

Present: Christopher Morely, Peter Abair, Martin Long, Stephen Garvin, Dylan Remley (Associate Member), Jody Kablack (Director of Planning and Development) and Jim Kupfer (Assistant Planner)

Absent: Chairman Craig Lizotte

At 7:38 p.m., Vice-Chairman Abair called the meeting to order.

**Public Hearing: Site Plan Application – The Chabad Center of Sudbury – 100 Horse Pond Road (Assessor’s Map J06-0506) and Stormwater Management Permit Application**

Present: Rabbi Yisroel Freeman, the Applicant’s Attorney Joshua Fox and the applicant’s engineer Robert Drake

At 7:38 p.m., Vice-Chairman Abair opened a Public Hearing regarding the application of Chabad Center of Sudbury, Inc., Owner and Applicant, for site plan approval in accordance with the Town of Sudbury Zoning Bylaw Section 6300 for a change of use for property located at 100 Horse Pond Road, zoned Residential A-1, which was continued from June 24, 2015, and he opened the Stormwater Management Permit Public Hearing regarding an application submitted by the same applicant, and he read aloud this Public Hearing Notice, regarding the request to construct a 7,800 sq. ft. paved parking area and associated improvements which will disturb greater than 5,000 sq. ft. of land and result in a net increase in impervious surface of more than 500 square feet on a 2.02 acre parcel located at 100 Horse Pond Road (Assessor’s Map J06-0506). The Board was previously in receipt of copies of a revised Site Plan dated July 2, 2015, a memorandum from Ms. Kablack dated July 23, 2015, and a draft “Site Plan Decision Sudbury Planning Board The Chabad Center of Sudbury 100 Horse Pond Road SP#15-01,” dated July 29, 2015. In addition, the board had copies of the Applicant’s Application for Stormwater Management Permit, an email from Sudbury Director of Public Health dated July 21, 2015, a Project Description and Stormwater Analysis and Operations & Maintenance Plan prepared by Drake Associates Inc. and accompanying Site Plan. In addition, copies of a draft #3 “Site Plan Decision Sudbury Planning Board The Chabad Center of Sudbury 100 Horse Pond Road SP#15-01,” dated July 29, 2015, noting the applicant’s and Town staff comments, a letter from Drake Associates, Inc. dated July 29, 2015 and accompanying Massachusetts DEP Checklist for Stormwater Report and a letter from Sudbury’s Department of Public Works Director Bill Place dated July 29, 2015, noting his comments regarding the Stormwater Management Permit application were distributed tonight.

The applicant’s attorney Joshua Fox referenced the revised Site Plan. Based on the last meeting with the Board, he stated revisions were made to eliminate 10 parking spaces on the south side of the property. Thus, the proposed parking is now concentrated only on the northern side. Mr. Fox also stated 10 arborvitae trees will be planted on the south side of the property to provide screening and shield lighting from cars at night. He noted all of the pavement which will be permitted will not be installed at once for budgetary purposes. Only the handicap spaces will be paved.

The applicant’s engineer Bob Drake showed the revisions made on an exhibit plan. Mr. Drake explained plans to contain the runoff on the site, noting the proposed bio-retention area and forebays, which will be a closed system capable of containing a 100-year storm event. He indicated where the handicap parking spaces will be. Mr. Drake stated he spoke with DPW Director Bill Place

today, who asked about lighting. He stated the typical residential grade Colonial-type fixtures are planned, with possibly four lights along the parking and at the corners of walkways. Mr. Drake also stated signage would possibly be two-sided wood, with direct lighting from the ground. He also stated he met with the Conservation Commission, and its conclusion was that a Notice of Intent filing was not necessary. Mr. Drake stated he also discussed with Mr. Place today compliance with erosion and sediment controls and an operations and maintenance plan for the stormwater management system.

In response to a question from Mr. Garvin, Mr. Drake stated the proposed crosswalk is not there now. If a crosswalk is installed, Mr. Garvin noted ramps may also need to be installed on both sides. Mr. Garvin also suggested relocating two arborvitaes to the northern side of the curb cut to increase screening from that direction. Mr. Drake stated the screening already seems adequate in this area.

Ms. Kablack referenced her memo and the new items received to the file. She stated Mr. Place has some outstanding stormwater-related issues to resolve, and she noted a draft stormwater decision has not been prepared for review tonight. Ms. Kablack stated the goal would be to allow the applicant to begin to convert the property, while continuing the Stormwater Management Permit hearing in September.

Regarding the Site Plan, the consensus of the Board was the applicant took comments made at the last Board Meeting into account with the revised plan.

The applicant's plans for parking and overflow parking were reviewed. Ms. Kablack noted the application is an exempt use, but the parking proposed meets the bylaw provisions. Mr. Drake also explained how the curbing would differ for the overflow parking area.

Vice-Chairman Abair asked if the applicant would come before the Board again if additional parking were needed to be paved. It was noted the Board could require the applicant to come back before the Board if they were to request more than 10 more parking spaces. Mr. Morely noted paving would require a stormwater management review. Mr. Garvin suggested the applicant could put some gravel under the grass parking spaces now, at a low cost, to facilitate future paving.

Mr. Garvin stated he has concerns about a painted crosswalk in the proposed area, and he suggested it be required to be in compliance with the Massachusetts Architectural Access Board requirements.

Sudbury resident and neighbor Casey Rogers, 3 Stone Brook Road, asked if the driveway would be expanded, since it seems to be shifting towards her home. She also asked whether the signage would be lighted 24 hours a day. Mr. Drake explained the re-orientation using the exhibit plan, stating the driveway will have a similar alignment to what exists now. He also stated the lighting for the signage could be put on a timer. Mr. Drake further stated he would discuss the sign location with Mr. Place, and once this plan is finalized, the Planning Department staff could sign off on it. Ms. Kablack stated she has not seen the dimension or location plans for the proposed sign, which she believes should be reviewed by her Department. She suggested it be added as a condition of approval. However, she noted the applicant believes they are exempt from this.

Ms. Kablack referenced the draft Decision conditions #3 and #5, noting the Board can review the plan for screening and lighting gaps prior to occupancy by conducting a site visit.

Sudbury resident and neighbor Matt Murphy, 111 Horse Pond Road, thanked the board and the applicant for listening to his concerns from the last Board Meeting. He suggested installing the crosswalk as close to the railroad tracks as possible.

Sudbury resident Elaine Allen, 73 Jarman Road, thanked all parties for their positive input to the plan.

The Board reviewed the Draft 3 Site Plan Decision. Mr. Fox explained his rationale for the suggested revision to condition #2 regarding preventing parking on Horse Pond Road.

Ms. Kablack noted that, typically, the Board would not allow a structure to be altered without approval of the Stormwater Management Permit. However, in this instance, she supports the commencement of site alterations with the installation of erosion controls.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Site Plan Decision Draft #3, as reviewed and amended tonight, for the application request of Chabad Center of Sudbury, Inc., Owner and Applicant, in accordance with the Town of Sudbury Zoning Bylaw Section 6300 for a change of use, as by right, for property located at 100 Horse Pond Road, zoned Residential A-1.

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

VOTED: To continue the Public Hearing regarding a Stormwater Management Permit application submitted by Chabad Center of Sudbury, Inc., Applicant and Owner, to construct a 7,800 sq. ft. paved parking area and associated improvements which will disturb greater than 5,000 sq. ft. of land and result in a net increase in impervious surface of more than 500 square feet on a 2.02 acre parcel located at 100 Horsepond Road (Assessor's Map J06-0506) to September 9, 2015 at 7:30 p.m.

**Public Hearing: Site Plan Application – 9 Old County Road – Assessor's Map K11-0014)**

Present: Property Owners – Denis and Marie Lewis

At 8:30 p.m., Vice-Chairman Abair opened a Public Hearing regarding the application of Denis and Marie Lewis for 9 Old County Road, for a Minor Site Plan approval for an expansion of a pre-existing, non-conforming residential/commercial structure and conversion of use to professional office space at 9 Old County Road. The Board was previously in receipt of copies of the Application for Site Plan Approval dated July 1, 2015 and accompanying plans, a memorandum from Ms. Kablack dated July 23, 2015, minutes from a Pre-Application Meeting held on May 19, 2015, a draft "Site Plan Decision Sudbury Planning Board Denis and Marie Lewis 9 Old County Road SP#15-02, dated July 29, 2015," the Notice of Public Hearing, and the Design Review Board Meeting Minutes of July 8, 2015. In addition, copies of a new "Draft #2 Site Plan Decision Sudbury Planning Board Denis and Marie Lewis 9 Old County Road SP#15-02", a revised Site Plan as of July 28, 2015, and an email from Mark Herweck dated July 27, 2015 were distributed tonight.

Ms. Kablack summarized the applicant's request to renovate one building in an industrial district, which is the oldest structure on the property and is currently used as a residence. The building is proposed to be converted to professional office space, which is a conforming use.

Vice-Chairman Abair asked what is currently on the site. Property owner Marie Lewis stated there are 12 businesses, and she described where the structure related to the request is located.

Ms. Kablack reviewed the items received to the file. She noted topography is not required on the plan and DPW Director Bill Place will review the Stormwater Management General Permit application. Ms. Kablack stated Town staff held a pre-application meeting and input from the meeting has been incorporated into the plan. She explained a parking analysis was performed, which indicated six more parking spaces are needed, and they have been requested as reserved parking. Ms. Kablack referenced the comments from her memo. She also mentioned two trees which are recommended to be removed on the property, which are in the Town's right-of-way. Ms. Kablack stated that, if the Town submits a Scenic Road Application, the property owners have offered to pay to have the two trees removed. She also noted a draft Decision has been prepared for the Board's review tonight.

Mr. Long asked if there are two stone walls on the property. Ms. Kablack stated there a few short stone walls which will not be effected by the proposal. Mr. Long stated he likes the idea that the proposal would make the property more conforming.

Mr. Morely mentioned the property appears to be a hub of activity.

Mr. Garvin asked if the Board of Health has reviewed the septic system in relation to the change of use request. Ms. Kablack stated a new septic system is being installed. She further stated the final approval of the Board of Health is a condition of the draft Decision.

Mr. Remley asked if the second exit would be closed off, and whether the parking spaces would be maintained. Ms. Lewis stated the second exit will remain accessible and the parking spaces would be maintained.

Sudbury resident Jody Tucker, 6 Old County Road, is a neighbor who lives at The Villages at Old County Road across the street. She stated she called the Police Department this morning, due to the stench from the applicant's septic system. Ms. Tucker also stated there have been problems with noise at night on the property. She also believes the property has been out of compliance with its former site plan approval, because there has been transference of septic material, without infiltration. Ms. Tucker stated she does not understand how the Board can consider expanding this property until the outstanding issues are resolved.

In response to a question from Vice-Chairman Abair, Ms. Kablack explained there is ongoing litigation regarding this site. However, she highlighted there have not been any current zoning issues identified by the Building Inspector.

Mr. Garvin stated the transfer of septic material is a Department of Environmental Protection and/or Board of Health issue, and it is not within this Board's purview.

Ms. Tucker stated she is a lawyer, and there is litigation with a neighbor, who represents 37 people. Ms. Tucker asked the Board to consider asking the applicant to resolve outstanding issues before approving any modifications.

Vice-Chairman Abair asked the parties to briefly review the litigation.

Ms. Lewis provided a brief summary of the litigation with the neighbor and issues brought previously before the Zoning Board of Appeals (ZBA). Ms. Lewis stated the applicants are not in litigation with the Town.

Sudbury resident, David Kaplan, The Villages at 6 Old County Road, stated he brought one lawsuit against the applicants on behalf of several residents at The Villages. He stated bad noises and smells were noted, and the case is currently in limbo.

Mr. Long stated the Board is deliberating a specific issue, which does not relate to the litigation issues mentioned.

Mr. Kaplan stated he and the other neighbors have tried to have better relations, but he believes the applicant has not followed through with previous requirements regarding buffering and other issues. It was noted the Board of Selectmen granted the original Site Plan approval, and not the Planning Board.

Mr. Long stated the appearance of the property seems to be part of the neighbor's complaint, and he noted that the draft Decision addresses this issue.

Mr. Kaplan stated he would like the property to be properly buffered and better maintained. He also stated the applicants are good people, and he hopes the situation improves, and that they will be in compliance.

In response to a question from another neighbor from 6 Old County Road, Ms. Kablack clarified the property in question is the red house on the property.

Ms. Lewis stated they will review the screening. She noted fencing has been added, and there is more screening today than there was a few years ago. Ms. Lewis noted the property is a Chapter 40B development, and there are not a lot of setback requirements of those homes from the street. She emphasized that, when the neighbors bought their units, they knowingly did so across the street from an industrial zone. Ms. Lewis stated the applicants are continually criticized, no matter what they do, and there has only been one violation related to noise.

Ms. Kablack displayed an aerial photo of the property. She stated she has visited the site and it is much improved along the frontage.

Mr. Morely asked for clarification regarding transfer of septic material. It was explained one of the applicant's tenant's pumps and stores septic waste on the property, and they are required to have a filtration system in place to remove odors. However, the system does not always function properly and there is an unbearable smell which permeates the area for several hours.

Mr. Morely stated the septic issue could be the most serious one mentioned, but it is in the Board of Health's purview, and not this Board's.

Mr. Garvin stated the septic business is an allowable use.

Vice-Chairman Abair stated this is a minor application request, and it proposes an improvement to the property. He asked the Board if members were inclined to vote on the application tonight. The consensus of the Board was that a vote could be taken tonight.

Ms. Kablack reviewed the conditions proposed in the revised draft Decision #2.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Site Plan Decision #2, as reviewed and amended tonight, regarding the request of Denis and Marie Lewis for 9 Old County Road, for a Minor Site Plan approval for an expansion of a pre-existing, non-conforming residential/commercial structure and conversion of use to professional office space at 9 Old County Road.

Vice-Chairman Abair suggested the neighbors and applicants try to improve their relationships, noting the Board will enforce the conditions it has approved.

Ms. Lewis asked when work could commence. Ms. Kablack stated work must wait until the General Stormwater Management Permit has been approved, the plans are revised and endorsed by the Board, and the decision is recorded at the Registry. All these conditions are detailed in the decision.

#### **Maple Meadows – SRC - Request for Bond Reduction**

Ms. Kablack stated this agenda item has been postponed to September 9, 2015.

#### **82 Maynard Road Subdivision - Request for Bond Reduction**

Ms. Kablack stated this agenda item has been postponed to September 9, 2015.

#### **Town Manager Interview Panel - Planning Board Representative**

The Board was previously in receipt of an email from Patricia Golden dated July 16, 2015 regarding representatives needed for the Town Manager Search Community Screening Panel. Ms. Kablack stated a Board representative and an alternate is needed for the Town Manager Recruitment Interview Panel to be held the week of August 24, 2015.

The consensus of the Board was that, without a specific date, it is difficult to commit to participation. On behalf of the Board, Ms. Kablack will reply that the Board will determine if someone is available to participate, once a date is determined.

#### **Minutes**

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of June 24, 2015.

Vice-Chairman Abair abstained from the vote.

**Potential Changes to Zoning in Commercial Districts – 2015 Cecil Group Report Recommendations**

At 9:30 p.m., Vice-Chairman Abair opened a discussion regarding potential changes to zoning in commercial districts and the 2015 Cecil Group report recommendations. The Board was previously in receipt of copies of a memorandum from Ms. Kablack dated July 24, 2015 and a draft of “Potential Changes to the Sudbury Zoning Bylaw July 2015.”

Ms. Kablack stated she and Mr. Kupfer have proposed zoning changes based on the 2015 Cecil Group report recommendations. She explained there are some near-term zoning changes which could be made without a major wastewater project on Rt. 20, and which could favorably impact redevelopment, particularly regarding the Raytheon property. Ms. Kablack the following proposed general changes to promote appropriate redevelopment on Route 20:

1. Add uses to Industrial and Limited Industrial zoning districts
2. Reduce parking requirements in all Districts
3. Revise setback requirements
4. Increase height limits
5. Increase coverage allowance in Limited Industrial Districts

In response to a question from Mr. Garvin, Ms. Kablack stated that setbacks from a commercial property that is adjacent to a residential property have not changed.

Ms. Kablack asked the Board if it was inclined to add multi-family zoning as a use in the Zoning Bylaw. The consensus of the Board was it does not wish to do so because the issue would likely be tied to the ongoing Chapter 40B controversy.

Ms. Kablack asked the Board to provide her with feedback regarding whether any other uses should be added. It was noted ATMs, kiosks and drive-thru establishments could be considered for Site Plan Approval.

Ms. Kablack stated the setbacks have been made more uniform in the Industrial districts so that a consistent streetscape can be constructed along Route 20. In response to a question from Vice-Chairman Abair, Ms. Kablack stated she would capture the four-story element suggested by the Cecil Group, revise the document and present it to the Board at a future meeting for further review.

**Site Plan Review Rules and Regulations**

Copies of a draft Site Plan Review Rules and Regulations were distributed tonight.

Ms. Kablack stated the Selectmen’s Site Plan Rules and Regulations have been revised for adoption by the Board, as they are now formally the Site Plan reviewing authority. She further stated she would schedule a Public Hearing for discussion at the September 9, 2015 meeting.

**Maynard Road Lots E & F (Assessor Map #E06-303-and 304) – Discuss Performance Bond Forfeiture**

Ms. Kablack read aloud a draft letter to be sent to the Owner of the property regarding Maynard Road Lots E & F (Assessor Map #E06-303-and 304) and the possible performance bond forfeiture for failure to

complete work as required. It was suggested the bond be taken by the Town to fix the erosion control needed on site.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the taking of the bond for Maynard Road Lots E & F (Assessor Map #E06-303-and 304) for the purpose of restoring the erosion control along the frontage, and to send a thirty-day notice to this effect to all appropriate parties.

#### **Application Not Required Application – 8 Pelham Island Road**

The Board was previously in receipt of copies of the Town of Sudbury Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Thomas and Barbara Ryan, 8 Pelham Island Road, Sudbury, MA.  
Ms. Kablack summarized the proposal.

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 Thomas and Barbara Ryan, 8 Pelham Island Road, Sudbury, MA, received July 24, 2015.

#### **Application Not Required Application – 168 Horse Pond Road**

Copies of the Town of Sudbury Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Anne Blank, 168 Horse Pond Road, Sudbury, MA were distributed tonight. Ms. Kablack summarized the proposal.

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 Anne Blank, 168 Horse Pond Road, Sudbury, MA.

#### **Upcoming Meeting Schedule**

Ms. Kablack stated the next meeting will be held September 9, 2015.

The meeting was adjourned by Vice-Chairman Abair at 10:06 p.m.