



# Town of Sudbury

## Planning Board

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### MINUTES

SEPTEMBER 22, 2021 AT 7:30 PM

### VIRTUAL MEETING

**Members Present:** Chair Stephen Garvin, Vice Chair Justin Finnicum, Clerk John Hincks, Anuraj Shah, and John Sugrue

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

Mr. Finnicum opened the meeting at 7:33 PM and noted Mr. Garvin would be joining shortly.

**Immediately Continued Public Hearing – Stormwater Management Permit – 25, 35, 45, & 55 Widow Rites Lane (Assessor’s Maps E07-0146, E07-0147, E07-0148, E07-0154, E07-0155, and E07-0459)**

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit application for 25, 35, 45, & 55 Widow Rites Lane (Assessor’s Maps E07-0146, E07-0147, E07-0148, E07-0154, E07-0155, and E07-0459) to the Planning Board meeting on October 13, 2021. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Absent, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Immediately Continued Public Hearing – Stormwater Management Permit – 150 Wayside Inn Road (Assessor’s Map K02-0002)**

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit application for 150 Wayside Inn Road (Assessor’s Map K02-0002) to the Planning Board meeting on October 13, 2021. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Absent, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Immediately Continued Public Hearing – Stormwater Management Permit – Lot 43 Fox Hill Drive (Assessor’s Map B07-0215)**

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit application for Lot 43 Fox Hill Drive (Assessor’s Map B07-0215) to the Planning Board meeting on October 13, 2021. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Absent, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Minutes for Approval: February 10, 2021**

Mr. Hincks motioned to approve minutes for February 10, 2021. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Absent, Mr. Finnicum – Abstain, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

At this time Mr. Garvin joined the meeting.

**Continued Public Hearing – Stormwater Management Permit – Lot 37 Fox Hill Drive (Assessor’s Map B07-0209)**

Engineer Jacob Lemieux and the Town’s peer review engineer Janet Bernardo from the Horsley Witten Group were in attendance to discuss the matter with the Planning Board.

Mr. Lemieux provided the following updates on the proposed project materials:

- Tree additions and tree protection plan
- Review of drainage plan and approval by Building Inspector
- Septic system updates
- Proposal for seeding along the steep slope
- Added manhole
- Landscaping plan including native plantings, and screening along the lot line and from the street
- Improved erosion control measures

Mr. Finnicum mentioned potential water runoff to the roadway and recommended conditioning be included in the decision. Ms. Bernardo stated the Town Engineer had indicated the neighborhood’s stormwater management system could handle additional volume from the site. She also acknowledged the Applicant would add a clean-out at each juncture.

Mr. Hincks stated that with the stormwater management system meeting the regulations, he had no further questions.

Mr. Garvin opined about the EPA standards changing, and noted the state and the Town were adjusting prospective regulations accordingly.

Mr. Sugrue stated his appreciation of the additional plantings on the slope.

Mr. Garvin remarked about the possibility of installing fencing to denote the end of the work zone to ensure no further clearing would take place.

The Planning Board discussed aspects of the draft decision.

Mr. Hincks motioned to approve the Stormwater Management Permit application for Lot 37 Fox Hill Drive (Assessor’s Map B07-0209) as amended. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Continued Public Hearing – Site Plan Review and Stormwater Management Permit – 631 Boston Post Road (Assessor’s Map K06-0502)**

Attorney Josh Fox, Vito Colonna of Sullivan, Connors & Associates, and the Town’s peer review engineer Janet Bernardo from the Horsley Witten Group were in attendance to discuss the matter with the Planning Board.

Mr. Fox presented the changes to the Landscape Plan. He also presented a 3D rendering of the project and detailed some of the proposed building materials.

Mr. Colonna presented alternative design options, and highlighted several challenges associated with the site and septic system location.

Ms. Bernardo confirmed she had not received any alternative renderings from the Applicant.

Mr. Hincks questioned if the proposed changes and alternative plans would affect the Stormwater Management Plan. Mr. Colonna indicated the Stormwater Management Plan would not need to change as a result of the modifications. Mr. Garvin requested the Applicant attempt to save more of the existing trees by locating more of the septic system at the rear of the property. He also stated his concerns about the amount of stormwater flow onto Boston Post Road/Route 20.

Mr. Duchesneau inquired about the inclusion of a crosswalk or sidewalk from Boston Post Road/Route 20 to the proposed building. Ms. Suedmeyer noted the connections were important to make Boston Post Road/Route 20 compliant with Complete Streets principles and future possible sidewalk connections. Mr. Sugrue agreed there should be the ability to connect to a sidewalk along the Boston Post Road/Route 20 corridor, if and when the need arises in the future. Mr. Garvin suggested gravel be installed in the location of where a future sidewalk might be located in anticipation of adding a sidewalk.

Mr. Finnicum inquired about proposed signage for the property. Mr. Fox indicated the signage proposal would be presented to the Design Review Board and possibly to the Zoning Board of Appeals, if needed, at a later time.

Mr. Hincks motioned to continue the public hearing for the Site Plan Review and Stormwater Management Permit applications for 631 Boston Post Road (Assessor's Map K06-0502) to the Planning Board meeting on October 13, 2021. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Nolan Circle/Landon Estates Subdivision (fka Woodward Glen/Greenscape Park) off Powers Road (Assessor's Map B09-001) – Definitive Subdivision and Stormwater Management Permit Decisions Modifications**

Dave Howe and Dan Carr of Stamski & McNary, Inc. were present to discuss the matter with the Planning Board.

Mr. Duchesneau acknowledged Mr. Howe had proposed adjustments to the original Stormwater Management Plan approved in 2019. After several abutters had presented related communications, Mr. Howe had submitted a response letter to the abutters.

Mr. Garvin confirmed updated project materials had been submitted to the Planning Board after the deadline and would not be discussed that evening.

Mr. Carr provided an overview of the proposed modifications.

Mr. Duchesneau noted Ms. Bernardo had not had an opportunity to review the additional materials that

were recently submitted. Mr. Garvin questioned if the submitted changes should be viewed as modifications or if a new filing was warranted.

Mr. Garvin inquired about the increase in impervious area and Mr. Carr replied the total increase would be 0.14 acres.

Mr. Hincks indicated his objection to the term “boxes on the plan” and objected to the idea the original approval was used to market the Subdivision Plan to another developer.

Mr. Shah stated the proposed modifications seemed like a large increase in size when compared to the original plans.

Mr. Finnicum questioned if the limit of work would remain the same or not. Mr. Howe responded he had previously gone in front of the Planning Board requesting an increase in the scope of work for Lot #1.

Mr. Sugrue stated the proposed changes seemed like significant modifications.

Mr. Garvin noted he had reviewed his related notes from 2019 and the proposed changes represented almost double in scope when compared to what was originally approved. He asked if there was an actual threshold to determine if the modifications were minor or major in nature. Mr. Duchesneau replied there was nothing in the bylaw which delineated that difference and that determination was entirely up to the Planning Board.

Mr. Garvin suggested a straw poll be taken by the Planning Board members. Mr. Hincks stated he wanted more time to compare the original and proposed plans. Mr. Garvin indicated he needed more time as well. Mr. Shah stated it would be beneficial to know the proposed overall increase in size for each house. Mr. Finnicum indicated he too needed more time. Mr. Sugrue agreed with needing more time to review the proposed plans.

Mr. Hincks motioned to continue the discussion of the Nolan Circle/Landon Estates Subdivision (fka Woodward Glen/Greenscape Park) off Powers Road (Assessor’s Map B09-001) Definitive Subdivision and Stormwater Management Permit Decisions Modifications to the Planning Board meeting on October 13, 2021. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Public Hearings – Scenic Roads (Tree Removals) – 135 Morse Road (Assessor’s Map F09-0302), 7 Walkup Road (Assessor’s Map J09-0401), Hudson Road (Assessor’s Map G07-0200 across from 406 Old Lancaster Road), Hudson Road (Assessor’s Map G07-0200 across from 390 Old Lancaster Road), 55 Hudson Road (Assessor’s Map H08-0041 across from 610 Peakham Road), 319 Peakham Road (Assessor’s Map J06-0006), 192 Peakham Road (Assessor’s Map J05-0327), 587, 589, & 593 Boston Post Road (Assessor’s Map K06-0022 on Dudley Road), 139 Goodman’s Hill Road (Assessor’s Map J10-0503), 226 Goodman’s Hill Road (Assessor’s Map J09-0040), and 50 Pantry Road (Assessor’s Map D10-0011)**

Trees and Cemeteries Foreman Rafael Luna was present to discuss the matter with the Planning Board. Mr. Luna described the proposed removal of several unhealthy trees along various Scenic Roads.

There were no comments from the public. Mr. Luna reiterated that all trees to be removed were dead and posed risk to the public.

Mr. Hincks motioned to approve the Scenic Roads (Tree Removals) applications for 135 Morse Road (Assessor's Map F09-0302), 7 Walkup Road (Assessor's Map J09-0401), Hudson Road (Assessor's Map G07-0200 across from 406 Old Lancaster Road), Hudson Road (Assessor's Map G07-0200 across from 390 Old Lancaster Road), 55 Hudson Road (Assessor's Map H08-0041 across from 610 Peakham Road), 319 Peakham Road (Assessor's Map J06-0006), 192 Peakham Road (Assessor's Map J05-0327), 587, 589, & 593 Boston Post Road (Assessor's Map K06-0022 on Dudley Road), 139 Goodman's Hill Road (Assessor's Map J10-0503), 226 Goodman's Hill Road (Assessor's Map J09-0040), 50 Pantry Road (Assessor's Map D10-0011), and to replant a 30" Pine Tree across from 406 Old Lancaster Road. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

Mr. Luna noted the replacement trees had been planted on Wayside Inn Road.

**Public Hearing – Stormwater Management Permit 565 and Lot B Concord Road (Assessor's Maps F10-0013 and F10-0029)**

Chantel Charles, Bert Corey of DGT Associates, and the Town's peer review engineer Janet Bernardo from the Horsley Witten Group were present to discuss the matter with the Planning Board.

Mr. Corey described the application noting the existing house had access off of Concord Road. He noted the proposal called for a shared driveway from Concord Road to access the new and existing dwellings. Mr. Corey referred to the installation of two rain gardens and permeable pavement systems for both lots.

Ms. Suedmeyer acknowledged the site was a challenging one. Ms. Bernardo mentioned a number of waivers being requested, especially in regard to tree removal. She also noted the amount of stormwater runoff from the driveway would be challenging to address.

Mr. Finnicum recommended a tree buffer be maintained, as much as possible, as well as the existing stone wall under the ivy.

Mr. Hincks stated he was waiting for the updated peer review memorandum from the Town's consulting engineer.

Mr. Shah expressed his approval for the use of rain gardens for any roof runoff and inquired if the driveway runoff could be directed to the rain gardens as opposed to toward subsurface structures.

Mr. Sugrue stated the trees being retained must be mapped.

Mr. Garvin commented the front area along Concord Road was very important and the Applicant must try to minimize driveway infiltration. He noted extensive soil and infiltration testing would likely be required.

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit application for 565 and Lot B Concord Road (Assessor's Maps F10-0013 and F10-0029) to the Planning Board meeting on October 27, 2021. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Public Hearing – Definite Subdivision Plan – Maynard Road aka Bonnie Brook Estates (Assessor’s Maps G08-0025 and G08-0500)**

Bruce Saluk of Bruce Saluk & Associates, Inc. was present to discuss the matter with the Planning Board.

Mr. Duchesneau mentioned the stormwater management materials had not been submitted in time for the meeting. He also stated this was the first development to be considered which would be subject to the new Inclusion of Affordable Housing Zoning Bylaw which was recently passed by Town Meeting.

Mr. Saluk provided a brief overview of the proposed project including the related locus plan with delineated Federal Emergency Management Agency (FEMA) flood zones and wetlands. The proposal presented included the development of nine dwelling units, with Lot #5 not proposed for development at this time. Mr. Saluk inquired if the Planning Board would consider a Chapter 40B inclusionary development for the project site.

Mr. Garvin asked if the Planning Board would be receptive to a friendly Chapter 40B development.

Mr. Finnicum replied he would not advocate for a high-density development at the site considering the conservation land and wetlands on the property. He also stated he felt nine acres of disturbance would be too much for the subject property. Mr. Hincks mentioned he was supportive of high-density development, but was open-minded to other types of development as well. He noted he did not want to trade-off one Town objective for another. Mr. Shah expressed agreement with the points made by the other Planning Board members. Mr. Sugrue stated he would have to give the matter more consideration and he sought additional density, but less land disturbance, if possible.

Mr. Garvin confirmed the Planning Board was supportive of inclusionary housing, but he would not support a Chapter 40B development in this location. He mentioned a conservation cluster might be a better fit for this particular property. Ms. Suedmeyer acknowledged a previous application for the site for five lots had been submitted in 2013.

Mr. Hincks motioned to continue the public hearing for the Definitive Subdivision Plan application for Maynard Road aka Bonnie Brook Estates (Assessor’s Map G08-0025 and G08-0500) to the Planning Board meeting on October 27, 2021. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**554 & 560 Boston Post Road (Assessor’s Map K06-0602) – Site Plan Modification**

Quentin Nowland was present to discuss the matter with the Planning Board. He provided details regarding the proposed planting modifications and noted Planning Board members had toured the site on September 17, 2021 and September 20, 2021.

Mr. Finnicum stated the proposed Oak Tree placement would be too close to an established tree and likely would not grow well. Mr. Shah agreed with Mr. Finnicum’s comments.

Mr. Hincks motioned to approve the Minor Site Plan Modification for 554 & 560 Boston Post Road (Assessor’s Map K06-0602) with the exception of the proposed planting of the Scarlet Oak Tree to be moved per the recommendation of Mr. Finnicum. Mr. Finnicum seconded the motion.

Roll Call Vote: Mr. Garvin – Abstain, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

### **Town Meeting Zoning Bylaws Amendments**

Mr. Finnicum suggested a fence bylaw be addressed and he offered to take on the initial research regarding this matter. Mr. Hincks stated a dark-sky compliance bylaw could be written into all project approvals. Mr. Shah and Mr. Sugrue agreed. Ms. Suedmeyer proposed minor changes to the Stormwater Management Bylaw in order to comply with state's Municipal Separate Storm Sewer System (MS4) regulations.

### **Administrative Report**

There were not topics discussed under this item.

### **Possible Future Agenda Items/Master Plan Implementation**

Mr. Duchesneau suggested the Planning Board discuss the Master Plan's implementation at their next meeting on October 13, 2021 in preparation for the Master Plan Town Forum to be held on October 21, 2021.

Mr. Garvin adjourned the meeting at 10:52 PM.