

Present: Chairman Peter Abair, Christopher Morely, Marty Long, Stephen Garvin, Dan Carty, Glenn Garber (Interim Director of Planning and Development - left early), Meagen Donoghue (Director of Planning and Community Development) and Beth Suedmeyer (Environmental Planner)

Absent: John Hincks (Associate Member)

At 7:35 p.m., Chairman Abair called the meeting to order, and he welcomed Meagen Donoghue (Director of Planning and Community Development) and Beth Suedmeyer (Environmental Planner) to their first Planning Board Meeting.

Sudbury Pines – 642 Boston Post Road (Assessor’s Map K06-0004 – Informal Discussion/Permitting Requirements

At 7:35 p.m., Chairman Abair opened an informal discussion regarding permitting requirements for Sudbury Pines, 642 Boston Post Road, (Assessor’s Map K06-0004). The Board was previously in receipt of copies of a letter from Mr. Garber to Building Inspector Mark Herweck dated September 6, 2016, a letter to Mr. Herweck from The Jillson Company, Inc. dated August 29, 2016, and two emails from Mr. Garber to Shawna Risotti dated August 31, 2016.

Mr. Garber stated his September 6, 2016 letter to Mr. Herweck is non-jurisdictional, and shared it with the Board for informational purposes only. He emphasized Sudbury Pines will be appearing before the Board for a Stormwater Management Permit and a Water Resources Protection Permit at later dates regarding the complete replacement of its wastewater management system. Mr. Garber stated Town Counsel reviewed his September 6, 2016 letter and she made a few minor revisions. He summarized the issue for the Board as Sudbury Pines’ original wastewater management system is failing, and attempts for prior upgrades to be made failed. The matter went to court, and Sudbury Pines has been ordered to replace the entire wastewater management plant. Mr. Garber stated the Department of Environmental Protection (DEP) has approved a submitted design, and has informed them that local permitting requirements cannot be superseded. He further stated a single leach field needs immediate replacement. Mr. Garber explained the Town wanted to be sure this repair was needed to restore the system’s performance and that the current wastewater system capacity would not be increased. He stated both of these items have been verified. Thus, Mr. Garber stated he wanted to report this information to the Board and explain why one portion of the work would commence sooner than the rest.

Mr. Garvin stated Title 5 contemplates the need for emergency repairs. However, he further stated there is typically a timeframe and responsibilities required for hydrological studies and testing, etc. Mr. Garvin would like to know what the timeframe is for the necessary follow-up.

Mr. Garber stated DEP approval includes that such requirements must be complied with. Mr. Garvin suggested adding to Mr. Garber's letter language which asks what the DEP timeline is for emergency repairs. Mr. Garber stated he participated in several phone calls with DEP and the agency seems comfortable with this approach, as long as the Town is.

Mr. Garber highlighted when Sudbury Pines applies for its other permits it will need to comply with all local and State permitting requirements.

Mr. Morely asked if Sudbury Pines plans to expand in the future. Mr. Garber stated that, currently, there is no clear plan to do so. Mr. Morely stated that, if there are plans for expansion, it would be best for this to be taken into account with their current design work.

At 7:55 p.m., Chairman Abair thanked Mr. Garber for his report, and the discussion was concluded.

Subdivision Plan – Pine Grove/Huckleberry Lane – Discussion of Tree Plantings

Present: Eligius Homes Company President Peter Karassik

At 7:55 p.m., Chairman Abair opened a discussion regarding tree plantings for the Pine Grove/Huckleberry Lane Subdivision Plan. The Board was previously in receipt of copies of the "Definitive Subdivision Decision Pine Grove Old Lancaster Road" dated February 9, 2011, with highlighted notations regarding certain conditions, an email from Eligius Homes dated September 13, 2016 and accompanying list of recommended shade trees and a revised email from Eligius Homes dated September 13, 2016. In addition, copies of a memorandum from Design Review Board (DRB) member Deborah Kruskal dated September 14, 2016 and a relevant section of the Town Bylaws regarding "Shade Trees" were distributed tonight.

Chairman Abair stated this is a 2011 subdivision approval which required as a condition that 22 trees be planted. However, he referenced Ms. Kruskal's memo, noting she believes this would be too many trees for the size of the street.

Mr. Morely stated he visited the area, and thought 12 -13 trees might suffice. He also noted condition #13 of the "Definitive Subdivision Decision Pine Grove Old Lancaster Road" dated February 9, 2011, stated that, if less than 22 trees are planted, the developer would be required to contribute \$150 per tree below the 22 minimum to the Town's tree replacement fund. Mr. Morely stated there is a path which leads to conservation land at

the end of this cul-de-sac, but cannot be accessed due to overgrown vegetation. He suggested \$150 per tree under the 22 limit be used to clear the overgrown vegetation and build a path connecting to the conservation land. Mr. Morely suggested this idea should be shared with Conservation Coordinator Debbie Dineen.

Developer Peter Karassik of Eligius Homes stated the last home on the street is being finished, and they are about to commence with final paving and landscaping. Thus, he needs to know how many trees the Town wants and what species they should be.

Mr. Garvin questioned whether the Board has the authority within the law to change where the \$150 per tree money would go from what is in the Definitive Plan Decision. The Board requested this be further researched. Mr. Garvin also questioned the proximity of a proposed path with the conservation area buffer zone.

Mr. Carty stated he believes 22 trees are too many, and he would be fine with fewer being planted. Chairman Abair concurred.

Mr. Long and Mr. Garvin stated they think Mr. Morley's suggestion of 12-13 trees seems appropriate.

Chairman Abair asked Ms. Donoghue to research what the process should be for the Board to amend the number of trees to be planted.

Mr. Garvin stated that, if the Board is legally able to change where the \$150 per tree goes, and if the Conservation Commission approves of the idea, the Board would consider reducing the number of trees to be planted and how the payment in lieu of some trees should be spent. Chairman Abair asked that this information be shared with Conservation.

Referring to the list of recommended tree species, Mr. Morely suggested planting the American Elm, Red Maple and Black Tupelo varieties mentioned. Mr. Garvin suggested four trees of each of these three varieties be planted. Mr. Morely suggested to the developer that the trees not be planted all in a row, but that they be placed more in a logical and aesthetically-pleasing manner for this street.

At 8:10 p.m., Chairman Abair asked Ms. Donoghue to draft a letter, on behalf of the Board, reflecting tonight's discussion to help facilitate a discussion by the Conservation Commission regarding providing a path for access to the conservation land, and he closed the discussion.

239 Concord Road - Request for Stormwater Bond Release

At 8:10 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, two memoranda from Horsley Witten Group dated August 1, 2016 and August 15, 2016 respectively, 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, an email from Mr. Garber to Beth Suedmeyer dated August 18, 2016 with accompanying emails to and from Susan MacLeod and Janet Bernardo dated July 11, 2016 through August 8, 2016, an email from former Director of Planning and Community Development Jody Kablack to the developers dated March 10, 2016, a memorandum from Meagen Donoghue dated September 7, 2016, an email from Susan MacLeod to Mr. Garber dated July 11, 2016 and accompanying as-built plan and an email from Mr. Garber to Ms. MacLeod dated August 18, 2016 informing her of the Board's Discussion at its August 17, 2016 Meeting.

Chairman Abair referred to the correspondence received to the file, noting it appears all issues have been satisfactorily resolved.

Ms. Suedmeyer stated the August 8, 2016 correspondence from Horsley Witten Group stated it conducted a site visit and determined all stormwater management-related issues have been resolved.

On motion duly made and seconded, it was unanimously

VOTED: To approve the release of the Stormwater Management bond of \$8,960.34 for 239 Concord Road.

Meadow Walk – Review of Covenant for Stormwater Management Permit – National Development - 526 & 528 Boston Post Road (Assessor's Map K07-0011 & K07-0013)

At 8:12 p.m., Chairman Abair opened a review of the Covenant for Stormwater Management Permit regarding Meadow Walk, 526 & 528 Boston Post Road (Assessor's Map K07-0011 & K07-0013). The Board was previously in receipt of copies of a memorandum from Ms. Donoghue dated September 7, 2016 and a revised draft "Declaration of Restrictive Covenants Regarding Stormwater Management System." In addition, copies of a revised red-lined draft "Declaration of Restrictive Covenants and Grant of Easement Regarding Stormwater Management System," as revised by KP Law (formerly Kopelman and Paige) on behalf of Town Counsel, and an explanatory email from Lee Smith (KP Law) dated September 14, 2016 were distributed tonight.

Ms. Suedmeyer stated National Development's counsel and Sudbury's Town Counsel firm of KP Law have reviewed the draft Covenant. She further stated KP Law submitted substantial revisions to the Covenant and included an Easement. Ms. Suedmeyer explained these revisions were received this afternoon, and thus, National Development has communicated it needs additional time to review the revisions and to resolve issues with the Town's counsel.

Mr. Garvin stated it is fairly common practice to have easements in place for drainage.

At 8:20 p.m., Chairman Abair stated the Board should have a revised version from the legal teams to review for its next Meeting, when this agenda item will be continued, and he closed the discussion.

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

At 8:20 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.9, 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, a memorandum from Mr. Garber to the Town Manager and Board of Selectmen dated July 26, 2016 (should have been August 26, 2016), an email from Elaine Jones dated August 31, 2016 and accompanying summary of Chapter 61 Land Practice, and an email from Conservation Coordinator Deborah Dineen dated August 23, 2016.

Ms. Donoghue stated the Conservation Commission and the Land Acquisition Review Committee offered opinions indicating the land is not of interest to be owned by the Town.

Mr. Morely stated there was a request in 1966 to set aside land in the middle of this development for recreational purposes. However, he stated a thorough search has been made regarding this request, and there does not seem to be a current need.

Ms. Donoghue circulated a copy of a map of the lot.

Mr. Garvin strongly recommended that the Town should request in writing that the applicant states the intention to make this a single-family lot.

Attorney Joshua Fox, representing the developer was in attendance. He stated the application filed to release the property from its Chapter 61B status required that the express intent be stated. Thus, Mr. Fox noted the intent to build a single-family home is stated in the application.

On motion duly made and seconded, it was

VOTED: To request that Ms. Donoghue draft a letter, on behalf of the Board, to advise the Board of Selectmen that the Planning Board sees no reason for the Town to exercise

its Right of First Refusal regarding .918 a. known as Lot 32 Mary Catherine Lane, Assessor's Map B07 Parcel 0204.

Joint Meeting with Design Review Board – Coolidge at Sudbury Phase II – 187 Boston Post Road (Assessor's Map K10-0012) - Informal Discussion

Present: Design Review Board (DRB) members Paula Hyde, Jennifer Koffel and Susan Vollaro, B'Nai B'rith Housing Executive Director Susan Gittelman, Senior Project Manager Holly Grace, the applicant's engineering/permitting representative Jim Koningisor, the applicant's architects Michael Liu and Betsy Sayer and the applicant's attorney Joshua Fox

At 8:25 p.m., Chairman Abair opened a Joint Meeting with the Design Review Board (DRB) for an informal discussion regarding Coolidge at Sudbury Phase II at 187 Boston Post Road (Assessor's Map K10-0012). The Board was previously in receipt of copies of an email from Ms. Donoghue dated September 9, 2016, the Zoning Board of Appeals Notice of Public Hearing for September 12, 2016, a letter from B'Nai B'rith Housing Executive Director Susan Gittelman dated June 29, 2016 and accompanying applications for Comprehensive Permit and plans, a memorandum from Building Inspector Mark Herweck dated August 29, 2016, an email from Holly Grace dated June 30, 2016, a memorandum, and an amendment to it, from the Conservation Commission dated August 31, 2016 and a memorandum from Assistant Fire Chief John Whalen dated August 23, 2016.

Ms. Donoghue stated the Zoning Board of Appeals opened its hearing on September 12, 2016.

The applicant's attorney, Joshua Fox, described the proposed location for Phase 2, which is to the east of Phase 1. He stated Phase 1 of this Chapter 40B development had 64 affordable, all age-restricted mostly one-bedroom rental units. He stated the applicant worked collaboratively with the Town through the Phase 1 construction process, and plan to work similarly for Phase 2. Mr. Fox stated Phase 2 is proposed for 56 affordable, all-rental, age-restricted and one-bedroom units. He highlighted Sudbury Town Census projections through 2030 indicating 300 affordable units are needed to reach the mandated 10% State threshold. Mr. Fox stated these 56 units, along with the 250 Avalon units would cover the Town through 2030.

B'Nai B'rith Housing Executive Director Ms. Gittelman, stated they are a non-profit organization, which owns and maintains its properties. She emphasized they have a lot of experience with senior housing, and this proposal responds to the needs of senior citizens. Ms. Gittelman stated Phase 1 has been primarily a success, and they have worked to make further improvements to it regarding protocols for residents with declining health and to better coordinate public safety needs. She invited those who have not visited the facility to do so. Ms. Gittelman stated their combined waiting list has over 100 people on it, reflecting the high-demand for these services.

Ms. Grace stated they have been working on this proposal with Town staff since the spring, and have met with Town Department Heads. She also stated they have reached out to abutters and to the current residents of the Phase 1 facility, and tried incorporating feedback received into the plans. With the use of exhibits, Ms. Grace reviewed the existing conditions of the site and location. She stated the property access would remain the same. Ms. Grace further noted some of the parking count for Phase 1 would be relocated to accommodate 10 more spaces for Phase 2, since the remaining 6 parking spaces for Phase 2 will be built in an underground garage. She also emphasized a buffer would be installed and maintained along Boston Post Road.

The applicant's engineering/permitting representative, Jim Koningisor, stated the same access point will service both Phase 1 and Phase 2. He explained how the grade drops significantly in the rear. Mr. Koningisor also stated screening is very important, and landscaping will be installed to fill in the undercarriage of the existing buffer. With the use of exhibit plans, he also indicated where the wetlands are, and he summarized work to be done in the 25-foot and 25-50-foot zones. Mr. Koningisor stated the current septic system would remain, and the current stormwater basin would be relocated in order to replace it with ten additional parking spaces.

The applicant's architect Michael Liu stated they have tried to imitate the scale of the neighborhood, and he summarized the design differences of Phase 1 and Phase 2. He highlighted the Phase 2 design uses dormers, gables, and different window sizes to incorporate a variety of elements into the design. Mr. Liu described the Phase 1 design as more farmhouse in style, and the Phase 2 style as more Greek-revival.

Mr. Fox stated they do not have a landscape or drainage plan yet, but they will be submitted at a later date.

Chairman Abair asked what the timeline is for the project. Mr. Fox stated it is hoped to complete the permitting process in the next four to six months.

Mr. Garvin suggested low-impact development techniques be considered regarding drainage, noting it may be beneficial given the properties' topography. He also emphasized the need for an extensive landscape buffer, noting the corner area of Route 20 and Landham Road should be enhanced for Phase 2. Mr. Garvin also suggested a review of the septic system to ensure it meets Title V aggregate flow threshold requirements for wastewater management systems.

In response to a comment by Mr. Garvin, Mr. Fox explained why Phase 2 will not have the same concurrent owner as Phase 1.

Chairman Abair advised the applicant of the impending changes at Landham Road and Route 20 regarding the addition of signalization (anticipated in 2021 or 2022), and he

suggested this project be considered for planning purposes. Mr. Morely stated he attended a related Department of Transportation (DOT) meeting, and he got the sense that the timeline for the signalization project would be sooner rather than later, when funds become available. Mr. Koningisor stated they took this project into consideration for the Phase 1 planning as well.

Mr. Carty asked for a summary of the applicant's subdivision plan. Mr. Fox stated it is hoped to subdivide the property for the two development phases so that financing can be obtained separately for Phase 2. He noted each phase would have different owners and a new Chapter 40B Comprehensive Permit application would be filed for Phase 2.

Mr. Carty encouraged the applicant to continue to work with the Fire Chief and the Building Inspector to resolve all issues.

Mr. Morely stated he thinks the proposed plan for Phase 2 looks good.

Mr. Garvin suggested the applicant should reach out to the Sudbury Water District to address any concerns regarding the Town's limited water supply.

DRB member Susan Vollaro referred to a June 28, 2016 elevation rendering, and she asked if the smaller section shown is the main entrance. She asked if the design could be revised to make the entrance area more prominent. Mr. Liu stated the area could be redesigned possibly with a portico and larger windows to provide more of a visual marker. Ms. Vollaro stated she also thought some windows on the third floor might take away a bit from the living spaces.

DRB member Jennifer Koffel referred to the west façade elevation AA, noting she believes not enough attention has been given to it. Mr. Liu concurred, stating something could be added to the current large blank area to make it more visually interesting.

Ms. Koffel asked if the parking space to be added in the front of the driveway might cause a problem when people back up into the travel path. Mr. Liu stated they would review this with the site engineer.

Ms. Vollaro asked about the height of the new building compared to Phase 1, and Mr. Liu provided relevant details.

At 9:04 p.m., Chairman Abair announced no action is needed by the Board at this time, and he thanked the applicant's team for tonight's information, and he concluded the discussion.

Application Not Required Application – 4 Maynard Road (Assessor’s Map G08-0012)

The Board was previously in receipt of copies of the Town of Sudbury Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by 4 Maynard Road Sudbury LLC c/o Walker Development, filed August 11, 2016, regarding 4 Maynard Road, (Assessor’s Map G08-0012).

Ms. Donoghue stated this request was filed August 17, 2016, the 21-day deadline has been slightly exceeded, and an extension could be requested, if needed.

The Board briefly reviewed the ANR plan, noting a description discrepancy which should be corrected on the plans before they are formally endorsed. Ms. Donoghue will follow-up on the requested revision.

Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of August 17, 2016.

Upcoming Meeting Schedule

The next meetings are scheduled for September 28, 2016, October 12, 2016 and October 26, 2016 at 7:30 p.m. It was noted the September 28, 2016 Meeting might be cancelled if there are not sufficient agenda items to be discussed.

Miscellaneous

Copies of an email from Ms. Suedmeyer to Rabbi Freeman of the Chabad Center of Sudbury dated September 7, 2016 were previously distributed to the Board for informational purposes. Ms. Suedmeyer stated that, due to delays with finances and Jewish holidays, construction will not be able to start within the one-year deadline. She discussed the situation with Chairman Abair, and she reported a 90-day extension has been granted to initiate the project.

Copies of a Cease and Desist Land Disturbance Activity on Kato Summit Drive letter sent to The Eligius Homes Company, Inc. dated September 14, 2016 were distributed to the Board tonight. Ms. Suedmeyer stated calls were received from abutters, and she and Building Inspector Herweck visited the site. She stated clearing occurred on Lots 12 and 13 prior to receipt of the permit. Eligius Homes owner Peter Karassik stated he would comply with all permit expectations. Mr. Garvin suggested it should be reviewed by their engineer whether there may be a violation of the NPDES and SWPPP requirements. He recommended advising them of this, and possibly copying the EPA on the

correspondence. Ms. Suedmeyer asked if the Board had a preference for applications being filed separately for the two lots, or if they could be combined into one application. The consensus of the Board is that they would prefer for separate applications to be filed simultaneously for the Board's concurrent review.

Ms. Suedmeyer stated a call was received regarding 555 Concord Road, noting a Stormwater Management Permit was issued April 8, 2015, with a condition to test the permeability of the paver system prior to issuance of an Occupancy Permit. A request has been made to issue the Permit before the vacuum test of the pavers is completed. Mr. Garvin stated the developer should have better coordinated the work to be completed. He suggested they could consider posting a bond. Mr. Garvin also asked for clarification regarding the test used to determine permeability, which Ms. Suedmeyer provided. He expressed his concern that this type of testing can be very site-specific, and thus, he would want to see results from multiple testing locations on the property. Chairman Abair asked Ms. Suedmeyer to inform the developer to either pursue a solution prior to his need for the Occupancy Permit or to consider submitting a conservative bond. Ms. Suedmeyer asked how the bond should be valued. The Board suggested she should refer to the annual list regarding bonding pricing previously provided to the Board from the former Department of Public Works Director Bill Place.

The meeting was adjourned by Chairman Abair at 9:30 p.m.