



# Town of Sudbury

## Planning Board

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### MINUTES

JANUARY 9, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

**Members Present:** Chairman Stephen Garvin, Vice-Chairman Peter Abair, Clerk John Hincks, Charles Karustis, Nancy Kilcoyne, and Associate Member Justin Finnicum.

**Others Present:** Acting Director of Planning and Community Development/Environmental Planner Beth Suedmeyer.

Mr. Garvin opened the meeting at 7:30 PM.

**Immediately Continued Public Hearing – Stormwater Management Permit – 621 Boston Post Road (Assessor’s Map J10-0612)**

Mr. Hincks made a motion to continue the Public Hearing for the Stormwater Management Permit for 621 Boston Post Road (Assessor’s Map J10-0612). Mr. Karustis seconded the motion. All members voted in favor, 5-0.

**Immediately Continued Public Hearing – Site Plan and Stormwater Management Permit – 8 Stone Road (Assessor’s Map K06-0303)**

Mr. Hincks made a motion to continue the Public Hearing for the Site Plan and Stormwater Management Permit for 8 Stone Road (Assessor’s Map K06-0303). Mr. Karustis seconded the motion. All members voted in favor, 5-0.

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

Mr. Hincks made a motion to continue the Public Hearing for the Definitive Subdivision, Stormwater Management, and Scenic Road Permit for Powers Road (Assessor’s Map B09-0001). Mr. Karustis seconded the motion. All members voted in favor, 5-0.

**Approval Not Required (ANR) Plan Approval – 25 Greystone Lane (Assessor’s Map C08-0160 & C08-0161)**

Mr. Garvin announced this alteration reflected a minor side lot line change and had been reviewed by staff.

Ms. Suedmeyer affirmed the plot plan for the Mark Taylor Revocable Trust was dated December 10, 2018 and was amended with a minor side lot line change. She stated there was a concern about the owner’s address, which was misleading, as the owner’s address was different from his physical address. Ms. Suedmeyer added the address aspect had been changed also.

Mr. Karustis inquired about the lot line adjustment. Ms. Suedmeyer replied the owner's two lots and the offset of setback now created a conforming status for the two lots, and the adjustment provides both lots with adequate side setbacks. She added the lot areas did not change.

Ms. Suedmeyer added the mylar plan was available for members to sign at the end of the meeting.

### **Review & Approve 2018 Annual Town Report**

Ms. Suedmeyer presented the Sudbury Planning Board 2018 Report and stated the Planning Board could provide edits/additions which could be approved by the Planning Board at its next meeting.

Mr. Karustis indicated he had reviewed the Report and thought it was fine. Mr. Garvin agreed the Report was acceptable as presented. Mr. Hincks stated he had not yet reviewed the Report.

Ms. Suedmeyer noted the Planning Board 2018 Report included the 2018 narrative summary of events, a tabled listing of developments that were under construction in 2018, and Planning Board Financial Data for FY2018.

### **Master Plan Update**

#### **• Approve the Charge and Create the Master Plan Steering Committee**

Ms. Suedmeyer presented the Master Plan Steering Committee Charge, originally drafted on December 12, 2018 and updated on December 20, 2018.

Mr. Garvin approved the Master Plan Steering Committee Charge.

#### **• Appoint Members to the Master Plan Steering Committee**

Ms. Suedmeyer presented the Master Plan Steering Committee member list and the Motions on the Formation of the Master Plan Steering Committee took place.

Mr. Finnicum made a motion that the Planning Board vote to establish the Master Plan Steering Committee. Mr. Karustis seconded the motion. All members voted in favor, 5-0.

Ms. Kilcoyne made a motion that the Planning Board approve the Master Plan Steering Committee Charge. Mr. Karustis seconded the motion. All members voted in favor, 5-0.

Mr. Hincks made a motion that the Planning Board vote to appoint the following At-Large members to the Master Plan Steering Committee for a term to expire May 31, 2020:

- Susan Asbedian-Ciaffi, 140 Morse Road
- Nathalie Forssell, 67 Powder Mill Road
- Jan Hardenbergh, 7 Tippling Rock Road
- Jennifer Roberts, 14 Griffin Lane
- John Sugrue, 23 Kay Street

Mr. Karustis seconded the motion. All members voted in favor, 5-0.

Mr. Karustis made a motion that the Planning Board vote to accept the appointments of the following Master Plan Steering Committee members from their respective Boards and Committees:

- Lee Swanson of the Historic Districts Commission, 55 Hudson Road
- Fred Taylor as an Alternate for the Historic Districts Commission, 38 Cider Mill Road
- Patricia Guthy of the Committee on Disabilities, 24 Pinewood Ave.
- John Riordan of the Zoning Board of Appeals, 12 Pendleton Road
- Dave Henkels of the Conservation Commission, 17 Twin Pond Lane
- Robert May of the Council on Aging, 98 Maynard Farm Road
- Amy Lepak of the Sudbury Housing Authority, 54 Jarman Road
- Ellen Joachim of the Lincoln-Sudbury Regional High School (LSRHS) School Committee, 6 Craig Lane
- Dick Williamson of the Parks and Recreation Commission, 21 Pendleton Road
- Janie Dretler of the Board of Selectmen, 286 Goodman's Hill Road
- Dan Carty of the Board of Selectmen, 15 Stonebrook Road

Mr. Hincks seconded the motion. All members voted in favor, 5-0.

Mr. Garvin thanked all appointed Steering Committee members for their participation in such an important matter for the Town. He added this was the biggest charge for the Planning Board and that the Board was pleased to have such a qualified and diverse group of individuals to provide the needed feedback and direction.

Newly appointed Steering Committee member Janie Dretler of 286 Goodman's Hill Road stated she was looking forward to working on the Steering Committee.

Newly appointed Steering Committee member Patricia Guthy of 24 Pinewood Avenue stated she was pleased the Committee on Disabilities had a place on the Steering Committee and would be represented.

#### **Annual Town Meeting Zoning Bylaw Discussion**

Mr. Garvin opened the discussion regarding the kennel law. Ms. Suedmeyer stated the article in question was Article 700, Definitions – Dog Kennel. She indicated the inconsistencies between the Zoning Bylaw and the state law was affecting the ability to permit properties in the town. She read aloud the M.G.L. c.140, s.136A definition: "Kennel – a pack or collection of dogs on a single premise including a personal kennel," adding that the state defined such pack as more than 4 dogs, and the Town presently defined a dog kennel as being more than three (3) dogs.

Ms. Suedmeyer recommended the Zoning Bylaw be changed to be consistent with the Massachusetts General Law.

Mr. Garvin asked if the law had been changed again since the Planning Board had voted on this about a year ago. Ms. Suedmeyer replied she did not recall. Mr. Hincks recalled the article presentation at Town Meeting. Mr. Garvin suggested reviewing the previous Planning Board minutes to confirm what had been covered.

Mr. Garvin noted that formerly, Sudbury's Zoning Bylaw did not conform with the state law and he believed the Town ruling reflected no more than three dogs.

Mr. Hincks noted if the Zoning Bylaw had to be changed to conform with the state law, a vote of Town Meeting would have to be taken. Ms. Suedmeyer indicated the deadline for submitting articles for the Town Meeting Warrant was January 31, 2019.

Mr. Garvin stated licensing and permitting is mandatory if a certain number of dogs were present at a given location.

Mr. Abair added he thought the Planning Board had chosen the option of the lesser amount of dogs after substantial discussion. Mr. Garvin affirmed that after reviewing the appropriate set of minutes, the Planning Board would have one more meeting available to discuss the issue before the Warrant Article submission deadline.

Ms. Kilcoyne queried if this licensing/permitting number was applicable to personal residences as well. Mr. Garvin affirmed the statement.

### **Administrative Report**

Ms. Suedmeyer noted the kick-off meeting for the Master Plan Steering Committee would be January 18, 2019 at 8:30 AM in the Silva Room in the Flynn Building, 278 Old Sudbury Road. She added the consultant, the Horsley Witten Group, would be facilitating the first meeting and a meeting schedule would be determined at that first meeting. Ms. Suedmeyer anticipated the Master Plan Steering Committee would be meeting twice per month.

Ms. Suedmeyer stated Department of Public Works Director Dan Nason and representatives from Woodard & Curran had presented the Town of Sudbury Wastewater Planning Update at the Board of Selectmen's meeting the previous night. She noted the Town Manager had asked the Planning Board be informed about this initiative and requested the topic be placed on an upcoming Planning Board agenda.

Ms. Suedmeyer referred to the Project Budget and Timeline within the Town of Sudbury Wastewater Planning Update, which was distributed to members. She added that if the Board of Selectmen so voted, a Warrant Article would be included for the May 2019 Town Meeting to request \$500,000 for a study and Massachusetts Environmental Policy Act (MEPA) filing over a timeframe of 22 months.

Mr. Hincks asked how this proposed sewer project would intersect with the new Master Plan project. Mr. Garvin stated the need should be incorporated into the new Master Plan. Mr. Karustis agreed the timing of the wastewater proposal and the implementation of the new Master Plan was great.

Mr. Abair stated a Town wastewater management steering committee had been established and that it could have an active role, especially if some of the work already done could be included in a new plan as suggested by Woodard & Curran.

Ms. Dretler confirmed that Woodard & Curran had indicated some of the work already completed could be incorporated with the new Master Plan.

Maya El Asmar of 625 Boston Post Road stated she had concerns about the stormwater public hearing for 621 Boston Post Road (Assessor's Map J10-0612) and the alcohol license for the Riceberry Restaurant. Mr. Garvin indicated it would be best for Ms. El Asmar to return with her related comments when the applicant came back before the Planning Board at the continued public hearing. Ms. Suedmeyer suggested Ms. El Asmar check the Town website for the date of the continued hearing or to call the Planning and Community Development Department for that information.

**Minutes for Approval**

Mr. Hincks made a motion to approve the minutes of the September 5, 2018 meeting. Mr. Abair seconded the motion. All members voted in favor, 5-0.

**Meeting Schedule**

Ms. Suedmeyer noted the next two Planning Board meetings were scheduled for January 23, 2019 and February 13, 2019. She asked if members would be able to attend those meetings.

Mr. Finnicum stated he would be traveling and would likely not be present at the February 13, 2019 meeting.

Mr. Karustis stated he would be away on business on January 23, 2019 and likely would not be at the meeting on that date.

At 8:10 PM, Mr. Garvin made a motion to adjourn the Open Session meeting and to enter into Executive Session. Mr. Hincks seconded the motion. All members voted in favor, 5-0.

**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.**

Mr. Garvin made a motion 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. Mr. Hincks seconded the motion. The roll call vote was as follows:

Mr. Garvin – Aye, Mr. Abair – Aye, Mr. Hincks – Aye, Mr. Karustis – Aye, and Ms. Kilcoyne – Aye.