



# Town of Sudbury

## Planning Board

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### MINUTES

SEPTEMBER 14, 2022 AT 7:30 PM

### VIRTUAL MEETING

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

**Members Absent:** Anuraj Shah and Associate Member Julie Zelsermyer Perlman

**Others Present:** Director of Planning and Community Development Adam Duchesneau

Mr. Finnicum called the meeting to order at 7:32 PM.

#### **Continued Public Hearing – Stormwater Management Permit – Lot 15 Kato Drive (Assessor's Map J10-0615)**

Engineer Vito Colonna and Applicant Perry Beckett were in attendance to discuss the matter with the Planning Board.

Mr. Colonna stated all technical peer review issues and abutter concerns had been addressed. He explained a mature tree located on the site would likely be removed as part of the project.

Mr. Hincks stated the proposed single-family dwelling was too close to the abutting property. He noted the Town's peer review consultant was satisfied with the drainage plan. Mr. Hincks asked if a substantial performance bond could be put in place for the project. Mr. Duchesneau highlighted a draft condition which discussed the implementation of a performance bond.

Mr. Sugrue reiterated the comments made by Mr. Hincks and expressed his concerns about the proposed location of the single-family dwelling.

Mr. Finnicum concurred with the comments made by the other Planning Board members and agreed with the requirement of a performance bond for the project.

Mr. Beckett assured the Planning Board the stormwater plans would be carefully executed and he would be working closely with Town's Engineering Department.

At this time Mr. Garvin joined the meeting.

Martin Young of 23 Kato Drive indicated his disappointment regarding the proposed plan and did not agree with the tree removal.

Mr. Garvin suggested a tree well be installed to protect the tree root system and save the tree. Mr. Beckett agreed to install a tree well for this particular tree along the southern property line.

Mr. Hincks motioned to approve the Stormwater Management Permit for Lot 15 Kato Drive (Assessor's Map J10-0615) with amended conditions as discussed, including the submission of a copy of the Erosion Control and Construction Plan for review and approval by the Planning and Community Development Department and Town Engineer. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

**Public Hearing – Stormwater Management Permit – 1 Nobscot Road (Assessor's Maps L05-0007, L05-0001, L05-0003, L05-0004, L05-0005, L05-0200, and L06-0009) – Consideration of Permit Delegation to Conservation Commission**

Engineer James Downing was in attendance to discuss the matter with the Planning Board.

Mr. Duchesneau confirmed all site disturbance for the project was within jurisdictional wetland area and, therefore, the Planning Board could delegate the Stormwater Management Permit process to the Conservation Commission if they chose.

Mr. Downing confirmed a Notice of Intent (NOI) application was being reviewed by the Conservation Commission. He then presented the Nobscot Scout Reservation and trails Site Plan. Mr. Downing indicated bridge reinforcement was in process and would likely take three to four years to complete.

Mr. Hincks motioned for the Stormwater Management Permit application for 1 Nobscot Road (Assessor's Maps L05-0007, L05-0001, L05-0003, L05-0004, L05-0005, L05-0200, and L06-0009) to be delegated to the Conservation Commission. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

**Lot 43 (#7) Fox Hill Drive (Assessor's Map B07-0215) – Stormwater Management Permit Decision Modification**

Engineer Brian Geaudreau was in attendance to discuss the matter with the Planning Board. He discussed the proposed modification to the Stormwater Management Permit decision, which included raising the level of the front yard and related landscaping wall. Mr. Geaudreau also noted the peer reviewer had no further comments.

Mr. Duchesneau indicated Town staff currently had no additional comments.

Mr. Garvin agreed the Stormwater Management Permit Modification improved the plan for the property.

Mr. Hincks motioned to approve the Stormwater Management Permit Decision Modification for Lot 43 (#7) Fox Hill Drive (Assessor's Map B07-0215). Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

**64 Union Avenue (Assessor's Map K08-0046) – Site Plan Modification**

Engineer Peter Bemis was were in attendance to discuss the matter with the Planning Board. He presented a proposed parking plan modification which included two handicapped parking spaces and a space designated for loading.

Mr. Hincks motioned to approve the Site Plan Modification for 64 Union Avenue (Assessor's Map K08-0046). Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

**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) – Stormwater Management Permit Decision Modification**

Engineers Marc Bergeron and Ken Staffier from VHB were in attendance to discuss the matter with the Planning Board.

Mr. Bergeron presented the proposed modification within the George Pitts Tavern Historic District. He discussed the proposed retention of a portion of railroad tracks and the increased elevation of the future rail trail in this area. Mr. Bergeron noted the changes would add approximately 875 square feet of area in the front of the Section Tool House.

Mr. Duchesneau stated Town staff recommended approval of the proposed Stormwater Management Permit Decision Modification.

Mr. Hincks motioned to approve the Stormwater Management Permit Decision Modification 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). Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

Mr. Bergeron confirmed the Conservation Commission had also approved the modification.

**69-71 Brewster Road (Assessor's Maps H10-0100 and H10-0900) – Discussion regarding Proposed Subdivision**

Engineer Molly Obendorf was in attendance to discuss the matter with the Planning Board.

Mr. Duchesneau stated Ms. Obendorf was seeking feedback from the Planning Board regarding the proposed subdivision project.

Ms. Obendorf discussed the possibility of the creation of a solar energy farm on the site as well as some residential development. She added the Sudbury Water District had approached the landowner regarding improvements to the water pressure in the area.

Mr. Duchesneau stated the next step in the process would be the presentation of a Preliminary Subdivision Plan to the Planning Board.

Mr. Finnicum indicated he wanted further information regarding the proposed development's size, its grading impacts, and the proposed limit of work. He also asked about protections for community open space.

Mr. Sugrue inquired about the subdivision roadway access and the possible construction of a waterline pathway.

Mr. Hincks mentioned the associated Approval Not Required Plan the Planning Board had approved for the site and asked to see a related overlay map.

Mr. Garvin recommended keeping to a tight limit of work around the proposed project area, including a plan to restore as many trees as possible.

#### **Master Plan Implementation – Discussion regarding Update to Select Board on Implementation**

Mr. Duchesneau indicated the Select Board had requested a joint meeting with the Planning Board in the next several weeks to discuss the short-term Action Items in the Master Plan.

The Planning Board members discussed the progress which had been made on a variety of Master Plan Action Items and developed a summary of all projects being considered.

Mr. Duchesneau suggested the Planning Board continue their discussion of this item at their next meeting.

Select Board member Charlie Russo thanked the Planning Board for their attention to this matter and agreed with all of the comments which had been presented. He suggested a possible joint meeting between the Select Board and Planning Board in October of 2022.

#### **423/435/437 Boston Post Road (Assessor's Map K08-0004) – Performance Bond Amount**

Mr. Duchesneau indicated Town staff was recommending the Planning Board approve the proposed Performance Bond Amount of \$200,622.00 for the proposed project.

Mr. Hincks motioned to endorse Town staff's recommendation for a Performance Bond of \$200,622.00 for 423/435/437 Boston Post Road (Assessor's Map K08-0004). Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

#### **2023 Annual Town Meeting and Possible Future Zoning Bylaw Amendments – Discussion and Updates**

##### *Wireless Services Overlay District*

Mr. Duchesneau indicated Town staff was continuing their discussions with Isotrope LLC (the consultant), who was also working with the Select Board to create a Wireless Services General Bylaw to regulate the installation of wireless facilities within the Town's public rights-of-ways.

Mr. Sugrue noted a few possible recommended Zoning Bylaw changes which could be implemented.

##### *Multi-Family Zoning Requirement for Massachusetts Bay Transportation Authority (MBTA) Communities*

Mr. Duchesneau presented guidelines and timelines involved with the MBTA Communities Multi-Family Zoning Requirement legislation.

Zoning Board of Appeals member Frank Riepe stated he had an interest in the creation of a Zoning Bylaw to prohibit the sales, assembly, and/or manufacturing of firearms and/or components thereof, ammunition, and explosives in all zoning districts in the Town of Sudbury. He explained his request for such a Zoning Bylaw amendment to be implemented within the town.

Related discussion took place and the Planning Board members reviewed the documentation submitted by Mr. Riepe.

#### **Citizens' Comments on Items Not on Agenda**

There were no topics discussed under this item.

#### **Minutes for Approval: January 26, 2022**

Mr. Hincks motioned to approve the minutes of January 26, 2022. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Finnicum – Aye, Mr. Hincks – Aye, and Mr. Sugrue – Aye.

#### **Committee Member Updates**

Mr. Hincks announced the Community Preservation Committee had scheduled their first meeting of the season. He added that a new Community Preservation Coordinator had recently started working in the Planning and Community Development Department.

Mr. Sugrue announced the Bruce Freeman Rail Trail Advisory Task Force would be meeting the next day.

Mr. Duchesneau presented an update regarding the Bruce Freeman Rail Trail Phase 2D construction bids and also noted the design work on of Phase 3 (the CSX portion of the Bruce Freeman Rail Trail) had commenced.

#### **Administrative Report**

Mr. Duchesneau confirmed the groundbreaking event for the Bruce Freeman Rail Trail construction would take place in late September or early October of 2022 most likely.

#### **Future Meeting Schedule: September 28, 2022 and October 12, 2022**

Mr. Garvin noted the upcoming meetings of the Planning Board as indicated on the agenda.

Mr. Garvin adjourned the meeting at 10:25 PM.