

Present: Chairman Craig Lizotte, Christopher Morely, Peter Abair, Martin Long, Stephen Garvin, Dylan Remley and Jody Kablack (Director of Planning and Development) and James Kupfer (Assistant Planner)

At 7:32 p.m., Chairman Lizotte called the meeting to order.

**Endicott Woods – Request for Extension**

Present: Applicant's Attorney Joshua Fox, Applicant's Engineer Bruce Ey and Property Owners Joe and Barbara Ciampa

At 7:32 p.m., Chairman Lizotte opened a discussion regarding the request for extension submitted for the Endicott Woods Subdivision, Assessor's Map K04-10, which was continued from the Board's September 17, 2014 meeting. The Board was previously in receipt of copies of a letter from Rollins, Rollins & Fox attorney Joshua Fox dated September 11, 2014, requesting a two-year extension until September 24, 2016 to complete the infrastructure for the Endicott Woods subdivision and the "Definitive Subdivision Decision Endicott Woods Boston Post Road" dated September 8, 2004.

Ms. Kablack stated the subdivision was approved in 2004, endorsed in 2005, and the initial extension lasted until 2010, which was then automatically extended to 2014 pursuant to the state Permit Extension Act. She noted the Order of Conditions expires on July 15, 2015 and there was a Mass. Highway Curb Cut Permit which expired, and the applicant is trying to extend it.

The applicant's attorney Joshua Fox described the five-acre site located at 821 Boston Post Road, which was approved for a subdivision of three lots, one of which is the home of long-time property owners Joe and Barbara Ciampa. Mr. Fox stated the request is for a two-year extension until September 24, 2016 to complete the required subdivision infrastructure. He noted the Ciampas have invested resources into the project, and have worked with the Mass. Department of Transportation (DOT) for extension of the access permit without further filing. Mr. Fox noted it was difficult to fund the project during the recent recession.

Property owner Barbara Ciampa read aloud a prepared statement to the Board.

Ms. Ciampa emphasized the obstacles encountered over the past decade regarding the project. She and her husband believe the economic times are now better to proceed with the project, and she asked for the Board's support for the extension request.

Chairman Lizotte asked to see the subdivision plan. A copy was presented to the Board and the applicant's engineer Bruce Ey addressed questions from the Board.

Mr. Long asked whether the majority of funds were spent by the property owners early on or recently. Mr. Fox stated a significant amount was spent in the early years, but another significant amount was recently spent on design of the septic systems for the 2 new lots.

Chairman Lizotte noted the Town has instituted a Stormwater Management Bylaw since the plan was initially approved. Thus, an application will need to be made for a Stormwater Management Permit for any new construction.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request for a two-year subdivision extension to complete the infrastructure for the Endicott Woods subdivision for Endicott Woods until September 24, 2016.

**Public Hearing: - Maple Meadows SRC Modification – Assessor’s Map K08-0020 & p/o K09-0074**

Present: Developer Robert Roth, Robert McGinty and Applicant’s Attorney Michael Fee

At 7:49 p.m., Chairman Lizotte opened the Public Hearing regarding the application of Maple Avenue Meadows, LLC and Maple Meadows Trust II for modification to an approved Special Permit, Maple Meadows Senior Residential Community Special Permit dated June 29, 2004, and he read aloud the public notice. The Board was previously in receipt of copies of the Public Hearing Notice, the “Application for the Second Modification of the Special Permit of The Meadows,” an email from Department of Public Works Director Bill Place dated October 16, 2014 regarding emergency access at the development, an email from Sudbury resident Maile Hulihan dated October 15, 2014, an email from Sudbury resident Richard Morse dated October 15, 2014, two letters from Ian Rubin, P.E. dated August 27, 2014 and September 8, 2014 respectively, regarding the capacity of the existing retention area, a letter from Developer Robert Roth to Maile Hulihan dated June 19, 2014, an email from Joanne Gillespie-Rapa to former Board Chairman Mike Hunter dated May 1, 2014, and a memorandum from Ms. Kablack dated October 21, 2014. Copies of a letter from several Maple Meadows’ residents dated June 12, 2014, an email from Tina Hermos dated October 22, 2014 regarding the need for a crosswalk and sidewalks, and an email from Fire Chief William Miles dated October 20, 2014 were distributed tonight.

Ms. Kablack explained the request is for a modification of some outstanding conditions of the approved Special Permit. She listed the correspondence received from neighbors, noting she has worked with the developer to address their issues and share information with them. Ms. Kablack also noted an email was received today from the Maple Meadows Trustees. She explained the Board will need to discuss the two modification requests to the Special Permit and the separate issues regarding landscaping and slope erosion.

The applicant’s attorney Michael Fee expressed the applicant’s preference to discuss the modification application requests separately, noting it would be unfair to combine other issues which are not relevant to that application. Developer Robert Roth concurred, stating tonight’s hearing relates to the Special Permit conditions. He further stated a \$62,000 bond is held by the Town, and other issues might be better discussed at the time a bond release request is made.

Ms. Kablack briefly summarized the development’s history from its approval in 2004, litigation from abutters, planning for Phase 1 and Phase 2, and she noted all units are sold. She emphasized the applicant has completed a lot of off-site mitigation. Ms. Kablack explained one section of the required walkways has been built, from Maple Avenue to Sudbury Crossing Plaza. However, it is recommended to eliminate the other two conditions for walkways as not being warranted and not being able to secure an easement. Ms. Kablack further stated the Mass. Highway Department denied the request to build a pedestrian bridge over Hop Brook, and thus this condition should also be eliminated. She further stated Mass. Highway also denied the installation of a painted crosswalk at Raymond Road across Route 20.

Chairman Lizotte noted neighbors have expressed questions related to site drainage and landscaping. Ms. Kablack stated all of these outstanding issues are part of the bond.

Attorney Fee stated Ms. Kablack's memorandum captures the situation well. He emphasized the applicant was willing to fulfill the conditions of the Special Permit, but was unable to do so as a result of denials from the State and the unwillingness of a neighboring property to provide an easement.

Mr. Morely stated he believes the modification request is straightforward. However, he further stated he believes the other resident concerns should also be discussed by the Board tonight.

Mr. Abair asked if there are any crosswalks which cross Route 20 in Sudbury. He opined one would seem suitable at the Route 20 and Raymond Road intersection. Mr. Abair also asked for a copy of the DOT denial response to be provided for the record. Ms. Kablack stated she believes the DOT correspondence is on file. She also stated there are no crosswalks on Route 20 in Sudbury that they have been denied by Mass. Highway and that different State highway districts have different policies.

Mr. Long asked if the applicant will make a contribution to the Town's Walkway Fund, in lieu of the construction conditions. Attorney Fee stated he discussed with Ms. Kablack today that the applicant has offered a \$4,000 contribution. Ms. Kablack stated that, although the amount is not proportionate on a per square foot basis, she believes the amount is fair, given the other off-site mitigation provided by the applicant. Chairman Lizotte clarified the contribution would go to the Town-wide Walkway Fund.

Mr. Remley asked why it was thought in 2004 that the conditions would be approved and what changed in the interim. He also asked if secondary efforts were made to overcome the State denials. Ms. Kablack stated the conditions were always subject to attainable permits. Mr. Morely stated it was reasonable at the time to assume the conditions were possible to complete. Mr. Roth stated several telephone and email attempts were made to the State to reconsider its decision and the area was staked out multiple times, all to no avail. Ms. Kablack noted the applicant reached out to the Town Engineer to also contact the State authority, who was also unsuccessful in overturning the decision.

Mr. Morely stated the applicant has built a high-quality development, which is well regarded in Town, and he has done so under difficult economic conditions. He believes any outstanding issues will get resolved.

Chairman Lizotte asked if there was any public comment on the subject of tonight's public hearing, and there was none.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the application of Maple Avenue Meadows, LLC and Maple Meadows Trust II for modification to an approved Special Permit, Maple Meadows Senior Residential Community Special Permit dated June 29, 2004, subject to a \$4,000 contribution to the Town-wide Walkway Fund.

On motion duly made and seconded, it was also unanimously:

VOTED: To close the Public Hearing regarding the application of Maple Avenue Meadows, LLC and Maple Meadows Trust II for modification to an approved Special Permit, Maple Meadows Senior Residential Community Special Permit dated June 29, 2004.

Ms. Kablack next summarized some of the other concerns received from residents. She stated the Fire Chief and Town Engineer Bill Place have concluded the turning radius in Phase 2 is constructed as it was approved. Ms. Kablack noted guest parking was not required in the initial decision, and thus the developer should not have to provide this amenity.

Ms. Kablack stated the Board needs to decide if the condition for an emergency access gate in Phase 1 has been fulfilled or if the gate should be replaced, noting the Fire Chief has no opinion on the subject.

Mr. Garvin asked if the fire lane was intended as gravel. Ms. Kablack stated no, it was intended for grass. She also stated it was never intended as a resident access for vehicles, only public safety vehicles.

Ms. Kablack noted screening was a condition of approval, and the trees installed are shorter than what was specified. She also noted some new plantings have died. Mr. Roth stated 52 plants were installed approximately a year and one half ago, but due to severe winter conditions last year, some were lost. The consensus of the Board was that a site visit should be coordinated to certify screening is adequate.

Ms. Kablack informed the developer construction debris is still in the abutting conservation land and it must be removed. She also stated the chain link fence at the Feeley Field property line must be removed.

Chairman Lizotte asked why the debris has remained. Robert McGinty stated it was assumed the material had some value and they were waiting for the contractor to remove. Mr. Roth stated the debris has been out of sight and was forgotten.

Chairman Lizotte emphasized the applicant should complete the simple tasks of removing the debris and the chain-link fence before their next meeting with the Board. The Board concurred as did Attorney Fee.

Mr. Garvin stated better screening should be addressed. Chairman Lizotte recommended the Board should visit the site to assess the landscaping and the gate issue. He further stated that, if a decorative gate was noted on the plan, one should be installed. Attorney Fee stated the applicant is willing to comply with whatever the Board deems as appropriate for both of these items.

Ms. Kablack stated the slope erosion issue behind certain units has been monitored by Town staff, and she has requested a new plan to address the roof runoff. The as-built plans do not adequately demonstrate what was built. It was noted a new engineer is assessing the situation and Town Engineer Bill Place has been involved. She summarized the slope problem, noting the issue is unresolved. It is thought the erosion was caused by discharge of water from installation of gutter pipes on the slope, which was not an approved solution. Removal of the pipes has been requested as has the installation of culvert chambers with accompanying engineering plans and calculations.

Mr. Morely asked if a peer reviewer has been engaged. Ms. Kablack stated one has not.

Sudbury resident Leon Goodman, 35 Maple Avenue, Unit 602, expressed he is a professional engineer who is concerned as to whether the slope stabilization is adequate for the future. Mr. Goodman stated the engineer's initial recommendations were not followed completely and he opined the slope was to be flattened and the entire slope was to be stabilized, not just the parts that failed. He distributed copies of an engineering report to the Board, and he urged the Board to review it.

Sudbury resident Maile Hulihan, 35 Maple Avenue, Unit 901, referred to the email and photos she had previously sent to the Board. She provided survey results reflecting the majority of residents would prefer a decorative granite gate be installed and that the unattractive existing gate be removed. Ms. Hulihan also noted construction debris should be removed from behind Unit #4. She also stated the present screening is not adequate. Ms. Hulihan emphasized all the residents agree the development is beautiful, and they wish to keep it this way.

Sudbury resident Richard Morse, 47 Maple Avenue, Unit 1101, stated he lives at the top of the slope. He distributed to the Board photographs of the road plan for the emergency access area. Mr. Morse believes fire trucks would not be able to successfully use the fire lane without ruining the current landscaping.

Chairman Lizotte noted the area was built according to the plan, and if the residents want to modify it they would need to submit a plan for consideration.

Mr. Morse asked if there is a requirement for guest parking, and Ms. Kablack stated there is not. Mr. Morse stated he appreciates the Town's input, but he is disappointed with the design which was approved by the Planning Board.

Chairman Lizotte reiterated the Board should visit the site to assess the landscaping. He also reiterated to the developer that the simple outstanding items which can be completed should be done prior to the Board's next discussion of them.

Ms. Kablack asked if the pipes have been capped. Mr. McGinty stated the pipes have been abandoned and are no longer collecting water. Ms. Kablack noted that this must be demonstrated to the Town.

Chairman Lizotte and Mr. Garvin stated a plan stamped by an engineer will be needed which shows how the problem will be fixed.

Ms. Kablack stated the slope is stabilized and grass is growing.

Chairman Lizotte asked when the Board will receive the revised plan. Mr. Morely noted the sooner the Board receives it, the sooner all parties can put these issues behind them and move on. Mr. Roth stated he too would like to resolve the slope issue and to verify where the infiltration chambers are within the next 30 days.

Attorney Fee stated he is hesitant for the applicant to agree to a specific deadline. He suggested the developer continues to work with Ms. Kablack and Town staff to resolve matters and that Ms. Kablack can update the Board accordingly.

It was noted the Board's next meeting will be at 7:30 p.m. on November 12, 2014, and perhaps an update could be provided to the Board at this meeting.

#### **The Cecil Group – Route 20 Zoning Project – Discussion**

Present: The Cecil Group Principal Steven Cecil and associate Adam Wynn

At 9:05 p.m., Chairman Lizotte opened a discussion with representatives of The Cecil Group regarding the Route 20 Zoning Project. The Board was later provided copies of the Group's PowerPoint

presentation for tonight entitled “DRAFT Sudbury Route 20 Corridor Urban Design Studies and Zoning Evaluations.”

Using a PowerPoint presentation, The Cecil Group Principal Steven Cecil reviewed the stated purpose of the study is to evaluate the potential results associated with an overlay zone to better manage development along portions of Route 20 if the Town installs a sewer system. He stated the study would help illustrate the physical design implications of potential zoning within the prospective overlay districts.

Mr. Cecil reviewed the proposed evaluation process which would study representative parcels or clusters of parcels. He stated existing development patterns would be evaluated, including buildings, parking and open space relative to developable land. He also reviewed key zoning parameters for uses and mixes of uses, including building heights, setbacks, and parking. He displayed pictures of three-dimensional models of the Route 20 corridor and photographs depicting the character of Route 20. Mr. Cecil presented an Existing Property Summary of the planned areas of study parcels including, Raytheon Co., the Sudbury Plaza, Interstate Oil (corner of Nobscot Rd and Route 20), Sudbury Crossing and the Rugged Bear Plaza.

Mr. Cecil explained potential overlay zones defined as Areas A, B and C, which could be created and/or a master plan provision. He noted some communities include incentives to encourage desired outcomes in certain locations.

Ms. Kablack noted regulatory options will become an important discussion and could be related to discussion regarding the Board regaining the permit-granting authority for site plans.

Chairman Lizotte questioned the wording of “office uses” in the description for proposed overlay districts Areas A and B, and he suggested the wording be changed to reflect small-scale offices. Ms. Kablack concurred, stating the Town does not want to encourage more strip malls or large scale development.

Chairman Lizotte stated it is hard to state what the Town might, or might not, want in the future. Mr. Abair stated it is assured the Town does not want to attract big-box operations. However, Mr. Garvin noted the Raytheon site might be attractive to a big-box company.

Mr. Cecil presented slides of information showing illustrative lot frontage, height limits, parking ratios, and front-yard setbacks. He described a possible addition scenario with shared parking for the Rugged Bear Plaza site, and a property analysis for the other study parcels reflecting both limited and substantial changes. Mr. Cecil also presented some regional and national examples of what is possible. He suggested topics for discussion might include: best regulatory tools for intended development patterns, market and investment considerations, potential development of the Raytheon site and other topics.

Mr. Remley asked if non-monetary incentives are being offered to spur development, such as time frame for development. He further stated the Town would not want to see the Raytheon site vacant for a prolonged period of time.

Chairman Lizotte noted the fact that all of this discussion is dependent on the sewer project is not mentioned in the presentation to date. He believes this is important to include before the information becomes available to the public. Mr. Garvin concurred, stating the sewer or other alternatives changes things.

Chairman Lizotte stated he and Mr. Morely attended a recent meeting with the Town Manager regarding the Raytheon property. It was noted Raytheon is marketing the property to large developers and it is not necessarily going to sell to the highest and best bidder. The company is realistic about the age of the buildings and their condition and that the current market does not support the use of the property for a large industrial site. Raytheon is also cognizant that Chapter 40B is an option. Chairman Lizotte stated the Town is susceptible to a Chapter 40B development. He further stated it is important to get the public behind what the future should be for the site, and he suggested a public forum be held solely on this topic.

Mr. Garvin asked if the real estate brokers have mentioned breaking up the parcel to be offered in smaller segments. Ms. Kablack stated she has brought it up, but, to date, there has been no indication of whether this will be done or not.

The consensus of the Board was that a separate meeting time be scheduled to discuss how to proceed with the Raytheon site discussion.

At 10:16 p.m., Chairman Lizotte concluded the discussion.

### **Minutes**

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of September 10, 2014 and September 17, 2014.

### **Upcoming Meeting Schedule**

Ms. Kablack stated the next meeting will be held November 12, 2014 at 7:30 p.m. at the Flynn Building.

The meeting was adjourned by Chairman Lizotte at 10:17 p.m.