



Town of Sudbury

Planning Board

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MINUTES

OCTOBER 23, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

Members Present: Chair Stephen Garvin, Vice Chair Charles Karustis, Justin Finnicum, Nancy Kilcoyne, and Associate Member John Sugrue

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

Request for Minor Modification for Site Plan Review – 155-159 Woodside Road (Assessor's Map M09-0500)

Attorney Joshua Fox of Rollins, Rollins & Fox, P.C., and Richard and Jennifer Eckler, Applicants and owners, were present to discuss the matter with the Planning Board.

Mr. Fox presented a history of the Wright Farm Sudbury Childcare facility. He noted Ms. Eckler was the sixth generation at the facility, which was a fully working farm for many years until the more recent running of the child care facility, residence, and animal farm. Mr. Fox stated that in 2016 the Planning Board had approved the Wright Farm Sudbury Childcare facility with a capacity of 20 children. He added Ms. Eckler was also permitted to have an additional 10 children in the residential structure. Mr. Fox presented photographs of the Wright Farm property as well.

Mr. Fox indicated the new Minor Modification request to the Site Plan was to allow up to 30 students in the approved child care structure and to retain the right to continue caring for up to 10 children in the residential building. This modification required an amendment to Condition 11 of the existing Site Plan Review decision. Mr. Fox noted the Dover Amendment (MGL Chapter 40A, Section 3) applied to this project and explained the only change to the site conditions was four additional pervious parking spaces, an increase in the number of students, and an increase of two additional employees.

Mr. Duchesneau inquired if there was two-way traffic on the Wright Farm Sudbury Childcare driveway. Mr. Eckler stated the traffic was one-way, coming in on Woodside Road and exiting on Hopestill Brown Road.

Mr. Duchesneau suggested stabilization with gravel be used under the proposed additional parking spaces and the same conditioning as the original Planning Board decision be carried over to this proposed amendment.

Ms. Suedmeyer questioned the shrubbery displayed around the parking area on the plan and Mr. Fox clarified it was simply a call-out on the plan. Ms. Suedmeyer suggested the presented plan include the revision date for the purposes of clarity. She indicated a design engineer might have to provide additional detail regarding the proposed added parking spaces and stabilization as suggested by Mr. Duchesneau.

Mr. Karustis inquired about the original granting of 20 students as opposed to 30 students. Mr. Garvin responded the original application specified a total of 30 children. Mr. Karustis noted the change from the last hearing was the retention of 10 students within the residential building. He asked about the determined location for the four proposed parking spaces.

Mr. Fox stated the architect located them in consideration of the curvature of the driveway. Mr. Eckler indicated the parking spaces did not have to be in the displayed location and was flexible as to their final positioning.

Mr. Finnicum mentioned the graveling of the proposed parking spaces and noted the application's memorandum was well-structured, especially in consideration of the Dover Amendment. He suggested that the "new building" language within the existing condition be changed in consideration of proposed modification. Mr. Fox was in agreement.

Mr. Finnicum inquired about morning drop-off traffic to/from the property and Mr. Eckler responded it was negligible with very few cars at any one time.

Ms. Kilcoyne noted the state had the final say regarding the number of students which can occupy a space and the Applicants were in agreement.

Mr. Sugrue noted he was satisfied with Condition 3.

Mr. Garvin affirmed any added parking would have to be graveled or paved, and be cleared during the winter months.

Mr. Karustis asked if the Applicant had spoken to the Building Inspector. Mr. Eckler indicated they had and the Building Inspector presented no objection nor suggested a need for additional parking spaces. Mr. Garvin stated additional parking is usually the recommendation of the Planning Board and not something the Building Inspector would be looking for, unless complaints were presented.

Mr. Karustis indicated the additional parking spaces were likely not warranted and if citizens complained, the additional parking could be added later.

Mr. Finnicum agreed it might be best to disregard the additional parking spaces at this time. He suggested including conditional language stating that should such additional parking be needed, it could be installed with gravel.

Mr. Garvin asked if a change in ownership occurred, would the new owner have to re-apply to the Planning Board. Mr. Duchesneau indicated a new application would only need to be filed if the use were changed in some way.

Mr. Garvin stated if complaints were presented to the Building Inspector, the Applicant would have to present to the Planning Board.

Ms. Suedmeyer recommended inclusion of the language “building at 157 Woodside Road” to replace the word “residence.”

Mr. Karustis motioned to approve the request for the Minor Modification of the Site Plan Review at 155-159 Woodside Road (Assessor’s Map M09-0500). Mr. Garvin seconded the motion. The vote was unanimous, 4-0.

**Public Hearing – Amendment/Time Extension to a Water Resource Protection Overlay District
Special Permit – 632 and 642 Boston Post Road (Assessor’s Map K06-0005 and K06-0004)
and
Site Plan Review and Stormwater Management Permit Time Extension Requests – 632 and 642
Boston Post Road (Assessor’s Map K06-0005 and K06-0004)**

Attorney Matthew Watsky and associate Rachel Watsky were present to discuss the matter with the Planning Board. Mr. Watsky presented the updated proposed wastewater treatment plan to serve the existing nursing home in compliance with state law and with improved wastewater quality for the Town. He noted the Special Permit applied to 632 Boston Post Road only, at this time.

Mr. Watsky stated the Applicant was requesting an extension in consideration of the Massachusetts Department of Environmental Protection (MassDEP) request for additional information. He indicated the Zoning Board of Appeals had renewed the Variance with modified terms. Mr. Watsky noted the next step involved the Massachusetts Department of Public Health’s review of bids in order to issue a Determination of Need Approval, which would allow the Applicant to commence with construction.

Mr. Garvin asked if there were any changes to the Conservation Commission’s Order of Conditions in January 2019, or changes to the plans. Mr. Watsky indicated there were no changes by the Conservation Commission or to the plans since the Planning Board had last reviewed the project. Mr. Garvin recommended the Applicant have the engineer write a letter to indicate no such changes were made or suggested.

Mr. Garvin then asked if MassDEP had issued approval yet. Mr. Watsky reiterated MassDEP had presented another round of technical questions to be addressed.

Mr. Duchesneau noted the Applicant was seeking an amendment to the Special Permit and had a second item on the agenda for an extension of the Site Plan Review decision and Stormwater Management Permit. Mr. Garvin stated the Planning Board would prefer to vote separately on these two aspects of the project.

Mr. Karustis suggested an extension to September 5, 2020 for both permits and maintained that both extensions must be addressed before the expiration date. Mr. Watsky agreed and asked if the September 2020 date reflected a deadline for the start of construction or completion of the project. Mr. Karustis stated the date was a deadline for which to commence construction.

Mr. Finnicum agreed with Mr. Garvin’s recommendation that an engineer’s letter be submitted to the Planning Board.

Ms. Kilcoyne questioned how long MassDEP could detain commencement of the project. Mr. Watsky responded MassDEP wanted the old septic system eliminated and the new wastewater treatment plan

installed as soon as possible, though they had produced a list of technical questions which needed to addressed.

Mr. Karustis motioned to approve the Amendment/Time Extension to the Water Resource Protection Overlay District Special Permit for 632 and 642 Boston Post Road (Assessor's Map K06-0005 and K06-0004) to September 5, 2020. Mr. Finnicum seconded the motion. The vote was unanimous, 4-0.

Mr. Karustis motioned to approve the time extension request for the Site Plan Review decision and Stormwater Management Permit for 632 and 642 Boston Post Road (Assessor's Map K06-0005 and K06-0004) to September 5, 2020. Mr. Finnicum seconded the motion. The vote was unanimous, 4-0.

Greenscape Park Subdivision (Powers Road) – Request to Extend Definitive Plan Endorsement Timeframe

Geoffrey Cronin of Greenscape Property and Building was present to discuss the matter with the Planning Board. Mr. Cronin requested an extension of the Definitive Plan Endorsement to the end of January, 2020, in hopes that progress would be made sooner. Mr. Cronin provided updates and mentioned a certified Massachusetts landscape architect had been retained.

Mr. Karustis inquired about the timing of such conditioned items and asked when the original Definitive Subdivision conditions had been approved by the Planning Board. Mr. Duchesneau stated the original Definitive Subdivision was approved in April of 2019 and in August of 2019, the Applicant requested the first extension which expired at the end of October 2019.

Mr. Karustis asked the Applicant if the conditioned items could be completed by the end of January 2020. Mr. Cronin responded in the affirmative. Mr. Garvin recommended a related public hearing be scheduled for February 12, 2020.

Mr. Karustis motioned to approve the request to extend the Definitive Conventional Subdivision Plan Decision endorsement timeframe for Greenscape Park – (Woodward Glen) off Powers Road to February 12, 2020. Mr. Finnicum seconded the motion. The vote was unanimous, 4-0.

Master Plan Update

Mr. Duchesneau noted two of the five Master Plan Community Conversations (Transportation, and Economic Development and Town Services) had taken place. He stated the next day the Master Plan Community Conversation would focus on Public Health, Housing, and Equity. This Community Conversation would be followed by ones regarding Historic and Cultural Resources scheduled for October 28, 2019 and Natural Resources, Environment, Open Space, and Recreation on October 29, 2019. Mr. Duchesneau indicated the first two Community Conversations had strong turn-outs, especially at the Transportation-related session.

Mr. Duchesneau then explained topic-related surveys had been sent to Sudbury residents included on the Master Plan email list and could be accessed via the Town website. He stated joint meetings between the Master Plan Steering Committee and the Planning Board would take place on November 12, 2019 and November 15, 2019. Mr. Duchesneau indicated the next regular Planning Board meeting would take place on November 13, 2019.

Ms. Kilcoyne volunteered to be the Planning Board representative on the Town Manager Search Committee and Mr. Garvin volunteered to be the alternate member.

Town Meeting Zoning Bylaw Discussion

Mr. Duchesneau presented drafts of the proposed Inclusionary Housing and Solar Zoning Bylaw amendments. Ms. Kilcoyne asked if the draft Solar Bylaw would include ground mounted as well as building mounted systems. Mr. Karustis responded it could and recommended continued discussion on the proposed Solar Bylaw at a later meeting.

Mr. Karustis indicated he had numerous edits to the proposed Inclusionary Housing Bylaw and stressed loopholes should not be available to developers. Mr. Garvin was in agreement and emphasized the current draft was not the final document.

Mr. Karustis provided additional technical considerations/language to be included in the sections regarding applicability, ownership subsequent to date of adoption of Section 5600, donations of land in fee simple, proposed definitions, and other areas.

Mr. Garvin noted there were many language challenges in consideration of availability and indicated one affordable unit for each five units was preferable.

Mr. Sugrue agreed with Mr. Garvin's statement and recommended more definitive language be included within the multi-unit description. He also added diversity in size of multi-units could be beneficial.

Mr. Duchesneau reviewed various aspects of the "Sign Bylaw Considerations" memorandum sent to the Planning Board earlier that day from Dan Martin, a member of the Design Review Board.

Mr. Sugrue noted much depended on signage location. Ms. Kilcoyne added comments about signage along Route 20/Boston Post Road and particular types of signage that should be avoided in the future.

Mr. Finnicum stated the Town did not want illuminated signage on Route 20/Boston Post Road and emphasized enforcement was necessary.

Administrative Report

Ms. Suedmeyer stated that with regard to the Town's Stormwater Management Bylaw, violation fees should be clarified and made more consistent with Massachusetts General Law. She also mentioned the appeal period for these permits should be specified, which it currently is not. Mr. Garvin was in agreement.

Minutes for Approval

Mr. Garvin indicated the minutes for September 11, 2019 would be voted on at the next Planning Board meeting.

Future Meeting Schedule

Ms. Suedmeyer noted the Town Forum, a Design Charrette for Broadacres Farm, would take place on November 21, 2019 at Town Hall, 322 Concord Road. She indicated a consultant was being hired to assist with the forum and design analysis.

It was noted the next regular Planning Board meeting would be held on November 13, 2019.

There being no further business, the meeting was adjourned at approximately 9:30 PM.