

Present: Chairman Peter Abair, Craig Lizotte, Christopher Morely, Stephen Garvin, and Jody Kablack (Director of Planning and Development)

Absent: Dylan Remley (Associate Member) and Martin Long

At 7:35 p.m., Chairman Abair called the meeting to order.

2016 Annual Town Meeting Related Items

At 7:35 p.m., Chairman Abair opened a discussion regarding items related to the Annual Town Meeting. The Board was previously in receipt of copies of a letter from Town Manager Rodrigues informing the Planning Board of the Selectmen's Vote to lay out selected ways at a Public Hearing on April 5, 2016. Ms. Kablack briefly reviewed the proposed streets, noting she is not aware of any problems, but she will further review them with DPW Director Bill Place and Debbie Dineen, Conservation Coordinator. She stated the Board has 45 days to provide the Selectman with its report.

Mr. Lizotte asked if developers for some of the older streets are still accessible, and Ms. Kablack stated they are.

Mr. Garvin asked if the older streets are still in good condition, and Ms. Kablack stated they are.

Ms. Kablack stated the Board will hold a Public Hearing on March 9, 2016 for the two zoning articles it submitted for the Warrant.

2015 Planning Board Annual Town Report

At 7:39 p.m., Chairman Abair opened a discussion regarding the Board's 2015 Annual Town Report. The Board was previously in receipt of a Draft Sudbury Planning Board 2015 Annual Report. He stated he had submitted revisions, which Ms. Kablack incorporated into a revised draft. Chairman Abair also highlighted two typographical errors to Ms. Kablack to be corrected. The consensus of the Board was to include

Ms. Kablack's suggested revisions as reviewed tonight.

On motion duly made and seconded, it was unanimously

VOTED: To approve the 2015 Planning Board Annual Report as reviewed and amended tonight.

Sudbury Housing Trust and Planning and Community Development – Preparation of an Update to the Housing Production Plan for Submittal to DHCD

At 7:40 p.m., Chairman Abair opened a discussion regarding preparing an update to the Housing Production Plan (HPP) for submittal to the Department of Housing and Community Development (DHCD). The Board was previously in receipt of copies of a memorandum from the Sudbury Housing Trust (SHT) dated January 28, 2016.

Ms. Kablack noted there are vacancies on the SHT, and that it has been helpful in the past to have a member from the Planning Board on the SHT if anyone is interested.

Mr. Morely stated it appears as if the Town needs to update the HPP as soon as possible.

Ms. Kablack stated the timeline is tight, and she explained the Sudbury Housing Trust (SHT) plans to sponsor the renewal of the HPP this spring, and it is asking for the endorsement of the Planning Board and Selectmen, since both Boards are required to adopt the HPP. She stated the current HPP is valid until July 13, 2016. Ms. Kablack stated a renewal is required to maintain the approved plan status and it will allow the Town to avail itself of the HPP provisions and protections. She explained the Town is close to reaching its 10% with the two pending Chapter 40B developments, and she believes it is in the Town's best interest to maintain an up-to-date HPP status.

Ms. Kablack briefly explained the two-step process required to be certified for safe-harbor status, noting the town must have an approved HPP, and it must create the required number of units for either a one or two-year certification period. She stated a public workshop to collect community comments will be held on February 29, 2016 at the Goodnow Library, and she encouraged the Board to attend.

On motion duly made and seconded, it was

VOTED: To support the efforts of the Sudbury Housing Trust and Sudbury's Planning and Community Development Department to prepare an update to Sudbury's Housing Production Plan for submittal to the Department of Housing and Community Development (DHCD).

Mr. Lizotte abstained from the vote.

Verizon Wireless – Accept Tower Removal Bond – 251 Old Sudbury Road

At 7:49 p.m., Ms. Kablack announced the agenda item regarding the request to accept the Tower Removal Bond for 251 Old Sudbury Road, Verizon Wireless, would be postponed to a future Board meeting agenda.

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of January 27, 2016.

Mr. Lizotte abstained from the vote.

Upcoming Meeting Schedule

At 7:50 p.m., Chairman Abair asked Ms. Kablack to review the upcoming meeting schedule. Ms. Kablack stated the next meetings will be held on February 24, 2016, March 9, 2016, March 23, 2016, April 13, 2016, and April 27, 2016, with the Annual Town Meeting on May 2, 2016. She noted the Board will need to develop the zoning bylaws related to the National Development project by about April 1.

Mr. Morely suggested the Board should schedule an additional meeting time, in case it is needed. Ms. Kablack stated she will look at the calendar for March and get back to the Board with possible dates.

At 7:52 p.m., Mr. Lizotte recused himself from the balance of the agenda, and he exited Town Hall for the remainder of the meeting.

Public Hearing: Site Plan Application – National Development – 526 & 528 Boston Post Road (Assessor’s Map K07-0011 & K07-0013) and Stormwater Management Permit Application

Present: National Development Project Manager Steve Senna, National Development’s Attorney Peter Tamm, Avalon Representative David Gillespie, Next Generation Representative Brian Mills, and Sanborn Head & Associates, Inc. Licensed Site Professional Patricia Pinto

At 8:00 p.m., Chairman Abair opened a Public Hearing regarding the application of BPR Development LLC c/o National Development for Site Plan approval pursuant to Section 6300 of the Zoning Bylaw, and a Stormwater Management permit pursuant to Article V (F), Section 5.C of the Town Bylaws, to construct a new 40,000 square-foot grocery store, parking and associated improvements on property located at 526 and 528 Boston Post Road, zoned Limited Industrial, Town Assessor’s Map K07-0011 and K07-0013, which was continued from January 27, 2016. The Board was previously in receipt of copies of an email from National Development Project Manager Steve Senna dated January 29, 2016, an email from Ms. Kablack to Mr. Senna dated February 3, 2016, an email from Ms. Kablack to VHB Project Manager Karen Staffier dated February 2, 2016, a responding email from Ms. Staffier dated February 3, 2016, the Town of Sudbury Board of Appeals Notice of Decision filed January 26, 2016, the Phase I Environmental Site Assessment prepared by Sanborn, Head & Associates, Inc. dated August 20, 2015, the Work Plan for Hydrogeological Evaluation prepared by Sanborn, Head & Associates, Inc., a memo from Ms. Kablack to the Zoning Board of Appeals (ZBA) dated February 3, 2016 and an email from Sudbury resident Joanne Lynch dated February 5, 2016. In addition copies of a letter from Sanborn, Head & Associates, Inc. dated February 4, 2016 regarding the environmental conditions at the site in the context of the proposed re-development were distributed tonight.

In response to a question from Mr. Garvin regarding Mr. Long’s absence this evening and his ability to vote on this application, Ms. Kablack stated Mr. Long will be requested to review tonight’s videotape of this meeting and certify that he has done so.

Mr. Senna began the presentation by addressing some of the information that has been circulating regarding the demolition of the buildings, noting that National Development and Avalon have, as part of their companies, their own general contractors who are well versed in demolition requirements. He also stated they work with the highly regarded civil engineering firm VHB and the highly regarded geotechnical and environmental engineering firm of Sanborn, Head & Associates, Inc. Mr. Senna stated they also have an excellent hazardous material consultant they work with, and some of their work will be discussed at a later date.

Avalon Representative David Gillespie stated both companies are familiar with the protocols and reports required and they will submit everything which is necessary.

With the use of a PowerPoint slide presentation, Sanborn, Head & Associates, Inc. Licensed Site Professional (LSP) Patricia Pinto explained she is an environmental engineer and she provided a brief summary of the responsibilities of Licensed Site Professional, which are regulated under State’s Department of Environmental Protection (DEP) system and the Massachusetts Contingency Plan (MCP). DEP can also audit sites that are managed by an LSP. Chairman Abair and Mr. Morely noted the LSP works under regulations promulgated by the State, but they are paid by the property owner.

Ms. Pinto displayed a map of the site, stating the Raytheon property has been studied for over 20 years, which included 43 soil samples and 40 monitoring wells. She stated Sanborn Head performed a Phase I Environmental Site Assessment for National Development as part of their due diligence before purchasing the property, which included additional sampling to confirm earlier results and to identify if there were any data gaps. Ms. Pinto stated no new environmental conditions were found. She noted Avalon hired a LSP from Haley Aldrich to also review the site. Ms. Pinto summarized the MCP status of the site and she briefly described each Release Tracking Number (RTN) assigned and its outcome. She explained RTN 3-3037 was related to chlorinated volatile organic compounds (CVOCs) in groundwater first identified in 1990 and 1991, and it reached closure in 1997. In 1987 there was a spill of 35 gallons of No. 2 Fuel Oil from an underground storage tank, and it reached closure in 1990. Ms. Pinto explained RTN 3-27243 was a notification of the same CVOC condition in 2007 due to updated MCP rules, and it achieved a temporary solution in 2008, and Raytheon has continued responsibility for monitoring. She also mentioned RTN 3-17106, which was a 1998 spill of 15-20 gallons of hydraulic oil from an overturned crane, and it achieved a permanent solution in 1998.

Ms. Pinto described the site's current conditions, noting the most recent sampling was done in March 2015 and concentrations of trichloroethylene (TCE) in the groundwater exceeded MCP standards at two wells, approximately 59-91 feet below ground. She also explained Freon7 was detected in one well, which exceeded the risk-based standard for vapor intrusion, but no contamination in soil which could pose a health risk was identified, and the data indicates that groundwater contamination is not significantly impacting off-site receptors. It was also noted no building is planned near the well with detected Freon. Ms. Pinto displayed a map of the site, and she indicated where the three wells are located.

Ms. Kablack asked what the depth is of the aquifer. Ms. Pinto stated she would check this information and report back to Ms. Kablack.

Ms. Pinto referred to the proposed redevelopment plan, and she noted no drinking water wells are planned. She also stated vapor intrusion is not a concern since no buildings are planned for construction on the affected area, but if the site layout changes, this would be reevaluated. Ms. Pinto stated construction in the RTN area would be performed under a Release Abatement Measure (RAM) Plan, which is prepared by the LSP, and it addresses soil management, construction dewatering, dust control and air monitoring. She stated Sanborn Head would provide the LSP and monitoring services.

Ms. Pinto emphasized the RAM Plan establishes protocols for addressing unanticipated conditions so that should a contaminant be encountered, they are ready to remediate it. She also stated that water infiltration after demolition or related to changes in the wastewater treatment and disposal system should not affect groundwater contamination due to the location and depth.

Ms. Pinto concluded her presentation by stating the site has a long history, which has been well studied, and she summarized the current conditions. She stated impacts to off-site receptors due to the proposed project are not anticipated, and work will be performed in accordance with the MCP under the purview of a LSP.

Mr. Morely stated the location of any irrigation wells will be important.

Ms. Kablack asked if the Building Inspector is involved in the LSP and RAM Plan process. Ms. Pinto stated the Board of Health and the Chief Municipal Office (i.e. the Town Manager) are kept abreast of progress and findings.

Mr. Morely stated he believes it is an advantage that National Development and Avalon have their own designated crews to follow the RAM Plan versus dealing with outside contractors.

Mr. Gillespie stated they are accustomed to working according to RAM plans, and they routinely do so.

In response to a question from the Board, Ms. Pinto noted the DEP system is all electronic, and reports are easily accessible. Ms. Kablack stated she would research whether it could be requested from DEP that reports be copied to the Planning Board and/ or others in addition to the Board of Health and the Town Manager.

Chairman Abair stated a common concern will be groundwater contamination. Ms. Pinto stated groundwater is typically down about 15 feet and the detected contamination is estimated to be 60 feet below the ground. She also noted the Freon situation is a localized condition.

Chairman Abair referenced the DEP letter dated January 22, 2016 included in Sanborn Head's February 4, 2016 packet, and he asked what "limited" means in the second to last paragraph. Ms. Pinto explained the sampling and testing typically targets the areas believed to be the most likely to have contamination, if any is to be found. She also stated field screening was done at all the boring locations. The RAM Plan will deal with anything encountered during construction.

Ms. Kablack stated the DEP letter recommends further assessment to evaluate the soil beneath the buildings. Mr. Senna stated this is done as part of their common practice. He further stated geotechnical engineers are very involved with the on-site work and daily field reports will be issued.

Mr. Gillespie stated that the best way for the Town to have many of these matters cleaned up is to allow the project work to proceed which will expose anything which needs to be addressed.

Chairman Abair asked if DEP has ever had a finding against the work performed by National Development. Mr. Senna stated there have been none to his knowledge. He emphasized that there would be no benefit to not doing things the right way.

Mr. Gillespie concurred, stating it is not possible to cut corners on large developments.

National Development's Attorney Peter Tamm noted it is possible to reference the RAM Plan in an Order of Conditions or other project approval. He also noted this site has been evaluated by three LSPs.

Mr. Senna encouraged anyone with any environmental questions to contact him directly or anyone on the development team, so information can be shared which is available.

Ms. Kablack asked Ms. Pinto to send her presentation slides to her so they can be posted on the Town website. Ms. Kablack also encouraged anyone interested to access the many documents on the Town website regarding the site and the proposed redevelopment.

Mr. Senna stated the traffic consultant should be ready to give a presentation at the Board's February 24, 2016 meeting. It was noted the stormwater discussion might be held at the Board's March 23, 2016 meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of BPR Development LLC c/o National Development, for Site Plan approval pursuant to Section 6300 of the Zoning Bylaw, and a Stormwater Management permit to February 24, 2016 at 7:45 p.m. at Town Hall.

National Development – 526 & 528 Boston Post Road – Proposed Zoning Changes for Raytheon Property – (Assessor's Map K07-0011 & K07 -0013 - Discussion

Present: National Development Project Manager Steve Senna and National Development's Attorney Peter Tamm

At 8:50 p.m., Chairman Abair opened a discussion with National Development representatives regarding proposed zoning changes for the redevelopment plans for the Raytheon property, which was continued from January 27, 2016. The Board was previously in receipt of copies of an email from National Development Project Manager Steve Senna dated February 1, 2016 and an accompanying working draft of a Mixed-Use Overlay District Bylaw dated January 23, 2016. In addition, copies of a revised working draft of a Mixed-Use Overlay District Bylaw dated February 10, 2016 were distributed tonight.

Mr. Senna stated he would present a preview of progress made on the Master Development Plan design tonight. He explained he has been focusing on compiling a binder to give to Ms. Kablack which will be the Master Development Plan Conformance Determination, which will include zoning text and map, the master development site plan, architectural elevations, a preliminary stormwater management master plan report, utilities and infrastructure memorandum, a preliminary fiscal impact report and a draft construction management plan. Mr. Senna stated he hopes to present this information at the February 24, 2016 Board meeting.

Through a PowerPoint slide presentation, Mr. Senna previewed some design changes and he displayed a slide of a draft Master Development Plan. He also showed a slide of a revised Grocery Store & Retail Layout, which he stated reflects a lot of the feedback received. Mr. Senna stated no other retailers have been deliberately secured until there is further resolution on some issues.

Mr. Morely noted the Town has always been resistant to parking in the front of buildings, but this plan will have parking in front. Mr. Senna stated the front area will be well-bermed, and it is not anticipated that the parking will be a concern. Ms. Kablack noted that the parking as shown would be compliant with the existing zoning bylaw.

Mr. Morely noted the Fire Station is on higher ground, and he suggested raising the height of Building 2 to possibly present a more appealing streetscape. Mr. Garvin stated he prefers where Building 2 has been proposed, and he believes that with appropriate greenery and landscaping a lot can be hidden.

Mr. Senna presented several slides showing multiple views from various directions for the Grocery Store & Village Retail architecture for each building. He also displayed slides of the Memory Care Assisted Living and Age-Restricted Residential architecture.

Mr. Senna stated the objective is to use natural and traditional materials so the development does not look like a strip mall, but rather appears as if the buildings were built organically, over time.

Mr. Morely suggested the flexibility of the zoning is a good thing, which can be marketed to potential tenants, informing them what the development program is and encouraging them to follow it. Mr. Senna stated the plan is also to create public spaces between buildings.

Mr. Senna stated things are learned from every development which makes the next project better. He noted the intent is for the architecture to fit in with the town where the development is located, and he noted the barn-like façade features on the Memory Care Assisted Living units. Mr. Senna also stated the Age-Restricted Residential architecture was revised to include one 4-story garden-style building (with elevators) with 39 units and other buildings with townhouses.

At 9:35 p.m., Ms. Kablack referenced the February 10, 2016 working draft of the Mixed-Use Overlay District. She stated she will be working with Town Counsel to make the draft more in line with Sudbury's bylaws and to simplify it a bit. She asked if a Board member would be willing to help her do this, and Mr. Morely volunteered.

Mr. Morely presented a few comments he had from the January 23, 2016 draft bylaw, and National Development Attorney Peter Tamm addressed them.

Mr. Morely stated he believes the De Minimis, Minor and Major Modification processes need to be better defined to note that a Minor Modification would require it be discussed at a public meeting and that a Major Modification would require a Public Hearing.

Mr. Tamm stated this is a fair observation.

In response to a comment by Mr. Morely regarding possibly increasing the percentage of floor area, Ms. Kablack stated it is difficult to set thresholds until we see the proposed buildings.

Mr. Garvin emphasized the more options which can be presented to the residents will be helpful.

In response to comments from the Board, Mr. Tamm stated that other overlays in other communities sometimes include high-level design objectives. Ms. Kablack stated this could be added to the regulations, and encouraged the development team to submit a draft document for review.

Mr. Garvin stated he believes the appearance of Buildings 2 and 3 will be important.

Ms. Kablack suggested it might be helpful to provide front and rear views of each building.

Mr. Morely asked how trash and loading docks would be handled. Mr. Senna stated there would be fenced-in dumpster locations.

Ms. Kablack referenced the February 10, 2016 version of the draft bylaw, and she noted several sections needing refinement and/or where the Town Counsel has suggested revisions. She stated the locations and parcels to be included in the overlay district need to be better defined, and she offered to bring a map to the next Board meeting to help determine this.

Chairman Abair suggested focusing the area similarly to where it was focused with The Cecil Group.

Regarding the zoning approval process, Ms. Kablack stated Town Counsel has suggested approving the zoning in one article and then having a second article to approve the plan.

Ms. Kablack stated more requirements will be added to Section 4732.

Mr. Tamm stated he has spoken to Ms. Kablack about what should be on the Master Development Plan, and Ms. Kablack has suggested it should be scalable and that it should include a clear indication of how much parking is included. He suggested doing this possibly in a narrative as opposed to trying to show everything on the plan.

Ms. Kablack requested an opportunity to review the Master Development Plan Conformance Determination binder with Mr. Senna before it is submitted.

Ms. Kablack stated Town Counsel would like to revise Section 4763 for Accessory Uses to be more in line with Sudbury's definition. She also stated Town Counsel has concerns regarding Section 4764 regarding parking. Ms. Kablack noted the intent for Section 4770 needs to be better stated so it reflects that it is not desired to maintain setbacks within the boundaries of the overlay district, but only on the exterior lot lines. Regarding Section 4781, it was suggested the parking requirements be put in the bylaw. Mr. Tamm stated the parking is shown on the plan. Mr. Senna emphasized the Planning Board has full discretion to approve the parking schedules.

Ms. Kablack emphasized that the bylaw that will be presented at Town Meeting will be generic so that other property owners can opt in at a future Town Meeting.

Mr. Tamm noted the developer has thought about the draft bylaw in terms of their proposed project. However, he further noted Ms. Kablack has expressed the preference for the language to be more broadly applicable.

Ms. Kablack stated Town Counsel has some concerns regarding Section 4790A and the Water Resources Protection Overlay District language.

All parties expressed the commitment to continue working on revising the draft bylaw for further review.

The meeting was adjourned by Chairman Abair at 10:32 p.m.