



# Town of Sudbury

## Planning Board

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### MINUTES

SEPTEMBER 11, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

**Members Present:** Chair Stephen Garvin, Vice-Chair Charles Karustis, Secretary John Hincks, and Justin Finnicum.

**Members Absent:** Nancy Kilcoyne

**Others Present:** Adam Duchesneau, Director of Planning and Community Development, and Beth Suedmeyer, Environmental Planner.

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

**Continued Public Hearing – Site Plan Review, Stormwater Management Permit and Water Resource Protection Overlay District Special Permit – 554 Boston Post Road (Assessor's Map K06-0602)**

Quentin Nowland of 554 BPR LLC, Attorney Jerry Effren, and Engineers Mike Sullivan and Vito Colonna of Sullivan Connors & Associates, Inc. were present to discuss the application with the Planning Board.

Mr. Nowland provided an update on some of the changes to the project including a reduction of the eave roof height, a change in door coloring, implementation of a native fieldstone around the front entry, and a reduction in the number of cupolas.

Mr. Colonna noted several changes to the Site Plan including the addition of walkways for handicap accessibility and the removal of some doors on the west side of the building. Mr. Colonna also summarized the Zone 2 requirements including groundwater conditions.

Mr. Nowland provided details regarding the request for a Photometric Plan prepared by a lighting engineer. He also presented a revised Landscape Plan which included the installation of tree screening at the rear of the proposed building, as well as eight foot high fencing. Mr. Nowland provided details regarding the additional tree planting plan, including a deciduous tree proposed for the front of the property. He also noted additional native vegetation was included in the planting listing per Ms. Suedmeyer's recommendation.

Mr. Nowland indicated Ms. Kilcoyne had several requests regarding the proposed archeological dig. Mr. Nowland confirmed he made several calls to the state and professional archeological firms, and stated the process appeared to be somewhat complex and stressed parameters would have to be incorporated.

Mr. Duchesneau noted several new plans had been presented to the Planning Board that evening and public correspondence was also included in the meeting packets along with Ms. Kilcoyne's comments.

Mr. Duchesneau provided details regarding the draft Site Plan Review Decision and the draft Water Resource Protection Overlay District Special Permit Decision including conditions regarding emergency vehicle provisions, hours of operation for the self-storage facility, hours of construction, provisions regarding the prohibition of hazardous/toxic materials, and prohibiting people from living within or running a business within the storage units. He noted the draft conditions also spoke to heavy trucks, lighting, and requirements to be met prior to demolition of any buildings.

Ms. Suedmeyer noted the requested walkway to the area around the farm stand had been included in the most recently presented plans. She also noted the draft Stormwater Management Permit Decision had the normal provisions and the one outstanding item involved was replacing the soil around the basins and infiltration area with Title V fill.

Mr. Duchesneau read Ms. Kilcoyne's comments aloud for the record which requested:

- She be allowed to coordinate the timing and details of the archeological dig and asked if the Applicant had any historic drawings to help with the process.
- The Applicant provide a historic photo next to the cupola or at the Tavern building with a description of the history of the property.
- A plaque be implemented at the Tavern building to signify the genealogy of the Stone family.
- The Applicant allow construction to be momentarily stopped if artifacts were discovered, and to allow a Town representative to photograph or collect the material.

Mr. Karustis expressed his appreciation that the Applicant had listened to the Board's comments and incorporated those suggestions into the updated plans. He stated he had become familiar with the history of the Stone property and felt it would be important to include any historical aspects into the Site Plan. Mr. Karustis mentioned a formal "dig", or a Class 1 survey, might be too aggressive and suggested walking the site might be a more appropriate measure. If items were detected, that might be the time to proceed with a Class 1 survey. Mr. Karustis also agreed with construction being halted if artifacts were discovered in order to be recorded properly.

Mr. Hincks thanked the Applicant for addressing his stormwater management questions and questioned how an archeological dig would proceed. He indicated additional conversation about the "dig" would be recommended. Mr. Hincks acknowledged the draft approval conditions were the most comprehensive he had seen since he had been on the Planning Board, with the exception of the Meadow Walk development. Mr. Hincks added the Planning Board had to be cautious about the "dig" language mentioned in the draft decision.

Mr. Finnicum thanked the Applicant for responding to the many comments made and inclusion of the many improvements to the project. Mr. Garvin reiterated that many improvements were made by the Applicant, and mentioned the dig aspect be discussed further and conditioned in some way with a focus on the areas of possible historic significance.

Mr. Garvin inquired about water quality and snow storage. Mr. Colonna stated a 30 inch snow storm could be handled on the site and over time melting would take place to allow for additional snow storage. He added the compaction would be at a 4:1 ratio. Mr. Garvin agreed with the snow storage provisions.

Mr. Effren suggested that after consulting with the historical excavation specialist, the Applicant would submit a proposal to staff and the Planning Board agreed.

Charles Mills of 47 Rolling Lane stated the Planning Board must remember Stone Farm is still a working farm which has been re-excavated several times and finding anything of historical value would be somewhat doubtful. Mr. Karustis acknowledged the historical specialists would take that aspect into consideration.

Mr. Finnicum mentioned analyzing the project's photometric aspect further as well as reviewing the hours of storage operation in relation to lights being on at all times. He suggested the lights be on a dimmer for adjustability. Mr. Nowland was responsive to the suggestion.

Mr. Garvin commented on the noise factors associated with the self-storage facility and suggested large trucks be limited to recognized commercial operating hours. Mr. Nowland acknowledged operational hours for larger trucks would be 7:00 AM and not 6:00 PM. Mr. Effren commented most moving vans were not equipped with a beeping backup alarm and suggested a condition stating that back-up alarms must be limited within certain operating hours. Mr. Duchesneau noted within the draft decisions there were two related conditions and he read those aloud.

Mr. Hincks moved to approve the Water Resource Protection Overlay District Special Permit Decision for 554 Boston Post Road (Assessor's Map K06-0602) as amended by removing conditions 5, 8, 9, 12, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26 and 27. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Mr. Garvin moved to approve the Stormwater Management Permit Decision for 554 Boston Post Road (Assessor's Map K06-0602) as amended with the updated plans and materials submitted, and adding a condition regarding adding gravel underneath the infiltration BMPs. Mr. Hincks seconded the motion. The vote was unanimous, 4-0.

Mr. Hincks moved to continue the Site Plan Review public hearing for 554 Boston Post Road (Assessor's Map K06-0602) to the Planning Board's meeting on September 25, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

**Immediately Continued Public Hearing – Site Plan Review Request for Modification – 155-159 Woodside Road (Assessor's Map M09-0500)**

Mr. Garvin moved to continue the public hearing for the Site Plan Review Request for Modification for 155-159 Woodside Road (Assessor's Map M09-0500) to the Planning Board's next meeting on September 25, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

**Immediately Continued Public Hearing – Site Plan Review and Stormwater Management Permit – 151 & 183 Boston Post Road (Assessor's Map K11-0020 & K11-0501)**

Mr. Hincks moved to continue the public hearing for the Site Plan Review and Stormwater Management Permit application for 151 & 183 Boston Post Road (Assessor's Map K11-0020 & K11-0501) to the Planning Board's meeting on October 9, 2019 and to extend the review period to October 31, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

**Public Hearing – Stormwater Management Permit – 394 Boston Post Road (Assessor’s Map K08-0082)**

Engineers Mike Sullivan and Vito Colonna of Sullivan Connors & Associates, Inc. were present to discuss the application with the Planning Board.

Mr. Sullivan provided a narrative description about the Lotus Blossom Restaurant which had problems with its septic system which was last replaced in 2000 and repaired in 2009. He indicated they were now requesting permission for the system to be replaced. Mr. Sullivan noted the management of the kitchen had changed and indicated the change might improve the longevity of the new septic system. Mr. Sullivan also provided proposed septic system details and changes.

Ms. Suedmeyer noted the peer review by the Horsley Witten Group had several comments; one being the operation and maintenance plan, and the proposed budget for such a plan and a discharge compliance statement would be required. She noted Sullivan Connors & Associates, Inc. had responded to that request and affirmed the changes to the plan would be forthcoming. Ms. Suedmeyer stated the Conservation Commission had provided comments but there had not yet been comments from the Health Department. Mr. Sullivan indicated the Health Director has wanted this new system for a long time.

Mr. Karustis inquired about the limit of work in relationship to the wetlands. Mr. Sullivan provided a reference on the plan which was approximately 40 feet from the leaching field and included erosion barriers.

Mr. Hincks requested clarification about the restaurant “kitchen.” Mr. Sullivan acknowledged the “kitchen” language was used to reference an internal operation and maintenance plan the owners must implement. Mr. Hincks asked if the operation and maintenance plan would address the outdoor considerations. Mr. Sullivan replied the contract with FAST had expired and was not renewed. Therefore, the FAST system did not function, but the system had been updated with a new contractor. He stated Mr. Murphy, the Health Director, would keep that renewal system in check. Mr. Hincks asked staff about assurance of such compliance. Ms. Suedmeyer responded the permitting falls under the Board of Health who would closely track it.

Mr. Finnicum asked about the color coding of the plan and asked how often the tanks needed to be emptied. Mr. Sullivan stated the kitchen grease would be closely monitored in an effort to eliminate the need for emptying the tanks frequently. He added septic system pumping would be conducted annually.

Mr. Garvin commented about there being only one catch basin in a fairly large parking lot, and suggested the addition of a double catch basin and an improved sump pump might also help. He asked if there was an inspection system for the infiltration system. Mr. Sullivan responded there was not and Mr. Garvin requested those recommendations be included. Mr. Garvin also noted there had been erosion from the parking lot over time and wanted assurance riprap would be included in the project and inspected annually. Mr. Sullivan agreed with these suggestions.

Mr. Hincks moved to continue the public hearing for the Stormwater Management Permit application for 394 Boston Post Road (Assessor’s Map K08-0082) to the Planning Board’s next meeting on September 25, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

**Public Hearing – Definitive Subdivision Plan Minor Amendment – Liberty Ledge / Camp Sewataro / Bittersweet (Assessor’s Map C08, Lots 113-121, 138-152, 154 and 159-164; Map C09, Lots 112 and 165; and map D08, Lots 523 and 524)**

Attorneys Louis Levine and Cathy Netburn from D’Agostine, Levine, Parra & Netburn, P.C., Kevin Conover from David E. Ross Associates, Inc., and Applicant Mark Taylor were present to discuss the matter with the Planning Board.

Mr. Levine stated the Minor Modification was regarding an adjustment to the required width of the subdivision roadway for access to one lot.

Mr. Conover indicated a driveway was being proposed, and a new fire hydrant and catch basins would tie into the existing drainage system. He added a turnaround easement on Mark Taylor’s property was also being proposed for emergency vehicle access. Mr. Conover noted the described easement would be conveyed to the Town and acknowledged that Town officials had endorsed the proposed plan.

Mr. Levine explained the described modifications might be temporary if the Town decided to build out Greystone Lane. Mr. Conover asserted Mr. Taylor would be responsible for the construction and maintenance of this proposed driveway if and when Greystone Lane might possibly be built.

Mr. Garvin stated the Planning Board would not confirm frontage and the Building Inspector would confirm the existence of a second buildable lot. Mr. Levine stated the Building Inspector had indicated the Planning Board would address this aspect and Mr. Garvin reiterated this was not the case.

Mr. Duchesneau noted the correspondence which had been received from Len Simon of 49 Meadowbrook Circle, as well as correspondence from Assistant Fire Chief Timothy Choate.

Mr. Garvin asked if staff had a legal description of the proposed easement and Mr. Duchesneau stated they did not. Mr. Garvin suggested the provision of a legal description be a condition of the decision and it be stamped by a licensed surveyor. Mr. Levine was in agreement.

Mr. Garvin asked how the proposed double catch basin would capture stormwater flow. Mr. Conover stated the manhole was a double catch basin and there was another catch basin with a berm around its entirety. Mr. Garvin asked for something more substantial such as granite curbing around the catch basin at the corner, extending ten feet in each direction.

Mr. Garvin expressed concern about the driveway angle with regard to capturing stormwater flow. Mr. Levine suggested adjusting the sharp angle or installing an additional manhole.

Mr. Hincks moved to approve the Definitive Subdivision Plan Minor Amendment for Liberty Ledge / Camp Sewataro / Bittersweet (Assessor’s Map C08, Lots 113-121, 138-152, 154 and 159-164; Map C09, Lots 112 and 165; and map D08, Lots 523 and 524) with the following conditions:

- Prior to commencement of any construction/work shown on the plans, a legal description and terms for the “Proposed Turnaround Easement” shown on Lot 226 shall be provided to Town Counsel for review and approval, and the finalized easement shall be duly executed and recorded at the Middlesex South Registry of Deeds with a copy of the recorded document provided to the Board.

- Granite curbing at the southern end of the driveway, centered on the two sets of double catchbasins, 10 feet in each direction, shall be installed.
- Outlet piping or a new manhole for Double Grate Catchbasin 2 (DCB-2) shall be relocated/added to allow for a 90-degree angle or greater to tie into the existing drain line. The design shall be reviewed and approved by the Town Engineer prior to being implemented.
- The work displayed on the approved plans shall be exempt from Condition 26 of the April 13, 1998 Bittersweet Definitive Subdivision Decision.

Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

### **100 & 106 Landham Road – Minor Site Plan Review**

Applicant Richard Mattione and Eagle Scout Chris Rotondo were present to discuss the matter with the Planning Board.

Mr. Mattione described the Minor Site Plan Review request to re-stripe parking spaces and relocate other spaces at the St. Anselm Church.

Mr. Duchesneau stated there would be no change to the total number of parking spaces on the property but some of the spaces would be relocated. He added the Fire Department had approved the minor changes.

Mr. Finnicum noted there were changes in the parking space sizes.

Mr. Garvin expressed concern regarding the Planning Board endorsing a plan that did not necessarily meet the standards of regulations.

Mr. Duchesneau stated some of the parking spaces represented a pre-existing nonconforming condition and discussion by the Planning Board ensued. Mr. Duchesneau presented several options in order to move forward with the request. He noted the Planning Board could continue the review so the Applicant could work with a surveyor/engineer. Mr. Hincks asked if the Planning Board could determine this change did not necessitate a Minor Site Plan Review because the parking lot had been in existence for a long time with no issues and now all the Applicant desired to do was repaint the parking lines. Mr. Garvin agreed that if the Applicant was re-painting the lines as they were today, no action by the Planning Board would be required.

Mr. Garvin believed the Applicant should withdraw the Minor Site Plan Review request and speak with staff regarding options, such as itemizing possible waivers and listing areas that are grandfathered in conjunction with improving safety measures as directed by the Fire Chief. Mr. Mattione stated he would consider whether a continuance or withdrawal was the best path forward. Mr. Garvin indicated a continuance was possible, but recommended withdrawal and resubmission of a more formal application.

John Rotondo of 88 Old Coach Road stated he was a parishioner, father of Chris Rotondo, and Scout Master. He confirmed many of the spaces in the parking lot, especially on the Landham Road side, were so faded they could hardly be seen and the three lanes closest to the back of the lot were aligned with where the current spaces were located. Mr. Garvin stated the sketch plan was well done, but it was not stamped or legally recognized, and a written description of the work would be very helpful.

### **Master Plan Update**

Mr. Duchesneau announced the next Master Plan Steering Committee meeting was scheduled for September 20, 2019 and the final baseline chapter regarding land use would be covered. He also noted there would be five topical meetings scheduled in October. Mr. Duchesneau also indicated that on Saturday, September 21, 2019, the Town's first Community Information Fair would take place at the Goodnow Library from 11:00 AM to 2:00 PM, and the Master Plan Steering Committee would have a table at this event. He also noted the Master Plan update consultants, the Horsley Witten Group, would be presenting an update to the Planning Board and the Board of Selectmen within the next couple of weeks. Mr. Duchesneau also noted different Op-Eds regarding the Master Plan update process were continuing to be submitted to the Town Crier.

### **5 Taylor Road – General Stormwater Management Permit Request to Delegate Review to the Conservation Commission**

Ms. Suedmeyer detailed the background of this request and suggested the Planning Board not delegate the review to the Conservation Commission as it could be handled by Town staff administratively.

Mr. Hincks moved to not delegate the review of the General Stormwater Management Permit to the Conservation Commission for 5 Taylor Road. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

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

Mr. Duchesneau indicated that due to the absence of a Solar Zoning Bylaw and the Building Inspector was recommending such a bylaw be implemented. Mr. Duchesneau stated a related discussion had taken place with Town Counsel who recommended establishing a use category within Section 2230, Appendix A, which would allow solar uses in certain zoning districts. Mr. Duchesneau indicated staff would have related materials for review for the next Planning Board meeting.

Mr. Hincks moved for Mr. Karustis to work with Town staff to draft a Solar Zoning Bylaw amendment. Mr. Garvin seconded the motion. The vote was unanimous, 4-0.

### **Administrative Report**

Mr. Duchesneau recommended the Planning Board sign the Associate Member appointment document for John Sugrue for submission to the Town Clerk.

Mr. Karustis requested there be a time limitation on the duration of Planning Board meetings. Discussion took place regarding the duration of timed items on the agenda. Mr. Garvin mentioned the effect of the abbreviated summer schedule and the fall catch up time regarding the application backlog. Efficiency methods were discussed and the Planning Board agreed to review such considerations.

### **Minutes for Approval: June 26, 2019**

Mr. Hincks moved to approve the minutes of June 26, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Mr. Garvin adjourned the meeting at 9:50 PM.