



Town of Sudbury

Planning Board

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MINUTES

JANUARY 23, 2019 AT 7:30 PM

SILVA ROOM, FLYNN BUILDING, 278 OLD SUDBURY ROAD, SUDBURY, MA

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

Members Absent: Charles Karustis

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

Mr. Garvin opened the meeting at 7:30 PM and announced the Joint Meeting/Hearing with the Design Review Board.

Chairman of the Design Review Board, Daniel Martin, opened the Design Review Board meeting.

Continued Public Hearing – Site Plan & Stormwater Management Permit – Joint Meeting with the Design Review Board – 8 Stone Road (Assessor’s Map K06-0303)

In attendance to discuss the matter with the Planning Board was Jack Kelleher of 59 Karen Road, Framingham, MA, the Owner’s Representative.

Mr. Kelleher referred to the plan for Aruna’s Place at 8 Stone Road and stated the windows and doors had been included in this plan with proper exits and entrances, as well as lighting. He added there was no lighting outside the confines of the proposed building. Mr. Kelleher provided further detailing about the windows.

Design Review Board member Deborah Kruskal asked if some of the windows were casement windows and queried if they could be opened.

Mr. Kelleher stated he thought this was an omission on the part of the designer/engineer and he would have the matter of the windows corrected. Ms. Kruskal commented the windows would look better if all the windows were the same style. Mr. Kelleher indicated they would all be the same and would be hung windows like the other windows on the existing building.

Design Review Board member Susan Vollaro stated her primary comments involved the elevations which was the only plan the Design Review Board had received.

Mr. Kelleher presented the Design Review Board with the plot plan, which displayed the existing deck on the property.

Design Review Board Chairman Mr. Martin asked if the floor plan had changed since the previous meeting. Mr. Kelleher responded by indicating the floor plan had not changed. The Planning Board provided the Design Review Board with the four page floor plans, rear and side elevation plans, framing

plan, and a section thru addition plan, all stamped and received by the Planning Board on October 17, 2018. The Design Review Board reviewed these plans with Mr. Kelleher.

Mr. Finnicum inquired about wheelchair accessibility. Mr. Kelleher responded the handicapped access was located on the south side of the building and referred to the plans. He noted there would be three additional points of access/egress.

Mr. Garvin commented on the grade over the drainage system creating a type of “hump” in the front of the building.

Ms. Vollaro recommended breaking up the façade a bit and suggested a small dormer or portico-type structure be constructed over the doorway. Mr. Martin added the proposed dormer or portico type-structure could match the pitch on the other part of the building. Mr. Kelleher agreed with the recommendation.

Ms. Kruskal asked if all the doors shown on the plan would be in use. Mr. Kelleher responded in the affirmative, especially in consideration of the children and their daily activities. Ms. Kruskal referred to the door of the proposed addition and asked exactly what exterior area that door would lead to. More specifically, members of the Design Review Board asked if that door would lead to a walkway, sand play area, etc. Mr. Kelleher responded the step outside that door would probably go onto a sanded area and stated nothing had been drawn on the plans yet in the event that another deck might be desired.

Ms. Kruskal stated the plans would have to provide more details before the Design Review Board could make any further recommendations. Ms. Vollaro added that fencing, paths, ramps, contours, and the proposed landscaping was not finalized yet, and it would be helpful to be able to review those completed aspects. Mr. Kelleher indicated the Design Review Board would be receiving those completed plans.

Mr. Martin summarized the issues which included corrections of the windows and the addition of a dormer/portico over the door to break-up the span.

Ms. Suedmeyer commented about the light fixtures which had been mentioned at the previous Joint Meeting. Mr. Martin responded that light fixtures are usually included on the plans, but these plans did not display them. Ms. Vollaro suggested a picture or diagram of the proposed light fixtures be included for review. Mr. Kelleher stated he would provide pictures of those light fixtures.

Ms. Vollaro noticed there was no proposed signage as part of the application and suggested the existing sign be updated. She added that if the applicant chose to change the free-standing sign currently on the site, it should be included in the application materials. Mr. Kelleher stated he would discuss that topic with the applicant.

At approximately 7:55 PM, Mr. Garvin stated the Stormwater Management Permit hearing would continue.

Ms. Suedmeyer indicated the Planning Board had received the revised materials for the Stormwater Management Permit application and the hearing was delayed due to completion of the elevation plans. She mentioned the peer reviewer at Horsley Witten was satisfied with the revisions and recommended the owner’s signature be included on the Operation and Maintenance (O&M) Plan. Ms. Suedmeyer also stated the proposed walkways and necessary grading, as recommended by Mr. Garvin, must be included on the plans. She recommended the applicant come back to the Planning Board with those modifications. Mr. Kelleher agreed the plans would show all of the requested items.

Mr. Abair agreed that details regarding grades and proposed walkways, which might affect impervious surfaces at the site, had to be included in the plans.

Mr. Hincks mentioned the Design Review Board's suggestion regarding inclusion of a landscaping plan. Mr. Kelleher stated there may not be a need to change the current landscaping unless the Planning Board finds reasons to do so.

Ms. Kilcoyne stated she liked the idea of breaking up the side of the building with a dormer over the door. She asked if a new deck would be included and, if so, would the Maple tree be taken away. Mr. Kelleher indicated the existing deck would be removed and the owner was considering constructing a new deck at the north end of the building which would not be in the playground area. Mr. Garvin noted any proposed deck would have to be included in the application plans. Mr. Kelleher stated he would check with the applicant on that point.

Ms. Suedmeyer suggested that even if a proposed deck would be phased on the property later, it should be shown on the current plans in order to be permitted.

Mr. Finnicum noted he would like to see more detail on the egresses. He wanted to better understand what the hardscape for these areas would be and how the pathways might relate to that aspect. Mr. Finnicum added that consideration of sloping must be reflected in the plans as well.

Mr. Garvin recommended a bit more detail be included in the O&M Plan regarding the stormwater system, including what those items might cost. He also requested more details regarding the gutter system and how it integrates into the stormwater plan. Mr. Kelleher asked if there were standing recommendations relative to the O&M Plan for the stormwater system. Mr. Garvin suggested putting the stormwater maintenance plan into more general language, rather than the language of the manufacturer. He also indicated the maintenance cost would very likely be more than \$100.00 per year.

Mr. Garvin noted the application had come a long way, but a bit more detail in the plan set was necessary. Mr. Kelleher stated he agreed with the recommendations.

It was on motion unanimously,

VOTED: To continue the Public Hearing for a Site Plan & Stormwater Management Permit for 8 Stone Road (Assessor's Map K06-0303) to the Planning Board meeting on February 27, 2019.

Continued Public Hearing-Stormwater Management – 621 Boston Post Road (Assessor's Map J10-0612)

In attendance to discuss the matter with the Planning Board were Mike DiModica, Contractor, and Richard and Jerome Tuck, Owners.

Mr. DiModica stated the project involved the replacement of two septic systems on the property which had failed. He described the property and proposed to reduce the grade and the runoff towards the building which had been problematic. Mr. DiModica noted that because of poor grading in the past, the building had incurred much rotting. He stated there would not be any increase in impervious area, and the plan and two catch-basins were included on the plan. Mr. DiModica referred to the plot plan as he described the proposal, which included redirecting stormwater in an improved manner.

Ms. Suedmeyer noted comments from Department of Public Works Director Dan Nason, Health Director Bill Murphy, and Building Inspector Mark Herweck dated January 17, 2019 had been submitted. Ms. Suedmeyer stated the only outstanding comments Ms. Bernardo, the peer reviewer, had mentioned were the inclusion of signatures on the O&M Plan.

Mr. Abair questioned the existing ramp, which the Building Inspector included in his comments. Ms. Suedmeyer stated the existing ramp required some repair. Mr. DiModica replied the ramp had been

repaired with the inclusion of a handrail. Mr. Abair also mentioned the 4 foot retaining wall needed a Building Permit as mentioned in the Building Inspector's comments. Mr. DiModica referred to the detail of the plans on page 3, which depicted the retaining walls as being less than 4 feet.

Mr. DiModica offered a plan to decrease a small amount of the existing impervious surface. Mr. Garvin stated the site was difficult to understand on the plan as presented. A discussion took place regarding the displayed square footage.

Mr. Abair asked how further snow plow damage could be eliminated, especially in regard to the abutter's property. Mr. DiModica replied that proper staking and strict precaution measures would be utilized.

Mr. Hincks questioned the berm issue and asked about the associated trade-offs. Mr. DiModica replied the tradeoff was the owner/applicant wanted to control the stormwater on the property, which is the reason why the applicants are recommending inclusion of the berm. Mr. Hincks noted the peer reviewer had an alternative suggestion regarding the berm. Mr. DiModica indicated the peer reviewer's alternative solution was to have the water go into the neighbor's property as a means of infiltration, with the installation of an infiltration trench, which would not meet the stormwater setbacks.

Ms. Kilcoyne asked about the fencing aspect. Mr. DiModica explained the abutter wanted the fence installed on his property so the fence would be on higher ground and provide improved screening. Mr. Tuck commented there had been a fence there some years ago, but it had collapsed.

Mr. Finnicum asked about the sequencing and the amount of work which needed to be done to remove the existing leach field. He questioned how the fill would take place. Mr. DiModica replied the process had already taken place and had been certified by the Town.

Mr. Garvin stated he wanted documentation for an Operating & Maintenance Plan included and affirmed that the berm should be reviewed on an annual basis. He added he would also like a signature of the certified engineer included on the application, in keeping with consistency of procedure.

Mr. Garvin welcomed Mr. Tuck to his new business location at 621 Boston Post Road. Mr. DiModica stated the Tucks had been doing business in Sudbury for some 40 years. Mr. Garvin indicated he was pleased to see improvements to the site and felt the abutters were also satisfied.

Ms. Suedmeyer asked Mr. DiModica if he had coordinated with the Massachusetts Department of Environmental Protection (MassDEP). Mr. DiModica replied they had not. Mr. Garvin noted as long as the swap for that area is demonstrated for the retaining wall, it would not be necessary to coordinate with MassDEP.

Mr. Garvin stated the Planning Board would want to see the final plans regarding the retention wall.

It was on motion unanimously,

VOTED: To continue the public hearing on 621 Boston Post Road (Assessor's Map J10-0612).

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

It was on motion unanimously,

VOTED: To continue the Public Hearing for a Definitive Subdivision, Stormwater Management, and Scenic Road Permit – Powers Road (Assessor's Map B09-0001).

Approval Not Required (ANR) Approval – 150 Dakin/38 Field Road (Assessor’s Map B10-0301, 0304, 0128, 0305)

Ms. Suedmeyer stated this matter had previously come before the Planning Board in 2016 and was approved at that time, however, the issue was the applicant did not consider that some of the land is in the Town of Concord. She noted the ANR Plan was being presented in order to clarify which land was in Sudbury and what land was in Concord. Ms. Suedmeyer stated some of lot numbers were being changed, but otherwise there were no other changes. She mentioned there was a new house at the end of Field Road.

Discussion took place regarding ANR matter and the approval process.

Request for SWMP Bond Reduction – 70 Indian Ridge Road

In attendance to discuss the matter with the Planning Board was Gary Bennos of 70 Indian Ridge Road.

Mr. Bennos stated 70 Indian Ridge Road was his personal residence and the project was now 80% completed. He had submitted documentation dated January 11, 2019 from the stormwater systems installer, Kevin Cutler, of Cutler Contracting. Mr. Cutler had verified the systems had been installed per the approved plans. He also included the Site Inspection Report dated January 11, 2019 from Town Engineer Bill O’Rourke agreeing with the 80% (\$50,000) cash bond refunding to Mr. Bennos. Mr. O’Rourke detailed in his Site Inspection Report that Mr. Bennos may seek the remaining \$12,500 cash bond when Yard Drains 1 to 5 were installed.

Mr. Abair noted the remaining work involving the yard drains would likely be installed in the spring. Mr. Bennos agreed.

Mr. Garvin asked if an “as-built” plan was required to approve the bond request and Ms. Suedmeyer responded it was required. Mr. Bennos stated the \$12,500 being held back was assurance the “as-built” plan would be submitted as well.

Ms. Suedmeyer noted there was a small revision, including stabilization of work, in addition to the yard drains, which is consistent with other projects.

It was on motion unanimously,

VOTED: To release \$50,000 of the \$62,500 cash bond for 70 Indian Ridge Road.

Review & Approve 2018 Annual Town Report

Ms. Suedmeyer stated the updated 2018 Annual Town Report reflected some minor revisions within the “new developments construction table” section.

Mr. Hincks asked about Stormwater Management Permit trends as depicted in the 2018 Annual Town Report. Ms. Suedmeyer responded Stormwater Management applications had increased in 2018. Mr. Hincks stated the correlation might be lots remaining to be built upon are somewhat challenging lots. Ms. Suedmeyer agreed and added the numbers in the Report also included the General Stormwater Permit applications submitted in 2018.

It was on motion unanimously,

VOTED: To approve the 2018 Sudbury Planning Board Report.

Annual Town Meeting Zoning Bylaw Discussion

Ms. Suedmeyer stated that after researching the Planning Board action taken regarding the Kennel bylaw, she and staff had discovered the Planning Board had decided to Indefinitely Postpone (IP) the matter. She noted more review might be necessary in order to present the bylaw to Town Meeting, in addition to possibly presenting the inclusionary zoning topic and other matters.

The Planning Board discussion took place regarding the kennel topic.

Mr. Garvin suggested more research be done on the matter, with perhaps looking to Fall Town Meeting, for presentation.

Mr. Abair asked if the Planning Board wanted the topic of inclusionary zoning to be discussed at a future meeting. The Planning Board members agreed putting the topic of inclusionary zoning on a future agenda would be a good idea.

Mr. Garvin noted the inclusionary zoning topic had been discussed at the Town Forum, as well as with the Sudbury Housing Authority, and he advocated for continued discussion.

Master Plan Update

Ms. Suedmeyer stated the Master Plan Steering Committee (MPSC) had its kick-off meeting on January 18, 2019 and it was well attended with two Planning Board members in attendance. She stated discussions at the first MPSC meeting were very robust and enthusiastic.

Ms. Suedmeyer noted John Sugrue volunteered to be Chairman, with two vice-chairs, Susan Ciaffi and Jennifer Roberts. She added Nancy Kilcoyne and John Hincks had attended the kick-off meeting. Ms. Suedmeyer noted the MPSC would meet on the third Fridays of the month at 8:45 AM and the next meeting was scheduled for February 15, 2019. She stated meetings would be held at the Sudbury Police Station where is there more space.

Mr. Hincks noted he was impressed by the member participation at last week's kick-off meeting and Ms. Kilcoyne agreed.

Ms. Suedmeyer stated she and the consultants were working on follow-up items for the next meeting. She explained one of the concerns was the logistics of forming subcommittees and indicated she would confer with the Town Manager regarding subcommittees and related protocol; such as quorums, possible officer appointments, etc.

Mr. Hincks added the consultant, the Horsley Witten Group, did not have strong opinions about the subcommittees and related formation. Ms. Suedmeyer stated there could be much variability on how different towns conduct such subcommittees or groups.

Mr. Garvin asked what the goal of the MPSC was for the next few months. Ms. Suedmeyer responded that coverage of the Public Participation Plan topic was not completed and would continue at the next meeting.

Mr. Garvin recommended the consultants commence with a proposed action plan and an outline for each meeting to be submitted to the Planning Board at least three days before each meeting to ensure progress and direction for particular topics.

Mr. Finnicum suggested a project management style format might be utilized, as an overall project plan. Ms. Suedmeyer noted charter concepts were suggested to the MSPC and these will be revisited. She stated the MPSC expressed interest in further exploring the baseline report aspect as a an initial step, as

well as linking to other Town Boards and Committees that would be relevant to various subject matter to be covered.

Mr. Finnicum suggested the consultants plan to periodically update the Planning Board and to include MPSC progress and status information. Mr. Abair agreed. Mr. Hincks mentioned the consultants should assume the direction of timetables, Town budget considerations, and plan execution. The Planning Board members agreed those responsibilities should be assumed by the consultants.

Administrative Report

Ms. Suedmeyer noted the ANR Approval presented earlier in the meeting reflected a previous ANR request in 2016 when the applicant provided an administrative fee of \$50.00, which was underpriced. She noted the administrative fee for such services was \$150.00. For this ANR Plan, the applicant asked if another \$50.00 would be an acceptable fee. The Planning Board agreed with the additional \$50.00 fee and Ms. Suedmeyer stated she would get back to the applicant.

Mr. Garvin stated he had received a phone call from a Historic Districts Commission member with concerns that Sudbury's Scenic Road Bylaw called for the Historic Districts Commission to be included in any tree removal decision process within the scenic road areas. Mr. Garvin stated he referred the individual to the Town Planner and would check that bylaw and review the associated protocol.

Ms. Suedmeyer indicated she had not received such a call. A discussion took place regarding the removal of trees and the involvement with the Historic Districts Commission.

Minutes for Approval

The meeting minutes of September 5, 2018, September 26, 2018, and October 10, 2018 were reviewed by the Planning Board.

Mr. Abair recommended a particular discussion be included in the September 26, 2018 minutes regarding the continued Public Hearing for 201 Union Avenue. Ms. Suedmeyer suggested those minutes be reviewed at the next Planning Board meeting.

Mr. Hincks made a motion to approve the minutes of September 5, 2018 and October 10, 2018.
Mr. Abair seconded the motion. All members voted in favor, 4-0.

Meeting Schedule:

The Planning Board agreed the upcoming meetings would be scheduled for February 13, 2019 and February 27, 2019.

There being no further business, the meeting was adjourned at approximately 9:25 PM, on a motion by Mr. Garvin, seconded by Mr. Hincks, with all members voting in favor, 4-0.