

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

At 7:37 p.m., Chairman Abair called the meeting to order.

Associate Member Position – Interview Candidates

Present: Applicant John Hincks

Chairman Abair opened the agenda item discussion and interview for a new Planning Board Associate Member, and he welcomed applicant John Hincks, 83 Belcher Drive, to the Meeting.

Mr. Hincks stated he has lived in Town for 18 years, has two children at the High School, and he has been interested in Town affairs. He believes his experience as a Vice-President at Fidelity Investments, where he is always looking at and planning for future trends, could be helpful.

Chairman Abair asked Mr. Hincks what he thinks the challenges ahead are for the Planning Board. Mr. Hincks stated he thinks raising the level of engagement for Town affairs with the average citizen is something he believes could be improved.

Mr. Long asked if there are concerns about the time commitment necessary. Mr. Hincks stated he travels for his job, but, with some notice, he should be able to work around his schedule.

Mr. Lizotte stated he began his tenure with the Board as an Associate Member, and it is a good way to become involved with the issues before the Board. Mr. Hincks stated he is a quick study.

Mr. Garvin asked if he has ideas about how to engage citizens. Mr. Hincks stated he has no specific recommendations at this time, but he hopes significant interest will be shown in the large pending developments before the Town. It was noted people sometimes show more interest in negative projects rather than positive ones.

In response to a question from Chairman Abair, Ms. Kablack stated the position was advertised noting that interviews would be held tonight, and Mr. Hincks was the only response.

On motion duly made and seconded, it was unanimously:

VOTED: To appoint John Hincks, 83 Belcher Drive, as Associate Member of Sudbury's Planning Board for a 2 year term.

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

Present: Regional Housing Services Office Manager Elizabeth Rust

At 7:48 p.m., Chairman Abair opened a discussion regarding the draft "Town of Sudbury Housing Production Plan" for submittal to the Department of Housing and Community Development (DHCD). The Board was previously in receipt of copies of a draft "Town of Sudbury Housing Production Plan," (HPP) sponsored by the Sudbury Housing Trust. Chairman Abair stated he thought the draft was an impressive document.

Regional Housing Services Office Manager Elizabeth Rust stated the HPP had been explained to the Board in February 2016, when endorsement was received to proceed with creating a Plan update prior to the current Plan's expiration in July 2016. She stated benefits were noted previously for renewing the plan, including that it is required to maintain the approved plan status, is a guide for the Town in reaching its 10% affordable housing goal and it will allow the Town to avail itself of the HPP provisions and safe harbor protections. Ms. Rust stated the HPP process is governed by State regulations, with prescribed criteria and components.

Ms. Rust summarized the three required Plan elements as a needs assessment, goals and strategies to reach the 10% goal. She stated the SHT posted an online survey to which there were 97 responders, and a community workshop, led by a consultant, was held on February 29, 2016 with 31 attendees, comprised of SHT and Town board and committee members and residents. Ms. Rust stated the revised draft HPP goals were based on feedback and input received and the 2011 HPP. She summarized some of the information included in the draft HPP, and she referenced charts on Page 50 of the Plan. Ms. Rust highlighted the HPP mentions the two Chapter 40B developments currently proposed for Sudbury, but it takes no position on them. She noted the draft HPP was approved by the SHT on March 18, 2016 and by the Selectmen on March 22, 2016, it is posted online, and that it must be adopted by both the Board of Selectmen and the Planning Board.

Mr. Long commended all who drafted the revised HPP, stating it is a thorough report.

Mr. Garvin questioned if some citizens would be concerned that an overlay district might allow more housing to be developed. Ms. Kablack referenced Strategy 2: Expand Village Business District on Page 51, and she read relevant sections aloud. She stated multi-family housing has not been included in the draft overlay bylaw, only age restricted housing.

In response to a question from Chairman Abair, Ms. Rust explained that if the Plan is approved by DHDC, a certain number of affordable units would need to be permitted each year to have the Plan certified and receive safe harbor for either one or two years.

Mr. Hincks stated the HPP seems to address the supply side of housing, but he questioned how success is monitored and how much of a factor public transportation is, given Sudbury has none.

Mr. Morely stated the National Development proposed development at the Raytheon property includes a bus stop, and the Board received copies of a letter from the Metropolitan Area Planning Council dated March 16, 2016, which addressed public transportation.

A brief discussion ensued regarding whether people would want rental homes in communities without public transportation. Ms. Rust stated there is a local need and a lack of rental units, noting the Sudbury Housing Authority typically has a waiting list.

Mr. Garvin stated residents have questioned him as to whether there is a demand in Sudbury for rental housing. Ms. Rust referenced Page 18 of the HPP, where the waiting lists are mentioned.

Chairman Abair stated he has an issue with the State forcing Towns to accept Chapter 40B developments, but the State provides no remedies for public transportation.

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the draft Town of Sudbury Housing Production Plan, as reviewed tonight, to be submitted to the Department of Housing and Community Development (DHCD).

Mr. Lizotte abstained from the vote.

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 and National Development’s Attorney Peter Tamm

Chairman Lizotte recused himself from the discussion and left the meeting.

At 8:10 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 45,000 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 March 9, 2016. The Board was previously in receipt of copies of a letter from VHB representative Karen Staffier dated March 9, 2016 and accompanying plans, a letter from Vanasse & Associates, Inc. Sudbury Peer Reviewer Jeffrey Dirk dated March 14, 2016, a letter from the Metropolitan Area Planning Council to the State’s Executive Office of Energy & Environmental Affairs dated March 16, 2016 and accompanying comments, and the Sudbury Design Review Board March 9, 2016 Meeting Minutes. In addition, copies of a letter from the applicant’s Fiscal Impact Analysis Consultant Judi Barrett from RKG Associates, Inc. dated March 15, 2016 and accompanying report and the PowerPoint slides from Ms. Barrett’s March 22, 2016 presentation to the Selectmen were distributed tonight.

Attorney Peter Tamm stated traffic condition information was provided since the last Meeting, and it is hoped the Site Plan Decision can be finalized at the Board’s March 30, 2016 Meeting.

Ms. Kablack stated she and Mr. Tamm have worked through the traffic conditions, and she hopes to draft a Decision tomorrow to be circulated to the Board for review. She noted the Design Review Board (DRB) is reviewing the final landscape plan tonight.

Ms. Kablack stated performance standards for lighting and landscaping will need to be verified. She also suggested the Board might want to review the lighting for the entire overlay district.

Mr. Garvin asked if photometric plans have been submitted. Ms. Kablack stated they have, and they indicate compliance with the Town bylaw.

Mr. Morely asked if the information he had requested at the last meeting for drive-through times along Route 20 from Horse Pond Road to Concord Road had been submitted. Mr. Senna read a response he had received from their traffic consultant regarding the travel time being reduced 13% during the weekday am peak hour, reduced 27% during weekday pm peak hour and increased 15% during peak hours on Saturdays. Mr. Morely stated he is not surprised by the results, and he requested this information be submitted to the Board in writing.

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 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 45,000 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 to March 30, 2016 at 7:30 p.m.

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 8:22 p.m., Chairman Abair opened a discussion with National Development representatives regarding the Master Development Plan Conformance Determination process and Mixed Use Overlay District Bylaw. Copies of a revised draft "Mixed-Use Overlay District" bylaw dated March 23, 2016 were distributed to the Board tonight.

Chairman Abair stated he has concerns that he does not want the Planning Board to get ahead of where the Town is in its negotiations with the applicant. Mr. Garvin concurred, stating he believes the two processes need to move along at a similar pace.

Ms. Kablack and Mr. Morely, who is a member of the Development Agreement group, stated a lot of progress has been made in the past week, including the fiscal impact analysis report being presented to the Selectmen last night. Ms. Kablack stated Town Manager Rodrigues has asked for a peer review of the fiscal impact information, which

Ms. Kablack is working to coordinate. She stated the peer review report is anticipated to take at least 30-40 days to complete.

Mr. Garvin asked if the Development Agreement process is moving along. Mr. Morely stated it is in the data-gathering stage.

The Board asked if the Selectmen voted to call a Special Town Meeting last night, and the answer was not known at this time. Timing was discussed for possibly a June Special Town Meeting in case the project is not ready to be discussed at a Special Town Meeting within the May Annual 2016 Town Meeting. Ms. Kablack stated the final zoning changes, a Development Agreement and the Planning Board's conformance compliance review would need to be completed before Town Meeting. She explained the conformance review will be structured more as a Board recommendation with conditions, similar to a Site Plan Decision.

Mr. Garvin stated he believes the Board has fully reviewed the infrastructure, traffic and stormwater for the grocery store, and it should further review the other development components.

Ms. Kablack stated the Board will need more architecture and signage review of the master development plan components, possibly in joint meetings with the DRB. She also stated additional review of pedestrian circulation within the master development and to other properties should be reviewed. It was also noted further review of landscaping, screening and parking is needed.

Mr. Senna asked what more information related to architecture the Board would like to receive. It was noted the Board would like to review the architecture for all other components other than the grocery store. Ms. Kablack suggested the Board should bring its conformance binders to future meetings as reference for discussion. She also will try to coordinate a joint meeting with the DRB.

Chairman Abair asked what will be on the March 30, 2016 agenda. Ms. Kablack stated it is hoped to approve the Site Plan Decision, begin review of the stormwater management permit application, including review by the Town's peer consultant, continue to finalize the overlay district bylaw and to work on the conformance review recommendations and conditions.

Ms. Kablack referenced the March 23, 2016 draft of the Mixed-Use Overlay District, noting she and Mr. Morely and Town Counsel reviewed it and made the language broader so that it could apply to other areas in the Town's business district. Some Board members thought this was a good idea, and Chairman Abair thought the area should be more confined to a limited portion of Route 20 more centrally located around the Union Avenue intersection.

Mr. Garvin stated it will be important to get public acceptance for the retail component and for the signage. Ms. Kablack and several Board members stated the signage depicted in previous renderings was disproportionately large for Sudbury. Mr. Tamm stated the applicant has conceded to make signage revisions, and a comprehensive signage plan will be submitted. Ms. Kablack referenced page 12 of the draft bylaw where signage is discussed.

Mr. Tamm stated the mix of uses drives down the associated costs for the Town. He stated the fiscal analysis report indicates the development is a strong revenue-positive project for the Town, and the project components which are most lucrative are the ones which require the zoning changes (retail, senior housing and assisted living). He stated the development will more than pay for itself, and he hopes the Planning Board and Selectmen will be comfortable with the overlay district by early June at the latest. Mr. Tamm stated no building permit can be pulled until there is an executed Development Agreement between the parties.

Mr. Garvin stated that it behooves the applicant to get out to the public the positive perspective of this development and its benefits as soon as possible, since a two-thirds vote of support is needed at Town Meeting. Mr. Garvin believes that, as of now, there would be a risk to obtaining two-thirds support. He encouraged the applicant to build a momentum for support and to publicize the positive aspects of the project. Mr. Tamm stated the applicant agrees. Mr. Senna stated they welcome the results of a fiscal analysis peer review.

Mr. Morely asked if the applicant has considered holding an Open House Meeting, and he suggested it be held on site to create enthusiasm. Ms. Kablack stated scheduled site visits have been successful in the past.

The consensus tonight was that it would be best to try to get approval for the overlay district zoning and the National Development/Avalon project at the same Town Meeting. Mr. Tamm stated they are sensitive to the process not being perceived as rushed, but they would like to keep the momentum going, even if a May Town Meeting is not possible.

Mr. Senna stated he has commissioned help to get out the vote and publicize the project, but it is critical for him to have a certain date for the Special Town Meeting.

The consensus of the Board seemed to be that a June Meeting might be more prudent, given all that still needs to be done.

Ms. Kablack stated Town Counsel will rewrite section 4720 of the Overlay District bylaw on Page 1 of the draft bylaw so it is clear where such developments can happen.

A brief discussion ensued as to whether the MUOD process should be used to redevelop the commercial corridor on Route 20, as Mr. Morely suggested, from essentially the Wayland line to just before the Peakham Road area of Route 20. Mr. Morely explained that the National Development project would be the first application reviewed under this bylaw, and it hopefully will inspire the private sector to see what can be done. Chairman Abair believes the overlay district should be contained more to the commercial core area of Route 20. Mr. Garvin stated he agrees with Mr. Morely's vision, but he believes the public will need to be educated about its benefits.

Mr. Hincks asked if the concept will be perceived as too ambitious by the public. Chairman Abair stated there are some citizens who will be concerned that Route 20 will become a Route 9.

Mr. Morely stated he believes it is far more favorable for the public to know they will now have a say with a two-thirds vote at Town Meetings regarding what gets built, when they had no say prior to this. He sees it as the public having much more control than it has had in the past. Mr. Morely noted that essentially all the businesses on Route 20 are already developed, but services could be enhanced by a property owner coming up with a plan and bringing it before Town Meeting. Mr. Tamm stated he hopes the public will see the development as beneficial.

Mr. Senna expressed concern that, by broadening the area of the overlay district, it might be creating a bigger hurdle to overcome at Town Meeting. Mr. Tamm suggested parcel references could possibly be added as an addendum.

Ms. Kablack stated that the identification of the district is a critical step in advancing the bylaw. The Board must make up its mind whether the zoning changes should be provided only for the Raytheon property, Raytheon and other properties too, or for the whole Route 20 commercial corridor.

Mr. Senna stated he fears that people who support the development at Raytheon may vote to oppose the zoning if it is too broad.

Ms. Kablack stated she would share tonight's input with Town Counsel to incorporate as appropriate into the next revision.

Mr. Tamm suggested a possible revision to the third sentence on Page 1 of the Draft Bylaw, section 4720 could be to state, "The MUOD boundary may be extended only upon approval at Town Meeting and by an amendment to the MUOD boundary map." Mr. Morely and Mr. Garvin stated they liked this suggestion because it highlights the Town Meeting process.

Ms. Kablack reviewed a few sections of the draft bylaw, noting Page 6 will redirect some items listed to the Development Agreement. She also referenced Page 10, Section 4780. Dimensional Standards and Requirements, stating there may be a few more tweaks to increase side, rear and front setbacks. Ms. Kablack stated she, Town Counsel and Mr. Morely had questions regarding the purpose of the Section 4781. Subdivision.

Mr. Tamm briefly described the intent for Section 4781, but he said he would further review it with Town Counsel.

Ms. Kablack stated Section 4795. Loading needs further clarification.

Mr. Senna asked for guidance from the Board as to additional information needed. Ms. Kablack stated more signage material should be submitted and presented at the April 13, 2016 Board Meeting, which she will try to coordinate as a Joint meeting with the DRB. She also requested the retail architecture and that of all components other than the grocery store be presented. Mr. Morely suggested Board members review their conformance binders and let Ms. Kablack know what additional information they would like to receive for the March 30, 2016 Meeting. The Board stated it would also like to see a lighting plan and a landscape plan.

2016 Annual Town Meeting – Report to Board of Selectmen Regarding Street Acceptances Proposed Article

At 10:00 p.m., Chairman Abair opened a discussion regarding items related to the Annual Town Meeting article for Street Acceptances. The Board was previously in receipt of copies of a letter from Town Engineer/DPW Director I. William Place, P.E. to Town Manager Rodrigues dated February 22, 2016 and accompanying maps. In addition, copies of a memorandum from Ms. Kablack dated March 23, 2016 were distributed to the Board tonight.

Ms. Kablack summarized her March 23, 2016 memo to the Board. She stated the Board of Selectmen will hold a Public Hearing regarding the street acceptances on April 5, 2016. Ms. Kablack briefly reviewed the proposed streets (Arboretum Way, Trevor Way and Tall Pine Drive), noting cash or surety bonds are currently held on all of these streets, small punch lists remain, and none of the streets have had a Certificates of Compliance issued by the Sudbury Conservation Commission.

On motion duly made and seconded, it was unanimously

VOTED: To send a letter to the Board of Selectman stating the Planning Board voted to conditionally approve the street acceptances for Arboretum Way, Trevor Way and Tall Pine Drive, pending final completion of the actions outlined in Ms. Kablack's memo prior to a Town Meeting vote for acceptance.

239 Concord Road – Stormwater Permit – Accept Performance Bond

Mr. Long recused himself from this discussion and vote.

At 10:08 p.m., Chairman Abair opened a discussion regarding the request to accept the performance bond for 239 Concord Road. The Board was previously in receipt of copies of a letter from Town Engineer/DPW Director I. William Place dated March 14, 2016 estimating the cost to complete the project.

Ms. Kablack provided a brief history of past non-compliant issues. She stated the Town has been given a check for a performance bond of \$8,960.34.

On motion duly made and seconded, it was unanimously

VOTED: To accept the performance bond and check in the amount of \$8,960.34 for

239 Concord Road as surety for a stormwater permit granted at 239 Concord Road, as recommended by Town Engineer/DPW Director I. William Place in his letter dated March 14, 2016.

Dudley Brook Preserve SRC, 40 Tall Pine Drive – Conditions for Final Occupancy (Assessor’s Map J06-0023)

Mr. Long returned to the Meeting.

At 10:10 p.m., Chairman Abair opened a discussion regarding conditions for final occupancy for the Dudley Brook Preserve SRC, 40 Tall Pine Drive (Assessor’s Map J06 – 0023). The Board was previously in receipt of copies of an email from Ms. Kablack dated March 16, 2016.

Mr. Morely stated he drove by the property tonight prior to this Meeting, and it looked nice. He noted two streetlights at the entrance, which should be checked to ensure they do not disturb the resident across the street. Ms. Kablack stated she is not aware of any resident complaints regarding lighting or other matters. Chairman Abair asked about screening. Ms. Kablack and Mr. Morely stated some plantings were installed, but more planting could be done.

The consensus of the Board was that members should travel by the property for observations, and this agenda item should be delayed to the March 30, 2016 Board Meeting.

Minutes

Chairman Abair asked that the last sentence in the 4th paragraph from the bottom of Page 8 of the March 9, 2016 Meeting Minutes be revised to delete the word “extremely.”

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of March 9, 2016, as amended.

Upcoming Meeting Schedule

Ms. Kablack stated the next meetings will be held on March 30, 2016, April 13, 2016, April 27, 2016, and prior to the Annual Town Meeting on May 2, 2016, if necessary.

Miscellaneous

National Development/Avalon Fiscal Impact Analysis

Mr. Morely encouraged everyone to read the National Development/Avalon Fiscal Impact Analysis report and to view on SudburyTV.org the report presentation given by the applicant’s consultant to the Board of Selectmen last night.

Village at Sudbury Station LLC Comprehensive Permit

Copies of the letter of comments from the Board of Selectmen to the Zoning Board of Appeals dated March 8, 2016 regarding the Village at Sudbury Station LLC Comprehensive Permit application were previously provided to the Board. Ms. Kablack stated no new information is available.

Remote Participation

Copies of an email dated March 16, 2016 from Leila Frank from the Selectmen's Office regarding Remote Participation Policy information were previously provided to the Board.

Water Resource Protection Bylaw

Copies of sections 4243 and 4250 of the Water Resource Protection Bylaw were distributed to the Board tonight. Ms. Kablack stated the provisions are archaic, and she asked if the Board wants to submit to the special town meeting an article to revise it. She noted there is a current situation which might apply, and that the property owner could also be informed to pursue a variance. Mr. Garvin stated he is inclined to recommend that the entire bylaw be rewritten and improved. Ms. Kablack stated she would draft an article for the Board's review.

The meeting was adjourned by Chairman Abair at 10:26 p.m.