



Town of Sudbury

Planning Board

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MINUTES

NOVEMBER 13, 2019 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

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

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 and Stormwater Management Permit – 151 & 183 Boston Post Road (Assessor's Map K11-0020 & K11-0501)

Christopher Mulhern of Harrison Mulhern Architects; Vito Colona of Sullivan, Connors & Associates; and Steve Burt of Buddy Dog were present to discuss the application with the Planning Board.

Mr. Mulhern presented a project update and noted Buddy Dog recently purchased an adjoining parcel from Eversource, which is constrained by wetlands and the 100 foot buffer, with setbacks being constrained as well. He noted because Buddy Dog was an educational organization, MGL Chapter 40A, Section 3 (aka the Dover Amendment), applied to their project.

Mr. Mulhern presented several different site layout options, most of them focusing on differing parking arrangements. He highlighted Option C as being the chosen alternative which proposed parking along the front of the building. Mr. Mulhern stated there were significant comments from Town staff including:

- Improving fire truck access
- Shifting the building to improve side and rear clearance
- Reducing the building height to 35 feet
- Resolving light spillover
- Identifying snow storage areas
- Confirming dog-run drainage for wash-off

Mr. Mulhern also noted the comments from the Design Review Board as follows:

- More screening for the parking areas
- Reduced parking and moving spaces to the south side of the drive aisle
- Questions regarding the hardness of sugar maples near Boston Post Road/Route 20
- Exit curb cut near Goodman's Hill Road
- Relocating the building signage to the north wall

Mr. Mulhern asserted that in consideration of the comments which had been made, the plan had been amended, including a parking reduction from 32 to 27 spaces and two accessible spaces for a total of 29 parking spaces. He presented the most recent Site Plan which included the recommendations from Town staff, as well as comments from Stormwater Management peer reviewer, the Horsley Witten Group.

Mr. Garvin expressed his disappointment the same plan as was submitted at the last Planning Board meeting.

Mr. Duchesneau discussed the areas the Applicant had addressed including responses to safety related recommendations and comments from the Horsley Witten Group. He explained a second peer review response was received by Town staff the previous day, but this had not yet been distributed to the Planning Board. Mr. Duchesneau added that because the project fell under Dover Amendment status, parking regulations were one of the requirements from which it was exempted. He noted the Planning Board might want to consider modifying the proposed sidewalk and the connectivity between the existing building and the proposed new building. Mr. Duchesneau suggested the Board provide "next steps" comments/direction for the Applicant.

Ms. Suedmeyer stated the only apparent outstanding issue was related to the inclusion of a berm around the existing dog run area to help ensure runoff would not get beyond this area.

Mr. Finnicum asked about the limit of work and the preservation of existing trees. Mr. Colonna indicated the central area of the site would remain wooded noting a restoration area, which was formed several years ago, would become a vegetated/wooded area. He delineated the location of the proposed line of clearing, which was very limited.

Mr. Finnicum raised questions about the sidewalk along Boston Post Road/Route 20. Mr. Colonna replied there was a vegetated strip between the sidewalk and the road. He also noted the sidewalk along the roadway could be connected to the front walk if the Planning Board desired. Mr. Finnicum expressed his concern regarding the heavily trafficked Boston Post Road/Route 20 and a sidewalk being so close to the roadway.

Mr. Finnicum also inquired about light spillover from the property. Mr. Mulhern responded the last light fixture was just over the turn in the driveway. He noted the project team was trying to make this access driveway area well lit and there was a one-foot spillover into the street as a result. Mr. Mulhern confirmed the light fixtures would be shielded downward. Mr. Finnicum requested appropriate dark sky compliant light fixtures be included on the plans. He also commented he could not read the lighting specifications on the Site Plan. Mr. Mulhern stated such specifications would be included and made more legible.

Mr. Finnicum noted at the last Planning Board meeting, design considerations for the proposed building, including overall siting and materials used (stone, horizontal siding, and shingle siding) were discussed. He pointed out the proposed materials for the building had been reduced to only two and he also commented about the entryway configuration detail. Mr. Finnicum made recommendations about the associated gable and recommended the soffit be lowered or the footprint of the building be adjusted to align with exterior canopy. A related discussion then took place.

Mr. Karustis noted he had been absent from the last meeting where the matter was discussed and questioned the 100 foot wetland buffer aspect. Mr. Duchesneau noted all areas of the project within the 100 foot wetland buffer were under the jurisdiction of the Conservation Commission, including the areas which had already been disturbed. Mr. Karustis requested the existing impervious area be identified. Mr.

Colonna referred to the Site Plan and noted the gravel drive had been approved by the Planning Board and Conservation Commission in 2012. Mr. Karustis asked for the proposed impervious area calculations to be provided, and Mr. Mulhern and Mr. Colonna confirmed there would be 2,200 square feet of new impervious area.

Mr. Karustis commented the proposed parking capacity would exceed the requirements of the Zoning Bylaw and thanked the Applicant for the inclusion of solar paneling on the building.

Mr. Hincks inquired about the Conservation Commission's comments/approvals regarding related wetland buffer area considerations. Mr. Duchesneau responded the Applicant had met with the Conservation Commission who had no further comments and was likely to approve the proposed site layout. Mr. Garvin noted the Chair of the Conservation Commission had expressed concerns about the proposed layout. Ms. Suedmeyer commented all of the possible parking layout options for the project had not been calculated by the Applicant. Mr. Mulhern stated the calculations were included for Option C only and had moved a number of parking spaces away from the wetland buffer. A related discussion took place. Mr. Hincks commented there were other options that had not been considered and indicated Option B would address several of the parking concerns. Mr. Mulhern stated the Conservation Commission had issues with current parking layout and added Option B would reduce the front yard setback.

Mr. Hincks commented this lot was extremely difficult to build upon and Mr. Mulhern agreed. Mr. Hincks stated he was not ready to consider the stormwater management aspects of the project and recommended further analysis of the site Plan. Mr. Colonna commented the Chair of the Conservation Commission had been absent from their last meeting which may have contributed to some of the confusion regarding the Conservation Commission's position on the proposed site layout.

Mr. Hincks asked the Applicant if they would be content with 29 parking spaces. Mr. Burt responded they wanted to have more parking spaces, and accommodating the Planning Board and Conservation Commission was a difficult chore. He noted Option C was not set in stone and his preference was for the first plan with parking in front of the building. Mr. Hincks emphasized the mission of the Planning Board was to work within the state and Town regulations. Mr. Garvin elaborated on that aspect and emphasized the importance of Town boards collaborating. He noted a combination of options might be the best approach. Mr. Mulhern stated the additional space reflected an effort for more humane treatment of the cats/dogs and parking would not necessarily increase. He indicated that 29 to 30 spaces would be acceptable 95% of the time.

Ms. Kilcoyne asked if parking could be shared with Bosse Sports on the neighboring property. Mr. Burt responded that could be considered if the Planning Board would speak with Bosse Sports. Ms. Kilcoyne asked if there was any redundancy in the use of the existing building and the proposed building. Mr. Mulhern responded there was not indicating the existing building would be used for quarantine, laundry, dry good storage, and clinical use.

Ms. Kilcoyne asked if the Applicant had considered renovating the existing building, expanding it, or constructing a smaller proposed building. Mr. Burt responded the Town would not allow expansion of the existing building due to its proximity to the wetlands and their 100-foot buffer area. Mr. Mulhern noted the existing building would have to be vacated for such a proposal to take place. Ms. Kilcoyne asked if the proposed building could be rotated closer to Boston Post Road/Route 20 which would resolve the curb cut situation among other aspects. Related discussion took place. Mr. Sugrue added the continuous row of parking along the roadway was not preferable and rotating the building would be helpful.

Mr. Garvin reiterated the combination of a few of the presented options for the site would be recommended.

Mr. Duchesneau suggested a joint meeting between the Planning Board and Conservation Commission would be beneficial considering the difficulty of the site. Mr. Garvin agreed.

Mr. Mulhern confirmed the Planning Board would be flexible in consideration of Boston Post Road/Route 20 setbacks and Mr. Garvin responded affirmatively.

Mr. Hincks motioned 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 December 11, 2019 Planning Board meeting. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Wireless Services Overlay District Zoning Bylaw Amendment Request and Discussion

Michael Dolan of Brown Rudnick, LLP, an attorney representing AT&T, was present to discuss the matter with the Planning Board.

Mr. Duchesneau summarized the Request for Proposals (RFP) for a wireless communications tower on a piece of Sudbury Water District property near East Street which had been awarded to AT&T. He indicated AT&T was requesting the Town amend its Zoning Bylaw so the subject property could be included in the Wireless Services Overlay District.

Mr. Hincks inquired about the Sudbury Water District's issuance of an RFP for a wireless communications tower on a non-Wireless Services Overlay District parcel and questioned if AT&T was aware of this status.

Mr. Dolan stated AT&T was aware of the zoning challenges for the property, but the Sudbury Water District did express considerable interest in the proposed lease. He also noted there was a gap of service coverage in that part of town, and the Fire Department and Police Department had also expressed great interest in installing antenna equipment on the proposed site.

The Planning Board expressed limited interest and Mr. Dolan agreed to present additional information to the Board at a later time.

Discussion regarding House Bill 3507 – Governor Baker's "Housing Choice Initiative."

Board of Selectmen Vice-Chair Patricia Brown was present to discuss the matter with the Planning Board.

Mr. Duchesneau explained an email request had been received from Selectman Janie Dretler regarding receipt of a letter sent to Sudbury State Legislators requesting modifications to Massachusetts House Bill 3507 and support from Sudbury Town boards to further promote the modifications. He referred to a draft letter which was jointly endorsed by the Town of Needham Board of Selectmen and Planning Board. The letter indicated "the current provisions of the bill that would change the quantum of vote required to approve housing-related zoning amendments and special permits be amended to apply only in municipalities that have not achieved a Subsidized Housing Inventory (SHI) percentage of ten percent or

more.” Mr. Duchesneau also noted the Sudbury Board of Selectmen had created their own draft of a letter which was very similar to the Needham letter.

Mr. Garvin suggested endorsement of the letter by the Planning Board but to also include the fact that Sudbury is advocating for a new Inclusionary Housing Zoning Bylaw as well. Mr. Hincks noted he was fine with the Sudbury Board of Selectmen’s and Needham Selectmen’s versions of the endorsement.

Selectman Brown expressed appreciation for the Planning Board’s endorsement and indicated that as a resident, she supported the maintenance of local control of housing aspects in consideration of the substantial number of dwelling units recently added to the Town and remaining committed to that effort. Mr. Garvin agreed with an endorsement letter jointly signed by the Board of Selectmen and Planning Board.

Minutes for Approval: September 11, 2019

Mr. Hincks motioned to approve the minutes of September 11, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Administrative Report

Mr. Duchesneau reminded the Planning Board the Annual Town Forum would be held the following Thursday and Planning Board participation was encouraged. He provided information regarding a Citizen’s Petition for the proposed creation of a new historic district for the Stone Farm property at 554 Boston Post Road and a possible Special Town Meeting vote on the matter. Mr. Duchesneau indicated the Planning Board would likely be discussing the Citizen’s Petition and associated matters at the Board’s next meeting, as well as preparing articles for the May 2020 Town Meeting Warrant.

Ms. Kilcoyne then announced she would be resigning from the Planning Board effective November 14, 2019 because she had accepted new employment which would interfere with the Planning Board’s meeting schedule. She stated she had enjoyed being on the Planning Board and would miss it.

Mr. Duchesneau noted Ms. Kilcoyne’s appointment as a member of the Town Manager Search Committee would transfer to Mr. Garvin. Mr. Hincks offered to be the alternate member from the Planning Board on the Town Manager Search Committee.

Mr. Duchesneau discussed the logistics of a joint meeting between the Planning Board and Board of Selectmen to appoint John Sugrue as a full member of the Planning Board. Mr. Hincks mentioned it might be appropriate to reach out to the person who recently finished second in the associate member Planning Board search rather than starting another new search process. Mr. Duchesneau indicated he would speak with the Interim Town Manager, Maryanne Bilodeau, about such an associate member appointment.

Future Meeting Schedule

The Planning Board reviewed the draft 2020 Meeting Schedule and Application Submission Deadlines. The Board agreed to change the April 22, 2020 meeting date to April 29, 2020.

It was noted the next Planning Board meetings would be held on November 15, 2019 (a joint meeting with the Master Plan Steering Committee) and December 11, 2020.

Executive Session – Pursuant to MGL Chapter 30A, Section 21(3) for the purpose of discussing litigation regarding 554 Boston Post Road. To discuss strategy with respect to litigation, an Open Meeting may have a detrimental effect on the litigating position of the Board and the Chair so declares. Vote to end Executive Session and not return to Open Session.

Mr. Garvin made a motion to close the Open Session and to go into Executive Session, and to vote to not return to Open Session. Mr. Garvin also declared that to discuss strategy with respect to litigation regarding 554 Boston Post Road, an Open Meeting may have a detrimental effect on the litigating position of the Board. Mr. Hincks seconded the motion. The vote was unanimous, 5-0, with the members voting as follows: Garvin – Aye, Karustis – Aye, Hincks – Aye, Finnicum – Aye, and Kilcoyne – Aye.

At 9:35 PM, Mr. Garvin called the Executive Session to order.

There being no further business, the meeting was adjourned at approximately 10:00 PM.