



Town of Sudbury

Planning Board

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MINUTES

FEBRUARY 10, 2021 AT 7:30 PM

VIRTUAL MEETING

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

Absent: Justin Finnicum

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

Mr. Garvin called the meeting to order at 7:30 PM.

Continued Public Hearing – Site Plan Review, Stormwater Management Permit, and Water Resource Protection Overlay District Special Permit – 44 & 46 Union Avenue (Assessor’s Maps K08-0038, K08-0041, and K08-0043))

Fred King of DGT Associates, and Mike Precourt and Harrison Precourt of Charles J. Precourt & Son, Inc. were in attendance to discuss the matter with the Planning Board.

Mr. Duchesneau reviewed the draft Site Plan Review Decision and the changes which had been included.

Ms. Suedmeyer reviewed the draft Stormwater Management Permit Decision and noted several minor changes which had been made.

Mr. King referred to page 5, item J7 of the Stormwater Management Permit decision where it indicated “no vehicle washing shall be allowed on the property.” He asked if mud could be rinsed off vehicles and Mr. Garvin stated that such a rinse was permitted.

Mr. Hincks motioned to approve the Site Plan Review for 44 & 46 Union Avenue (Assessor’s Maps K08-0038, K08-0041, and K08-0043) as amended. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to approve the Stormwater Management Permit for 44 & 46 Union Avenue (Assessor’s Maps K08-0038, K08-0041, and K08-0043) as amended. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to approve the Water Resource Protection Overlay District Special Permit for 44 & 46 Union Avenue (Assessor’s Maps K08-0038, K08-0041, and K08-0043). Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

Anthony Drive/North Ridge Farm Subdivision – Tri-Party Lenders Agreement Release Request

Jim Fenton, Applicant/Contractor was in attendance to discuss the matter with the Planning Board.

Mr. Garvin reviewed the letter presented by Mr. Fenton dated January 15, 2021. Mr. Duchesneau stated that at the previous Planning Board meeting, the Board voted to reduce the amount of bond held. Mr. Duchesneau presented the revised As-Built Plan as requested by the Planning Board.

Ms. Suedmeyer indicated more plantings may have been suggested by the Town Engineer.

Mr. Hincks mentioned the stabilization plan may have to be completed in the spring.

Mr. Karustis agreed about holding back \$10,000 of the bond amount.

Both Mr. Sugrue and Mr. Shah agreed with other members. Mr. Garvin agreed with reducing the bond amount down from \$20,000 to \$10,000.

Mr. Hincks motioned to release \$10,000 from the Tri-Party Lenders Agreement and to retain a balance of \$10,000 for the Anthony Drive/North Ridge Farm Subdivision. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Mr. Fenton indicated he believed withholding a \$10,00 bond amount was excessive.

Mr. Garvin stated the Town would follow the directive of the Town Engineer.

The Apartments at Cold Brook Crossing (16 & 36 North Road) – Affordable Housing Lottery Local Preference Area

Mr. Duchesneau displayed a memo from Elizabeth Rust of the Regional Housing Services Office (RHSO) regarding the local preference aspect of the affordable housing lottery for the Cold Brook Crossing residential development. In her memo, Ms. Rust presented the development team's request asking that the entire Middlesex County be included in the local preference determination. She indicated it was the Cold Brook Crossing development team that was asking for the expansion of the local preference category beyond Sudbury residents, in consideration of MGL Chapter 40R designation of the project.

Mr. Hincks stated it would not be favorable to expand the local preference category designation.

Mr. Garvin expressed no interest in such an expanded proposal either.

Mr. Karustis agreed with the other Planning Board members and did not understand why the development team would consider such an expansion.

Mr. Sugrue agreed with the Planning Board members' comments.

Mr. Shah agreed with limiting the lottery to Sudbury employees/residents, as is done in all other affordable housing lotteries.

Mr. Duchesneau confirmed Ms. Rust was not advocating for the Planning Board expand the local preference category.

Mr. Hincks motioned for the Planning Board to adopt the position that local preference for the Cold Brook Crossing affordable housing lottery apply only to residents/employees in Sudbury. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

Master Plan Update

Mr. Duchesneau stated the Horsley Witten Group was anticipating finalizing the Master Plan by February 24, 2021, with Planning Board comments to be presented at the March 10, 2021 Planning Board meeting.

Mr. Garvin suggested the public submit comments to the Planning Board before the March 24, 2021 Planning Board meeting.

Mr. Hincks agreed that adding communication regarding the rollout should be considered.

Mr. Karustis stated he would like to receive comments from the public.

Mr. Sugrue agreed with the proposed meeting timetable, which would provide the opportunity to receive any additional public comments.

Mr. Shah stated he also agreed with the proposed next steps.

Mr. Duchesneau suggested a March 3, 2021 deadline for the submission of related public comments.

Town Meeting Zoning Bylaw Amendments

Mr. Duchesneau led the discussion regarding the three proposed Zoning Bylaw amendments for inclusion in the Town Meeting Warrant. He indicated the next steps would involve finalizing the composition of the proposed Zoning Bylaw amendments.

Minutes for Approval: July 29, 2020 and August 12, 2020

Mr. Hincks motioned to approve the minutes for July 29, 2020 and August 12, 2020. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Future Meeting Schedule: February 24, 2021 and March 10, 2021

Mr. Garvin noted the upcoming Planning Board meetings and no members indicated they had any conflicts.

Greenscape Park/Woodward Glen Subdivision off Powers Road (Assessor's Map B09-0001) – Request to Extend Definitive Subdivision Plans Endorsement Timeframe and Request to Endorse Definitive Subdivision Plans

Mr. Duchesneau provided an overview of the request. Staff recommended the Planning Board proceed with endorsement of the Definitive Subdivision Plans without the presence of the Applicant at the meeting.

Mr. Hincks motioned for the Planning Board to endorse the Definitive Subdivision Plans for the Greenscape Park/Woodward Glen Subdivision off Powers Road (Assessor's Map B09-0001). Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to extend the endorsement timeframe as outlined in Condition 4 of the Definitive Subdivision decision for Greenscape Park/Woodward Glen to March 31, 2021. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Diana Peretti of 175 Powers Road commented access to the property was being made via her driveway recently and she asked if an access road would be installed in the near future. Mr. Garvin responded such access should not be made on private property, and a construction entrance would be installed with gravel/crushed stone for cleaning and providing a stable base.

Mr. Hincks acknowledged the narrowness of Powers Road and confirmed a construction access plan was previously approved. Mr. Duchesneau stated he could send Ms. Peretti the related document.

Executive Session: Vote to enter Executive Session pursuant to Exemption 3 (M.G.L. Chapter 30A, §21(a)(3)) – To discuss strategy with respect to litigation regarding the Appeal of the Conventional Definitive Subdivision Plan Decision 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, and then vote to end Executive Session and not return to Open Session

Mr. Garvin motioned to enter Executive Session pursuant to Exemption 3 (M.G.L. Chapter 30A, §21(a)(3)) to discuss strategy with respect to litigation regarding the Appeal of the Conventional Definitive Subdivision Plan Decision 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, and then to vote to end Executive Session and not return to Open Session. Mr. Hincks seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

There being no further business, the Open Session adjourned at 8:48 PM.