



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

JANUARY 13, 2021 AT 7:30 PM

VIRTUAL MEETING

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

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

Mr. Garvin opened the meeting at 7:31 PM

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)

Denise Bartone from Eversource Energy, Katie Kinsella from VHB, Ken Staffier from VHB, Mark Costa from VHB, Paul Jahnige from the Massachusetts Department of Conservation and Recreation, and Barry Fogel of Keegan Werlin, LLP were in attendance to discuss the application with the Planning Board. Also in attendance related to the matter were Janet Bernardo from the Horsley Witten Group (the Town's engineering peer review consultant).

Ms. Suedmeyer provided a description of the revisions made to the Stormwater Management Permit draft decision including vegetation removal, site disturbance or construction activities, limited pesticide use, and a pest management plan.

Mr. Finnicum requested herbicides not be used at all. Mr. Karustis agreed with the banning of herbicides and if there was such need to use them, it should be approved by the Planning Board. Ms. Suedmeyer mentioned there would be no use of deicers.

Mr. Jahnige stated pesticide use was determined by the Board of Agriculture and rail trail management. He noted poison ivy and path-breaking invasive growth could require limited chemical application and the Planning Board had no jurisdiction over such use. Mr. Shah commented that growth such as knotweed was difficult to control. Mr. Garvin suggested conditions be included to advocate for the use of mechanical removal first, and state that the Planning Board must be notified if chemical measures were being considered. Ms. Suedmeyer read a draft condition which indicated "the CR Integrated Pest Management Plan shall be submitted to the Planning Board annually, and if chemicals will be used, the Board shall be notified in advance."

Mr. Karustis raised questions about equipment washing when moving from one area of the project to another and noted his concerns regarding preventing invasive species from being brought to the site. Mr. Fogel noted the Conservation Commission had included this aspect as a condition. Mr. Garvin stated the Planning Board had jurisdiction over the entire trail and the Conservation Commission was limited to

wetland considerations. However, he also stressed that redundancy of a such a condition was not a bad thing. Mr. Fogel recommended dual conditioning.

Mr. Finnicum asked if the Planning Board would walk the site in a year or so, to confirm that protective measures were effective. Ms. Suedmeyer stated post-construction inspections by professionals would take place. Mr. Fogel mentioned the Certificate of Completion and the As-Built documentation.

Mr. Jahnige stated the Department of Conservation and Recreation was not subject to a covenant and was committed to the Operations and Maintenance Plan.

Ms. Bartone recommended one professional be hired for the monitoring of the Conservation Commission and Planning Board considerations.

Ms. Bartone addressed Condition # 5. Ms. Suedmeyer stressed the importance of communications when changes might arise.

Ms. Bartone stated she felt the illicit discharge section should be signed by the Applicant. Ms. Suedmeyer made the adjustment. Ms. Bartone advocated for consistency in language and suggested the elimination of the earth removal aspect.

Rebecca Cutting of 381 Maynard Road recommended the “pesticide” language be changed to “herbicide.” Mr. Garvin stated such a change would be examined.

Members of the Planning Board indicated additional aspects should be considered before closing the public hearing.

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 January 27, 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.

Mr. Fogel and Mr. Jahnige agreed to a continuance of the public hearing for the purposes of a productive discussion regarding the project.

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

Mr. Duchesneau stated the Applicant had sent a message just before the meeting began indicating he would not be able to appear at the meeting and was still in the midst of negotiations.

Mr. Duchesneau explained the validity of the existing Definitive Conventional Subdivision decision had not yet expired due to the emergency provisions which had been implemented by the state due to the COVID pandemic. He also indicated that so long as the state of emergency in Massachusetts remained in effect, the timeline for expiration of the decision’s validity would continue to be paused.

Mr. Hincks motioned to deny the request for a time extension and the modifications to the Definitive Conventional Subdivision decision, and the Stormwater Management Permit, for 210-212 Pratt's Mill Road. 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. Karustis inquired about a possible remedy for the unapproved extensive clearing which had occurred at the site. Mr. Duchesneau stated he and Ms. Suedmeyer had spoken to Town Counsel about this matter and suggested the Planning Board discuss such options at a future meeting.

Public Hearing – Site Plan Review, Stormwater Management Permit, and Water Resource Protection Overlay District Special Permit, Joint Meeting with the Design Review Board – 44-46 Union Avenue (Assessor's Maps K08-0038, K08-0041, and K08-0043)

Design Review Board members Dan Martin, Chris Alfonso, Jennifer Koffel, James Parker, and Susan Vollaro were in attendance.

Additionally, Michael Precourt, Harrison Precourt, engineer Fred King, and Ms. Bernardo were in attendance to discuss the application with the Planning Board

Mr. King provided a summary of the project proposing to enhance the workshop/barn. He noted the site abutted wetland areas. He also presented the grading plan and acknowledged an Earth Removal Permit would be sought in addition to the other required permits.

Mr. King presented the Erosion and Sediment Control Plan and the Drainage Plan. He stated the Applicant had agreed to implement the amendments as recommended by the Horsley Witten Group.

Ms. Bernardo stated there were minor alterations to the stormwater plan and indicated the proposed plans were an improvement. The Planning Board members agreed.

Dan Martin, Chair of Design Review Board, stated the Design Review Board had no further comments.

Mr. Finnicum asked if the proposed lighting was dark sky compliant and inquired about landscaping. Mr. Precourt responded nothing was being cut and vehicle passage would be improved. He also indicated additional vegetation would be added to assist with drainage aspects.

Mr. Karustis asked why an Earth Removal Permit would be necessary. Mr. King responded that some material would be leaving the site in preparation of the new concrete slab foundation. Mr. Karustis asked if a trench would be sufficient to address runoff in storms and Mr. King confirmed the effectiveness of the trench.

Mr. Garvin recommended adding additional earth around the proposed building to alleviate the need for an Earth Removal Permit.

Mr. Hincks motioned to continue the public hearing for the Site Plan Review, Stormwater Management Permit, and Water Resource Protection Overlay District Special Permit for 44-46 Union Avenue (Assessor's Maps K08-0038, K08-0041, and K08-0043) to the Planning Board meeting on January 27, 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.

Master Plan Update

Based upon the comments received and the discussion at the last Planning Board meeting on January 11, 2021, Mr. Duchesneau presented a conceptual wrap-up approach to the Master Plan, which included the following items:

Planning Board General Consensus/Confirmation for:

- Process logistics
- Final recommendations and requests from Town staff
- Final content edits

Document Layout

- Draft Layout
- Hearing Process

Mr. Duchesneau suggested the Planning Board members consider the outlined areas and schedule a special Master Plan meeting to finalize the Master Plan elements. The Planning Board members agreed with this approach.

Mr. Hincks motioned to continue the Planning Board meeting beyond 10:00 PM. 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 but not limited to:

- Storage Trailers/Containers by Special Permit**
- Expansion of Wireless Services Overlay District**
- Modifications to Section 3200. Signs and Advertising Devices**
- Creation of Fence Regulations**
- Section 2110 – Updating References to Overlay Districts**
- January 27, 2021 Public Hearing**

Mr. Duchesneau confirmed the public hearing to address the proposed Zoning Bylaw amendments would take place on January 27, 2021.

Expansion of Wireless Services Overlay District

Vincent Roy from the Sudbury Water District was in attendance to discuss this item with the Planning Board.

Mr. Duchesneau indicated the Sudbury Water District was willing to make a one-time payment to the Town in the amount of \$10,000 in addition to \$50,000 coming from AT&T. He noted the Sudbury Water District had stated they did not want to share any potential revenue associated with an expanded AT&T wireless service implementation which might service the Town. Mr. Duchesneau also added the Sudbury Water District did not want to sponsor a Wireless Services Overlay District Zoning Bylaw amendment Warrant Article for Town Meeting and they were asking the Planning Board to bring forth such a Warrant Article.

Mr. Roy conveyed AT&T would likely not move forward with the wireless services project if the Planning Board did not sponsor and bring forth the Warrant Article to expand the Wireless Services

Overlay District. He noted AT&T representatives had indicated denial of the proposal to move forward might inhibit the build-out of wireless services in the area and would be the basis for a possible appeal at the Federal Court.

Mr. Roy stated he wanted to work with the Town on this matter if the Planning Board chose to bring forth a Warrant Article to the Annual Town Meeting.

The Planning Board members agreed that further consideration of this matter was necessary and they would continue the discussion at the next Planning Board meeting.

Storage Trailers/Containers by Special Permit

Mr. Garvin suggested additional information from the Zoning Board of Appeals be presented to the Planning Board at their next meeting before additional discussion on this item occurred.

Modifications to Section 3200. Signs and Advertising Devices

Mr. Finnicum recommended all signage lighting be dark-sky compliant.

Mr. Shah stated all synthetic signage surfaces should be clearly defined and have the appearance of wood. Mr. Sugrue agreed with Mr. Shah regarding maintaining signage appearance/intent.

Creation of Fence Regulations

Mr. Duchesneau stated Town staff had been working on this proposed amendment and would continue to examine several aspects of it. The Planning Board agreed more time was necessary to address this topic. The Planning Board also agreed not to bring this issue forward in the interest of time.

Section 2110 – Updating References to Overlay Districts

Mr. Duchesneau confirmed this was simply an administrative amendment to ensure all of the Zoning Overlay Districts were listed in this section of the Zoning Bylaw.

Administrative Report

Mr. Duchesneau noted the title “Select Board” had been officially approved by the state legislature and the Town’s Board of Selectmen was now officially known as the Select Board.

Mr. Duchesneau indicated preparations for the spring 2021 Annual Town Meeting had begun.

Future Meeting Schedule: January 27, 2021 and February 10, 2021

Mr. Garvin adjourned the meeting at 10:40 PM.