



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

MAY 13, 2020 AT 7:00 PM

VIRTUAL MEETING

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

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

Mr. Garvin opened the meeting at 7:00 PM.

Continued Public Hearing - Stormwater Management Permit – 197 Landham Road (Assessor’s Map L10-0502)

Applicant and owner Lindsay Philbrick and James Tetreault of Thompson-Liston Associates, Inc. were present to discuss the application with the Planning Board.

Mr. Tetreault detailed the revisions which had been made to the plan which included:

- Inclusion of trail map signage
- Improvements to drainage and erosion plans
- Inclusion of proposed chain link fence to the side of the sports court

Mr. Karustis asked if there was a split-rail fence on the north side of the sports court. Mr. Tetreault stated there was a four foot space between the two fences, enough for plantings.

Mr. Garvin stressed the importance of the permeability of the sports court.

Ms. Suedmeyer outlined two conditions within the draft Stormwater Management Permit decision:

- Condition C.2. which addressed the parking lot on Town property to be used for access during the construction of the sports court and would be left in an improved condition.
- Condition C.6.b. which outlined a Performance Bond to be determined by the Town Engineer.

Mr. Hincks motioned to approve the Stormwater Management Permit as presented for 197 Landham Road (Assessor’s Map L10-0502). Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Minutes for Approval: January 22, 2020, February 12, 2020, and February 26, 2020

Mr. Hincks motioned to approve the Planning Board minutes for January 22, 2020, February 12, 2020, and February 26, 2020. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Continued Public Hearing – Final Plan Approval, Plan Approval, and Stormwater Management Permits – 16 & 36 North road (Cold Brook Crossing) (Assessor’s Maps C12-0003, C12-0004, and C12-0100)

Applicants Chris Claussen and Chris Kennedy, attorney William Henchy, and Robert Michaud of MDM Transportation Consultants, Inc. were present to discuss the application with the Planning Board. Also present on behalf of the Town were John Witten from Town Counsel (KP Law) and Jeff Bandini of McMahon Associates, Inc.

Mr. Claussen provided an overview presentation which focused on the Zoning Board of Appeals comment memorandum and transportation considerations as follows.

Some items in the Zoning Board of Appeals Comment Memorandum included, but were not limited to:

- Electric Vehicle Charging Stations – determined by market demand, with the possibility of additional charging stations
- Bedrooms – deed restriction, condominium master deed restriction, Massachusetts Department of Environmental Protection (MassDEP) Permit for wastewater, and the Land Disposition and Development Agreement limiting the number of bedrooms
- Dedicated Open Space – 10% requirement for Chapter 40R projects

Mr. Michaud recapped the Transportation Summary which included:

- Traffic Impact and Access Study (TIAS) to meet industry standards
- Methodology and findings consistent with the Town-sponsored study by McMahon Associates, Inc. and their peer review findings
- Mitigation consistent with requirements

Mr. Duchesneau inquired about a sidewalk provision along North Road/Route 117. Mr. Claussen affirmed space was being reserved for a future sidewalk.

Mr. Duchesneau stated Town Counsel concurred with a shared-path concept where coordination with the Complete Streets Plan would provide for mitigation. Mr. Claussen reiterated the plan to reserve space for such a sidewalk was possible, though it was not a part of the mitigation agreement.

Ms. Suedmeyer opined about the grading along North Road/Route 117 to allow for cyclists. Mr. Claussen responded there was space to expand. Ms. Suedmeyer requested a related cost estimate in order to plan for the proposed projects and coordinating in a more economical fashion. Mr. Claussen responded he would ask the contractor to supply a cost estimate.

Ms. Suedmeyer inquired about the proposed shuttle service and asked if such service could accommodate non-Cold Brook Crossing residents. Mr. Garvin stressed a shuttle service would be a great

opportunity for residents of the town. Mr. Claussen commented such a service was not intended for non-Cold Brook Crossing residents.

Mr. Bandini requested surety regarding sufficient traffic light installations. Mr. Hincks recommended a very thorough traffic plan. He noted traffic was the single most repeated project concern of Sudbury residents he had heard.

Mr. Sugrue emphasized the importance of the traffic study being very inclusive and comprehensive.

Mr. Karustis agreed with the other Planning Board members and advocated for an inclusive sidewalk plan concurrent with Cold Brook Crossing construction.

Mr. Finnicum opined about traffic calming plans which would contribute to safer roadways. Mr. Michaud stated twelve-foot striping lines would be an effective way to decrease vehicle speed.

The Planning Board members agreed additional Electric Vehicle Charging Stations were necessary. Mr. Garvin suggested conduits be included for future Electric Vehicle Charging Station needs.

In consideration of the potential increase in the number of bedrooms, Mr. Garvin suggested a water-meter study could be implemented to help control such possible trending. He suggested appropriate language could be included as a condition. Mr. Henchy cautioned about using such language in the conditions of the decision noting it could possibly impact on the secondary mortgage market.

John Riordan of 12 Pendleton Road and Chair of the Zoning Board of Appeals reiterated the areas of importance addressed by Zoning Board of Appeals Comment Memorandum as follows:

- Location and scarcity of Electric Vehicle Charging Stations
- Installation of conduits at the time of construction to allow for the expansion of Electric Vehicle Charging Stations at a later time
- Control regarding an increase in the number of bedrooms. Consideration of the Meadow Walk Development's loft units being classified as additional bedrooms upon resale
- Importance of the open space aspect and related documentation

Mr. Garvin indicated stormwater and wastewater considerations would be discussed at the May 27, 2020 Planning Board meeting. Mr. Hincks suggested the scheduling of a special Planning Board meeting to only discuss the Cold Brook Crossing development application. The other Planning Board members agreed with this recommendation.

Mr. Garvin motioned to continue the public hearing for the Final Plan Approval, Plan Approval, and Stormwater Management Permits application for 16 & 36 North Road (Cold Brook Crossing) (Assessor's Maps C12-0003, C12-0004, and C12-0100) to the Planning Board meeting on May 27, 2020. Mr. Hincks seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Public Hearing – Modifications and Time Extension to Definitive Conventional Subdivision Decision, and Stormwater Management Permit – 210-212 Pratts Mill Road (Assessor’s Map G06-0022)

Dan Bremser and Jacob Lemieux of Hancock Survey Associates, Inc. and owners Terrance McDonough and Timothy Emerson were present to discuss the application with the Planning Board.

Mr. Lemieux provided a summary of the proposed plan highlighting the major changes to the project since the 2018 decision which included an additional 14,000 square feet of vegetative clearing.

Mr. Duchesneau noted the Definitive Subdivision Plan approval for the property was granted in 2018 with a substantial number of conditions. He noted that in June of 2019, Town staff had determined a Major Stormwater Management Permit would be needed for the project. Mr. Duchesneau also indicated vegetative clearing had been performed in excess of what was approved in the 2018 decision and a Cease and Desist Order on the project had therefore been issued.

Mr. Hincks asserted the proposed plan did not conform to the Sudbury Zoning Bylaw, especially in consideration of the significant number of waivers which had been granted from the Rules and Regulations Governing the Subdivision of Land. He stressed this was a different proposal than what had been agreed to in the 2018 decision. Mr. Hincks asked if additional clearing was being requested as part of the proposed modifications to the decision and Mr. Emerson responded affirmatively.

Mr. Shah agreed the proposed plan was vastly different than what had been previously approved with numerous conditions.

Mr. Garvin read aloud the numerous conditions that were implemented as part of the 2018 decision for the project.

Mr. Sugrue expressed the same concerns as other Planning Board members.

Mr. Karustis reinforced the proposed plan was hugely different than what the Planning Board had originally approved.

Mr. Finnicum stated he wanted additional information about the project, in particular a calculation regarding the increase of impervious area. He also requested a holistic re-examination of the site design.

Attorney Michael Fee representing Jayne and Peter Gandrup of 29 Oak Hill Road raised concerns regarding the excessive proposed changes to the approved plans as well as the unpermitted clearing of land.

Linda Gallagher of 17 Oak Hill Road had counted the removal of over 80 established trees with more marked for removal. She indicated these actions had been disheartening.

Mr. Emerson stated he was not aware of the age of the trees, would plan to provide extensive buffing, and would examine the limits of clearing.

Mr. Finnicum inquired about the timing of the vegetative clearing. Ms. Suedmeyer indicated the clearing occurred as the Stormwater Management Plan was being reviewed. Mr. Emerson stated the excavator had lost track of the boundaries. Mr. Garvin reiterated the Applicant was responsible for what had been done.

Mr. Hincks motioned to continue the public hearing for the Modifications and Time Extension to a Definitive Conventional Subdivision Decision, and Stormwater Management Permit application for 210-212 Pratts Mill Road (Assessor's Map G06-0022) to the Planning Board meeting on May 27, 2020. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

69-71 Brewster Road (Assessor's Maps H10-0100 and H10-0900) – Approval Not Required (ANR) Plan

Attorney Matt Watsky was present to discuss the application with the Planning Board. Mr. Watsky explained the logistics of the ANR Plan for 69-71 Brewster Road.

Mr. Duchesneau reviewed the ANR Plan-related questions which had been posed by the Planning Board at their last meeting and discussed Town Counsel's responses. He added Town Counsel had indicated the Planning Board could endorse the ANR Plan.

The Planning Board members acknowledged no formal vote was necessary unless they wanted to vote to deny the ANR Plan. The Planning Board agreed to endorse the ANR Plan for 69-71 Brewster Road.

Meadow Walk Development Update – Site Plan Review and Stormwater Management Permits Closeout

Steve Senna of National Development was present to discuss the matter with the Planning Board. Mr. Senna provided details regarding the last permits which had been approved for the Meadow Walk Development and what was needed to close them out with final sign offs. The Planning Board agreed to work to closeout all of the remaining outstanding permits for the project.

Melone Smart Growth Overlay District Plan Approval Authority (PAA) Rules/Regulations for Plan Approval Applications

Mr. Duchesneau noted the Planning Board had agreed to use a modified version of the Site Plan Review Rules and Regulations for the Melone Smart Growth Overlay District Plan Approval Authority (PAA) Rules/Regulations for Plan Approval Applications. The Site Plan Review Rules and Regulations had been modified and presented to Bill Reyelt of the Department of Housing and Community Development, who made a few technical comments and amendments. This amended document was now before the Planning Board for review and approval. Mr. Duchesneau also stated Town Counsel, the Applicants' attorney (Bill Henchy), and the Applicants had all reviewed the changes and presented no further comments.

Mr. Hincks moved to approve the Melone Smart Growth Overlay District Plan Approval Authority (PAA) Rules/Regulations for Plan Approval Applications as amended. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

At 10:00 PM, Mr. Garvin motioned to continue the Planning Board meeting. Mr. Hincks seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Master Plan Update – Reappointment of Master Plan Steering Committee Members

Mr. Duchesneau explained the Master Plan Steering Committee (MPSC) would be meeting on May 15, 2020 to discuss the annotated Master Plan outline and next steps. He added that all MPSC members had agreed to be reappointed through the end of the Master Plan update process.

Mr. Hincks moved to reappoint all members of the Master Plan Steering Committee to a term ending January 31, 2021. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Abstain.

Town Meeting Zoning Bylaw Discussion

The Planning Board acknowledged an additional public hearing was needed in preparation of the September Annual Town Meeting date. Mr. Garvin suggested the Planning Board have a related discussion at one of their June 2020 meetings.

Administrative Report

Mr. Duchesneau informed the Planning Board he had participated in a meeting of the Town Reopening Task Force. He added private business representatives and community stakeholders would be included in future discussions about the reopening process and timeline.

Future Meeting Schedule: May 27, 2020 and June 10, 2020

Mr. Duchesneau noted virtual Town board, committee, and commission meetings might become more permanent even once the pandemic subsides.

Mr. Garvin suggested the Planning Board consider scheduling an additional special meeting for the Cold Brook Crossing residential development application between the Board's May 27, 2020 and June 10, 2020 meetings.

There being no further business, the meeting was adjourned at approximately 10:20 PM.