



# Town of Sudbury

## Planning Board

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### MINUTES

**AUGUST 12, 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 7:12 PM.

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

Applicant and owner Terrance McDonough and engineer Mitchell Hurst were in attendance to discuss the application with the Planning Board. Mr. McDonough presented a draft landscape rendering to the Planning Board.

Mr. Garvin commented the proposed draft landscape rendering did not include specifications or conditions approved by the Planning Board previously, though the screening vegetation was considerable.

Mr. Shah noted the major concerns of the Planning Board, including unpermitted, excessive lot clearing and an unapproved plan for larger dwelling units. He noted the landscape rendering which had been presented did not address these two concerns.

Mr. Karustis agreed the concerns and issues mentioned had to be addressed before the Planning Board could consider approving any landscape planning.

Mr. Hincks acknowledged the proposed plan was not reflective of the plan which had been previously approved by the Planning Board, which contained very stringent conditions. Mr. Hincks recommended the Applicant review what had been approved by the Planning Board. He emphasized the Planning Board would not approve plans which did not adhere to those original conditions.

Mr. Duchesneau confirmed the Applicant was also requesting an extension to the Definitive Conventional Subdivision decision and a new Stormwater Management Permit.

Mr. Garvin emphasized the Planning Board had spent a great deal of time deliberating and preparing a final decision regarding the project, and strict compliance with that decision would be required.

Mr. McDonough stated his intent was to receive some feedback from the Planning Board regarding the proposed screening and landscaping plan.

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

Molly Obendorf from Stamski and McNary, Inc. was in attendance to discuss the application with the Planning Board.

Ms. Obendorf presented aspects of the Conventional Preliminary Subdivision Plan for 69-71 Brewster Road and indicated she appreciated the comments made by the Planning Board.

Mr. Shah asked if the solar energy company was planning to build two houses on the property. Ms. Obendorf responded the current plan was to build two dwelling units on two lots.

Mr. Hincks commented about the unusual process associated with the application. He noted the application reflected the Approval Not Required (ANR) Plan filed earlier in the year. Mr. Garvin added the application was for a Preliminary Subdivision Plan decision, and the Planning Board’s comments would be implemented if and when the Applicant came forth with a Definitive Subdivision Plan application.

Mr. Garvin assured Ms. Obendorf the Planning Board would be viewing the plans to ensure all of their comments would be addressed in the final plans.

Mr. Hincks motioned to approve the Conventional Preliminary Subdivision Plan for 69-71 Brewster Road (Assessor’s Maps H10-0100 and H10-0900) dated August 12, 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, Matt Leidner of Civil Design Group, LLC, and attorney William Henchy were in attendance to discuss the matter with the Planning Board. Attorney Jonathan Silverstein from Town Counsel (KP Law) was also in attendance on behalf of the Town.

In his PowerPoint presentation, Mr. Claussen indicated he would be addressing the following items:

- North Road Sidewalk
- Definitive Subdivision Plan
- Northwood Property Line
- Draft Conditions for the Final Plan Approval, Plan Approval, and Stormwater Management Permits

**North Road Sidewalk**

Mr. Claussen presented revisions, including extending the proposed sidewalk to connect with North Road. He stated the proposed sidewalk would follow the natural topography of the pathway. The Planning Board members endorsed the revisions made to the sidewalk plan. Mr. Finnicum inquired about the width of the sidewalk and Mr. Leidner responded it would be five feet wide. The Planning Board members

requested a six-foot wide sidewalk and Mr. Claussen confirmed the plan would be revised to include a six-foot width.

Mr. Garvin suggested a gravel pathway connector to the project site would be beneficial and Mr. Claussen agreed.

Ms. Suedmeyer asked if the proposed sidewalk/pathway grades met ADA compliance. She strongly recommended a gravel pathway connector to prevent erosion and pedestrians creating their own pathways. Mr. Leidner confirmed the sidewalks would meet ADA regulations. Mr. Claussen commented the sand dust connector pathway to the site would be included.

### Definitive Subdivision Plan

Mr. Claussen acknowledged the Definitive Subdivision Plan had been filed earlier in the day. He indicated two new lots would be created with the plan, the 40R parcel and the Sudbury Water District parcel.

### Northwood Property Line

Mr. Claussen acknowledged conversations with the Northwood community and the Trustees had been ongoing. He provided details regarding the property line buffer and the 75 foot building setback. Mr. Claussen noted the building setback had been previously presented to the public at the Special Town Meeting and at the Town Forum. He maintained he and his team had not “renege” on this proposal in any way. Mr. Claussen then presented a detailed screening/vegetation plan.

Mr. Shah stated the presented landscaping/planting plan was extensive.

Mr. Finnicum noted the trees detailed in the plan would grow to considerable height/width and the land slope favored both properties.

Mr. Hincks asked Mr. Claussen if there were any private commitments between the Cold Brook Crossing developers and the Northwood Trustees. Mr. Claussen acknowledged there had been extensive discussions with the Trustees and Northwood homeowners, and he felt there was a misunderstanding regarding what commitments had been made by the Cold Brook Crossing development team. Mr. Kennedy added the agreement with Northwoods had always been consistent with the presented plan.

Mr. Sugrue stated the landscape plan was robust.

Mr. Karustis suggested evergreens be included in the screening plan to allow for year round screening. Mr. Claussen agreed that additional evergreen species would be included in the landscape screening plan.

Mr. Karustis noted the Northwoods development had removed all their trees/vegetation right up to the property line and to be requesting a 75-foot buffer for the Cold Brook Crossing residential development seemed to be an aggressive request.

Mr. Garvin indicated the proposed vegetated buffer was significant and clearing right to the property line was unwise. However, including additional coniferous vegetation would help with screening. Mr. Garvin also suggested additional tree plantings on the adjacent Northwoods property would help with screening as well.

Mr. Duchesneau inquired about the elevations in the approximate buffer area. Mr. Claussen replied there was a 20 to 28 foot elevation drop downward from the Northwoods property. Mr. Garvin suggested a related cross section elevation view be included in the updated plans.

Ms. Suedmeyer agreed that inclusion of additional evergreens in the landscaping plan would be beneficial.

Marcel Meth of 42 Northwood Drive asked about the height and width of the trees that would be planted within the buffer. Mr. Claussen responded the rate of growth of the new plantings would be dependent upon weather conditions and irrigation provided, and noted the next construction phase of the development would not be immediate, which would allow for tree growth. Mr. Claussen also mentioned the buffer depth would be between 30 to 50 feet, depending on the area of the buffer, and several mature trees would be retained. Mr. Marcel asked if larger trees could be planted. Mr. Claussen responded the added expense of planting larger trees would be too much. Mr. Marcel indicated he would like to get an estimate for what larger tree plantings would cost and that the Northwoods residents would consider sharing the expense of such a cost. Mr. Garvin recommended that such a proposal be further considered/discussed by both parties.

Catherine Rowan of 10 Northwood Drive reiterated the Northwoods residents wanted the developers to consider site and noise barriers during construction and post-construction. She stated residents had asked for fencing during construction and stressed the importance of a finalized buffer agreement with the Cold Brook Crossing developers before a final plan was approved by the Planning Board. Mr. Garvin asked Mr. Claussen if construction fencing could be installed and Mr. Claussen confirmed a six-foot chain link construction fence with wind screening would be installed.

Patience Jackson of 40 Northwood Drive addressed the steep slope aspect of the buffer area, and suggested the developer adjust the plan and retain 30 feet of trees/vegetation at this low point to prevent erosion. Mr. Claussen stated he had reviewed Ms. Jackson's request and indicated that such a modification would require significant retaining walls, as well as excessive expense.

#### Draft Conditions for Final Plan Approval, Plan Approval, and Stormwater Management Permits

Mr. Claussen reviewed several proposed modifications to the draft conditions, including Saturday construction hours and construction near the Northwoods property.

Mr. Hincks suggested including language reflecting the need for alteration of much of the natural topography due to the gravel yard status at the site. He also offered to provide such additional language.

Mr. Hincks requested additional clarification regarding Item 13 of the draft conditions which addressed trail improvement. Mr. Claussen recognized the potential of trail connectivity at the site. Mr. Hincks stated trail connectivity considerations were addressed in the discussions, but not clearly defined in the draft decision. Mr. Garvin suggested the Applicants, the Planning Board, and Town staff work on clear, defined language.

Mr. Finnicum asked about the total number of proposed EV charging stations. Mr. Claussen affirmed three EV charging stations were proposed, with installation of a conduit to accommodate additional stations as needed, as well as potential for private charging stations at the town homes.

Mr. Garvin referred to the Bike Share Program included in the draft document and inquired if the program could be shared by all Sudbury residents in one location, as well as a shuttle service to be accessed by the Town's seniors.

Mr. Garvin referenced Condition 25 on page 12 of the draft decision regarding violation of any document conditions and suggested Town Counsel should review this with Mr. Henchy.

Mr. Claussen provided a review of the Stormwater Management Plan for the two parcels, including proposed bonds and edits.

Mr. Finnicum stressed the importance of stormwater maintenance and requested additional details be included in the decision. Mr. Garvin asserted that such maintenance inspections be performed by Town staff or by an independent peer review consultant.

Mr. Finnicum suggested continued discussion regarding car washing on the site.

Mr. Hincks agreed about additional consideration regarding on-site car washing.

Mr. Karustis spoke of a performance bond and the operations/maintenance bond.

Mr. Garvin agreed a stormwater management plan, including inspections, should be established in addition to bonding conditions.

Ms. Suedmeyer noted peer review consultant Janet Bernardo from the Horsley Witten group had assisted with some of the language proposed for the conditions in the Stormwater Management Permit decisions, with a focus on porous pavement. Ms. Suedmeyer stated porous pavement on residential properties in Town required strict adherence and timely inspections. She also indicated the Town Engineer would work on the specifications of the Performance Bond.

Board of Selectmen member Janie Dretler of 286 Goodman's Hill Road echoed the comments made by Mr. Garvin regarding the Bruce Freeman Rail Trail's accessibility and mentioned the possibility of a bike rental service to Town residents via Zagster Bike Rentals. She also mentioned the proximity of the CSX rail corridor and how the Town was exploring the possibility of purchasing this land.

Mr. Garvin noted the Planning Board, Town staff, and the Applicant could still finalize some of the areas which had been discussed. Mr. Claussen agreed with closing the public hearing.

Mr. Hincks motioned to approve/issue the Section 4700B Melone Smart Growth Overlay District Plan Approval. Mr. Karustis seconded the motion Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to approve/issue the Section 4700A North Road Residential Overlay District Final Plan Approval. Mr. Karustis seconded the motion Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to approve the Melone Smart Growth Overlay District Stormwater Management Permit. Mr. Karustis seconded the motion Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to approve the North Road Residential Overlay District Stormwater Management Permit. Mr. Karustis seconded the motion Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Mr. Garvin confirmed the Planning Board’s intention was to approve the decisions, with final adjustments to be addressed at a later time. Mr. Silverstein indicated he and Town staff would work on the final adjustments to the decisions for the Planning Board’s review, and then the Planning Board could determine if another meeting would be necessary to discuss the decisions further. Mr. Garvin agreed with this proposed approach to finalizing the decisions.

Mr. Garvin motioned the Planning Board certify the application was complete and in accordance with Section 4700B.I.2.c of the Zoning Bylaw. Mr. Karustis seconded the motion Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**Public Hearing – Stormwater Management Permit - 183 Boston Post Road (Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project) (Assessor’s Maps K10-0014, K11-5000, K09-5000, K08-5000, K07-5000, J06-5000, J05-5000, and H03-5000)**

Marc Bergeron from Epsilon Associates, Mike Hager from Eversource Energy, Denise Bartone from Eversource Energy, and a variety of other remote participants from Eversource Energy, Vanasse Hangen Brustlin, Inc. (VHB), and their legal counsel were in attendance to discuss the application with the Planning Board.

Mr. Garvin announced the purpose of the public hearing was only for the Stormwater Management Permit application for the project. He noted the Planning Board had not received a peer review report yet for the project.

Mr. Bergeron presented an overview of the jointly filed project between Eversource Energy (who would be constructing an underground utility line) and the Massachusetts Department of Conservation and Recreation (who would be constructing a rail trail on top of the utility line) to complete the Sudbury to Hudson Transmission Reliability and Mass Central Rail Trail Project.

Mr. Bergeron confirmed the proposed Stormwater Management Plan met all United States Environmental Protection Agency standards and the regulations for foot/bike paths.

Mr. Finnicum inquired about the depth of the electric line’s duct banks. Mr. Hager responded the duct banks were generally five to six feet down and were approximately three feet tall. He added the duct banks would be completely enclosed in concrete.

Mr. Finnicum asked if the standing water issues would be improved. Mr. Bergeron responded VHB civil engineers had performed an analysis of the project and indicated the standing water situation would likely be improved with project implementations.

Mr. Karustis asked if fill was being brought in to widen the path. Mr. Bergeron stated the project had been designed to use the existing pathway and soils would be relocated from one segment of the corridor to another where necessary.

With regard to preserving wildlife, Mr. Karustis expressed concern about the swales preventing animals from getting across the trail. He asked if such considerations could be taken into account when planning the project.

Ms. Suedmeyer affirmed that peer review comments from Horsley Witten would be available by the next Planning Board meeting on September 9, 2020. She emphasized the Planning and Community Development Department was working closely with the Conservation Commission regarding this project.

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit for 183 Boston Post Road (Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project) (Assessor's Maps K10-0014, K11-5000, K09-5000, K08-5000, K07-5000, J06-5000, J05-5000, and H03-5000) to the Planning Board meeting on September 9, 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.

### **Public Hearing – Proposed Zoning Bylaw Amendments for the September 12, 2020 Annual Town Meeting - Solar Energy Systems - Inclusionary Zoning (Affordable Housing Units)**

There was no one in attendance who wished to comment on the proposed Zoning Bylaw amendments for the September 12, 2020 Annual Town Meeting.

Mr. Duchesneau noted these were the same Zoning Bylaw amendments which a public hearing had been held for back on January 22, 2020. He commended the Planning Board for their efforts to fully develop the proposed Solar Energy Systems and Inclusion of Affordable Housing Zoning Bylaws.

### **252 Concord Road and 289-295 Goodman's Hill Road (Assessor's Maps H09-0022, H09-0026, and H09-0027) – Approval Not Required (ANR) Plan**

Applicant Santino Parente of 252 Concord Road and Greg Gould of Hancock Survey Associates, Inc. were in attendance to discuss the application with the Planning Board.

Mr. Gould noted the Applicant was buying two lots adjacent to his property in order to build another single-family dwelling.

Mr. Hincks motioned to endorse the 252 Concord Road and 289-295 Goodman's Hill Road (Assessor's Maps H09-0022, H09-0026, and H09-0027) Approval Not Required (ANR) Plan. Mr. Karustis seconded the motion Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Ms. Dretler stressed that a substantial line of sight for traffic was important when constructing a new structure.

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

Mr. Duchesneau stated the 2020 Annual Town Meeting would take place on September 12, 2020 and Warrant Article presentations for the Town Meeting would be recorded in advance by SudburyTV.

Mr. Garvin and Mr. Karustis agreed to compile and execute the presentations for the Planning Board's proposed Zoning Bylaw amendments.

### **Master Plan Update**

Mr. Duchesneau detailed a productive discussion regarding the Phase 2 Master Plan document which had taken place at the last Master Plan Steering Committee meeting on July 31, 2020. He noted Town staff was currently reviewing the Action Plan document, which was the last piece of the updated Master Plan. Mr. Duchesneau stated the next Master Plan Steering Committee meeting would take place on August 27, 2020.

### **Administrative Report**

Mr. Duchesneau noted logistics involving an outdoor Annual Town Meeting were being discussed.

### **Future Meeting Schedule: September 9, 2020 and September 23, 2020, and possible shift of December 16, 2020 meeting to December 9, 2020**

The Planning Board members agreed to begin their meetings at 7:30 PM moving forward. The Planning Board members also agreed to keep the meeting schedule as currently planned and meet on December 16, 2020.

There being no further business, the meeting adjourned at approximately 10:12 PM.