

## PLANNING BOARD MINUTES

Wednesday, October 24, 2018

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

Absent: Charles Karustis and John Hincks

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m., in the Silva Room at the Flynn Building.

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

### **Continued Public Hearing – Definitive Subdivision, Stormwater Management, Scenic Road – Powers Road, (Assessor’s Map B09-0001)**

Present: Dan Carr, E.I.T., of Stamski and McNary, Inc., Philip F. Paradis, Jr., PE, of BETA

Mr. Carr stated that since the previous meeting, he had responded to a second peer review from Horsley and Witten and a memo from Ms. Donoghue, which provided an overview of the project with additional items that requested. He added that he submitted revised plans, based on those reviews, and received a third response from Horsley and Witten; with additional peer review from BETA. He explained that because those latest peer review requests were recently received, there was not enough time to respond for this meeting. He maintained that the applicant has gone through the comments and was confident that all comments can be addressed. Mr. Carr said that there appears to be one or two areas, requiring response. He explained that in accordance with peer review comments, the applicant would probably install a grouping of storm chambers. At this point, Mr. Carr detailed the process and workings of the storm chambers proposed, which would further treat water runoff.

Mr. Carr referred to another comment made, regarding storage of materials and vehicles during construction; which he maintained would be addressed.

Mr. Carr stated that the BETA review mentioned details regarding utilities, and the request to provide more information in accordance with the bylaw stating that lot frontage was deficient on one of the lots. Mr. Carr addressed those items, by saying that there was enough space to be able to amend the front lot, and he was considering creating a parcel along Powers Road, which would address the requirement. He also mentioned some landscaping suggestions, details regarding conduits, and street signs; which Mr. Carr confirmed would be provided.

Mr. Carr stated that he had also submitted an Environmental Impact Report.

Mr. Paradis said that he and his company reviewed this relatively simple subdivision plan, and provided some comments. He mentioned that the two areas; the lot frontage aspect on Powers Road, appeared to be easily resolved. Mr. Paradis recommended retaining of healthy trees, where possible.

Ms. Donoghue stated that in terms of the subdivision response, the plan reviewer appeared satisfied with what had been submitted.

Ms. Suedmeyer stated that one aspect that had not been addressed from the peer review comments, was the safety of the depth of treatment in the forebay of the cul-du-sac.

Ms. Suedmeyer also mentioned the possibility of moving the septic system for lot 1 to the other side of the house, which had not yet been amended on the plans. Mr. Carr responded that the applicant had not done additional soil testing, but would do so. Ms. Suedmeyer mentioned that this action would help create more of a buffer for Powers Road. She added that in regards to the Environmental Impact Report, the scenic road aspect was not fully addressed to consider the character of the road. Ms. Suedmeyer recommended that tree removal could be discussed further to minimize the number of trees removed and to protect trees that are healthy during the construction process. These elements could be addressed further in the Environmental Report.

Ms. Suedmeyer additionally mentioned the landscaping plan, sediment erosion controls, and other mitigation actions could be expanded on in the report to further protect the resources on site during construction. She said that the potential conservation restriction on the parcel should be mentioned in the report.

Mr. Finnicum thanked Ms. Suedmeyer for mentioning the septic system consideration/location. He stressed that it would be very important to maintain as much buffer as possible along Powers Road; and that moving the septic and increasing the tree line would be important. He questioned how the tree line was going to be established on the west side of the lot; and asked how and when the new owners would continue that maintenance.

Mr. Carr addressed Mr. Finnicum's comments, by saying that a proposed infiltration barrier would define the limit of work, and that anything beyond that point, would not be touched. He suggested markers in the buffer zone, or on trees on the individual lots, could stipulate no clearing beyond a certain point, to alleviate a future homeowner from further clearing.

Ms. Kilcoyne asked about the line of sight to the south. Mr. Carr replied that since there would be clearing for the sidewalk, there was enough space with 14 feet buffer at Powers Road. Ms. Kilcoyne then asked about the tree impact on Lot 1. Mr. Carr replied that if the septic system was moved to the other side, then the tree line could be brought in, significantly.

Mr. Finnicum added that there might be a stone wall in that area. Mr. Carr affirmed that there was a stone wall, and part of the stone wall would have to be removed for the proposed entry road. Mr. Carr suggested that the moved stones, could be placed elsewhere on the property, to enhance some areas where it was sparse.

Vice-Chairman Abair asked Mr. Paradis about the traffic impact analysis section of the provided report, and read from that report: "It is expected that the clearing of trees on the inside of the curve due to the site development will improve the existing sight lines along the curve of the roadway. Assuming these trees are removed, adequate stopping sight distance (>250 feet) can be provided for vehicles approaching the subdivision drive." After reading, Vice-Chairman Abair asked if those mentioned trees would be removed. Mr. Carr referred to the plan, and stated that the plan was to remove four trees in the right-of-way, which stand within the site triangle.

Mr. Paradis added that those trees were marked. Mr. Carr referred to Sheet 7, where the indicator for tree removal was included.

Chairman Garvin recommended that a plan showing a good schematic, and delineating where the actual trees stood, would be required. He added that if the proposed shift in the road to the east takes place, how

would that help; either the scenic road aspect, or removal of stonewall and trees, or site distance; and asked what the advantage to moving it was; from a scenic road and site distance perspective.

Mr. Carr replied that either suggestion, would not make much of a difference, and would only be shifted eight feet or so, with not much difference from the scenic road aspect.

Chairman Garvin stated that the Board wanted to see more detail regarding the moving of the septic and suggested something more obvious than bounds, stating that a split rail fence might be helpful. He stressed that the two biggest points were: the buffer at Powers Road, and the back side 100' buffer detailed with significant bounds.

Ms. Suedmeyer mentioned that the "to be removed" labeling on the plans could be added to the legend plan and anywhere there are the trees close to the limit of work, it would be helpful to indicate whether or not those trees are retained, removed, or protected, with notation in a legend code as well. Chairman Garvin recommended that in addition to a "tbr" label, an "x" could be put through the existing dots on the plan, to better clarify.

Ms. Suedmeyer said that the limit of work included on the stormwater plan could be carried throughout the plan sheets. Mr. Carr agreed with the suggestions presented and stated that the legend would be included, He added that there is a tree protection detail on the landscape plan, indicating existing trees to be saved.

Mr. Finnicum asked if there were any updates regarding the stormwater chamber and maintenance. Mr. Carr responded by saying that the applicant decided to create a home association maintenance plan, and that future owners would be responsible for that plan and mentioned that there were several companies that could maintain these systems. Ms. Suedmeyer asked for an updated operations and maintenance plan. Mr. Carr affirmed that the only change made, was that an HOA would assume the responsibility for the maintenance of the mentioned chambers.

Concord resident Fred Burnham, 59 Hunter's Ridge Road, stated that the neighbors residing downhill of the property, were disappointed to learn that the HOA at the proposed Greenscape Park development, would be responsible for the maintenance of the substance chambers, catch basins, manholes, fore bays, street swiping and snow plowing. He asked what the quality of the HOA monitoring would be, and wondered how abutters could be guaranteed that the necessary mentioned tasks would be performed. Chairman Garvin replied that in similar situations, the Board required that reports be submitted annually by an engineer, stating and showing the receipts of the cleanings, etc.; as documentation to the Town. He added that sometimes monies are put in reserve, as assurance that these tasks are being performed, and documented.

Concord resident Mary Sterling, 59 Hunter's Ridge Road, stated that Meagen Donoghue, Beth Suedmeyer, and the Planning Board; had been very helpful and responsive. She also thanked the applicant for being responsive as well. She asked about the mentioned creation of a parcel on Powers Road. Mr. Carr responded that the applicant is proposing to create a parcel there, which takes the frontage away from one lot and would convey that parcel to lot 1; and there is nothing can be done in that area. Chairman Garvin suggested that this created parcel, would be a perfect location for the creation of the conservation restriction (CR).

Ms. Sterling stated that Chairman Garvin's suggestion was good, and requested a more thorough plan for the removal of trees at the development site. She mentioned that Horsley Witten added a section on the report, specifying identification of existing tree species; adding that there were forty large trees scheduled for destruction.

Concord resident Mary Mueller, 69 Hunter's Ridge Road, stated that she requested that additional hay be provided to keep the swale in place, and she wanted to ensure that vegetation would not be removed by contractors, builders or subsequent owners.

Mr. Carr mentioned that the proposed swale just emphasizes what is already there, and that much water does flow naturally, and this swale ensures that the runoff would continue to run in the same way. Chairman Garvin stated that a swale would be created, and that some vegetation around that area, would be removed within that limit of work, unless a tree is shown to be preserved; and any vegetation prior to construction, would be taken down. He stressed that when the swale is created, there will be proper grading.

Concord resident Larry Deroche, 143 Hunter's Ridge Road, stated that he pays taxes in both Sudbury and Concord; and said that he was confused about the proposed conservation area. He also asked if any study was done in regard to the water tables, as the water table is already high in this location. Mr. Carr explained that Parcel A is the parcel that would be protected by a Conservation Restriction, and the parcel in front on Powers Road, would probably be added to that. Mr. Carr referred to the prepared graphs, with his explanation. Mr. Carr stated that soil testing had been done, and affirmed that the groundwater was not as high, as is the case in many areas; so did not feel that there would be much impact on the groundwater, especially considering that much of the runoff is following the existing conditions for stormwater. Chairman Garvin provided further explanation, about the related state standards.

Concord resident, Jason Situ, 255 Hunter's Ridge Road, and Sudbury taxpayer as well, confirmed that the parcel in CR could not be built upon. Chairman Garvin affirmed.

Chairman Garvin stated that there was some additional work to be done, and stated that the applicant was getting there; and that responses to the latest peer review, must be submitted. He added that now was the time to examine how the scenic road aspect was going to be approached, per requirements; and wanted to see a more detailed plan in regard to site distance, which would not be "a wait and see approach."

Motion duly made and seconded, it was unanimously

VOTED: To Continue Public Hearing – Definitive Subdivision, Stormwater Management, Scenic Road – Powers Road, to November 14, 2018 (Assessor's Map B09-0001).

Ms. Suedmeyer mentioned that prior to next meeting, the Board would need a request for a continuation of the review period, as the deadline was approaching. Ms. Donoghue added that the deadline would be up before the next Planning Board Meeting, and suggested that the extension be in place as soon as possible.

At 8:15 p.m. Vice-Chairman Abair moved to:

**Continue Public Hearing – Site Plan & Stormwater Management – 8 Stone Road, (Assessor's Map K06-0303)**

On motion duly made and seconded, it was unanimously

VOTED: To Continue Public Hearing – Site Plan & Stormwater Management – 8 Stone Road, (Assessor's Map K06-0303).

Vice-Chairman Abair moved to:

**Continue Public Hearing – Site Plan & Stormwater Management – 554 Boston Post Road,  
(Assessor’s Map K06-0602).**

On motion duly made and seconded, it was unanimously

VOTED: To Continue Public Hearing – Site Plan & Stormwater Management – 554 Boston Post Road, (Assessor’s Map K06-0602).

Chairman Garvin introduced James Parker, candidate for the position on the Design Review Board.

Present: James Parker, 120 Moore Road.

Ms. Donoghue stated that the Design Review Board interviewed Mr. Parker, and recommended him for the position.

Mr. Parker said that he was a retiring radiologist, and was looking to pursue other interests, and studied architecture before he went into medicine. He stated that he always had an interest in architecture and planning.

Mr. Finnicum commented that Mr. Parker studied at the University of Penn. Mr. Parker confirmed that he studied architecture at the University of Penn. in 1978.

Chairman Garvin said that Mr. Parker was definitely qualified, and that he appreciated Mr. Parker wanting to serve and give his time to the Town; stressing that he would be very happy to have Mr. Parker on the Design Review Board.

Mr. Parker said that it was most important to maintain the character of the Town, and preserve what Sudbury has; and stated that he had some ideas that would help maintain that character.

Vice-Chairman Abair asked Mr. Parker if he had seen anything new in Town that caught his attention. Mr. Parker responded that the sign at the BMW dealership was not bad, in his opinion.

Motion was made to approve James Parker, as member of the Design Review Board.

On motion duly made and seconded, it was unanimously

VOTED: To approve James Parker as member of the Design Review Board.

Motion was made to re-appoint Justin Finnicum as associate member of the Planning Board, for another term.

Mr. Finnicum stated that he would be happy to stay on the Board. Chairman Garvin stated that Mr. Finnicum was a tremendous asset to the Board. Other members agreed.

On motion duly made and seconded, it was unanimously

VOTED: To re-appoint Justin Finnicum as associate member of the Planning Board for another term.

### **Master Plan Update**

Ms. Donoghue stated that she would no longer be employed by the Town of Sudbury, as of October 30<sup>th</sup> and that Beth Suedmeyer, Nancy Kilcoyne, and Horsley Witten would assume the supervision/coordination of the Master Plan subcommittee.

Ms. Suedmeyer stated that there were four at-large applications received thus far, and that there may be more.

Chairman Garvin asked if the Board agreed upon how many members there would actually be. He added that a number was proposed, but he was not sure that it was officially voted upon; and suggested that the full Board vote on this aspect at the November 14 meeting. Vice-Chairman Abair agreed with the Chairman's suggestion, and recommended that the November 14 meeting would be a good opportunity to review the subcommittee process.

Mr. Finnicum stated that one of the first items that was scheduled to occur, was the Project Management Report. Ms. Donoghue stated that the Master Plan consultant was going to start that, and discussed it on the phone today. Mr. Finnicum confirmed that the Project Management Report would establish the schedule.

Ms. Suedmeyer commented that the interviewing of candidates at-large, would be occurring within the next couple of weeks, and that the first steering committee meeting was schedule for the 29<sup>th</sup> of November. Chairman Garvin said that would be a busy time, because the Melone Town Forum would be held on the 27<sup>th</sup> and the Planning Board hearing was scheduled for November 28.

Ms. Suedmeyer suggested that the prospective steering committee candidates could be interviewed at the Planning Board meeting on November 14<sup>th</sup>, as well as deciding how many members would be desired for the final composition. Chairman Garvin said that plan would present a challenge, in terms of having to vote on the number of at-large members, and on the same night, that interviewing of candidates is supposed to take place. He stressed that the agenda for the November 14<sup>th</sup> meeting would be very busy, and added that the Board would be receiving a draft report regarding the Melone zoning bylaws, which would also be discussed at that meeting.

Vice-Chairman Abair asked if the stormwater management applicants from this evening, would be presenting at the November 14 meeting. Chairman Garvin responded, that potentially, all three hearings could continue at the November 14 meeting.

Ms. Donoghue stated that the application for 554 Boston Post Road had been significantly reduced in scope, and that the applicant might be coming into the office on Monday, to withdraw application for variances. Ms. Suedmeyer added that she doubted that the applicant for 554 Boston Post Road, would be presenting on November 14, because the ZBA meeting would not take place until November 26.

Chairman Garvin asked if the Board would want to consider an alternative date, and could go through Ms. Suedmeyer as the acting director, to discuss that possibility.

### **Administrative Report**

Ms. Donoghue asked if the Board would want to be prepped on related zoning, that might be presented at Town Meeting. Chairman Garvin stated that there is a timeline to meet the December 11 Special Town Meeting, for approval of the Melone property. Chairman Garvin mentioned that there were two zoning-related

pieces for consideration here, that would be detailed in the draft report, to be viewed at the meeting on the 14<sup>th</sup> for Board comments/edits, before voting. He added that he hoped that the draft would be delivered to the Board, a day or two in advance, for review before the discussion. Chairman Garvin mentioned that the Board of Selectmen would be voting on who will be bringing forth those zoning aspects, at their Oct. 30<sup>th</sup> meeting; and detailed that the Public Hearing would be on Nov. 28<sup>th</sup> to present and discuss those zoning options. Ms. Donoghue stressed that the Board has to be very aware of deadlines in regard to advertising, and the newspapers. The notice for advertising was discussed.

Chairman Garvin stated that he thought that the Town Warrant opened on November 7, and said that the zoning drafts would be created by consultant Janet Barrett and Town Counsel.

### **Minutes for Approval**

On motion duly made and seconded, it was unanimously

VOTED: To approve the minutes from June 27, 2018 and July 11, 2018.

### **Meeting Schedule**

The meeting schedule for the Board was agreed upon, for November 14 and November 28.

Ms. Donoghue stated that Board member, Charles Karustis would not be present at the November 14<sup>th</sup> meeting. Chairman Garvin mentioned that it might be worth having an additional Board meeting, to discuss the Melone draft documentation; especially if the full Board, could be present. Vice-Chairman Abair agreed that the additional meeting might be useful. Chairman Garvin suggested that the additional meeting could be scheduled for November 13, and suggested that staff could reach out to Mr. Karustis, to determine his availability.

Ms. Suedmeyer suggested that the special meeting might begin earlier in the evening. The Board agreed that starting the meeting at an earlier time, would be preferable.

Chairman Garvin thanked Ms. Donoghue for all her efforts and hard work with the Board and wished her the best.

The meeting was adjourned at 8:45 p.m.