



Town of Sudbury

Planning Board

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MINUTES

DECEMBER 9, 2020 AT 7:30 PM

VIRTUAL MEETING

Members Present: Chair Stephen Garvin, Clerk John Hincks, Justin Finnicum, and John Sugrue

Members Absent: Vice Chair Charles Karustis 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 7:30 PM.

Anthony Drive/North Ridge Farm Subdivision – Tri-Party Lenders Agreement Release Request

Applicant and developer Jim Fenton was in attendance to discuss the matter with the Planning Board.

Mr. Duchesneau provided an update regarding the agreement release request.

Ms. Suedmeyer spoke of the history of the project regarding compliance, and the recent request by the Town's Engineering Department to supplement vegetation on the slopes of the project's detention basin and to provide full cleaning of the roadway's catch basins in the spring.

Mr. Garvin noted the detention basin calculations were incorrect and requested an amended As-Built Plan with correct calculations be submitted to the Planning Board. Mr. Fenton agreed to submit corrections as requested.

Mr. Hincks motioned to release \$136,089.88 of the Anthony Drive/North Ridge Farm Subdivision Tri-Party Lenders Agreement. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Continued Public Hearing – Stormwater Management Permit - 183 Boston Post Road (Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project) (Assessor's Maps K10-0014, K11-5000, K09-5000, K08-5000, K07-5000, J06-5000, J05-5000, and H03-5000)

Denise Bartone from Eversource Energy, Katie Kinsella from VHB, Ken Staffier from VHB, Mark Costa from VHB, Paul Jahnige from the Massachusetts Department of Conservation and Recreation, and Barry Fogel of Keegan Werlin, LLP were in attendance to discuss the application with the Planning Board. Also in attendance related to the matter were Janet Bernardo from the Horsley Witten Group (the Town's engineering peer review consultant) and Vin Roy, the Executive Director for the Sudbury Water District.

Mr. Staffier provided an update regarding the Planning Board's request for a reexamination of two Design Points. He indicated Design Point 9.1 found the Sudbury Lumber yard to be in the right of way, which

provided no opportunity to exercise an option on the north side. Mr. Staffier suggested crowning the pitch of the bike path into the existing buffer zone.

In consideration of Design Point 10.14 at the Landham Road crossing, Mr. Staffier recommended an increase in the basin size and depth.

Ms. Bernardo stated if the goal of the bike path was not met (“hypothetically”), the remaining product may need to become permeable in some way. She opined about what the Planning Board might want to do after Phase 1 of the project was complete. Ms. Bernardo maintained if for any reason the bike path was not constructed, the end product would not meet the Sudbury stormwater standards. Mr. Garvin confirmed related conditioning would have to be included in the decision.

Mr. Finnicum inquired about the conditioning process. Mr. Garvin responded Town staff would compile draft conditions for the Planning Board to consider. Ms. Suedmeyer stated a draft decision with conditions would likely be presented to the Planning Board at their next meeting.

Mr. Finnicum asked about the letter received from resident Nick Pernice. Ms. Suedmeyer commented the aspect of earth removal would be further discussed with the Applicant.

Rebecca Cutting of 381 Maynard Road asked about a possible infiltration trench at Design Point 9.1. She further asked about excavation occurring around Design Point 10.14 and questioned an increased basin size.

Mr. Staffier responded the pathway would be crowned between Design Points, with pitching towards the channel. Ms. Bernardo provided an additional explanation about the related process.

Mr. Jahnige confirmed the Massachusetts Department of Conservation and Recreation would be building the bike path in Phase 2 of the project and the funding was secured. He noted the water coming off Landham Road was being addressed.

Ms. Bartone stated the project met the Town’s Stormwater Management Bylaw standards if, “hypothetically,” the bike path was not completed.

Mr. Hincks asked what the process would look like going forward. Mr. Duchesneau noted the draft decision with conditions would likely address questions regarding the process going forward, and further suggested Planning Board members send related questions to Town staff, who could forward such questions to the project team for discussion at the next public hearing.

Mr. Hincks motioned to continue the public hearing for the Stormwater Management Permit for 183 Boston Post Road (Sudbury-Hudson Transmission Reliability and Mass Central Rail Trail Project) (Assessor’s Maps K10-0014, K11-5000, K09-5000, K08-5000, K07-5000, J06-5000, J05-5000, and H03-5000) to the Planning Board meeting on January 13, 2021. Mr. Sugrue seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Public Hearings – Scenic Roads (Tree Removals)

- 131 Wayside Inn Road (Assessor’s Map L03-0001)

- 91 Robert Best Road (Assessor’s Map J05-0331)

- 138 Concord Road (Assessor’s Map J09-0014)

- 438 Concord Road (Assessor's Map G10-0006)**
- 652 Concord Road (Assessor's Map E10-0201)**
- 87 Meadowbrook Circle (Assessor's Map H06-0603)**
- 22 Peakham Road (Assessor's Map K04-0613)**
- 125 Powers Road (Assessor's Map B09-0441)**
- 130 Powers Road (Assessor's Map B09-0346)**

Tree Warden Rafael Luna from the Department of Public Works was in attendance to discuss the matter with the Planning Board. He provided details and photographs of each tree proposed to be removed.

131 Wayside Inn Road – 47” Oak, 37” Oak and 31” and 24” Oak

Mr. Luna confirmed the mentioned trees were dead. Mr. Finnicum asked if the trees could be replaced with four trees of a similar species. Mr. Luna confirmed replacement trees of the same species could be planted in the same locations as those trees being removed.

91 Robert Best Road – Two 20” Pines, three 18” Hemlocks, and a 10” Oak

Mr. Luna confirmed the mentioned trees were dead.

138 Concord Road – 9” Sugar Maple, 12” White Ash, 10” White Ash, and 15” Maple

Mr. Luna confirmed the mentioned trees were dead and one of the trees had recently fallen.

438 Concord Road – 30” White Oak

Mr. Luna confirmed the tree was totally dead.

652 Concord Road – 38” White Ash

Mr. Luna confirmed the tree was dead.

87 Meadowbrook Circle – 16” Pine

Mr. Luna confirmed the tree was totally dead.

22 Peakham Road – 27” White Oak

Mr. Luna stated the tree was dead and consistently losing limbs.

125 Powers Road – 26” Oak

Mr. Luna confirmed the tree was dead.

130 Powers Road – 24” Oak

Mr. Luna confirmed the tree was dead.

Mr. Hincks motioned to approve the removal of the four (4) trees on 131 Wayside Inn Road with the condition they be replaced with trees of a similar species. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Mr. Hincks motioned to approve the removal of the listed trees from 91 Robert Best Road, 138 Concord Road, 438 Concord Road, 652 Concord Road, 87 Meadowbrook Circle, 22 Peakham Road, 125 Powers Road, and 130 Powers Road. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Continued Public Hearing – Modifications and Time Extension to Definitive Conventional Subdivision Decision, and Stormwater Management Permit – 210-212 Pratt’s Mill Road (Assessor’s Map G05-0022)

Mr. Duchesneau stated the Applicant was not able to attend the meeting and requested an extension/continuation of the matter to the Planning Board’s next meeting. He noted the two-year action timeline and extension timeline had expired.

Mr. Garvin noted the Planning Board had been patient and suggested going forward with the originally approved decision. He indicated it would be best to confer with Town Counsel regarding this matter.

Michael Fee, the attorney for one of the abutter’s to the project, stated the Planning Board had no obligation to continue the extension of the original decision and the neighborhood never supported the development plans.

Mr. Hincks motioned to continue the public hearing for the Time Extension request for the Definitive Conventional Subdivision Decision for 210-212 Pratt’s Mill Road (Assessor’s Map G05-0022) to the Planning Board meeting on January 13, 2021; and to deny the request to modify the Definitive Conventional Subdivision Decision and Stormwater Management Permit for 210-212 Pratt’s Mill Road (Assessor’s Map G05-0022). Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

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

Vin Roy, the Executive Director for the Sudbury Water District, was in attendance to discuss the matter with the Planning Board.

Mr. Hincks motioned for the Planning Board to endorse the Approval Not Required (ANR) Plan for Raymond Road (Assessor’s Map L08-0010). Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Master Plan Update including Virtual Open House Comments

Nate Kelly from the Horsley Witten Group was in attendance to discuss the matter with the Planning Board. Mr. Kelly provided a summary of the Master Plan Virtual Open House comments. Mr. Garvin suggested the Planning Board conduct a separate meeting to address the next steps.

The Planning Board members agreed to scheduling a special meeting dedicated to the Master Plan topic.

Historical Commission Chair Chris Hagger stated the Historical Commission had submitted comments and would be open to meeting with the Planning Board to further discuss Master Plan comments.

Town Meeting Zoning Bylaw Discussion, including but not limited to:

- Storage Trailers by Special Permit**
- Expansion of Wireless Services Overlay District**
- Modifications to Section 3200. Signs and Advertising Devices**
- Fence Height Limitation**
- Section 2110 – References to Overlay Districts**
- January 27, 2021 Public Hearing**

Mr. Duchesneau confirmed the public hearing date for the proposed Zoning Bylaw amendments would be held on January 27, 2021.

Administrative Report

Mr. Duchesneau indicated virtual Planning Board meetings would be continuing for at least the next few months.

Minutes for Approval: July 15, 2020

Mr. Hincks motioned to approve the minutes for July 15, 2020. Mr. Finnicum seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

Future Meeting Schedule: January 13, 2021 and January 27, 2021

The Planning Board members agreed with the upcoming meeting schedule.

Executive Session – Pursuant to MGL Chapter 30A, Section 21(a)(exception 6) to consider the purchase, exchange, lease, or value of real property if the Chair declares that an Open Meeting may have a detrimental effect on the negotiating position of the public body with respect to the possible expansion of the Wireless Services Overlay Zoning District. Vote to end Executive Session and not return to Open Session

Mr. Garvin motioned for the Planning Board to enter Executive Session pursuant to MGL Chapter 30A, Section 21(a)(exception 6) to consider the purchase, exchange, lease, or value of real property, and declared that an Open Meeting may have a detrimental effect on the negotiating position of the public body with respect to the possible expansion of the Wireless Services Overlay Zoning District, and to vote to end the Executive Session and not return to Open Session. Mr. Hincks seconded the motion. Roll Call Vote: Mr. Garvin – Aye, Mr. Hincks – Aye, Mr. Finnicum – Aye, and Mr. Sugrue – Aye.

The Open Session meeting was adjourned at approximately 10:30 PM.