



Town of Sudbury

Planning Board

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MINUTES

SEPTEMBER 9, 2020 AT 7:30 PM

VIRTUAL MEETING

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

Absent: 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 7:30 PM.

Immediately 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)

Mr. Hincks motioned to continue the public hearing for the Modifications and Time Extension request to a Definitive Conventional Subdivision Decision, and Stormwater Management Permit for 210-212 Pratt's Mill Road (Assessor's Map G05-0022) to the Planning Board meeting on September 23, 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.

Immediately Continued 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)

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 23, 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 – Water Resource Protection Overlay District Special Permit Time Extension Request – 632 and 642 Boston Post Road (Assessor's Maps K06-0005 and K06-0004)

Site Plan Review and Stormwater Management Permit Time Extension Requests – 632 and 642 Boston Post Road (Assessor's Maps K06-0005 and K06-0004)

Attorney Matthew Watsky, on behalf of the Applicant, was in attendance to discuss the requests with the Planning Board. Mr. Watsky confirmed construction had not begun at the nursing facility due to the continued COVID-19 state of emergency.

Ms. Suedmeyer maintained the safety of residents and staff was most important. Mr. Duchesneau recommended an extension of the permits, and recognized no changes had been made to the applications. Mr. Watsky confirmed no changes had been made and agreed extensions should be awarded to all of the existing permits.

Mr. Garvin suggested Mr. Watsky come before the Planning Board before December 21, 2020 to provide a project update and Mr. Watsky agreed to providing such an update.

Mr. Hincks motioned to grant the time extension request for the Water Resource Protection Overlay District Special Permit, and the Site Plan Review and Stormwater Management Permit time extension requests for 632 and 642 Boston Post Road (Assessor's Maps K06-0005 and K06-0004) to December 3, 2021. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

35 & 41 Lincoln Lane (Assessor's Map F14-0010) – Approval Not Required (ANR) Plan

Krisanne Bursik, the owner of 41 Lincoln Lane, was in attendance to discuss the matter with the Planning Board. Ms. Bursik stated she and her husband had purchased the adjacent property at 35 Lincoln Lane in order to consolidate the two parcels together, and did not want a contractor dividing the properties for further development. Mr. Duchesneau acknowledged the Approval Not Required Plan reflected the combination of the two parcels into one larger lot.

Mr. Karustis thanked Ms. Bursik for cleaning up the property.

Mr. Hincks motioned to endorse the 35 & 41 Lincoln Lane (Assessor's Map F14-0010) 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.

Minutes for Approval: April 29, 2020 and May 13, 2020

Mr. Hincks motioned to approve the Planning Board minutes from April 29, 2020 and May 13, 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.

Master Plan Update

Mr. Duchesneau indicated a special Planning Board meeting had been scheduled for September 16, 2020 to discuss Master Plan Volumes 2 and 3, as well as consideration of the related action plan. He also spoke of a virtual Master Plan Open House.

Administrative Report

Mr. Duchesneau stated the 2020 Annual Town Meeting would be held outdoors on Saturday, September 12, 2020 at the Lincoln-Sudbury Regional High School. He indicated there would be a midday 45-minute

break, and noted recorded Warrant Article presentations could be viewed on the Sudbury TV and Town websites.

Ms. Suedmeyer mentioned a Request For Proposals (RFP) had been issued for the permitting and final design of the 4.5 mile Bruce Freeman Rail Trail extension, and responses were expected by September 25, 2020.

Public Hearing – Conventional Definitive Subdivision Plan – 16 & 36 North Road (Assessor’s Maps C12-0003, C12-0004, and C12-0100) in the Town of Sudbury and 48Y Fitchburg Turnpike (Assessor’s Map 15E, Parcel 3419) in the Town of Concord

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.

Mr. Claussen presented edits/amendments to the draft Cold Brook Crossing Definitive Subdivision Plan decision. He discussed several requested Site Plan revisions including the extension of completion of installed infrastructure from two years to five years.

Mr. Finnicum inquired about the significance of a five-year extension and noted he preferred the infrastructure be completed before the units were constructed.

Mr. Karustis suggested the extension be limited to three years and after the three years an additional extension would be considered.

Mr. Sugrue agreed with a three-year extension.

Mr. Garvin stated he felt a five-year extension was excessive and indicated November of 2023 would be a reasonable goal, however, the Planning Board could consider an additional extension at that time if necessary.

John Burke of 48 Northwood Drive inquired if the Planning Board members had visited the property where his condominium was located to observe the area where the removal of mature trees would result in a barren cliff. Mr. Burke added a Conservation Commission member visited the site last week. Mr. Garvin stated he had walked the site and noted the Conservation Commission did not have jurisdiction over the project.

Mr. Finnicum commented he did not walk the property line, but had studied the proposed plans throughout the process and believed the plantings proposed would create a considerable buffer.

Mr. Sugrue stated he had not been to the property, but agreed with Mr. Finnicum.

Mr. Burke stressed the Northwood residents were not satisfied with the proposed buffer plans.

Susan McRae of 58 Northwood Drive echoed Mr. Burke’s concerns and inquired if the Planning Board could enhance the proposed buffer plans.

Mr. Garvin stated the Planning Board members understood the effects of buffers, but also saw consistency in the proposed plans.

Ms. McRae noted that since she had only been a Sudbury resident for a year, she did not have the opportunity to speak at Town Meeting when the proposed project had been discussed. She asked Mr. Claussen if any changes could be made.

Mr. Garvin appealed to the Applicant to address the resident concerns.

Donna Carey of 38 Northwood Drive indicated she had listened to the December 2018 Town Meeting and the drawings displayed a 75-foot buffer. This was stated again at the Planning Board meeting on June 24, 2020 when Mr. Claussen again mentioned the 75-foot buffer.

Mr. Garvin indicated the Planning Board could review those Town Meeting transcripts.

Mr. Burke asked if Mr. Claussen could explain the discrepancy which many had heard. Mr. Claussen stated he had been working with the Northwood Board members and made several proposals with no response.

Mr. Kennedy indicated the real estate agent for Northwood did not provide the current information. He noted he would be willing to meet with Northwood residents at any time.

Mr. Hincks motioned to approve the Conventional Definitive Subdivision Plan for 16 & 36 North Road (Assessor's Maps C12-0003, C12-0004, and C12-0100) in the Town of Sudbury and 48Y Fitchburg Turnpike (Assessor's Map 15E, Parcel 3419) in the Town of Concord, with two amendments: 1) An approved extension date of November 30, 2023 in Conditions 4 and 19, and 2) Allowing the language of Condition 16.a. to be determined by Town Counsel and the Director of Planning and Community Development. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Wireless Services Overlay District Zoning Bylaw Amendment Request and Discussion

Attorney Michael Dolan, Counsel for AT&T, and Sohail Usmani, Engineer/Consultant for AT&T, were in attendance to discuss the proposal with the Planning Board. Mr. Dolan stated he had met with the Planning Board last November and was now presenting additional information to the Planning Board. He provided information regarding a Sudbury Water District bid for a 150-foot wireless service pole with AT&T antennas as well as municipal access. Mr. Dolan stressed the attempt was to fill a wireless service coverage gap in the Hudson Road/Peakham Road areas.

Mr. Dolan stated a Zoning Bylaw amendment would have to be considered and suggested the Town contemplate adding this project site to the Wireless Services Overlay District. He also indicated the Town's current Zoning Bylaw limited the height of wireless services towers to 100 feet.

Mr. Duchesneau recognized the importance of such technology for communication and safety, and noted that in Sudbury, residents have concerns about related health risks as well as scenic and historic character impacts.

Mr. Hincks asked about the visibility aspect of the proposed facility. Mr. Dolan reviewed the Interactive Viewshed Tool (IVS) results and a related discussion took place.

Mr. Karustis asked about 5G frequency availability and Mr. Usmani responded the 5G was not included in the proposed design.

Mr. Karustis asked if AT&T would be willing to share space on the proposed tower. Mr. Dolan answered if no technical interference was present, AT&T would welcome such sharing.

Mr. Karustis asked for actual picture tours and Mr. Dolan indicated he could provide these.

Mr. Sugrue stated his appreciation for the presented information and questioned how the public would view this site in connection with other installation sites.

Mr. Finnicum discussed a possible height Variance requirement, which would set a precedent for other locations to exceed the height regulations if it were awarded. Mr. Dolan responded a height Variance would be required to go beyond the current 100-foot height limitation, but would not necessarily represent an opportunity for other sites.

CSX Corridor Acquisition and Purchase & Sale Discussion

Board of Selectmen member Jennifer Roberts, the Board of Selectmen's liaison for the CSX Corridor Acquisition, was present to discuss the matter with the Planning Board. She presented the "CSX Corridor Acquisition" via Power Point.

Mr. Karustis confirmed the \$1.2 million would reflect only the acquisition of the property, and the cost of the trail project was separate. Mr. Karustis then asked about the intent of purchasing the ¼ mile portion of the CSX Corridor. Ms. Roberts responded the intention involved Town control/protection of the ¼ mile corridor and to extend the Bruce Freeman Rail Trail.

Mr. Sugrue stressed the importance of securing the ¼ mile portion of the corridor.

Mr. Finnicum indicated the purchase of the corridor would help the future of Boston Post Road/Route 20 and would advance connectivity.

Mr. Hincks recognized whether or not Framingham moved forward with purchase of its end of the corridor, the proposed CSX acquisition would connect the Bruce Freeman Rail Trail to Boston Post Road/Route 20.

Mr. Garvin expressed strong support for the acquisition of the corridor.

Mr. Hincks motioned to endorse the ¼ mile "CSX Corridor Acquisition" 2020 Annual Town Meeting Warrant Article. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Town Meeting Zoning Bylaw Discussion including Possible Amendment to Proposed Inclusion of Affordable Housing Zoning Bylaw

Mr. Garvin expressed concerns regarding Cluster Development (Section 5100 of the Zoning Bylaw) and Flexible Development (Section 5200) being exempt from the proposed Inclusion of Affordable Housing Zoning Bylaw. He recommended these sections of the current Zoning Bylaw be removed from the exemption language in the proposed Inclusion of Affordable Housing Zoning Bylaw, and that this

proposed change be recommended at the upcoming Annual Town Meeting. The Planning Board members agreed with Mr. Garvin.

Mr. Garvin suggested he and Mr. Duchesneau draft the specific language to make these modifications.

Mr. Garvin motioned to remove Section 5100. Cluster Development and Section 5200. Flexible Development from being exempt from the proposed Inclusion of Affordable Housing Zoning Bylaw. Mr. Hincks seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

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