



Town of Sudbury

Planning Board

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MINUTES

MARCH 11, 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, Justin Finnicum, John Sugrue, and Associate Member Anuraj Shah

Members Absent: None

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

Applicant Chris Kurth was present to discuss the matter with the Planning Board.

Mr. Duchesneau provided related staff comments from Police Chief Scott Nix and Assistant Department of Public Works Director/Town Engineer Bill O’Rourke. Mr. Duchesneau also reviewed aspects of the draft Site Plan Review decision noting several new proposed conditions. He also reminded the Planning Board the Applicant had requested a waiver of the application fee.

Mr. Garvin indicated he would not endorse waiving the application fee unless the application represented a public project.

Mr. Shah agreed with Mr. Garvin stating the \$500 Site Plan Review application fee should not be waived.

Mr. Hincks commented he did not feel Site Plan Review should even be required for the proposed project and therefore would endorse waiving the application fee.

Mr. Karustis indicated he did not have a strong feeling either way on the matter and deferred to the other Planning Board members.

Mr. Finnicum stated if the project resulted in improvements on Haynes Road, he would recommend waiving the application fee in consideration of betterment for the Town.

Mr. Sugrue felt Town staff had put in substantial effort on this project and the Town should receive the application fee.

Mr. Finnicum motioned to waive the application fee for the 113 Haynes Road (Siena Farms) (Assessor's Maps K11-0020 & K11-0501) Site Plan Review application. Mr. Hincks seconded the motion. The vote was 2 to 3 with Mr. Finnicum and Mr. Hincks in favor, and Mr. Garvin, Mr. Karustis, and Mr. Sugrue opposed. The motion failed.

Mr. Shah commended the Applicant for making efforts to maintain the farm rather than selling the property to a developer.

Mr. Hincks commented about the productive dialogue between the Applicants, neighbors, and Town staff during the permitting process, and indicated he felt the proposed conditions in the draft decision were sufficient.

Mr. Karustis expressed his approval of the project and recommended deleting proposed Condition 3 regarding excessive noise due to the proposed activity. Mr. Garvin responded proposed Condition 3 could be retained since it addressed noise related to construction.

Mr. Finnicum reiterated his support for the project and asked if there might be any reconsideration of particular proposed conditions, such as activity associated with the proposed larger events. Mr. Duchesneau stated the proposed condition was created to address potential concerns due to traffic aspects and Town safety involvement.

Mr. Garvin suggested a method regarding the intervention of the Town's public safety officials and a related discussion took place. Mr. Finnicum agreed with the idea of checking with public safety officials after three years to ensure the proposed conditions were met.

Mr. Garvin recommended perhaps conditioning fencing and lighting if an event should require additional parking in the rear field and referred to Section 6384 of the draft Site Plan Review decision (Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned). Additionally, he referred to Site Plan Review draft decision Section 6388 (Ensure compliance with the provisions of this Zoning Bylaw, including parking and landscaping) and proposed Conditions 3 and 4.

Mr. Garvin also recommended Board of Health approval be included within Site Plan Review decision Section 6387 (Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling, or containment of hazardous substances).

Mr. Garvin referred to proposed Condition 11 and suggested any event be scheduled at least one hour before the Willow Hill School started and at least one hour after school.

Mr. Garvin asked if the proposed conditioning captured all of the Department of Public Works concerns. Mr. Duchesneau indicated the proposed conditions allowed the Applicant to utilize a staff person, crossing guard, or police detail. He added the Town Engineer preferred police detail coverage for the traffic management plan to be put in place for larger events.

Steve Grande of 91 Haynes Road inquired about the Police Chief's comments. Mr. Grande suggested the Planning Board consider the location and stressed the crossing at his home was challenging due to the curve, with a number of accidents at that location. Mr. Garvin read aloud proposed Condition 16 which called for a staff member, crossing guard, or police detail to assist people crossing Haynes Road when the

parking area at Willow Hill School was utilized. Mr. Grande recommended a crossing guard be used for all events at the farm.

Mr. Grande asked if the abutters had recourse regarding the conditions which would be included in the Site Plan Review decision in consideration of privacy and quiet. Mr. Karustis suggested if the neighbors had issues, they should address those to the Applicant first and if that was not effective, it would then be appropriate to direct such concerns to the Town. Mr. Grande stated in the past the Applicant had implemented actions without notifying abutters. Mr. Karustis noted the proposed conditions required the Applicant to always inform the neighbors of upcoming events. He affirmed any violation would be considered by the Building Inspector and if violations occurred, the Planning Board could review the conditions or enforce more frequent reporting by the Applicant. Related discussion took place.

Mr. Garvin acknowledged the Planning Board and the Applicant had considered neighborhood concerns and recommendations as part of the proposed conditions in the draft decision. Mr. Grande agreed with the efforts made by the Applicant and the Planning Board, but noted there were aspects missing to ensure abutter concerns, such as final approval by the Board of Health. Mr. Garvin responded he had included a proposed condition which called for approval by the Board of Health.

Mr. Kurth confirmed he had hired a septic engineering consulting firm to address the Health Department aspects of the project. Mr. Kurth referred to the Massachusetts General Laws' definition of agricultural uses, which included conducting agricultural education programs and farm-based recreational activities. Mr. Garvin stressed Town Counsel reviewed such definition and the permit would not be finalized until Board of Health approval was received.

Mr. Grande inquired about the Zoning Board of Appeals appeal process and timeline. Mr. Duchesneau noted the Planning Board's Site Plan Review approval would stand on its own and if the appeal period expired the permit would be activated, assuming the Applicant had also obtained approval of compliance with the Building Code, Fire Code, and Board of Health regulations. He also noted the appeal period for the decision commenced once it was filed with the Town Clerk.

Radoslaw Tomala of 23 Dunster Road questioned proposed Condition 4, and the definition of "event" and consideration of "non-ticketed" guests. He commented the Planning Board did not consider starting the event schedule with less than 12 events per year with decreased guests. Mr. Tomala recommended a compliance review be conducted after the first year. He referred to proposed Condition 17 regarding permitting of tents. Mr. Tomala recommended "temporary tent" language be added to Condition 17.

Mr. Tomala also mentioned security and safety issues, and questioned liability aspects if guests came onto his property and incurred injury. Mr. Garvin suggested the abutter check with his insurance carrier and perhaps consider erecting a fence.

Mr. Garvin detailed the "event" definition was a legal definition. He then noted the Planning Board had discussed a reduction in the number of events, as well as timing of a compliance review. Mr. Garvin agreed the dismantlement of tents should be further defined. Mr. Karustis agreed with assigning a specified time for such tents to be disassembled.

Mr. Karustis stated a one-year compliance review discussion would be appropriate. Mr. Finnicum agreed a three-year compliance review discussion was too far into the future and recommended a two-year review period.

Mr. Tomala reiterated his concerns regarding abutter nuisance issues and Mr. Garvin responded the proposed conditions far exceeded standard regulations.

Janet Pitzi of 91 Haynes Road indicated there had been lack of communication with Siena Farms over the thirty-some years she had resided at her home. Ms. Pitzi questioned the timeliness of the two-year Applicant compliance review process. Mr. Garvin responded the abutters were invited to submit related information to the Planning Board and attend the review meeting in two years. Mr. Garvin also confirmed the addition of a condition to notify abutters in advance of the two-year compliance meeting.

Mr. Duchesneau summarized the amendments/additions to the draft Site Plan Review decision:

- Events to be held at least one hour before the opening of the Willow Hill School and at least one hour after school dismissal.
- Applicant will present to the Planning Board after a two-year period to address any compliance reports from Town departments or abutters, regarding parking, pedestrian safety, and access to Siena Farms.
- Addition to Condition 17 specifying the timeline to erect and dismantle tents for the purpose of events to be 48 hours or less.
- All necessary Board of Health approvals shall be obtained before permitting is granted.
- Implementation of temporary evening screening in rear parking area for events utilizing the rear parking area.

Mr. Hincks motioned to approve the Site Plan for 113 Haynes Road (Siena Farms) (Assessor's Maps D09-0002 and D09-0300) with the five amended/added conditions to the decision as discussed. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

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

Architect Christopher Mulhern, attorney Michael Fee, Steve Burt of Buddy Dog, and engineer Vito Colonna of Sullivan Connors and Associates, Inc. were present to discuss the matter with the Planning Board.

Mr. Mulhern presented the refined Buddy Dog Option A Site Plan, existing conditions, erosion control plan, drainage details, and habitat restoration plan. He noted the peer reviewer had comments regarding the impervious walkway and suggested a berm be installed around the existing dog run. Mr. Mulhern explained the building entry with a sidewalk connecting to the street and the paved plaza. He noted the Fire Chief had signed off on the plan design. Mr. Mulhern stated the Conservation Commission conditionally approved the project with a habitat restoration plan. He then provided details regarding the landscaping plan outside of the wetland habitat restoration area. Mr. Mulhern also discussed the photometric plan.

Mr. Colonna detailed the Goodman's Hill Road area intersection, curb cut, and proposed entrance to Buddy Dog. He presented a Massachusetts Department of Transportation (MassDOT) Crash Data Portal study depicting a period from January 1, 2017 to February 14, 2020, placing the Goodman's Hill Road intersection in eighth place when compared to other such intersections in town. Mr. Colonna noted the curb would be raised above the pavement in order to be more visible.

At this time Mr. Shah left the meeting.

Mr. Duchesneau reviewed various aspects of the draft Site Plan Review decision dated March 11, 2020. He highlighted the condition of relocating the exit driveway further to the east to align with the northbound lane of Goodman's Hill Road. Mr. Duchesneau noted the sidewalk along Boston Post Road/Route 20 shall be extended to the eastern-most boundary of the property and some adjustment of the landscaping would be needed.

Ms. Suedmeyer addressed aspects of the draft Stormwater Management Permit decision and detailed her conversation with the MassDOT representative who advised timely coordination with the Applicant regarding the proposed exit driveway curb cut. The MassDOT representative concurred with the relocation of the exit driveway as far to the east as possible to better align with the Goodman's Hill Road northbound lane.

Ms. Suedmeyer inquired about updated total impervious area calculations and snow storage. She asked if a performance bond would be considered with respect to the stormwater management plan.

Mr. Hincks inquired about the proposed exit driveway curb cut stating the snow storage was proposed to be located just east of the current curb cut, which might create a challenging situation. For this reason, Mr. Hincks questioned the necessity of moving the exit driveway any further to the east. He noted he was in favor of the proposed landscape plan and the design plan.

Mr. Karustis recommended moving the exit driveway as far to the east as possible to be in line with the northbound lane of Goodman's Hill Road. Mr. Karustis was also in favor of the proposed project design.

Mr. Finnicum was in support of the building entry design. He commented that moving the exit driveway might not help the situation.

Mr. Sugrue indicated the relocation of the exit driveway would not necessarily solve the traffic congestion problem in that area. Mr. Sugrue expressed his approval of the proposed design for the overall project.

Mr. Garvin stated Goodman's Hill Road could not be directly aligned with the exit driveway due to stormwater drainage in the Boston Post Road/Route 20 right of way. He stressed the importance of the Applicant quickly connecting with MassDOT. Mr. Fee stated the Applicant had already incurred Planning Board hearing expense of over \$100,000. Mr. Garvin explained additional hearings were scheduled due to the Applicant's prioritization of Town department contacts/hearings.

Mr. Hincks motioned to continue the Planning Board meeting beyond 10:00 PM. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Mr. Duchesneau recapped the proposed amendments to the draft Site Plan Review decision, which included:

- Changing language regarding 29 total parking spaces to 30 total parking spaces in Section 6388.
- Elimination of Condition 1.J.
- Changing the language of Condition 5 to include: the driveway curb cut on the submitted plan be approved, however, the Applicant shall request that MassDOT allow shifting the driveway to the eastern property line to align with the northbound lane of Goodman's Hill Road. If approved by MassDOT, the Applicant would come before the Planning Board for a Site Plan modification.

- Changing the language of Condition 6 to include: The sidewalk, as shown on submitted plans, be approved, however, the Applicant shall request that MassDOT allow the extension of the sidewalk within the state right of way to the eastern-most boundary of the subject property. If approved by MassDOT, the Applicant would come before the Planning Board for a Site Plan modification.
- Changing the language within Section 6382 of the decision to read: “and the reuse of an existing driveway. A two-way to an exit only driveway, will help to improve traffic flow and safety.....”
- Changing the language in two areas within Condition 12: lighting shall be dimmable. Lighting shall be extinguished during non-event hours...and lighting standard that has a correlated color temperature of 3000K or less.
- Addition of a new condition: “If the Applicant wishes to increase the height of the tower by two feet, the Applicant may seek a Minor Site Plan modification from the Planning Board.”

Ms. Suedmeyer confirmed she would add complete pavers language for the walkway and the Town Engineer would review the subgrade following excavation prior to installation of pavers.

Mr. Garvin also added the following language: “the snow storage, as included in the plans, is required to be preserved; and if additional snow storage is required and snow storage capacity is exceeded, snow will be trucked off-site. Snow storage shall be compliant with MassDOT specifications.”

Mr. Hincks motioned to approve the Site Plan for 151 & 183 Boston Post Road (Assessor’s Map K11-0020 & K11-0501) as amended. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Mr. Hincks motioned to approve the Stormwater Management Permit for 151 & 183 Boston Post Road (Assessor’s Map K11-0020 & K11-0501) as amended. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Melone Smart Growth Overlay District Plan Approval Authority (PAA) Rules/Regulations for Plan Approval Applications

Mr. Duchesneau reviewed some of the related fees and regulations. He stated Town Counsel indicated the proposed Melone Smart Growth Overlay District application would resemble the Smart Growth Overlay District permit that applied to the Meadow Walk development.

Mr. Garvin referred to Section 9 of the Site Plan Review Rules and Regulations (Extension of Time Limitation for Implementation). He spoke about the request for extensions and time lapses within Section 9. Mr. Garvin recommended the Planning Board add a clause to indicate if an extension was not made in a timely manner, then the permit could expire and a re-filing could be enforced per the discretion of the Planning Board.

Ms. Suedmeyer noted conditioning within the Stormwater Management Permit could delineate such extension more clearly.

Related discussion took place. Mr. Garvin suggested a minimum filing fee of \$500 and a maximum filing fee of \$5,000.

Mr. Hincks motioned to adopt the Planning Board’s Site Plan Review Rules and Regulations as the Melone Smart Growth Overlay District Plan Approval Regulations with the amendment of

adding a maximum filing fee of \$5,000.00. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Town Meeting Zoning Bylaw Discussion

Inclusion of Affordable Housing

Mr. Duchesneau addressed the suggested amendments to the proposed Inclusion of Affordable Housing Zoning Bylaw.

Mr. Hincks motioned to approve the proposed Inclusion of Affordable Housing Zoning Bylaw language as the language to be included in the Town Meeting Warrant Article. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Solar Energy Systems

Mr. Duchesneau presented the Town's Zoning Map as it related to the proposed Solar Energy Systems Zoning Bylaw. Related discussion took place. Mr. Duchesneau highlighted the areas of modification in the proposed Zoning Bylaw amendment as discussed by the Planning Board.

Mr. Hincks motioned to approve the proposed Solar Energy Systems Zoning Bylaw language as the language to be included in the Town Meeting Warrant Article. Mr. Karustis seconded the motion. The vote was unanimous, 5-0.

Master Plan Update

Mr. Duchesneau confirmed the topic of housing would be addressed at the next Master Plan Steering Committee meeting on March 13, 2020. He indicated Liz Rust, Director of the Regional Housing Services Office, would be present at the meeting.

Mr. Duchesneau explained the Master Plan Steering Committee would commence with regular session meetings in April. He confirmed the Horsley Witten consultants would present an annotated outline, and proposed action items, goals, and objectives at a Planning Board meeting in April.

Administrative Report

Mr. Duchesneau indicated the Cold Brook Crossing (Quarry North/Melone Property) residential development application had been filed and packets were available to the Planning Board. He added the Applicant would be coming before the Planning Board at a joint meeting with the Design Review Board on April 8, 2020.

Ms. Suedmeyer noted a new Meadow Walk traffic study had been received and she would be distributing copies of the study to the Planning Board.

Minutes for Approval: November 15, 2019 and December 11, 2019

Mr. Garvin motioned to approve the November 15, 2019 meeting minutes. Mr. Hincks seconded the motion. The vote was unanimous, 5-0.

Mr. Garvin motioned to approve the December 11, 2019 meeting minutes. Mr. Hincks seconded the motion. The vote was unanimous, 5-0.

Future Meeting Schedule: March 25, 2020 and April 8, 2020

It was noted the next regular Planning Board meeting would be held on March 25, 2020.

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