

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

Absent: Peter Abair and Associate Member Nancy Kilcoyne

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

**Public Hearing – Minor Site Plan Application – Sudbury Plaza -Wellyn Inc. c/o/ Gravestar Inc. – 505-525 Boston Post Road (Assessor’s Map K07-0005, K07-006 & L07-0014)**

Present: Meridian Associates, Inc.’s Senior Associate Mark Beaudry

At 7:30 p.m., Chairman Garvin opened a Public Hearing regarding the application of Michael Doherty, Gravestar Inc., owned by Wellyn Inc. c/o Gravestar Inc., property located at 505-525 Boston Post Road (Assessor’s Map K07-0005, K07-006 & L07-0014), zoned Limited Business District 2, for Minor Site Plan approval in accordance with the Town of Sudbury Zoning Bylaw Section 6300. The application requests the widening and reconfiguring of the driveway on the west end of the plaza as part of the intersection improvement project proposed for Route 20 Meadow Walk Development north of the Sudbury Plaza, reconfiguration of the parking areas located to the east and west of the new access driveway, removal and relocation of 32 parking spaces, construction of approximately 1,700 sq. ft. of pervious landscape area, the construction of new granite curbing and sidewalk connection, relocating 32 parking spaces and adding 3 parking spaces to other areas of the plaza, including the re-establishment of 11 parking spaces to the north of the CVS store that were previously removed. All construction is within the existing or prior limits of the plaza pavement areas, with the reduction in impervious area and increase in landscape area. The Board was previously in receipt of copies of a memorandum from Ms. Donoghue dated September 20, 2017, the Public Hearing Notice, a letter from Meridian Associates, Inc.’s Senior Associate Mark Beaudry dated August 25, 2017, and accompanying Application for Minor Site Plan Approval and Site Improvement Plan, an email from Conservation Coordinator Debbie Dineen dated September 5, 2017, and an email from Building Inspector Mark Herweck dated September 12, 2017. In addition, copies of an email from Assistant Fire Chief John Whalen dated September 25, 2017 were distributed tonight.

Meridian Associates, Inc.’s Senior Associate Mark Beaudry stated tonight’s request is due to significant improvements being made to Route 20 for the Meadow Walk development. Mr. Beaudry stated the improvements include changes to areas on the Sudbury Plaza property, including the driveway and intersection where a Route 20 traffic light will be installed. With the use of a site plan exhibit board, he summarized how the eastern driveway will be reconfigured and where the new traffic signal will be, which is

near the westerly driveway and near Highland Avenue. Mr. Beaudry stated the majority of changes will be on the westerly side. He explained the changes would require displacing 32 existing parking spaces, and the new plans would create new green areas. Mr. Beaudry provided some background regarding the parking spaces, stating 455 spaces are currently required based on current tenancy, and these are only two more than the spaces required by zoning. He briefly described how the proposed plan has reconfigured parking on the property to retain spaces and that this has been accomplished while also reducing impervious area. Mr. Beaudry stated parking spaces will be striped in an already paved area behind the stores and new spaces will be created between CVS and the edge of the pavement along the property's northern edge. He stated the proposed plan now shows approximately 257 (or 258) parking spaces, and approximately 1,700 square feet of non-paved area has been gained. Mr. Beaudry highlighted the new plan will provide stormwater-related improvements. He explained the total disturbance to the site was slightly more than 5,000 square feet, but some of the disturbed area had already been accounted for as part of the National Development Stormwater Management Permit for the Route 20 improvements. Thus, this project's total disturbance to the site is now approximately 4,185 square feet, and it will only require an application for a General Stormwater Management Permit process. Mr. Beaudry emphasized there are no proposed changes to the buildings or current tenants, but there would be some minor sidewalk, access and landscape improvements.

Mr. Karustis asked if there is access to the 17 new parking spaces behind the stores. Mr. Beaudry stated there is access from both sides of the stores.

Mr. Hincks asked for clarification regarding where the 1,700 square feet of pervious pavement is gained. Mr. Beaudry indicated on the exhibit where there would be new green spaces along the driveway. In response to a question from Mr. Hincks, Mr. Beaudry noted the plan was reviewed by the Conservation Commission, which issued a negative determination. Chairman Garvin and Mr. Beaudry provided further information regarding what a negative determination means.

Mr. Morely stated he had hoped the owner/applicant would have chosen this opportunity to do more with the property. He also stated he is surprised there is no sidewalk proposed along Route 20. Mr. Morely stated he is also surprised so much effort was put into retaining parking spaces, given the current number of spaces are not needed and they are never fully occupied, and there was discussion ten years ago about eliminating parking spaces at this site along Route 20 and adding more buildings. Several Board members concurred that there is an excess of parking spaces on the property.

Chairman Garvin noted the pitch point to the south of Star Market and the parking area to the north of CVS, and he asked if the Fire Chief has reviewed the plans to ensure there is an adequate turning radius for large fire engines. Ms. Donoghue stated the plan was shared with Town Department Heads, and she referenced an email distributed tonight from Assistant Fire Chief Whalen noting no concerns.

Chairman Garvin asked if any changes are proposed for areas which fall under the Permit which was approved for National Development, and Mr. Beaudry stated there are no such changes proposed.

A brief discussion ensued regarding options for providing a better way for cars to travel across the site from CVS heading towards other businesses like Bank of America. Mr. Beaudry stated the proposed plan did consider ways to calm traffic to allow drivers more time to make turning decisions and get them closer to the stores. However, he highlighted some of the Route 20 improvements and National Development's traffic consultants have dictated what options are and are not available.

Chairman Garvin asked if there were any comments from the public.

Sudbury resident Andrea Huber, 31 Woodland Road, asked about the existing sidewalk on the western side, near Highland Avenue. Mr. Beaudry showed Ms. Huber on the site plan exhibit that this sidewalk will remain.

Ms. Suedmeyer stated the plan is just under the 5,000 square foot site disturbance threshold. Thus, the proposed plan qualifies for the General Stormwater Management Permit process, with no need for a Public Hearing or Public Notice. She explained she would typically handle the General Permit process administratively with input from the Town Engineer.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request and application of Michael Doherty, Gravestar Inc., owned by Wellyn Inc. c/o Gravestar Inc., property located at 505-525 Boston Post Road (Assessor's Map K07-0005, K07-006 & L07-0014), zoned Limited Business District 2, for Minor Site Plan approval in accordance with the Town of Sudbury Zoning Bylaw Section 6300, with the expectation that an official Decision of approval will be drafted and that a General Stormwater Management Permit application will be submitted to, and reviewed by, Ms. Suedmeyer.

**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

September 13, 2017. The Board was previously in receipt of copies of two emails from Ms. Suedmeyer to the applicant's engineer Molly Obendorf dated September 20, 2017, a letter from Deputy Director of Public Works Bill O'Rourke dated September 20, 2017, a letter from Assistant Fire Chief John Whalen dated August 22, 2017, two letters from Stamski and McNary, Inc. Vice President George Dimakarakos and engineer Molly Obendorf dated September 6, 2017 and September 15, 2017 and accompanying updated plans, and two letters from Sudbury's Stormwater Management Peer Reviewer Janet Bernardo dated August 15, 2017 and September 11, 2017. In addition, copies of an email from Ms. Obendorf to Ms. Suedmeyer dated September 25, 2017 were distributed tonight. Chairman Garvin stated there has been a request made by the applicant to immediately continue the Hearing.

On motion duly made and seconded, it was unanimously:

VOTED: To immediately 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).

**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 8:00 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 September 13, 2017. Chairman Garvin stated there has been a request made by the applicant to immediately continue the Hearing.

On motion duly made and seconded, it was unanimously:

VOTED: To immediately 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.

### **October 2017 Special Town Meeting – Master Plan Article**

At 8:01 p.m., Chairman Garvin opened a discussion regarding the October 2017 Special Town Meeting Master Plan Article. Copies of the Warrant article were distributed tonight, requesting an appropriation not to exceed \$75,000 to update the 2001 Master Plan.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the October 16, 2017 Special Town Meeting article to update the 2001 Master Plan.

### **Planning Board Appointment – MAGIC Representative**

At 8:02 p.m., Chairman Garvin opened a discussion regarding a Board appointment to MAGIC.

On motion duly made and seconded, it was:

VOTED: To appoint Stephen Garvin as the Planning Board's representative to the Minuteman Advisory Group on Interlocal Coordination (MAGIC).

Chairman Garvin abstained from this vote.

### **Northridge Drive Farm – Anthony Drive - Request for Extension to Stormwater Management Permit**

Present: FORESITE Engineering Associates, Inc. engineer Scott Hayes and developer Jim Fenton

At 8:03 p.m., Chairman Garvin opened a discussion regarding the request for an extension for the Stormwater Management Permit for Northridge Drive Farm on Anthony Drive. The Board was previously in receipt of copies of a letter from FORESITE Engineering Associates, Inc. dated August 30, 2017, requesting an extension of the Stormwater Management Permit for North Ridge Farm Subdivision (Anthony Drive) and a letter to Ms. Donoghue from Department of Public Works Deputy Director Bill O'Rourke dated

August 8, 2017. In addition, Ms. Suedmeyer distributed copies tonight of a spreadsheet entitled, "North Ridge Farm SWMP Compliance Status."

FORESITE Engineering Associates, Inc. engineer Scott Hayes stated the applicant is requesting an extension of the Stormwater Management Permit until December 25, 2018. Mr. Hayes stated construction was delayed until consensus could be reached regarding stormwater basins, water table and test pit analyses and other factors. He provided a brief update regarding construction on the lots. Mr. Hayes stated construction started in August 2014, and the developer's intention now is to complete construction of the dwellings in the next six to eight months. He also provided a brief update regarding outstanding items to be completed. Mr. Hayes stated the applicant would like to complete the work under the original Permit, which has since expired.

Chairman Garvin stated this project has been discussed on several occasions and the Board had offered suggestions and recommendations, and it had requested information, but, long periods of time would elapse with no response from the applicant. He asked Town staff to share any new information from Town staff and/or the Town Engineer.

Ms. Donoghue stated she had prepared an update memo identifying previous issues for the Board last year, which she will resend to the Board. She stated many items were related to stormwater management. Ms. Donoghue further stated she has recently learned that other permits for this site have also expired, including the Subdivision Permit and an Earth Removal Board Permit.

Ms. Suedmeyer stated she and Mr. O'Rourke reviewed information available. She stated that, in 2015, Hancock & Associates and the applicant's engineers spent time reinvestigating site conditions and trying to reach consensus regarding action steps to be taken. Ms. Suedmeyer referenced Mr. O'Rourke's August 8, 2017 correspondence, which presented a chronology of information. She stated parties seem to now have a good understanding of the site conditions, and the developer and Town staff members are comfortable with the items needing to be completed as outlined on the third page of Mr. O'Rourke's communication. Ms. Suedmeyer also referenced the compliance spreadsheet distributed tonight, noting she sent Mr. Hayes a note regarding the gaps for submission of site inspection reports.

Mr. Karustis stated he has not had a longstanding history with this property, but he read Mr. O'Rourke's chronology. He stated it appears the Board previously requested additional information, but there was no follow-up by the applicant. If an extension were to be granted, Mr. Karustis stated he has concerns regarding whether items would be completed as requested by the Board.

Mr. Hincks asked what the consequences would be if an extension were not granted. Chairman Garvin stated the applicant would need to file a new application.

Ms. Suedmeyer noted as-built plans and certifications have not been submitted for review. If an extension were granted, she questioned whether the Board could add new conditions to an extended permit. Mr. Hincks stated he believes this question should be referred to Town Counsel.

Chairman Garvin stated the options available would have been different had an extension been requested prior to the Permit expiring, but, since it has legally expired, he questions whether it can be extended after this fact. Mr. Morely stated he too questions whether this is legally possible, and he asked if a building permit can be pulled under an expired permit. Ms. Suedmeyer stated a building permit appears to have been issued within the past few months.

Chairman Garvin reiterated the Board has met with, and given suggestions to, the applicant a few times, and then the Board's requests were met with silence for long periods of time. He emphasized there are reasons why permits have timelines for completion of work associated with them.

Developer Jim Fenton from Acton said he started the development construction, but, he was met with obstacles from the previous owner, and these issues needed to be brought before the Zoning Board of Appeals (ZBA). Mr. Fenton highlighted the work he has done to date, including rebuilding a wall on Route 117 and installing granite curbs. He emphasized he wants to complete the work as recommended by the Town Engineer, but, he is unable to do so due to the expired Stormwater Management Permit. With the winter months coming on, Mr. Fenton stated he believes it would be more detrimental for the site to not allow him to complete the work. He also emphasized an Earth Removal Permit never should have been issued to begin with according to the Town Bylaws, and thus this would not need to be refiled or extended. Mr. Fenton stated he was not aware until recently that the Subdivision Permit had a two-year limit which has expired.

Chairman Garvin asked if the lots have been recorded, and Ms. Donoghue stated they have.

Mr. Hincks reiterated there is a significant legal question to be asked of Town Counsel regarding whether an expired permit can be extended.

Chairman Garvin suggested the applicant should provide as much information, in writing, to the Town regarding the timing and rationale for the extension request to help inform Town Counsel's opinion.

Mr. Hayes stated he believes a case can be made for the development being substantially completed, noting drainage infrastructure is installed, and he read aloud a section of the expired Permit Decision. He also stated the applicant would be amenable to new conditions being added to an extended permit. Mr. Hayes stated information could be provided to the Town, including a construction schedule.

Mr. Hincks emphasized again the need to have clarification from Town Counsel regarding the Board's legal options.

Ms. Suedmeyer read aloud #28 from the Definitive Subdivision Decision regarding the deadline for completion of the work.

Mr. Morely stated it is not the practice for the Town to allow work to continue when a permit has expired.

Chairman Garvin asked Town staff to also ask Town Counsel for an opinion regarding whether new conditions could be added to an extended permit.

Mr. Fenton asked if this situation means he cannot do any work on the site. Mr. Morely stated he could do so, but it would be at his own risk, given Mr. Fenton has been working over the past year with an expired Permit.

At 8:35 p.m., Chairman Garvin closed the discussion.

### **Minutes**

On motion duly made and seconded, it was unanimously

VOTED: To approve the meeting minutes of September 13, 2017.

### **Upcoming Meeting Schedule**

The next meetings are scheduled for October 11, 2017 and October 25, 2017 at Town Hall. Mr. Hincks stated he is unable to attend the October 25, 2017 Meeting.

### **Master Planning Process – Discussion**

At 8:40 p.m., Chairman Garvin opened a discussion regarding a future Master Planning process. The Board was previously in receipt of copies of a memorandum from Ms. Donoghue dated September 7, 2017, and accompanying information regarding the jurisdiction for the Master Planning process, including the relevant section 81D of the M.G.L. Chapter 41, an email from Ms. Kilcoyne to Ms. Donoghue dated August 11, 2017, and the draft "Sudbury Master Plan Scope of Work- DRAFT" submitted for a Community Compact Grant.

Chairman Garvin asked if the draft scope is expected to be issued as a Request for Proposal (RFP), noting he has suggested language revisions. Ms. Donoghue stated the language could be revised.



Ms. Donoghue referenced the October 2017 Special Town Meeting (STM) article requesting funds not to exceed \$75,000, noting this appropriation would be coupled with the previously received \$20,000 Community Compact Grant. She stated no other funding has been obtained at this time. Ms. Donoghue also stated she needs to further research whether the project needs to be completed within 18 months from when the Community Compact Grant funds are received or within 18 months from the time the Grant application was submitted.

Chairman Garvin stated the Selectmen asked last night how long the project would take and he estimated 12-18 months. Chairman Garvin suggested the Board might want to think in terms of a 15-month timeline, given the RFP process alone could take time. He also highlighted some sections of the Plan have been worked on already, such as open space and housing. Mr. Morely agreed, noting the existing 2001 Master Plan follows a modern format.

Mr. Karustis stated he would be interested to have information regarding how other towns approach the process. He suggested the Board should first discuss if a committee should be formed and who will comprise it, noting having the right team directing the project would help the Plan come together.

Mr. Hincks stated he has concerns about an 18-month process. He believes the eventual product often improves when a timeline is shortened because there is a more focused burden put on those doing the work.

Mr. Morely stated clarifying the start date for this process is important and then a timeline should be established, which takes into account the dates for Town Meetings. Chairman Garvin suggested possibly going out to bid in November 2017, prior to the holidays, and asking contractors to start in early 2018.

Mr. Karustis stated he believes the process will easily take 12-18 months, because finding times when people can regularly meet takes time and getting responses back from contractors will take at least two months.

Mr. Hincks asked if a timeline is important. Chairman Garvin stated the \$20,000 grant is the driving force for the 18-month deadline.

Chairman Garvin stated the Board's role is to approve a Master Plan and then the Board of Selectmen would bring the Master Plan before a Town Meeting. Mr. Karustis and Chairman Garvin stated a definitive timeline could be put in the RFP to inform the consultants of the Town's expectations.

Chairman Garvin referenced committee membership information from other towns, and he suggested, and the Board concurred, that a Master Plan committee be formed with the following composition: two Planning Board members, two Board of Selectmen

members, one Conservation Commission member, one Council on Aging member, one Historical Commission member, one Park and Recreation member and two at-large members.

Ms. Donoghue stated it has been difficult to get volunteers for committee/board vacancies. Mr. Morely stated it might help that the time commitment needed to serve would be limited. Mr. Karustis stated it is important to give people the opportunity to apply and to let them know what the commitment would be.

Mr. Hincks stated he thinks open committee positions are not known as well as they could be. He suggested marketing the committee openings as widely as possible, including asking those who attend the Melone Charette for email addresses. Chairman Garvin also suggested notices in the *Town Crier* and the Sudbury Facebook page.

Chairman Garvin and Mr. Morely suggested, and the Board concurred, that Town staff, including Ms. Suedmeyer, Ms. Donoghue and Facilities Director Jim Kelly be designated to this project, noting they could be helpful in facilitating the committee's work. The consensus of the Board was Town staff should not be members of the Committee because this should be a public process.

Due to Mr. Abair's absence, Mr. Morely suggested, and the Board concurred, that a vote on the proposed composition for a Master Plan committee should be postponed to the next Board Meeting.

Chairman Garvin stated clarifying the starting point for the project will be key to establishing the timeline.

Mr. Morely announced to the Board he has decided to resign as a member of the Planning Board and the October 11, 2017 Meeting will be his last. He stated he has enjoyed serving for a long time, but it is time to resign. Mr. Morely also announced he is no longer the Chairman of the Community Preservation Committee (CPC) and he will resign his position as the Planning Board's representative to the CPC after attending his last CPC Meeting on October 12, 2017. He reminded the Board it will need to appoint a new representative to the CPC. Board members asked him to reconsider his resignation. Chairman Garvin stated Chris Morley has been an amazing contributor to many Town projects for many years and that his knowledge and history of Sudbury, creative ideas, humor and collaborative spirit will be sorely missed and his resignation is a huge loss for the Town. He noted Chris has been great to work with and he thanked Chris for his service.

The meeting was adjourned by Chairman Garvin at 9:10 p.m.