

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

At 7:40 p.m., Vice-Chair Peter Abair called the meeting to order.

Verizon Wireless -Sudbury United Methodist Church – 251 Old Sudbury Road

Mr. Abair read the hearing notice into the record.

Victor Manouginn, representing Verizon Wireless, David Tippmann Vital Acquisitions, Brett Nelson, and Paul Bucci from Jacobs Engineering were all present on behalf of the Applicant and Owner for site plan review for installation of a wireless communications facility in the Church steeple.

The board was previously in receipt of Application for Site Plan Approval dated October 21, 2015, including Site Plan prepared by Jacobs Engineering Group, Inc. dated September 9, 2015, last revised November 17, 2015, consisting of 7 sheets; including Project Narrative, Consent of Record Owner, Request for Waivers, Abutter List, Structural Assessment, Verizon Wireless Search Ring Map & Site Acquisition Request Form, Memorandum of Lease and Relevant FCC Licenses of Verizon Wireless. Memo from Lyn McLean, Sudbury Historical Commission dated October 21, 2015 supporting the application. Email from Debbie Dineen, Conservation Coordinator, dated October 27, 2015 indicating no Conservation Commission permitting is required for this application. Memo from Jody Kablack, Planning Director dated November 10, 2015. Additional materials submitted tonight to the Board included a letter from Paul L. Mucci, P.E., Jacobs Engineering, dated November 17, 2015 regarding drainage impacts of the proposal, and a Draft Decision dated November 1, 2015.

Mr. Manouginn presented the application, stating that a similar facility had previously been installed in the steeple, and this application will be very similar. The height of steeple will not change, the antennas will not be visible, Verizon will use the same area for cabling; and the equipment shelter will be in the same vicinity as the previous, which is behind the church and out of sight.

A member had a question about drainage around the shelter and if the shelter rests on a cement slab. Mr. Manouginn applicant replied that the letter presented tonight addresses this issue, and it is their opinion that the site does not require drainage mitigation.

Mr. Manouginn noted that Verizon is not changing anything on the property. The traffic as result of this application will be one or two visits per month with a small truck, and no signs or lighting are proposed.

If Verizon leaves the site, they are responsible for removing their equipment as a condition of the lease they signed with the Church.

The applicant stated that all of the equipment is located in a shelter, not in a small cabinet like Metro PCS's was. Mr. Morely asked if Metro PCS vacated the site. The applicant replied that yes they have vacated the site.

Mr. Garvin asked about the 2% number described on the letter, Mr. Bucci replied that this percentage is representing the lease area (not the entire site) and stated that there is a crushed stone apron under the equipment shelter. It was agreed that an additional conditions will be added into the decision requiring

review and approval by the Town Engineer that there will be no issue with drainage due to the installation of the new shelter.

Mr. Long asked if the window is already there and if the appearance of the church building will not change or not. The applicant replied that everything will remain as is. The permeable fiberglass sheathing is already in place from the previous installation.

Mr. Abair opened the floor to questions from residents.

David Ostrow of 36 Brewster Road, whose house is right behind the church, wanted the applicant to describe what his view of the site will be from his house and if someone could explain about health risks associated with this type of equipment.

The applicant replied that an 8 foot stockade fence will be located around the site which should screen most of the equipment. Ms. Kablack replied that the Telecommunication Act of 1996 does not allow municipal boards to deny or condition cell tower applications based on health risks.

There were no other comments on this application.

On motion duly made and seconded, it was

VOTED: to approve the application of Verizon Wireless, Applicant, and Sudbury United Methodist Church, Owner, for Site Plan approval under section 6300 of the Sudbury Zoning Bylaw to install and operate a wireless communications facility in the church steeple and install associated equipment behind the building at 251 Old Sudbury Road, Assessors Map H09-0053, zoned Single Residential-A.

The Board also voted to sign the mylar plans presented this evening for this proposal.

At this point Chairman Craig Lizotte joined the meeting.

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

The public hearing on 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 28, 2015, was reopened at 7:45 pm. The Board was previously in receipt of copies of a draft Site Plan Decision dated November 17, 2015, revised plans dated November 10, 2015, and decisions from the Zoning Board of Appeals approving the facility dated November 9, 2015.

Ms. Kablack noted that the ZBA has issued the Special Permit and Variance requested, however reduced the height of the tower to 130 feet.

Mr. Parisi, representing Varsity Wireless was present and explained that the issue for the height change was the particular site and the need for line of sight communication for the public safety equipment. The applicant was attempting to mitigate the concerns brought up by residents while maintaining the economic viability of the site.

Mr. Abair questioned about lighting of the tower, and Mr. Parisi declared that no lighting is proposed on the tower.

On motion duly made and seconded, it was

VOTED: to approve 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 130' stealth monopole tower and associated equipment at 275 Old Lancaster Road, Assessor's Map H08-0049, zoned Single Residential-A, and to close the public hearing.

The Board also voted to sign the mylar plans presented this evening for this proposal.

National Development – Raytheon Property Redevelopment – 526 & 528 Boston Post Road - Introduction and Overview

Chairman Lizotte recused himself from discussion on the National Development application.

Present: National Development representatives Jack O'Neil and Ed Masteiner, National Development's Attorneys Peter Tamm and Chris Machado, and Avalon Bay Communities representatives Scott Dale and David Gillespie.

Vice-Chairman Abair welcomed representatives from National Development and Avalon Bay Communities to this meeting,

Mr. O'Neil shared the name chosen for this development "Meadow Walk Sudbury" and that their anchor tenant will be "Whole Foods Market". He presented a PowerPoint slideshow of several developments in their portfolio and their experience in redeveloping projects in Massachusetts similar to Raytheon, including University Station in Westwood, Station Landing in Medford, and Market Street in Lynnfield.

Mr. O'Neil discussed the various steps that will be needed to realize the full development of this site, which will include 75,000 to 100,000 sq. ft. of retail, a 50 bed specialty care facility, 50-60 age restricted condominiums (all to be developed and owned by National Development), and the 250 unit rental apartment complex to be developed and owned by Avalon Bay. Town approvals will be needed for a subdivision plan to create separate lots, a Master Development site plan, and rezoning in the form of an Overlay District. In addition, the grocery store component has been submitted for approval of a special permit for a Major Commercial Project to the ZBA under current zoning. The Avalon Bay development will undergo a separate 40B application as well.

Mr. O'Neil broke down the various components and their approximate acreage as follows:

Retail component – 11 acres

Specialty Care – 5 acres

Age-restricted condominiums – 13 acres

Avalon Bay rental apartments – 18 acres

Mr. Garvin asked about mitigation particularly in regards to the need for additional land for the fire station located at the front of the site. Mr. O'Neil stated that they are open minded to have a conversation about this subject.

Mr. Morely opened the conversation about the streetscape, and felt that there was too much parking in the front of the site. Mr. Abair agreed, and expressed a concern that the village streetscape, that was described in the Cecil Report, does not seem to be represented in this presentation. He felt that the retail buildings in the front of the site were too far apart and did not have enough pedestrian connectivity. There was some discussion about bringing the retail business buildings closer together to make it more inviting for pedestrians.

Mr. O'Neil stated that approximately 75,000 square feet will be retail, out of this number 40,000 square feet will be the grocery store, leaving 35,000 square feet for lease for the remaining businesses. These will break down in size according to demand. It is contemplated that there will be 2 restaurants and several smaller, casual dining places. However the conceptual buildings shown on the plan could change.

Mr. Abair stated that the Metrowest area is restaurant deprived, and that the inclusion of restaurants in this development should be a goal of the Board. Other goals for the property include getting to the 10% affordable housing number, senior housing units, and open space and public amenities.

The Board asked for more visual aids along the front elevation of the property so they could better understand National Development's vision for the streetscape. Mr. O'Neil stated they have some ideas for creating a usable streetscape and will bring these to a future meeting.

The Board moved on to discuss the Zoning Overlay process.

Mr. Peter Tamm from Goulston & Storrs submitted copies of a draft Overlay District zoning bylaw. Mr. Tamm outlined the process under the proposed bylaw, which includes the approval of a Master Development Plan by the Planning Board (prior to Town Meeting), and then adoption of the bylaw and inclusion of the Raytheon property into the Overlay District by a vote of Town Meeting.

Mr. Garvin asked if the fire station property will be included in this overlay plan. Mr. Tamm replied that in the text there is a modification process for future changes, but for now the Overlay District is proposed to just contain the Raytheon property.

Mr. Morely asked if this bylaw could be considered spot zoning. Mr. Tamm stated that there is legal precedent that if a specific bylaw such as this creates a public benefit, than it is not spot zoning or contract zoning. The public benefit is the redevelopment of the property according to noted Town goals. He has prepared a memo which has been given to Town Counsel on this subject.

Mr. Tamm went through the major provisions of the proposed bylaw. The Bylaw will overlay the existing zoning, and will not take away any current rights. The basic premise of the bylaw is for the Planning Board to review a Master Development Plan in conformance with the bylaw, and then have Town Meeting approve the Plan. He noted the bylaw allows flexibility on dimensional requirements including setbacks, height, building coverage, frontage, etc. It also allows several uses which are currently not allowed in the Limited Industrial district, such as restaurants, medical centers, nursing/convalescent home and assisted care facilities, personal service establishments, and senior housing. There are procedures for what needs to be submitted for review of a Master Development Plan, and what is considered a modification needing approval. There are also provisions for phasing development.

Mr. Tamm noted that National Development's goal is to have a Master Development plan review with the Planning Board before the Annual Town Meeting in May 2016.

Mr. Remley expressed his concern about the risk of taking this plan to Town Meeting for approval, as opposed to having the only the bylaw approved by Town Meeting, and the site plan subsequently approved by a Town Board.

Mr. Tamm stated that the applicant has been involved in a number of different overlay districts, and they believe that if the plan is discussed at Town Meeting it will be perceived by the public in a positive, transparent way. A negotiated Development Agreement will also be presented at Town Meeting, which is a positive step that gives the public reassurance that impacts of the development will be mitigated.

Ms. Kablack suggested it may be a good idea to present both the overlay bylaw and separate articles with more conventional zoning changes at the same time to Town Meeting, as there is some reservation about the timing of getting all the work completed before the requisite Town Meeting deadlines.

Mr. Garvin reminded the Board that some pieces of this overlay are not an issue, that we have two components that will be in permitting by the time Town Meeting starts - the grocery store and the 40B development. The only things left for approval under the Master Development Plan will be the remaining retail, the specialty care facility and the age-restricted condos.

Mr. Morely agreed with Mr. Garvin that Town Meeting will only be concerned with limited portions of the site.

Ms. Kablack asked if this does not pass at the Annual Town Meeting, what National Development's plan is. Mr. O'Neil replied that time is of the essence as the current economic climate is favorable for commercial construction. So they feel strongly about moving on this development scheme quickly to take advantage of the current market.

Mr. Morely is confident that this will be approved at Town Meeting.

Mr. Abair stated that this project could leverage other redevelopment in the area, and that this proposed development is positive for the Town.

Mr. Long suggested the applicant hire a public relations firm to create information for release to the public about the project. Ms. Kablack concurred, and suggested a schedule of meetings and town forums be set up to educate the public about the proposal before Town Meeting.

Another suggestion from Mr. Morely is to have real data about the number of children that will impact the schools, and to present this information to the School committee.

In about two weeks the applicant will present a plan for the overlay proposal. A Development Agreement needs to be approved by the BOS. The Applicant stated that they are anxious to have that process started.

Mr. Abair thank the applicant for their presentation.

Chairman Lizotte re-joined the meeting at this point.

Performance Bond – Candy Hill Lane Lot 2

Board members signed the Performance Bond for Lot 2 Candy Hill Lane, which had previously been voted.

Removal Bond – Verizon Wireless, 251 Old Sudbury Road

The Board accepted a \$25,000 removal bond for the approved cell tower at 251 Old Sudbury Road.

Avalon Bay 40B Development – Comments to the Selectmen

Mr. Lizotte recused himself from the discussion of this item.

Ms. Kablack informed the Board that the BOS will be sending a letter to the Massachusetts Housing Partnership in regards to the application from “Avalon Sudbury, 526-528 Boston Post Road”
The Planning Board will like their comments to be added to this letter.

The Board is in favor of this development because the site was identified on the Housing Production Plan, the site has its own wastewater treatment plant, the site is currently entirely developed and impervious and a redevelopment plan will reduce impervious surface, traffic will be mitigated with the proposed traffic light, and the Board feels that there is a well thought out path for solutions to other minor issues that may arise.

The Board discussed the idea of mitigation and the Development Agreement between the Town, National Development and Avalon Bay, and would like to have one of their members be part of the meetings that will take place. Mr. Abair will request this through the Town Manager.

Minutes to Approve

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of October 14, 2015 and October 28, 2015.

Upcoming Meeting Schedule

December 9, 2015 will be the next meeting.

On motion made and seconded, the meeting adjourned at 10:00 PM.