

PRESENT: William J. Keller, Jr. (Chairman), Elizabeth Eggleston, Carmine Gentile, Christopher Morely, Jody Kablack (Town Planner), Marianne D'Angelo (arrived at 8:00 p.m.), William Cossart, Associate Member

Meeting was called to order by Chairman Keller at 7:35 p.m.

Proposed Subdivision, 426 Concord Road (Berry property)

PRESENT: Randy Berry, Myron Fox (representing the Berrys), Bob Alexander, Jim Britten, Frank Busa, Julian D'Agostine, Mike Sullivan

Mike Sullivan, engineer, described the proposal. This discussion was to alert the Planning Board to a proposed subdivision that will require several waivers. This is a 13-acre parcel with one house. They want to use the existing driveway as access to four lots. The driveway would be in an easement, with a paper street to create frontage. The intent is to create "estate" lots, of 2.1 to 4.5 acres. Utilities would be installed under the paper street. A site walk with the Town Planner, DPW Director Bill Place and Fire Chief Mike Dunne has been conducted. All homes would be constructed behind the existing tree line. Successful perc tests have been witnessed by the Board of Health. A Definitive Plan will be submitted in the next several weeks. Requirements for road construction have to be waived. Answers were provided by Mr. Sullivan to several Board questions:

What is proposed access (driveway) grade? 5-6% (existing)

Does Lot 2 meet perimeter ratio? Yes

The barn is too deteriorated to be preserved

The house is in a Historic District

Where will individual driveways be?

Access to Lot 2 is approximately 650' from Concord Road

The applicant is not considering the driveway to be a common drive, but a private road.

The applicant is considering Conservation Restrictions on the front fields.

Covenants will be placed on the lots; the Town would have enforcement powers.

Mr. Fox reported that the owners first attempted to find one buyer to preserve the house and property. There is a potential for eight new lots if the house is demolished. Owners want to preserve character of neighborhood with limited development.

The Board was generally very pleased with the low density and the applicant's interest in preserving the existing vista. The Town Planner suggested that they work with the Conservation Commission early on, so that the development sites are determined and conflict between wetland setbacks and the preservation of the tree line can be avoided, especially on lot 4.

Noting that the existing driveway is completely outside the proposed right-of-way, the Planner suggested such approval may be outside the Planning Board's jurisdiction, i.e., a Variance might be required from the Zoning Board of Appeals. The applicant responded that if that should be the case, they would not pursue that layout. [Subsequent to this meeting, the Zoning Enforcement Officer stated he did not believe a Variance is required.]

Mr. Cossart noted that the proposed house lots are outside the Historic District, and asked what style buildings might be contemplated. He added that while house design is outside the jurisdiction of the Planning Board, with the number and nature of waivers required by this proposal, the Board must balance benefits and impacts to the town.

Ms. D'Angelo arrived at this juncture.

Willis Hill II – Continue Public Hearing (Board members present: William Cossart, Marianne D'Angelo, William Keller, Lisa Eggleston, Christopher Morely)

Board member Carmine Gentile recused himself from this application due to a conflict of interest.

PUBLIC PRESENT: Robert Quirk, developer; Gerald Cournoyer; David Arons

Mr. Cournoyer requested an extension of time to November 30, 2000, in order to resolve outstanding issues regarding this subdivision.

Mr. Arons, representing the conservator and heirs of the 19.4 acre parcel, who are disputing ownership of the parcel which has subsequently been divided, as described in a letter to the Planning Board dated September 13, 2000, addressed the board. Mr. Arons stated it was premature for the Planning Board to take any action on this subdivision until the title issue has been resolved. He requested he be notified of any future meetings on this subdivision. He had no issue with extending the action deadline on the application.

On Motion duly made and seconded, it was unanimously

VOTED: To grant an extension of time for action on this subdivision to November 30, 2000.

The Town Planner noted that an executed sight easement had been submitted, but authorization to reconstruct the driveways had not.

On Motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing on Willis Hill II to October 25, 2000 at 8:00 p.m.

[This meeting was later cancelled, and the Public Hearing rescheduled for November 8.]

Reappointment of Planning Board Associate Member

On Motion duly made and seconded, it was unanimously

VOTED: To reappoint William J. Cossart as Associate Member of the Planning Board for a term expiring December 31, 2000.

Willis Hill Progress Report

Developer Bob Quirk reported that 10-12 trees will be replaced in the next few weeks, and a paving contractor will be coming to the site soon. Mr. Keller noted that there is still a question whether the roads will be repaved or only infrared patching done. Mr. Quirk responded that some areas will be reconstructed, and infrared will be used only where repaving is not necessary. He would like to discuss this on-site with town representatives.

Ms. Kablack noted that other punch list items are still not complete. Mr. Quirk said that small individual items will be taken care of in the next two weeks. Ms. Kablack will set up a site visit with Mr. Quirk, Bill Place, the paving contractor and Planning Board members.

Scott ANR Plan

Ken Miskevich, attorney for both the attorney and developer, presented the plan and requested endorsement. This is the third such plan submitted by the applicant. They are trying to sell lots 6 and 7, which include the existing farm house. All the lots are conforming frontage lots.

Chairman Keller stated that the Board has been advised by Town Counsel to withhold endorsement because of a title dispute between the Town and the property owners. Earlier endorsements have been withheld for similar reasons.

Mr. Miskevich stated that it is not within the Boards jurisdiction to take this action. He said the law is clear and that the plan presented this evening conforms to the Suddivision Control Law.

On Motion duly made and seconded, it was unanimously

VOTED: To withhold endorsement of ANR plan for property located at Old Framingham and Nobscot Roads, showing 12 lots on 22.81 acres for the following reasons:

1. The ownership of the land is in question and is currently the subject of a dispute in the Land Court between the Town of Sudbury and the owner/applicant;
2. It is not clear that the applicant has the authority or right to proceed with the subject application at this time; and
3. The title to the land is not clear and dividing the land into separate lots may create hardships for potential future buyers of the property.

Mr. Miskevich requested a copy of the Planner's letter to the Town Clerk denying endorsement of the plan.

MAPC Build-out

The Metropolitan Area Planning Commission has been compiling information to provide a build-out analysis. The Board discussed the data provided by the Planning Office and the assumptions behind it. The Town Planner will alert Weston & Sampson (consultants on sewer needs assessment) when the commercial data is complete in order to finish their analysis of Sudbury's wastewater needs.

EDC Focus Groups

The Town Planner stated that 3 focus groups had been conducted at the end of August in order to collect data on retail businesses in Sudbury. A business owner group, a shopper group and an employee group were all interviewed.

Minutes for Approval

On Motion duly made and seconded, it was unanimously:

VOTED: To approve the minutes from the following meetings:

August 2 and 16, 2000.

ANRs

On motion duly made and seconded it was unanimously

VOTED: To endorse as Approval Not Required a Plan of Land in Sudbury, MA, dated September 20, 2000 drawn by Thomas Land Surveyors and Engineering Consultants for Willis Hill Trust showing changes to Lot 3 in Willis Hill.

Zoning Bylaw Revisions

The Town Planner will schedule hearings at Goodnow Library, and publish the hearing dates in the *Sudbury Town Crier*, Town Clerk's office and Flynn Building, and on the Town's website.

There being no further business, the meeting was adjourned at 9:35 p.m.

Minutes taken by J. Kablack.