

Present: Vice-Chairman Stephen Garvin, Christopher Morely, Dan Carty, John Hincks (Associate Member), and Beth Suedmeyer (Environmental Planner)

Absent: Chairman Peter Abair and Meagen Donoghue (Director of Planning and Community Development)

At 7:30 p.m., Vice-Chairman Garvin called the meeting to order.

**Public Hearing: Scenic Road Application – 193 Concord Road (Assessor’s Map H08-0301)**

Present: Sudbury resident Edward Freedlender

At 7:30 p.m., Vice-Chairman Garvin opened the Public Hearing regarding a Scenic Road application, submitted by Edward and Donna Freedlender for property located at 193 Concord Road, Town Assessor’s Map (H08-0301). The Board was previously in receipt of copies of the Public Hearing Notice (which Vice-Chairman Garvin read aloud) and the Scenic Roads Application for Approval under M.G.L. Chapter 40, Section 15C and Sudbury Bylaws Article VIII (B) and accompanying photographs. In addition, copies of two more photographs and an aerial photo were distributed tonight.

On motion duly made and seconded, it was

VOTED: To appoint Planning Board Associate Member John Hincks as a voting Planning Board member for this Public Hearing and tonight’s meeting.

Sudbury resident Ed Freedlender stated he has lived in Town for 17 years, and he recently bought 193 Concord Road. Mr. Freedlender stated he plans to keep the home as a one-level ranch, but he plans to completely renovate the property. He explained his family decided to down-size and they wanted to be near the Town Center. Mr. Freedlender also stated he has a daughter with special needs, and it is difficult for him to access the narrow driveway with his large handicap-accessible van. He would like to proceed with cleaning up the front stone wall and restacking the stones. In addition, Mr. Freedlender would like to widen the driveway opening from its current 18-foot width. He noted Eversource plans to remove some dead trees on his property side of the stone wall, but the tree stumps are right up against the wall. Mr. Freedlender anticipates there may be further stone work needed once the tree stumps are removed. He further noted he has been working on his plans with an historical stone mason.

Mr. Hincks asked if the intent is to restack the existing stones, and Mr. Freedlender responded affirmatively.

Mr. Morely stated he understands why a wider radius at the driveway opening would be needed.

Mr. Carty asked how much wider the opening would be. Mr. Freedlender stated he would prefer it to be 30 feet from stone to stone.

Mr. Hincks referenced a photograph of Mr. Freedlender's neighbor's stone wall, and he noted it would not be a good example of what should be constructed.

Mr. Garvin stated the Board typically likes to have a plan submitted depicting what is being proposed. He asked when Eversource plans to cut down the trees.

Mr. Freedlender stated he has a certified plot plan, which he will provide to the Board.

Sudbury resident Jim Hill stated he lives at 199 Concord Road, and he is Mr. Freedlender's neighbor. Mr. Hill stated he was informed by Eversource that the trees would be cut down in the next few weeks. He confirmed the tree stumps are right along the side of the wall.

Mr. Morely noted Mr. Hill has a new driveway and he asked how wide the opening is. Mr. Hill estimated the opening to be approximately 20 feet from stone to stone and the actual driveway is about 12 feet wide.

Ms. Suedmeyer provided a copy of the Town's driveway design standards. Mr. Morely and Vice-Chairman Garvin noted the standard is 12 feet wide for a single-family home with three feet on either side of pavement, and 18 feet for a multi-family home.

Mr. Morely requested the applicant to provide a proposed plan which the Board could use to compare to the Town standards. He also suggested the applicant provides the Board with as much information as possible as to why relief is needed. He and Vice-Chairman Garvin suggested the applicant should not propose a plan for a larger opening than is allowed for a multi-family home.

Mr. Hill noted there is a commercial property across the street, and thus a larger driveway opening would not be out of scale for the neighborhood. Vice-Chairman Garvin stated information like this could be considered in context by the Board.

Mr. Morely suggested the applicant should take measurements of his two neighbors' new driveways.

Ms. Suedmeyer suggested the applicant should provide information regarding the turning radius required for the handicap-accessible vans visiting the property.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the Scenic Road application, submitted by Edward and Donna Freedlender for property located at 193 Concord Road, Town Assessor's Map (H08-0301) to March 8, 2017.

The applicant was advised to submit his plan and additional information to the Planning Office by the Wednesday preceding the March 8<sup>th</sup> meeting date.

**Public Hearing: Definitive Flexible Subdivision Special Permit and Stormwater Management Permit – Livermore Estates, Maynard Road (Assessor's Map E06-0352, E06-0353 & E07-0150)**

At 7:48 p.m., Vice-Chairman Garvin opened the Public Hearing regarding an application submitted by Maynard Road – HP, LLC, for approval of a Definitive Flexible Subdivision Development Special Permit and Stormwater Management Permit as shown on a plan entitled “Definitive Flexible Subdivision, “Livermore Estates” Locus Plan in Sudbury, MA” prepared by Connorstone Engineering Inc., dated January 9, 2017, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements thereon. Said property is located on Maynard Road (Assessor's Map E06-0352, E06-0353 & E07-0150) and will involve the disturbance of approximately 59,000 sq. ft. of land area and contains slopes greater than 20% and results in a net increase in impervious surface of approximately 9,640 sq. ft. The Board was previously in receipt of copies of the Public Hearing Notice (which Vice-Chairman Garvin read aloud), the Special Permit and Stormwater Management Permit applications and accompanying documentation and plans, a memorandum from Ms. Donoghue dated February 16, 2017, a letter from Ms. Donoghue to Vin Gately and George Connors dated October 3, 2016, an email from Conservation Coordinator Debbie Dineen dated February 7, 2017, a memorandum from Sudbury Water District (SWD) Superintendent Rebecca McEnroe dated February 16, 2017, a letter from Fire Chief William Miles dated February 17, 2017, and a letter from Town Engineer/Department of Public Works Deputy Director William O'Rourke dated February 10, 2016.

Vice-Chairman Garvin stated the applicant has requested for the Public Hearing to be continued to a future date to allow time to complete outstanding items.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding an application submitted by Maynard Road – HP, LLC, for approval of a Definitive Flexible Subdivision Development Special Permit and Stormwater Management Permit as shown on a plan entitled “Definitive Flexible Subdivision, “Livermore Estates” Locus Plan in Sudbury, MA” prepared by Connorstone Engineering Inc., dated January 9, 2017, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements thereon. Said

property is located on Maynard Road (Assessor's Map E06-0352, E06-0353 & E07-0150) and will involve the disturbance of approximately 59,000 sq. ft. of land area and contains slopes greater than 20% and results in a net increase in impervious surface of approximately 9,640 sq. ft. to March 8, 2017.

**Public Hearing: Joint Meeting with the Design Review Board - National Development – Comprehensive Signage Permit and Minor Modification - Mixed Use Overlay District - BPR Development LLC – 526 & 528 Boston post Road (Assessor's Map K07-0011 & K07-0013)**

At 7:49 p.m., Vice-Chairman Garvin opened a Public Hearing regarding the Comprehensive Signage Permit application submitted by BPR Sudbury Development LLC for 526 & 528 Boston post Road (Assessor's Map K07-0011 & K07-0013), which was continued from February 8, 2017, and he immediately stated the applicant has requested the Hearing be continued.

On motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing regarding the Comprehensive Signage Permit application and Minor Modification submitted by BPR Sudbury Development LLC for 526 & 528 Boston Post Road (Assessor's Map K07-0011 & K07-0013) to March 8, 2017.

**Planning Board Projects and Priorities – Review, Discuss and Update**

At 7:50 p.m., Vice-Chairman Garvin announced Chairman Abair has requested that this agenda item regarding Board projects and priorities be postponed to a later date. The consensus of the Board was the agenda item should be scheduled for the March 22, 2017 Meeting. Vice-Chairman Garvin also announced he will not be able to attend the March 8, 2017 Board Meeting.

**Bruce Freeman Rail Trail Project and Task Force Update**

At 7:50 p.m., Vice-Chairman Garvin asked Mr. Carty to open the discussion regarding an update on the Bruce Freeman Rail Trail Design Project. Copies of a an aerial view of possible alternative routes and spreadsheets reflecting an "Alternative Ranking Matrix" for BFRT Off-Trail Alternatives, and a spreadsheet regarding "Considerations for Various Trail Treatments along the Rail Road Alignment" were distributed tonight.

Mr. Carty noted he is the Board's representative on the Bruce Freeman Rail Trail (BFRT) Design Task Force and he asked for this item to be added to tonight's agenda.

Through the use of a PowerPoint presentation, Ms. Suedmeyer provided a review of the BFRT Design project to date. She stated the Task Force has been busy reviewing a lot of information provided by the 25% design consultant VHB and it has been working to

reach out to the public for input. Ms. Suedmeyer announced there will be a Public Information Meeting on March 9, 2017 at 7:00 p.m. at Town Hall. She presented a brief overview of the BFRT, describing it as a 25-mile rail trail between Lowell and Framingham along the former Old Colony Railroad, noting the corridor is owned by the Massachusetts Department of Transportation (DOT) Rail Division. She summarized the phases of construction and their current status in other towns, noting the Sudbury section south to the Massachusetts Central Crossing is underway with its 25% design. Ms. Suedmeyer also stated Sudbury and Framingham are pursuing negotiations with CSX to purchase the southernmost portion of the project.

Ms. Suedmeyer stated it is in Sudbury's interest to pursue this Trail because it will provide a safer recreational and commuter path for a variety of uses. She also stated it offers connections to schools, retail districts and other areas of interest without the use of vehicles, and it provides regional connections. Ms. Suedmeyer displayed a map of the Sudbury project area, which is approximately 4.4 miles, noting it intersects the Mass. Central Rail Trail near Route 20. She summarized the progress to date on the 25% design phase, noting the Order of Resource Area Delineation (ORAD) was issued by the Conservation Commission on November 14, 2016 and there has been preliminary structural analysis and work done on a parking study and on roadway crossings and traffic counts. She stated the 25% design firm is VHB and it will likely make recommendations regarding possible parking options. Preliminary rail trail plans have been developed for the rail corridor.

Mr. Morely expressed a few times his strong preference for any overhead mast arms to be appropriate in size for the area and to be limited in number. Mr. Hincks concurred, noting he has not noticed any overhead masts along his bike path from Lexington to the Alewife area. Ms. Suedmeyer stated there have been two crossing areas (one on Rt. 117) discussed for overhead signal masts, and other crossings will utilize other user actuated flashing technologies as warnings. In response to a question from the Board, Ms. Suedmeyer stated MassDOT determines what is needed based on traffic and safety data. Vice-Chairman Garvin stated he would be interested in the Board being provided with these figures. Mr. Hincks emphasized there needs to be a way bikers will be warned to slow down as they approach where the trail intersects crossings. Vice-Chairman Garvin and Ms. Suedmeyer stated a change of surface material might be used for this purpose. Mr. Carty stated the Task Force proposed the idea of bollards, but VHB stated they would not be a good solution, and VHB recommended a change in surface texture. Mr. Hincks also noted something will be needed to stop cars from going onto the trail in certain locations. Mr. Carty stated signage has been discussed which would be placed approximately 50 feet before crossings.

Ms. Suedmeyer displayed several slides of maps of proposed crossings, and she summarized some items particular to each.

Mr. Carty stated it has been discussed that the Hudson Road crossing would have an overhead mast arm, that the Ti-Sales driveway might need to be rearranged, and that the aesthetics of the Town Center area should be retained. He also stated there may need to be a wall/barrier of some sort to stop vehicles from going onto the trail. Mr. Carty further stated some crossings would likely need some vegetation removed to improve sight lines. He noted at the Morse Road area, signage has been discussed to be placed approximately 75-100 feet up the hill to warn people to slow down and the addition of an island has also been mentioned to help lower speeds.

Ms. Suedmeyer briefly noted the Pantry Brook Road is significantly skewed in relation to the path and additionally has constraints of wetlands and a culvert. She further stated there may need to be some sort of retaining wall. Ms. Suedmeyer also noted the area presents challenges for access by emergency vehicles.

Vice-Chairman Garvin stated it will be important to review the language of easements and to evaluate whether new easements will also need to be created.

At 8:15 p.m., Vice-Chairman Garvin suspended this discussion in order to open a publicized Public Hearing which would then be immediately continued to March 8, 2017.

At 8:20 p.m. Vice-Chairman resumed the BFRT design project discussion.

Ms. Suedmeyer displayed a slide regarding a typical cross section showing a ten-foot path with shoulders of two or three feet on each side, depending on the adjacent slope. Ms. Suedmeyer also stated the preliminary design plan is available online. She emphasized consideration is being given to minimizing impacts from the project, especially environmental impacts and those to abutters. She briefly noted that boardwalks might be considered and a brief discussion ensued regarding the ability to handle ATVs and the weight of ambulances.

Mr. Carty stated the Fire Department has clearly stated it would not send an ambulance down a non-paved surface and desires a 10-foot wide path.

Mr. Morely asked if future bridges would have wood surfaces, and Ms. Suedmeyer stated she was not sure at this time. Vice-Chairman Garvin suggested it would be helpful to find out from other towns which have completed their trail sections, whether wooden bridges and/or boardwalks were incorporated.

Ms. Suedmeyer stated the Department of Public Works (DPW) has expressed concerns regarding the life span for boardwalks. Mr. Hincks stated he has heard that, if they are properly built, boardwalks can have a longer life than asphalt. Vice-Chairman Garvin concurred, noting the life could be 30-40 years, if built well. However, Ms. Suedmeyer stated the cost to replace them could be greater. Mr. Morely stated he believes wood would appeal more to those who are concerned about environmentally- sensitive areas.

Ms. Suedmeyer next reviewed the new map of “Alternative Routes and Corridor Treatments” distributed tonight. In response to questions from the Board about how the alternatives were selected, she explained some of the concerns from abutting businesses and for the wildlife areas.

Vice-Chairman Garvin asked how much of the alternative routes has been surveyed.

Mr. Carty stated all of the routes considered have challenges. He announced there will be a Public Meeting focusing on abutters (both of the rail corridor and alternative paths) on March 2, 2017, and abutters have been notified about the meeting by mail.

If a separate 18-foot path has to be constructed in certain areas adjacent to the trail, Mr. Morely expressed concern that homeowners would want to be compensated for the loss to their home values.

Ms. Suedmeyer stated the crossing of Hop Brook at Union Avenue presents a large challenge.

Mr. Hincks asked what the process is for determining the alternative path. Mr. Carty referenced the “Alternative Ranking Matrix for Off-Trail Alternatives” distributed tonight. It was noted VHB will evaluate one alternative route, as conditioned in its contract. Mr. Carty stated the Task Force is trying to solicit opinions and information regarding which route VHB should evaluate.

Vice-Chairman Garvin noted Alternative #3 avoids Old Lancaster Road. Mr. Carty stated this route has the challenge of being very wet.

Ms. Suedmeyer noted the Concord Road alternative avoids Pantry Brook crossing and the collapsed bridge.

Mr. Hincks stated he believes the people who have previously voted to fund the BFRT design would want the opportunity at a Town Meeting to express their opinions on the design alternatives. Mr. Morely stated the public has the opportunity to attend the March 2, and March 9, 2017 Public Meetings.

Ms. Suedmeyer noted the decision on what will be involved with the 25% design should be completed before the May 2017 Town Meeting. She also drew the Board’s attention to the “Considerations for Various Trail Treatments along the Rail Road Alignment” spreadsheet distributed tonight, stating it notes permanent and temporary wetlands’ impacts in comparison to each other.

Vice-Chairman Garvin expressed concern that the H10 loading noted by VHB as acceptable might be questionable, and he explained what the term means. He believes

H10 is borderline and H20 would be better. Ms. Suedmeyer stated the DPW has also expressed its preference for H20.

Vice-Chairman Garvin asked if the DOT provides an explanatory document for its safety standards, and Ms. Suedmeyer stated such documentation exists.

Mr. Carty stated he wanted to discuss this agenda item to learn what role the Planning Board wants to play in this process going forward. He believes this project should come before the Planning Board.

Vice-Chairman Garvin stated he is not sure whether it should be before the Selectmen, but he would expect that a presentation of the Stormwater Management Permit application would come before the Planning Board to compare in relation to the Town bylaws. He stated he would want to evaluate the public benefit of the project against the impacts to abutters and the environment. Mr. Morely concurred, stating that, in some instances, there could be improvements made to the current wetlands as a result of the project.

Ms. Suedmeyer noted it is anticipated that as the project reaches 75% design, the DOT will be the project proponent and it would not be subject to local bylaws. Mr. Carty asked how the Board feels about this. Vice-Chairman Garvin stated, that, legally, the Board may not have a choice as to how it feels about it, and that there is time to discuss this again throughout the process.

Mr. Hincks opined that he thinks the typical resident would expect a major Town project like this to have come before the Planning Board and other boards and committees to evaluate what is in the public's best interests. Mr. Carty concurred, stating he wants to ensure that the Planning Board does not get bypassed in the process. Mr. Carty further stated he believes this project should be done according to Town bylaws even if it means losing funding from the DOT. However, he would like to think there is a proposal which can work for multiple parties. Vice-Chairman Garvin stated he believes the Town should work towards a solution which comes as close to working with Town bylaws as possible.

The question was posed as to which Town group would represent the Town in reviewing the project. Vice-Chairman Garvin stated he is inclined to believe it should be the Selectmen and that the Planning Board should advise the Selectmen as appropriate. Mr. Carty and Mr. Morely stated they are inclined to think it should be the Planning Board. The Conservation Commission was also mentioned as they will review the project to issue an Order of Conditions under the Wetlands Protection Act, although they will not have jurisdiction for the entire project. Vice-Chairman Garvin stated he would expect the 75% design completion to trigger a stormwater management submission and presentation to the Planning Board to be reviewed in terms of how it compares to the Town bylaws. He also suggested to Ms. Suedmeyer that she could reach out to her counterparts in other towns to ascertain how they worked with the State regarding standards and regulations.

Mr. Morely stated he would want the Planning Board, at a minimum, to have a consultative role in the construction methods, materials, drainage, and road crossing processes.

Mr. Hincks posed the question of who is controlling the project – the DOT or the Town. Ms. Suedmeyer stated the Town is responsible for the design and will make project design decisions that the MassDOT will then review and respond. Vice-Chairman Garvin stated it is possible it can be a collaborative process between the Town and State and that a fight does not have to be picked. He asked Ms. Suedmeyer to draft a communication to the BFRT Design Task Force based on tonight's discussion to be circulated to the Board for review. Mr. Carty stated he would need to receive this correspondence prior to March 14, 2017.

**Public Hearing – Stormwater Management Permit - Lots E & F – Maynard Road (Assessor's Map E06-0352, E06-0353 and E07-0150)**

At 8:15 p.m., Vice-Chairman Garvin opened a Public Hearing regarding a Stormwater Management Permit application submitted by Maynard Road-HP, LLC (Owner and Applicant), to construct one (1) new single family dwelling on Lots E&F, Maynard Road, which will involve the disturbance of approximately 52,000 sq.ft. of land area, which contains areas with slopes greater than 20%, resulting in a net increase in impervious surface of approximately 4,000 sq. ft. on a 2.41 acre parcel located at Lots E&F, Maynard Road zoned Residential-A (Assessor's Map E-06, Parcels 0304 & 0305). The Board was in previous receipt of copies of the Public Hearing Notice (which Mr. Garvin read aloud) a copy of the Stormwater Management Permit application for Lots E & F Maynard Road Sudbury, Massachusetts, prepared by Connorstone Engineering, Inc. and dated January 9, 2017, and accompanying documentation and plans, a memorandum from Ms. Donoghue dated February 16, 2017, a letter from Ms. Donoghue to Vin Gately and George Connors dated October 3, 2016, an email from Conservation Coordinator Debbie Dineen dated February 7, 2017, a memorandum from Sudbury Water District (SWD) Superintendent Rebecca McEnroe dated February 16, 2017, a letter from Fire Chief William Miles dated February 17, 2017, and a letter from Town Engineer/Department of Public Works Deputy Director William O'Rourke dated February 10, 2016.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding a Stormwater Management Permit application submitted by Maynard Road-HP, LLC (Owner and Applicant), to construct one (1) new single family dwelling on Lots E&F, Maynard Road, which will involve the disturbance of approximately 52,000 sq.ft. of land area, which contains areas with slopes greater than 20%, resulting in a net increase in impervious surface of approximately

4,000 sq. ft. on a 2.41 acre parcel located at Lots E&F, Maynard Road zoned Residential-A (Assessor's Map E-06, Parcels 0304 & 0305) to March 8, 2017.

### **Planning Board Associate Position - Update**

Ms. Suedmeyer stated the Associate Member position has been posted on the Town website. She reminded the Board there will be a Joint Meeting with the Board of Selectmen on February 28, 2017 at 7:00 p.m. to vote on appointing Mr. Hincks as a full member.

### **Minutes**

The Board postponed the agenda item to approve the meeting minutes of February 8, 2017 to March 8, 2017.

### **Upcoming Meeting Schedule**

The next meetings are scheduled for March 8, 2017 and March 22, 2017 at 7:30 p.m.

The meeting was adjourned by Vice-Chairman Garvin at 9:20 p.m.