



# Town of Sudbury

## Planning Board

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### MINUTES

SEPTEMBER 25, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

**Members Present:** Chair Stephen Garvin, Vice Chair Charles Karustis, Justin Finnicum, and Nancy Kilcoyne

**Members Absent:** John Hincks

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

Mr. Garvin opened the meeting at 7:30 PM

#### **Continued Public Hearing – Site Plan Review – 554 Boston Post Road (Assessor’s Map K06-0602)**

Quentin Nowland of 554 BPR LLC and Attorney Jerry Effren were present to discuss the application with the Planning Board. Mr. Nowland summarized the archeological dig tasks and referred to the “Cultural Resources Assessment and Consultation – Scope of Services” for 554 Boston Post Road from Public Archaeology Laboratory (PAL) dated September 16, 2019.

Mr. Duchesneau presented the updated draft Site Plan Review decision noting Condition 1 had been revised to reflect the updated plans. Mr. Effren made several comments regarding the proposed conditions:

- Compliance with the PAL Scope of Work with investigation to be determined, according to the results of the assessment, and inclusion of language regarding artifacts during the assessment period or during construction
- Engineering aspects to include timing of pavement installation
- Create and record a private easement in perpetuity
- New or changed utilities to be installed underground
- Language to permit lighting with dimmers
- Work with the Historic Districts Commission regarding signage

Mr. Karustis noted the language included was acceptable and affirmed there was no mention of the Town review regarding the findings of the Cultural Resource Assessment and Consultation. Mr. Effren confirmed that was the intent.

Mr. Finnicum questioned the conditioning regarding dimmer lighting. Mr. Effren responded that to ensure security, some mode of timed lighting on dimmers must be provided at all times to avoid any safety issues.

Ms. Suedmeyer noted as part of the construction process for Whole Foods, Town staff had been to the site and reviewed the light dimming aspect, and provided feedback. Mr. Garvin agreed with the idea of Town staff reviewing the lighting at the property prior to the issuance of a Certificate of Occupancy for the building. Mr. Effren was in agreement.

Mr. Finnicum inquired about the cupola on the existing barn on the property. Mr. Effren stated the cupola would be placed on a concrete pad, structurally stabilized, and safe-guarded to prevent premature deterioration.

Ms. Kilcoyne thanked the developer for the inclusion of the requested historical plaque, and indicated the dig would have coordination and oversight.

Mr. Garvin stated he wanted all of the utilities on the site to be underground, especially in consideration of the electrical service. Mr. Effren and Mr. Nowland were in agreement.

Ms. Kilcoyne thanked the Applicant for their responsiveness, but indicated she felt the structure was too big and wanted assurance large amounts of fertilizer would not be stored in the facility. Mr. Nowland confirmed hazardous materials would not be stored in the building, and this included fertilizers and other materials as defined in the Zoning Bylaw.

Mr. Karustis moved to approve the Site Plan Review application for 554 Boston Post Road (Assessor's Map K06-0602) with the modifications as discussed. Mr. Finnicum seconded the motion. The vote was unanimous, 4-0.

**278, 280, & 288 Old Sudbury Road and 322 Concord Road – Minor Site Plan Review (Assessor's Map H09-0062)**

Town Engineer Bill O'Rourke was present to discuss the application with the Planning Board. He discussed details regarding the alteration of parking spaces in the lot behind the Town Hall at 322 Concord Road and near the Noyes Elementary School. The proposed plan also called for adjusting the parking spaces near the Loring Parsonage. All of the proposed alterations were to accommodate handicap accessible van parking spaces into the lot.

Discussion ensued. The Planning Board requested Mr. O'Rourke make best efforts to maintain the same total number of parking spaces in the parking lot and Mr. O'Rourke agreed.

Mr. Karustis motioned to approve the revised parking space layout as presented for the properties at 278, 280, & 288 Old Sudbury Road and 322 Concord Road (Assessor's Map H09-0062) with a best effort attempt by the Applicant to realign the parking spaces in order to keep the same number of spaces in the parking lot. Mr. Finnicum 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. Karustis motioned 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 next Planning Board meeting on October 9, 2019. Mr. Garvin seconded the motion. The vote was unanimous, 4-0.

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

Mr. Karustis motioned to continue the public hearing for the Stormwater Management Permit for 394 Boston Post Road (Assessor’s Map K08-0082) to the next Planning Board meeting on October 9, 2019. Mr. Garvin seconded the motion. The vote was unanimous, 4-0.

**Public Hearing – Scenic Roads (Tree Removal) – 244 Old Lancaster Road (Assessor’s Map H08-0009) – 74 Concord Road (Assessor’s Map J09-0007) – 127 Woodside Road (Assessor’s Map M09-0010) – 130 Woodside Road (Assessor’s Map M09-0011)**

Department of Public Works Director Dan Nason, Tree Warden and Foreman of the Trees and Cemeteries Rafael Luna, Crew Leader of the Trees and Cemeteries Steven Dorcas, and Director of Operations Kevin McCabe were present to discuss the applications with the Planning Board. Mr. Luna described each of the tree removal proposals as follows:

- 244 Old Lancaster Road: A resident had requested the removal of a dead 20” Oak tree.
- 74 Concord Road (Wadsworth Cemetery): Removal of a 20” Maple tree to preserve a bench monument, and to add service and prisoner of war flags to the area.
- 127 and 130 Woodside Road: Removal of a diseased 34” and a diseased 36” tree.

Mr. Nason commented the diseased tree at 127 Woodside Road was encroaching on the roadway and presented a safety issue, as well as creating snowplowing difficulties/damage.

Mr. Karustis inquired if there was a way to maintain the tree at 74 Concord Road (Wadsworth Cemetery) in consideration of the fact the tree was healthy and beautiful. Mr. Dorcas responded that pruning the tree was not a viable solution.

Mr. Finnicum stated beautiful trees were desired in cemetery locations and suggested planting several trees at the cemetery in consideration of the removal of the 20” Maple tree. Mr. Nason indicated he had managed several municipal cemeteries and maintained that aged root systems affected water systems and gravestones. He suggested installing two trees in the area of the proposed flags/memorial site as there were no plots in that area. Ms. Kilcoyne agreed with Mr. Nason’s proposal and had no issues with the removal of the other trees mentioned.

Mr. Karustis moved to approve the tree removal at 244 Old Lancaster Rod (Assessor’s Map H08-0009). Ms. Kilcoyne seconded the motion. The vote was unanimous, 4-0.

Mr. Karustis moved to approve the tree removal along Woodside Road at 127 Woodside Road (Assessor’s Map M09-0010), 130 Woodside Road (Assessor’s Map M09-0011), and 96 Hopestill Brown Road (M09-0402). Mr. Finnicum seconded the motion. The vote was unanimous 4-0.

Mr. Nason mentioned 15 to 18 consecutive Town trees were dead, as determined by the Tree Warden, and could create a safety issue. He inquired if such public hearing preparation could be abbreviated in some way to address the removal of the mentioned dead trees. Mr. Garvin responded by noting the Planning Board was obligated to uphold the bylaw regulations/procedures. Mr. Duchesneau mentioned the Scenic Roads Bylaw which addressed emergency situations and noted Town Counsel had advised if a Town tree was dead or dying, the Department of Public Works could take action. Mr. Karustis added that the

mentioned emergency provision did not address standing trees. He indicated he appreciated the suggestion of streamlining the public hearing process and proposed addressing/amending the bylaw in conjunction with public safety. Mr. Garvin agreed such an amendment could be reviewed and presented at Town Meeting in consideration of the eminent safety hazard. Mr. Nason agreed with reviewing the bylaw as a future goal.

### **Master Plan Update with the Horsley Witten Group**

Project Manager Krista Moravec from the Horsley Witten Group was present to discuss this item with the Planning Board. Ms. Moravec discussed the Master Plan update process including the Master Plan Steering Committee (MPSC) baseline analysis/trends report to be completed in the near future.

Outreach events were discussed as part of Ms. Moravec's presentation including op-eds to the Town Crier, online surveys, the Master Plan Public Forum in May of 2019, and outreach at a variety of Town events (Touch a Truck, Community Information Fair, Meadow Walk Fall Fest, etc.).

Mr. Garvin inquired about resident comments. Ms. Moravec indicated resident comments included traffic concerns, transportation options, senior resident services, a resident community center, and affordable housing options. She noted a series of Master Plan Update Community Conversations were scheduled for the month of October.

Mr. Karustis inquired about resident comments regarding the Meadow Walk development and housing development at the site. Ms. Moravec responded she had not heard anything specific regarding Meadow Walk and noted the upcoming Public Health, Housing, and Equity Community Conversation on October 24, 2019 might provide opportunity for such questioning.

Mr. Karustis asked about public involvement. Ms. Moravec replied there was decent resident attendance (30-40 people) at the Master Plan Public Forum in May of 2019, and the follow-up survey received 120 responses. She indicated additional outreach methods would be incorporated, such as contacting residents directly, and confirmed the MPSC had held a public forum for the Council on Aging at the Fairbank Center.

Mr. Karustis suggested a town-wide resident mailing. Ms. Moravec suggested combining such a mailing with another town-wide mailing (such as a utility/tax bill), in consideration of the expense.

Mr. Duchesneau stated the Community Conversation topic sessions should reflect improved attendance in consideration of residents returning from summer vacations and increased advertising. Ms. Kilcoyne commented regarding the social media platform of One Sudbury. Mr. Duchesneau responded the allocated Twitter account for the Town was being used. Ms. Moravec noted the upcoming events mentioned were topic specific, which might encourage resident involvement.

Ms. Kilcoyne stated last week's MPSC meeting was an interesting mini-charrette, with a focus on the Town's strengths and weaknesses.

Mr. Finnicum stated public input should be continuous and asked if the Master Plan process was on schedule. Ms. Moravec responded it was.

Mr. Garvin stated the Planning Board wanted to see how the Master Plan update process was being formulated. Ms. Moravec replied the next aspect would involve crafting affirmative issues and then having the MPSC meet with the Planning Board to conduct a group discussion.

Mr. Garvin explained the MPSC selection process was implemented by the Planning Board and indicated meeting with the MPSC in the near future to share ideas would be a preferred method. Ms. Moravec recommended a group workshop with MPSC and the Planning Board.

Mr. Karustis stated that before the finalization of the plan, a group workshop would be beneficial. Ms. Moravec agreed and noted the workshop should take place before the holidays.

Mr. Finnicum asked if the resilience/sustainability topic had been covered by the MPSC. Ms. Moravec noted the topic had been raised but the Horsley Witten Group could provide further direction on this topic.

Ms. Kilcoyne suggested the presentation of additional visualization materials in consideration of land use and housing. Mr. Garvin agreed with displaying additional visuals in the Master Plan.

Mr. Finnicum asked if the Planning Board had been providing related information in a satisfactory manner. Ms. Moravec confirmed relevant information had been received.

Mr. Karustis asked Ms. Moravec if she had noted any challenges, surprises, or negative aspects of the process. Ms. Moravec replied that members of the MPSC were dedicated, engaged, and were always present for meetings and Town events.

Mr. Finnicum suggested each upcoming Community Conversation topic begin with a recap of the Master Plan update process looking backward, at the present and at the future. Ms. Moravec explained there would be an opening presentation (including definitions and planning concepts), similar to the presentation in May, to explain what had been completed to date.

Ms. Suedmeyer stated additional planning initiatives such as the recent Board of Selectmen approval of the Complete Streets Policy and the first Transportation Connectivity presentation could be incorporated into the MPSC conversations and planning.

The Planning Board then discussed the status of the town-wide sewer plan, proposed developments, and other areas that would apply to the Master Plan update process.

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

Building Inspector Andrew Lewis was present to discuss a few items with the Planning Board.

Mr. Duchesneau presented the latest draft of the Inclusionary Zoning Bylaw and the Planning Board discussed various aspects of the document.

Mr. Karustis expressed his support for proposed Section 4980 regarding an Inclusionary Payment for all new dwelling units.

Mr. Garvin commented he would like to include housing options for all stages of life, from the initial starter home to the downsized final home. He stressed such language in an inclusionary Zoning Bylaw

could encourage serious consideration within the Master Plan update process to help build support and momentum. Mr. Karustis suggested Planning Board members review, edit, and supply related comments/questions to Mr. Duchesneau. Mr. Karustis also emphasized he was not in favor of the “size of affordable units required as part of Special Permit process (example – 3,500 square foot single-family dwelling) and payment in lieu of unit(s)” provision. He noted such a provision would allow developers to provide funding instead of providing mitigation in environmentally sensitive areas, especially when removing wetlands. Mr. Garvin stated this concept could be covered in the Master Plan update process as well.

Mr. Duchesneau stated he would be presenting the Planning Board with a proposed draft Solar Zoning Bylaw and indicated Town Counsel had suggested defining where such solar installations would be allowed in the town. Mr. Garvin questioned the placement of solar installations in residential front yards. Mr. Karustis stated he would submit various existing solar zoning ordinances/bylaws the Planning Board could review.

Mr. Karustis maintained that solar regulations would be vastly different between residential and commercial permitting.

Mr. Lewis suggested the Planning Board work on a Solar Bylaw as soon as possible because a developer was currently seeking approval of a large, ground mounted, solar installation.

Mr. Garvin asked Mr. Lewis about the permitted height of fencing in town. Mr. Lewis replied up to a seven foot high fence could be installed without a Building Permit in accordance with Town Bylaws. Mr. Garvin stated he would like to see improved fencing regulations in town. Mr. Duchesneau detailed the aspects regarding approval of Zoning Bylaws at Town Meeting, as well as subsequent implementation. He stressed the importance of posting a related public meeting sometime in February of 2020. Ms. Suedmeyer mentioned the Town Meeting Warrant typically closed at the end of January. The Planning Board members requested a draft public hearing notice for new solar regulations be drafted for review and approval at the next Planning Board meeting.

### **Administrative Report**

Mr. Duchesneau informed the Planning Board John Sugrue had been officially sworn in as the Associate Member and would be attending all future Planning Board meetings.

Mr. Karustis asked about the retail space vacancies in the Meadow Walk development on Boston Post Road/Route 20. Mr. Garvin noted the existing similar businesses in the development created a problem as the developer did not want to have directly competing businesses on the same property. He provided the example of the Whole Foods food bar preventing Taco Bell from opening a store at Meadow Walk. Mr. Duchesneau noted several prospective tenants had requested various approvals. The Planning Board discussed the impact of the amount of parking spaces on the premises.

Ms. Suedmeyer explained the Meadow Walk developer, National Development, was not intending to schedule a Meadow Walk ribbon-cutting event as mentioned earlier. She, however, noted National Development was willing to accommodate a Master Plan Update informational booth at their upcoming Fall Festival event.

Ms. Kilcoyne requested the zoning of the Boston Post Road/Route 20 corridor be discussed at the next Planning Board meeting on October 9, 2019.

**Minutes for Approval: July 17, 2019**

Mr. Karustis motioned to approve the minutes of July 17, 2019. Mr. Finnicum seconded the motion. The vote was unanimous, 4-0.

There being no further business, the meeting was adjourned at 9:50 p.m.