

PRESENT: William J. Keller, Jr. (Chairman), Marianne D'Angelo, Elizabeth Eggleston, Carmine Gentile, Christopher Morely, Jody Kablack (Town Planner)

The meeting was called to order at 7:25 p.m.

## **Ledgewood II**

PUBLIC PRESENT: Developer Richard Campana; Attorney Robert Dionisi; subdivision abutters Beau Schless, Hayley Barnes, and Michael Cannistraro.

Ms. Kablack gave a progress report on this subdivision: The entrances to the subdivision have been partially graded and cleaned up, with a better job being done on the Mary Catherine Lane side. Chain link fencing has been installed at both ends of the roadway. Attorney Dionisi reported that the project manager estimates that the binder layer of the pavement should be completed by late October, and he asked that the discussion be tabled until mid-October.

Abutter Schless stated that the improvements were appreciated; however, he noted that there is a six-foot gap in the fence. He wants the gap closed and the dirt and rocks in front of his house removed. Ms. Barnes was also concerned about the fencing gap. Mr. Cannistraro asked when the project would be completed. He had been told in two months, but felt that progress has been slow. He especially wants grass seed spread.

Mr. Campana reported that the order is in to Boston Edison to remove the pole and wire on the North Road entrance; bids are being accepted for curbing; and one house (lot 40) is under construction. More soil testing has been completed, and construction on lots 36 and 37 will begin in the near future.

The Town Planner will contact neighbors about the next meeting, sometime in October.

## **Sudbury Athletic Academy**

PUBLIC PRESENT: Myron Fox, attorney for applicant; Bruce Ey, applicant's engineer; Laury Hammel; David Wallace, attorney for Mr. Hammel

Mr. Fox gave a summary presentation to the Board, including letters of support from the Planning Board to the Zoning Board of Appeals and from the Economic Development Committee to all boards concerned with the project.

He cited other proposals contemplated for this site: golf driving range; retail (80,000 ft<sup>2</sup> - Roche Brothers); industrial (100,000 ft<sup>2</sup> - Methods Machine); and office building. The athletic academy is anticipated to generate less traffic than other uses permitted under zoning, such as restaurant, lumber yard or research laboratory. In response to a suggestion from the ZBA, the applicant investigated combining access with neighboring Buddy Dog, but found that the shelter's parking and septic would have to be relocated. The applicant is agreeable to the DPW's suggestion to move the entrance eastward by approximately 100 feet. They have also agreed to putting all utilities underground and to construction of a walkway along the frontage of the property.

Ms. D'Angelo asked if moving the access will require state Highway Dept. approval and trigger a MEPA review. The Board was told the applicant has a curb cut permit and will only need a modification.

In response to a query from Mr. Morely regarding the relocated access, Bruce Ey produced a plan showing the driveways on the opposite side of the street. The new access will be opposite Best Friends kennel and approximately 250 feet east of Goodman Hill Road. The sight distance is adequate for eastbound traffic moving at 50 mph. There is no problem with sight distance to the west. The applicant will relocate the existing drain and will agree to install gas and oil traps in the catch basin on Rte. 20. Maintenance of the pipe will be the property owner's responsibility. To further questions from Mr. Morely, Mr. Ey stated that the driveway will be directly opposite Best Friends, and a stairway could be built at the eastern edge of the parking lot to link this site to the abutting parcel. The standard-pressure dosed septic system will be mounded.

Asked by Ms. Eggleston to address traffic impacts, Mr. Fox responded that even if this use were to increase traffic volume by 10%, it would not be significant. This is a 16-acre commercially zoned property [and use of it will have some traffic impact]. The DPW Director attempted to get a left turn lane at Old County Road and was denied by the state. Mr. Fox doubts that one would be approved for Goodman Hill Road.

Mr. Gentile asked how the parking was calculated. Mr. Fox responded that individual spaces within the building were measured and calculated based on experience with similar private clubs, which have fewer members than those with more public clientele. He believes the applicant's numbers are adequate.

Attorney Wallace, representing the Longfellow Clubs' manager Laury Hammel then spoke. It was his understanding that the Planning Board's approval cited at the beginning of the hearing was for the special permit use only, and that this was the first time the Planning Board considered all aspects and details of the proposal. He pointed out flaws in the application:

- 1) At the ZBA meeting, Rizzo Associates stated that the Goodman Hill Road intersection with Rte 20 is currently at level of service (LOS) F [failing by state

standards]. This proposal will burden the Concord Road/Rte. 20 intersection as drivers avoid Goodmans Hill Road.

2) The consultant stated they could only get limited accident data from the Sudbury Police Department. Mr. Wallace told the Board that he obtained more data than Rizzo did.

3) The applicant provides no plans for traffic mitigation.

4) Bruce Ey (at Conservation Commission hearing) stated there is no space to expand parking. The Town Planner's assessment of parking requirement is 162 spaces – almost double that provided in this plan.

5) The actual size of the structure (including the tennis court “bubble”) is 90,000 square feet, not 64,000.

6) The Town Planner's assessment of traffic volume is much greater than Rizzo's.

7) Water from the swimming pool must be drained at least once a year. This is not considered in the application.

8) There is no apparent provision for snow storage on the property.

9) The mechanical equipment to inflate the bubble is not shown on the plan.

Laury Hammel manages five similar clubs, several as large as 28% larger than the Wayland Longfellow Club. They are all private, but have no initiation fees. He cited issues of concern as follows: traffic, parking, wetlands, water, and the air structure (bubble). He said the indoor capacity, 96,000 ft<sup>2</sup>, makes this the largest facility within a 30-mile radius. He presented data in handouts. He stated the Conservation Commission may require a Conservation Restriction from Buddy Dog; the backwash location for water is undetermined; he believes the air structure to be unsafe; the Board of Health has permitted a maximum flow, but DEP approval has not been received [Note: DEP approval is not required for this proposal.] He estimated intensive water use of 5,000-7,000 gpd. Mr. Hammel further believes the club will in fact be open to non-members. He said the great number of plumbing fixtures and lockers indicates use by large numbers of people.

Ms. Eggleston asked if there are similar facilities that would allow the Board to compare numbers. Mr. Fox said he will supply some.

After deliberation by the Board, on motion duly made by D'Angelo and seconded by Gentile, it was unanimously

VOTED: to recommend approval of the ESS Sudbury Tennis Academy site plan with modifications as follows: Realignment of the access to directly across from Best Friends Pet Resort; delineation of the stormwater management area on sheet 4 of the site plan; installation of a walkway along the entire frontage of the property; submittal of a bond to ensure the requirements of the site plan are completed in accordance with the approved plan; contribution for off-site traffic improvements in the vicinity; applicant should be required to attempt to receive Mass Highway approval for a left turn lane on Route 20 (eastbound) in the vicinity of Goodman Hill Road. Parking limitations should

also be noted, and any new information or changes in the plan be referred to the Board for further review.

### **Public Hearing – Zoning Bylaw**

PUBLIC PRESENT: Gilbert Wright, Pat Delaney, Zoning Board of Appeals; Kirsten D. Roopenian, Lawrence W. O'Brien, John C. Drobinski, Selectmen; Mark Bobrowski, Consultant; Myron Fox, Attorney; Ralph Tyler, One Deacon Road; Hale Lamont-Havers, 173 Morse Road; Robert D. Quirk, 272 Willis Road; Richard Kurth, 113 Haynes Road.

At 9:20 p.m. William J. Keller, Jr., Chairman, Planning Board, convened a Public Hearing for the purpose of discussing the comprehensive revision of the Article IX -- Zoning Bylaw to be voted on at the October 23, 2000 Special Town Meeting. Notice of this Public Hearing had been publicized in the *Sudbury Town Crier* on August 17, 24, and 31, 2000. A copy of the revised bylaw can be viewed at the Town Clerk's office, the Goodnow Library, the Planning Board office, and the Town web site.

Chairman Keller briefly updated the assembly on the process of revising the Zoning Bylaw, beginning in August of 1998 in response to the LEAP School situation. He introduced Mark Bobrowski, a specialist in zoning, who worked with various department heads and officials to work on the bylaw. Numerous meetings were held to discuss the bylaw section by section. These meetings have been posted and published for all interested parties. Several drafts have been written and updated. The fourth draft is the one now available for viewing. Mr. Keller concluded by stating this hearing is for comments and questions from the public.

Ralph Tyler, One Deacon Lane, expressed concern for approving a bylaw in its entirety, in that grammatical errors can reflect a significant and perhaps unwanted change. He suggested analysis of the bylaw, line by line, to be certain the Town is not at risk due to a quick and cursory review. He stressed the importance that all sections be appropriately cross-referenced in other sections of the bylaw. Mr. Tyler suggested further a list of all changes be compiled for easy reference.

Jody Kablack, Town Planner, stated such a chart has been created, showing which sections have had little, moderate or significant change, and shared a copy with Mr. Tyler. She stated copies of this listing will be available at the Special Town Meeting.

Hale Lamont-Havers, 173 Morse Road, asked how the committee intends to explain all the changes and revisions to people at the Special Town Meeting. She opined it would be difficult, if not impossible, to explain such a large document so that people understand what has happened.

Mr. Mark Bobrowski, Consultant, stated this process has been used in various communities, and noted that it is advisable for all communities to periodically look at

their bylaws to make sure they are still appropriate and adequate. He stated at least a dozen communities “threw out the old, brought in the new” with an entire document, at a single Town Meeting. He stated he has worked hard to make sure nothing has slipped through the cracks.

Ms. Lamont-Havers asked if the full text would be available. Ms. Kablack stated copies of the revised bylaw is available, with comments as to what was changed and why, and offered them to interested parties.

Gilbert Wright, Zoning Board of Appeals, expressed concern for the timing of bringing this matter to Town Meeting, and opined it is too soon to do so. Speaking for the Zoning Board of Appeals, he stated October 23, 2000 was too soon to present an entire document without a more detailed final review. He stated there should be enough time to create a draft everyone on the committee is comfortable with, and allow enough time to review such a draft to catch inadvertent errors. Mr. Wright also expressed concern for attempting to work on this matter during the summer when many people are away and unavailable.

Chairman Keller announced there will be some time devoted to the discussion of the Zoning Bylaw at every Planning Board meeting between now and the Special Town Meeting. He stated this is the first night in a process toward preparing the draft for Town Meeting.

Mr. Wright opined the process will become frozen when the Warrant is published, and the suggestion of the Board of Appeals is that the process continue before the revised bylaw goes to press. After that time, the document goes to the floor, and is subject to final amendments. He opined further education on the document is necessary to ensure that everyone is comfortable with it.

Mr. Tyler suggested structuring the revision as a series of motions or warrant articles instead of an entire document, allowing specific issues or changes to be highlighted and explained. He opined some changes will be controversial in the eyes of the voters and will need more than three or four minutes to pursue them. Mr. Tyler strongly urged the Board to divide the bylaw into pieces for review.

Mr. Richard Kurth, 113 Haynes Road, stated he was motivated to obtain a copy of the revised bylaw, partly due to the plan to streamline processes, reorganizing the bylaw and generally improve the bylaw’s efficiency. He stated it was almost impossible to digest the entire document. He stated further he noticed many substantive changes, some of which were bundled together. Mr. Kurth opined these types of changes need to be explained in a way that people know exactly what they are voting for.

Mr. Wright suggested “unbundling” certain sections to better explain them. He expressed concern for making sure the public understands what they are voting on, and are able to digest the material presented. He opined that presenting a few sections at a

time would be a better way to proceed, even if those sections might be reflected elsewhere. Mr. Wright opined the method of presentation to the public is critical. He noted that Section 6220 (Special Permits) has been dramatically changed and needs clarification for the untrained eye. He cited an example of how the word “shall” can make a difference in interpretation. He reiterated his concerns for proceeding too quickly without giving enough thought to all changes.

There was discussion on various substantive changes and revisions, power of the Building Inspector, exempt uses, and notice to abutters.

Pat Delaney, Zoning Board of Appeals, suggested analysis of the draft when it is “firm”, meaning all changes have been done. Then, any further thoughtful discussion can be held, and changes made if necessary, without rushing it through in order to get it onto a Town Meeting Warrant.

Mr. Tyler opined the individuals who are concerned about the timing of this article going to Town Meeting may get up during Town Meeting and express those concerns, possibly defeating it. He suggested looking at it carefully before incurring the expenses of printing the Warrant with the entire document.

Lisa Eggleston, Planning Board, asked how much time would be necessary to adequately complete this process, as there is momentum behind it at this time. She also asked Mr. Bobrowski how other towns handle the “unbundling”. Mr. Bobrowski responded it can take up to two days to approve a revised bylaw as a single document, one article. He stated it is sometimes a political consideration, choosing which sections to give more Town Meeting time to, but advised the Board to put it forth as a single piece. He opined every Town should revise their bylaw every ten years as technology and society changes, noting the advent of cell towers and assisted living facilities. Responding to Ms. Eggleston’s initial question, Mr. Bobrowski stated the Town has six months from the date of the public hearing to bring it to the voters.

Selectman John Drobinski opined if the Board of Appeals expresses their “discomfort” with the proposed bylaw, in its current state, the matter will most certainly fail at Town Meeting. He expressed concern for spending \$15,000 for printing and other costs, only to have the matter be voted down.

Mr. Tyler asked if the revised document could be “red-lined” to show changes made in the old document. He expressed doubt voters would read the entire document to locate changes for themselves, but stated they need to know specifically what those changes are.

Ms. Kablack stated a reference chart has been prepared, indicating changes in sections, but voters would have to read the actual wording change in the bylaw. Mr. Bobrowski stated that a comparative “red-line” method would not work for this document because entire sections have been lifted and moved into different places within the bylaw.

Kirsten Roopenian, Selectmen, stated sometimes people who work with particular documents have a certain perspective for certain words, a perspective that may not be held by other people working on this document. She stated she takes words at different meanings than someone on the Planning Board or Board of Appeals, and stated further that a future member of those boards might also take a different meaning.

Ms. Roopenian stated that the Board of Selectmen has endeavored to work with all Town boards for a comprehensive understanding to move this process to Town Meeting, but not by any particular schedule. She expressed concern for the momentum behind this project at this time. She also expressed concern for over-analyzing every comma and word until the process becomes so bogged down, that it finally stops.

Mr. Wright reminded Ms. Roopenian that the Board of Appeals has been consistent in their concern that this project is moving forward too quickly and without enough careful consideration. He clarified that the Board of Appeals feels this is a quality document, but that it is just too soon to go to Town Meeting.

Mr. Bobrowski stated some revisions do not reflect any substantive changes. He briefly explained some ways to interpret whether substance has been affected. He offered his help in analyzing any sections that needed clarification, opining easy resolution.

There was discussion on neighborhood impact, benefits to the Town, etc. with regard to Special Permit criteria contained within the bylaw.

At 10:45 p.m. on motion duly made and seconded, it was unanimously

VOTED: To continue this hearing until September 13, 2000 at 7:30 p.m. at the Town Hall.

### **Willis Hill II – Continue Public Hearing**

No testimony was heard, and the hearing was continued to September 13, 2000 at 7:30 p.m.

On Motion duly made and seconded, it was unanimously

VOTED: To grant an extension of time for action on this subdivision to October 10, 2000.

### **Willis Hill Progress Report**

Robert Quirk, project manager, reported that a French drain had been installed on Widow Rite's Lane, and street trees have been delivered. Mr. Quirk will report further at the meeting of September 13.

**Omnipoint at Feeley Field, WRSP**

On Motion duly made and seconded, it was unanimously

VOTED: To approve the application by Omnipoint Communications for a 100-foot antenna tower at Feeley Field.

There being no further business, the meeting was adjourned at 11:10 p.m.

Minutes taken by J. Kablack.