

Present: Chairman Craig Lizotte, Christopher Morely, Peter Abair, Martin Long, Stephen Garvin, Dylan Remley (Associate Member) and Jody Kablack (Director of Planning and Development)

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

Public Hearing: Varsity Wireless Investors LLC – Site Plan Application – 275 Old Lancaster Road (Assessor’s Map H08-0049)

At 7:30 p.m., Ms. Kablack announced the applicant’s attorney Francis Parisi has requested a continuation of this item. The applicant is considering some small changes to the plan, which will soon be finalized.

Chairman Lizotte opened the Public Hearing regarding the application of Varsity Wireless Investors, LLC, applicant, and Town of Sudbury, owner, for Site Plan approval under section 6300 of the Sudbury Zoning Bylaw to install and operate a wireless communications facility consisting of a 140’ stealth monopole tower and associated equipment at 275 Old Lancaster Road, Assessor’s Map H08-0049, zoned Single Residential-A, which was continued from October 14, 2016. The Board was previously in receipt of copies of a draft “Site Plan Decision Sudbury Planning Board Varsity Wireless Investors, LLC 275 Old Lancaster Road” and an email from Sudbury resident Lisa Vitale, 286 Old Lancaster Road.

On motion duly made and seconded, it was unanimously voted to continue the Public Hearing to November 17, 2015 at 7:45 pm at the Flynn Building, without any discussion.

Arboretum Subdivision Walkway

At 7:35 p.m., Ms. Kablack announced this agenda item has been postponed to a future undetermined date.

SudburyTV – Discussion Regarding Televising Planning Board Meetings

At 7:36 p.m., Chairman Lizotte opened a discussion regarding whether SudburyTV should televise Planning Board meetings. He stated Ms. Kablack made him aware of a request from Sudbury TV to tape the Board’s meetings. Chairman Lizotte asked for the opinions of the Board members.

In response to a question from the Board, Ms. Kablack stated the Board of Selectmen, Finance Committee and School Committee meetings are currently taped, and so are occasional Zoning Board of Appeals (ZBA) meetings.

Mr. Long asked if taping more meetings would result in additional costs for the Town. Ms. Kablack stated it would not, and it would be part of the services provided by SudburyTV.

Mr. Garvin asked if the Conservation Commission and Board of Health meetings are taped. Ms. Kablack stated they are considering the option.

Mr. Morely stated he believes taping the meetings will inhibit the behavior of the Board. He believes Board members communicate well with each other and with meeting attendees, and he fears this could change.

Mr. Abair stated he has no objections to taping the meetings.

Mr. Garvin stated he is inclined to agree with Mr. Morely, but in the spirit of transparency, and if the Board is being asked to do it, he thinks the Board should.

Mr. Remley stated he is inclined to agree with Mr. Morely, but he is willing to consider it, if the request comes from the Board of Selectmen, and not SudburyTV.

Chairman Lizotte stated the consensus seems to be that the Board would be inclined to do it, if a request is received from the Board of Selectmen. He noted it could change how the Board interacts and how the public interacts with the Board.

It was noted the Board could consider only taping Public Hearings. Mr. Long stated this could be misperceived. He believes that either the Board agrees to tape meetings in their entirety or not at all.

The Board asked Ms. Kablack to ask the Board of Selectmen to make the request to the Board.

National Development – Raytheon Property Redevelopment – 526 & 528 Boston Post Road – Proposed Zoning Changes Discussion

Present: National Development representatives Jack O’Neil and Steve Senna and National Development’s Attorney Peter Tamm

At 7:45 p.m., Chairman Lizotte recused himself from this agenda item, and Vice-Chairman Abair welcomed representatives from National Development to the Meeting to discuss with the Board the proposed zoning changes for the redevelopment plans for the Raytheon property. Copies of a handout prepared by National Development entitled, “Raytheon Site – Sudbury Zoning Concepts – Overlay District,” and two memoranda from Ms. Kablack dated July 24, 2014 and September 8, 2015 respectively were distributed tonight.

Vice-Chairman Abair referenced the previous work done by the Board to consider potential zoning changes for the Route 20 corridor, including contracting with The Cecil Group to complete a Route 20 Corridor Study.

National Development representative Jack O’Neil highlighted recommendations made by The Cecil Group to encourage private investment along the Route 20 corridor, including adding more uses, increasing height limits, changing setbacks and providing more flexibility for access and parking. Mr. O’Neil stated his company believes its proposed plan is consistent with these suggestions. He showed maps of the 50-acre site’s existing conditions and the proposed subdivision of mixed uses. Mr. O’Neil stated a high-end grocer is planned, which is an allowed use, but since it exceeds 20,000 square feet, it will require a Special Permit.

National Development’s attorney Peter Tamm reviewed the recommended zoning overlay concepts, which he stated were based on the Town’s previous work with its Housing Production Plan and with The Cecil Group’s Route 20 Study. Mr. Tamm stated the proposed plan is consistent with the Town’s efforts

to date. He stated the intention is to try to finalize an overlay district presentation for the May 2016 Town Meeting. Mr. Tamm stated The Cecil Group Study supported the idea of overlay zoning to achieve some of the Town's goals, noting it is an efficient approach. He referenced the Study and the LID constraints mentioned and that the Study recommends consolidating the zoning and permitting process. Mr. Tamm stated the developer plan would be consistent with this process.

Mr. Tamm summarized the number of uses which would be encouraged, which are not now allowed in LID. He noted the affordable rental apartments would be handled through the Comprehensive Permit process and not through the overlay process. Mr. Tamm stated Accessory Uses would be important to have, and the intention is to share infrastructure, access and utilities.

Vice-Chairman Abair and Mr. Morely stated the Board was heading in a similar direction with its previous work. Ms. Kablack referenced her July 24, 2014 and September 8, 2015 memos, noting the Board had been discussing very similar zoning changes.

Mr. O'Neil stated the Town's current zoning does not allow for the proposed project, and thus they are trying to accomplish modifications to the current zoning bylaw to allow the project to move forward.

Mr. Morely stated today's market has indicated that what is currently on the Raytheon site is not what is wanted.

Mr. Tamm reviewed Bulk and Dimensional issues, including maximum height, minimum lot areas and lot frontages, minimum yards, minimum side/rear setbacks from residence zones, and maximum building coverage. He stated the project anticipates heights up to approximately three stories and 45 feet, as noted in The Cecil Group Study. Mr. Tamm emphasized the existing site is almost all impervious surface. The proposed plan will improve open spaces, which will also help redevelop the Route 20 corridor. Mr. Tamm also noted relief from certain parking restrictions is recommended. He stated the intended tenants will know specifically what kind of parking they will need. Mr. Tamm also stated driveway limitations are an issue. He stated these could be addressed in an overlay.

Ms. Kablack asked if they are contemplating submitting a subdivision plan, noting it is difficult to assess some things until that can be reviewed. Mr. O'Neil stated one would be submitted at a later time.

Mr. Garvin asked if a public or private way is planned. Mr. O'Neil stated creation of a right of way through subdivision control would be needed to create the lots, however all interior roads will remain private. He further stated visuals would be provided at a future time which should better reflect the plan.

Mr. Morely asked if they could provide an example of the performance standards for driveways. Mr. Tamm stated he would defer to the civil engineers for this information. National Development representative Steve Senna provided some examples of sidewalks and driveways which might be considered. He noted the site is deeper than it is wide, and thus the access will be highlighted. Mr. Morely noted the site is currently subdivided into two lots.

Vice-Chairman Abair asked if there has been thought given to providing another access point. Mr. O'Neil stated this is not being considered at this time. However, he mentioned there was a Pre-Application Meeting today with Town Department Heads, and other ideas were mentioned which will be considered.

Mr. Tamm highlighted landscaping and buffering areas for which they will propose some modifications, including the buffers between non-residential and residential uses, open space, the buffers between parking lots and rear or side lot lines, and the landscape buffers along street frontages. He stated it would be proposed that in the re-development context, Special Permits would not be needed. Mr. Tamm emphasized the plan will reduce the impervious surface area, and it will improve stormwater management conditions.

Mr. Morely stated that, due to the improvements which will be made, the Special Permit process would likely not be onerous. He asked if they are attempting to eliminate the process because of the time and money involved. Mr. Senna stated they believe they will more than satisfy requirements through the Town's Stormwater Management Permit process and that of the Conservation Commission. Ms. Kablack stated the Water Resource Protection Overlay District (WRPOD) process was used for Northern and TD Banks. She stated this will be worked through with all parties.

In response to a question from Mr. Long, Mr. Tamm stated the Route 20 Corridor Study is ambitious for the entire corridor, and the proposed overlay will not fix all sites. However, he emphasized the overlay would help facilitate additional re-development and it will help to create visual interest for the area. Mr. Morely noted the property is large, and thus the rules for this site might vary a bit, but it will be a catalyst for future projects.

Mr. Senna summarized the current and next project steps. He stated discussion of zoning concepts is in progress, and work will continue to prepare the Town Meeting Warrant by January 29, 2016 for the May 2016 Town Meeting. Mr. Senna stated the deadlines help them dig into details sooner. He also stated the application for the village grocer will be filed with the ZBA in November 2015. Mr. Senna further stated Site Plan and Stormwater Management Permit review by the Planning Board should begin in November 2015 and there will be review by the Design Review Board. In addition, an application will be filed with the Conservation Commission. Mr. Senna stated the Chapter 40B Project Site Eligibility Application will be filed in November 2015 and the ZBA Comprehensive Permit process will occur in the 2015/2016 winter.

Ms. Kablack stated she is curious to see a subdivision plan. She noted the age-restricted housing will be a little harder to understand by the public than the restaurant and assisted living pieces. Ms. Kablack stated there is work to be done regarding this use, which is currently undefined. It was noted a new use may need to be defined in its place. She also stated the Board has not decided about ATM's and kiosks. Mr. Morely emphasized the Board would rather these features enhance the project rather than being hindrances. Mr. O'Neil concurred.

Ms. Kablack noted many uses in the LID are Special Permit uses. It was noted the overlay would eliminate Special Permits and the process would be by Town Meeting votes to later be overseen by the Planning Board.

Mr. Remley emphasized the challenge will be to describe what can and cannot be in the overlay district, and he stated substantial detail will need to be provided.

Ms. Kablack stated there is the possibility of requesting a Special Town Meeting within the Annual Town Meeting, which would allow more time to prepare materials.

Mr. Garvin stated the January 29, 2016 deadline is ambitious. He asked if examples of other sites which have been transformed into mixed use properties are available tonight, and if not, whether they could be provided in the near future. Mr. O'Neil encouraged the Board to access information on the company's website. He also listed a few projects completed in Westwood, Medford, Lynnfield and at Assembly Square.

Sudbury resident David Hornstein, 22 Candy Hill Road, stated architectural renderings displayed at the previous meeting looked like two very different styles of housing. Mr. Hornstein suggested National Development and Avalon work together to better match their housing styles. Mr. O'Neil acknowledged this point, and he stated they would look at this again.

Sudbury resident Dan DePompei, 35 Haynes Road, asked if 40,000 square feet for a grocery store is large. Mr. O'Neil stated it would be considered mid-sized. He noted the Wayland Stop & Shop is 65,000 square feet. Mr. O'Neil stated he anticipated the name of the intended grocer might be able to be disclosed at the Board's next meeting.

Ms. Kablack stated the Board will continue this zoning discussion at its November 17, 2015 meeting, and the discussion was concluded at 8:48 p.m.

Later in the meeting, Mr. Remley asked if pursuing a site-specific overlay district is the best approach for the Town rather than developing a more comprehensive overlay district, and he questioned if this could be perceived as preferential. Mr. Morely stated it will be important to explain to the public that this is not spot zoning. Ms. Kablack stated a development agreement will be negotiated with the developer to mitigate the impacts of the development.

Village at Sudbury Station – Comments to the Board of Selectmen

At 8:48 p.m., Chairman Lizotte returned to the Meeting, and he opened a discussion regarding a new Chapter 40B application received for a site located off Peters Way and Concord Road (Assessor's Map J06-0023), which was continued from October 14, 2015. The Board was previously in receipt of copies of a draft letter from the Planning Board to be sent to the Board of Selectmen dated October 28, 2015, which incorporated input from Board members, a memorandum from Ms. Kablack dated October 20, 2015, a letter from Attorney Robert Abrams to the Planning Board dated May 10, 2002, and a memorandum from the Sudbury Conservation Commission dated October 21, 2015. In addition, copies of a Draft #2 of the letter from the Planning Board to be sent to the Board of Selectmen dated October 28, 2015 and a letter from Sudbury Water District Superintendent Rebecca McEnroe dated October 26, 2015 were distributed tonight.

Ms. Kablack stated Draft #2 of the Board's letter incorporates suggestions from Board members, using Mr. Remley's comments as a base. She stated the Board should finalize its letter tonight to be sent to the Selectmen, which will help the Selectmen finalize its own letter at their November 3, 2015 Meeting.

Chairman Lizotte suggested the many good points made in the draft might be more effective if they are grouped by headings such as, incomplete/inaccurate application, unsafe access, engineering plan is not feasible, and the legal acquisition of the property (land swap) issue. It was also suggested that headings could be used for the Board of Selectmen's letter to MassHousing.

Chairman Lizotte referenced the Conservation Commission's October 21, 2015 letter. He stated the applicant has stated there are no wetlands issues, but the letter indicates the main access road of the proposed project would cross wetlands. He believes the lack of these facts from the application should be noted to MassHousing. Chairman Lizotte also advised the Town focus comments to MassHousing on technical facts and omissions and how the application is incomplete.

Mr. Morely referenced the second paragraph of the Commission's letter, noting the applicant would need to refile the Notice of Resource Area Delineation (NRAD) because the Mineway Brook was misleadingly indicated as only an intermittent stream.

Mr. Remley stated he assumed Ms. Kablack's October 20, 2015 memorandum, which details many issues would be attached to the Board's letter. He believes the back-up detail highlights the inaccurate and missing application information. Mr. Remley asked if the Planning Board could choose to send its own letter to MassHousing. Ms. Kablack stated it could. She also stated the draft Selectmen's letter is currently four pages and it is presented with numbered bullet points. Chairman Lizotte asked if the Planning Board could request that its letter be included in with the Selectmen's comments to be sent to MassHousing. Ms. Kablack stated this is possible. Vice-Chairman Abair suggested the Selectmen should also copy its comments to MassHousing to Sudbury's legislative delegation.

Vice-Chairman Abair asked if it would help to note that there is another active project on a Housing Production Plan site of which the Town is very supportive. Ms. Kablack stated this is noted in the Selectmen's draft letter. She also suggested the Planning Board's joint letter with the Selectmen to the Raytheon team should be added to the MassHousing package.

Chairman Lizotte again referenced the Conservation Commission's letter. He noted the applicant did not ask for relief from the Town's wetlands bylaw, and thus this bylaw now applies to the project. Chairman Lizotte believes this is significant because the applicant will need to file a Notice of Intent under the Town's bylaw and the resources will need to be redefined. Ms. Kablack will review and strengthen related language in the draft letter.

Mr. Morely provided Ms. Kablack with some minor edits and typographical errors to be corrected. He stated he thought Mr. Remley's edits were excellent.

Later in the Meeting, Chairman Lizotte stated he believes it should be noted that because there are no engineering details provided, it is likely the finances of the project are inconsistent and that they are likely underestimated. He also suggested, and the Board concurred, that, in its letter, the Town requests a meeting with MassHousing. Mr. Garvin and Mr. Abair also asked that it be stressed in the letter that the Town has another 40B development which is near submission, which will get the Town to 10% and which the Town supports.

Sudbury resident David Hornstein, 22 Candy Hill Road, suggested emphasizing items which do not comply with MassHousing's regulations, in case they could be helpful later, if an appeal is filed. Chairman Lizotte stated MassHousing's focus will be on public health and safety, and the Board's letter has tried to reflect its issues in this manner. Mr. Garvin stated there could also be focus on some environmental issues.

Ms. Kablack stated only the WPA and Title 5 regulations apply. Mr. Morely stated he is encouraged that the Town's voice may be heard regarding the proposed project, and that MassHousing might not just "rubber stamp" the application.

Sudbury resident Eric Goorno, 41 Candy Hill Road Lane, asked about the content of Attorney Robert Abrams letter. Ms. Kablack read aloud the May 10, 2002 letter, which clearly presents the purpose of generating one frontage for one house on approximately 36 acres of land. Mr. Garvin highlighted Attorney Abrams also asked for filing fee relief for that application due to the low density of the proposal.

Mr. Hornstein asked who the legal owner of the land is. Ms. Kablack explained MassHousing will consider that the developer has site control. Mr. Hornstein asked if it can be pursued that there was possibly a fraudulent conveyance of the deed. Chairman Lizotte stated that, unfortunately, there is no deed restriction.

Mr. Hornstein stated the property was listed on the Town's Open Space Plan, and he asked if the Town could attempt to purchase the land from the developer and attempt to strike a deal sooner rather than later in this process. Chairman Lizotte stated this Board does not have the authority to pursue this, but he suggested, and the Board concurred, that the Board suggests this to the Selectmen. The consensus of the Board was that the Planning Board should write a separate letter to the Selectmen asking if the Town would consider acquiring the property, since it was listed on the Town's Open Space Plan.

On motion duly made and seconded, it was

VOTED: To ask Ms. Kablack to finalize the letter from the Planning Board to the Selectman regarding its opinion of the Village at Sudbury Station proposed project to be shared with MassHousing, and to incorporate the edits and recommendations made tonight.

On motion duly made and seconded, it was also

VOTED: To ask Ms. Kablack to finalize a letter in the next few days with Chairman Lizotte to express the Planning Board's suggestion to the Board of Selectman regarding pursuing acquiring the property from the developer for the proposed Village at Sudbury Station project.

At 9:26 p.m., Chairman Lizotte urged abutters and residents to remain involved with this project's process with Town boards and committees, and he concluded the discussion.

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of September 30, 2015.

Upcoming Meeting Schedule

Ms. Kablack stated the next meetings will be held at the Flynn Building on November 17, 2015 (Tuesday) and on Wednesday, December 9, 2015 at Town Hall beginning at 7:30 p.m.

Executive Session

At 9:48 p.m., Chairman Lizotte announced the close of the regular meeting and it was on roll call unanimously

VOTED: To go into Executive Session for the purposes of litigation discussion, as an Open Meeting may have a detrimental effect on the bargaining position of the government body, Chairman Craig Lizotte, aye, Christopher Morely, aye, Vice-Chairman Peter Abair, aye, Martin Long, aye, and Dylan Remley (Associate Member), aye.

Chairman Lizotte announced regular session would not reconvene following Executive Session.

The meeting was adjourned by Chairman Lizotte at 9:48 p.m.