

PLANNING BOARD MINUTES

SEPTEMBER 26, 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.

Public Hearing – Site Plan & Stormwater Management – Joint Meeting with the Design Review Board – 554 Boston Post Road, (Assessor’s Map K06-0602)

At 7:30 p.m., Chairman Garvin opened the public hearing.

It was on motion unanimously

VOTED: To indefinitely continue the public hearing – Site Plan & Stormwater Management Joint meeting with the Design Review Board – 554 Boston Post Road, (Assessor’s Map K06-0602)

Continued Public Hearing – Scenic Road Application – 201 Union Ave., (Assessor’s Map J08-0106)

Present: Owner/Applicant Kevin Harder, 201 Union Avenue, Sudbury.

Mr. Harder provided a brief narrative, recapping the proposal to re-build his garage to face Old Lancaster Road for safety reasons with the addition of curb cut on Old Lancaster Road. Mr. Harder stated that the new curb cut would require removal of a portion of stone wall, while retaining the two curb cuts on Union/Concord Avenue.

Ms. Donoghue stated that the revision to the initial public hearing held was the work on the Old Lancaster Road stone wall. She added that Mr. O’Rourke, the Town Engineer recommended closing the more dangerous curb cut on Union/Concord Ave., in order to create the new curb cut on Old Lancaster Road.

Mr. Karustis thanked Mr. Harder for the detail provided, and stated that he would rather keep the loop from Concord to Union Ave.

Vice-Chairman Abair questioned the retaining of the dangerous curb cut on Union Ave., if a new curb cut would be created on Old Lancaster Road.

Mr. Harder replied that he met several times with the Town Engineer, and acknowledged that he wanted the option that was safer, and asserted that any option would not be perfect.

Mr. Hincks recognized that accidents happened in the area of the existing curb cuts. Mr. Harder agreed that there had been car accidents, but not at the Union Ave. curb cut.

Mr. Hincks stated that he would prefer to close the existing curb cuts, but would probably approve the plan without including that condition, since the creation and use of a curb cut on Old Lancaster Road would eliminate much risk.

Ms. Kilcoyne questioned that necessity of having more than one driveway at the property. Mr. Harder explained that the proposed Old Lancaster Road curb cut would have a driveway to the garage, and the existing Union Ave. driveway accessed the front door, and main access to the home.

Mr. Finnicum stated that with the proposed curb cut on Old Lancaster Road, there would appear to be too many curb cuts for the property.

Chairman Garvin stated that he felt that closing the Concord Ave. curb cut would be best, and that three curb cuts was extensive. He recommended that the applicant think about it, and get back to the Board at least a week before hearing, if he decided to proceed with the elimination of a curb cut and then address the stormwater management aspect and addressing impervious area.

Mr. Karustis recommended the closing of the Concord Ave. curb cut as well. Mr. Harder responded that he would have to explore the cost for removal of the curb cut, and make a final decision; or simply use the existing curb cuts; which would be less expensive.

Mr. Karustis stated that he was fine with creating the Old Lancaster Road curb cut, and stressed that it would remove 90% of the vehicle volume.

Vice-Chairman Abair said that he did not favor the idea of retaining the Union/Concord Ave. curb cut.

Chairman Garvin stated that he would advocate the removal of the Concord Ave. curb cut as well.

Mr. Hincks said that he was in favor of the new curb cut on Old Lancaster Road.

Ms. Kilcoyne stated that she would favor creating the new curb cut on Old Lancaster Road, and eliminate the exiting curb cut on Concord Ave.

Mr. Finnicum agreed with Ms. Kilcoyne, stating that there would be benefit to the new curb cut on Old Lancaster Road in order to eliminate the existing curb cut on Concord/Union Ave.

A motion was made to approve the Scenic Road Application to allow a curb cut on Old Lancaster Road without conditions.

It was on motion, two in favor, and four against.

Hincks-aye, Karustis-aye, Garvin-no, Abair-no, Kilcoyne-no, Finnicum-no.

VOTED: To approve the Scenic Road application for a new curb cut on Old Lancaster Road.

The permit was thus denied.

Ms. Donoghue asked for clarification that the Board could consider a vote with conditions. The Board discussed that the Applicant did not want to consider the permit with the conditions which the Board discussed. The Applicant could reapply if they desire.

The Public Hearing was closed.

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

Present: Daniel Carr, E.I.T. from Stamski and McNary, Inc., Powers Road neighborhood residents, H. Marcus, neighborhood consultant.

Chairman Garvin opened the hearing and affirmed that the scenic road application aspect would not be covered separately.

Ms. Donoghue stated that the applicant had responded to the stormwater peer review and submitted revised plans with regard to site distance detail. She explained that staff and Board members participated in a site visit to the property, and all agreed that moving the septic system and having further traffic studies would be beneficial.

Mr. Carr stated that the plans were revised in response to Horsley Witten review and Board recommendations.

Mr. Hincks said that the stormwater aspect would not be covered tonight, since the applicant's documentation was just received by the Board yesterday.

Vice-Chairman Abair stated that the discussion tonight would focus on site lines, the site visit, and how the revised plan advances the discussion.

Mr. Carr stated that the updated landscape plan depicted the tree line with 11 feet of undisturbed buffer by the lot line. He added that moving of the septic system would be possible, and questioned what additional information the Board might require.

Ms. Donoghue stated that the Board and Staff has taken every element of the bylaw and addressed it, including site plan sheet #7, which reflects many missing elements and a number of deficiencies.

Mr. Karustis stated that he saw the deficiencies, and wanted to hear about the site visit.

Vice-Chair Abair asked if a response was being prepared. Mr. Carr replied in the affirmative.

Ms. Donoghue highlighted that a related traffic study, a peer review focusing on the distance aspect, an environmental review and appropriate landscape plan were needed, and the Board would need to vote/endorse those recommendations.

Vice-Chairman Abair spoke about the contents of the letter from Attorney Nathaniel Stevens, of McGregor & Legere. He asserted that further renderings were needed to delineate the wetlands.

Mr. Karustis stated that the complexity of the property would warrant a third independent peer review.

Mr. Hincks agreed with the necessity of a third party peer review.

Ms. Kilcoyne also agreed with the need for the third party peer review.

Mr. Finnicum agreed with the third party peer review as well, and mentioned the moving of proposed dwellings to increase buffers. Mr. Carr responded that his firm created a neighborhood plan, and stated that the proposed development was consistent with the acreage of the neighborhood lots.

Mr. Finnicum asked what the scope of the proposed environmental study might be. Mr. Karustis stated that guidance is required in regard to the resource areas.

Mr. Finnicum highlighted three critical areas: the stormceptor system, relocation of the septic system, and the creation of increased buffer. He suggested that a stone wall might be included, but closer examination was necessary.

Ms. Suedmeyer stated that the Town Engineer indicated that he was not comfortable with the stormwater plan proposed, and would not approve it as presented.

There was further discussion about a private road. Mr. Carr stated that the proposed road would be a private road.

Mr. Finnicum mentioned that another strategy might include stormceptors.

Ms. Kilcoyne referred to the existing fire hydrant. Mr. Carr responded that he thought that the hydrant was in Concord.

Mr. Finnicum encouraged the applicant to examine passive systems. Mr. Carr said that the focus is sediment.

Ms. Kilcoyne recommended the over-screening and including more trees.

Mr. Marcus, consultant, 62 Fowler Avenue, Lexington, MA; said that he had much development experience, was a former town planner and natural resources planner.

He recommended further rendering to depict the limit of work, and affirmed that this proposed development was essentially too dense for the area. Mr. Marcus suggested that two larger homes on the site would be preferable, and would increase the value of the development. He stated that a letter was submitted to address the impact of environmental considerations and runoff meeting the letter of the law. Mr. Marcus concluded by saying that he would be happy to help with aspects of the development and asserted that he was not anti-development, but thought that there could be other preferable plans for this development.

Resident, Joe Santangelo, 188 Powers Road, stated that the traffic increase on Powers Road has been caused by the stop light at the school and development in Concord. He added that neighborhood drivers are the only people who adhere to the 25 mph posted speed limit. Mr. Santangelo stated that for this reason, a detailed traffic study would be most significant.

Ms. Suedmeyer asked if the Board required reviews of additional studies to be performed.

Ms. Donoghue stated that the staff could work with Chairman Garvin, and assumed that the Board would require the applicant to fund those additional studies/reports.

Chairman Garvin stated that the Board wanted to see estimates for all additional services and would then get back to the applicant regarding the additional work and associated estimates. He stressed that it is most important to understand the traffic patterns in respect to site line and the time of clearing that could be recommended.

Mr. Carr mentioned that a traffic count report was submitted.

It was on motion unanimously

VOTED: To close the continued public hearing – Definitive Subdivision, Stormwater Management, Scenic Road – Powers Road, (Assessor’s Map B09-0001), and continue the Public Hearing to October 24, 2018.

At 9:00 p.m. the Master Plan Subcommittee, Ms. Kilcoyne and Mr. Hincks presented an update regarding the member selection process. Ms. Kilcoyne stated that the subcommittee proposed to attain prospect members from other Town Boards/Committees, with two members from the Planning Board (in addition to Ms. Donoghue) and the remaining members from the community at-large. Ms. Kilcoyne suggested that the member selection deadline be October 30, and added that the subcommittee would send a packet out to members, which would include interview procedure for the members at-large.

Ms. Donoghue suggested that non-voting subcommittee liaisons be provided.

Chairman Garvin suggested that Board members serve on the subcommittee in a rotating fashion, which would allow involvement and diversity.

Ms. Kilcoyne offered to help with the administrative aspects of the subcommittee.

Ms. Donoghue supported the offer.

Administrative Report

Ms. Donoghue informed the Board that she checked with National Development, and they would prefer to have the discussed celebration at Meadow Walk sometime in the spring, as the development is still working on various aspects.

Chairman Garvin said that it might be better to have more retailers occupying space, before the Meadow Walk celebration takes place.

Minutes for Approval

It was on motion unanimously

VOTED: To approve the minutes for May 23, 2018, and June 13, 2018.

Meeting Schedule

Members discussed the future meeting schedule of October 10, 2018 and October 24, 2018.

At 9:30 p.m., Chairman Garvin motioned to adjourn the public meeting, and 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.

It was on motion unanimously

VOTED: To close public meeting and enter into Executive Session, and not return to Open Session.