

Present: Christopher Morely, Marty Long, Stephen Garvin, Craig Lizotte (arrived 8:28 p.m.), John Hincks (Associate Member) and Jody Kablack (Director of Planning and Development)

Absent: Chairman Peter Abair

At 7:35 p.m., Vice-Chairman Steve Garvin 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 arrive later tonight.

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

Present: National Development Project Manager Steve Senna, VHB representative Karen Staffier and Sudbury’s Stormwater Peer Reviewer Janet Carter Bernardo

At 7:36 p.m., Vice-Chairman Garvin opened a Public Hearing regarding the application of BPR Development LLC c/o National Development, Owner Raytheon Company, for 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 30, 2016. The Board was previously in receipt of copies of a letter from VHB representative Karen Staffier dated April 5, 2016, responding to Grocery Store Stormwater Peer Review comments from Janet Bernardo and accompanying revised plans, the Preliminary Stormwater Management Master Plan for 526 & 526 Boston Post Road Redevelopment Sudbury, MA revised April 2016 and a Stormwater Management Report for Phase 1 Meadow Walk at Sudbury: Grocery Store revised April 2016. In addition, copies of another letter from Ms. Staffier dated April 5, 2016, responding to Stormwater Master Plan Peer Review comments from Janet Bernardo, a March 22, 2016 letter to the Board from Sudbury’s Stormwater Peer Reviewer Janet Carter Bernardo, a letter from Ms. Bernardo dated April 12, 2016 regarding the Meadow Walk Master Plan and another letter from Ms. Bernardo dated April 12, 2016 regarding the Phase 1 Meadow Walk Grocery Store were distributed tonight. Vice-Chairman Garvin read aloud the new materials received to the file since the Board’s last meeting.

Ms. Staffier stated she and Ms. Bernardo have discussed many issues and they have communicated through a series of comment and response letters. She also stated full reports have been resubmitted to the Town, as well as the water impact report which was provided to the Sudbury Water District and the Zoning Board of Appeals (ZBA).

Ms. Bernardo reviewed her rationale for her conditions and responses provided in her April 12, 2016 letter regarding the Preliminary Stormwater Management Master Plan. She noted that precautions and protections have been noted even for scenarios which are not likely to occur.

In response to some discussion regarding avoiding discharges into wetlands, Ms. Staffier stated the applicant’s plans and approach do not include any direct discharge into wetlands.

Regarding item #9 of Ms. Bernardo's letter, National Development Project Manager Steve Senna suggested, and the Board concurred, that the language be revised to reflect the property, or any portion of the property.

Regarding item #10 of Ms. Bernardo's letter, Ms. Kablack asked if Whole Foods has already made an Illicit Discharge Compliance Statement. Ms. Bernardo stated the applicant would likely be providing this to the Conservation Commission. Vice-Chairman Garvin stated the onus is on the property owner to make this statement.

Mr. Senna stated he would prefer it if the conditions were careful regarding referencing the 50-acre parcel and submitting documentation to the Planning Board (as in statement 1 on page 2 of Ms. Bernardo's letter), since it should not include the Avalon Chapter 40B component, which would be reviewed by the ZBA and not the Planning Board. Ms. Kablack stated the language would be revised to not include Avalon. The consensus of the Board was that the language should also be revised to reflect documentation should be submitted to the Town of Sudbury rather than the Planning Board. Ms. Kablack also clarified some of the conditions discussed tonight will also be for the conformance review.

Ms. Bernardo stated she is satisfied with the responses to her questions provided by the applicant.

Ms. Bernardo next reviewed her rationale for her conditions and responses provided in her April 12, 2016 letter regarding the Phase I Meadow Walk at Sudbury: Grocery Store Stormwater Management Plan. She summarized her questions for during and post construction, which were discussed with Ms. Staffier.

Ms. Kablack stated Ms. Bernardo would likely be hired to monitor the work process. Mr. Senna stated the applicant has already hired a third-party to monitor the SWPPP process with the Conservation Commission. Ms. Bernardo stated she assumes she will be the eyes of the Planning Board through the process.

Regarding item #9 of the letter, Ms. Kablack asked if the Board wanted to consider asking for a contract regarding long-term operation and maintenance of the stormwater system. Vice-Chairman Garvin stated this could also be covered by requiring a report annually. Mr. Senna noted reports will be done for the Conservation Commission. Vice-Chairman Garvin requested the Planning Board be copied on the reports submitted to Conservation.

Ms. Bernardo stated she is satisfied with the responses to her questions provided by the applicant.

Vice-Chairman Garvin asked if the applicant's team had any further comments, and Mr. Senna stated they had none.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack to prepare a draft Decision regarding the application of BPR Development LLC c/o National Development, Applicant and Owner, for 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.

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

VOTED: To continue the Public Hearing regarding the application of BPR Development LLC c/o National Development for a Stormwater Management permit to April 27, 2016 at 7:45 p.m. at Town Hall.

Fairbank Community Center Task Force – Status Report

Present: Fairbank Community Task Force Co-Chairman Jack Ryan and Facilities Director Jim Kelly

At 8:20 p.m., Vice-Chairman Garvin welcomed Fairbank Community Task Force Co-Chairman Jack Ryan and Facilities Director Jim Kelly to the Meeting to provide the Board with an update regarding Article 33 submitted for the 2016 Annual Town Meeting.

Mr. Ryan stated Article 33 is requesting design fees for a new Fairbank Community Center. He referenced the March 2015 Feasibility Study, noting the 279-page report and appendices provide information regarding the current Fairbank building and a possible new community center. Mr. Ryan stated the Task Force considered several options, and initially settled on Option #3 for a 60,000 square-foot building, which would retain the Atkinson Pool and diving area. He explained this option would meet the present and future needs of the Park and Recreation Department and the Council on Aging and Senior Center. Mr. Ryan highlighted recent statistics indicate 20% of Sudbury's population is 60 years old or older. He also noted the current facility is approximately 40,000 square feet.

Mr. Lizotte joined the Meeting at 8:28 p.m.

Mr. Ryan stated the options were reassessed and an Option 4 was suggested for a 78,000 square-foot, two-story building, which would rebuild the Atkinson pool into a new family pool area and replace the diving area. This larger facility would also include a larger gym, an elevated running track, spectator seats and it would have approximately 9,000 square feet to house the Sudbury Public School (SPS) Administration. Mr. Ryan referred to conceptual plans throughout his presentation.

For the record, Vice-Chairman Garvin disclosed his employment firm performed the civil engineering work for the study. However, he also stated the Planning Board has no authority for the proposed project and does not believe this will conflict with his duties on the Planning Board.

Mr. Ryan stated the estimated cost for Option #3 is \$23 million, and for Option #4 it is \$35 million. He explained the Task Force is requesting \$1.2 million for design development drawings and to obtain a better construction estimate, which will allow the Town to better assess its options. Mr. Ryan stated the two-story option would result in less project disruption, and it is believed there is sufficient public support for the extra features it would provide. Thus, the Task Force has decided to not eliminate any potential building features at this time.

Mr. Ryan stated operating costs are a valid concern. He further stated it is estimated that Option #4 would create a revenue neutral situation because pool memberships could be sold and additional summer camp activities could be accommodated, which will increase revenue. Mr. Ryan stated this assumption would need to be further analyzed, and the \$1.2 million request includes approximately \$28,000 for this purpose.

Mr. Hincks asked about Options 1 and 2, and why they were dismissed. Mr. Ryan explained Option #1 was for a 40,000 square feet facility, and Option #2 was for 50,000 square feet, but neither option met the

present needs of the current users or their future needs. Mr. Hincks stated he uses the Atkinson Pool regularly, and he has observed that more pool options are needed.

Mr. Morely stated there was an estimated construction price to house SPS Administration in a stand-alone building which would cost more than including them in the Fairbanks' proposals. Mr. Kelly stated a building for just SPS would potentially cost \$5 million as opposed to including the 9,000 square feet in the plans for Fairbanks for approximately \$3,750,000.

It was asked if this project would go out to bid, and Mr. Kelly stated there would be a designer selection process.

Mr. Morely referenced that the Task Force researched similar facilities in other towns. Mr. Ryan stated one in Newton was particularly impressive. Mr. Morely suggested the Task Force should pursue who the designers were for other similar facilities to share with the Permanent Building Committee (PBC).

Mr. Ryan noted it is important to also keep in mind that Fairbanks is the Town's emergency center.

Ms. Kablack clarified the estimated \$23 and \$35 million costs are full project costs, which include design costs.

Mr. Kelly stated the Task Force has worked to share as much information as possible prior to Town Meeting to help educate the public about the project. He also stated there is a Forum scheduled for tomorrow and there will be tours of the current facility (additional information is available on the Town website).

Mr. Morely asked if there are other 78,000 square-foot-buildings in Town. Mr. Kelly stated he would need to check on this, but he stated the Noyes School is approximately 65,000 square feet.

Mr. Kelly stated he believes the Town needs to move forward with a proposal because there needs to be an investment in the facility.

Disposal of Former Route 20 Police Station – Discuss Draft Request for Proposal Fairbanks Community Center Study Task Force – Status Update

Present: Facilities Director Jim Kelly

At 9:00 p.m., Vice-Chairman Garvin welcomed Facilities Director Jim Kelly to the meeting to discuss the Draft Request for Proposals (RFP) for the former Police Station. The Board was previously in receipt of copies of the draft "Town of Sudbury Request for Proposals For the Disposition of Real Property (old Police Station) at 415 Boston Post Road Parcel ID: K08-0006 Sudbury, MA 01776."

Mr. Kelly stated he has never sold a Town building before, and he has discussed the draft material with Town Counsel and Ms. Kablack. He stated the Town's objective is to maximize the purchase price, and he also stated it might be an opportunity to somewhat control how this site is redeveloped.

Vice-Chairman Garvin asked if Mr. Kelly has discussed the draft with the Selectmen. He suggested it might be useful to help guide what the Town might want to see there, similarly to how the Town sent Raytheon a letter stating what it hoped for as part of the redevelopment of the property.

Mr. Lizotte stated the property is approximately a half-acre lot on Route 20 with limited parking. He believes a retail option is most likely.

Mr. Morely stated the draft allows leeway to balance a best price offer with other offers.

Ms. Kablack referenced the draft on Page 4, stating the Highest and Best Use section pushes for the highest price. However, it was noted the Town is not obligated to take the highest offer.

A brief discussion ensued regarding preferred uses at the site. Mr. Hincks asked if there were unacceptable uses for the Town. It was noted there might be uses proposed, such as banks, which the Town may not need, due to a current abundance.

Mr. Lizotte stated the lot is too small to do anything other than retail. The consensus of the Board was the RFP needs to be as flexible as possible to attract as many offers as possible.

Mr. Hincks suggested revising the ranking points afforded in order to help guide the use towards retail and other Town preferences. Mr. Morely stated he liked this idea.

Mr. Kelly stated he believes this is a good time to sell, and he noted the property was appraised for \$750,000.

Mr. Morely stated he believes more restrictions in the RFP will limit the number of responders.

Ms. Kablack stated it is possible there could be a buyer who wants to purchase it for septic capacity.

Mr. Kelly asked about including a minimum purchase price to help weed out serious offers. Mr. Lizotte suggested providing the appraisal with the RFP and stating the Town sees that price as a minimum offer.

A brief discussion also ensued regarding the amount of deposit to suggest. Mr. Kelly stated Town Counsel suggested \$10,000 as opposed to 10% of the purchase price. Mr. Morely suggested there should be a two-step deposit, with the second deposit being more substantial (possibly 20% of the purchase price was mentioned) as a commitment.

Mr. Hincks asked if it is presumed the present building will be demolished. Vice-Chairman Garvin and Mr. Kelly stated it is the most likely scenario.

Mr. Morely repeated his belief that the Town wants to encourage as many bidders as possible. Vice-Chairman Garvin agreed, noting this will be possible with a more flexible RFP.

A brief discussion ensued regarding the suggested 60-day closing criterion. Vice-Chairman Garvin stated an applicant would need more time to qualify for financing. Mr. Lizotte concurred, stating more time would also be needed to obtain permits, if permits will be tied to the closing. The consensus of the Board was 60 days were inadequate for most credible potential buyers.

Mr. Lizotte asked if Phase 1 and Phase 2 environmental studies have been performed by the Town. Mr. Kelly stated the intention is for the buyer to complete whichever studies they want.

It was suggested a National Development representative might have some useful input for the RFP, since the property is not a site which would be conducive for its typical projects.

Mr. Kelly stated he would continue to work with others on revising the RFP, and he thanked the Board for its input.

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

At 9:34 p.m., Vice-Chairman Garvin 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 a memorandum from Ms. Kablack dated April 7, 2016 and accompanying Landscape Plan.

Vice-Chairman Garvin stated he spoke with Chairman Abair who thought the site looked fine when he visited it.

Mr. Hincks stated he went by the property and he does not think it looks good. He also stated he spoke to neighbors who stated they had expected the plantings to be different. Mr. Hincks also learned there is a Homeowner’s Association meeting planned this week, and it is possible the Town may receive feedback.

Mr. Morely stated he attended meetings regarding the property where plantings were discussed. He stated clean-up of unhealthy plants was discussed and that there would be filler shrubs planted.

Ms. Kablack suggested continuing this discussion as a future agenda item, following the Board conducting a site visit with the developer. She stated she would coordinate possible dates for a site visit and communicate to the Board at a later time.

2016 Annual Town Meeting – Update

At 9:40 p.m., Vice-Chairman Garvin opened a discussion regarding items related to the Annual Town Meeting.

Ms. Kablack stated she will provide the Board with draft zoning article presentations at the April 27, 2016 meeting, and the Board will review the Warrant to determine if it wishes to take any positions on non-zoning-related articles. Ms. Kablack reminded the Board there is a Special Town Meeting on May 3, 2016, within the Annual Town Meeting, wherein the Water Resource Protection Overlay District article will be presented and the Village at Sudbury Station article submitted by residents, which she had previously provided copies of to the Board.

Mr. Morely asked if the Special Town Meeting to discuss zoning for National Development has been set for June 13, 2016. Ms. Kablack stated Town Manager Rodrigues is trying to coordinate a June Special Town Meeting date.

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of March 23, 2016 and March 30, 2016.

Mr. Lizotte abstained from the vote.

Upcoming Meeting Schedule

Ms. Kablack stated the next meetings will be held on April 27, 2016, and prior to the Annual Town Meeting on May 2, 3, and 4, 2016, if necessary. Following the conclusion of Town Meeting, the Board is scheduled to meet on May 11, 2016 and May 25, 2016.

Miscellaneous **69-71 Brewster Road**

The Board was previously in receipt of copies of a letter dated March 21, 2016 from approximately 25 abutters and neighbors who are opposed to over development of 69-71 Brewster Road.

Ms. Kablack stated she has no knowledge of a development plan for the property.

The meeting was adjourned by Vice-Chairman Garvin at 9:46 p.m.