problematic for a long time. He stated this developer will benefit from infrastructure which was constructed by the cost of other private funds for the Arboretum subdivision. Mr. Cutting believes the developer should pay something for taking advantage of this benefit.

Chairman Lizotte stated this proposal is not changing anything regarding stormwater issues have previously existed.

Mr. Weng stated he believes the improvements proposed will benefit the neighbors due to the new vegetation and the proposed infiltration system. Cleaner water will not be entering the drainage system.

Mr. Abair asked if there is a high degree of confidence areas which have not failed will continue to remain stable. Mr. Weng stated he is confident and that this is why  
Mr. Boardman suggested requiring a design engineer be on site. He also briefly explained soil boring tests he has already performed indicating the vegetated areas of the slope are stable.

Chairman Lizotte asked if there is a back-up plan if new failures occur. Mr. Weng briefly described some options, including tarping the area and building a wall, which would be considered and evaluated, if this were to occur.

Mr. Connor stated it is important to understand why the failures initially occurred and that the problem has now been identified. Chairman Lizotte stated the failures were not a design issue, but rather they were due to construction problems, including not compacting new soil which was placed on the hillside. Thus, having a design engineer on site should eliminate this problem in the future.

Ms. Kablack noted more funding will be needed for peer-review work for this application, and she will prepare an updated budget (which has already exceeded \$3,000). She also stated the additional cost for a construction monitor will be a condition, and the work will need to be inspected by the Building Inspector. She emphasized the date to proceed with the work is important.

Chairman Lizotte suggested, and the Board concurred, that the applicant get started on work following this meeting, and he repeated that the Board will not approve the Permit if the completion of the work cannot be guaranteed by October 15, 2014.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the Stormwater Management Permit application regarding modification of a Stormwater Management Permit for property located on Maynard Road (Assessor's Map E06, Parcels 0304 & 0305), SF Holdings LLC, Owner, to September 17, 2014 at 7:30 p.m.

#### **Proposed Noise Control Bylaw – Discussion**

Present: Sudbury resident Frank Lyons

Chairman Lizotte welcomed Sudbury resident Frank Lyons, 157 Wayside Inn Road, to the meeting to discuss a proposed Noise Control Bylaw. Copies of the proposed article were distributed tonight.

Mr. Lyons provided the Board with copies of the State's noise regulations and the State' Dog Law.

Mr. Lyons stated noise has become an issue because Buddy Dog is planning to move next to the Martha Mary Chapel, in an historic and residential area. He and others do not believe this is an appropriate location for a kennel. Mr. Lyons also stated he has heard Buddy Dog plans to increase its size from 33 to 80-100 kennels at its new location, which would also increase traffic in the area. He believes the noise from barking dogs is also a nuisance in other Town locations.

Chairman Lizotte cautioned that there are very scientific standards for how noise is measured over sustained peak periods. He does not believe barking dogs would reach the required levels. Chairman Lizotte also stated he views this as a site plan issue.

Mr. Lyons stated Buddy Dog claims to be a non-profit educational entity, which could afford them exemptions from the zoning bylaw.

Ms. Kablack cautioned the Board to be careful talking specifically about Buddy Dog because the Town has not received any application to date. She recommended focusing the discussion on whether a noise bylaw is needed and is good for the Town. Chairman Lizotte concurred, stating he is unaware of any noise complaints being filed in Town in the five years he has been on this Board. He urged Mr. Lyons to bring any complaints, if there are any, to the attention of the Board of Selectmen and the Building Inspector. Chairman Lizotte also noted a nuisance bylaw would have wide-ranging impacts for other things such as leaf blowers, and not just barking dogs.

Mr. Abair stated a nuisance bylaw could be considered if there were a lot of Town issues and complaints, but he is not aware that this is the case. Instead, he views this proposal as a way to block a potential single project. Mr. Abair believes the Town's zoning bylaws should take care of a lot of these concerns.

Chairman Lizotte stated that, if Buddy Dog pursues a move to the Wayside Inn area property, it will require approval of several Town permits, where these issues will be discussed.

Mr. Morely stated that, from his experience, he believes it would be difficult to garner majority support for passage of this type of bylaw at a Town Meeting.

Mr. Lyons stated a petition is being circulated which already has 100 signatures.

Chairman Lizotte and Mr. Morely strongly stated that they believe the proposed bylaw is the wrong vehicle for the particular concern Mr. Lyons has expressed, and that noise issues would be within the purview of the Zoning Board of Appeals. Chairman Lizotte further stated that, unless there were broad-ranging issues and Town-wide concerns brought to the attention of this Board, he would not support the proposed bylaw.

Mr. Morely concurred.

Ms. Kablack stated kennels are allowed in all zoning districts by Special Permit.

Sudbury resident Linda Mills, 188 Wayside Inn Road, asked who in Town decides if an entity qualifies for protection as a 501C(3) corporation. Ms. Kablack stated this is the type of question on which Town Counsel would advise the Boards. Chairman Lizotte stated this type of determination has been known to be disputed and litigated.

At 8:45 p.m., Chairman Lizotte stated the Board has shared its initial thoughts. He noted it is Mr. Lyons' right to continue to pursue this issue, if he so chooses to do so at a Town Meeting, and the discussion was concluded.

### **Upcoming Meeting Schedule**

Ms. Kablack reminded the Board of its upcoming Joint Meeting with the Board of Selectmen on September 10, 2014 to appoint a new Board member. She also stated the Board's next regular meeting will be held Wednesday, September 17, 2014 at 7:30 p.m. at Town Hall.

The meeting was adjourned by Chairman Lizotte at 8:47 p.m.