

PLANNING BOARD MINUTES

MAY 23, 2018

Present: Chairman Stephen Garvin, Vice-Chairman Peter Abair, Justin Finnicum, John Hincks, Charles Karustis, Nancy Kilcoyne, Meagen Donoghue (Director of Planning and Community Development) and Beth Suedmeyer (Environmental Planner).

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m., in the Lower Town Hall.

Board Appointments

Motion was made to appoint to the Design Review Board: Jennifer Koffel and Daniel Martin.

On motion duly made and seconded, it was unanimously

VOTED: TO appoint to the Design Review Board: Jennifer Koffel and Daniel Martin

Continued Public Meeting – Preliminary Subdivision Application – Powers Road, (Assessor’s Map B09-0001)

Present: Daniel Carr, E.I.T., of Stamski and McNary, Inc.

At 7:35 Chairman Garvin opened the Public Meeting.

Mr. Carr stated that he was presenting the amended plan for Powers Road. He summarized that previously, a cluster subdivision was proposed with common open space. He added the Board was concerned with the waivers required for his original plan. He explained with this revised plan, the size of the road has been enlarged, with a better sidewalk; and increased right of way. He added that the proposed houses are in the same location, and have proposed roof drywells for the houses to capture the 100-year storm runoff. He added that an infiltration basin is included with all work being outside the 100-foot buffer. He added now there is access to the common space with a 20-foot easement.

Mr. Carr detailed that an additional plan was completed per the comments of the Board and the public, showing three lots. He added if the Board deemed that the four lot plan scenario was unacceptable, the applicant would utilize the three-lot conventional subdivision, requiring no waivers. He noted the concern would be the question of abutting land. It could be sold off, and possibly further developed. Yet with the proposed cluster subdivision, the open space is required and could be owned and controlled by the Town.

Another point that Mr. Carr presented was that in the cluster subdivision plan, because it is a special permit, the Planning Board could require further perimeter screenings. Whereas in the conventional plan layout, there are no requirements for a perimeter buffer.

Ms. Donoghue stated that there is additional correspondence from the abutters and from Town staff, including Building Inspector Mark Herweck; Conservation Coordinator Debbie Dineen, and Health Director Bill Murphy. Ms. Donoghue indicated she also submitted a memo.

Ms. Suedmeyer stated that she requested from the applicant a larger format of the entire parcel that shows the wetland resource area, and associated buffer zones. She also mentioned other lots that the applicant owns in the neighborhood, which could imply further development.

Mr. Karustis commented on the southern upland areas on the plan, stating he did not see the open parcels without houses on them.

Mr. Carr responded that he knew of one parcel in that area, currently not developed. Mr. Karustis stated that the upland areas discussed are on a property with a house on it. Mr. Carr responded that it was proposed to be subdivided. Mr. Karustis said that he thought that the land in question was landlocked with wetlands and that he was not concerned with future development in that area. Thus, he opined, the advocacy for the four-lot cluster would not stand. He stated that he did have concerns about three and four lots in this area, which is out of character with the rest of the neighborhood. He noted existing houses sit on a minimum of an acre of land. With significant slopes and being close to wetlands, the proposed subdivision would create a significant impervious surface with that number of lots. He agrees that there would be much tree removal and erosion, so his recommendation would be for two housing lots.

Mr. Hincks stated that Mr. Karustis had an interesting perspective, and he also questioned the ability for further development.

Ms. Donoghue stated that the abutting parcel is owned by another party. At this point, Mr. Karustis reviewed the plots with other Board members.

Mr. Hincks said he agreed with the point that Mr. Karustis made, and stated that the offered screening does appear to be a worthwhile exchange. He added he did not think the parcel that would be deeded to the Town has any other practical use other than what it is today, which is a wooded lot. He summarized that he was troubled by the four-lot subdivision as well but was not ready to vote.

Ms. Kilcoyne agreed with both Mr. Karustis and Mr. Hincks and asked what the actual definition of cluster is. Ms. Donoghue read Zoning Bylaw Section 5100 aloud. Ms. Donoghue added that even with two lots, it could be considered a cluster development. Ms. Kilcoyne said she was concerned about the density and would like to research more and think about it.

Mr. Finnicum stated that when he looked at the plan and looked beyond the two-dimensional aspect of the site plan, the site was very close and would require major modification of the landscape. He felt that modification of that magnitude, coupled with the density would very likely have impact on the wetlands and would not support the number of proposed dwellings.

Mr. Hincks addressed traffic and asked how wide Powers Road is with the entrance being right on a curve. He additionally asked under what conditions is a traffic report called for.

Chairman Garvin indicated if the applicant filed a definitive subdivision development a traffic study would be required.

Ms. Donoghue stated that it would be up to the Board to mandate a traffic study requirement, and added she recommended one in her initial memo to the Board.

Chairman Garvin agreed with many of the Board's comments, especially with density, and slope. He added he thought a true cluster development is trying to cluster the housing, preserve slope topography, and the nature of the site. He added if the applicant could present another proposal that pulled away from those slope areas preserving a wooded front and position the road closer to the north side, it might make better sense.

Concord resident, Fred Burnham, 59 Ridge Road, said that he and his wife, Mary Sterling and the Robinsons submitted a letter to the Board outlining their perspectives on this matter.

Resident Joe Santangelo, 188 Powers Road, thanked Board members Mr. Karustis and Mr. Hincks for coming to the site. He said that the parcel that he views from his house is like a “bowling alley,” and he feels like the proposal reflects a situation where too much is being squeezed into the site. He added that it would be difficult to access the proposed open space. He added he appreciated that the Board is viewing the site and taking the proposal seriously. He opined what is proposed does not fit at this site, and asked that something be built that fits the character of the current neighborhood.

Resident, Marilyn Dowe, 10 Barnett Road indicted her driveway is on Powers Road. She stated she did not know the setback requirements in Sudbury, and wondered if the proper setbacks have been considered with this project. Chairman Garvin responded stating the plans do meet the regulations for setbacks. Ms. Donoghue offered to share the Dimensional Table in her office outlining required setbacks, and also agreed that the applicant met the proper setback requirements on the proposed plans.

Concord Resident, Mary Sterling, 59 Hunters Ridge Road, said that she was at the Concord Natural Resources Department last week when they received a request to determine the bordering vegetated wetlands line with lot 28A, also owned by Jeffrey Cronin. Mr. Cronin is building a house on it now, which means that those two properties at the end of Hunters Ridge Road in Concord will have houses on them and there is no access to the back end of this property in question tonight. She added so there is no threat of further development now for that end to be developed.

Vice-Chairman Abair stated that because he was late coming to the meeting this evening, he would appreciate a summary of what has been covered.

Mr. Karustis provided a summary of events, stressing that further development justification is not valid in his mind.

Chairman Garvin suggested that it might be a good time to go back to the applicant for further comment.

Mr. Carr reiterated that if the Board does not find the cluster development preferable, the Applicant will be moving forward with the three-lot conventional subdivision. He added that it would be unusual, but he has been involved with projects that have torn down houses in order to gain access to another house. Chairman Garvin agreed with Mr. Carr’s statement, and added that the economics of tearing down an existing house to access further development is probably prohibitive and not realistic at this time.

Mr. Karustis added that in his opinion, the most housing that could be created would be single lot. Mr. Garvin suggested that there may be ways to have three housing lots as proposed without so much site work for the developer; especially in regards to the sloping for particularly lot #1. He went on to recommend that the Board would more favor a two or three-lot development.

Vice-Chairman Abair agreed with that recommendation.

Ms. Donoghue added this is a preliminary public meeting, which will be included in the minutes. In addition, she offered to compose a narrative for the applicant and the Board reiterating the discussion held this evening.

Chairman Garvin asked Mr. Carr his thoughts. Mr. Carr responded that the Board appears not to be in favor of the cluster development, so he thought that the applicant would be moving forward with the three-lot conventional development, eliminating the open space proposal.

Chairman Garvin stated that there is some validity to the cluster development with three lots, but proceeding as a conventional three lot development is within the rights of the owner. Mr. Carr responded

that if the owner was to consider a cluster development, he would want to do the four-lot cluster. Chairman Garvin responded that there may be more flexibility from the Board, if the applicant considered a three-lot cluster development.

On motion duly made and seconded, it was unanimously

VOTED: To close the Continued Public Meeting – Preliminary Subdivision Application – Powers Road, (Assessor’s Map B09-0001)

Public Hearing – Site Plan Approval & Stormwater Management Permit – 415 Boston Post Road, (Assessor’s Map K08-0006)

Present: Attorney Joshua Fox, of Rollins, Rollins and Fox; Jake Parsons, Principal of OSPD Realty Company, LLC., Vito Colono, Engineer at Sullivan Connors & Associates, Inc.

Mr. Fox introduced the applicant Jack Parsons, who grew up in Sudbury. When Mr. Parsons saw that the Selectmen put this property out for RFP, he submitted a proposal and was selected as the highest bidder by the Board of Selectmen. Mr. Fox added the proposal includes first removing asbestos in the building, and then demolishing it. A new commercial building will go in its place. He added the new commercial building will be slightly smaller than the existing police station footprint (under 6,000 sq. feet). Mr. Fox gave a summary of the site and stated there is a sliver of the property which lays within the residential district. Mr. Fox said the proposal would increase the green space of the property, as to not overdevelop the site. Mr. Fox stated the applicant has been to the Zoning Board of Appeals (ZBA) and is working collaboratively with the neighbors. Mr. Fox indicated the Applicant participated in two public hearings and was involved in a very productive working session with the ZBA and several of the neighbors. He explained that from those sessions and abutter recommendations, the group slightly changed the configuration of the project to incorporate certain landscape materials, including screening and hardscape. He added the applicant agreed to a list of conditional “safe guards” to protect both the abutters along Raymond Road as well as the Town. Mr. Fox added that Mr. Parsons and Mr. Sullivan met with the Design Review Board last week and their input was incorporated into the plans as well. .

Mr. Colona stated that the plan was modified and moved approximately five feet to the left per the ZBA recommendations. He went on to state that much of the existing infrastructure will be utilized such as the septic system, water and gas service. He addressed drainage and stormwater management permitting; stating the impervious area will remain relatively the same. Mr. Fox noted there will not be an increased flow offsite. He further detailed improvements over the current condition have been proposed, including updating the entire infiltration system, with two new catch basins to cover the 100-year storm regulation. Mr. Colona stated that Horsley Witten preformed a peer review earlier and he did submit responses to the Board the day before the meeting, but did not expect the Board to address this tonight.

Chairman Garvin replied that the Board would wait to the next meeting, to provide time for review of the peer review comments, but suggested that Mr. Colona might highlight how he addressed those comments. Mr. Colona replied some improvements will be done

regarding the treatment prior to infiltration installation and additional berms will be installed.

Ms. Donoghue said that the minutes from the Design Review Board (DRB) were included in the packet. From those minutes, she added that the Design Board recommended some planting design, such as new elevations and inclusion of retaining wall on plans.

Ms. Suedmeyer said that Mr. Colona identified the reduction of impervious area in the plan, as well as, reduced the flow leaving the site. She stated that one question remains of how agreeable will MassDOT be with their involvement on Rt. 20 as the flow would still be directed to that road's drainage system. She mentioned staff received a comment from Conservation Commissioner Debbie Dineen, stating if the flow does reach the Rt. 20 drainage system, there would be an NOI required because of discharge to the wetlands system under the local bylaw. She asked Mr. Colona if he had an idea about the percentage of change in flow that would leave the site going towards Rt. 20, or the abutting swale, and the percentage amount of total drainage that can be handled on the site.

Mr. Colona responded that he did contact MassDOT, and is awaiting their return call. He then dictated the related flow amounts, and the reduced flow rates and volumes.

Mr. Karustis asked what the purpose of the new building will be. Mr. Parsons stated that it will be used as retail and Verizon is taking a considerable amount of the building. The rest will be leased to another retailer. Mr. Karustis stated that he appreciated the cooperativeness of the Applicant, but felt that he had to review much of the information received today before he could make any further comments.

Vice-Chairman Abair questioned if site plan and stormwater management aspects were being discussed concurrently. Ms. Donoghue and Ms. Suedmeyer confirmed that the hearing language dictated that both areas would be discussed.

Vice-Chairman Abair commented that the Board has not seen the building plan yet with elevations. Chairman Garvin agreed that the Board has not seen a civil plan yet with grades or utilities. Vice-Chairman Abair commented the only separation shown on the plan is a fence separating it from other commercial properties. He further inquired about the elevation issue, and stated the Board has been working on tying the commercial areas together better, as in the case of the Meadow Walk project.

Mr. Colona indicated the raised retaining wall is needed in order to maintain the septic system, which is why it cannot be graded down. Chairman Garvin stated there might be some alternatives to the situation, and the concept of connectedness is an ambition of the Board. Vice-Chairman Abair stated there is an easement in place that could connect to a park, allowing for accessibility. Chairman Garvin said that connectivity helps with master planning for parking and helps reduce increased paving of Sudbury. Vice-Chairman Abair said that the connective concept also helps manage traffic on Rt. 20, as there would be less on and off traffic there when walking from one building to another.

Mr. Hincks said that he would like to take the time to review the full set of plans, including elevations.

Applicant, Jake Parsons, of 32 Walcott Circle, Marlboro, MA, referred to the plan and explained various views. Chairman Garvin commented that when all plans are fully submitted with elevations, the Board will better understand the possibilities as well as the challenges.

Mr. Finnicum said that the connective approach to this attractive property could really enforce its presence. He added a curb cut could enhance the approach and encourage it to be an extended part of the other commercial abutters. Chairman Garvin agreed with Mr. Finnicum's recommendation.

Mr. Fox pointed out the set-back here is 27 feet, which is consistent with the setbacks of the TD Bank building and the Frame Shop building, and would easily lend to a street scape.

Mr. Hincks commented that this is a much-improved visual site, when compared to the old Police Station.

Chairman Garvin mentioned reducing some of the fence and wall, thus maintaining a consideration for future connectivity.

Chairman Garvin asked if there was anyone from the public who wanted to make comment on the project. There were no comments from the public.

Vice-Chairman Abair added that this project is important to the Town and the Board is trying to raise the bar with new properties as displayed by TD Bank and the other bank on Union Avenue. He added that he hoped the developer would take example from these esthetically pleasing properties.

It was on motion unanimously.

VOTED: To continue Public Hearing – Site Plan Approval & Stormwater Management Permit – 415 Boston Post Road, (Assessor's Map K08-0006)

ANR – Brimstone Lane (Assessor's Map L04-0500)

Present Robert Buckley, Registered Land Surveyor of Beals and Thomas, Inc.

Ms. Donoghue stated that this ANR reflects two unbuildable lots. She referred the Board to the three-page plan with two pages displaying Parcel A and Parcel B respectively. She added the first page presented a plan of the whole property (with Parcel A and Parcel B), but did not specify "non-buildable" language on said page. She stated that the Engineering Department have not responded to the plans. She added the applicant is willing to hand-write "non-buildable" on the plan.

Mr. Buckley introduced himself and explained a non-buildable ANR plan proposing a two-lot division of land. He added that the two supplemental plan sheets illustrating each individual proposed lot state “not a buildable lot.”

Chairman Garvin noted that the Board would be able to sign off on these plans since there was signing blocks provided.

Mr. Karustis asked why the lots were being split. Mr. Buckley responded that there is an offer to purchase one of the parcels to be utilized as an orchard.

Chairman Garvin asked if there would be a written deed that would go along with the recording providing an explanation that all the sheets go together. Mr. Buckley responded affirmatively. Chairman Garvin said that there would need to be a reference within the deed that the parcels are related to each other. Mr. Buckley responded that was correct.

It was on motion unanimously.

VOTED: To endorse the ANR for Brimstone Lane (Assessor’s Map L04-0500)

Mr. Buckley included the “non-buildable” language on the first page of the plans.

Grouse Hill Capital Improvement Reimbursement Request

Ms. Donoghue reminded the Board a presentation was given almost a year ago by Liz Rust of the RHSO asking for consideration for doing capital changes on units within Grouse Hill.

Mr. Hincks stated that he remembered with the conversation with Ms. Rust about a year ago and there was discussion about these requests being approved directly by staff rather than the Board. Ms. Donoghue replied that she did not recall and she would go back and refer to the minutes; but if the Board wanted, they could review this one, because it is the first such request at Grouse Hill.

Mr. Karustis said that he would have no issue with staff making the decision.

Mr. Hincks recommended putting this request back on the agenda, since it was the first request from Grouse Hill. He added, that forward, maybe the Board can determine whether each one needs complete Board approval.

The Board agreed to continue this request.

Request for Bond Release – Arboretum Way

Present: Beth Cosgrove, of Redspire, Inc.

Ms. Donoghue stated there is a request to return the remaining bond balance in connection with the Arboretum Subdivision/Cutting Lane, in the amount of \$83,785.75. Ms. Donoghue continued saying that Cutting Lane was approved in 2007 and the Board returned a portion of the bond in 2016. Communication received from Phil Salomon, of the Sudbury Engineering Department indicated he questioned the landscaping on lots not being developed yet. She went on to say the previous Director of Planning and Community Development made a number of decisions regarding the landscaping.

Chairman Garvin said it appeared the Board never reviewed an “as built” though the Engineering Department did. Ms. Donoghue said that she requested the “as built,” but had not received it to date. Chairman Garvin said that the Board typically likes to see the “as built” before closing out a bond. He said the plan included in the packet depicted meets and bounds, but not necessarily grades, utilities, and things of that nature. Vice-Chairman Abair added this bond was issued before their time on the Board, so there might be good reason why the Board does not remember it.

Mr. Hincks commented that lot #8 is owned by a builder and that lot #10 is also owned by the Arboretum Development Company. Ms. Cosgrove said that she believed that property just sold.

Mr. Hincks stated he would like a bit more time on this also. Chairman Garvin asked the Board if there is anything in particular that they would want to see before ruling on this release. A discussion took place about the list of what was, and was not completed.

Vice-Chairman Abair stated in the past, the Board would have received a memo from the Town Engineer stating he reviewed the project.

Ms. Cosgrove asked if the Board wanted her engineer to submit a letter of request to the Planning Board. Chairman Garvin replied affirmatively and also requested an “as built,” to be submitted a week in advance of the meeting.

Master Plan Update

Ms. Donoghue thanked the Board for their responses to the finalists who had interviewed. She stated it came down to the Town Manager reviewing the Board’s calculations and looking at the price proposals as well.

Chairman Garvin added that as a Board, members all gave their rankings and selected Horsley Witten.

Mr. Hincks stated that it was a good process and the recommendation makes very good sense. Mr. Karustis said that he thought the right decision was made. Chairman Garvin added that as Chairman, he was very happy with the applicants received, and the Board had two very qualified firms that presented well. He stressed that the Board is very happy because we got the best qualified candidate, at the best price.

It was on motion unanimously.

VOTED: To support the Town Manager’s recommendation of hiring Horsley Witten, and to allow the Town to move forward with a contract, and a vote by the Board of Selectmen to allow the Town Manager to sign the contract.

Administrative Report

Ms. Donoghue announced that at 5:10 p.m. this evening, the Board received an e-mail from Vice President Steve Senna of National Development indicating a paving schedule for Route 20. She added that she and Ms. Suedmeyer met with the project manager for the Bridges Memory Care Facility, and they walked through the comprehensive permit, and provided a progress report on what has been completed, and what still needs work. Ms. Donoghue stated that Mr. Senna

handwrote a note stating when they are seeking their certificates of occupancy and when the “as built” will be completed. She added that if the Board has any questions, she can relay them to Mr. Senna. Ms. Donoghue also noted that Steve Senna inquired about when the Board would like to view the site.

Chairman Garvin questioned when the green space would be completed. Ms. Donoghue stated that in July the central green space will be completed. Vice-Chairman Abair asked if there any planned activities for the official opening and suggested that the Town sponsor two events; one focused on housing, and the other focused on the commercial side of things. He added both would be an opportunity to celebrate the large-scale collaborative efforts between the developer and the Town. He added that such an event might attract state officials.

Mr. Karustis asked who the Board should reach out to about this. Ms. Donoghue replied that Steve Senna is the one to ask. Chairman Garvin agreed that the Board should reach out to Mr. Senna and let him know that the Board is interested in an event. Mr. Hincks said that the Board cannot be passive in this regard, and should approach Steve Senna by saying that the Town is interested in showing everyone, including the Commonwealth, the great things that are going on in Sudbury.

Ms. Suedmeyer suggested coordinating an event, as part of launching the Master Plan.

Mr. Finnicum asked when negotiating the contract with the Master Planner, would the Town Manager consult with the Director of Planning and Community Development. Ms. Donoghue replied that she would ask and find out. Mr. Hincks thanked Meagen for her sharing of updates, and that it made him very pleased.

Ms. Suedmeyer reported that the Planning Board will be hiring an intern to work on the Open Space and Recreation Plan. She thought that the intern would engage with the Conservation Commission, as well as Parks and Recreation during the course of the summer and asked if the Planning Board would be interested in hearing from the intern as well. Chairman Garvin said that it would be great experience for both the intern and the Board. He added he would be happy to have a presentation and understand where that could help with our Master Plan Process as well.

Ms. Suedmeyer also announced that there is a Municipal Grant offered by the Department of Energy. She added that the Office of Planning and Community Development applied and should hear by next month. Ms. Suedmeyer indicated this is an effort that would coordinate with our Hazard Mitigation Plan update, which the department has also submitted application for.

Ms. Suedmeyer mentioned that the department will be releasing solicitation for responses for the structural component of the 25% design for the Bruce Freeman Rail Trail project, which had been omitted from the previous contract.

Meeting Schedule

Chairman Garvin announced that the next Planning Board meetings would be held on June 13, 2018 and June 27, 2018, and asked if anyone had comment about those dates. There were no comments from Board members.

Mr. Karustis made a comment that the Board tries to be accommodating with applicants, but materials need to be presented at least a week before presentation and not the day of or the day before the meeting. He added tonight was an example of that and asked for compliance with this rule. A group discussion took place. Vice-Chairman Abair agreed and said that it might help the applicant as well in their planning and time and that this requirement is posted on the website.

At 9:35 p.m., Chairman Garvin motioned to adjourn the meeting.

It was on motion unanimously

VOTED: To adjourn meeting