

Present: Chairman Peter Abair, Christopher Morely, Stephen Garvin, Marty Long, Dan Carty, and John Hincks (Associate Member), Meagen Donoghue (Director of Planning and Community Development) and Beth Suedmeyer (Environmental Planner)

At 7:30 p.m., Chairman Abair called the meeting to order.

Public Hearing – BPR Development LLC, Applicant, and BPR Sudbury Development LLC, Owner – 526 & 528 Boston Post Road – Stormwater Management Permit Application – Village Retail (Assessor’s Map K07-0011 & K07-0013)

Present: National Development representatives Steve Senna and Kate Snyder, VHB Stormwater Management consultant Karen Staffier, landscape architect Chris Jones, and architect Jenna Miccile

At 7:30 p.m., Chairman Abair opened a Public Hearing regarding a Stormwater Management Permit application submitted by BPR Development LLC, Applicant, and BPR Sudbury Development LLC, Owner, to subdivide Lots 1 & 2 of the multi-phased, mixed-use redevelopment project and construct a retail development which will disturb approximately 210,000 sq. ft. of land, including approximately 13,860 sq. ft. of land area on slopes ranging from 10% to 20%, on a 475,526 sq.ft. parcel located at 526 & 528 Boston Post Road, to be accepted as 526-534 Boston Post Road (Assessor’s Map K07-0011 & K07-0013), which was continued from November 9, 2016. The Board was previously in receipt of copies of a memorandum from VHB representative Karen Staffier dated November 18, 2016 and accompanying drainage and treatment plans, drainage computations and revised site plans and revised Stormwater Management Report, a letter from Sudbury’s Stormwater Peer Reviewer Janet Carter Bernardo dated December 1, 2016, a letter to the Sudbury Conservation Commission from Schofield Brothers, LLC dated December 2, 2016, a memorandum from VHB representative Karen Staffier dated December 8, 2016 and accompanying plans, a memorandum from Ms. Suedmeyer and Ms. Donoghue dated December 8, 2016, a “Draft-Retail Village Decision Stormwater Management Permit 526-534 Boston Post Road (formerly 526 & 528 Boston Post Road) Sudbury MA dated December 14, 2016” and a “Draft-Bridges Decision Stormwater Management Permit 1 Farmstead Lane (formerly 526 & 528 Boston Post Road) Sudbury, MA dated December 14, 2016.”

Ms. Suedmeyer distributed copies of a letter from Sudbury’s Stormwater Peer Reviewer Janet Carter Bernardo of Horsley Witten dated December 14, 2016, noting all comments and concerns have been satisfied by the applicant for both the Village Retail and Bridges Stormwater Management Permit applications. She noted a revision has also been made to the cover sheet for the plans to update revision dates.

VHB Stormwater Management consultant Karen Staffier summarized the final revisions made based upon a recommendation from Schofield Brothers as part of the Notice of Intent Review for the Conservation Commission regarding revisions of the perimeter of the bio-retention basins with forebay inlets for easier maintenance. Ms. Staffier stated VHB has worked with Sudbury's Peer Reviewer to clarify details. She further stated there have been no dramatic changes to the system design.

National Development Project Manager Steve Senna stated the recommendations of Horsley Witten Group and Schofield Brothers have been incorporated into the revised set of plans submitted.

Ms. Suedmeyer stated revisions to the Draft Decisions were received from the applicant's lawyers yesterday, and she distributed copies to the Board of a revised red-lined "Draft-Retail Village Decision Stormwater Management Permit 526-534 Boston Post Road (formerly a portion of 526 & 528 Boston post Road) Sudbury, MA SWMP #16-08 dated December 14, 2016," and an accompanying email from Mr. Senna dated December 12, 2016. She highlighted this revision includes anticipated edits to be reviewed by the Board tonight, and if accepted, Ms. Suedmeyer stated she would incorporate corresponding revisions and language to the Bridges Draft Decision tomorrow. Ms. Suedmeyer stated she also consulted with Sudbury's Conservation Coordinator and Sudbury's Stormwater Management Peer Reviewer regarding the revisions made to the Retail Village Draft Decision.

Mr. Garvin asked if the Town has received reports regarding work done to date on the grocery store component. Ms. Suedmeyer described the reporting which has occurred. She and Mr. Senna stated parties are working together to better streamline the reporting processes, but all have been working together well.

Ms. Suedmeyer reviewed each suggested revision to the Retail Village Draft Decision. The consensus of the Board was that the references to the Assessor's Map designation on page 1 should remain and be described as "now or formally identified as...."

Ms. Suedmeyer noted the Draft Decision had not been reviewed by Town Counsel and she asked what prior practice had been. Mr. Garvin recalled the former Planning Director would sometimes consult with Town Counsel as needed. Chairman Abair and Mr. Morely recalled draft decisions were primarily drafted by the former Planning Director based on Board discussions. Mr. Morely asked if the applicant's lawyers had reviewed the Draft Decisions, and Mr. Senna stated they had. Mr. Garvin stated he believes Town Counsel would review on occasion revision language provided by applicants' counsel.

Mr. Carty referenced a prior version of the Draft Decisions for Bridges and the Retail Village, noting language regarding deep test pits when a building was demolished was in

the Bridges Draft but not in the other. Ms. Suedmeyer stated the noted language only applies to the Bridges application.

On motion duly made and seconded, it was

VOTED: To approve the “Draft-Retail Village Decision Stormwater Management Permit 526-534 Boston Post Road (formerly a portion of 526 & 528 Boston post Road) Sudbury, MA SWMP #16-08 dated December 14, 2016,” as reviewed and amended tonight for the Stormwater Management Permit application submitted by BPR Development LLC, Applicant, and BPR Sudbury Development LLC, Owner, to subdivide Lots 1 & 2 of the multi-phased, mixed-use redevelopment project and construct a retail development which will disturb approximately 210,000 sq. ft. of land, including approximately 13,860 sq. ft. of land area on slopes ranging from 10% to 20%, on a 475,526 sq.ft. parcel located at 526 & 528 Boston Post Road, to be accepted as 526-534 Boston Post Road (Assessor’s Map K07-0011 & K07-0013).

Public Hearing – ND Acquisitions LLC, Applicant, and BPR Sudbury Development LLC, Owner – 526 & 528 Boston Post Road – Stormwater Management Permit Application – Bridges by Epoch - Assisted Living Facility (Assessor’s Map K07-0011 & K07-0013

Present: National Development Project Manager Steve Senna and representative Kate Snyder, VHB Stormwater Management consultant Karen Staffier, landscape architect Chris Jones, and architect Jenna Miccile

At 8:03 p.m., Chairman Abair opened a Public Hearing regarding a Stormwater Management Permit application submitted by ND Acquisitions LLC, Applicant, and BPR Sudbury Development LLC, Owner, to subdivide Lots 4 & 5 of the multi-phased, mixed-use redevelopment project and construct an assisted living facility which will disturb approximately 220,000 sq. ft. of land, including approximately 8,500 sq. ft. of land area on slopes ranging from 10% to 20%, on a 556,094 sq.ft. parcel located at 526 & 528 Boston Post Road, to be accepted as 1 Farmstead Lane (Assessor’s Map K07-0011 & K07-0013), which was continued from November 9, 2016. The Board was previously in receipt of copies of a memorandum from VHB representative Karen Staffier dated November 18, 2016 and accompanying drainage and treatment plans, drainage computations and revised site plans and revised Stormwater Management Report, a letter from Sudbury’s Stormwater Peer Reviewer Janet Carter Bernardo dated December 1, 2016, a letter to the Sudbury Conservation Commission from Schofield Brothers, LLC dated December 2, 2016, a memorandum from VHB representative Karen Staffier dated December 8, 2016 and accompanying plans, a memorandum from Ms. Suedmeyer and Ms. Donoghue dated December 8, 2016, a “Draft-Retail Village Decision Stormwater Management Permit 526-534 Boston Post Road (formerly 526 & 528 Boston Post Road) Sudbury MA dated December 14, 2016” and a “Draft-Bridges Decision Stormwater Management Permit 1 Farmstead Lane (formerly 526 & 528 Boston Post Road) Sudbury, MA dated December 14, 2016.”

Ms. Suedmeyer distributed copies of a newly revised “Draft-Bridges Decision Stormwater Management Permit 1 Farmstead Lane (formerly a portion of 526 & 528 Boston Post Road) Sudbury, MA SWMP #16-09 dated December 14, 2016,” noting it includes revisions made by the applicant’s lawyers and Avalon, but it does not reflect the approved revisions just made tonight to the Retail Village Decision, which she will incorporate tomorrow. She proceeded to review for the Board each suggested revision.

Mr. Garvin stated funds have been set aside for construction monitoring, and he asked what the construction schedules are for the Retail Village and Bridges components. National Development Project Manager Steve Senna stated both projects are on a 12-month schedule at this time.

The consensus of the Board was that the revisions as reviewed tonight along with Ms. Suedmeyer carrying over the applicable approved revisions made tonight to the Retail Village Decision would be acceptable.

On motion duly made and seconded, it was

VOTED: To approve the “Draft-Bridges Decision Stormwater Management Permit 1 Farmstead Lane (formerly a portion of 526 & 528 Boston Post Road) Sudbury, MA SWMP #16-09 dated December 14, 2016” as reviewed and amended tonight regarding a Stormwater Management Permit application submitted by ND Acquisitions LLC, Applicant, and BPR Sudbury Development LLC, Owner, to subdivide Lots 4 & 5 of the multi-phased, mixed-use redevelopment project and construct an assisted living facility which will disturb approximately 220,000 sq. ft. of land, including approximately 8,500 sq. ft. of land area on slopes ranging from 10% to 20%, on a 556,094 sq.ft. parcel located at 526 & 528 Boston Post Road, to be accepted as 1 Farmstead Lane (Assessor’s Map K07-0011 & K07-0013).

Joint Meeting with the Design Review Board - National Development – Meadow Walk – Minor Modification to Approved Master Development Plan – BPR Development LLC – 526 & 528 Boston post Road (Assessor’s Map K07-0011 & K07-0013)

Present: National Development Project Manager Steve Senna and representative Kate Snyder, VHB Stormwater Management consultant Karen Staffier, landscape architect Chris Jones, and architect Jenna Miccile, Design Review Board (DRB) Chair Dan Martin and DRB members Jennifer Koffel and Deborah Kruskal

At 8:17 p.m., Chairman Abair opened a Joint Meeting with the Design Review Board regarding a Minor Modification to an Approved Master Development Plan submitted by BPR Development LLC for Meadow Walk, 526 & 528 Boston post Road (Assessor’s Map K07-0011 & K07-0013). The Board was previously in receipt of copies of a letter from National Development Project Manager Steve Senna dated October 31, 2016 and an

accompanying Application Binder (including plans). In addition, copies of the slides for tonight's PowerPoint presentation were distributed to the Board tonight.

National Development representative Kate Snyder stated the development team looked more closely at the village retail layout and it has received feedback from prospective tenants. Ms. Snyder also stated the architecture design has been advanced, noting visits were made to other retail centers to determine what features work and what features do not work. She exhibited slides of the Master Development Plan as it had been approved and for what is being proposed. Ms. Snyder emphasized the plan is still for 35,000 square feet of retail space, but the footprint for Building 2 has shifted and parking has been adjusted accordingly. She further stated the architectural footprint for Building 3 was simplified and reduced a bit, and this space was distributed to Building 4 and 5.

Landscape architect Chris Jones summarized the revisions to the landscape plan. He showed slides of the concept plan and the minor modifications proposed. Mr. Jones stated the open space was reviewed to ensure a cohesive look throughout the development. He explained subtle changes were made to the circulation route and to the back sides of Buildings 4 and 5, which they believe enhance safety. Mr. Jones displayed a slide of the type of historic and natural materials and meadow grasses which would be used.

Architect designer Jenna Miccile stated her firm is in Franklin, MA, and it specializes in mixed-use, retail development projects. Ms. Miccile showed slides of the prior renderings, stating they tried to continue the layered look in the revised footprints. She also displayed slides of the façade elevations for Buildings 2, 3, 4, and 5, noting the maximum height was reflected in the renderings. Ms. Miccile also stated a comprehensive sign package will be submitted at a later date. She also showed slides of the view from Route 20 and the adjustments made to Buildings 2 and 3. Ms. Miccile stated the plans have been revised so the architecture works with the landscape to create places where people will want to pause.

Ms. Snyder stated a new public view has been added where Building 4 would have been.

Mr. Hincks asked if tenants will have input in determining their roof lines. He noted that, from an aerial view, the rooflines look the same, and he asked if the heights will vary. Ms. Snyder stated the team is seeking the Board's approval of the proposed design tonight so it can be shared with the marketplace.

Mr. Garvin stated the site plans do not reflect well the looks of the buildings, and, as presented, they appear similar to big warehouses. Mr. Morely concurred, stating they are large warehouses. Ms. Snyder stated the design team believes using different materials for the facades will create a feeling that each building is unique.

With the use of slides, Ms. Miccile explained Building 5 will use more contemporary brick and wood materials to help anchor the open space area.

Mr. Senna stated the revisions made are being presented as a minor modification. He highlighted that their lawyer, Peter Tamm, would argue the revisions do not rise to even the level of a minor modification, and they could be unilaterally implemented based upon the Development Agreement. However, Mr. Senna emphasized the team has worked consistently well with the Town, and it chose to present the changes tonight.

Mr. Morely noted the architectural firm used has changed, which Mr. Senna confirmed to be accurate. Mr. Morely stated modifications were anticipated based on the needs of actual tenants, but there are no tenants at this time. Mr. Senna stated feedback has been received from real prospective tenants, and several letters of intent have been received, but information cannot be shared publicly at this time.

Mr. Morely stated he understands the need for changes, but he believes the revisions made have moved the project closer to a big-box design. He believes there is a distinct difference in what is proposed tonight from the original plan. Mr. Morely believes the development now looks similar to many others, and he believes it has lost some of its uniqueness. Mr. Senna stated he respectfully disagreed. Mr. Morely stated he is annoyed because a lot of time was previously spent discussing the interplay of Building 5 with the open space park, and he believes this no longer exists in the new plans.

Mr. Garvin stated it seems as if a gateway has been created but it does not lead through to the Whole Foods Building. He also suggested Building 5 could have been moved back.

Mr. Senna described some of the limitations of the former layout, and he emphasized the revised plans now provide two public realms for people to enjoy. He also emphasized it is not at all the team's objective to have the buildings have a big-box feel. Mr. Senna cautioned everyone to be careful about using the term big box too loosely, and he reviewed the square footage for the entire retail area versus that of one big-box store.

Mr. Jones stated the intent was to provide better frontage, and the activity space at the corner was increased.

Mr. Morely stated the elevations have a newer more modern period look, and he preferred the original design. He believes the revised design is more contemporary. Mr. Morely stated the Town would like this development to be the new leader for how Sudbury looks. Mr. Morely stated the roof heights are nearly the same by a foot or two to the eye, and he asked if the heights could be adjusted.

Mr. Senna stated he has learned from the design team that it is important for open spaces to be framed by buildings. He also stated the revised plans provide the opportunity to create a distinct Meadow Walk area between Buildings 4 and 5.

Mr. Carty stated he had concerns about the height of the buildings when looking from above. He also asked if the door for Building 2 is on Route 20. Ms. Miccile and Ms. Snyder stated the goal is to have all the doors in front. Mr. Carty stated he likes the new proposed space between Buildings 4 and 5.

Mr. Garvin referenced the permeable pavers mentioned, and he stated these should be covered in the O & M Plan for treatment. He stated he thinks the changes to the rear of Buildings 4 and 5 are good. However, he asked how the changes might impact circulation routes for the Fire Department. Mr. Garvin stated he thinks the space is nice between Buildings 4 and 5, and he asked if there should be a path to Whole Foods to provide more pedestrian ways for people to get to the store. He also suggested the height articulation for Buildings 4 and 5 could be modified to be closer to what was presented in the former plans. Mr. Senna clarified that what is being asked for tonight is for the tenant-to-tenant building heights to be adjusted, and Mr. Garvin confirmed this to be accurate.

Ms. Miccile stated it was also the intent of the team to try to hide rooftop HVAC units with the decorative cornices used for screening. Mr. Garvin suggested the parapets could be stepped in a bit.

Mr. Morely stated he thinks Building 5 has been improved in the revised plan.

Mr. Long stated he likes the new separation between Buildings 4 and 5, and he views the revisions as a minor modification.

Mr. Hincks stated he likes the new separation between Buildings 4 and 5. However, he asked how someone would get to Buildings 2, 4 and 5 from Whole Foods. Mr. Jones explained why the areas were designed as they are for safety and to guide people to use the crosswalks. Mr. Senna stated textured colored crosswalks are planned.

Chairman Abair referenced a slide of Buildings 2 and 3 from Route 20, noting he did not think the revisions to the corner were an improvement. Mr. Jones explained the building actually sits higher than the street level, and the design was chosen to facilitate sight lines given the steepness of the corner area. Chairman Abair stated he likes the space created between Buildings 4 and 5 and the changes made to parking.

DRB member Jennifer Koffel stated she agreed with many comments made by the Planning Board regarding Buildings 2 and 3. Regarding Building 4, she suggested reducing the use of trim boards because they seem to be conflicting with the horizontal boards. Regarding Building 5, Mr. Koffel stated the pediment in the front seems not in line with a barn look and it appears more classical. She also thinks the pediment creates a scale issue. She referenced the white building presented in the slides, stating she believes

the color augments the building height issue, and she suggested using a darker tone or stone-like colors.

DRB member Debbie Kruskal stated she likes the revisions made to Building 4, and she prefers the revised plans to the original ones. Ms. Kruskal stated she likes the new layout and the space created between Buildings 4 and 5.

DRB Chairman Dan Martin stated he also likes the space between Buildings 4 and 5, and he thinks the new layout and new circulation routes are more appealing. Mr. Martin also stated he thinks the pediment is not a good design option. He suggested putting a slanted roof on either Building 2 or 3. Regarding Building 4, Mr. Martin believes the use of color and certain materials will help to disguise the building heights.

Chairman Abair stated he would like to see Building 2 more integrated into the plan.

Mr. Garvin reiterated his preference for finding a way to include a cut-through.

Mr. Morely thanked the applicant for bringing the revisions before the Board, and he also stated he liked the appearance of the white building in the renderings.

On motion duly made and seconded, it was

VOTED: To continue the discussion regarding a Minor Modification to an Approved Master Development Plan submitted by BPR Development LLC for Meadow Walk, 526 & 528 Boston post Road (Assessor's Map K07-0011 & K07-0013) to a date to be determined with the applicant at a later time.

At 9:30 p.m., the Joint Meeting of the Design Review Board and the Planning Board was adjourned.

Public Hearing – PRI Longfellow Glenn LLC/Econox Renewables, Inc. – 655 Boston Post Road (Assessor's Map K06-0501) – Stormwater Management Permit

Present: AMEC Foster Wheeler Environment & Infrastructure, Inc. Project Engineer Andrew Vardakis and Econox Renewables, Inc. representative Scott Milnes

At 9:30 p.m., Chairman Abair opened a Public Hearing regarding the application of PRI Longfellow Glenn LLC, Owner, and Econox Renewables, Inc., Applicant, for a Stormwater Management Permit for the construction and installation of a 121.80 kilowatt DC covered parking facility with rooftop solar Photovoltaic panels over an existing parking area and neighboring green space, resulting in a net increase in impervious surface of approximately 4,220 square feet on a 22.6 acre parcel located at 655 Boston Post Road, zoned Residential-C (Assessor Map K06-0501). The Board was previously in receipt of copies of the Notice of Public Hearing, a memorandum from Sudbury's Stormwater Peer Reviewer Janet Carter Bernardo dated November 30, 2016, a

memorandum from Conservation Coordinator Debbie Dineen dated November 28, 2016, and the Application for Stormwater Management Permit prepared by AMEC Massachusetts, Inc., dated November 2016. In addition, copies of a memorandum from Ms. Donoghue dated December 14, 2016, a memorandum from Ms. Suedmeyer and Ms. Donoghue dated December 8, 2016, a letter from Project Engineer Andrew Vardakis and Project Manager Rich Niles dated December 12, 2016 and accompanying report and exhibits, and a “Draft Site Plan Modification Decision Sudbury Planning Board Econox Renewables, Inc./PRI Longfellow Glenn, LLC 655 Boston Post Road dated December 14, 2016 were distributed tonight.

Ms. Suedmeyer explained a Stormwater Management Permit application had been previously submitted. However, she further explained Sudbury’s Stormwater Management Peer Reviewer had determined the calculations and modeling performed in the Stormwater Management Plan submitted with the application were overstated and could be revised. The Project Engineer made revisions after consultation with the Peer Reviewer and Ms. Suedmeyer. Following the revisions, there was no net increase to the discharge to the site and the threshold for a Stormwater Management Permit was not exceeded. Thus, the applicant has requested to withdraw the Stormwater Management Permit application.

Project Engineer Andrew Vardakis thanked Ms. Donoghue, Ms. Suedmeyer and the Peer Reviewer for their assistance with this process and for the minor site plan modification process.

On motion duly made and seconded, it was

VOTED: To accept the request from PRI Longfellow Glenn LLC, Owner, and Econox Renewables, Inc., Applicant, to withdraw, without prejudice, its Stormwater Management Permit application for the construction and installation of a 121.80 kilowatt DC covered parking facility with rooftop solar Photovoltaic panels over an existing parking area and neighboring green space, on a 22.6 acre parcel located at 655 Boston Post Road, zoned Residential-C (Assessor Map K06-0501).

Public Hearing – PRI Longfellow Glenn LLC/Econox Renewables, Inc. – 655 Boston Post Road (Assessor’s Map K06-0501) – Site Plan Minor Modification Approval

Present: AMEC Foster Wheeler Environment & Infrastructure, Inc. Project Engineer Andrew Vardakis and Econox Renewables, Inc. representative Scott Milnes

At 9:40 p.m., Chairman Abair opened a Public Hearing regarding the application of PRI Longfellow Glenn LLC, Owner, and Econox Renewables, Inc., Applicant, for a Site Plan Minor Modification approval for construction and installation of a 121.80 kilowatt DC covered parking facility with rooftop solar Photovoltaic panels over an existing parking area and neighboring green space located at 655 Boston Post Road, zoned Residential-C

(Assessor's Map K06-0501), which was continued from November 9, 2016. Copies of a memorandum from Ms. Donoghue dated December 14, 2016, a memorandum from Ms. Suedmeyer and Ms. Donoghue dated December 8, 2016 and a "Draft Site Plan Modification Decision Sudbury Planning Board Econox Renewables, Inc./PRI Longfellow Glenn, LLC 655 Boston Post Road dated December 14, 2016" were distributed tonight.

Mr. Carty noted the structure has already been moved. AMEC Foster Wheeler Environment & Infrastructure, Inc. Project Engineer Andrew Vardakis confirmed this to be true, noting that portion of the project was previously approved.

Ms. Suedmeyer stated conditions could be included to a Decision for the grass under the panels to be maintained in a healthy condition and the operations and maintenance of the existing stormwater infrastructure could be put in place to help improve treatment quality.

Mr. Garvin stated the addition of the older infrastructure to the operations and maintenance plan would help.

Chairman Abair asked Ms. Suedmeyer to revise the draft Decision to include the suggested conditions.

Mr. Morely requested for the Board to receive the amended Decision by email to review.

Mr. Garvin requested the Board also be provided with copies of the proposed modified operations and maintenance plan, and Mr. Vardakis stated this could be provided. The Applicant will work with the property owner to prepare the plan.

Ms. Suedmeyer suggested maintenance of the grass and street sweeping could be required as part of the operations and maintenance plan. It was also noted inspection and clean-up of the detention basin could be in the operations and maintenance plan.

On motion duly made and seconded, it was

VOTED: To approve the "Draft Site Plan Modification Decision Sudbury Planning Board Econox Renewables, Inc./PRI Longfellow Glenn, LLC 655 Boston Post Road dated December 14, 2016," as amended tonight, for the application of PRI Longfellow Glenn LLC, Owner, and Econox Renewables, Inc., Applicant, for Site Plan approval for construction and installation of a 121.80 kilowatt DC covered parking facility with rooftop solar Photovoltaic panels over an existing parking area and neighboring green space located at 655 Boston Post Road, zoned Residential-C (Assessor's Map K06-0501).

Trevor Way - Request for Bond Release

At 9:45 p.m., Chairman Abair opened a discussion regarding the request for a bond release for Trevor Way. The Board was previously in receipt of copies of a letter from Maillet & Son Inc. dated June 15, 2016, a letter from former Director of Planning and Community Development Jody Kablack to Maillet & Son dated June 3, 2016, and a copy of the October 2016 Special Town Meeting related article. In addition, copies of an email from Assistant Town Engineer Philip Salamon dated December 9, 2016 and an email from Ms. Donoghue to the developer dated December 9, 2016 were distributed tonight.

Ms. Donoghue stated this agenda item will be withdrawn tonight because the developer still needs to complete some items.

34 Candy Hill Lane - Request for Bond Release

Present: Developer Michael Palmer

At 9:48 p.m., Chairman Abair opened a discussion regarding the request for a bond release for Candy Hill Lane Subdivision, Lot 2, (34 Candy Hill Lane). The Board was previously in receipt of copies of a letter from Woodside Development, LLC dated October 20, 2016, and an email from Assistant Town Engineer Philip Salamon dated November 23, 2016, noting all concerns have been satisfied.

Developer Michael Palmer stated the bond had originally been required for a turnaround, and he noted all requirements have been satisfied.

Mr. Morely stated that, for the record, the Board should have an official recommendation on Town letterhead regarding the request. It was also noted the amount of the bond being held should also be provided in writing.

On motion duly made and seconded, it was unanimously

VOTED: To approve a release of the bond for Candy Hill Lane Subdivision, Lot 2, 34 Candy Hill Lane, for approximately \$40,000, subject to the actual amount being incorporated into the official vote.

Anthony Drive - Discussion

Present: Developer Jim Fenton

At 9:50 p.m., Chairman Abair opened a discussion regarding the request to release Lot 1 and Rabbit Coop at Anthony Drive/North Ridge Farm (formally 338 North Road). The Board was previously in receipt of copies of a memorandum from Ms. Donoghue dated December 5, 2016, the "Definitive Subdivision Decision North Ridge Farm 338 North Road dated April 23, 2014," the "Decision Stormwater Management Permit North Ridge Farm, 338 North Road, Sudbury, MA dated April 23, 2014, and related sections of the Planning Board's February 12, 2014 Meeting Minutes, March 26, 2014 Meeting Minutes,

April 9, 2014 Meeting Minutes, April 23, 2014 Meeting Minutes, and the June 18, 2014 Meeting Minutes, the Definitive Subdivision Plan prepared by Foresite Engineering, a letter from former Planning Board Chairman Craig Lizotte to developer James Fenton dated November 14, 2014, a letter from Foresite Engineering dated May 14, 2015, a letter from Hancock Associates dated June 2, 2015, the "Groundwater Mounding Analysis for an Existing Retention Basin North Ridge Farm Subdivision" prepared by Foresite Engineering dated April 23, 2015 and Revised June 24, 2015, a letter to Mr. Fenton from former Director of Planning and Community Development Jody Kablack dated June 2, 2015, and an email from Ms. Kablack to Authentic Homes Inc. dated August 4, 2015.

Ms. Donoghue stated Mr. Garvin had previously asked to review the information provided by the applicant which was previously requested by the Board. She further stated her research of prior Board Meeting discussions found no responses from the applicant regarding the requested information.

Chairman Abair stated he recalls the Board had prior concerns about conditions at the site and prior violations. He also referenced Ms. Donoghue's December 5, 2016 memo and the conditions recently observed by Ms. Suedmeyer.

Developer James Fenton stated no water has left the site in the past two years. Mr. Fenton stated no water is moving off the site because the area in question is basically rock.

Ms. Suedmeyer stated she recently visited the site during a rain event, and she was concerned about the lack of controls around the stock piles, and she felt there was room for improvement regarding the hay bales on site.

Mr. Fenton reiterated there is no water moving off the site.

Mr. Garvin stated he does not believe Mr. Fenton's statement to be accurate. Mr. Garvin further stated the Board had previously raised concerns regarding the height of the berm in front of the detention basin, and it had requested it be raised. He noted the Board has received no responses to its prior requests. Mr. Garvin stated he is inclined to take no action until the Board is provided with the previously requested information.

Chairman Abair stated the Town needs to itemize its areas of concern in writing, which then can be addressed by Mr. Fenton, prior to any further actions being taken. He urged Mr. Fenton to be responsive to this communication once it is issued.

Mr. Fenton asked if Mr. Garvin was an engineer, and Mr. Garvin informed him he is an engineer. Mr. Fenton stated he is not an engineer, but he believes there is never over six inches in the retention pond, and he does not believe raising the berm will solve the problem. Mr. Fenton stated he had paid for a peer review and now he is being asked to

build a berm. Chairman Abair stated the applicant is being asked to respond to the Board's concerns.

Mr. Garvin stated there have been a number of prior concerns which were not addressed, including some related to ledge and as-built plans. Mr. Fenton stated that, in the meantime he has had to pay taxes on the property and he should probably request a rebate.

Chairman Abair emphasized the Board members take their responsibilities seriously, given that their names appear on the permits issued. He also noted Board members are also taxpayers.

Ms. Suedmeyer noted Mr. Fenton's Stormwater Management Permit has expired, and an extension will need to be requested. Mr. Garvin stated an official request for an extension must be received by the Board from the applicant.

Chairman Abair informed the applicant a proposed request must be submitted to the Board with the appropriate information.

Regarding the requested release of the rabbit coop, Mr. Fenton provided a brief summary of the past history with the coop, and that the coop owner wants Mr. Fenton to build him a new coop for \$20,000 before the existing coop is removed. It was noted the situation is complicated because the zoning enforcement officer at the time did not sign as needed.

Mr. Garvin stated it is not easy to determine who the applicant should be and who has what responsibilities.

Mr. Morely asked if the removal of the coop was a condition of the previously approved Decision. Ms. Donoghue stated it was not. She also stated Building Inspector Mark Herweck wrote to the owner that it is a code enforcement issue.

Mr. Hincks asked what the request is tonight for this Board.

Mr. Morely stated it was noted on the plan that the coop be removed, but it is not a condition of the Decision.

The consensus of the Board was that this issue is not within its jurisdiction.

Mr. Fenton asked if a plan is considered part of a decision. Mr. Garvin explained the Board would need him to satisfy these items to close out the property.

Chairman Abair announced there is nothing the Board can do on the coop matter, and at 10:16 p.m., he closed the discussion.

Annual 2017 Town Meeting – Potential Articles- Discussion

At 10:16 p.m., Chairman Abair opened a discussion regarding potential articles for the Annual May 2017 Town Meeting.

Ms. Donoghue stated there is a lot of work to do regarding Mr. Carty's suggested article regarding residential care facilities, and she noted she might need his assistance.

Mr. Carty stated he would like to work on closing the loophole for the lack of a definition for residential care facilities in research districts. He stated he is uncomfortable with the activities of Northwoods, includes among other things, retail enterprise; which is in violation of current zoning.

Mr. Garvin suggested Town Counsel should be consulted regarding how existing uses would be impacted.

It was noted an article would be needed by January 20, 2017 for the May 2017 Town Meeting Warrant. The consensus of the Board was that it might be difficult to meet this deadline, but it would like to proceed with getting information from Town Counsel. Ms. Donoghue and Mr. Carty will continue to work on this item.

The Board was previously in receipt of electronic copies of a guide regarding "The Regulation and Taxation of Marijuana" supplied by Kopelman and Paige law firm. Ms. Donoghue stated she will attend a regional meeting on this issue tomorrow, and she will share relevant information at a later date. Due to timing, the consensus of the Board was this topic may need to be considered for the October 2017 Town Meeting.

Mr. Carty thanked Ms. Donoghue for forwarding the marijuana-related material. He referenced the timelines noted in the document, and he questioned whether action at a fall 2017 Town Meeting might be too late.

Mr. Garvin stated a moratorium can be placed on marijuana but it cannot be banned. He and Mr. Hincks believe there is nothing to be lost by waiting until fall 2017, because Sudbury has no existing medical marijuana firms. The Board asked Ms. Donoghue to confirm this information at the conference.

Mr. Garvin stated he believes marijuana use cannot be outlawed in zoning, but the Town can have a say on where such activity would be located. He asked Ms. Donoghue to also confirm this information at the conference.

Mr. Garvin asked if it is possible to add language to the medical marijuana bylaw rather than creating a new separate bylaw, but he noted it would have to go through the Selectman and have a Public Hearing. Ms. Donoghue stated other towns are also investigating this option, and she has obtained some examples of draft language.

Mr. Carty stated his greatest concern is that the Town does not miss any deadlines for taking action.

Minutes

Mr. Carty suggested a revision to the Sudbury Housing Inventory section of the November 9, 2016 Meeting Minutes regarding the Maynard Road three units possibly falling off the Town's subsidized housing inventory. He stated he would review the videotape to fine-tune the wording of his revision.

Ms. Suedmeyer suggested a revision, which she read aloud, for Page 11 regarding clarifying next steps for Sudbury Pines next steps.

Chairman Abair asked for approval of the minutes to be held, subject to incorporating the suggested revisions from Ms. Suedmeyer and Mr. Carty.

Upcoming Meeting Schedule

The Board determined it would not meet on December 28, 2016, and the next meeting is scheduled for January 11, 2017 at 7:30 p.m.

Miscellaneous

Coolidge at Sudbury Phase II – Zoning Board of Appeals - Update

At 10:32 p.m., Chairman Abair briefly explained that the Zoning Board of Appeals (ZBA) told the developer there is no need to come before the Planning Board for guidance on a stormwater management plan. Historically, it has been the case that Chapter 40B applications have asked for guidance from the Board. Chairman Abair has asked Mr. Garvin to review the material on behalf of the Board and to share his comments with Ms. Donoghue, who will circulate them to the Board. It was also noted Horsley Witten was approved by the ZBA to provide Stormwater Management Peer Review and its report will be available to the Board before the January 9, 2017 ZBA meeting.

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