



Town of Sudbury

Planning Board

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MINUTES

JANUARY 27, 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 Anuraj Shah

Members Absent: None

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

Mr. Garvin opened the meeting at 7:32 PM.

Mr. Garvin indicated two agenda items would be continued to the next Planning Board meeting and not discussed at the meeting that night, which were as follows:

16 & 36 North Road (Assessor's Maps C12-0003, C12-0004, and C12-0100) (Cold Brook Crossing) – Proposed Minor Modification of Final Plan Approval and Plan Approval

and

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

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, 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 was Janet Bernardo from the Horsley Witten Group (the Town's engineering peer review consultant).

Mr. Garvin stated the discussion that night would involve draft conditions. Ms. Suedmeyer reviewed the draft Stormwater Management Permit decision and noted it was amended somewhat. She confirmed receipt of the updated plans and the coordination with the Conservation Commission.

Ms. Bartone inquired about the suggested inclusion of a bond. Mr. Jahnige found that aspect confusing. Mr. Garvin stated the bond inclusion was discussed at the last meeting and if the project did not ultimately include a rail trail, the stormwater management plan would be much different. Mr. Hincks stated if there was objection to such a bonding condition, the public hearing should continue and legal interaction should be considered.

Mr. Karustis mentioned that if all went as planned, the bond would be refunded. Mr. Garvin read aloud: "Should Phase II not commence within two years of completion of Phase 1, the Applicant shall file an

Amendment to bring the stormwater management into full compliance with the Town of Sudbury Stormwater Regulations.”

Mr. Finnicum indicated the bond was for things beyond control of a developer and the Town sees this as one project, which had critical timing. Mr. Shah agreed.

Mr. Sugrue confirmed the proposed trail and the underground transmission line project had been recognized as one project.

Ms. Bernardo maintained that if the project resulted in the transmission line only, the proposed Stormwater Standards would not meet the Town’s Stormwater Standards. She pointed out a bond would ensure the project would meet Town standards.

Ms. Bartone agreed to accept the bonding condition.

There was then continued discussion regarding other areas of conditioning, including earth removal.

Rebecca Cutting of 381 Maynard Road made several recommendations in regard to language included in the descriptions of Phases I and II. She inquired about the timing of the landscape plan.

The Planning Board members and the development team continued to review conditioning language and drafted edits.

Ms. Suedmeyer suggested approval of the Stormwater Management Permit, pending Town Counsel consideration.

Mr. Karustis motioned to approve 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) as amended and discussed that evening. Mr. Finnicum 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 – 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. Also in attendance related to the matter was Janet Bernardo from the Horsley Witten Group (the Town’s engineering peer review consultant).

Mr. Garvin confirmed the peer reviewer had acknowledged the stormwater requirements had been met by the Applicant.

Mr. King confirmed that at the previous meeting, a Planning Board member had suggested raising the grade at least five feet above water table. Mr. King presented a revised plan which he felt would work well.

Ms. Bernardo indicated the revised plan was a good attempt at meeting the requirements. The Planning Board members agreed the revised plan helped to meet the requirements for Stormwater Management and Water Resource Protection. Ms. Suedmeyer suggested a couple of water resource related waivers might be considered.

Mr. Garvin acknowledged a vote regarding waivers would be preferred. He further suggested the installation of underground utilities be included in the plans. Mr. Garvin indicated the language for the waivers would have to be considered and voted upon. Mr. Precourt confirmed he was comfortable with the installation of underground utilities.

Mr. King agreed to continue the public hearing for the applications to the next Planning Board meeting.

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 February 10, 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.

Public Hearing – Proposed Zoning Bylaw Amendments for the May 3, 2021, Annual Town Meeting

Creation of Fence Regulations

The Planning Board members agreed not to move forward with a proposed fence bylaw, but desired to continue to discuss such regulations at future meetings.

Modifications to Section 2110. Establishment regarding references to Zoning Overlay Districts

Mr. Duchesneau presented the proposed modifications to Section 2110 to the Planning Board.

Mr. Garvin volunteered to review the final Warrant Article language for the proposed modifications to Section 2110 before it was presented at the upcoming Annual Town Meeting.

Mr. Hincks motioned to present to the May 2021 Annual Town Meeting the proposed Zoning Bylaw amendments to Section 2110. Establishment regarding references to Zoning Overlay Districts. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Modifications to Section 2324, or inserting a new section, regarding requirements for Storage Trailers/Containers by Special Permit

Marie Lewis of 1 Douglas Drive and owner of 9 Old County Road in the Industrial Zoning District stated she had tenants who had containers and storage units. She indicated the proposed modification would limit storage and currently such storage was allowed in the Industrial Zoning District.

Mr. Duchesneau noted such industrial storage was as-of-right in the Industrial Zoning Districts. Mr. Garvin suggested adding the language “by right,” to the proposed bylaw. Mr. Duchesneau recommended Town Counsel review the proposed added language and the Planning Board members agreed.

Mr. Hincks motioned to present to the May 2021 Annual Town Meeting the proposed Zoning Bylaw amendments to Section 2324 regarding requirements for Storage Trailers/Containers by Special 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.

Modifications to Section 3200. Signs and Advertising Devices

Mr. Duchesneau confirmed he included the edits to Section 3200 as suggested by Mr. Finnicum and Mr. Shah in response to dark-sky compliant lighting and wood signs matching composition/synthetic materials. Mr. Duchesneau also indicated he had included the edits from the Design Review Board regarding light boxes, temporary signage, excessive signage in regard to square footage, image graphics for signage size, and multiple panel signage having a uniform color scheme.

Mr. Hincks motioned to present to the May 2021 Annual Town Meeting the proposed Zoning Bylaw amendments to Section 3200. Signs and Advertising Devices. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Modifications to Section 4300. Wireless Services Overlay District, including possibly expanding the Wireless Services Overlay District

Vincent Roy Executive Director of the Sudbury Water District was in attendance to discuss the matter with the Planning Board.

Mr. Duchesneau provided an update regarding the final offer from the Sudbury Water District.

Mr. Roy affirmed the Sudbury Water District Commission believed the wireless installation would be a good opportunity for the Town.

The Planning Board members expressed concerns about amending Section 4300 of the Zoning Bylaw.

Diana Warren of 32 Old Framingham Road spoke of related concerns and the proposal being premature, especially in consideration of its height. She discussed the impacts it would have on environmental matters and federal guidelines. Ms. Warren mentioned the Telecommunications Act and the possibility of increasing tower heights. She suggested the Planning Board hire a consultant to provide guidance regarding any proposed wireless bylaw or amendment.

The Planning Board members agreed that further study of the matter was essential.

Mr. Duchesneau stated he would research to see if any funding was available for such expert consultants. Mr. Hincks suggested the Sudbury Water District consider participating in such funding. Mr. Roy recommended a consultant and suggested gathering several estimates.

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

Krisanne Bursik of 41 Lincoln Lane was in attendance to discuss the matter with the Planning Board. She explained the configuration of 35 and 41 Lincoln Lane, and the nature of the request.

Mr. Hincks motioned for the Planning Board to endorse the Approval Not Required (ANR) Plan for 35 & 41 Lincoln Lane (Assessor's Map F14-0010). 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 confirmed the scheduling of a Planning Board meeting regarding the Master Plan update for 8:00 AM on Friday, January 29, 2021.

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

Mr. Duchesneau recommended tabling the minutes for approval to the next meeting and the Planning Board members agreed.

Future Meeting Schedule: January 29, 2021, February 10, 2021, and February 24, 2021

Mr. Garvin acknowledged the dates of the upcoming Planning Board meetings.

Mr. Garvin adjourned the meeting at 11:21 PM