



# 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

**JULY 15, 2020 AT 7:00 PM**

### VIRTUAL MEETING

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

**Members Absent:** Vice Chair Charles Karustis

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

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

**Immediately Continued Public Hearing\* - Modifications and Time Extension to Definitive Conventional Subdivision Decision, and Stormwater Management Permit – 210-212 Pratts Mill Road (Assessor's Map G05-0022)**

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 August 12, 2020 and to extend the application review period to September 30, 2020. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**Public Hearing – Conventional Preliminary Subdivision Plan – 69-71 Brewster Road (Assessor's Maps H10-0100 and H10-0900)**

Attorney Matt Watsky was in attendance on behalf of the owner as well as Molly Obendorf from Stamski and McNary, Inc. to discuss the matter with the Planning Board. Ms. Obendorf presented an overview of the project and the Preliminary Subdivision Plan for 69-71 Brewster Road, a proposed two-lot subdivision with access off of Old Sudbury Road.

Mr. Duchesneau noted Town staff had a preliminary meeting with the Applicant regarding the two-lot subdivision. He provided a chronology of the project and mentioned Town Engineer William O'Rourke had expressed concerns about the proposed roadway and driveways. Mr. Duchesneau indicated Conservation Coordinator Lori Capone had submitted a letter detailing the significance of adjoining wetlands.

Ms. Suedmeyer noted the previous developer for the property had encountered challenges due to the topography of the site and stormwater concerns. She explained the adjacent development had encountered significant flooding.

Mr. Finnicum asked about the property line between the two proposed lots. Ms. Obendorf stated the lots were divided equally with considerable allowance for the wetland areas and the septic system.

Mr. Finnicum inquired about the grading of the access roadway. Ms. Obendorf indicated the grading aspect of the project was still being drafted and these details would be finalized for the Definitive Subdivision Plan submission. Mr. Finnicum also asked about the distance from the cul-de-sac to the Old Sudbury Road public right of way, and requested the limit of work be further defined.

Mr. Shah echoed the concerns of Town staff regarding a large retaining wall being proposed and the project's proximity conservation land.

Mr. Hincks mentioned the Approval Not Required Plan which had recently been filed for the property and questioned the timing of the Approval Not Required Plan process and the Preliminary Subdivision Plan application submission. Mr. Watsky indicated the Preliminary Subdivision Plan took advantage of a particular statutory provision to freeze the existing zoning for the property. Mr. Hincks asked to see how the Approval Not Required Plan fit into this plan and Mr. Watsky stated he would provide justification.

Mr. Sugrue stated his main concerns were the grading for the project and the scope of work limits.

Mr. Garvin acknowledged the proposed grading was very steep and suggested the proposed work be further pushed back from the road. He asked about Shift Energy USA and its part in the ownership of the property. Mr. Watsky responded that Shift Energy was considering a large solar array on the site.

Mr. Garvin requested the Applicant submit a master plan for the entire property including the proposed development plans for the rear (southern) portions of the site. The Planning Board members agreed and wanted to see more transparency with the proposal.

Susan Chisholm of 213 Old Sudbury Road asked about the possible solar array project for the property. She expressed concern about runoff and grading with particular concerns about clear-cutting the land if a solar energy system would be constructed. Ms. Chisholm emphasized her concerns related to homes in the surrounding area and the project's potential impacts on conservation lands. She agreed there should be more transparency with regard to the proposal.

Mr. Hincks motioned to close the Conventional Preliminary Subdivision Plan public hearing for 69-71 Brewster Road (Assessor's Maps H10-0100 and H10-0900). Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – 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, Robert Michaud of MDM Transportation Consultants, Inc., and attorney William Henchy were present to discuss the matter with the Planning Board. Mr. Claussen provided a summary of the following project topics as requested by the Planning Board:

- Sidewalk/Connectivity Options
- Emergency Access
- Intersection Improvements

- Updated Plans
- Draft Conditions

#### Sidewalk/Connectivity Options

Mr. Claussen highlighted three areas for consideration: the retention of the berm along North Road/Route 117, connectivity between the site and the Bruce Freeman Rail Trail, and a proposed sidewalk initiative. Mr. Claussen supplied a cost estimate provided by his contractors to construct a sidewalk along the roadway and confirmed the requested tree survey had been performed which indicated there were existing large trees on the berm.

Mr. Claussen agreed with the Planning Board's suggestion regarding connecting the site with a pathway to the rail trail, with two possible access points to the Bruce Freeman Rail Trail.

Mr. Finnicum appreciated the connection option and indicated the connectivity aspect could improve over time. He asked about the proximity to the fields from the access points and Mr. Claussen responded in detail.

Mr. Shah felt it would be best not to remove the mature trees from the area along North Road/Route 117.

Mr. Hincks asked about the Town's budget for sidewalk development. Mr. Garvin stated it cost between \$700 and \$1,000 per linear foot to construct sidewalks. Mr. Hincks asked about the budget for a Bruce Freeman Rail Trail connection and Mr. Claussen replied it was approximately \$10,000 for each of the two connections.

Mr. Hincks suggested the Cold Brook Crossing development could make a significant contribution to the sidewalk implementation initiative.

Mr. Sugrue expressed concern about where the sidewalk could go and the value of a sidewalk coming down Cold Brook Drive towards North Road/Route 117.

Mr. Garvin stated he was a proponent of sidewalks that created pieces which could later provide connectivity and he also suggested the possible utilization of tree wells in the berm to help retain some of the existing trees. He stressed that consideration must be given to what Concord might prefer with regard to the berm.

Mr. Finnicum indicated a sidewalk could be built along the roadway with privacy screening but it was interesting to hear other options.

#### Emergency Excess

Mr. Claussen indicated Fire Chief John Whalen had approved the proposed emergency access plan. However, Mr. Claussen noted he was not sure of Concord's view regarding the proposed access or if they would require a secondary option.

Mr. Duchesneau stated Option A would likely be the preferred choice. He noted the Planning Board might want to maintain control of this aspect of the project and include a related condition. Mr. Duchesneau opined that such language could include the mention of a sidewalk along North Road/Route 117 towards the emergency access point and provide Sudbury connectivity at a later time.

Ms. Suedmeyer noted it was especially important to maintain connectivity along North Road/Route 117 for future construction of a sidewalk.

#### Intersection Improvements

Mr. Claussen indicated the intersection improvements were most critical at Pantry Road and Dakin Road, and at the intersection of Sudbury Road and North Road/Route 117.

Mr. Michaud stated the signal light at Pantry Road and Dakin Road was not working properly, and ADA compliance should be considered.

Mr. Hincks noted this aspect would be decided by the Board of Selectmen but the Planning Board should recommend this work be done. He acknowledged that residents who live on North Road/Route 117 were very frustrated with the traffic situation and it could be remedied.

Mr. Garvin agreed with Mr. Hincks and asked about the cost estimates for short-term intersection improvements at the Dakin Road and Pantry Road intersection. Mr. Michaud provided an estimate in the \$30,000 range for the standard implementation and approximately \$50,000 for a video traffic detection system.

Ms. Suedmeyer asked if a written report would be provided to explain the mentioned traffic study, especially for review by Town officials such as the Department of Public Works, Fire Department, and Police Department. Mr. Michaud responded affirmatively and confirmed the Planning Board could share the presentation/documented report with Town officials. Mr. Garvin suggested the Applicant provide the Planning Board with the PowerPoint presentation document as well.

#### Updated Plans

Mr. Claussen presented updated plans including landscaping and architectural changes made to the apartments since original submission. He noted all traffic studies had been submitted to the Planning Board. Mr. Claussen maintained electric car charging stations would be added to the development, with provisions for future expansion needs at the project.

Mr. Finnicum noted the flexibility/expansion provision was greatly appreciated.

In consideration of draft conditions, Mr. Claussen included the areas of off-site traffic improvements, emergency access, and off-site trail connections/improvements.

Mr. Garvin recommended a special meeting be scheduled to further discuss a number of topics for the project including sidewalk options and draft condition language.

Catherine Rowan of 103 Northwood Drive stated the trustees of Northwood had met with Mr. Claussen to discuss a buffer zone between the Northwood property and the Cold Brook Crossing property. She indicated an agreement had not been reached.

Mr. Duchesneau stated he had forwarded a related email from resident and Trustee of the Northwood Condominiums, Richard Presti of 302 Northwood Drive.

Mr. Duchesneau recommended the Planning Board submit comments regarding the draft conditions/modifications.

Mr. Hincks motioned to continue the public hearing for the 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) to the Planning Board meeting on July 29, 2020. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**Mahoney Farms Senior Residential Community Bond Release – 30 Nobscot Road (Assessor's Map M07-0014)**

Daniel Ruiz of Capital Properties was in attendance to discuss the matter with the Planning Board. He affirmed all aspects associated with the Performance Bond had been completed.

Mr. Duchesneau confirmed all aspects of the project had been satisfied and recommended release of the \$10,000 Performance Bond. Ms. Suedmeyer recommended release of the bond as well.

Mr. Hincks motioned to release the Performance Bond for the Mahoney Farms Senior Residential Community at 30 Nobscot Road (Assessor's Map M07-0014). Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**365 Boston Post Road (Assessor's Map K08-0026) - Minor Site Plan Review**

Jonathan Krinsky was in attendance to discuss the matter with the Planning Board. Mr. Krinsky requested approval for the installation of three tents in the parking lot at 365 Boston Post Road to allow some of the businesses in the commercial plaza to conduct their activities outside. He indicated three businesses would benefit by being able to interact with clients outdoors during COVID-19 pandemic. Mr. Krinsky explained sixteen parking spaces would be temporarily occupied in order to erect the tents. He noted curb stops and construction cones would be used in the parking lot as vehicle safety precautions.

Mr. Duchesneau confirmed the proposed tents would be located in the rear of the Mill Village commercial plaza. He stated the request did not involve outdoor dining, but since the proposed tents would be occupying parking spaces the proposal triggered the need for Minor Site Plan Review from the Planning Board.

Mr. Hincks inquired if the tent installations would create any issues for emergency vehicle access and Mr. Krinsky responded they would not.

Mr. Hincks motioned to approve the Minor Site Plan Review for 365 Boston Post Road (Assessor's Map K08-0026) to accommodate tents in the parking lot until November 15, 2020 or when the State of Emergency was rescinded; with special provisions for pedestrians and the hiding of cables and other utilities. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**Board Appointment – Design Review Board – Chris Alfonso**

Chris Alfonso of 63 Stearns Lane was in attendance to discuss his possible appointment to the Design Review Board. He expressed his desire to serve as a member of the Design Review Board noting he was 20 years old, a University of Massachusetts-Amherst student, and also assisted with his family's business in town. Mr. Alfonso noted his personal experience with the Design Review Board and indicated he could be a contributing member to Design Review Board.

Mr. Shah asked if Mr. Alfonso planned to stay in Sudbury later in life and what he might contribute to the Town. Mr. Alfonso responded he planned to stay in Sudbury, acknowledging his position with his family's business. Mr. Alfonso stated he did not have a great deal of Design Review Board experience, but had the desire to learn and be involved.

Mr. Finnicum asked Mr. Alfonso why he wanted to serve on the Design Review Board and what design background he possessed. Mr. Alfonso responded he had familiarity with Design Review Board guidelines and would desire to participate at the entry level.

Mr. Hincks stated the Design Review Board dealt with landscape and design elements, which is more than opinion. He noted a position on the Design Review Board involved a trained eye along with the attainment of a professional degree.

Mr. Sugrue added most Design Review Board members had experience in the field and asked about Mr. Alfonso's personal involvement with Design Review Board. Mr. Alfonso explained his involvement with a sign permit he had brought before the Design Review Board in the past.

Mr. Duchesneau stated Mr. Alfonso was involved with a family-run business in town and was vested in the community. Mr. Duchesneau noted the Design Review Board was an advisory board, making recommendations to the Zoning Board of Appeals, Planning Board, and Applicants which came before them. He noted Mr. Alfonso might bring a fresh prospective to Design Review Board as a younger member of the community.

Mr. Shah asked if the Design Review Board position had been advertised. Mr. Duchesneau confirmed the position had been advertised and Mr. Alfonso was the only responder. Mr. Duchesneau stressed that diversity within Town boards, committees, and commissions was beneficial.

Mr. Finnicum asked about the length of the term and Mr. Duchesneau indicated it would be a three-year appointment.

Mr. Garvin thanked Mr. Alfonso for his willingness to participate in Town government.

Mr. Hincks motioned to appoint Chris Alfonso to the Design Review Board. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Nay, and Mr. Sugrue – Aye.

#### **81 Moore Road (Assessor's Maps G04-0001 and G04-0003) – Approval Not Required (ANR) Plan**

Applicant and owner Brett Taylor was in attendance to discuss the matter with the Planning Board. He summarized his request to amend the lot line between the two lots, with more acreage being provided for Lot # 87.

Mr. Hincks motioned the Planning Board endorse the Approval Not Required Plan for 81 Moore Road (Assessor's Maps G04-0001 and G04-0003) indicating the proposed division of land was not subject to the regulations for subdivisions. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

### **Master Plan Update**

Mr. Duchesneau indicated July 10, 2020 was the deadline to submit comments regarding Volume 2 of the Master Plan update. He added the consultant, the Horsley Witten Group, was now integrating those comments into the next draft of the Master Plan which would be distributed to the Master Plan Steering Committee at their meeting on July 24, 2020. After that Master Plan Steering Committee meeting, a revised draft would be distributed to the Planning Board for consideration before presentation to the public.

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

Mr. Duchesneau noted the August 12, 2020 public hearing for the Planning Board's proposed Zoning Bylaw amendments was being advertised that week.

Ms. Suedmeyer indicated that at their meeting last night, the Board of Selectmen voted to hold the Annual Town Meeting on Saturday, September 12, 2020 with a September 13, 2020 rain/alternate/continuance date. She noted the Town Meeting venue was being considered for an outdoor meeting to be held at the Lincoln-Sudbury Regional High School.

### **Administrative Report**

Mr. Duchesneau stated Town Manager Henry Hayes had recommended Zoom meeting coverage through August of 2020 and for the foreseeable future.

Ms. Suedmeyer mentioned the Massachusetts Department of Transportation (MassDOT) Bruce Freeman Rail Trail Design public hearing would be conducted via a video format and would be published as a pre-recorded video beginning July 16, 2020. Ms. Suedmeyer requested the Planning Board develop comments for submission at their July 29, 2020 meeting and Mr. Garvin agreed.

Mr. Garvin inquired about the Bruce Freeman Rail Trail construction timeline. Ms. Suedmeyer responded that following the MassDOT Design Public Hearing and receipt of comments, the Town would be putting out proposals for the 75% to 100% design contract. She indicated the current goal for construction advertising was December of 2021, with construction set to potentially begin in 2022.

### **Future Meeting Schedule: Potential Last Week of July and August 12, 2020**

The Planning Board agreed with the proposed meeting schedule to have a second July meeting on July 29, 2020 before their August meeting.

There being no further business, the meeting was adjourned at approximately 10:13 PM.