

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

Absent: Craig Lizotte

At 7:35 p.m., Chairman Abair called the meeting to order. He stated Mr. Lizotte has recused himself from all discussion and votes related to the National Development agenda items, and thus Mr. Lizotte will be absent tonight. He congratulated newly elected Planning Board member Dan Carty, who was in the audience tonight.

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 representative Karen Staffier and Sudbury’s Stormwater Peer Reviewer Janet Carter Bernardo

At 7:35 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 23, 2016. The Board was previously in receipt of copies of a draft Site Plan Decision, a letter from Sudbury Stormwater Peer Reviewer Janet Carter Bernardo dated March 22, 2016, and the Sudbury Design Review Board March 23, 2016 Meeting Minutes and attached plan. In addition, copies of a redlined “Draft 2 Site Plan Decision Sudbury Planning Board Grocery Store at Meadow Walk Sudbury 526 & 528 Boston Post Road,” a letter from Ms. Bernardo dated March 28, 2016, a memorandum from VHB representative Evan Miller dated March 30, 2016, and a handout entitled, “Meadow Walk Timeline” were distributed tonight.

Ms. Kablack stated the Draft 2 Site Plan Decision has been reviewed and modified by Town Counsel and the applicant.

Mr. Morely asked for clarification regarding what will be constructed under this Site Plan approval. National Development Project Manager Steve Senna explained demolition of the major building onsite will occur, and that the application was filed under the entire 50 acres. He summarized the new construction, including the primary driveway, full parking lot, west driveway and the grocery store. Mr. Morely stated he assumed some initial site work would be done on the retail area. Mr. Senna stated there would be work done on utility stubs for the retail and memory care areas, and trees would be planted on both sides on the main driveway.

Mr. Garvin stated it may be necessary to go outside the area of construction for erosion control, noting it would be interesting to see the sequence of work planned.

National Development’s Attorney Peter Tamm explained the Notice of Intent (NOI) is on appeal for the initial demolition, and a hearing for the second NOI filing for construction of the Whole Food store is anticipated to be held in May.

Ms. Kablack proceeded to read aloud the Draft 2 Site Plan Decision 31 conditions. She noted in Condition #5, the applicant may contemplate one freestanding sign in the future.

Regarding Condition #7, Mr. Morely stated it would behoove the applicant to get ahead on the screening with the abutter at the corner lot for site lines. Mr. Garvin suggested the words “and/or fencing” be added to the language regarding screening.

Mr. Tamm explained the applicant would like to strike Condition #13 because they are concerned about unintended consequences. Mr. Senna stated there is an obligation to Whole Foods to not interfere with key deliveries for its business. Ms. Kablack noted no other grocery store in Town has such a restriction. The consensus of the Board was that the original condition #13 could be stricken.

Regarding Condition #16, the Board edited the first sentence to delete the last seven words of the sentence (“to mitigate traffic associated with the Project.”). Ms. Kablack explained Conditions #16 and 17 specify requirements since the Department of Transportation process will not be completed before a building permit is issued.

Mr. Morely suggested #16 should describe the coordination of traffic signals along Route 20. Mr. Garvin suggested, and the Board concurred, that #17 should add the following words to the end of its last sentence, “prior to issuance of a Certificate of Occupancy.”

Regarding Condition #9, Mr. Senna distributed copies of the VHB memo from Evan Miller dated March 30, 2016, noting the memo contains responses to the DRBs comments regarding landscaping. Ms. Kablack stated she would forward the memo to the DRB. The consensus of the Board was that #9 should be revised to reflect that the final landscape plan shall be revised to reflect the suggestions made in the VHB memo of Evan Miller dated March 30, 2016 memo, which address the DRB comments.

Chairman Abair asked if there should be a condition regarding environmental maintenance. Mr. Morely stated the area is not within the Board’s purview. Mr. Tamm and Ms. Kablack noted compliance with MGL Chapter 21E is referenced in Condition #22.

Regarding Condition #27, the consensus was that the second sentence should be revised to reflect that any material deviation from the approved Plan following approval of the site plan will require a modification and approval by the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Draft #2 Site Plan Decision Sudbury Planning Board Grocery Store at Meadow Walk Sudbury 526 & 528 Boston Post Road for 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, 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, as reviewed and amended tonight.

Ms. Kablack stated she would add and the March 28, 2016 letter from Ms. Bernardo to the list of exhibits

At 8:48 p.m., discussion shifted to the Public Hearing regarding the Stormwater Management Permit.

VHB representative Karen Staffier updated the Board with a PowerPoint presentation. Ms. Staffier reviewed project benefits, including protecting environmental resources on and off-site, increasing open space and reducing the impervious cover, implementing new systems and BMPs per the Department of Environmental Protection (DEP) and Sudbury stormwater regulations, controlling erosion during construction and maintaining systems for the long-term. She also described the project approach which includes a stormwater Master Plan, individual phase stormwater management reports, and the grocery store stormwater management report. Ms. Staffier explained the Master Plan presents a hydrologic model for the entire project, identifies proposed conditions, watersheds, and impervious coverage, it documents reduction of stormwater rates and volumes for full build-out (DEP Standard 2), documents compliance with the recharge requirement (DEP Standard 3), and creates a roadmap for review of the detailed design for individual phases. She displayed slides as she described the existing conditions and the proposed conditions.

Mr. Garvin asked if the retention pond is considered a wetland. Ms. Staffier stated it is under State and local bylaws.

Sudbury's Stormwater Peer Reviewer Janet Carter Bernardo shared some of her observations regarding the Master Plan. Ms. Bernardo stated she looked at the watershed divide and the applicant's input values to verify the output calculations presented. She then confirmed how the applicant's information meets the required State and local standards. Ms. Bernardo explained that as each development phase application is submitted, it will be reviewed as to how it meets the Master Plan standards. She stated she was able to agree with most of the applicant's assumptions, with a few questions to be addressed. Ms. Staffier stated they have discussed the issues, and she would send a letter of responses to Ms. Bernardo's comments.

Mr. Garvin noted the Avalon Bay plan would not be submitted to the Planning Board. It was noted it would be presented to the ZBA and Ms. Kablack stated it would also be referenced in the Development Agreement. Ms. Kablack also noted the Town's stormwater bylaw does not have a grandfather clause, so all new development on this property is subject to the bylaw.

Ms. Bernardo stated she is relatively satisfied with the applicant's materials, noting the proposed plan is an improvement because it reduces the impervious surface area.

At 9:16 p.m., Mr. Staffier continued her presentation discussing the proposed conditions for the grocery store, including being consistent with the Master Plan, complying with DEP and Sudbury stormwater regulations, maximizing the use of recharge BMPs the SWPPP and a long-term operations and maintenance. She displayed slides of the Grocery Store Site Prep, the Grocery Store Layout Plan, the Grocery Store Grading and Drainage Plan and the proposed conditions.

Ms. Bernardo asked if two infiltration systems are planned, noting infiltration is encouraged and the applicant is doing it. Ms. Staffier stated this has yet to be finalized.

Mr. Hincks asked what happens if the plan does not work. Ms. Bernardo stated that once the building is demolished, the applicant will do soil testing to confirm results. Ms. Staffier stated she could show a preferred and an alternative option.

Mr. Hincks asked if existing pipes would be used. Ms. Staffier explained the pipes could be reused in some areas. She also indicated on the maps where the water quality units and catch basins are planned.

Ms. Bernardo referred to item #9 noted in her March 22, 2016 letter, and she asked who would take care of the stormwater basin in the center of the project, which is critical to the success of the applicant's stormwater management system. It was noted it could be a condition of the Permit. Ms. Kablack stated the Board does not usually require a maintenance contract, but the Conservation Commission sometimes does.

Ms. Kablack asked if the Conservation Commission has decided who will do its peer review. Ms. Senna stated Debbie Dineen is currently coordinating this with Schofield Brothers.

Ms. Bernardo stated she is awaiting the applicant's response to her March 28, 2016 letter, and then Ms. Bernardo will issue her list of recommended conditions for a Decision. She also mentioned that she and Ms. Staffier conducted their site visit together, which was productive.

In response to comments, Ms. Kablack stated she would ask the Conservation Commission what the maintenance requirements are for Shaws stormwater system, as this project will be sending the treated stormwater to the wetland area behind CVS.

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 a Stormwater Management permit 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 April 13, 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 9:50 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. The Board was previously in receipt of copies of a draft "Mixed-Use Overlay District from the previous meeting.

National Development's Attorney Peter Tamm stated the applicant has suggested the overlay district should simply apply to the 50-acre Raytheon site. Mr. Senna stated that, if the overlay is limited or broadened, another developer would still have to go to Town Meeting for approval. Mr. Tamm stated they believe residents might have more questions regarding zoning changes for a broader area. By making it broader, he stated the advantage is that it cannot be perceived that the zoning changes have been presented for the benefit of only one property owner. However, Mr. Tamm also stated the disadvantage is that people will think it can be done elsewhere in Town. He referenced zoning maps, stating that an alternative might be to make the overlay inclusive of LID #1, which would be more expansive than the Raytheon site, but not overly broad.

Chairman Abair stated the zoning map is helpful.

Mr. Tamm stated nothing precludes the overlay district from being expanded at a later time, and he suggested language to be added to the draft regarding the MUOD boundary, which would give the

message to residents that a cautious and incremental approach has been chosen. It was suggested that it be made clear at Town Meeting that the overlay is elective, and an application is subject to Town Meeting approval of the Master Plan.

Mr. Tamm suggested a revision to reflect that the MUOD boundary may be extended to other parcels, which would let property owners know the option is available.

Mr. Hincks stated he does not think there is any substantive benefit to unnecessarily raising eyebrows with the public, noting he sees nothing to be gained by doing so.

Mr. Garvin stated having it in the bylaw would help future developers.

Ms. Kablack noted this kind of development is unlikely to happen again without sewer services. The wastewater treatment plant at the Raytheon property allows this level of development to occur, unlike anywhere else in Sudbury.

Mr. Morely stated he argued strongly at the Board's last meeting for having a broader overlay district. However, tonight he sees the advantages to limiting it to just the Raytheon site and adding language to the draft bylaw to explain how it could be broadened later.

Chairman Abair stated there will be some citizens who will question if this is then being done for one property owner. The consensus was this would be easy to respond to because this property is unique with its own wastewater plant. Ms. Kablack stated it is imperative a redevelopment plan for this site gets approved now, as the Town will lose tax revenue if the site is vacant for a long time. Mr. Morely and Mr. Garvin concurred, and they encouraged the applicant to start their public relations campaign immediately.

Chairman Abair asked for a straw poll vote from Board members. Mr. Morely stated he prefers an overlay for the Raytheon site and adding language to the draft bylaw to explain how it could be broadened later. Mr. Long and Mr. Hincks concurred. Mr. Garvin stated he would like to review suggested language first because he is torn between Mr. Morely's suggestion and the other option of including LID #1 in the overlay.

Mr. Senna stated the Town owes Town Meeting a description of the overlay district.

Mr. Tamm stated he would work with Ms. Kablack and Town Counsel to revise the language to describe the district as Raytheon-site specific and also to describe the future process for property owners to expand the MUOD.

Chairman Abair emphasized the Board needs to be comfortable with what is presented at Town Meeting, and he stated this agenda item will be discussed again at the Board's April 13, 2016 meeting.

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

At 10:22 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.

Chairman Abair stated he drove past the site prior to this Meeting.

Mr. Morely stated he drove by the property again, and he had thought the developer was to install more plantings in the spring. He thinks what is there is insufficient, and that more could have been done.

Mr. Garvin asked what is shown on the landscape plan. Ms. Kablack stated she will review the landscape plan and she will reschedule this agenda item for the April 13, 2016 Board Meeting.

2016 Special Town Meeting – Proposal to Amend Zoning Bylaw –Section 4243- Water Resource Protection Overlay Districts

At 10:28 p.m., Chairman Abair opened a discussion regarding items related to a pending Special Town Meeting. Ms. Kablack distributed copies tonight of a draft article to be submitted to Amend Zoning Bylaw –Section 4243- Water Resource Protection Overlay Districts. She noted this would have impact on the Raytheon site and on the current Sudbury Pines plans.

On motion duly made and seconded, it was unanimously

VOTED: To approve and submit for the Special Town Meeting Warrant the draft article to Amend Zoning Bylaw –Section 4243- Water Resource Protection Overlay Districts, as reviewed tonight.

251 Old Sudbury Road – Accept Tower Removal Bond

At 10:35 p.m., Chairman Abair opened a discussion regarding the request to accept the tower removal bond for 251 Old Sudbury Road. Ms. Kablack distributed copies tonight of a letter from McLane Middleton representative Bradford Melson dated March 23, 2016, and she briefly summarized the request.

On motion duly made and seconded, it was unanimously

VOTED: To accept the tower removal bond in the amount of \$25,000.00 for Verizon Wireless' Service Facility at 251 Old Sudbury Road.

Upcoming Meeting Schedule

At 7:50 p.m., Ms. Kablack stated the next meetings will be held on April 13, 2016, April 27, 2016, and prior to the Annual Town Meeting on May 2, 2016, if necessary.

Miscellaneous

Ms. Kablack suggested Board members review the Meadow Walk Timeline handout distributed tonight.

The meeting was adjourned by Chairman Abair at 10:38 p.m.