



Town of Sudbury

Planning Board

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MINUTES

JANUARY 22, 2020 AT 7:30 PM

LOWER TOWN HALL, 322 CONCORD ROAD, SUDBURY, MA

Members Present: Chair Stephen Garvin, Vice Chair Charles Karustis, Clerk John Hincks, John Sugrue and Associate Member Anuraj Shah

Members Absent: Justin Finnicum

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

Mr. Garvin opened the meeting at 7:30 PM.

Immediately Continued Public Hearing – Site Plan Review and Stormwater Management Permit – 151 & 183 Boston Post Road (Assessor’s Map K11-0020 & K11-0501)

Mr. Hincks motioned to continue the public hearing for the Site Plan Review and Stormwater Management Permit application for 151 & 183 Boston Post Road (Assessor’s Map K11-0020 & K11-0501) to the Planning Board meeting on February 12, 2020 and to extend the review period to March 31, 2020. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Public Hearing – Site Plan Review – 113 Haynes Road (Siena Farms) (Assessor’s Maps D09-0002 and D09-0300)

Applicants Ana Sortun and Chris Kurth were present to discuss the application with the Planning Board. Mr. Kurth provided a history of the farm and detailed the proposal. Ms. Sortun stated she was in the restaurant business and stressed the project would allow added stability for Siena Farms. She indicated the proposal involved some improvements to the existing building, a wood-fired oven/grill, lighting, and the installation of pavers.

Mr. Duchesneau addressed the parking aspects of the proposal. He noted several concerns which were discussed in the Staff Report:

- Building Department concerns regarding fire pit/oven and hours of operation.
- Conservation Commission issues regarding event scheduling/use and proximity to wetlands.
- Fire Department concerns regarding cooking oven and proximity to the existing garage.
- Planning Board comments regarding lighting and hours of operation.
- Board of Health comments regarding sinks.
- Police Department comments about possible traffic hazards.
- Comments from neighbors Chuck Mickey of 15 Dunster Road and Janet Pitzi of 91 Haynes Road

Mr. Duchesneau outlined some of the specific conditions included in the Staff Report:

- Limitation on the number of events to 12 per year.
- Hours of Operation: 7:00 AM – 8:00 PM, Sunday to Thursday, and 7:00 AM – 9:00 PM Friday to Saturday.
- Use of tents to be permitted by the Building Department.

Mr. Duchesneau confirmed the Applicant was also seeking two waivers: one from the submission of the application fee and the other for the submission of detailed architectural renderings.

Mr. Shah stated the proposed conditioning was comprehensive and mentioned the excavation aspect of the project.

Mr. Sugrue agreed the Staff Report was inclusive, and recommended further information regarding the proposed parking plan be provided and other Town Departments' concerns addressed.

Mr. Karustis also noted other Town Departments' concerns were outstanding and requested a more detailed rendering of the site. He suggested the Applicants contact the Historical Commission regarding alterations to the barn. Mr. Karustis also indicated various parking concerns, especially in consideration of all events likely being scheduled during a five-month period. He suggested the scheduling of fewer events during the first year. Mr. Karustis inquired about access to the rear parking lot in consideration of the adjacent wetlands.

Mr. Kurth stated the proposed rear parking lot was currently being actively used by farm trucks and he did not anticipate the field being used at any time for any of the events.

Mr. Hincks asked why the project was even before the Planning Board. Mr. Duchesneau indicated the designation of the parking spaces for the proposed events triggered the need for a Site Plan Review application. Mr. Garvin noted any project which increased parking (especially for scheduled events), required Site Plan Review.

Mr. Hincks noted the Town advocated for preservation of its history and agriculture, and felt its planning and development approaches should do the same.

Mr. Garvin acknowledged the importance of safe parking and related planning. He wanted assurance the proposed patio did not interfere with the stormwater aspects of the project and also expressed concern regarding unpermitted bonfires at the property.

Mr. Sugrue asked about setup and cleanup time being permitted before and after events. Mr. Duchesneau indicated the Planning Board could amend the proposed condition to specify this item and noted the Applicant had provided language for cleanup time (one hour).

Janet Pitzi of 91 Haynes Road presented recent photos she had taken at the Siena Farms location. Ms. Pitzi affirmed she had no problem with the Applicants doing something similar to what was proposed, but had concerns about the scope of the project, related safety aspects, quiet enjoyment of her living, and how the proposal would effect property values in the area. Ms. Pitzi stressed the recognized accomplishments of chief Ana Sortun and indicated parking would likely exceed the regulations, given Ms. Sortun's

popularity. She mentioned current parking issues at the farm, site concerns regarding standing water and lighting, and advocated for a traffic study and special yearly permitting.

Mr. Garvin asked if the pictures presented were those of the Willow Hill School parking lot or Siena Farms parking. Ms. Pitzl responded the pictures reflected pick-up at the Willow Hill School, but felt the event dinners and classes might create the same type of on-street parking difficulties.

Chuck Mickey of 15 Dunster Road asked about the jurisdiction of the Planning Board. Mr. Garvin responded that even though this was an agricultural use, there were certain areas that still fell under the jurisdiction of the Planning Board; parking being first and foremost.

Mr. Mickey explained he had met with the Applicants recently and questioned the process in light of the proposed events and parking. He stated he needed further direction from the Town. Mr. Duchesneau recommended Mr. Mickey communicate with the Building Department regarding some of the permitting aspects of the proposal.

Building Inspector Andrew Lewis confirmed agricultural uses maintained certain exemptions from different rules and regulations. Mr. Mickey asserted the proposal reflected the use of a restaurant on the site. Mr. Garvin confirmed that if there were safety/noise issues, abutters could contact the Police Department, who were currently working with the Applicants.

Mr. Mickey stressed the importance of establishing a reasonable clean-up cutoff time and felt serious consideration should be given to the possible granting of serving liquor.

Dawn Soloway of 20 Dunster Road affirmed the lack of outreach to the neighbors and expressed concerns regarding traffic, parking, and associated noise. She recommended gradual event scheduling and reduction of the daily hours of operation.

Tom Greenwood of 126 Haynes Road stated he supported the Siena Farms proposal.

Sandra King of 83 Haynes Road also expressed her support for the proposal.

Radoslaw Tomala of 23 Dunster Road commented about the possible disruption of quiet and peaceful enjoyment at his property. He mentioned an event held on October 19, 2019 at Siena Farms which was loud and contained a significant number of guests. Mr. Tomala also expressed concern that his real estate value might decrease as a result of the proposal and suggested there be a decrease in the number of events proposed.

Mr. Garvin asked the Applicants when the events would typically take place. Mr. Kurth indicated most events would likely take place in the spring and fall, and not all events would involve 75 guests.

Mr. Hincks inquired about the financial viability of the farm. Ms. Sortun reiterated the need for added financial security for the farm and indicated July was usually too hot to hold events. She stressed that all the events would not include 75 people and she did not want to disrupt the neighborhood in anyway.

Monika Tomala of 23 Dunster Road spoke of the loud and lengthy event held at Siena Farms on October 19, 2019. She had concerns regarding the continuation of such events.

Mr. Tomala emphasized the importance of defining the word “event” in relation to the Siena Farms proposal. Mr. Garvin agreed that further clarity regarding the term “event” would be appreciated, as well as addressing the concerns of other Town Departments, boards, committees, and commissions, and those items raised in the Staff Report.

Mr. Hincks commented about aspects of the Town’s jurisdiction and felt the Planning Board should not be involved with arbitration. Mr. Garvin suggested Town Counsel provide guidance in this area. Mr. Hincks asked if the parking situation actually triggered the need for a Site Plan Review application and Mr. Duchesneau stated staff would review this matter with Town Counsel.

Mr. Karustis expressed concerns regarding the hours of operation and felt 10:00 PM might be too extensive. He recommended no event-related parking be permitted on Haynes Road or other neighboring streets. Mr. Karustis also suggested the Applicants might consider providing advance notice of events to the neighbors.

Mr. Sugrue reinforced the associated date and timing aspects.

Mr. Shah echoed Mr. Sugrue concerns.

Mr. Garvin highlighted the primary items of concern:

- Operation and closing times for events, especially outdoor events.
- No overflow parking on any public way.
- Restricting events when the Willow Hill School was in session.

Mr. Hincks motioned to continue the public hearing for the Site Plan Review application for 113 Haynes Road (Siena Farms) (Assessor’s Maps D09-0002 and D09-0300) to the Planning Board meeting on February 12, 2020. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Public Hearing – Proposed Zoning Bylaw Amendments for May 4, 2020 Annual Town Meeting

Inclusionary Zoning (Affordable Housing Units)

Steven Swanger of 14 Bent Brook Road and member of the Sudbury Housing Authority (SHA) stated the SHA had been successful in constructing new housing for the Town in the past. He noted the SHA had been created by its own state legislation and did not report to the Town of Sudbury. Mr. Swanger expressed his support for the proposed Inclusionary Zoning Bylaw and suggested the SHA could purchase some of the proposed housing for use as rental units.

Mr. Garvin noted Town Counsel was reviewing this aspect of the proposed bylaw and a related discussion took place.

Sherrill Cline of 84 Concord Road and member of the SHA presented questions regarding the proposed Inclusionary Zoning Bylaw. She affirmed Community Preservation Act holdings other than tax monies could be considered for this proposal. Mr. Hincks confirmed Community Preservation Act funding would make sense for this particular initiative.

John Riordan of 12 Pendleton Road affirmed the comments made by the SHA members earlier were most beneficial and he was in agreement. He believed there was a general conflict of interest between the SHA and the Sudbury Housing Trust. Mr. Riordan suggested several modifications to the proposed bylaw.

Amy Lepak of 54 Jarman Road and member of the SHA outlined the differences between the Sudbury Housing Trust and the SHA, noting the SHA covered all rental units with a sliding scale.

Mr. Duchesneau noted the deadline for finalization of the Warrant Article language was mid-March. He referred to similar Inclusionary Zoning Bylaws in the Town of Concord, as well as comments provided by Town Counsel regarding Sections 5680 and 5670.

Mr. Hincks motioned to close the public hearing for the proposed Inclusionary Zoning Bylaw. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Solar Energy Systems

Robert Van Brocklin of Shift Energy at 24 4th Street in Troy, New York, a potential solar energy system developer at 60 and 71 Brewster Road, stated he had concerns with the language in Section 4830J and commented that inverters and transformers could not likely be installed underground. Mr. Karustis agreed.

Mr. Garvin commented non-residential solar use in a residential district was problematic and noted each Special Permit would be reviewed by the Zoning Board of Appeals on a case by case basis.

Mr. Riordan read the Special Permit section of the Zoning Bylaw and confirmed that each application was reviewed on a case by case basis.

Mr. Hincks motioned to close the public hearing for the proposed Solar Energy Systems Zoning Bylaw. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Mr. Duchesneau noted Town Counsel's input on the proposed bylaw and case law regarding various solar projects.

Mr. Hincks motioned to extend the January 22, 2020 Planning Board meeting beyond the normal cut-off time of 10:00 PM. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

212 Pratt's Mill Road – Definitive Subdivision Plan Minor Amendment, and Definitive Subdivision Plan and Stormwater Management Permit Time Extension Requests

Owner Terrence McDonough and Timothy Emerson of Lynch Construction Consulting were present to discuss the matter with the Planning Board. Mr. McDonough presented the revised Stormwater Management Plan and requested timeline extension.

Ms. Suedmeyer listed several unmet conditions including the performance bond, site-inspection deposits, erosion control considerations, and limit of work details. Mr. Duchesneau asked the Applicant how long it might take to satisfy the conditions before the Cease and Desist Order could be removed from the property.

Mr. Garvin suggested a combined Stormwater Management Plan be submitted for the two lots.

Mr. Hincks asked about the re-review of the Subdivision Plan. Ms. Suedmeyer added a complete Landscape Plan would address the restoration of vegetation on the property and screening with conditioning. Ms. Suedmeyer recommended the Applicant thoroughly review each of the conditions with attention to compliance.

2019 Annual Report

Mr. Duchesneau stated the deadline for submission of the Annual Report was January 31, 2020.

Mr. Karustis motioned to approve the 2019 Annual Report and to designate John Hincks to work with staff to finalize the report. Mr. Garvin seconded the motion. The vote was unanimous, 4-0.

Master Plan Update

Mr. Duchesneau announced the next Master Plan Steering Committee meeting was scheduled for January 31, 2020 and five more meetings would be scheduled before May.

Administrative Report

Mr. Garvin stated he and Mr. Duchesneau had met with the Fire Chief regarding speed tables, particularly the one proposed in front of Sudbury Farms Grocery Store. He noted the process and discussion was very collaborative and a speed table would be permitted to be installed. Mr. Duchesneau added that details were still being finalized.

Mr. Duchesneau stated the Broadacres Farm Design Charrette draft report would be presented to the Board of Selectmen on February 11, 2020 and there would be an opportunity for public comment.

Minutes for Approval: October 23, 2019

Mr. Hincks motioned to approve the minutes from October 23, 2019. Mr. Karustis seconded the motion. The vote was unanimous, 4-0.

Future Meeting Schedule: February 12, 2020 and February 26, 2020

There being no further business, the meeting was adjourned at approximately 10:55 PM.