

Planning Board Minutes

July 11, 2018

Present: Chairman Stephen Gavin, Vice-Chairman Peter Abair, Charles Karustis, John Hincks, Nancy Kilcoyne, Justin Finnicum, 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.

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

Continued Public Hearing – Definitive Conventional Subdivision Application & Stormwater Management Permit – 212 Pratts Mill Road, (Assessor’s Map G05-0022)

Present: Applicant Karl Borg; Jacob Lemieux, Civil Engineer at Hancock Associates; and applicant’s attorney, Joshua Fox.

Mr. Lemieux indicated the applicant has now addressed all comments and made some major alterations. Specifically, to extend the turnaround and make it 5’ longer than originally proposed, with an increase in the radius of the roundabout. He added that a new easement would not be created. Mr. Lemieux summarized the six-item waiver list.

Ms. Donoghue stated that the preliminary application was approved on December 13, 2017, and added that the application was a rather cut and dry proposal.

Ms. Suedmeyer stated there remains an inspection waiver question because the Board had not heard from the Town Engineer yet. She added that peer reviewer, Janet Bernardo, PE, from Horsley & Witten Associates, had also commented that the Town Engineer’s input was pending. Ms. Suedmeyer further questioned the easements that would be put on the property for stormwater management. Mr. Lemieux said that easement in question is in regards to a drainage easement in the southern quarter of the lot. An easement to be taken care of by the homeowner’s association. Ms. Suedmeyer commented that there are other examples similar to this in Town and thanked Mr. Lemieux for this clarification.

Mr. Karustis stated that nothing seems to have changed and the applicant has responded. Vice-Chairman Abair commented that with regard to waivers, everything seems to be addressed and that he was satisfied with the subdivision plan. Mr. Hincks stated that he had no further questions regarding the subdivision. He wanted to note he was on record stating that other than what the Board had previously discussed, the development benefit to the Town was two-fold; the sidewalk fund contribution and the relinquishing of the easement on the property.

Ms. Kilcoyne inquired about the landscaping. Mr. Lemieux said that it is going to look much like it does now, because of the set back of the homes and the wooded area in the front.

Chairman Garvin stated that the Board typically wants a landscaping plan included. Vice-Chairman Abair agreed that a landscape plan is preferred in order to avoid any unexpected surprises later. Mr. Lemieux answered that there will be some tree removal taking place, but all

landscaping would take place later. Vice-Chairman Abair responded that the Board needs a landscaping plan before construction because the Board does not want to face any unexpected challenges later. Ms. Suedmeyer added that it has been practice to get formalized landscaping plans, where the limit of work is clearly delineated.

Mr. Finnicum commented about the diameter of the cul-du-sac turnaround and asked if there could be a reduction in impervious surface. Mr. Lemieux replied that this had been discussed before with the Planning Board and the Fire Department. The conclusion was that the “T” turnaround was preferred and is the less impervious method to follow by several thousand square feet.

Chairman Garvin thanked the development team for being responsive to the Board; contributing to the sidewalk fund and their action regarding the special permit. He further requested that a limit of clearing be clearly delineated on the plan, with some bushes being placed on the site, after the clearing is completed. He added that otherwise, the plan looked good from a subdivision prospective.

Mr. Fox commented he was trying to understand what language would be used in a motion at this time, and asked if it would be subject to the applicant planting a certain number of trees. Chairman Garvin replied that a note on the plan would be sufficient. Mr. Fox replied that the suggestion seemed fair, and added that use of the machine shop was the way of a use variance; which would be relinquished.

Ms. Suedmeyer commented that it was important to include a note indicating the retaining of existing trees protected during construction. She added the application should include a note on proposed landscaping and screening at the lot lines. She also recommended the delineation of scope of clearing, also to be included on the plan.

Ms. Donoghue suggested holding off on a decision tonight, until the plan is reviewed, and approved at a later meeting. Mr. Karustis agreed with the suggestion.

Vice-Chairman Abair asked if there was a draft decision. Ms. Donoghue replied not at this this time.

Mr. Hincks asked if the intention was to have the landscaping done by the future homeowner. Mr. Lemieux affirmed.

Chairman Garvin indicated he was looking for a minimal landscaping plan to fill cleared area if needed. Vice-Chairman Abair recommended addressing screening and preserving the character of the site. Mr. Karustis said he agreed with providing some type of screen options, especially at the lot line.

Chairman Garvin said that he would like to see a defined limit of work. Mr. Hincks suggested staff compose the language for a draft decision. Chairman Garvin agreed and suggested continuance of hearing.

It was on motion unanimously

VOTED: To continue public hearing – Definitive Conventional Subdivision Application – 212 Pratts Mill Road, (Assessor’s Map G05-0022) on July 25, 2018.

It was on motion unanimously

VOTED: To continue public hearing - Stormwater Management Permit – 212 Pratts Mill Road, (Assessor’s Map G05-0022) on July 25, 2018.

Public Meeting – Discussion of proposed subdivision – Powers Road, (Assessor’s Map B09-0001)

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

At 8:05 p.m., Chairman Garvin opened the discussion regarding Powers Road and stated that this was a public meeting. He added the applicant’s representative would present first and then comments from residents would be heard. He added that there would be another related public hearing.

Ms. Donoghue stated that the Board has nothing for Public Hearing yet, so the applicant can choose to go forward, or not.

Mr. Carr briefly summarized previous plan proposals, first being the four - lot cluster, which presented some concern for the Board and neighbors. He then described the three - lot conventional proposal, previously presented. He stated that he was part of a recent meeting with Ms. Donoghue, Ms. Suedmeyer, Ms. Dineen of the Conservation Commission, and another Conservation Commission member. He added the Conservation members preferred the four - lot cluster with a Conservation Restriction. He added that he was now proposing a three - lot cluster development, and referred to such on the exhibit board. He referred to a portion of the land would be put in a CR. Mr. Carr indicated this plan would reduce the amount of clearing needed with adequate soil for the septic systems and the right of way would be private.

Ms. Donoghue asked about the width of the proposed road, and if the applicant received input from the Fire Department. Mr. Carr said that a 20-foot pavement is necessary according to the Fire Department; and that is what the applicant would install.

Ms. Suedmeyer inquired about adequate site distance. Mr. Carr stated that site distance analysis was done, and he provided those details.

Mr. Karustis stated he understood that the remainder of the lot would be in Conservation Restriction (CR), and asked if the applicant would be open to putting the remainder in a CR. Mr. Carr said the applicant is willing to do this. Chairman Garvin cited the sidewalk fund as a balance. Mr. Karustis said that this approach might be a good compromise and said that three lots is tight, but better than four lots. He added that he disagreed with the Conservation Commission, who gave preference for the four - lot cluster.

Vice-Chairman Abair agreed with Mr. Karustis and stated that this development configuration is not so unusual, when compared to other lots in Sudbury; and is an appropriate remedy.

Mr. Hincks asked Mr. Carr to clarify the land distribution for CR. Mr. Carr defined the land on the exhibit board, and added that the applicant would be open to putting the rest of the land (approximately 10 acres) in CR.

Ms. Kilcoyne said she favored the least disturbance, and the plan that would preserve the most significant amount of land would be best. Mr. Finnicum said he appreciated the most recent plan proposal. Chairman Garvin said the Board prefers the plan that maintains the most amount of land. He added he appreciated the fact that the applicant would offer more CR land than is mandated and felt that the plan was headed in the right direction.

Concord resident, Mary Sterling, 59 Hunters Ridge Road, Concord, said she, her husband, and the neighbors continue to oppose any three or four lot configuration because those plans do not meet subdivision regulations. She added the cluster definition for the Sudbury bylaw is not met and has too many waivers involved. She also stated that cluster development or conventional development would change the topography complexion, as well as extremely altering the vegetated wetlands.

Resident, Joe Santangelo, 188 Powers Road, stated that he felt that progress was not being made with this issue, and this development would not be in keeping with the character of the area.

Resident Duffy Brent, 19 Barnet Road, said that most lots in the neighborhood are at least an acre and the creation of smaller lots is a move in the wrong direction.

Mr. Carr reiterated that the three-lot configuration requires no waivers, no work in the buffer zone, and would only disturb some three acres.

Chairman Garvin said there was a good chance that three lots could be developed without waivers.

Mr. Karustis said that he agreed with public comments made, but if development could be done without waivers and retain more natural vegetation, it is a good thing.

Vice-Chairman Abair agreed that the three – lot design plan, was less disruptive than earlier versions – and ultimately, something would happen; because this land is developable.

Mr. Hincks queried about how to prove that a plan does not need waivers and added that that much depends on waivers. Ms. Donoghue stated subdivision regulations contain a long check-list associated with the proposal. Chairman Garvin added that the application would have a layout plan meeting the requirements of a subdivision plan without waivers.

Mr. Hincks said that it is important that the community understand the requirements, which do the best to preserve land.

Vice-Chairman Abair said that CPA funds used for preservation of lands contributes, but this site is not considered for preservation.

Mr. Karustis suggested that architectural renderings from the vantage point of the road would be helpful.

Mr. Brent inquired about limiting the size of the houses. Ms. Donoghue added that setbacks determine the size. Chairman Garvin added that there is not enough information to make this house size determination, yet.

Resident Marilyn Dow, 10 Barnet Road, said that Ann Moran's home should be included on the plan.

Mr. Finnicum made a recommendation to protect the additional parcel behind this site where a vernal pool is.

Resident, Jason Zao, 205 Hunters Ridge Road, recommended that the Board continue to urge the applicant to preserve the described parcel as CR land, and that land is right behind his house, and is also the location of the vernal pool.

Resident Joe Santangelo, said his observation was that the Town is taking a political strategy, and now preferring three lots.

Chairman Garvin responded that there is the ability to require preservation of vegetation, and create conservation restrictions on this plan; and the Board thinks that there is value to CRs in perpetuity. He added that the Board felt the applicant could come forward with either plan presented and had the right to do so. In closing the discussion, Chairman Garvin maintained that the Board is here to ensure that applicants follow the regulations when developing.

Master Plan Update

Ms. Donoghue stated that there have been delays and finally got response from Horsley Witten (HW) today regarding the Scope of Work. HW came back with many suggested consultant edits, which emphasized that this is a working document and will be giving edits to his sub contractors.

Mr. Karustis questioned when the consultant saw the scope of work. Ms. Donoghue responded that the consultant was given the scope of work several weeks ago. Mr. Karustis said that he did not have enough time to review all the edits, given that the Board just recently received the documentation, but did note that on page two, the consultant states that the schedule and budget may be subject to change. Ms. Donoghue said that she was leery of that statement also, and that Town Counsel is reviewing the document, and has returned the Town Agreement section document with edits, which Town Manager reviewed. Chairman Garvin mentioned that re-wording is the biggest issue.

Vice-Chairman Abair recommended including milestones in the document, perhaps by timeline.

Mr. Finnicum recommended going over the document line by line and talking through some areas with the consultants.

Ms. Donoghue recommended that if Board members had suggested language to include in the edited document, to please forward that language to her.

Mr. Karustis said that if the contract has a late start date, then at a minimum; a new end date must be agreed upon. Chairman Garvin stated that the budget must be considered at this time also, since there is no flexibility with the budget.

Ms. Donoghue said that she was going to be meeting with the Town Manager to request an extension on the Community Compact, and she found out that summer is a tough time to communicate with people.

Administrative Report

Ms. Donoghue addressed the site plan for 415 Boston Post Road and asked for member signatures regarding the decision sent to the members, and added that Attorney Fox had some suggestions as well. She stated that ZBA requested comment regarding fence color, as a suggested condition. A brief discussion regarding the fence took place. Ms. Donoghue thought that this fence topic was inspired by neighbors, in respect to visual appearance. Ms. Donoghue asked if the Board had any opinions about the fence. Mr. Finnicum remarked that it depends on the type of fencing. Vice-Chairman Abair said that the main aspect about the fence, is that it should be in keeping with character of the Rt. 20 commercial area and should be subject to Design Review Board, since it appears to be out of the purview of the Planning Board.

Mr. Finnicum asked if there are any fencing height restrictions. Ms. Donoghue replied that there are no height restrictions in place. Chairman Garvin said that this height aspect, might merit further discussion, in light of the fall meeting.

Mr. Hincks added that the land drops off significantly; so there could be a safety consideration as well. Ms. Donoghue said that she would get further clarity on this matter.

Ms. Suedmeyer recommended adding a statement regarding the fence and the view from Rt. 20, as a standard condition. The Board agreed with this recommendation.

Meeting Schedule

After an agenda scheduling discussion with Ms. Suedmeyer, it was decided that the Open Space and Recreation plan would be discussed with Miles Chandler at the August 8th meeting. It was also agreed that the OARS would be put on the August 25th agenda, and that Sudbury Pines would also have a place on the future meeting agenda. Ms. Suedmeyer added that the Northridge update, which was due in June, had been received. She asked if the Board wanted timely updates from her; or wanted a representative from Northridge to come in. Ms. Suedmeyer presented related updates regarding the Northridge project. She added she would continue to do so as these updates came in the office and would further convey any recommendations that the Board might have. Chairman Garvin said that this approach would be fine, as long as Northridge continued to keep to the time requirements.

Chairman Garvin said that three RFP proposals for the Melone Property were received by the Board of Selectmen and cautioned the Board that one of the proposals comes from the developer that the Town is currently in litigation with.

Mr. Karustis said that he was surprised by these bids and thought that none of them really had appeal for him. However, he thought that the solar farm was the best of them, because the Town would receive a financial return, but the plan would not last forever.

Chairman Garvin stated the Board of Selectmen would judge which proposal was the best. Chairman Garvin stated he would have preferred that they wait on this decision for the Master Plan implementation.

Vice-chairman Abair stated that he too would have liked to have the Planning Board weigh in on this decision.

Ms. Donoghue asked the Board if they would like her to contact the Board of Selectmen and ask them if they would like the thoughts of the Planning Board.

Chairman Garvin replied that a short statement might be best.

Ms. Kilcoyne said that she agreed with the leasing of a solar farm, as did Mr. Karustis.

Chairman Garvin recommended that Board members attend the special Board of Selectmen meeting, if they could, on July 17th at 2:00 p.m. In the interim, the Board would submit a short statement.

Mr. Hincks said he would prefer not to move forward until the Master Plan is in place. Mr. Karustis agreed with that statement.

Mr. Finnicum stated that he would advocate for a short-term plan, rather than the sale of the land. He added the highest and best use of the Melone property might not be apparent until the Master Plan is further along. Mr. Hincks asked to be on record by saying that the public should have a say in this matter as well.

Ms. Donoghue stated that the Meadow Walk tour yesterday was successful. Mr. Karustis said that he was very impressed and felt that expectations have been met at the site. Vice-Chairman Abair stated that he was most impressed about the progress that was made at Meadow Walk, and that it was great to see that progress. Mr. Hincks added if more tenant announcements would be made. Ms. Donoghue added that a Peet's Coffee, and a second burger place would be opening soon, as well as an optometrist office.

Minutes for Review – April 11, 2018; April 25, 2018; May 15, 2018

It was on motion unanimously

VOTED: To approve minutes for April 11, 2018; April 25, 2018; and May 15, 2018.

Vote to enter into Executive Session to discuss strategy with respect to potential litigation where an open meeting may have a detrimental effect on

the litigating position of the public body and the Chairman so declares regarding 648 Boston Post Road, and not return to Open Session.

It was on motion unanimously

VOTED: To enter into Executive Session to discuss strategy with respect to potential litigation where an open meeting may have a detrimental effect on the litigating position of the public body and the Chairman so declares regarding 648 Boston Post Road, and not return to Open Session.

Open meeting adjourned at 9:30 p.m.