

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

Absent: Craig Lizotte

At 7:32 p.m., Chairman Abair called the meeting to order, and he announced Mr. Lizotte would be absent tonight due to previously recusing himself from the majority of tonight's agenda regarding National Development proposal for 526 & 528 Boston Post Road. He also announced the Board's Associate Member Dylan Remley officially resigned, and the Board will discuss the process to replace him later tonight.

Public Hearing: 2016 Annual Town Meeting Proposed Zoning Articles

At 7:34 p.m., Chairman Abair opened the Public Hearing regarding the proposed zoning articles for the 2016 Annual Town Meeting, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of the Public Hearing Notice, the draft articles entitled, "Amend Zoning Bylaw, Article 7000, Definition of Dog Kennel" and "Amend Zoning Bylaw, Section 4345, Wireless Services Overlay District, Uses Available as of Right" and a letter received from Sudbury resident Patrick J. Delaney, III dated February 24, 2016, regarding the proposed change to the definition of kennels.

Ms. Kablack referenced Mr. Delaney's letter, stating it noted that the Town's bylaw should distinguish between a commercial and personal kennel. She explained kennels are allowed in every district by a Special Permit granted by the Zoning Board of Appeals (ZBA). Ms. Kablack also stated the majority of permits granted are for commercial kennels in residential districts and that the ZBA includes appropriate conditions in their decisions. In response to a question from Mr. Long, Ms. Kablack stated it is up to the ZBA to decide what can and cannot be operated as a kennel. The consensus of the Board was Mr. Delaney broached good points which could possibly be considered in the future, but they are separate issues from what this year's article proposes.

Mr. Morely noted the article proposes to bring the Town's bylaw into agreement with State law regarding how many dogs one can have without requiring a Special Permit. At the request of the Board, Ms. Kablack stated she would provide additional information relevant to the kennel-related article prior to Town Meeting.

Regarding the Wireless Services Overlay District amendment, Ms. Kablack stated the article is also proposed so as to be in compliance with the Federal law enacted in 2012, which gave cell tower owners the rights to modify the towers through the Building Permit process. She referred to the current Wireless Overlay bylaw, noting Town Counsel advised revising the bylaw to note that a minor Site Plan review process would be needed when modifying an existing tower.

There were no comments or questions from the public.

Ms. Kablack stated the Board will need to report on these two zoning articles at Town Meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing regarding the proposed zoning articles for the 2016 Annual Town Meeting, entitled, “Amend Zoning Bylaw, Article 7000, Definition of Dog Kennel” and “Amend Zoning Bylaw, Section 4345, Wireless Services Overlay District, Uses Available as of Right.”

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, VHB Project Manager Vinod Kalikiri, Vanasse & Associates, Inc. Sudbury Traffic Peer Reviewer Jeffrey Dirk, Sudbury Design Review Board (DRB) Chairman Dan Martin and DRB members Susan Vollaro and Paula Hyde

At 7:45 p.m., Chairman Abair opened a Public Hearing regarding the application of BPR Development LLC c/o National Development, Owner Raytheon Company, 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 February 24, 2016, and he reviewed new materials received to the file. The Board was previously in review of a memorandum and accompanying plans from VHB dated February 18, 2016 responding to Vanasse & Associates Inc.’s January 21, 2016 traffic peer review comments, a letter from Vanasse & Associates Inc. Traffic Peer Reviewer Jeffrey Dirk dated February 26, 2016, commenting on the supplemental traffic-related materials submitted, two memoranda from VHB dated March 3, 2016 outlining the Site Plan changes reflected in the accompanying revised plan set titled “Grocery Store at Meadow Walk Sudbury” revised on March 3, 2016 and the planting changes reflected on the same plan set, and a letter from Vanasse & Associates Inc. Traffic Peer Reviewer Jeffrey Dirk dated March 4, 2016 as a supplemental evaluation of materials reviewed. In addition, copies of the “Stormwater Management Report Phase 1 Meadow Walk at Sudbury Grocery Store” prepared by VHB for BPR Development LLC c/o National Development and accompanying plans were distributed tonight.

Ms. Kablack stated tonight’s discussion would focus on the updates provided in the March 3, 2016 memos received from VHB representatives Karen Staffier and Evan Miller and a review of the traffic information from the applicant and the Town’s Peer Reviewer.

Ms. Kablack and Chairman Abair announced members of the Design Review Board (DRB) are in attendance tonight to provide updated comments regarding the plans.

DRB Chairman Dan Martin stated the DRB is comfortable with the proposed signage and architectural plans. However, he mentioned there is one sign that the DRB is concerned about from an architectural standpoint. Mr. Martin highlighted a sign on the south elevation near the louvered area, stating the Board is concerned that the sign will not be legible and that some letters will be shaded through the glass in some areas. He also displayed an earlier rendering of the same area, stating the DRB preferred the earlier design and thought it more effective.

National Development Project Manager Steve Senna explained the architectural revisions made were done for constructability, and there are some items still to be finalized. He emphasized the tenant will also be concerned that the sign is legible, and he will broach the design again with the tenant.

Ms. Kablack asked if the DRB had a chance to review the landscape plan. It was noted the DRB would like to wait to review the plans with DRB member Deborah Kruskal, who was absent tonight, and it will provide comments at a later date.

With the use of a PowerPoint presentation, Mr. Senna displayed slides of the current Master Plan and reviewed its benefits as stated at the Board's February 24, 2016 Meeting. He also displayed a "Final Version of the "Village Retail," noting more green elements were added. Mr. Garvin stated the revisions to the area where people will congregate have been improved for vehicular safety.

He referenced Ms. Staffier's March 3, 2016 memo, and he summarized some of the refinements made, including incorporating DRB input for the architectural design, revising the site access from Route 20, removal of on-street parking on the main site drive as requested by the ZBA, consolidating the access drive north of the grocery store parking area and the adjacent parking drive aisle, and enhancing the pedestrian accommodations, including reducing the traffic aisle in front of the grocery store from 30 feet to 28 feet and providing sidewalks on both sides of the site drive from Route 20 to the four-way site intersection.

Mr. Morely stated his experience is that a wider road in front of the grocery store feels safer.

In response to a question from Mr. Garvin regarding the proposed traffic signal, Mr. Senna and Mr. Kalikiri stated the 25 % design would possibly be completed in April, followed by approximately a nine-month process to receive a permit from the State Department of Transportation (DOT).

Mr. Senna stated a "Stormwater Management Report, Phase 1 Meadow Walk at Sudbury, Grocery Store" was submitted, including detailed calculations and analysis. He also stated updates to utilities and site lighting were made to respond to the revised architecture and the updated Master Development Plan.

Mr. Senna referenced Evan Miller's March 3, 2016 memo, and he summarized the Planting Plan revisions, including changes to the selection of tree species with ones that are more native and drought resistant and other revisions were made for a less formal and more naturalistic aesthetic, as recommended by the DRB.

Mr. Senna summarized the materials received to date from the applicant's traffic reviewer and the Town's Peer Reviewer Jeffrey Dirk. He explained the applicant will soon provide a response letter to Mr. Dirk's March 4, 2016 letter.

Mr. Kalikiri summarized traffic-related changes made to the primary access, which have helped to address safety concerns related to Highland Avenue. Chairman Abair asked for clarification regarding how the improvements would work, which were made to help the Highland Avenue concerns, and Mr. Kalikiri provided examples of several options to assist the distribution of traffic. Highland Avenue will be serviced with a separate phase of the light which will be controlled by either motion or other sensor at the intersection.

Mr. Morely asked if the drive-through times along Route 20 from Horse Pond Road to Concord Road had been analyzed. Mr. Kalikiri stated not yet, but he would follow up and do so. Mr. Morely believes this is the kind of information residents will relate to and they will be interested in the synchronization of the traffic lights.

Mr. Kalikiri next discussed turning movements regarding large trucks, pavement markings, bike parking, the intersection sight distance plan and the Fire Station preemption signal. The Board asked questions regarding full circulation routes for large delivery trucks, which Mr. Kalikiri clarified as most delivery trucks will be coming from the west, and will utilize the western access coming into and out of the site. It was noted a bus stop was added to the plan should a fixed route bus be introduced in Sudbury. Mr. Garvin asked if the bus stop would be covered, and Mr. Senna stated it would not.

Mr. Morely asked if there would be a benefit to synchronizing the Concord Road light with the other lights along Route 20. Mr. Kalikiri and Mr. Dirk explained how benefits can be lost depending on the distance between a series of lights. Mr. Kalikiri stated many options were evaluated, but it was determined that the most benefits were reaped by stopping the coordination at Union Avenue. He emphasized the plan always tries to balance safety with a balance of queues and the progression of traffic flow.

Mr. Garvin asked how the signalization is monitored for effectiveness. Mr. Kalikiri stated there is usually a monitoring condition in the DOT permit. Mr. Dirk stated he recommended to the Town that this condition be required in the Site Plan decision.

Chairman Abair asked for clarification of 50% queuing and 95% queuing, noting they are difficult to distinguish on the plan. Mr. Kalikiri explained the differences, and stated they would look at reflecting it better.

Mr. Dirk stated the queuing diagrams he requested were helpful in determining where potential blockages might be. He stated the revised driveway location provides many benefits.

Mr. Garvin asked if there should be check-ins regarding the traffic plan throughout the development construction. Ms. Kablack read aloud the proposed monitoring schedule as outlined on Page 8 of the VAI February 26, 2016 letter. She stated this will be reviewed to be sure it does not conflict with the DOT monitoring plan.

Chairman Abair asked how the applicant is compelled in the future to comply with monitoring conditions. Ms. Kablack stated a performance bond would likely be requested. Mr. Senna stated there will be many permits needed by the applicant throughout the development process, at which time the applicant could be held accountable before another permit is granted.

Chairman Abair asked how corrective measures are undertaken. Mr. Dirk explained that often the Town or the DOT will receive complaints from citizens about aspects which are not working well, which will prompt requests to fix problems which have been identified.

In response to a question from Mr. Garvin, Mr. Dirk stated the Town is responsible for sidewalks and not the DOT. Thus, it is important to have site lines drawn on the plans and to note the criteria for removing snow piles quickly.

In response to a question from the Board, Mr. Dirk stated he has found the applicant's responses have satisfied his comments. However, he asked the applicant to review again whether the turning analysis for a Fire Department's aerial basket correctly reflects the overhang needed for the fire truck path.

A brief discussion ensued regarding large delivery trucks not being on site at peak times when customers would be shopping. Mr. Senna stated this would also be the position of the tenant, and he will check to see if this is addressed in the lease.

Mr. Kalikiri explained the preemption fire signal, which will be integrated with the new traffic signal, as mitigation for the Fire Department and MassDOT. Ms. Kablack stated the Fire Chief is pleased about this addition, and she asked the applicant to continue to work with the Fire Chief.

Ms. Kablack asked several questions regarding sidewalks as noted on the intersection plan slide. Mr. Senna explained that an area along Route 20 to the east of the site (towards Chiswick Park) is constrained by wetlands and the flood plain. He noted they have worked closely with the abutting neighbor who has been very cooperative. Mr. Morely suggested in the area where the sidewalk area is limited, a wooden guardrail should be installed similar which is similar to the one which is across the street.

Ms. Kablack recommended, and the Board concurred, removing from the plan the sidewalk on the south side of Route 20 from Highland Avenue, which essentially goes nowhere. Mr. Senna stated it is possible the DOT may insist it remains. Mr. Morely stated that, if it would be helpful, the Planning Board and Conservation Commission could provide letters stating the walk as proposed makes no sense.

Ms. Kablack stated the Board will want to see the plans of changes made to the Shaw's Plaza parking lot to ensure they retain the required minimum number of parking spaces. Mr. Senna stated that would need to be provided by Shaw's.

Ms. Kablack requested a detailed plan for the utility pole relocation, noting it appears as if the number of poles will be reduced. Mr. Senna stated the plan has been submitted to Eversource. Mr. Garvin expressed his strong opinion that, for a development project of this size, the utility poles along Route 20 should be buried. Mr. Senna stated the cost could be prohibitive, and, if it were done, it would likely be the only mitigation given. It was also noted it would take several years to accomplish with the utility companies. Mr. Senna stated the application submitted to Eversource was for moving poles, not burying them.

Ms. Kablack stated stormwater management will be peer reviewed, the hearing will be on the Board's March 30, 2016 meeting agenda. She also stated the Board will need an extension for its Site Plan approval decision until April 15, 2016. Ms. Kablack informed the applicant that if they will need a construction trailer, approval is granted by the Board of Selectmen. She also asked the applicant whether electrical charging stations have been included in the plans. Mr. Senna stated he would review this. Chairman Abair requested Ms. Kablack to prepare a draft Site Plan Decision for the Board's review at its 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, Owner Raytheon Company, for Site Plan approval and a Stormwater Management permit to March 23, 2016 at 7:45 p.m.

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

VOTED: To extend the Site Plan application decision deadline regarding the application of BPR Development LLC c/o National Development, Owner Raytheon Company, for Site Plan approval to April 15, 2016.

Mr. Senna asked if the Town could send a letter to DOT supporting the signalized intersection plan, and the Board stated it could.

Miscellaneous

Chairman Abair announced Planning Board Associate Member Dylan Remley resigned and the position needs to be filled. Mr. Morely stated interviewing and appointing a new Associate Member should be put on the Board's March 23, 2016 Meeting agenda. Chairman Abair introduced John Hincks, 83 Belcher Drive, who was in attendance tonight, and who has expressed interest in the position.

The consensus of the Board was that the Associate Member opening should be posted on the Town website, noting that interviews and an appointment will be made on March 23rd. It was noted the Associate Member position is an appointment by the Planning Board only.

National Development – 526 & 528 Boston Post Road – Master Development Plan & Conformance Determination & Mixed Use Overlay District Bylaw Discussion

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

At 9:34 p.m., Chairman Abair opened a discussion with National Development representatives regarding the Master Development Plan Conformance Determination process. Copies of the Master Development Plan Conformance Determination binders had been previously distributed at the Board's last Meeting. The Board was previously in receipt of copies of a working draft of a Mixed-Use Overlay District Bylaw dated March 3, 2016.

Mr. Senna displayed PowerPoint presentation slides of the zoning exhibits and he reviewed the reference materials available.

Ms. Kablack stated she reviewed the draft bylaw with Town Counsel, and revised it to be more consistent with Sudbury's bylaws.

Ms. Kablack highlighted the bylaw requires the Board's support at Town Meeting, a two-thirds vote to pass at Town Meeting and a Development Agreement, wherein it is detailed how the applicant will compensate the Town for potential impacts.

A discussion ensued regarding that the bylaw includes what will be allowed in the overlay district. Ms. Kablack noted the bylaw and zoning changes are necessary because several uses contemplated on the property are currently not allowed in a Limited Industrial District, including restaurant and housing uses. She further noted multi-family housing is not included in the bylaw. Ms. Kablack explained more flexible dimensional standards, which are more similar to those for other retail areas, have been included.

Ms. Kablack stated she would pursue questions regarding whether provisions of the Water Resources Protection Overlay District could be waived.

Mr. Garvin asked if the Board should try to improve the Water Resources Protection Overlay District bylaw as part of this process. Ms. Kablack stated this question has been broached by the lawyers reviewing the material and it is being considered. It was noted it could be submitted as its own separate bylaw at Town Meeting. Mr. Morely questioned if it might be less confusing and better to delay action on the Water Resources Protection Overlay District bylaw until next year.

Ms. Kablack stated she will continue to work on the draft Mixed-Use Overlay District bylaw and she would prepare and email the Board a revised version for review at the Board's March 23, 2016 Meeting, which should be voted on before March 30, 2016 to be published in the Warrant.

Ms. Kablack asked whether the Board should do its compliance review before or after Town Meeting, and what conformance documentation it would consider sufficient. She noted the Board has not yet spent any time reviewing internal roadways or lighting plans and that the entire development has not been discussed in as much detail as has the grocery store component.

National Development's attorney Peter Tamm commended Ms. Kablack on the considerable work she did to streamline the draft bylaw.

Ms. Kablack stated the bylaw has been written to allow other commercial property owners to follow the same process to rezone their property to create a mixed use development. She noted the bylaw needs to better define what properties are eligible in the proposed overlay district. Ms. Kablack asked if the Board wants to limit the bylaw to only the Raytheon property or to a larger area. If limited to just the Raytheon property, subsequent property owners would petition Town Meeting to include their properties in the overlay district. Either way, all proposed mixed use developments require a 2/3 vote of Town Meeting. A brief discussion ensued regarding the small portion of the Raytheon property that is in a residential zoning district, which is proposed to be part of the mixed use overlay for the development.

Ms. Kablack asked if the small residential portion could be excluded from the Overlay District. Mr. Tamm stated it needs to be included for access to shared utilities and for other purposes. He stated his team would review this issue again, since there seems to be some concern regarding setting a precedent by including a residential area in an overlay district.

Ms. Kablack stated the proposed bylaw contemplates the preparation of rules and regulations, and questioned whether these would be needed before Town Meeting. Mr. Tamm stated they would not have to be complicated. Ms. Kablack stated Town Counsel Barbara Saint Andre has asked what the Board's position would be regarding making a conformance determination before the process is approved by Town Meeting. It was noted that the determination could rather be offered by the Board as a voted recommendation that the development conforms to proposed zoning, with accompanying conditions.

Village at Sudbury Station LLC Comprehensive Permit – Comments to Zoning Board of Appeals- Next Steps

At 10:21 p.m., Chairman Abair opened a discussion regarding the Board's letter of comments to be sent to the Zoning Board of Appeals (ZBA) regarding the Sudbury Station LLC Comprehensive Permit application. The Board was previously in receipt of copies of a letter from Sudbury's Assistant Fire Chief John Whalen dated February 24, 2016, and a letter from Sudbury Town Engineer/Department of Public Works Director I. William Place dated February 17, 2016.

Ms. Kablack reported she was unable to prepare a draft letter of comments for the Board's review, due to the applicant's plans being insufficiently developed at this time, and she asked that this agenda item be postponed.

Upcoming Meeting Schedule

At 7:50 p.m., Ms. Kablack stated the next meetings will be held on March 23, 2016, March 30, 2016, April 13, 2016, and April 27, 2016, with the Annual Town Meeting on May 2, 2016.

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of February 24, 2016.

Miscellaneous

Chairman Abair expressed concern that a lot of work has been done regarding the National Development proposal, but time is short before Town meeting, and he would like to know some information regarding how the development negotiation meetings are going in Executive session. Ms. Kablack stated Town Counsel would need to advise if any information from the negotiations could be shared at this time.

Mr. Long and Mr. Garvin stated they believe it is possible that some residents will think there is not enough information available for them to decide how to vote on the proposal at Town Meeting. Ms. Kablack stated that a draft bylaw could be submitted and it could be requested to postpone the article if it is not ready in time. Mr. Garvin believes it is time for the Town require more stringent deadlines for submission of information such as the fiscal impact report, the full development plan, lighting and landscape plans.

Chairman Abair noted the Board had previously discussed some sort of mixed-use project for this site, even before this proposal came to fruition. He stated he believes the National Development project is beneficial for the Town.

Sudbury resident John Hincks asked how the benefits of the project could be quantified for voters. Mr. Morely stated it is good economically for the Town in that it will produce more tax revenue, it helps the Town meet its Chapter 40B requirements, it will provide more retail and restaurant opportunities, and the property has its own treatment plant. Mr. Garvin stated a clear handout of bullet points indicating the advantages of the project would be helpful to have for Town Meeting.

Chairman Abair stated the timeline for this project has become concerning for him, and other Board members concurred, because there is a lot to do in the next four to five weeks.

The meeting was adjourned by Chairman Abair at 10:39 p.m.