



Town of Sudbury

Planning Board

PlanningBoard@sudbury.ma.us

Flynn Building
278 Old Sudbury Road
Sudbury, MA 01776
978-639-3387
Fax: 978-639-3314

www.sudbury.ma.us/planning

MINUTES

DECEMBER 11, 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, and 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)

Mr. Garvin motioned to continue the Site Plan Review and Stormwater Management Permit public hearing for 151 & 183 Boston Post Road (Assessor’s Map K11-0020 & K11-0501) to the December 18, 2019 Planning Board meeting. Mr. Hincks seconded the motion. The vote was unanimous, 5-0.

Public Hearing – Proposal to create a new local historic district to be known as the Stone Tavern Farm Historic District to include a 3+/- acre portion of land shown as Assessor’s Parcel K06-0602 with the address of 554 Boston Post Road

Mr. Garvin opened the public hearing at 7:35 PM.

Mr. Duchesneau noted a letter was received late in the day from the main proponents; Jeffrey “Sam” Jackson of 28 Woodland Road and Paul Bisson of 55 Highland Avenue; who indicated they would not be able to attend the meeting.

Attorney Lou Levine, on behalf of Anne Stone, owner of Stone Farm, stated the proponents did not have the courtesy to attend the public hearing. He emphasized Ms. Stone and the developer had worked with the Planning Board and followed all directives. Mr. Levine spoke of other commercial properties next to Ms. Stone’s property. He cited two similar historic district bylaws within the last six months. Mr. Levine asserted the proponents set out to “torpedo” the permits issued by the Planning Board and the project as a whole.

Quentin Nowland, the developer of the proposed self storage facility for the property, asked if the Planning Board would vote on their recommendation for the proposed historic district at the end of the meeting. Mr. Garvin responded a recommendation would be made at some point, but the Planning Board would like to first consider all possible input, including a recommendation from the Historic Districts Commission. He noted the Planning Board’s final recommendation could be made as late as during the Special Town Meeting on January 2, 2020.

Ann McGovern of 925 Boston Post Road noted she grew up in the Wayside Inn Historic District and this proposal would be the only single-property historic district in Sudbury. She asked if the Town could force a resident to convert their property into a historic district and if such resident could afford to live in such a home as designated by the Town. Ms. McGovern indicated such an action was very mean-spirited. Mr. Garvin responded by clarifying the Town did not bring forth the proposal to create the historic district and was simply following the requirements of Chapter 40 of the Special Acts of 1963. He noted the Special Town Meeting vote on January 2, 2020 would determine what happened with the proposed historic district.

Selectman Pat Brown of 35 Whispering Pine Road stated at the previous night's Board of Selectmen's meeting, three members indicated they were against the proposal and two members wanted more information before they decided. She noted the Board of Selectmen called the Special Town Meeting as they were required to do under Massachusetts General Law (MGL), Chapter 39, Section 10 and did not call such a meeting simply because they wanted to. Ms. Brown stated the Town of Sudbury must maintain a fair and predictable permitting process, and indicated this situation did not meet that standard.

Historical Commission member Diana Warren of 32 Old Framingham Road stressed the importance of preservation of historical properties and Sudbury's history. She noted the Stone Farm Tavern building dated back to the 1750s and Plymouth Rock. Ms. Warren affirmed the single-property historic district was legal and would protect the property. She stressed the importance of the 265 residents who endorsed the petition, many of whom had served in Sudbury governance and community leadership positions. Ms. Warren noted Town Counsel had confirmed the legality of such a historic district, which was not reflective of "spot zoning." She mentioned a similar historic district which had recently been created in the Town of Hopkinton.

Jake Parsons, property owner of 415 and 418 Boston Post Road, stated he had represented Ms. Stone as part of the real estate transaction of Stone Farm. He noted he was confused by all of this because the buyer was local, understood the area, and was preserving what he could at the site including the Stone Tavern building, which was a costly portion of the overall project. Mr. Parsons emphasized the low impact aspect of the proposed business and the fact that much of the property would still be maintained by Ms. Stone as a farm/open land. He suggested the community explore alternatives to the creation of a proposed historic district for the property.

Anne Stone of 554 Boston Post Road and owner of Stone Farm indicated there was no plan in place should the proposed historic district be approved at Town Meeting.

Patrick McCarthy of 554 Boston Post Road, and nephew of Anne Stone, stated he had come before the Planning Board no less than four times and the petitioners had never come to voice their opinions at any of those public hearings. He stressed everyone had worked hard to bring the project to a point where everyone benefitted, including the Town. Mr. McCarthy noted he had submitted a letter against the proposal to create the historic district.

Chuck Mills of 47 Rolling Lane stated he had worked with Anne and Patrick Stone on their farm for many years, and implored the Planning Board to consider that there was no set plan if the proposed historic district passed. He asked the Planning Board to consider that fact before making a final decision on the proposal.

Debbie Dineen of 14 Firecut Lane requested the Planning Board not support the proposal and indicated that if Stone Farm was so historically valuable, why had a Town board/committee/commission not approached Ms. Stone before this time. She noted the Conservation Commission had worked with Ms. Stone's parents to place the farm fields to the north under a permanent restriction and at no point did any other Town boards/committees/commissions approach Ms. Stone until the petition had come out. Ms. Dineen affirmed that if the proposed creation of a historic district over the property passed, it could delay the project to the point where Mr. Nowland might not remain involved. She noted Ms. Stone was selling the property because she had to as she could no longer maintain the existing structures. Ms. Dineen stated Mr. Nowland had agreed to follow the regulations involved with historic preservation and felt what was being done to Ms. Stone was simply unfair.

Michael Reilly, attorney for Ms. Stone, stated he had known Ms. Stone for many years and had negotiated with Cliff Hughes who would be using the timbers in the barn which was proposed for demolition. He stressed that many of the farm structures would not be destroyed and a significant portion – the Stone Farm Tavern – would be preserved for the use of all in town.

Mr. Karustis stated the Planning Board had worked diligently with the developer on the project and the Stone Farm Tavern was being preserved as well as the farm stand. He added the barn in question needed significant work and Mr. Garvin agreed.

Mr. Levine noted not one petitioner was present at the public hearing regarding the matter which they claimed to be so important and that aspect needed to be considered.

Ms. Warren reiterated the subject property represented the history of Sudbury. She indicated the Historical Commission had asked the property owner if they had sought funding from any sources, including Community Preservation Act funds. Ms. Stone responded she had not. Ms. Warren encouraged all to endorse the creation of the historic district on the property in order to assist Ms. Stone in receiving appropriate financial assistance and to create a preservation plan.

Mr. McCarthy stated he and Ms. Stone had met with the Historical Commission to discuss how funding would solve part of the problem. However, the simple fact was that Ms. Stone could no longer effectively manage the farm any longer, even if funding were provided for the structures on the property, and this was a separate issue. Maintaining all the structures on the property had simply become too much for Ms. Stone.

Mr. Garvin thanked everyone for their participation in the public hearing and noted the Planning Board was taking the matter very seriously.

Mr. Hincks indicated he had the following questions/comments:

- He wanted to read and fully understand the petition.
- He wanted to hear more about the logic behind the Special Town Meeting and the timeline.
- He wanted to hear about any alternative proposals.
- He wanted to understand what happened next if the historic district was approved.
- He wanted to hear more information from the Historic Districts Commission.

Mr. Finnicum noted that as an architect, he had a strong appreciation of historical preservation and knew the key to effective historical preservation was planning. He felt the proposal to create a historic district over the subject property was reactive and not reflective of proactive planning. Mr. Finnicum indicated

Stone Farm's location between Whole Foods and the Bartlett Company greenhouses was difficult to preserve in the manner discussed.

Mr. Sugrue agreed with Mr. Finnicum's assessment of planning being necessary for preservation. He did not understand what the plan was beyond enactment of a historic district, which usually reflected a community and not a single property or building.

Mr. Karustis stated he was a fan of older homes and felt this structure did not meet the desired level of old home quality. He explained initially he had concerns about the proposed development but working through it, he felt it was the best option for some kind of preservation on site. Mr. Karustis felt the proposed development project reflected a win-win-win situation; the town got the preservation of the Stone Farm Tavern, the Town would get the revenue benefit, and the Stones would manage to be above water. He noted there was no other plan in place to address the dilapidated condition of the structures on the property. Mr. Karustis was appalled the petitioners had never participated in the public hearings and had sent a letter just four hours before the hearing that night indicating they would not be able to attend.

Mr. Garvin stated the project was a very thoughtful and collaborative process, both with the applicant and other Town boards/committees/commissions. He was also disturbed by the fact the petitioners did not appear at the public hearing and welcomed continued comments, as well as the recommendation of the Historic Districts Commission. Mr. Garvin stressed the Planning Board was very preservation orientated and had put significant effort behind the new Master Plan project for the Town.

Selection of Planning Board Associate Member

Mr. Duchesneau stated four or five applicants had applied for the Associate Member position on the Planning Board back in July of 2019. At that time a ranking process took place to determine which person would be the next Associate Member. Mr. Duchesneau noted, as requested by the Planning Board, he had reached out to the person who finished second as a result of that process, Anuraj Shah, who indicated he was still interested in the Associate Member position.

Mr. Garvin introduced Anuraj Shah of 257 Concord Road.

Mr. Hincks stated he had worked with Mr. Shah on the Community Preservation Committee, and felt Mr. Shah would be a great addition to the Planning Board and was very qualified.

Mr. Hincks motioned to appoint Anuraj Shah as the Associate Member on the Planning Board for a term ending May 31, 2021. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Request for Bond Release – 70 Indian Ridge Road

The developer, Gary Bennos, was present to discuss the matter with the Planning Board.

Mr. Bennos stated all related permits had been issued and he had completed the Planning Board's request to extend the driveway on the subject property.

Ms. Suedmeyer provided a narrative regarding the need to extend the driveway. She noted the only slight modification made was the location of the planted arborvitae due to maintaining more of the existing trees. Ms. Suedmeyer indicated the vegetative plantings had been well placed on the site and was pleased more existing vegetation could be maintained.

Mr. Hincks motioned to release the bond for 70 Indian Ridge Road. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Mr. Bennos commented Ms. Suedmeyer was most helpful throughout the project.

Request for Bond Release – Trevor Way

The developer, Marcel Maillet of Maillet & Son, was present to discuss the matter with the Planning Board.

Mr. Maillet stated Trevor Way had been accepted by the Town in 2016 and the remaining items had been completed.

Ms. Suedmeyer indicated the final items which had received approval were the catch basin traps and accessibility to the manholes over the infiltration basins.

Mr. Hincks motioned to release the bond for Trevor Way. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Master Plan Update

Mr. Duchesneau stated a conference call was held with the consultant the previous week and they identified seven sticking points which were a result of the earlier Community Conversations (joint meetings between the Planning Board and the Master Plan Steering Committee (MPSC)). The next MPSC meeting was scheduled for December 20, 2019 at 8:45 AM at the Police Station to go over those seven important aspects at meetings scheduled for January, February, and March of 2020. Mr. Duchesneau noted related documentation had been sent to Planning Board members earlier that week.

Mr. Duchesneau indicated a final draft of the Master Plan was anticipated around June of 2020 and in the spring of 2020, a final public workshop would be scheduled.

Administrative Report

Ms. Suedmeyer stated the MPSC had a meeting with the Chamber of Commerce on November 19, 2019 and the topic had been economic development and a vision for the community. She added a follow-up survey had been distributed and would be open until December 20, 2019 to attempt to gather additional feedback, especially from the business community.

Ms. Suedmeyer discussed the Broadacres Farm Design Charrette which served as the 2019 Annual Town Forum and was held on November 21, 2019. She noted the event was well attended and reflected a most engaging process which provided a lot of feedback to work with. Ms. Suedmeyer indicated conceptual ideas resulting from the charrette would be presented to Town staff and the Board of Selectmen at a future meeting, likely in January of 2020.

Mr. Garvin asked how the children interacted at the charrette. Ms. Suedmeyer stated a Sudbury 5th grade robotics group had chosen Broadacres Farm as their project focusing on shaping the community. She explained the 5th grade robotics group proposal included a pool and a spray park at the Broadacre Farm property.

Minutes for Approval: September 25, 2019

Mr. Karustis moved to approve the minutes of September 25, 2019. Mr. Hincks seconded the motion. The vote was unanimous, 3-0, with Mr. Hincks and Mr. Sugrue recused from the vote.

Future Meeting Schedule

Mr. Duchesneau noted all Planning Board members had confirmed their attendance for the December 18, 2019 meeting. He added the meeting materials would be transmitted digitally and he would bring several hard copies to the meeting as well. Mr. Hincks noted digital transmission of materials would be preferred moving forward.

Mr. Duchesneau noted the December 18, 2019 meeting would be dedicated to deliberation regarding the proposed Stone Tavern Farm Historic District and proposed Zoning Bylaw amendments. Mr. Garvin agreed that adding the December 18, 2019 meeting would allow the Planning Board to focus on the Town Meeting Warrant topics and recommendations for the Special Town Meeting.

Mr. Hincks indicated his satisfaction regarding having an extra meeting before the Special Town Meeting in order to address important aspects. He went on to indicate he did not have a comfort level when making decisions minutes before a Town Meeting. Mr. Hincks further asserted the Planning Board should vote on their positions for the Warrant Articles at the December 18, 2019 meeting and discuss how the Planning Board should present its recommendations to the Special Town Meeting.

Mr. Duchesneau noted that because Mr. Nowland, the developer for the property at 554 Boston Post Road, did not live in Sudbury, the moderator would have to permit him to present at the Special Town Meeting. Mr. Hincks stated such a request could be put before the entire Special Town Meeting.

Mr. Hincks opined many of the signatories on the proposed Stone Tavern Farm Historic District petition likely did not actually read the finalized petition.

Mr. Karustis read from the petitioner's document submitted to the Planning Board at 4:00 PM earlier that day and addressed the "drastically changed" proposal for the farmhouse. He noted such a change reflected a restorative improvement. Mr. Garvin stated the Planning Board could present their perspective on this matter to the Special Town Meeting. Members agreed about the conveyance of a factual and solid communication plan when going into the Special Town Meeting.

Town Meeting Zoning Bylaw Discussion

Mr. Duchesneau summarized the proposed Solar Energy Systems Zoning Bylaw which would be discussed as part of a public hearing at the January 22, 2020 Planning Board meeting. He noted the public hearing for the proposed Inclusionary Housing Zoning Bylaw could also be included as part of the January 22, 2020 meeting or could be covered at a different meeting. After some discussion by the Planning Board, Mr. Duchesneau recommended the Board discuss both proposed bylaws at the January 22, 2020 meeting.

Mr. Hincks noted the Design Review Board had requested modifications to the signage Zoning Bylaw at an earlier meeting. Mr. Garvin stated the Planning Board's main focus should be on the proposed Solar Energy Systems and Inclusionary Housing Zoning Bylaws for now.

Mr. Hincks also inquired about Selectman Dan Carty's mention of provisions for electric cars, which would possibly require amending the Town's current parking requirements in the Zoning Bylaw. Discussion ensued. Mr. Hincks suggested the Planning Board make a list of topics that would require updating the Zoning Bylaw for future reference.

Mr. Duchesneau noted the Planning Board could implement some provisions for electric cars through the Site Plan Review permitting process. Mr. Karustis suggested the Planning Board read through the list of possible Zoning Bylaw amendments to be able to discuss them at the next Planning Board meeting. Mr. Garvin agreed with the suggestion. The Planning Board members indicated they would get comments to Mr. Duchesneau before the December 18, 2019 meeting so he could prepare updated drafts of each proposed Zoning Bylaw amendment.

Mr. Hincks discussed the comments from Liz Rust of the Regional Housing Services Office. He noted her comments were very pertinent and provided a great foundation for the discussion. Mr. Hincks also discussed what the minimum threshold should be to trigger the need for a development to provide a certain number of affordable housing units in a project.

The Planning Board discussed the aspect of the proposed bylaw which would require the developer to make a payment to the Town in lieu of constructing an affordable dwelling unit. The Board agreed the Sudbury Housing Trust faced difficulties and this provision of the proposed bylaw could help to provide the Trust with additional resources. Mr. Garvin stated the average Housing Trust completion process could take approximately two to three years.

Mr. Duchesneau explained the Town of Concord had a Building Permit surcharge which would be paid directly to the Concord Housing Trust. Mr. Garvin noted the process mentioned was worth consideration. Mr. Duchesneau noted the Town of Concord also had a transfer tax on all home sales which provided funds for inclusionary housing initiatives but also required special legislation. Mr. Garvin indicated he was supportive of such a concept.

The Planning Board agreed to schedule a joint meeting with the Housing Trust in mid-January. Mr. Duchesneau noted there was approximately \$200,000 in the Trust at this time and they just voted to allocate \$50,000 of that amount to the Coolidge at Sudbury Phase II project, which was facing a funding shortfall. Mr. Karustis commented he was unsure if the Planning Board should dictate how the Trust spent its funds. Mr. Hincks agreed in part with Mr. Karustis' statement and also indicated the Planning Board might help the Trust generate additional funding for much needed affordable housing in the community.

Mr. Hincks suggested the funding go into a pool rather than directly to the Housing Trust and the direction of the pool might be determined by the Board of Selectmen. Some Planning Board members commented such concept resembled a slush fund.

The Planning Board began a discussion regarding the proposed Solar Energy Systems Zoning Bylaw. It was noted several Towns prohibit fossil fuel permits for new homes and renovations, such as Brookline. Mr. Garvin also cited the Arlington High School building project which was fossil fuel free. Mr. Finnicum noted that with further limitations on fossil fueling, Solar Energy Systems would be ever more important. He also noted ground mounted Solar Energy Systems would need to be addressed via Town standards.

Mr. Hincks asked if the Planning Board would need to address residential Solar Energy Systems. The Planning Board members agreed bylaws regarding residential Solar Energy Systems must be addressed at this time as well.

Ms. Brown stated the Planning Board's discussion regarding the proposed Inclusionary Housing Zoning Bylaw and the Solar Energy Systems Zoning Bylaw were most informative.

There being no further business, the meeting was adjourned at approximately 10:06 PM.