

IN BOARD OF SUDBURY SELECTMEN

TUESDAY, NOVEMBER 13, 2018

Present: Chairman Robert C. Haarde, Vice-Chairman Daniel E. Carty, Selectman Leonard A. Simon, Selectman Patricia A. Brown, Selectman Janie Dretler, Assistant Town Manager and Human Resources Director, Maryanne Bilodeau.

The statutory requirements as to notice having been complied with, the meeting was convened at 7:00 p.m. at Sudbury Town Hall, Lower Level.

Discuss December 11 Special Town Meeting warrant articles, and take positions on articles

Present: Jonathan Silverstein, Town Counsel

Attorney Silverstein came before the Board to further detail the Articles to be presented at the December 11 Special Town Meeting regarding the Melone property. He explained that Article 1 – The North Road Residential Overlay District (NRROD) would require a vote to include zoning bylaw 4700A.

Attorney Silverstein stated that a vote would be taken to amend the Zoning Bylaws to create a new bylaw 4700B - The Melone Smart Growth Overlay District (SGOD), which would apply to the affordable unit housing portion of the proposed development. He detailed that MGL Ch. 40R encouraged mixed-use development and requires 20% affordable housing units which could qualify Sudbury for a \$200,000 payment from the state, and \$3,000 per unit, as each new affordable unit is constructed; and payments from the state totaling \$503,000.

Attorney Silverstein stated that Article 3 – The Master Plan for Quarry North, would require a vote to decide on a redevelopment plan of up to 2,500 square feet of commercial space, and 174 units of market-rate housing including 80 units of age-restricted housing.

Attorney Silverstein stated that an Article 4 vote would transfer to the Board of Selectmen the ability to convey some or all of the Melone property to Quarry North, LLC, for development. Article 5 would propose to repurpose/transfer the Melone Stabilization Fund previously voted on at the 2015 Town Meeting, and allocate those funds for the purpose of preparation of the Broadacres Farm acquisition.

Article 6 was described by Attorney Silverstein as the proposal to authorize the Board of Selectmen to acquire by exchange the Town Center property (Sudbury Station) from Quarry North. As proposed, the Town would receive 39 acres in Town Center with appurtenant easements plus an additional \$1,000,000 in exchange for the Melone property.

Attorney Silverstein stated there have been ongoing discussions with Quarry North regarding the Melone site with many moving parts associated with the project. Chairman Haarde has been a participant in all those discussions, and the project has changed a bit since originally proposed with a decreased unit count, more significant senior housing appropriation, and now a local initiative project plan is being considered--a 40R project. In addition to providing monetary benefit for the Town under a 40R classification, there would be additional technical assistance and a more streamlined process.

Attorney Silverstein stated that everyone is working to meet the deadline to get a 40R application submitted to DHCD (MA Department of Housing and Community Development) by the end of November. He added that DHCD has 90 days to act on the application with the hope that DHCD could move faster on that determination, and the Town could come back after Town Meeting if DHCD approval is granted.

Attorney Silverstein explained some of the aspects of the Article 1 – (NRROD) zoning, stating that it is modeled after the Meadow Walk zoning plan (the Mixed-Use Overlay District, or MUOD) with the main distinction being

that the timeframe with the NRROD is more time-restrictive. Further Planning Board action and ZBA involvement will be scheduled after the Special Town Meeting on December 11.

Attorney Silverstein mentioned that the presented articles are nearing final completion, and stated that the Planning Board will hold its public hearing on November 29th which might reflect some minor changes.

Attorney Silverstein highlighted some of the sections included in the NRROD Article:

- *Purpose Section – Similar to the MUOD Plan.
- *Overlay District – Offers an alternative to the zoning in the Research District, rather than replacing it.
- *Master Development Plan – Which is to be submitted at Town Meeting, containing an existing conditions plan, topographical plan, and an overall site development plan; which depicts location of buildings, roads, setbacks, total unit count, and total square footage for each use type.

He added that there would be a limited amount of proposed commercial space granted. That was part of the ongoing discussion since the Town would like the development to be self-sufficient with some amenities on-site (coffee shop, dry cleaners, hair salon, etc.) in an effort to limit traffic going in and out of the site. Attorney Silverstein detailed that there might be pedestrian connectivity with North Wood and Frost Farm, which would also benefit the transportation aspect.

- *Process for Plan Approval – filing of Master Development Plan, with more detailed information; (parking, drainage, dimensions, utilities/infrastructure, fiscal impact report, abutters notifications) which is submitted to the Planning Board, ZBA, and Town Clerk.
- *Modifications to an Approved Master Development Plan – describing minor modifications which do not require further Planning Board review, modifications those requiring Planning Board approval, and those modifications requiring Town Meeting approval (such as increased unit count).
- *Development Agreement – This is similar to that defined in the MUOD and is what the negotiation team has been working on.

Attorney Silverstein said that the more standard items (similar to the MUOD) within the NRROD plan included:

- *Phased Development
- *Application of Requirement to Individual Lots
- *Rules and Regulations – as adopted by the Planning Board
- *Issuance of Building Permits
- *Transfer of NRROD Approvals
- *Lapse
- *Uses Allowed – with allowable commercial uses; smaller than those uses at Meadow Walk; with allowable residential uses – up to 80 age-qualified units, and non-age-qualified housing. He added that the developer wanted to have the option of assisted living, or continued care retirement community development; depending on what the market indicates, when the developer is ready to break ground. He noted that the number of continuing care residential housing units would have to be documented, if the developer chooses to go forward, and those related discussions were still in progress.
- *Prohibited Uses

*Dimensional Standards and Requirements – Similar to the MUOD, with a three-story maximum height; and the Planning Board would have the authority to increase that height limitation to four stories, or sixty feet, if topography, and buffer features; would adequately mitigate any visual impact. Attorney Silverstein added that the berm currently at the Melone site, would remain; and cover a minimum of 100 feet, serving as an undisturbed buffer zone.

*Subdivision

*Two or More Buildings on One Lot

*Screening and Landscaping

Attorney Silverstein continued that Article 2 - the Melone Smart Growth Overlay District (SGOD), was similar to the Meadow Walk zoning plan in terms of plan review, and as required under 40R zoning, would have to support site plan review with no discretionary-special permitting. The Article 1 zoning overlay covers the first 173 market rate housing units and the SGOD would cover the 101 affordable housing units. Most of the sections in this document were dictated by the state with some modifications allowable particular to Sudbury and this project. He added that under 40R this Article is site specific and would not permit 40R zoning and NRROD zoning simultaneously.

Attorney Silverstein distributed the official 40R land perimeter graph as it applied to the Melone site which was just received from the developer's engineers. He added that the Town's consultant, Judy Barrett, prepared the Smart Growth Overlay District Document and her work is being paid for by the developer. He stressed that the SGOD requires that 20% of the housing units be affordable which would allow for the 101 affordable unit count that are rental units.

Attorney Silverstein stressed that if the SGOD plan was approved by the DHCD, then the Planning Board could adopt design regulations which also must be approved by the DHCD. He outlined the site plan review process similar to the Article 1 NRROD specifications emphasizing parking requirements and height requirements. He stated that the public hearing process was the same as described in Article 1 zoning, and because it is a 40R, it will not require a ZBA Public Hearing, but felt that ZBA would be looking at the entire plan.

Selectman Brown asked when Board members might be able to present questions regarding the two Articles. Attorney Silverstein stated that questions could be presented at any point, as the Planning Board public hearing is not until November 29th. Because these documents were still in the finalization process, the draft zoning documentation would be on file with the Town Clerk, and that motions under those Articles could present in a somewhat different form. Attorney Silverstein maintained that he would anticipate some questions with minor changes from the Planning Board. He stressed that if BOS queries were submitted to him before the 29th, he could answer those questions or have them presented at the Public Hearing.

Attorney Silverstein stated that 40R zoning did allow for commercial development, and the preference was to have the commercial use within the proposed 40R area. If the 40R designation is not granted, then the proposed 2,000 square feet of commercial use could go somewhere else on the site.

Attorney Silverstein reminded the Board that Article 4 depicts the disposition of the Melone property which requires a two-thirds vote at Town Meeting. Selectman Brown stated that Article 6 requires a simple majority vote. Attorney Silverstein affirmed that statement. Related discussion followed.

Attorney Silverstein recommended that the Board could take positions on the Articles, and then reserve the right to comment on specific zoning under those Articles.

Selectman Haarde suggested that the Board could continue to present questions and further discuss the SGOD Zoning and the NRROD Zoning, and vote on the proposed Warrant Articles tonight. Attorney Silverstein added

that once the Articles get filed with the Town Clerk, considerable changes outside of the presented documents would not be advisable.

Selectman Dretler stated that she was fine with taking a vote tonight, but would want to be informed about any additional forthcoming information. Selectman Simon was comfortable with voting, as long as the Board could comment further about the zoning aspects. Vice-Chairman Carty felt the same way. Selectman Brown mentioned that if the Board signed the Warrant articles tonight, that would stand as noted. Assistant Town Manager Bilodeau commented that any Board positions would be added to the Warrant articles. Attorney Silverstein affirmed the statement regarding the addition of Board position on the Warrant.

It was on motion unanimously

VOTED: To approve Articles 1 through 6 as printed on the Warrant, for the Tuesday, December 11, 2018 Special Town Meeting with the Board retaining the right to comment on the zoning articles at a later time.

Discussion with Sudbury Water District on potential well sites at Melone property

Present: Joshua Fox, Chairman of the Sudbury Water District; Vincent Roy, Superintendent of the Sudbury Water District; Lawson Williams, Counsel for the Sudbury Water District; and Tom Travers, Treasurer of the Sudbury Water District.

Chairman Haarde stated that this discussion represented a new era of collaboration between the Town and the Sudbury Water District. Members of the Water District are here tonight to discuss alternative sources for clean/safe water for the Town and proposals for testing wells and town-owned lands to establish effective well systems.

Mr. Fox explained that the Water District Commission owns a parcel of land adjacent to the Melone property, and they put out an RFP for approximately 3.2 acres of land with Quarry North responding to the RFP. He stated that the Commission voted to award that proposal to Quarry North, subject to several factors - compliance with DEP regulations, compliance with open meeting laws – a special Water District meeting, and adherence to Article 97 of the amendments to the Massachusetts State Constitution.

Mr. Fox detailed aspects of the Quarry North development and the Sudbury Station development in regards to Town wells. Upon review of prior testing for wells in the general vicinity, there was uncertainty that those tested sources could adequately supply the Town especially at Quarry North.

Mr. Roy stated that he met with the Conservation Coordinator, Debbie Dineen, and identified Town-owned parcels that could supplement the water system need. Town parcels identified were Raymond Road with some 37 acres, and another parcel in northeast Sudbury off Concord Road with 8.8 acres.

Mr. Roy further described the possible parcels, and referred to the diagrams distributed to the Selectmen. The Raymond Road parcel would be preferred because it had infrastructure with a water main in place, and the parcel off of Concord Road did not.

Selectman Simon inquired about Water District access to the Raymond Road parcel. Mr. Roy responded that a written/oral authorization from the Town would be needed for testing to take place. Mr. Fox detailed that the Raymond Road parcel was beneficial for aquafer protection, even if another well was not added to that site, and would protect wells #4 and #6.

Selectman Brown further inquired about which of the parcels were being sought by the Water District. Mr. Roy answered that the responsibility of the Water District is to supply clean drinking water to the Town and protecting the land around the wells. He summarized that the Water District would want as much of the land as possible in

order to protect the water resource. He added that he did not know what a fair trade might be between the Water District and the Town.

Selectman Simon stated that the Board would be interested in the option that would provide optimum clean water, and its maintenance. He asked that the Water District keep the Board informed of any further developments, and the Water District representatives agreed.

Selectman Brown confirmed that there was no decision to be made at this meeting, and the purpose of the discussion tonight was to understand the current situation.

Chairman Haarde suggested that the next course of action would involve sending a memo to all Town department heads to provide feedback, concerns, or recommendations.

Selectman Simon asked what the Water District proposes for the Melone property. Mr. Fox responded that the Water District parcel on the Melone site has approximately 6.5 acres, and the Water District put out an RFP for approximately 3.2 acres to protect the existing well (which is currently not active) and creating the 400-ft buffer around the existing well. If Quarry North went forward, then a special Water District meeting would take place in order that those parcels could be combined for the greater project.

There was continued discussion regarding the location of the Water District land at the Melone site, and zoning plans in relation to the water well system.

Selectman Brown asked about the timeframe involved. Mr. Fox answered that there was no urgency, but stressed the benefit of obtaining preliminary feedback from department heads regarding the Raymond Road option. The Board agreed.

Opening Remarks by Chairman

Chairman Haarde announced that the Commission on Disability had six open seats and those interested contact the Commission or go to the Town Website.

Chairman Haarde announced that on Wednesday, November 21 Town offices will close at noon, and will be closed on November 22nd and 23rd for the Thanksgiving holiday. The Goodnow Library will close at 5:00 p.m. on the 21st, and will be closed on Thursday, November 22nd and Friday, November 23rd.

Chairman Haarde stated that the Sudbury Housing Authority is accepting applications for the Sudbury duplex housing program. He suggested that those interested could get more information by contacting the Sudbury Housing Authority.

Chairman Haarde mentioned that the Melone Forum will take place on Tuesday, November 27, from 7:30 p.m. to 10:30 p.m. at the LSRHS auditorium. The Hazardous Waste Day is scheduled for Saturday, November 17th at the DPW Building, from 8 a.m. to 12:00 p.m. Assistant Town Manager Bilodeau stated that Styrofoam products would also be collected at a cost of \$5.00 payable by cash or check. More detail can be found on the Town website or by contacting the Board of Health.

Reports from Town Manager

Assistant Town Manager Bilodeau thanked the Town Clerk's office for all the work done in preparation for early voting. She added that it was a huge undertaking, and received positive comments. Selectman Simon stated that early voting in Sudbury was well utilized, and good feedback from residents was received.

Reports from Selectmen

Vice-Chairman Carty was unable to attend the Veterans Day Luncheon at the Senior Center, but did attend the Curtis Middle School Veterans Event that same day. He thanked the Sudbury Public Schools, Curtis School staff, the veterans, and recognized Captain Thom Kenney for his very moving speech.

Selectman Simon stated that he, Selectman Brown and Selectman Dretler attended the Veterans Day Luncheon. Selectman Brown stated that the Veterans Appreciation Luncheon was attended by some 70 people, and was very well done. She commented that the November 3 Telethon was an impressive event as well and again demonstrated another instance of Sudbury coming together for a good cause.

Vice-Chairman Carty announced that BOS Office Hours would be held on Saturday, November 17th from 10:00 a.m. to 11:30 a.m.; and that he and Selectman Brown would be present at the Goodnow Library in the Conference Room on the second floor.

Selectman Brown added that the Carding Mill Lecture on November 4th, was very interesting, and could be viewed on SudburyTV. She congratulated the Sudbury Historical Society for receiving a grant to be used to catalog acquisitions.

Selectman Dretler stated that she, Selectman Brown, and Selectman Simon enjoyed the Veterans Luncheon, as well as the Carding Mill Lecture and the Telethon. She also thanked Deb Galloway for the Veterans Day Luncheon success, and all the volunteers who contributed their efforts.

Citizen's comments on items not on agenda

There were no citizen's comments.

Discussion and update on Melone Town Forum scheduled for Nov. 27, 2018, 7:30 PM at LSRHS.

Vice-Chairman Carty stated that there is much progress being made in preparation for the Melone Town Forum on November 27, and many moving parts are coming together. He stated that he, Town Manager Rodrigues, and the Town Moderator met in preparation for the Forum. He added that Selectman Dretler's suggested Melone glossary of related terms was being worked on. He stressed that the purpose of the Town Forum is to educate, and said that there will be plenty of time for Q&A, and that deliberation would be the purpose of Town Meeting.

Vice-Chairman Carty stated that Town Manager Rodrigues would be presenting an overview of the Melone project at the Forum and e-mails with questions to be answered at the Forum were starting to come in, and would be accepted until 5:00 p.m. on November 27. He stated that Forum advertising has been done via fliers, ticker boards on the Sudbury Green, at Town sporting events, at the Library, Senior Center, and other popular locations.

Vice-Chairman Carty detailed that those present at the Forum would be the Board of Selectmen; Steve Garvin, Chairman of the Planning Board; John Riordan, ZBA Chairman; Sudbury School Superintendents, Department heads, Police and Fire Chiefs, and Housing Consultants (answering 40B and 40R specific questions).

Selectman Simon asked if questions from the audience would be received. Vice-Chairman Carty replied that a big crowd is expected. In an effort to maintain order, the Moderator will be directing all questions.

Selectman Simon recommended that the Board produce a letter of endorsement for Melone and the property exchange for the purpose of information/publicity, and for submission to the Sudbury Crier.

Selectman Dretler stated that she would draft the letter and have it ready for review and Board approval at the Monday November 19th meeting.

Selectman Brown suggested that a general bulleted Melone fact sheet could be distributed. Selectman Simon agreed that a bulleted/fact sheet in plain English would capture the essence of what is being proposed for Melone.

Selectman Dretler stated liked the idea of a Melone overview document to provide a broader picture. Vice-Chairman Carty suggested the related glossary of terms be on one side of the sheet with the bulleted/overview on the other side.

Selectman Simon mentioned that he and Selectman Dretler would work on the Melone overview. Selectman Brown stated that babysitting would be provided at the Forum.

Vote to appoint a Board member to the Master Plan Steering Committee

Selectman Dretler stated that the Planning Board was currently interviewing prospective Master Plan Steering Committee candidates. She would like to be the Board member appointed to the Committee maintaining that she had the time to devote to this two-year commitment.

Selectman Simon recommended that a new Board member, such as Selectman Dretler, would be a good addition to the Steering Committee.

Vice-Chairman Carty stated that he also would like to be a member of that Committee, and ran for a Planning Board post several years ago when he thought that the Master Plan was going to be upcoming.

Chairman Haarde stated that he appreciated the interest of both Selectman Dretler and Selectman Carty, and would favor the appointment of both. He suggested that staff could confirm with the Planning Board that two members from the Board of Selectmen would be acceptable.

Selectman Dretler stated that it would be a good idea to have two selectmen represented at the Steering Committee, as there would be many topics considered. Vice-Chairman Carty also agreed that having two Selectmen on the Steering Committee would be a good idea.

It was on motion unanimously

VOTED: To ask the Planning Board to modify the composition of the Master Plan Steering Committee, to include two members from the Board of Selectmen; Selectman Dretler, and Selectman Carty.

Review draft Fall 2018 Board of Selectmen Newsletter and approve for distribution

Selectman Dretler asked why there were two Newsletter articles about the Bruce Freeman Rail Trail. Selectman Brown maintained that at a previous Selectmen meeting she was given the Rail Trail assignment, and that Selectman Simon was absent from that meeting. Selectman Simon stated that having two Rail Trail articles in the Newsletter was confusing, and he did not recall having two articles on the same topic printed in the Newsletter before. He suggested that Selectman Brown remove her rail trail article and retain her CPC article as printed in the Newsletter.

Chairman Haarde stated that he was fine with both articles, and did not believe that the inclusion of both articles would cause confusion.

Citizen's Comments (cont.)

There were no citizen's comments.

At this time, Vice-Chairman Carty provided an update on two important transportation announcements that were released after today's agenda was printed.

Vice-Chairman Carty told the Board that MassDOT announced two programs earmarked for regional transit in the amount of \$4 million. One of the programs "First Mile/Last Mile" could benefit Sudbury but that another proposal – MWRTA bus service running on Route 20 from Marlboro to the Riverside MBTA Station in Newton and back several times per day could be even more beneficial.

Vice-Chairman Carty asked the Board if they would be interested in providing a letter of recommendation for the proposed transportation programs. Vice-Chairman Carty explained that Representative Gentile would be endorsing the program as a legislator, resident, and COA representative. The application for the program is due by November 30, 2018 so submittal of endorsement must take place now. He added that determination for the program would be made in early 2019.

Chairman Haarde suggested that the letter of support could be reviewed and signed by Selectmen at the November 19th meeting authorizing Selectman Carty or Town Manager Rodrigues, to write the letter. The Board agreed with Chairman Haarde's suggestion.

Vice-Chairman Carty spoke of the second transportation initiative – Transloc - which is a pilot micro transit application established by Ford. This would be a three-phased program similar to Uber Life, but larger in scope. If transit authorities were to become members in 2018, the contract membership would be \$25,000, or \$200,000 for membership in 2019. He added that this program would also require BOS approval, and reflect a partnership arrangement with Metrowest Regional Transportation Authority (MWRTA). He suggested that Transloc could be reviewed at a future meeting.

Selectman Brown suggested Board discussion of Transloc at the December 4th meeting. Assistant Town Manager Bilodeau asked if this program is a grant program. Vice-Chairman Carty responded that it was not, and was a contract, not a bid.

Selectman Simon requested additional documentation regarding the Transloc program. Vice-Chairman Carty responded that he would provide more information at an upcoming meeting.

Discuss upcoming agenda items

Assistant Town Manager Bilodeau stated that the following items would be on the agenda for the next Selectmen's meeting November 19:

*Authorization of the Broadacres Deed

*BOS review and approval/signatures of Selectman Dretler and Selectman Simon's letter of support of the Melone development for the Forum as well as for submission to the Sudbury Crier.

*Review and Approval of the MWRTA's (MetroWest Regional Transit Authority) request to the MassDOT Discretionary Funding Program for Regional Transit Authorities under Section 74 of the Fiscal Year 2019 Massachusetts Budget, to include a "First Mile/Last Mile" commuter-based grant, as well as funding for a "Wayside (Marlborough) to Riverside Station" fixed bus route along Route 20.

Selectman Brown recommended that BOS Goals and Town Manager Goals be discussed at the December 4th meeting. Selectman Simon recommended that meeting with CPC Chair and the Historical Commission for discussion regarding proposed projects and updates could take place later in December. Selectman Brown reminded the Board that project hearings are held in December with deliberations in January.

Chairman Haarde announced that the Holiday Open House at the Hosmer House will be on December 1-2 and the following weekend December 8- 9. The Christmas Tree Lighting will take place on December 1 at the Town Center.

Consent Calendar

Vote to sign the Special Town Meeting Warrant for Dec. 11, 2018

It was on motion unanimously

VOTED: To sign the Special Town Meeting Warrant for Dec. 11, 2018, which must be posted by November 27.

Vote to authorize the Town Manager to increase the BCK Law contract not to exceed amount from \$400,000 voted on February 27, 2018, to \$425,000 in order to pay for continuing services pertaining to the Eversource matter

It was on motion; Selectman Carty and Selectman Brown recused, and three in favor – Haarde - aye, Dretler – aye, and Simon – aye.

VOTED: To authorize the Town Manager to increase the BCK Law contract not to exceed amount from \$400,000 voted on February 27, 2018, to \$425,000 in order to pay for continuing services pertaining to the Eversource matter.

There being no further business, the meeting adjourned at 9:00 p.m.

Attest: _____

Maryanne Bilodeau
Assistant Town Manager-Clerk