

PRESENT: B. Keller (Chairman), C. Gentile, M. D'Angelo, C. Morely, M. Hunter (Associate), J. Kablack (Town Planner)  
L. Eggleston arrived at 8:35 p.m.

Mr. Keller called the meeting to order at 8:15 p.m.

### **ZONING BYLAW**

The Town Planner distributed a petition article submitted by R. Tyler calling for the publication of the entire draft bylaw in the warrant. Ms. Kablack opined that she believes the intent of article is to make sure that the entire text gets published. There were no further substantive comments on the bylaw. The board then closed the public hearing.

### **ANR PLAN**

The Town Planner described a plan proposing three lots on Lincoln Lane owned by Pantry Brook Corporation. The Petitioner submitted a duplicate original plan for endorsement. Exact same plan endorsed by the Planning Board in September of 1997, but Petitioner cannot find original.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Plan as Approval Not Required under the Subdivision Control Law.

### **2001 ATM ARTICLES**

The Town Planner discussed zoning articles relating to exempt and non-exempt uses. Ms. Kablack will draft language setting forth a procedure for regulating such uses under Chapter 40A, S.3 and present to the Board at the 12/13/00 meeting.

### **BERRY PROPERTY PUBLIC HEARING** (427 Concord Road) C. Gentile, Coordinator

Mr. Gentile listed correspondence:

1. Fire Chief
2. Robert & Jennifer Ewing 12/5/00
3. Comments from Building Inspector
4. Department of Public Works Director 11/15/00
5. Town Planner 11/30/00

M. Sullivan, representing applicant, introduced developers Bob Alexander and Frank Busa and their attorney, Julian D'Agostine. Also present was Mr. Berry (property owner) and his attorney, Myron Fox. 13.54 acre parcel on Concord Road. Tree line shown on plan. Preliminary plans developed with greater density. Developer and owner did not favor this route. Primary purpose of this development is to protect and maintain existing aesthetic resources of property; especially front pastures on Concord Road. Several waivers are needed. Conventional plan showing property developed to specifics. Briefly discussed to demonstrate that it is feasible.

Proposed definitive plan discussed next. Proposed right-of-way giving frontage to lots only used for installation of utilities; not proposed to construct. The existing driveway will provide access to lots. This driveway will be widened to 18' plus a larger turnaround constructed. Homeowners Association will be formed (only by covenant) and will maintain island in center of turnaround.

Drainage required will be minimal; driveway will remain gravel. Each house will have gutters tied into an infiltrator system on each lot. Buffers along various sides of the property proposed to preserve privacy. Open space and landscape buffers proposed on pastures along Concord Road. No new construction within the Historic District. Septic testing completed and witnessed by the Board of Health. 100' wetland buffer shown on lot 4, no construction proposed within Conservation Commission jurisdiction. Limit of lawn shown for each new house. Waivers requested; as listed in the application. The Applicant has no problem addressing issues raised by Town Planner, Fire Chief and Director of Public Works.

Frank Busa, builder, discussed basic house plan for Lot 1. Some consistent architectural features and colors of existing house will be used (federalist style).

Julian D'Agostine reviewed legal documents with the Board.

1. Planning Board Covenant
2. Master Declaration of Protective Covenants (design guidelines included)
3. Common driveway, utility and maintaining easements and covenants. Driveway and open space areas maintained in common. Town of Sudbury has the right to enforce.

No actual Home Owners Association will be formed unless the Planning Board requires it.

The Board asked several questions regarding the letter from the Ewings and drainage issues. Mr. Sullivan responded.

Ms. Eggleston asked whether there was any signage at the entrance to the property. No plans have been made to date.

The Town Planner noted the Planning Board regulation regarding entrance signs. Any proposed must be reviewed and approved by the Board.

Mr. Gentile asked why there was no buffer along the Bartlett property.

Mr. Sullivan replied it is undeveloped at this time.

Mr. Keller noted it should be considered, particularly if that land is developed, the Board will hold them to the same standard.

Mr. D'Agostine agreed to 20' no cut zone along back of lots.

Ms. D'Angelo questioned the type of lighting along the driveway.

Mr. Busa responded there will be low lamp posts and expressed concern with safety.

The Board Members expressed concern for the type of lighting along the driveway, especially in the Historic District. The issue may be under jurisdiction of the Historic District, but the Board does not want to miss the opportunity if it is not.

Mr. Hunter asked how the pasture will be restored after utilities are installed; Mr. Sullivan replied that the trenches will be backfilled and surface restored.

Mr. Sullivan said he was not proposing lush green lawns in pasture area.

Mr. Morely expressed the need to stipulate potential future pavement of driveways and the requirement that drainage structures be installed if paved.

The Board questioned the applicant as to the desire to produce a landscape plan for the 20' no cut zone on Lot 4. The area contains mostly scrub vegetation and is unattractive.

Mr. Cossart prefers no cut zone on Lot 4. He does not want the natural buffer disturbed.

Ms. Eggleston questioned post-development drainage calculations regarding acreage of woodland displaced. Calculations indicate less than 2 acres of woodland displaced. She is particularly concerned with Lot 1 and its flow towards Codman Drive.

Mr. D'Agostine is not inclined to further restrict clearing on Lot 1 more than the additional 20' no cut.

Ms. Eggleston commented lawn sprinklers produce the greatest amount of water flow, but these typically will not be used in March, April and May (wet season).

Mr. Ken Daly, 29 Codman Drive, described his observation of grade water breakout from the hill in various locations along Codman Drive. He requested the Board mitigate as much as possible.

Mr. Bob Abrams, representing CAS Trust (abutting land), requested the Board consider future access to CAS land from this parcel. Under Chapter 41, Section 81M. Property is not landlocked; has access from Peter's Way, Codman Drive and Hudson Road but have to cross a wetland to gain frontage to field behind Codman (approximately 6 acres of upland). Request extension of paper road along lot line of Lots 3 and 4 to CAS land.

Mr. Sullivan responded that in trying to preserve features in perpetuity, Mr. Abrams feels request would negate purposes of limited development.

Mr. D'Agostine questioned whether Chapter 41, Section 81M intended this situation. He feels that section was intended for full build subdivisions where public roads are created.

Mr. Cossart said the Water District requested the relocation of the hydrant.

Mr. Sullivan will work out the best location with the Fire Chief and the Water District.

Mr. Daly said the Codman Drive neighborhood is pleased with the overall low development scheme, preservation of view and historical values. Again, he asked more attention be given to drainage from Lot 1 into the neighborhood. He expressed the following:

- Concerns regarding septic breakout
- That patios and decks be included in subsurface drainage provisions
- Appreciates 50' buffer, but the board wants to require the same restrictions that Whitehall Estates buffers have
- Wants at least 20' buffer along CAS Trust land (open field) for visual screening
- Maximize rear yard setback to lot line

Mr. Daly wanted to know if the town will have any interest or authority to use the right of way. He requested that the right of way be protected from ever being constructed.

Mr. Dave Wallingford (a member of Saint Elizabeth's Church) asked for the definition of no cut buffer.

Mr. D'Agostine anticipates the removal of dead wood and replanting. He prefers common sense approach to make it look good.

Mr. Cossart commended all parties for the proposal.

Mr. Gentile commented issues have been raised regarding drainage.

The Board discussed whether to close the hearing. A number of issues have been brought up. Some needed further clarification, which can be accomplished during deliberation.

On motion duly made and seconded, it was unanimously:

VOTED: To close public hearing

On motion duly made and seconded, it was unanimously:

VOTED: To direct the Town Planner to draft an approval decision with conditions for discussion.

#### **CANDY HILL LANE**

Doug and Francine Zingale had an informal discussion with the Board on creating one additional lot at the end of Candy Hill Lane. The Town Planner noted that the Town Counsel has advised that since Candy Hill Lane is on the official map, additional frontage can be created through sub division control.

Ms. Eggleston wouldn't want to create frontage for less than one lot, but thought it may be better to lock in only one lot if there is the potential for greater density.

Ms. D'Angelo drove to Candy Hill and road dead ends; concerned with future development potential and roadway standards.

Board members would like the opportunity to view the site and receive comments from Bill Place, Town Engineer.

The Zingales will start to proceed with a Definitive Plan and would like to discuss further at 1/10/01 meeting.

There being no further business, the meeting was adjourned at 11 p.m.