

Board members in Attendance constituted a Quorum:

C. Gentile, Wm. Keller, Wm. Cossart, L. O'Brien, L. Eggleston
J. Kablack, Town Planner
Meeting called to order by Chairman O'Brien at 7:30 PM

Run Brook IV—Discussion on gate at Country Village Lane

Additional information passed out to board members at the meeting regarding Country Village Lane:

Package of correspondence from Mr. Quinn & Ms. Fajtova, Mr. & Mrs. Silverman, Mr. & Mrs. Bougoulas, and Mr. Place. Package also included a map of Country Village and Abbotswood Lanes.

Review of the issue:

The issue originated with a January 5 letter from Scott & Lisa Silverman and included the following concerns:

- Boundary Marker at corner of Lot 12A is not in place and the town cannot accept street until it is surveyed.
- The gate at the end of Abbotswood which adjoins Country Village Lane. Issues of structural integrity, lack of reflectors and no way to keep it open or lock it. The Silvermans requested that the town engineer inspect the gate to see if it meets the requirements set forth by the town.
- Safety of the development is also an issue since there is no stop sign at the corner of Camperdown Lane and Fairbanks Road. Also recently planted trees at 3 Camperdown Lane parallel to Fairbank Road obstruct visibility.

Mr. I. William Place, Town Engineer, answered the issues raised in the Silverman letter in a letter written on January 20, 2000.

- The Town will not accept this street (Abbotswood) until a certification from a registered land surveyor is received.
- The gate was constructed by the developer in accordance with the approved plans.
- The gate is to be left unlocked but shall bear signs prohibiting unauthorized vehicles from proceeding. It is in place to prohibit circulation of traffic through Country Village Lane into the new subdivision.
- The use of the gate has been a problem. In the last two years snowplowing and sanding operations have been hindered by the closure of the gate. For this reason Mr. Place requested either the removal of the gate or that it be left open for the winter months of November through March.
- The Camperdown Lane/Fairbank corner is to receive a Stop Sign per a vote by the Board of Selectman dated November 22, 1999. The owner of the pine trees at 3 Camperdown lane will relocate the trees in the spring.

A February 2, 2000 letter cosigned by the Silvermans and the Bougoulas proposed an alternative to removal of the gate. It stated that, as abutters, both families would be responsible for the opening of the barrier gate during the winter months. At the first indication of poor weather the gate would be secured open and remain open until all sanding/plowing activities were over.

Discussion of the issue by the Board

A letter dated February 9, 2000 from Mr. S. Quinn and Ms. V. Fajtova stated that the gate needed to remain for safety purposes.

Proposal by the Silverman/Bougoulas letter needed to be presented to Mr. Place in the future since he was unable to attend the meeting.

Mr. O'Brien stated that the lengthy discussion conducted two years ago regarding the gate was still pertinent and that alternative suggestion was excellent. The Board would wait to get Mr. Place's thoughts in writing and then be in contact with the Silverman and Bougoulas families.

Additional issues stated from the Floor

- Leaving the gate open for five months is unacceptable.
- The issue of closing the gate should be dealt with by people who live nearby as once the gate is open the traffic increases quickly.
- The gate is inadequate. There is no latch to keep it closed and no proper way to keep it open. Currently it is tied open on one side to a tree and then held open by a weight on the other side.
- Mr. Place has not addressed the current condition of the gate. No signs have been posted. (Mr. L. O'Brien—These issues will all be brought to the attention of Mr. Place and the concerned parties will get a reply.)
- The gate in place was a temporary gate and a permanent gate was to be put up later. (Ms. Kablack—The gate is the one in the plan. There are funds from the developer for the signs.)
- There are other gates in town that are not plowed through. (Provided a picture of Thornberry Lane development new Lewis Avenue.
- Signs needed not only at the gate but also at the corner of Camperdown and Country Village Lane stating "No Outlet". (Mr. O'Brien stated that the Selectmen need to consider the issue of municipal signs such as the "No Outlet" sign. Ms Kablack said that there were funds available from the developer Mr. Cutting for signs on the gate)
- A safety officer or someone with a more comprehensive view should take a look at the gate.
- The gate sits low and needs to be shoveled out after the plows have come by. A higher gate should be considered.

Public Hearing on Zoning Articles proposed for 2000 Annual Town Meeting

Amend Zoning Bylaw-Site Plan Special Permit

Identify Article--To see if the Town will vote to amend Article IX, Section V. A, Site Plan Special Permit, of the Zoning Bylaw, by inserting a new section on Minor Site Plans. This section allows abbreviated processing for Site Plan Special Permit applications for proposals that meet designated thresholds of construction.

Review Article- This article refers to non-residential building of less than 1000 square feet and impacts of less than 10 parking spaces and otherwise simple development plans.

Public Discussion

Mr. R. Tyler, Deacon Lane- Where is the information on these articles published? How can citizens make informed commentary? Minor Site Plan review can uncover festering issues and deal with issues that are grandfathered. Shortening the process shortchanges the people's right to input. There is no public benefit.

Mr. R. Soucek, Horse Pond Road- What is the number of times a person can use this process. Could they use more than the 1000 square feet limit by breaking up a process into pieces? (J Kablack- This limit is an aggregate number over five years.)

Amend Zoning Bylaw-Wireless Service

Identify Article-To see if the town will vote to amend Article IX, Section V.P., Wireless services, by deleting the Sudbury Fire Station, Hudson Road, Assessor's Map No. G08, Parcel 008. Or any other parcel designated by the Planning Board, as eligible parcels for installation of wireless services.

Review Article—The Selectmen requested this article. This parcel is too small and the setbacks prevent good placement of an antenna. The wording at the end of the article (...Or any other parcel...) was in place because not all sites had been reviewed. There are no other sites with this problem and the end wording of the article can be eliminated.

Public Discussion

Mr. Steve Williamson, Country Village Lane- Why is the Fire station removed? (J.Kablack-The smallest antenna (100 feet tall) was considered unsightly by all that viewed it. W. Cossart concurred) Is there any language that prevents the installation of an antenna in the Historic District? (J.Kablack-there are no parcels of the right size or configuration for an antenna in the Historic District.)

Mr. R. Tyler, Deacon Lane- Why is this so specific. We will just have to bring up a specific article to countermand this one if technology changes in the future. Why do we have to make it non-eligible? Just don't use the site. (W. Cossart- This takes the site off the eligible list so that other wireless companies cannot request the use of the site and tie up the process in court.)

Amend Zoning Bylaw-Incentive Senior Development

Identify Article—To see if the Town will vote to amend Article IX, Section IV.F., Incentive Senior Development, by lowering the age qualification in that bylaw from age 62 to age 55.

Review Article—This change will make this bylaw consistent with the SRC bylaws and brings the bylaw into conformity with the Federal definition of Senior Citizen.

Public Discussion-NONE

Amend Zoning Bylaw-Permitted Uses in Research District

Identify Article—To see if the Town will vote to amend Article IX, Section III. D.a by deleting the words “on lots of 20 acres of more in size”, in order for research and development uses to be permitted on lots of no less than eight (8) acres in size in the Research District.

Review Article—Cummings Property owners requested this.

Public Discussion

Mr. R. Tyler, Deacon Lane-Is this some sort of “quid pro quo” for the development of the Frost Farm Site? (J. Kablack-The board has had a working relationship with Cummings Development for several years. L. O’Brien-The Cummings’ people are aware that they will need to get approval at Town Meeting of this.)

Originally this site was going to be a Nursing Home and Senior Residential complex. In 1994 the 20-acre limit was put in place to avoid dividing the use of this parcel. There will now be two incompatible uses on this site. There are no limits on what kind of R&D can be done on the property. Perhaps the Board should refresh their memory of the 1994 discussion.

Amend Zoning Bylaw-Rezone from Residential to Industrial Parcel 022 Map K11

Identify Article—To see if the Town will vote to amend the Zoning Map, and section II. A. of the Zoning Bylaw by deleting a portion of parcel 022 shown on Town Property Map K11 (approximately 6.02 acres) from Residence District A and C and including it in the Industrial District 12.

Review Article—Rezone parcel that houses a paint store (Color Studio) and a single family dwelling from Residential to Industrial due to a request by the current owner to construct a small office park similar to the StanMar Office Park near by. StanMar is on a six-acre parcel and is a 40,000 square foot building. It provides approximately \$50,000 +/- in tax revenue to the town. Rezoning of land to commercial is in keeping with the Master Plan because the impact of building 4-5 single family residences in this same area would not generate as much revenue and would in fact have a negative impact on town resources.

Board Discussion

W. Cossart- The benefits are there. But there are three homes there already and these owners purchased with the idea that other homes would be built. Now a different use of the land is proposed.

L. Eggleston—There is a separation between these houses and the proposed parcel. This was addressed in the previous discussion of this issue. (Abutters commented that no separation was between the parcel in question and their homes.)

Public Discussion

Ms. L Leon, River Road- (Abutter) Current zoning maps do not show the reconfigured parcel accurately since a business is actually on that property but it is zoned residential. (J. Kablack-The zoning map does not show individual parcels but reflects the Zoning Bylaw.)

Mr. J Barr, River Road-The paint store is not in business. This is actually a junkyard. In addition there is a 400-foot conservation easement between Color Studio and StanMar. The property is surrounded by all residential land. The lot is small to begin with and the only build-able part is next to the three current homes. It could easily be two residential lots instead. When was the discussion of this issue prior to this? Has any impact study been done? (L.O'Brien-No studies are done until a development plan is presented.)

Ms. L. Leon, River Road—What is the Master Plan tie-in? The Master Plan is general yet this is a specific lot. There are no specifics in the Master Plan. (L. O'Brien- One of the items highlighted in the Master Plan is the sustainability of the town. Some historically industrial/commercial zones were changed to residential in the 1970's. Only building homes is a net loss to the town. The current owners of the property brought the issue of rezoning to the board for discussion. They have had a business on that land for 25= years. This proposal was viewed as an opportunity to clean up the parcel and improve the use of the land)

Ms L. Leon, River Road –I request that the impact on the area be updated and these issues considered:

The wetlands and Conservation easements and their impact on the parcel. The developable part of the parcel is near three homes and National Wildlife Refuge property is only 300 feet downstream from the parcel. What is the impact on the revenue stream if the adjacent property values drop? What is the life impact on the residents in the area? This in not a strategic move, this is just a convenient move for the board. Why is the change to Industrial rather than Commercial? The current business has not been in operation for a long time

Mr. J. Barr, River Road—Presented a 1956 letter to allow the opening of the paint shop. At that time the parcel zoning was not changed, just permission given to run a business.

BOARD--Mr. W. Cossart--This issue needs to be reconsidered by the board. L. O'Brien asked a procedural question as to whether the Public Hearing needed to be continued. Since the Planning Board only makes recommendations to Town Meeting it was determined that this issue could be discussed outside of the public hearing.

Mr. R. Tyler, Deacon Lane- If you voted tonight you could take this off of the warrant. The industrial zone definition is too broad.

Mr. R. Soucek, Horse Pond Road—How can three people change a proposal? I am sympathetic to the abutters but the site is not pretty now and a StanMar type facility would be an improvement. The use is not really being changed.

Rezone from Residential to Industrial Parcel 022 Map K11 (cont.)

Mr. E.Kreitsek, Dudley Road- Is there a "Limited Industrial vs. Industrial use" this would address Mr. Tyler's comment. The Master Plan says to increase the base with tactical opportunities/improvement including rezoning for the least intensive use of the land.

BOARD-For the sake of discussion we did speak with the property owner as to whether we would propose this or they would. It is too late for them to re-submit if we pull it from the warrant. There has been no plan submitted and only discussion has taken place.

Mr. A. Leon, River Road—This has never been a commercial or industrial site. A 1970 aerial photo shows this land in agricultural use.

Ms. D. McNamerra, River Road—This is just a junkyard now when it is supposed to be a paint store. What would the industrial park look like?

Motion to Close the Hearing by Wm. Keller, Seconded by L. Eggleston, Passed unanimously.

Continue Public Hearing-- Frost Farm Definitive ISD

Hearing opened at 9:30 PM

Additional information given to Board:

Letter from Frank Riepe, Chairman, Design Review Board

Letter from Peter Shanahan of HydroAnalysis, Inc.

Review of information submitted since the last hearing.

- Letter from F. Riepe commenting on the building plans.

Letter from P. Shanahan commenting on the ground-water modeling completed for the proposed Frost Farm Development. Also included were responses to specific questions from the Board.

The Board requested a response from the Petitioners LSP Dennis D'Amore and there was subsequent discussion with members of the Board regarding the letter from Mr. Shanahan. Mr. D'Amore spoke with Mr. Shanahan as well as the people who did the modeling to determine if the values used were appropriate. ERM agrees that the calibration is correct but there is additional information needed. Wastewater is modeled conservatively. Storm water is a steady static model since a steady flow over a prolonged period will have greater impact. More discussion is needed with Mr. Shanahan.

The White Pond, White Pond Well and Sudbury Well 5 are not conservatively modeled in ERM's opinion. Monitor wells would define the ground water divide and determine which if any wells would be affected.

A Desktop model of worst case scenario using both maximum and average pumping rates would answer some of these questions.

There is the additional issue of Phosphates if there is discharge towards White Pond. Since White Pond is so close it needs to be determined conclusively that there will be no adverse affects.

Deep test well should have been part of the septic design can additional data be gotten from these? (B. Ey reported that the septic meets the Board of Health parameters. No ground water was encountered at 12-13 feet and there was also no glacial till, bedrock or mottling seen.)

Major points of Dr. Shanahan's memo were listed for review:

1. Nitrate loading analysis for White Pond, White Pond Well and Sudbury Well 5 needs to be done using maximum and average pump rates.
2. Additional modeling documentation from ERM needs to be gotten to Mr. Shanahan.
3. More discussion is needed to determine if storm water load rate is conservative enough.
4. The ground water divide needs to be determined. Additional monitoring wells would be appropriate. Another option would be to make a worse case scenario in number 1 and that would make number 4 a moot point.

W. Cossart stated that the HydroAnalysis letter "casts a pall over what we have seen so far". Mr. D'Amore and Mr. Shanahan need to resolve the issues raised in the report.

C. Gentile asked how long it would take to get monitor wells. (Mr. D'Amore said that it was a 1-2 week process).

Since desktop calculations are always built on assumptions, monitor wells would put to rest the issue of where the development is in relation to the ground water divide.

Mr. B. Ey stated that the subsurface design is for a zone 2 system in an aquifer zone and placed as far away as possible from Sudbury Well 5.

L. Eggleston did not see the report as negative. More documentation is needed to answer the specific questions raised.

Comments from the Floor:

Ms. M Rasmussen (Concord Planning Director)-Thank you for having the discussion. I would like to be at the next hearing. (L. O'Brien noted that Sudbury and Concord officials would share all information on this issue.

Mr. R. Tyler, Deacon Lane- Monitoring wells will establish if this is a Sudbury problem and avoid a lengthy appeal process.

Ms. J. Turner, Seymour St, Concord- Representing White Pond Advisory Commission and appreciates the level of concern both towns have on this issue.

Hearing will be continued to next week. It will be opened and then immediately continued until further answers are found on the dividing line issue.

Motion to Continue Hearing to February 16, 2000-C. Gentile
Seconded-W. Cossart
Passed Unanimously

Miscellaneous Business

ZBA Petitions as shown on Public Hearing Notice for February 15, 2000

Motion was made to accept the recommendations of the Town Planner on the ZBA Petitions

No discussion, Passed/Unanimous

Vote Decision-AT&T WRSP for Wireless Facility 142 North Road

Seconded Wm. Keller, No Discussion, Passed/Unanimous, All Board members signed.

2000 Annual Meeting

Town meeting will be on agenda for next week. Board members should keep their packets for use at the February 16 Planning Board meeting.

Meeting Adjourned at 11:20 PM.