



**Planning Board**  
December 17th, 2024  
7:30 PM  
In Person &  
Virtual (Zoom)

**Planning Board members present:** Jon Cappetta, Michaela Moran, James Fuccione, Patricia Clifford, Sam Bajwa, and Ron Beck  
**Also present:** Kristen Guichard, Planning Director

**Planning Board members absent:** n/a

Jon Cappetta read the guidelines for the virtual meeting.

Jon Cappetta called the meeting to order at 7:35PM

James Fuccione called the roll: Michaela Moran- Aye, Ron Beck-Aye, Patricia Clifford-Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, James Fuccione- Aye

**I. Regular Business**

**1. Residents' Comments:**

William Bethune, pro bono legal counsel for Audubon Hill Community Center and Audubon Hill North Condominium Association, expressed concern about the Board entertaining approval for 40 High Street.

Terra Friedrichs, from Mass Ave, stated that if people believe there is an impact to wetlands, they should inform the Conservation Commission.

**2. Approve previous meeting minutes:**

Jon Cappetta said the Planning Board is going to save approving previous meeting minutes for next meeting.

**3. Board Members' Reports – None**

**4. Administrative Updates & Reports:**

Planning Director, Kristen Guichard, updated the board on the Strategic Economic Development Plan, which will be discussed during an Economic Development Committee special meeting the following day from 2 to 3 pm.

She also updated the board on the Housing Production Plan, sharing the link to the online public survey. The Housing Production Plan public workshop on January 30<sup>th</sup>, 2025 was mentioned, as well as the Planning Board joining the February 24<sup>th</sup>, 2025 Select Board meeting for the Housing Production Plan agenda item.

**II. New/Special Business**

**1. PB23-10 - Public Hearing – 40 High Street, Definitive Subdivision**

Jon Cappetta opened the hearing at 7:48PM.

Robert Melvin of Stamski & McNary opened with a revised version of the 40 High Street Subdivision plan and some of the major design changes.

There were three remaining comments from the review letter on December 10<sup>th</sup>, which were to compile the stormwater report, remove the isolator row system from the Operations and Maintenance Report because it has been removed from the Plan, and to specify a bottom elevation for their poly barrier which surrounds the roof dry well #2. Robert asked that the Board vote on the subdivision, subject to the condition that they satisfy the few remaining comments from GCG.

**Board Comments:**

Sam Bajwa had a question if there was a line of sight issue on High Street, however Robert Melvin confirmed that they have more than the minimum sight distance required based on the posted speed limit. Ron Beck asked Robert Melvin to confirm whether or not the Operation and Maintenance Plan would be written into the approval for the development, and if so, explain what the frequency and level of maintenance would be required to keep the systems operating as designed, and which of the owners of the dwelling units would be responsible for maintenance. Robert Melvin pointed towards the stormwater reports which describe the frequency with which all components should be maintained. He stated that the inspection logs would be maintained by the homeowners and would be the responsibility of all four homeowners of the lots.

Ron Beck asked who is supposed to conduct the inspections. Kristen Guichard responded that because it is a private road, it is the owners that are responsible for the maintenance and the Town would only get involved if the runoff was impacting the Town's infrastructure.

Jon Cappetta asked how the stormwater could be more proactively tied in with occupancy and residency. Kristen Guichard said that the Board could require a condition to get certification that the individual home recharge storm systems are constructed prior to the issuance of an occupancy permit.

Ron Beck asked if there would be a checkpoint to ensure the development did not exceed the capacity of what had been designed. Kristen replied that there would be a checkpoint before the construction starts, and that a second condition could be a second checkpoint if the impervious coverage is increased, which is something that GCG recommended as well.

James Fuccione asked how common the occupancy checkpoint was. Kristen Guichard mentioned that in this case they are tying the individual home to the same system that is handling the water coming onto the roadway. With the uniqueness of the elevation of High Street, the occupancy checkpoint would be an appropriate condition.

Ron Beck discussed the Stormwater Bylaw and asked questions about how ongoing inspections are managed once a development is complete.

Michaela Moran asked what is in place to guide residents with regard to their water system if they were to increase the impervious surface area after construction of the subdivision is complete. Kristen Guichard responded that if a homeowner triggers Chapter X, they would be filing with the Engineering Department for a permit under Chapter X. Catching non-compliance would be on a case by case basis, the same as if someone built within a buffer of a wetland without filing for a permit.

Patricia Clifford asked if the Board would require the individual dry wells be hooked up to the overall system. Robert Melvin responded by clarifying which individual dry wells are connected to the overall system. Patricia Clifford expressed that she is trying to fine tune what the Board is trying to do for the occupancy permit, and that where necessary, the dry well includes attachment to the overall system.

Paul Kirchner, from Stamski & McNary, mentioned that the Town of Concord had a condition on a recent subdivision that the Board could consider using for occupancy stipulation.

Jon Cappetta asked if the planning staff could write up a decision with the occupancy stipulation and take a look at the language Concord used as well.

Patricia Clifford moved to close the public hearing. James Fuccione seconded the motion. Roll Call Vote: Patricia Clifford- Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, James Fuccione- Aye

## **2. PB24-02- Public Hearing- 738 Main Street (9 Wyndcliff Drive). Definitive Subdivision**

Jon Cappetta opened the public hearing at 8:34PM.

Robert Melvin of Stamski and McNary opened with responses to GCG's peer review letter, stating that the revision was tidying up the minor comments from GCG. One remaining comment from an updated review letter from GCG was to adjust the elevation of the rim of the drainage manhole.

### **Board Comments:**

Michaela Moran asked for an explanation of the waiver on the private way. Robert Melvin explained that Stamski & McNary requested a waiver from the design standards and instead design under the standards of a common driveway. The stopping site distance would be reduced from 125 feet to 80 feet. The reason for this is because the grade of the designed road is already 10%, which is the maximum slope for a subdivision road. They cannot meet the stopping sight distance without having to push the road further back, which would raise the grade of the project overall and require much more fill. Stamski & McNary believe that this is a safe and adequate design alternative considering the constraints of the site and the limited number of dwellings. GCG did not oppose Stamski & McNary's request for a waiver.

Patricia Clifford asked if there would be any problem with water collection on Main Street if there is an overflow. Robert Melvin replied and said Stamski & McNary does not anticipate any problems since the project would result in more water being collected from impervious surfaces, therefore improving the runoff conditions towards Main Street.

Items Board members noted the following items for staff to include in draft decision for conditions were:

- Site clearing easement clarification
- Saving as many trees as possible
- Stormwater compliance prior to occupancy

Jon Cappetta asked Robert Melvin to address the sight line easement on Main Street.

Patricia Clifford moved to close the public hearing. James Fuccione seconded the motion. Roll Call Vote: Patricia Clifford- Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, James Fuccione- Aye

Staff was directed to draft the two decisions for the Board's review at their next meeting in January.

## **3. Presentation and Update on Habitat for All Initiative**

Kristen Guichard presented on the Habitat for All project, the concept of inclusionary zoning, and requiring natural resource protection zoning as the by-right subdivision method.

Jon Cappetta commended Kristen Guichard on the level of community engagement and using feedback to inform the next steps. James Fuccione added in that this initiative addresses a lot of the issues that the Board hears themselves.

Ron Beck also was concerned about the potential of a cluster development getting permitted under zoning but not effectively getting adequate water supply. Kristen Guichard explained that the Town must allow some kind of method of by-right development, and as of now, the what the Town allows essentially results in the clearing of entire lots and 0% of open space being preserved. This new proposed by-right process is more environmentally friendly, and would still allow the traditional method of subdivision, but just under a special permit with more oversight.

Board members showed concern about the inclusionary zoning calculations. Michaela Moran asked to hear from JM Goldson to learn more about the formula for inclusionary zoning feasibility.

Patricia Clifford asked where the Area Median Income fits in when the market rate is so high. Kristen Guichard said JM Goldson found that the Town would not be able to feasibly require affordable units until there is five or more that are developed. If there is less than five, it would not be economical to lower the sale price for the developer. She noted that about 60% of communities in Massachusetts have adopted inclusionary zoning, but it does not yield anything because it is not feasible for the developer.

Patricia Clifford was concerned that even though the initiative will get the Town closer to conservation goals, it may not have a beneficial impact on the housing market. Kristen Guichard said she will bring this feedback to JM Goldson.

James Fuccione mentioned that the Board hears these themes in plans, and he supports the initiative conceptually and that he does not believe this initiative is proposed as a catch-all solution to affordable housing. Kristen Guichard followed up with that the initiative is meant to improve the traditional subdivision method, and simultaneously make a small improvement on the housing affordability issue but will not ultimately fully address it.

Michaela Moran mentioned the other towns in Massachusetts with these types of zoning bylaws sitting on the shelf. Kristen Guichard replied that the reason for this is because other towns are not allowing for a great enough density bonus.

Kristen Guichard will send Sudbury Valley Trustees mapping link to Board members, as well as recording of JM Goldson's economic feasibility analysis presentation. She will bring also bring the Board's feedback to JM Goldson for review.

## **Residents Comments**

Terra Friedrichs, from Mass Ave, hoped the Board does not recommend this initiative due to the amount of density that it could bring the Town as well as the potential composition of people who took the survey.

Patricia Clifford motioned to adjourn the meeting at 10:12PM. James Fuccione seconded the motion. Roll Call Vote: Michaela Moran- Aye, Jon Cappetta- Aye, Sam Bajwa- Aye, Patricia Clifford- Aye.

### **Materials used at this meeting:**

Planning Board Agenda

### **40 High Street application materials as follows:**

Abutters List

Application Packet

SW Report

Def.Sub

Subcatchment maps

Doc024

Signed form DP

Continuation to 2-20-24

Continuation to 3-19-24

Continuation to 4-16-24

Continuation to 5-21-24

Continuation to 6-26-24

Continuation to 11-19-24

Mullins Cert

Revised Plans 9-20-24

Revised Plans 2-29-24

Revised Plans 11-18-24

New Material 8-20-24

New Material 6-25-24

New Material 5-8-24

Letter Dated 9-12-24

Letter Dated 8-22-24

Emily Laubscher email

Richard Keleher email

Anne Forbes Email

Geoff Beach comments

GCG Peer Review letter 4-11-24

GCG Peer Review Letter 8-8-24

GCG Peer Review Letter 12-29-23

GCG Peer Review Letter 10-15-24

GCg Peer Review Letter 12-10-24  
Engineering Comments 12.28  
DRB Comments 12.14  
Fire Comments 1.9.24  
Historical Commission Comments 12.15  
Planning Memo  
Comments from Geoff Beach  
Letters to Planning Board  
Continued Public Hearing on 7-16-24  
Public Hearing Comment 4-26-24  
Statement of Position on Proposed Concept B  
011624\_LaubscherPlanningBoardLTR  
04152024\_LaubscherPlanningBoardLTR  
Planning Board Letter (Hofmann  
40 High Street Letter – 05202024 – Proof Plan  
40 High Street Project Design Concerns  
Addendum to Joint Statement of Position  
BBW Operational Failures w Signed Declaration  
Letter to Planning Board – 40 High Street 240303  
Letter to Planning Board – 40 High Street 240316  
Letter to Planning Board – 40 High Street 240422  
Letter to Planning Board – 40 High Street 240520  
Ltr Planning Board 240108

Resident Email  
Royce Fuller Email 4-22  
Soil Group Classification Discrepancy  
Statement of Position\_submitted 01-10-24  
Stormwater chapter x regulations  
40 High Street Cultural Resource Info page  
Extension forms  
Planning Board Letter 5.7

Concept B  
GCg Email  
William Bethune Email 3-26  
Updated Plans 5.25.24

**738 Main St Application Materials as follows:**

**Application packet**

Sw Report  
6261A Def.Sub\_FF  
Proof plan  
Subcatachments  
Abutters list  
Form dp  
Revised Plans 11-18-24  
Revised Plans 7-16  
Revised Plans 8-13

Water District Comments  
GCG Peer Review 10-08-24  
GCG Peer Review 12-13-24  
GCG Peer Review 06-21-24  
Acton Historical Commission comments  
DBR Review  
Planning memo  
Pb Continuation  
Fire Comments  
ROE Sidewalk  
Engineering comments  
Terra email  
Nijan Datar email  
**Habitat for All Presentation as follows:**  
Habitat for All Slides