

Present: Chairman Steve Garvin, Christopher Morely, John Hincks, Associate Member Nancy Kilcoyne, Meagen Donoghue (Director of Planning and Community Development), and Beth Suedmeyer (Environmental Planner)

Absent: Peter Abair and Charles Karustis

At 7:35 p.m., Chairman Garvin called the meeting to order.

Grouse Hill SRC – Resale Restriction Review

Present: Regional Housing Specialist Elizabeth Rust

At 7:35 p.m., Chairman Garvin opened a discussion regarding the Resale Restriction Review for Grouse Hill continued from June 14, 2017, and welcomed Regional Housing Specialist Elizabeth Rust to the Meeting. The Board was previously in receipt of copies of a memorandum from Ms. Rust dated July 5, 2017, a handout entitled “Request for an Adjustment to the Initial Sales Price for Unit 48 at Grouse Hill at Sudbury,” submitted by Larry and Wendy Israelite, 32 Old Framingham Road, Unit 48, a handout entitled “Appendix 1 Resale Price Multiplier Calculations,” a letter from Capital Group Properties President William Depietri dated June 2, 2017, an email from Ms. Rust to the new owner Bob Joseph dated May 8, 2017, an email response from Mr. Joseph to Ms. Rust dated June 14, 2017, and the “Department of Housing and Community Development (DHCD) Local Initiative Program Capital Improvements Policies and Procedures.”

Ms. Rust reviewed her memo to the Board, noting tonight’s discussion would focus on capital improvements. She summarized the current capital improvement policy, which was used to calculate the Maximum Resale Price (MRP) at the time of the initial closing. Ms. Rust further explained the deed rider includes no allowance for capital improvements after initial purchase.

Mr. Morely asked Ms. Rust to summarize the original intent of the bylaw. Ms. Rust stated the development was built under the incentive senior development bylaw, which allowed for greater density in return for price restrictions (approximately \$500,000 to \$600,000) on the units. Mr. Morely stated he believes it is important for the Board to keep in mind the point behind the initial development as it deliberates the issues presented.

Ms. Rust noted an exception was made to amend the resale price multiplier (RPM) upon resale for Unit 46 in 2013. She explained there are three items for the Board to consider tonight, as described in her memo. Ms. Rust stated the owner of Unit 48 is in attendance tonight, and she summarized his request to amend his RPM upon pending resale for initial improvements totaling \$40,406.52 made soon after purchase. She further stated

the unit is under contract to be sold for \$570,000, with an August 15, 2017 closing date. Ms. Rust referenced a letter provided by the developer stating he was unable to complete the renovations in order to be considered at the time of the initial sale, and she noted the homeowner submitted the corresponding receipts related to his request.

Mr. Morely stated the homeowner is requesting to be treated similarly to the other 43 homeowners who made renovations, and to not be penalized because the improvements were not made by the developer.

Ms. Rust stated there has been an evolving educational process for homeowners to understand the pricing restrictions. She noted that providing homeowners with a disclosure statement in the future should help.

Ms. Rust noted the Board will also need to consider that the pending new buyer for Unit 48 has indicated \$22,000 of renovations will be needed to make the bathroom handicap accessible. In addition, she stated it has been suggested that the Board should implement a capital improvement policy. Ms. Rust noted the Planning Board issued the Special Permit in 2006, and the Board approved the form of the Deed Rider, which includes the RPMs and pricing. Thus, the Town has responsibility for enforcing the Deed Rider, and in the past the Director of Planning and Community Development was responsible. She suggested next steps could include recommending to the Selectmen that the Director of Planning and Community Development have authority to monitor and enforce the terms of the Deed Rider on behalf of the Town, to recommend action on the Unit 48 requests from both the buyer and seller as exceptions, and to consider a capital improvement policy, and if approved to determine an implementation approach to include amending the form of the Deed Rider.

In response to a few questions from the Board, Ms. Rust stated Town Counsel had offered the option for the Board to delegate these decisions to the Selectmen, if assistance is needed. Mr. Morely and Mr. Hincks expressed this would likely not be necessary, unless there were doubt about a particular point.

Ms. Kilcoyne asked if there are other units which might come forward with similar requests. Mr. Hincks also asked a similar question later in the discussion. Ms. Rust stated she is unaware of any at this time. However, Ms. Rust further noted that 43 of the 52 units already had their improvements included at the time of initial sale, and with tonight's request from Unit 48, there would be only a handful of homeowners who could possibly present similar circumstances.

Mr. Hincks stated the circumstances presented for Unit 48's request make sense. He questioned whether there should be guidelines for approving improvements.

Chairman Garvin referred to the "Department of Housing and Community Development (DHCD) Local Initiative Program Capital Improvements Policies and Procedures"

provided. He asked if the DHCD routinely allows accessibility improvements. He also stated he has concerns about establishing a precedent because the Special Permit was issued to keep the units affordable in perpetuity. Ms. Rust stated that, based on her experience working with DHCD, she believes accessibility improvements would be allowed. She also stated Sudbury could use the DHCD policies as a basis for establishing its own guidelines.

Ms. Kilcoyne asked about the thresholds for the level of improvements allowed. Chairman Garvin referred to the DHCD handout, noting DHCD covers this well.

Chairman Garvin asked if the developer could be asked if any other homeowners requested improvements to be made which the developer could not accommodate and which were documented, as in the case of Unit 48.

The homeowner for 32 Old Framingham Road, Unit 48, Larry Israelite, explained to the Board that his was the last unoccupied unit to be sold, and that all of the developer's construction had already been completed at the time of his initial sale. Mr. Israelite emphasized he completed other improvement to Unit 48, which he did not include in his request to amend the MRP and RPM.

Chairman Garvin stated the proposed pricing appeared to be in line when compared to other units. He suggested future policy could be drafted to relate to anyone who moves into an unoccupied unit to help avoid precedence issues. Chairman Garvin highlighted that, depending on which contractor completes the accessibility work for the proposed new buyer or future buyers, this factor could impact future costs. He stated the Board's consensus is that Ms. Rust should ask the pending new buyer to provide two or three estimates to complete the accessibility improvements from licensed contractors.

Ms. Rust suggested future guidelines could include that the multiplier would only be adjusted after the improvements are completed. She stated she will work to draft appropriate recommendations.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request of homeowners Larry and Wendy Israelite, 32 Old Framingham Road, Unit 48, to increase their Resale Price Multiplier Calculation from 5.11% to 5.52%.

Chairman Garvin and Mr. Morely stated that, regarding the request of the pending new buyer, the Board seems to generally agree with the concept presented, but it would like to review two or three project estimates from licensed contractors.

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

Present: Applicant and developer Vin Gately

At 8:05 p.m., 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), which was continued from June 28, 2017. The Board was previously in receipt of copies of a draft “Decision Stormwater Management Permit Lot E & F Maynard Road, Sudbury, MA” dated July 12, 2017. In addition, copies of a more recently revised draft “Decision Stormwater Management Permit Lot E & F Maynard Road, Sudbury, MA #17-01” dated July 12, 2017, an email from Deputy Director of Public Works William O’Rourke dated July 6, 2017, an email from Peer Reviewer Brendan O’Neil to Ms. Suedmeyer dated July 10, 2017 and an email from Ms. Suedmeyer to the applicant and his engineer dated July 11, 2017 were distributed to the Board tonight.

The developer Vin Gately asked if he could clarify a few questions related to commencing the project work. Chairman Garvin stated the Public Hearing has been closed, and that it would be more appropriate for Mr. Gately to pursue his questions with the Planning Office tomorrow, following the Board’s decision tonight. Regarding the proposed bond estimate received from Town staff, Mr. Gately stated he will be meeting with the site coordinator on July 14, 2017 to review a detailed estimate.

Ms. Suedmeyer reviewed the materials received to the file since the last Board Meeting. She summarized the recent revisions to the draft Decision, noting Town Counsel added the language for paragraph two on Page 1, based on former permits issued.

Ms. Suedmeyer also stated the estimate of \$8,000 noted in Condition C. 1) could possibly be reduced to \$6,000 based on information provided by the Peer Reviewer. She also highlighted the performance bond language inserted in Condition C. 2)., noting DPW staff have asked the applicant to provide a varying suggested amount if they so choose. Chairman Garvin suggested the Decision language could be revised to reflect that the initial bond amount listed could be adjusted by the Town Engineer within two weeks of the issued Decision.

Ms. Suedmeyer highlighted the revision to Conditions D. 1) a. and D. 2) e. regarding inspections. Chairman Garvin suggested requiring an exhibit of the downstream structures be submitted to the Town to be kept on file. Mr. Morely stated this would be helpful for all parties involved.

Ms. Suedmeyer noted Condition D. 16) regarding stockpiles of excess soils was inserted at the suggestion of the Peer Reviewer. She also noted more details were added to Condition E. 3) regarding slope stabilization inspections. Chairman Garvin suggested Condition E. 3) a. be revised to have the end of the sentence insert the word “significant” before the word “rain” and to then continue to read as “...the first significant rain event on site after the slope stabilization.”

Chairman Garvin asked if it should be considered in the future to note in the conditions that a bond can be forfeited. Ms. Suedmeyer stated she would check whether this is stated in the bylaw, and she also noted there is a Covenant, which is now part of the process.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the draft “Decision Stormwater Management Permit Lot E & F Maynard Road, Sudbury, MA #17-01” dated July 12, 2017, as reviewed and amended tonight, 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).

Public Hearing – Stormwater Management Permit and Discussion of Site Plan – Lot 11 Carriage Way – (Assessor’s Map K04-0511)

At 8:21 p.m., Chairman Garvin opened a Public Hearing regarding a Stormwater Management Permit application submitted by Chad Blair, Owner and Applicant, to construct a new single family home and associated improvements which will disturb approximately 31,000 sq. ft. of land, including approximately 21,200 sq. ft. of land area on slopes ranging from 10% to 20%, with a total impervious area of 7,400 sq. ft. on a 87,515 sq. ft. parcel located at Lot 11 Carriage Way (Assessor’s Map K04-0511), which was continued from June 28, 2017. The Board was previously in receipt of copies of emails from the applicant Chad Blair dated July 5, 2017 and July 6, 2017, indicating he wishes to withdraw his application, without prejudice.

It was noted the applicant will be selling the property, and a few reasons for him possibly deciding to withdraw the application were posed.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing regarding a Stormwater Management Permit application submitted by Chad Blair, Owner and Applicant, to construct a new single

family home and associated improvements which will disturb approximately 31,000 sq. ft. of land, including approximately 21,200 sq. ft. of land area on slopes ranging from 10% to 20%, with a total impervious area of 7,400 sq. ft. on a 87,515 sq. ft. parcel located at Lot 11 Carriage Way (Assessor's Map K04-0511).

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

VOTED: To accept the applicant's request to withdraw, without prejudice, the Stormwater Management Permit application submitted by Chad Blair, Owner and Applicant, to construct a new single family home and associated improvements which will disturb approximately 31,000 sq. ft. of land, including approximately 21,200 sq. ft. of land area on slopes ranging from 10% to 20%, with a total impervious area of 7,400 sq. ft. on a 87,515 sq. ft. parcel located at Lot 11 Carriage Way (Assessor's Map K04-0511).

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the meeting minutes of June 28, 2017.

Upcoming Meeting Schedule

The next meetings are scheduled for July 26, 2017 and August 9, 2017 at 7:30 p.m.

Chairman Garvin requested that the applicants for the Brewster Road and Sudbury Pines Public Hearings scheduled for July 26, 2017 be contacted and asked to submit new documentation prior to July 19, 2017. It was noted only three Board members (Garvin, Karustis, and Abair) will be in attendance for the July 26, 2017 Meeting. Chairman Garvin asked for staff to inform the Sudbury Pines team of this, since four members are needed for deliberation of a Special Permit.

Miscellaneous

Planning Board Correspondence – Discussion

Mr. Hincks referenced some of the recent correspondence received related to the National Development project and the Whole Foods opening, and he would like clarification on the Board's responsibility for responding to comments and inquiries. It was noted there has been a lot of recent "chatter" generated in various forms. Ms. Donoghue stated the Town Manager has asked her not to respond to controversial correspondence, noting the developer has been asked to do so. The consensus of the Board was that the Town Manager should work with the developer to respond accordingly.

Ponds and Waterways Committee – Member Representation Needed

Ms. Donoghue stated the Town Manager has asked for a Board member to be a representative on the Ponds and Waterways Committee. She stated she would email the Board more information regarding the mission of the Committee.

Route 20 Underground Utility Wires Survey Presentation

Ms. Donoghue stated she was asked to prepare an underground wire survey presentation for the Selectmen at their next Meeting on July 18, 2017. She referenced the 2016 petition article passed at Town Meeting asking the Planning Board to conduct a preliminary study. All Board members stated they were unaware of this and that they would want to review such a presentation first. Mr. Hincks stated he was uncomfortable having a presentation presented to the Selectmen on behalf of the Board, which the Board had not discussed or seen. Chairman Garvin suggested Ms. Donoghue should request tomorrow morning that this agenda item be postponed to the Selectmen's August Meeting in order to allow the Planning Board time for discussion. Mr. Hincks stated the Planning Board should have the opportunity to discuss this hot issue as a Meeting agenda item.

Ms. Donoghue also stated she has been asked to host a charrette (brainstorming session) regarding the future vision for the Melone property sometime in August at the Fairbank Center Gym. She further stated she would welcome any assistance or suggestions from the Board as she coordinates this event. Several Board members suggested possible delaying the charrette until the fall, since so many residents vacation in August.

The meeting was adjourned by Chairman Garvin at 8:40 p.m.