

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

Absent: Christopher Morely

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

Grouse Hill SRC – Unit 48 – Review and Approve Closing Documents

Present: Regional Housing Specialist Elizabeth Rust

At 7:30 p.m., Chairman Garvin opened a discussion regarding the Resale Restriction Review for Grouse Hill continued from July 12, 2017, and he welcomed Regional Housing Specialist Elizabeth Rust to the Meeting. The Board was previously in receipt of copies of a “Grouse Hill Homebuyer Disclosure Statement,” a letter from Ms. Donoghue to Attorney Jeffrey Gerson dated July 29, 2017 and accompanying Compliance Certificate and Grouse Hill Incentive Senior Development Moderate Housing Deed Rider for Unit 48 and Resale Price Certificate, a letter from Capital Group Permitting Manager Daniel Ruiz to Ms. Donoghue dated April 14, 2017, and a copy of the “As-Built Plan and Profile of Grouse Hill in Sudbury, MA” revised January 12, 2017. In addition, copies of a revised “Grouse Hill Incentive Senior Development Moderate Housing Deed Rider” for Unit 48 were distributed tonight.

Ms. Rust stated the closing for Unit 48 is scheduled for August 15, 2017. She referenced the closing documents provided in tonight’s agenda packet, stating the Board needs to vote to confirm to give Ms. Donoghue the authority to execute and record the Compliance Certificate and the Resale Price Certificate.

Mr. Karustis noted the sale price is listed as \$570,000 on some documents, but noted as \$560,000 in the draft July 12, 2017 Planning Board Meeting Minutes. Ms. Rust confirmed the sale price is \$570,000, as reflected in the Resale Price Certificate.

Mr. Hincks stated the Homebuyer Disclosure Statement is very well and clearly written. Ms. Rust stated the intent was to present complicated information in a simple way, and she noted Town Counsel reviewed the documents.

In response to a few questions from the Board, Ms. Rust clarified the Board will likely have future discussions regarding establishing a capital improvement policy, since there is not one currently in place. Following up on a question from the Board’s last Meeting, she also stated the Department of Housing and Community Development (DHCD) does allow and approve accessibility-related improvements. Ms. Rust stated the pending buyer for Unit 48 has mentioned the need for accessibility-related improvements, and

they have been asked to provide a few estimates from contractors for review. However, she further stated a formal request has not yet been presented for consideration by the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To approve, the closing documents for Grouse Hill Incentive Senior Development Unit 48, as presented and reviewed tonight.

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

VOTED: To authorize the Director of Planning and Community Development to execute and record the appropriate closing documents for the Grouse Hill Incentive Senior Development and Unit 48.

Grouse Hill – Request for Bond Release

Present: Capital Group Properties Permitting Manager Daniel Ruiz

At 7:40 p.m., Chairman Garvin opened a discussion regarding the request submitted by Capital Group Properties for a bond release for Grouse Hill. The Board was previously in receipt of two letters from former Director of Planning and Community Development Jody Kablack to Capital Group Properties dated October 14, 2010 and January 14, 2011 respectively, a letter to Ms. Kablack from Eastern Insurance dated October 19, 2010, an email from Capital Group Properties Permitting Manager Daniel Ruiz to Ms. Donoghue dated June 26, 2017, an email from Philip Salamon from DPW to Ms. Donoghue dated June 13, 2017, a letter from Mr. Ruiz to Ms. Donoghue dated April 14, 2017, a memorandum from Capital Group Properties to Grouse Hill Owners and Residents dated September 22, 2011 and an “As-Built Plan and Profile of Grouse Hill in Sudbury, MA “ revised January 12, 2017. In addition, copies of a letter from former Department of Public Works (DPW) Director Bill Place to Ms. Kablack dated March 12, 2012 and a letter from Connorstone Engineering, Inc. to the Conservation Commission dated September 28, 2009 were distributed to the Board tonight.

Chairman Garvin referenced Mr. Place’s March 12, 2012 letter, and he reviewed the status for each of the seven comments presented by Mr. Place with Capital Group Properties Permitting Manager Daniel Ruiz. Regarding item #2., it was noted the locations of the roof drain pipes are not shown on the as-built plans, but the leaching structures are shown. Chairman Garvin noted cameras from the roof could possibly be used to identify this information to be added to the plans.

Regarding item #4, Chairman Garvin stated a septic system should have an as-built plan, and he asked whether a Certificate of Compliance has been issued by the Board of Health (BOH). Mr. Ruiz stated the Certificate was issued and the BOH has the as-built plan.

Regarding item #7, Chairman Garvin asked why the access path between units 34 and 35 noted on the definitive plan is not reflected on the as-built plan. The developer had previously stated a path exists between units 30 and 31. Mr. Ruiz stated he believes that, on a site walk, the Homeowners' Association determined it did not want the walking trail built between units 34 and 35. Chairman Garvin stated he is not sure if the Homeowner's Association would have the authority to delete something which was approved as part of the initial agreement between the Planning Board and the developer.

Mr. Hincks noted the path was to be an access for the septic system, but units 30 and 31 do not appear to be adjacent to the septic system.

Chairman Garvin and Mr. Abair stated item #7 needs more clarification regarding determining what the initial purpose of the path was as noted in the Decision. More information was requested to review what was approved and how the revised plan complies with the intent of the original approval and path requirements.

Mr. Karustis stated it appears as if pumping is occurring and access has been through units 30 and 31. He also suggested the current proposed access between units 30 and 31 should be shared with the BOH and the Town Engineer for comments.

Chairman Garvin asked how much of a bond is being held by the Town. Ms. Donoghue stated the Finance Department reports \$32,000 is being held and that a replacement bond was never submitted.

At 8:00 p.m., Chairman Garvin stated the Board would like to see a clear sketch on a plan and it would appreciate feedback from the Town Engineer and the BOH, and he concluded the discussion.

Public Hearing – Stormwater Management Permit – 69 & 71 Brewster Road – (Assessor's Map H10-0100 & H10-0900)

At 8:00 p.m., Chairman Garvin opened a Public Hearing regarding a Stormwater Management Permit application submitted by Agustina Sumito, Trustee, Owner and Applicant, to construct a common driveway to serve two single family dwellings and associated improvements which will disturb approximately 133,800 sq. ft. of land, including approximately 123,079 sq. ft. of land area on slopes ranging from 10% to 20% with a total impervious area of 32,763 sq. ft. on a 926,844 sq. ft. parcel located at 69 & 71 Brewster Road (Assessor's Map H10-0100 & H10-0900), which was continued from June 28, 2017. Copies of an email requesting for tonight's Hearing to be continued from Molly Obendorf to Ms. Suedmeyer dated July 26, 2017 were distributed to the Board tonight.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding a Stormwater Management Permit application submitted by Agustina Sumito, Trustee, Owner and Applicant, to construct a common driveway to serve two single family dwellings and associated improvements which will disturb approximately 133,800 sq. ft. of land, including approximately 123,079 sq. ft. of land area on slopes ranging from 10% to 20% with a total impervious area of 32,763 sq. ft. on a 926,844 sq. ft. parcel located at 69 & 71 Brewster Road (Assessor's Map H10-0100 & H10-0900) to August 9, 2017.

Public Hearing – Site Plan, Stormwater Management Permit and Water Resource Protection District Special Permit – Sudbury Pines - 632 & 642 Boston Post Road (Assessor's Map K06-0004 & K06-0005)

At 8:01 p.m., Chairman Garvin opened a Public Hearing regarding the application of Roberta Henderson, Applicant & Owner, for Site Plan approval in accordance with the Town of Sudbury Zoning Bylaw Section 6300; the provisions of Article V (f), Section 5.C (Stormwater Management); and Sudbury Zoning Bylaw Section 4270 (Water Resource Protection District Special Permit), to construct a centralized Wastewater Works treatment plant and associated improvements which will disturb approximately 153,650 sq. ft. of land, including approximately 17865 sq. ft. of land on slopes ranging from 10% to 20%, with a total impervious area of 65,015 sq. ft., on a 7.3 acre parcel, located at 632 and 642 Boston Post Road (Assessor Map K06-0004 and 0005), zoned Limited Business (LBD1) and within Zones I and II of the Water Resource Protection Overlay District, which was continued from June 28, 2017. Copies of an email confirming the need to continue tonight's Hearing from Matthew Watsky to Ms. Suedmeyer and Ms. Donoghue dated July 20, 2017 were distributed to the Board tonight.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of Roberta Henderson, Applicant & Owner, for Site Plan approval in accordance with the Town of Sudbury Zoning Bylaw Section 6300; the provisions of Article V (f), Section 5.C (Stormwater Management); and Sudbury Zoning Bylaw Section 4270 (Water Resource Protection District Special Permit), to construct a centralized Wastewater Works treatment plant and associated improvements which will disturb approximately 153,650 sq. ft. of land, including approximately 17865 sq. ft. of land on slopes ranging from 10% to 20%, with a total impervious area of 65,015 sq. ft., on a 7.3 acre parcel, located at 632 and 642 Boston Post Road (Assessor Map K06-0004 and 0005), zoned Limited Business (LBD1) and within Zones I and II of the Water Resource Protection Overlay District to August 9, 2017.

Undergrounding Presentation

At 8:01p.m., Chairman Garvin stated the Board of Selectmen asked for a presentation regarding undergrounding of utilities for Route 20 to be prepared, and Ms. Donoghue has been working on a draft presentation which she will share tonight. Copies of Ms. Donoghue's PowerPoint presentation were distributed to the Board tonight.

Ms. Donoghue highlighted tonight's presentation relates to undergrounding, and it is separate from the Complete Streets initiative, which she is also researching for future discussion. She referenced the 2016 Special Town Meeting Petition Article requesting that preliminary consideration and study be done by the Planning Board for a program to prohibit new installation or construction of, or requiring progressive removal of poles and overhead wires and associated overhead structures within parts of Sudbury.

Ms. Donoghue noted the current bylaw requires only new electrical services to be installed underground, but it does not address existing lines. She presented some advantages for undergrounding, including aesthetics, reliability, less maintenance, and public safety. Ms. Donoghue referenced a North Carolina study suggesting that underground lines are 50% more reliable and they are resistant to adverse weather conditions. She also presented some disadvantages for undergrounding, including it can cause a public works nuisance with disruptions from digging and noise, outages can be longer because more time is needed to diagnose problems underground (another study indicated overhead wire problems can be repaired faster than those underground), there can be natural troubles caused by water damage and flooding (a South Carolina study indicated newer buried lines are less reliable than older overhead lines), and the expense to bury lines can be costly.

Mr. Abair asked who owns the utility lines. He noted that, in Wayland, improvements at two intersections on Route 30 took over a year to complete. Chairman Garvin stated the poles are typically owned by companies such as Eversource, Verizon, and National Grid. Ms. Donoghue stated the poles are primarily owned by the utility companies.

Regarding cost, Ms. Donoghue stated a rule of thumb mentioned has been to estimate \$1 million per mile. Mr. Hincks stated he has heard estimates of \$1 million per quarter mile. Chairman Garvin stated he had heard an estimate of \$1 million for what appears to be less than a quarter of a mile for the area in front of Sudbury Farms. Mr. Abair stated he had heard estimates of \$2 million per mile when he was involved with the Route 20 Sewer Committee. Ms. Donoghue stated the other cost factor to consider is how the utilities would be paid by the Town and how much of the cost would revert to the taxpayers. She further stated she is continuing to research options for paying for undergrounding, including grants, Smart Growth Initiatives (Tax Increment Financing (TIFs) and District Improvement Financing (DIFs) and surcharges on residents' bills. Ms. Donoghue stated the Town would negotiate with the utility companies how they would get paid. Chairman Garvin suggested the slides regarding costs should be shared earlier in the presentation.

Ms. Donoghue summarized the order of requests to be pursued when working with the Massachusetts Department of Transportation (MA DOT) as the Town requesting the project from the utility companies, followed by the utility companies requesting to the MA DOT for the work to be completed and then MA DOT would determine if the project were worthy of approval. She noted the Town of Holden worked with MA DOT when it was widening its Main Street (a MA DOT road), and the project took five years to complete. Ms. Donoghue highlighted Holden, Concord and Nantucket are examples of towns which have underground utility systems, but, it is important to note that each of these towns owns its municipal electric utility.

Mr. Hincks asked what the perspective of the utilities' companies is regarding undergrounding. Ms. Donoghue stated she is not sure what the utilities think, but she got a sense from MA DOT that the utility companies find requests laughable because there is no incentive for them. Mr. Hincks stated that, from a utility company's perspective, maintenance is likely easier to perform above ground.

Chairman Garvin referenced the Eversource transmission line reliability proposal along the rail corridor from Sudbury to Hudson. Given the estimated costs published in a newspaper article, Chairman Garvin stated there might be an incentive for Eversource to install lines under the streets for an incremental increase in cost from installing the lines underground along the rail corridor, if the Town could pay for the trenching with a possible surcharge.

Mr. Karustis stated the utility companies usually have a definite route in mind, and whether they have an ability to tie into a recommended proposal on either end may determine whether they are agreeable.

Chairman Garvin stated this might be a good time to pursue undergrounding possibilities with other projects pending in Town.

Ms. Donoghue recommended a preliminary study to include a public-participation workshop/ charrette and a survey should be undertaken. She also presented steps involved to bury existing utilities underground, including requiring a preliminary study through a Town Meeting vote, establishing a need, conducting a public hearing to report findings and recommendations, adopting a bylaw and determining reimbursement to utility companies.

Chairman Garvin suggested adding "Preserving the Town's historic character" to the top of the fourth slide in the presentation.

Mr. Hincks stated he would like more information provided to the Board regarding the differing opinions presented tonight regarding reliability of underground vs. overhead lines.

Mr. Karustis stated more research is needed to find underground municipal case studies from towns which do not own their electric utility, since this is not the case in Sudbury. Chairman Garvin suggested reaching out to Concord for reliability information.

Mr. Hincks stated he believes it would be beneficial to approach explaining the project from a cost-benefit basis for residents. If Route 20 is the starting point for this type of project, he suggested fine-tuning the cost estimates and how much of it would be passed back to the residents.

Mr. Karustis stated people would need to understand why this would be a good thing and what is in it for them.

Mr. Abair asked if the focus for undergrounding is on Route 20 or Town-wide. Chairman Garvin stated Route 20 could be a starting point. Ms. Donoghue stated the area could be from Mill Village to Meadowalk. Ms. Kilcoyne highlighted the project would then likely be completed in a piece-meal fashion over several years.

Mr. Abair asked if there are approaches the Board could take Town-wide such as establishing an undergrounding on the streets account and then adding a cost to developers of new subdivisions to help fund it. Chairman Garvin asked if the Board could legally do this. Mr. Abair asked for Town staff to research this possibility.

At 8:40 p.m., a brief discussion ensued regarding the letter to be sent to National Development, as recently voted by the Board of Selectmen. Copies of the letter sent on behalf of the Selectmen by Town Manager Rodrigues dated July 18, 2017 and an email sent to the Planning Board by Selectman Vice-Chairman Len Simon dated July 21, 2017 were distributed to the Board tonight.

Ms. Donoghue explained the Selectmen received a petition signed by over 100 residents asking if the lines on Route 20 in front of the former Raytheon property could be buried, and they Selectmen voted to send a letter to National Development to try to achieve this goal. Vice-Chairman Len Simon later had second thoughts and he opposed the sending of the letter by the Town to the developer and he shared multiple reasons with the Planning Board for reaching his ultimate conclusions.

Mr. Hincks noted the concept of burying utility lines on Route 20 was raised several times in discussions between the Planning Board and the developer and, at that time, the position was that this topic would be part of the mitigation negotiations for the Development Agreement. It was noted a subcommittee of Town representatives participated in these negotiations in Executive Sessions, and the Planning Board's representative was Mr. Morely.

Mr. Abair stated the developer has been an honest partner with the Town, and he believes it is worth a try to renew the discussion.

Chairman Garvin stated construction is underway, so it is the last time to broach the issue. However, he also stated some utility poles have already been installed.

Mr. Abair stated the discussion regarding undergrounding on Route 20 relates to many other Town issues which the Planning Board has discussed, including the redevelopment of Route 20, a Route 20 sewer system, and a new Master Plan. He stated he believes there are plans in the Town archives regarding road and safety improvements for Route 20 and ancillary roads which would be used during construction. Mr. Abair stated he would like to revisit discussions regarding how TIFs and DIFs could be used as financing approaches so that the improved and increased investment could help to pay a bond over several years.

Mr. Hincks asked what the next steps are for the Board regarding undergrounding lines. Ms. Donoghue stated she is set to provide this presentation to the Selectmen at their August 8, 2017 Meeting. Mr. Hincks stated he thinks there needs to be more clarity regarding jurisdiction for this project. He suggested the Planning Board's message to the Selectmen on August 8, 2017 should be that deliberation of this topic is ongoing with the Planning Board and that this presentation is just an update, but it is not the Planning Board's final presentation and update.

Mr. Abair stated this topic relates to many other Town-planning discussions. He emphasized the Town has not historically always been pleased with project results when things have been done in a piece-meal fashion. In response to a question by Ms. Kilcoyne, Mr. Abair also provided a brief summary of some of the previous studies and work done by Route 20 sewer-related committees. He noted the ideal situation would be to dig up Route 20 only once and to install everything needing to be buried underground at once. Chairman Garvin concurred, but he emphasized power companies never want to install their lines in the same trench as the sewer lines. Mr. Abair stated that, even if multiple trenches are needed, it would be better to plan for the disruption at the same time.

Chairman Garvin asked Ms. Donoghue for an update on her Master Plan research. She stated work is at a standstill since there are not funds available to hire a consultant, and she is working to pursue other funding options.

For its August 9, 2017 Meeting, Ms. Donoghue asked the Board if they could discuss how it would like to participate in a new Master Plan process.

At 9:00 p.m. Chairman Garvin thanked Ms. Donoghue for the information, and he concluded the discussion.

Minutes

As mentioned earlier by Mr. Karustis, the first line on Page 2 of the draft July 12, 2017 Meeting Minutes needs to be revised to correct the sale price from \$560,000 to \$570,000.

In the first sentence of the paragraph under “Planning Board Correspondence – Discussion” on Page 6, it was noted the word “resent” should be replaced with “recent.” Also, in this same sentence, Mr. Hincks indicated he wasn’t sure the word “questioned” was what he had used and suggested the sentence indicate he sought clarification on the Board’s responsibility for responding to comments and inquiries, noting his intention was not to question the responsibility of the Board.

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of July 12, 2017, as amended tonight.

Mr. Abair abstained from the vote.

Upcoming Meeting Schedule

The next meetings are scheduled for August 9, 2017 and August 23, 2017 at 7:30 p.m.

Mr. Hincks and Ms. Kilcoyne stated they will not be able to attend the August 23, 2017 Meeting.

Miscellaneous

Ms. Suedmeyer referred to the email she sent to the Board on July 17, 2017 regarding Bruce Freeman Rail Trail Draft 25% Design Package for Mass DOT being available for review. She stated submission to MassDOT will happen in the next week or two, and she encouraged anyone with comments to forward them to her as soon as possible.

Ms. Suedmeyer also welcomed anyone with questions to contact her.

The meeting was adjourned by Chairman Garvin at 9:07 p.m.