

Present: Chairman Peter Abair, Christopher Morely, Marty Long, Stephen Garvin, Dan Carty, and Glenn Garber (Interim Director of Planning and Development)

Absent: John Hincks (Associate Member)

Chairman Abair called the meeting to order.

Mr. Garber provided a summary of tonight's agenda items, noting that, due to changes in Town staff, the Planning Office is beginning to catch-up on post construction and regulatory items.

Minor Subdivision Plan Modification - Arboretum/Cutting Lane - Assessor's Map E06-Parcel – 500 – Discussion

Present: Treasurer for Redspire Inc. Beth Cosgrove

Chairman Abair opened a discussion on the application for a Minor Subdivision Plan Modification for Arboretum/Cutting Lane (Assessor's Map E06-Parcel-500). The Board was previously in receipt of copies of a letter from Beth Cosgrove, Treasurer for Redspire Inc., and accompanying plan of Cutting Lane regarding proposed plantings and a description sheet.

Representative from the owner Redspire Inc., Beth Cosgrove, explained the applicant would like to substitute low plantings and retention of vegetation in lieu of street trees. Ms. Cosgrove stated street trees will not survive along the road due to it being raised and there is not much ground to support the growth of a tree. She also noted they are trying to retain the open vista views, which people enjoy. Ms. Cosgrove explained the alternative approach they have taken.

Mr. Morely stated he drove by Arboretum Way, and it looks even better than he had anticipated.

Mr. Long asked if there will need to be a modification to the landscape plan. Ms. Cosgrove stated the plan included landscape guidelines. Mr. Garber stated the homeowner's restrictive covenants require extensive plantings on individual private lots..

Chairman Abair asked if the Board needs to delay a vote until it has a draft decision. Mr. Garber stated that a new decision was not necessary, and that if the Board approved the concept discussed tonight, the appropriate documentation could be added to the

permanent file record and shared with the Planning Board. He also stated the applicant is anxious to begin planting in the fall.

On motion duly made and seconded, it was unanimously

VOTED: To approve the request of Beth Cosgrove for a Minor Subdivision Plan Modification for Arboretum Way and Cutting Lane (Assessor's Map E06-Parcel-500) as discussed tonight, pending review of the draft decision documentation.

Sudbury United Methodist Church – 251 Old Sudbury Road (Assessor's Map H09-0053) - Delegate Stormwater Management Permit Review to Conservation Commission

Present: Sudbury United Methodist Church Council Chair Richard Morris

Mr. Garvin recused himself from this agenda item and vote, and he vacated the meeting room for the duration of the discussion.

Chairman Abair opened a discussion on whether to delegate the Stormwater Management Permit Review to the Conservation Commission for the Sudbury United Methodist Church renovation project. The Board was previously in receipt of copies of a memorandum from Mr. Garber dated August 3, 2016, a letter from Hancock Associates dated July 15, 2016 and accompanying "Town of Sudbury Application for Stormwater Management Permit" submitted by the Sudbury United Methodist Church, and Permit Site Plans.

Mr. Garber explained the request poses the questions as to whether to delegate the Stormwater Management review process and, further, whether this project is subject to site plan review. He referred to his memo, and he summarized the types of uses and activities which require a site plan review, and most do not apply to this project. Mr. Garber further stated he has discussed this issue with the Building Inspector and with Town Counsel, and all are in agreement that the proposed project does not meet the threshold requirements for a site plan review, in addition to which there could be other significant legal constraints involved. Regarding Stormwater Management, he stated the wetlands process with the Conservation Commission is already underway. Thus, it was recommended that the Board delegate its stormwater management authority to the Conservation Commission.

Mr. Long stated delegation seems appropriate in this instance.

Sudbury United Methodist Church Council Chair Richard Morris confirmed the Conservation Commission process is well underway, and the peer review process should be completed by August 22, 2016.

Mr. Carty asked how the Historic District Commission's review went. Mr. Morris stated they approved nearly all items as being able to proceed. He further stated the Church was asked to meet again with the Commission to review lighting options and parking lot striping colors.

Mr. Morley stated he is pleased to hear lighting is being addressed, and he assumes night sky requirements will be considered as well as moderate down-lighting fixtures, which will be of a historic nature. He noted the improvements made in recent years to the Church have been noticeable. Mr. Morely commended the Church for doing a great job on the plans for this project.

The consensus of the Board was that it preferred white striping for the parking lot.

On motion duly made and seconded, it was unanimously

VOTED: To delegate the Stormwater Management Permit Review to the Conservation Commission for the Sudbury United Methodist Church, 251 Old Sudbury Road (Assessor's Map H0—0053) renovation project.

200 Old Lancaster Road (Assessor's Map J08-0016) – Temporary Removal of Stone Wall – Update

Mr. Garvin returned to the Meeting.

Chairman Abair opened a discussion regarding an update on the temporary removal of a stone wall at 200 Old Lancaster Road (Assessor's Map J08-0016). The Board was previously in receipt of copies of the Scenic Roads Application for Approval under M.G.L. Chapter 40, Section 15C and Sudbury Bylaws Article VIII (B), an email from the Deignans to Sudbury's Planning Office dated June 29, 2016, and a response email to them from Mr. Garber dated June 30, 2016.

Mr. Garber explained this agenda item is only for informational purposes. His prior administrative approval was included in the packets for the Board's updating. He summarized the request as asking to temporarily remove the existing easternmost 20-25 feet length of the stone wall at 200 Old Lancaster Road, to allow trucks to enter the site for patio construction. At the conclusion of 30 days, the wall would be replaced for its entire length, in a similar manner. He explained the applicants successfully fulfilled a similar request in 2015, and the Building Inspector was satisfied with how the work was completed at that time. Mr. Garber stated the prior approval would be subject to the applicant notifying the Planning Office of the date of the start of the project, that the wall would be removed for a maximum of 30 days from the start of the project, that the Planning Office would be contacted regarding any delays or extensions needed, and that the wall would be replaced for its entire length in a manner similar to what currently exists, using the existing stones. He highlighted for the Board photos which had been

submitted with the request. Mr. Garber stated no action is required tonight, as the administrative approval was previously granted for the request.

Meadow Walk – Signs & Stormwater Management – 526 & 528 Boston Post Road (Assessor’s Map K07-0011 & K07-0013) - Pre-Application Discussion for Further Permitting

Present: National Development Project Managers Steve Senna and Katie Britt Snyder, and Avalon Bay Vice President for Development David Gillespie

Chairman Abair opened a pre-application discussion with National Development representatives regarding further permitting for signs and stormwater management for Meadow Walk, 526 & 528 Boston Post Road (Assessor’s Map K07-0011 & K07-0013). The Board was previously in receipt of copies of an email from National Development Project Manager Steve Senna to Mr. Garber dated July 5, 2016, an email from Mr. Senna to former Planning Director Jody Kablack dated June 24, 2016, an email from National Development Attorney Peter Tamm to Mr. Senna dated August 2, 2016, a letter from National Development to the Board of Selectmen dated August 8, 2016. An email from Mr. Senna to Mr. Garber dated August 15, 2016 were distributed to the Board tonight.

National Development Project Manager Steve Senna stated plans and timing for the projects have not changed since being approved at Town Meeting. He reported some conditions of the Development Agreement with the Town have been fulfilled, noting National Development submitted checks to the Town as follows: \$100,000 for the Senior Center, \$80,000 for design of a future Fire Station on Boston Post Road, \$15,000 for a section of sidewalk on Boston Post Road and \$20,000 for outside consultants to be hired by the Town to review future stormwater management filings. Mr. Senna stated the Town should have the money now to engage peer reviewers for the stormwater management permit applications for the memory care/assisted living component and the \$5,000 designated for a construction monitor for the Whole Foods component. He further stated the Conservation Commission has engaged an environmental monitor for the SWPPP permit process. Mr. Senna stated former Director of Planning Jody Kablack had advised the Town to hire a civil engineer to witness the stormwater management construction. He asked for the Board’s assistance in following up on the award of this contract so the firm can be involved in the pre-construction meetings.

Mr. Senna stated a final version of the construction management plan was a requirement for the building permit and this has now been completed. He will circulate copies this week. He noted the last administrative item required for the building permit is the recording of the “Declaration of Restrictive Covenants Regarding the Stormwater Management System,” which he hopes the Board will approve for execution. It was noted copies of a redline version of the Declaration, and a version with the proposed revisions as accepted, were previously provided to the Board. Mr. Garber stated he and Town Counsel have not had sufficient time to review the documents. The consensus of all parties was that it would be best to delay this discussion to the Board’s September 14,

2016 meeting. Mr. Garber stated this might also allow enough time for the Town's new Environmental Planner to review the documents, since she is already working on aspects of the Meadow Walk project. Upon a quick initial review, Mr. Garber noted the draft Declaration requires estoppel action from the Department of Public Works (DPW), but currently the Town is without a DPW Director. Mr. Senna stated this item is not time-sensitive, in that it would likely not come into play with a lender until the time of refinancing. Environmental Planner Beth Suedmeyer had previously asked Board members to submit their comments regarding the draft document to her to incorporate into another draft to be reviewed at the September 14, 2016 Board Meeting.

Mr. Senna stated the Board will next be presented with either an application for a formal comprehensive signage program and/or the stormwater management permit application for the village retail component, followed by the stormwater management permit application for the memory care/assisted living component, and later, one for the age-restricted housing component.

Mr. Senna stated the full signage program was not ready to present tonight, however, they have brought a rendering of two options for the monument sign to be used as a foundation to build the sign plan. He further stated the signage will also be reviewed by the Design Review Board (DRB) and there will be a Public Hearing scheduled regarding signage. Mr. Senna displayed slide renderings of Option A and Option B for the project monument signs listing the four major components to give the Board a sense of the size, scale and materials being considered.

Mr. Garvin asked if sight distance concerns are anticipated, and Mr. Senna stated they are not. Mr. Senna stated an outside firm has been hired to be part of the signage design team, and National Development will also continue to work with VHB and the traffic engineers. He described Option B as more modern, transparent and consistent with the contemporary architecture.

Mr. Morely stated he is comfortable with the individual store names not being listed on the monument signs.

Mr. Senna noted the typical signs in Sudbury are approximately 10-12 feet tall. He emphasized this project is recommending a lower horizontal sign design. Mr. Senna also stated the signs would be lit from the ground and that they would not be internally lit.

Project Manager Katie Britt Snyder stated the renderings have been shown in metal, but it is possible natural materials such as stone would be used.

Mr. Morely and Mr. Garvin expressed preference for the more traditional option. Mr. Carty expressed a preference for Option B, and he asked if the overall recommended size fits with current zoning. Mr. Morely stated it does not. Mr. Senna concurred, stating this is why they are pursuing the path of submitting a comprehensive signage plan.

Avalon Bay Vice President for Development David Gillespie stated Avalon has submitted examples of its signs as part of its Comprehensive Permit application.

Mr. Garvin recommended that the developer should meet with the DRB about signage early in its process. It was later noted the next DRB meeting will be on August 24, 2016.

Chairman Abair stated the Board will expect the developer to return at a future meeting with its signage plan, including sight-line details, and he concluded the discussion.

Widow Rites – Lot E & F – Maynard Road/Livermore Estates – Informal discussion Regarding the Revival of a Discontinued Subdivision

Present: Engineer for the Applicant, George Connors

Chairman Abair opened an informal discussion regarding the revival of a discontinued subdivision for Widow Rites – Lot E & F – Maynard Road/Livermore Estates, and he welcomed the applicant's engineer George Connors to the Meeting. The Board was previously in receipt of copies of a letter from Mr. Connors to Mr. Garber dated July 27, 2016. In addition, copies of the "Definitive Subdivision Flexible Development Special Permit Livermore Estates Maynard Road" dated January 22, 2014 and accompanying plans, and the "Decision Stormwater Management Permit Livermore Estates, Maynard Road, Sudbury, MA" dated January 22, 2014 were distributed to the Board tonight by Mr. Connors.

With the use of exhibits of plans, Mr. Connors summarized the three development properties, which he described as Livermore, Lots E&F and the Widow Rite's lots. He explained that his clients, Vincent Gatley and Ted Pasquarello, wish to now comply with the Livermore approval, which required a water line extension to serve all lots in the development. The previous discussion was appealed because of this requirement, but the appeal has since been dismissed. Mr. Connors referenced condition #24 of the Livermore Subdivision Decision dated January 22, 2014, noting the applicant will return to the Board to ask for an extension.

Mr. Connors also stated the applicants wish to resurrect the permitting efforts for lots E & F Maynard Road by stabilizing the slope, and re-seeding in the fall growing season any areas scheduled to be disturbed. He noted this is one lot, and previously, the attempt to stabilize the slope in the back was started too late to achieve successful results. Mr. Connors stated the new plan includes additional measures to mitigate and correct previous problems. He also stated the abutting property homeowners, at the top of the hill, have been cooperative regarding access.

Mr. Connors further stated the applicant wishes to finalize the permitting for four Widow Rite's lots instead of six, including remedial work on the subdivision detention basin. He explained four lots will be developed based on soil-testing results. Mr. Connors

summarize that new stormwater regulations have since been adopted. He noted there will be less impervious surface area for the four lots instead of six, and there should be enough detention basin capacity to handle the new plan's approach. He also stated an overflow pipe would be installed into the drainage system for the water tank, and a sub-drain would be added along the road to mitigate water, which had previously collected in the road. Mr. Connors stated the basin's stormwater volume and rate will be less than what was originally designed and presented.

Chairman Abair stated he has concerns regarding the work to stabilize the slope for Lots E&F, given that it is already the second week of August. He wondered if the timing will again be questionable because it will be so late into the growing season.

Mr. Morely asked if they have thought about bringing an ANR plan before the Board at the September 14, 2016 Board Meeting in order to try to plant sooner what will be needed. He also stated it appears as if the abutting homeowners at the top of the hill are accepting of what had been previously proposed. However, he questioned if the neighbors are on board with all aspects of the plan so that the plantings needed can be executed in this growing season. Mr. Morely emphasized he does not want the quality of the plan which is presented to be compromised, but rather to have a plan which pursues options which improve the chances for successful results. Mr. Connors stated they may try to work with the neighbors and/or pursue an ANR plan to expedite the work.

Mr. Garvin asked what the applicant would be requesting for stormwater management approval, and whether they plan to submit a full permit application. Mr. Connors explained there was a stormwater design completed approximately 25 years ago by another developer, which could not be found. Thus, the applicants redid the design to establish baseline conditions, and then the subdivision was added to it. Mr. Connors stated these plans with the complete hydrology report analysis were submitted to the Town and reviewed by former DPW Director Bill Place. Mr. Garvin stated he would want to see more information regarding what was submitted and Mr. Place's comments.

Mr. Morley asked if the detention basin is owned by the property owner. Mr. Connor stated it is owned by an easement from the abutter.

Sudbury residents Ed and Beth Dearias, 40 Widow Rite's Lane, stated it is a relief to learn there are only four lots proposed versus six. However, they stated they are still concerned about water runoff, which could have an impact on their property value. Mr. Dearias also stated they are concerned about the view of the water tanks after trees are cut down. Ms. Dearias also stated she is concerned that there will not be a large trench, which acts as a water basin with grass growing on top, as there was when the two houses across the street from her were built.

Regarding Widow Rite's Lane, Mr. Morley noted when trees were previously cut, water did travel across the road, and in winter, it resulted in icy conditions. Mr. Connor stated the proposal would eliminate this problem.

Regarding the former Livermore subdivision plan, Mr. Morely stated it was set for approval, except for the water line extension issue. He stated it appears as if the applicant hopes the Board will waive the 90-day deadline and approve the plan, as it was previously submitted, now that they are willing to install the water line extension.

Mr. Connors stated tonight's discussion was intended primarily to reacquaint the Board with the development's properties and plans.

At 7:02 p.m., Chairman Abair concluded the discussion.

The builder/architect representative from Heritage Properties distributed copies to the Board of an article featuring the company in the Greater Boston *Builder & Architect Magazine*.

Maple Meadows Subdivision - Request for Bond Release

At 7:02 p.m., Chairman Abair opened a discussion regarding the request for a bond release for the Maple Meadows Subdivision. The Board was previously in receipt of copies of a letter from NAS Surety Group dated May 23, 2016 and a site inspection memorandum from Horsley Witten Group (Jesse Bean) dated August 9, 2016, recommending release of the bond.

Mr. Garber stated this agenda item would have to be postponed until a future Board Meeting, because he and his staff have been unable to locate the developer/owner, who may be overseas for an extended time. He stated a site inspection was completed, and it is recommended to fully release the bond.

Given this summer's drought conditions, Mr. Garvin stated he would want to see how everything is functioning during more typical weather conditions in the fall.

Mr. Garber stated he met twice with representatives of the Homeowner's Association, and they reported no concerns regarding this Board matter.

Tall Pines/Dudley Brook - Request for Bond Release

At 7:08 p.m., Chairman Abair opened a discussion regarding the request for a bond release for Tall Pines/Dudley Brook. The Board was previously in receipt of copies of a letter from Dudley Brook Preserve Executive Vice President Rick Maranhans dated July 14, 2016, and a memorandum from Janet Carter Bernardo, P.E. and Jesse Bean dated August 9, 2016 and accompanying photographs.

Mr. Garber explained the applicant was obligated to plant 12 trees, and the conditions have all been satisfied. He stated release of the bond currently held for approximately \$85,000 is recommended.

On motion duly made and seconded, it was unanimously

VOTED: To approve a release of the bond for the Tall Pines/Dudley Brook Subdivision.

239 Concord Road - Request for Stormwater Bond Release

At 7:12 p.m., Chairman Abair opened a discussion regarding the request for a stormwater bond release for 239 Concord Road. The Board was previously in receipt of copies of an email from designer Julia Palatine dated July 6, 2016, a memorandum from Horsley Witten Group dated August 1, 2016, and a series of emails to and from the Planning Office and Walker Development and Horsley Witten Group from July 11, 2016 through August 9, 2016.

Mr. Garber noted the Town's Stormwater Management Peer Reviewer Janet Bernardo has stated she believes all issues have been satisfied as per the revised as-built plan and her site visit. He reported the current bond held is for approximately \$8,960.

The consensus of the Board was that it needed more time to review the correspondence and status of the project and conditions, and that this agenda item would be deferred to the September 14, 2016 Board Meeting.

Right of First Refusal – Lot 32 Mary Catherine Lane – Discussion

At 7:17 p.m., Chairman Abair opened a discussion regarding the sufficiency of the Notice of Intent to Sell Land subject to M.G.L. Chapter 61B, s 8, received from Owner Ledgewood II at Sudbury Development Corp., Richard Campana, President, on July 21, 2016, regarding .918 a. known as Lot 32 Mary Catherine Lane, Assessor's Map B07 Parcel 0204. The Board was previously in receipt of copies of the "Notice of Intent to Sell Land Subject to M.G. L. Chapter 61B, section 9," dated July 19, 2016 and accompanying map, the Purchase and Sale Agreement and an email sent by Patty Golden on August 4, 2016 to Town Boards and Commissions asking if there is interest in the land.

Mr. Garber explained the lot is a single, leftover subdivision lot, which was not further developed under its Chapter 61B Recreation land status. He reported Town Counsel and the Selectmen have no issues with the Notice provided. Initial opinion appears to be that the lot has no sufficient value to the Town. The Planning Board concurred.

Mr. Morely stated he would be interested to know more information regarding what is being sold, and to whom, given the information provided is sparse. He suggested the Board should delay finalizing its opinion until a future date. Mr. Morely also suggested Mr. Garber should reach out to the Land Acquisition Review Committee, which should convene to offer an opinion to the Selectmen.

Chairman Abair noted there is a vacant lot which abuts the parcel in question, and he stated he would like to have more information about the second vacant lot.

Mr. Garvin noted the intent is presented as building a single-family dwelling. Given past situations, he recommended the Town receive the planned intention in writing and pursue the needed documentation.

Mr. Garber stated he will pass along tonight's comments from the Board as appropriate.

The consensus of the Board was that it would defer taking a position on this agenda item until more information is available for review.

Upcoming Meeting Schedule

The next meetings will be held on September 14, 2016 at 7:30 p.m.

Miscellaneous

Copies of an email from Mr. Garber to the Board dated August 2, 2016 were distributed regarding his observations of the development at 129 Parker Street in Maynard.

Mr. Garber described the proposed project as a mixed-use development, which could result in traffic volumes which could impact Sudbury. Mr. Morely provided Mr. Garber with a written idea he had previously considered as a mitigation option.

Copies of the Notification to Abutters under the Wetlands Protection Act for the Avalon Sudbury, Inc. Notice of Intent filing with the Conservation Commission were previously provided to the Board.

Mr. Garber reported he has spent time with building officials regarding an emergency repair needed for the Sudbury Pines Extended Care facility's wastewater management system to function. He requested a strong letter from the facility's engineer stating that there would not be an increase to the current 21,000 gallon capacity, which he has received.

Mr. Garvin asked if the Board of Health has offered an opinion, and Mr. Garber stated it does not have jurisdiction in this instance.

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of June 22, 2016.

The meeting was adjourned by Chairman Abair at 7:30 p.m.