



# 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

**AUGUST 11, 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. Garvin opened the meeting at 7:30 PM.

**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)**

Engineer Peter Bemis was in attendance to discuss the matter with the Planning Board. Mr. Bemis provided a description of the modifications to the proposed plans, and discussed the soil testing and the results. He also provided details regarding the Stormwater Management Plan.

Mr. Finnicum inquired about the guard rail, tree line/slope stabilization, and tree protection plan.

Ms. Suedmeyer requested the Applicant provide clarity regarding the limit of work, delineation of trees to be removed, and a stabilization plan. She inquired about the driveway grading as well. Mr. Bemis responded a 9.5% grade for the driveway was being proposed.

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 September 8, 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.

**Continued Public Hearing – Stormwater Management Permit – 423 & 437 Boston Post Road (Assessor’s Map K08-0004)**

Tony Haslinger 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. Haslinger provided an update regarding the proposed daycare center at the Sudbury Crossing Shopping Center. He addressed the peer review comments and submitted results of soil testing performed on July 27, 2021.

Ms. Suedmeyer suggested an infiltration-related condition for the decision, as well as periodic trimming of invasive vegetation at the site. Ms. Bernardo noted the Applicant had addressed the initial concerns raised in her peer review memorandums.

Mr. Garvin expressed his appreciation for the additional soil testing which had been completed by the Applicant.

Mr. Hincks motioned to close the public hearing for the Stormwater Management Permit application for 423 & 437 Boston Post Road (Assessor's Map K08-0004) and to begin the review of the draft conditions. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Abstain, and Mr. Sugrue – Aye.

**Continued Public Hearing – Site Plan Review and Stormwater Management Permit – 105 Boston Post Road (Assessor's Map K11-0017)**

Attorney Joshua Fox, Gabriel Crocker of Crocker Design Group, and John Welch from Herb Chambers Jaguar-Land Rover were in attendance to discuss the matter with the Planning Board.

Mr. Duchesneau itemized the draft decision's conditions, including black/green PVC fencing along the northern property line; car repair being conducted inside the building; no exterior storage of car parts or car washings being permitted; and areas of porous pavement at the rear of the site only being used for inventory storage of new vehicles. The Fire Department also required electric vehicles not be serviced or repaired on the property.

Mr. Hincks motioned to approve the Site Plan Review and Stormwater Management Permit application for 105 Boston Post Road (Assessor's Map K11-0017). 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 Joshua Fox, Vito Colonna of Sullivan, Connors & Associates, Applicant Jake Parsons, 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 confirmed the Zoning Board of Appeals had issued a Special Permit for the project. He also provided an update on the proposed plan, including changes to the south side of the site plan, modifications to the retaining wall, and new proposed plantings. Mr. Fox also referred to the proposed elevations.

Mr. Parsons confirmed the Zoning Board of Appeals recommended fencing at the property which would be included in the modified plans.

Ms. Suedmeyer recommended native plantings be included in the Landscape Plan. Ms. Bernardo confirmed she would examine the steepness of the elevation within the area of the proposed fencing.

Mr. Finnicum noted the entrance to Boston Post Road/Route 20 and suggested an asymmetric line be included in the facade along Boston Post Road/Route 20. Mr. Finnicum also stated the proposed lighting plan was excessive and he inquired about the need for fencing.

Mr. Hincks asked why the project needed a Special Permit from the Zoning Board of Appeals. Mr. Fox indicated medical office uses required Special Permits in the zoning district where the property was located, but he also noted the proposed site had operated as a medical office in the past.

Mr. Shah commented regarding the commercial style of the building, and suggested the architecture and landscaping be given more consideration.

Mr. Sugrue agreed with the comments by Mr. Shah including that consideration be given to the massing of the proposed building.

Mr. Garvin recommended answers to inquires from the Planning Board be addressed in writing, and include more detailed plans with low impact development review and examinations of ways to break-up the massing of the proposed building.

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 September 22, 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 – 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 a summary of the proposed single-family dwelling construction project.

Ms. Suedmeyer recommended a detailed limit of work and tree removal plan be submitted to the Planning Board, including plans for tree protection and retention. She stressed the aspects of steep sloping at the site and related driveway construction.

Ms. Bernardo suggested the proposed plans capture all the stormwater runoff from the property.

Mr. Sugrue commented about maintaining tree coverage at the rear of the lot. Mr. Garvin agreed with Mr. Sugrue and suggested a tree line be included in the plans. Mr. Shah suggested all trees with at least an 8" caliper be identified on the plans. Ms. Suedmeyer stated tree species should be indicated as well and the Planning Board members agreed.

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit application for Lot 37 Fox Hill Drive (Assessor's Map B07-0209) to the Planning Board meeting on September 8, 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 – Stormwater Management Permit – Lot 43 Fox Hill Drive (Assessor’s Map B07-0215)**

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 a summary of the proposed single-family dwelling construction project.

Ms. Suedmeyer repeated similar comments she had made regarding the Stormwater Management Permit application for Lot 37 Fox Hill Drive.

Ms. Bernardo requested additional specifications regarding the drainage plan and Mr. Lemieux provided the related details.

Mr. Garvin emphasized the importance of a detailed Landscape Plan with specifics addressing proximity to the outlet at the road and the limit of work area.

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 September 22, 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 Partial Performance Bond Release Request**

Developer Dave Howe 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. Howe requested a partial bond release and noted the project was approaching the 75% to 80% completion phase.

Mr. Duchesneau stated the Town Engineer had not signed off on several items. Ms. Bernardo agreed with the items listed on the outstanding items list.

Mr. Hincks motioned to approve the release of \$435,900 from the Performance Bond for the Nolan Circle/Landon Estates Subdivision (fka Woodward Glen/Greenscape Park) off Powers Road (Assessor’s Map B09-001). 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 Decision Modifications**

Developer Dave Howe presented his requests for modifications to the Definitive Subdivision and Stormwater Management Permit decisions. The proposed modifications included the installation of propane gas in the event the National Grid gas lines could not be installed in a timely fashion.

Mr. Hincks offered to work with Town staff to implement the new language regarding this proposed modification to the Covenant.

Mr. Hincks motioned to amend Condition 2 of the Covenant for the Nolan Circle/Landon Estates Subdivision (fka Woodward Glen/Greenscape Park) to allow Building Permits to be released prior to the completion of electric and gas service, while still guaranteeing the installation of natural gas infrastructure for the project. 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. Garvin motioned to appoint Mr. Hincks to work with Town staff on the rewording of Condition 2 of the Covenant for the Nolan Circle/Landon Estates Subdivision (fka Woodward Glen/Greenscape Park). 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. Howe requested the ability to modify the roadway construction requirements as outlined in the roadway cross section in the Planning Board's Rules and Regulations Governing the Subdivision of Land. He requested the ability to construct the roadway with a 12 inch gravel base, a 2.5 inch binder course, and a 1.5 in top coat of pavement.

Mr. Hincks motioned to deny the modification request to deviate from the roadway construction requirements as outlined in the roadway cross section in the Planning Board's Rules and Regulations Governing the Subdivision of Land for the Nolan Circle/Landon Estates Subdivision (fka Woodward Glen/Greenscape Park). 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. Howe also requested the ability to remove up to four (4) White Pines to allow for the placement of a private utility pole for the purpose of running electrical power across Powers Road. Mr. Duchesneau noted that such a modification would also have to be approved by the Select Board.

Mr. Finnicum stated no additional utility poles should be installed on Powers Road and requested the new electrical wiring be run underground.

Mr. Garvin asked Mr. Howe to provide an alternative plan which would not include the removal of four (4) trees along a Scenic Road.

Mr. Hincks agreed with locating the new electrical wires underground.

Mr. Garvin suggested the requested modification be tabled to a future Planning Board meeting and the other Planning Board members agreed.

Mr. Howe explained his fourth modification request which involved opening a ten (10) foot section of the erosion control barrier to allow for the installation of plantings on a neighboring property. Mr. Howe confirmed he would have to go beyond the limit of work in order to access the abutters property to install the new plantings.

Mr. Hincks motioned to approve the Applicant's request to open a ten (10) foot section of the erosion control barrier to allow for the installation of plantings on the neighboring property. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

Mr. Duchesneau read in the comments which had been submitted by Diana Peretti and Mark Fieger of 175 Powers Road and Mary Sterling of 59 Hunters Ridge Road in Concord, MA.

**59 Union Avenue (Assessor's Map K08-0052) – Minor Site Plan Review**

Applicants Jon and Meredith Wells were in attendance to discuss the matter with the Planning Board.

The Applicants stated they would be opening a dance studio at 59 Union Avenue (formerly a kitchen design center) and Site Plan Review was required for the change of use. However, they were not intending to make any modifications to the outside of the building.

Mr. Garvin thanked the Applicants for opening a business in Sudbury. Mr. Duchesneau noted Minor Site Plan Review had been recommended by Town staff because all of the changes would be occurring inside of the existing building.

Mr. Hincks motioned to approve the Minor Site Plan Review application for 59 Union Avenue (Assessor's Map K08-0052). Mr. Shah seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Lot 38 Fox Hill Drive (Assessor's Map B07-0210) – Stormwater Management Performance Bond Agreement**

Ms. Suedmeyer provided details regarding the Performance Bond related to Lot 38 Fox Hill Drive in the amount of \$80,233. Mr. Garvin recommended an additional \$10,000.00 be added to the Performance Bond amount in consideration of tree removal/replacement and slope stabilization concerns. The other Planning Board members agreed.

Mr. Hincks motioned to approve the Stormwater Management Performance Bond Agreement for Lot 38 Fox Hill Drive (Assessor's Map B07-0210) as modified by Mr. Garvin. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Lot 42 Fox Hill Drive (Assessor's Map B07-0214) – Stormwater Management Performance Bond Agreement**

Ms. Suedmeyer confirmed the Performance Bond estimate had been reviewed by Town Engineer and he was recommending an amount of \$88,000. Mr. Garvin recommended an additional \$10,000 be added to the Performance Bond amount in consideration of tree removal/replacement and slope stabilization concerns. The other Planning Board members agreed.

Mr. Hincks motioned to approve the Stormwater Management Performance Bond Agreement for Lot 42 Fox Hill Drive (Assessor's Map B07-0214) for \$98,000. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Aye, and Mr. Sugrue – Aye.

**Citizens' Comments on Items Not on Agenda (None Received)**

Mr. Duchesneau indicated no citizens' comments had been received.

**Minutes for Approval: January 25, 2021**

Mr. Hincks motioned to approve the Minutes for January 25, 2021. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, Mr. Shah – Abstain, and Mr. Sugrue – Aye.

**Administrative Report**

There were not topics discussed under this item.

**Possible Future Agenda Items**

Mr. Garvin noted potential Zoning Bylaw amendments for the May 2022 Annual Town Meeting should start to be discussed.

**Future Meeting Schedule: September 8, 2021 and September 22, 2021**

Mr. Garvin noted the upcoming meetings on September 8, 2021 and September 22, 2021.

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