



# Town of Sudbury

## Planning Board

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### MINUTES

APRIL 29, 2020 AT 7:00 PM

### VIRTUAL MEETING

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

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

Mr. Garvin opened the meeting at 7:00 PM

#### **Immediately Continued Public Hearing\* - Stormwater Management Permit – 197 Landham Road (Assessor’s Map L10-0502)**

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit application for 197 Landham Road (Assessor’s Map L10-0502) to the Planning Board meeting on May 13, 2020. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

#### **Continued Public Hearings – Scenic Roads (Tree Removal)**

- **528 Dutton Road, Stearns Pond (Assessor’s Map G05-0026)**
- **1 Morse Road, Featherland Field (Assessor’s Map G10-0002)**
- **215 Morse Road (Assessor’s Map E09-0505)**
- **107 Plympton Road (Assessor’s Map G10-0019)**
- **95 Goodman’s Hill Road (Assessor’s Map J10-0005)**
- **224 Goodman’s Hill Road (Assessor’s Map J09-0039)**

Department of Public Works Trees and Cemeteries Foreman Rafael Luna was present to discuss the applications with the Planning Board.

#### *528 Dutton Road, Stearns Pond (Assessor’s Map G05-0026)*

Mr. Luna stated the removal of this tree was requested by Department of Public Works Assistant Director/Town Engineer Bill O’Rourke in order to allow the Stearns Dam project to continue.

Mr. Hincks motioned to authorize the Department of Public Works to remove the tree at 528 Dutton Road as specified in the application materials. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

*1 Morse Road, Featherland Field (Assessor's Map G10-0002)*

Mr. Luna affirmed the tree was not in good shape and limbs were continually falling into the roadway.

Mr. Hincks motioned to authorize the Department of Public Works to the remove the tree at 1 Morse Road as specified in the application materials. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

*215 Morse Road (Assessor's Map E09-0505)*

Mr. Luna explained there was a clustering of smaller dead trees with falling limbs and the vegetation was invading into a stone wall.

Mr. Garvin asked if the stone wall could be filled after the trees were removed and Mr. Luna confirmed it could be done.

Mr. Finnicum asked if additional trees could be planted in the area of tree removal. Mr. Lunar responded that tree planting would not be recommended due to the proximity of the stone wall.

Mr. Karustis stated it would be preferable to have a contracted arborist provide recommendations regarding such trees in the future.

Mr. Hincks motioned to authorize the Department of Public Works to the remove the tree at 215 Morse Road as specified in the application materials. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

*107 Plympton Road (Assessor's Map G10-0019)*

Mr. Luna explained the tree was dead. Mr. Garvin asked if the tree was a public tree and Mr. Luna indicated it was a public tree.

Mr. Hincks motioned to authorize the Department of Public Works to the remove the tree at 107 Plympton Road as specified in the application materials and to require it be replaced with a new tree. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

*95 Goodman's Hill Road (Assessor's Map J10-0005)*

Mr. Luna stated the large tree was rotted and the neighbor feared the tree would fall on their house. He confirmed the tree was a public tree. Mr. Garvin asked if another tree could be planted in the same location and Mr. Luna responded affirmatively.

Mr. Hincks motioned to authorize the Department of Public Works to the remove the tree at 95 Goodman's Hill Road as specified in the application materials and to require it be replaced with a new tree. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Board of Selectmen member Janie Dretler of 286 Goodman's Hill Road asked what type of tree would replace the existing tree. Mr. Luna stated the replacement tree would likely be an Oak tree.

*224 Goodman's Hill Road (Assessor's Map J09-0039)*

Mr. Luna stated the tree was a large Oak tree and was falling into the resident's driveway.

Mr. Hincks motioned to authorize the Department of Public Works to the remove the tree at 224 Goodman's Hill Road as specified in the application materials. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Mr. Garvin asked if a replacement tree could be planted in this location. Mr. Luna provided an explanation as to why replanting would not work in this particular location. The Planning Board members agreed the site was too narrow to plant another tree.

**Meadow Walk Development – Bus Shelter**

Karen Staffier of VHB and James Knight of National Development were present to discuss the matter with the Planning Board. Ms. Staffier presented an overview of the proposed bus shelter noting it complied with Massachusetts ADA requirements and was included in the Meadow Walk Development Agreement.

Selectman Dretler asked about the bus shelter's occupancy. Ms. Staffier replied the shelter could accommodate three (seated) people and a free space for someone in a wheelchair. Selectman Dretler then questioned if one wheelchair space was enough when considering the commercial nature of the site. Mr. Duchesneau commented there was nothing in the Zoning Bylaw that specifically addressed this matter.

Mr. Hincks questioned if transit increased, could another shelter be built next to this one. Ms. Staffier confirmed there would be room for expansion.

Mr. Karustis asked about the location of the sidewalk and Ms. Staffier noted the sidewalk was on the left side bus shelter.

Selectman Dretler asked if the Planning and Community Development Department had reached out to the Commission on Disability. Ms. Suedmeyer replied the department had not contacted the Commission on Disability, but did coordinate with Council on Aging Director Deb Galloway. Selectman Dretler recommended the Commission on Disability be consulted. Mr. Garvin confirmed the bus shelter met Massachusetts ADA standards. Mr. Hincks agreed the bus shelter did go through stringent ADA compliance review measures.

Mr. Hincks motioned to approve the bus shelter for the Meadow Walk Development as designed by VHB with the condition that, as a courtesy, the Planning Board would reach out to the Commission on Disability to seek their comments on the design. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**Continued Public Hearing – Final Plan Approval, Plan Approval, and Stormwater Management Permits – 16 & 36 North Road (Cold Brook Crossing) (Assessor’s Maps C12-0003, C12-0004, and C12-0100)**

Applicants Chris Claussen and Chris Kennedy, attorney William Henchy, and Matt Leidner of Civil Design Group, LLC were present to discuss the application with the Planning Board. Also present on behalf of the Town were Janet Bernardo from the Horsley Witten Group and Jonathan Silverstein from Town Counsel (KP Law).

Mr. Claussen provided details regarding modifications to the project which had been made per the request of the Planning Board and other Town officials/boards which included:

- Modification of the proposed emergency access
- Modification of the apartment building paint selection
- Updated apartment building elevations/roofing
- Updated apartment building renderings
- Modification of the townhouse building paint selection
- Updated signage plan package
- Modifications to the Lighting Plan
- Modifications to the landscaping along North Road/Route 117
- Updated Landscape Plan including tree placement outside of potential sidewalk on North Road/Route 117
- Calculated bedroom count
- Review of Stormwater Management Plan peer review
- Proposed updates to the Wastewater Treatment Plan per the peer review comments

Mr. Leidner summarized the Stormwater Management Plan and the peer review comments which had provided on April 16, 2020.

Mr. Finnicum inquired about possible water retention along North Road/Route 117. Mr. Leidner responded the proposed system would provide drainage within seven hours when considering the 100-year-storm event.

Mr. Finnicum asked who would oversee the Operations and Maintenance Plan (OMP) for the drainage, stormwater, and wastewater systems. Mr. Leidner responded the operator of the apartments would manage those aspects of the development.

Mr. Garvin expressed concern regarding the proposed porous pavement. He noted the Massachusetts Stormwater Handbook and Stormwater Standards porous pavement guidelines for Zone 2 Water Resource Protection areas. Mr. Leidner affirmed he would further examine these regulations. Ms. Suedmeyer noted she would research the OMP with regard to porous pavement in Zone 2.

Ms. Bernardo spoke of the porous pavement proposal and highlighted her concerns which included:

- Additional soil testing needed to address groundwater concerns
- Erosion control
- Operations and Maintenance Plan considerations

Ralph Tyler of One Deacon Lane inquired about the groundwater system in relation to the Sudbury Water District wells and their water quality. Mr. Garvin confirmed the Massachusetts Department of Environmental Protection (MassDEP) enforced stricter standards for Zone 2 projects. Mr. Tyler stated additional assurances about well # 5 would be appreciated.

Mr. Claussen confirmed MassDEP mandated a higher standard for such wastewater and stormwater treatment systems in Zone 2s. He confirmed the proposed project went through an extensive review with MassDEP and the hydrogeological permit had been issued.

Mr. Tyler asked about the permitting timetable with the Planning Board. Mr. Duchesneau stated the permitting process would continue and various permitting considerations would be discussed at the next Planning Board meeting on May 13, 2020.

Mr. Garvin indicated the Zoning Board of Appeals and Design Review Board had provided comments regarding the proposed project, but ultimately the Planning Board had the authority to make the final decisions for the proposed project. Mr. Silverstein agreed the role of the Zoning Board of Appeals and Design Review Board was to provide recommendation to the Planning Board, and the Planning Board would make the final decisions regarding the permitting for the project.

Mr. Sugrue suggested the Planning Board discuss various plan recommendations/alterations collectively.

Mr. Duchesneau commented the discussions at the next meeting regarding this application would include the comments from the Zoning Board of Appeals, traffic considerations, and continued progress regarding the stormwater and wastewater aspects of the development.

Mr. Hincks motioned to continue the public hearing for the Final Plan Approval, Plan Approval, and Stormwater Management Permits application for 16 & 36 North Road (Cold Brook Crossing) (Assessor's Maps C12-0003, C12-0004, and C12-0100) to the Planning Board meeting on May 13, 2020. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

### **10-66 Northwood Drive (Northwood at Sudbury) (Assessor's Map C11-0302) – Stormwater Management Permit Modification**

Art Borden of Arthur F. Borden Associates was present to discuss the application with the Planning Board. Mr. Borden presented a Minor Modification Plan for the drainage infiltration system.

Mr. Garvin asked why the rain garden infiltration system option did not work. Mr. Borden explained a walking connection around the west side of the building was necessary and if the rain garden infiltration system was implemented, this type of access would not be possible. The Planning Board members acknowledged the justification for the proposed modification.

Mr. Hincks motioned to approve the Stormwater Management Permit Modification for 10-66 Northwood Drive (Northwood at Sudbury) (Assessor's Map C11-0302). Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**69-71 Brewster Road (Assessor's Maps H10-0100 and H10-0900) – Approval Not Required (ANR) Plan**

Attorney Matt Watsky was present to discuss the application with the Planning Board. Mr. Watsky noted the ANR Plan was being presented to enact a three-year zoning use freeze on the property.

Mr. Hincks inquired about the end goal of the ANR Plan. Mr. Watsky responded the three-year zoning use freeze was the main purpose.

Mr. Duchesneau mentioned the owner's ability to sell the parcels to an abutting neighbor after the expiration of the three-year zoning freeze period.

Selectman Dretler mentioned resident concerns that in three years the 69-71 Brewster Road property might be developed with other abutting parcels and the property could be clear cut.

Mr. Garvin commented he would like to hear from Town Counsel regarding this ANR Plan application matter. Mr. Hincks agreed that such guidance would be beneficial.

Mr. Watsky provided an explanation of a zoning freeze.

Mr. Garvin suggested the Planning Board could sign the ANR Plan without voting to endorse it. Mr. Duchesneau confirmed the Planning Board was not required to vote on endorsement of the ANR Plan that evening, as all approval timelines were currently tolled due to the state of emergency caused by the pandemic.

Mr. Watsky indicated he had no issue with the Planning Board seeking the consultation of Town Counsel regarding the application.

The Planning Board decided they would like to hear the answers to their questions from Town Counsel before taking any action on the ANR Plan application and would take up the matter again at their next meeting.

Selectman Dretler thanked the Planning Board for their consideration of the application in light of the possibility of clear cutting some 10 acres of land near the historic Town Center.

Mr. Hincks motioned to extend the Planning Board meeting to 10:00 PM. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sgrue – Aye.

**Raymond Road (Assessor's Map L08-0010) – Approval Not Required (ANR) Plan**

Executive Director of the Sudbury Water District Vincent Roy and Varoujan Hagopian of Sullivan, Connors & Associates, Inc. were present to discuss the application with the Planning Board. Mr. Hagopian provided a summary regarding the ANR Plan to grant the Sudbury Water District a certain parcel of Town owned land on Raymond Road.

Mr. Roy requested the ANR Plan application fee be waived. He explained the intent of the ANR Plan reflected additional land for possible future repair/replacement of the existing well, and protection of the aquifer.

Mr. Hincks stated he had the same concerns regarding the Planning Board's role with this ANR Plan, as he did with the previous ANR Plan application presented to the Board. He requested guidance from Town Counsel on this application as well. Mr. Garvin agreed with Mr. Hincks, but also noted the Planning Board could vote on the waiver of the application fee.

Mr. Hincks motioned to waive the application fee for the Raymond Road (Assessor's Map L08-0010) Approval Not Required Plan application. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

### **554 Boston Post Road (Assessor's Map K06-0602) – Approval of Bond Amount**

Owner Quentin Nowland was present to discuss the matter with the Planning Board. Mr. Nowland requested the Planning Board approve a bond amount of \$15,500 by deeming \$5,000 per acre acceptable for the 3.1 acres of land at 554 Boston Post Road.

After considerable discussion, the Planning Board's consensus reflected the need for considerably more than \$15,500 worth of bond coverage. Mr. Nowland stated he was open to suggestions.

Mr. Hincks motioned to set the bond amount for the 554 Boston Post Road self-storage facility project at \$100,000, which could be reduced at the Applicant's request to the Planning Board. Mr. Karustis seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

### **3 French Road (Assessor's Map K04-0003) – Chapter 61A Right of First Refusal Discussion**

Ms. Suedmeyer provided information regarding the property and indicated the Planning and Community Development Department had received notice of the owner's intent to sell the Chapter 61A property. She added the buyer was proposing to use the 9.7 acre parcel within one of the Town's local historic districts as a single-family dwelling property.

Ms. Suedmeyer stated the property was not identified as a preferred property by the Town and indicated the Land Acquisition Review Committee had voted unanimously to not recommend the property for purchase by the Town.

Selectman Dretler inquired about the Chapter 61A restriction and related tax aspects. Ms. Suedmeyer affirmed the seller would have to pay back taxes and such related information would be forwarded to the Board of Selectmen before their vote on their right of first refusal for the property at their May 12, 2020 meeting.

Mr. Hincks motioned for the Planning Board to recommend the Board of Selectmen not exercise their right of refusal to purchase the property at 3 French Road (Assessor's Map K04-0003). Mr. Garvin seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Karustis – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

**Town Meeting Zoning Bylaw Discussion**

Mr. Duchesneau stated the Board of Selectmen had voted to reschedule the Annual Town Meeting to mid-September 2020. As such, the Planning Board would be required to conduct another public hearing regarding their proposed Zoning Bylaw amendments before the Annual Town Meeting.

Selectman Dretler affirmed the Board of Selectmen had voted September 15, 2020 as the date for the proposed Annual Town Meeting.

**Administrative Report and Minutes for Approval: January 22, 2020, February 12, 2020, and February 26, 2020**

The Planning Board agreed to table the Administrative Report discussion and the Minutes for Approval agenda items to their next meeting.

**Future Meeting Schedule: May 13, 2020 and May 27, 2020**

The Planning Board members acknowledged the future meeting schedule.

There being no further business, the meeting was adjourned at approximately 10:12 PM.