

Present: William J. Keller, Jr. (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Michael Fee, Jody Kablack (Planner)

The meeting was called to order at 7:40 p.m.

Lotus Blossom Minor Site Plan Review – Recommendations to Selectmen

The Town Planner briefed the Board on the minor site plan changes for Lotus Blossom. The applicant is proposing a 413 square foot addition to the northeast corner of the property. This will require a special permit for a non-conforming structure from the Zoning Board. The Conservation Commission has agreed to the stormwater improvements. The property is within the Water Resource Protection District and is well over the impervious surface; therefore, will require a Water Resource Protection District Special Permit. This application will be submitted and a public hearing will tentatively be held in early September by the Planning Board. Compensation landscaping will be installed where the addition is being proposed.

Lisa Eggleston: Currently, the entire site is paved. According to the plan submitted, they will be putting in a drain line, a catch basin and a water leaching chamber with some runoff to the side. They will be infiltrating with recharge which is beneficial.

Jody Kablack: The applicant is also proposing to enclose the existing porch as well as other facade changes. They will also be adding more seating in the main dining area. They will not be violating any parking requirements.

Chris Morely: Will they be installing a new septic system?

Jody Kablack: No, just a new, larger grease trap.

Chris Morely: It looks as though they are removing the existing porch and replacing it with an enclosed one.

Lisa Eggleston: Are they proposing to replace the curb cut with berm?

Jody Kablack: Yes, they are narrowing it to 40', providing better definition and pedestrian safety per the Town Engineer's request.

Lisa Eggleston suggested putting landscaping as a recommendation around the curb cut to compensate for the additional impervious surface.

Chris Morely recommended narrative on the proposed water quality swale being an improvement to the site. In addition, the applicant has incorporated the Planning Board's recommendations to their plan and has shown a spirit of cooperation.

Jody Kablack: There is a drainage issue off-site, where the applicant does not own, that will need to be addressed by the State. This runoff problem has caused problems with the walkway on the eastern side of the property.

The Planning Board recommends the following conditions:

1. Narrow the easternmost curb cut as recommended by the Town Engineer
2. Installation of landscaping around the curb cut
3. Issuance of a Water Resource Special Permit by the Planning Board

On motion duly made and seconded, it was unanimously:

VOTED: To recommend approval to the Board of Selectmen of the Lotus Blossom Restaurant Site Plan with the above conditions.

Willis Hill II Definitive Subdivision

The hearing was opened; no members of the public were in attendance. The Planner informed the Board the applicant requested a continuation to September.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing on the Willis Hill II Definitive Subdivision to September 10th at 7:30 p.m.

Meeting Schedule

The Planning Board scheduled the following meeting dates:

Tuesday, September 10th

Wednesday, September 25th

Wednesday, October 9 & Wednesday, October 23

Associate Member Interview: Richard Vetstein

Bill Keller asked the candidate to tell the Board his background.

Richard Vetstein: From Framingham, he and his wife moved to Sudbury in December.

He likes to get involved in the community when he settles into a new town. He specializes in real estate litigation, zoning appeals, chapter 40A and various other real estate matters. The Planning Board sounded like a great fit for his interests and experience. He could bring youthful energy where his expertise is needed. He lives near Route 20 and knows it is a hot issue he would like to get involved in; vested interest. Mike Fee asked the candidate's professional relationships and where he earned his experience.

Richard Vetstein: 90% of the time, his law firm represents developers. If a situation had to be litigated, he would get involved. He has appeared before appeals court judges.

Bill Keller: Have you had a chance to read Sudbury's Master Plan?

Richard Vetstein: He came across it on the web and was able to read some of it but didn't spend a lot of time on it. He has not had much experience with Master Plans, but found it to be interesting. When he read it, admittedly it was as a first time home buyer. The Planning Board's former Associate Member, Mike Fee, explained the role of Associate Member. Among obligations, the Associate Member listens and learns; it grooms you to be a member. You fully participate with the exception of voting. It provides a great learning curve.

Lisa Eggleston added the Associate Member is permitted to vote on Special Permits in the event a member is absent.

Richard Vetstein: Is very interested and willing to dedicate his time.

Mike Fee: Chemistry, one that builds consensus, is very important to the Planning Board.

Richard Vetstein: Although he is a litigator, he is not out to look for argument. His mentor was very accommodating; he tries to practice that philosophy.

Bill Keller informed the candidate of the time requested of members which included biweekly meetings average time 7:30 – 10/10:30 p.m. In addition, the meeting packages require 1-2 hours of reading prior to meeting. There is also a call for volunteer occasions.

Lisa Eggleston added the interface with other Committees and Boards. Lisa asked the candidate if he has had any experience reading site plans and if he is familiar with the technical aspects.

Richard Vetstein: Yes, he's had some experience with site plans. Although it probably hasn't been more than 10, they are not foreign to him. He feels there should not be many issues he is unfamiliar with. He added he tends to submerge himself in what he does, taking on an intense attitude.

Bill Keller thanked Mr. Vetstein for his interest and time. The Board still had interview(s) to conduct and would get back to him with their decision sometime in early September.

Forest side Estates

The applicant was submitting a tri-partite agreement for the release of lots from the covenant.

Jody Kablack told the Board in the past, letters of credit issued by banks were not honored when they went bankrupt. This tri-partite agreement is also being issued by a bank (Citizens); however, Town Counsel was very particular to include protective language in the agreement. At its last meeting of July 17th, the Planning Board set the bond amount for Forest side Estates at \$168,000.00.

Mike Fee questioned why a tri-partite agreement was being accepted as opposed to a bond.

Jody Kablack: This is what was proposed by the applicant. It has become commonplace that developers steer away from surety bonds.

Mike Fee: With a bond, you can call it a bond; with this, you have to sue the bank. Would like language included which states if the Planning Board has to sue, we are not responsible for our attorney's fees. He prefers bonds rather than tri-partite agreements.

Chris Morely: Do we have the right to say it has to be bonded by a Surety Company?

Jody Kablack: Will have to check the statute.

Lisa Eggleston: Can the Board accept on the condition the language is added Mike Fee suggests?

Mike Fee: Suggested the following language:

In the event the Planning Board brings suit to enforce the obligations contained in the agreement, the lender and developer shall be jointly and severably liable for attorney's fees and costs incurred by the Planning Board in connection with the suit.

Lisa Eggleston: We should also include the date of expected completion.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the tri-partite agreement, as amended, as surety for the Forestside Estates Subdivision.

On motion duly made and seconded, it was unanimously:

VOTED: To release the lots in the covenant for Forestside Estates Subdivision upon receipt of an amended agreement.

Twillingate Meadows Subdivision

On motion duly made and seconded, it was unanimously:

VOTED: To set the Bond amount for Twillingate Meadows at \$48,000.00

The Board discussed the addition of the language for this tri-partite agreement to be the same as with Forestside Estates tri-partite agreement.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the tri-partite agreement with the condition of the additional paragraph and date of completion.

On motion duly made and seconded, it was unanimously:

VOTED: To conditionally release the lots from covenant for Twillingate Meadows upon receipt of an amended agreement.

Associate Member Interview: Susan Ciaffi

Bill Keller asked the applicant to tell the Board about herself.

Susan Ciaffi: She grew up in Bedford where she served 2 terms on the Cable Committee. She currently is co-chair for the Sudbury Youth Committee for a second term. She plans to stay in Sudbury, likes the Town very much. She is aware that sidewalks are an issue in town and is very interested in walkways.

She is employed at TJX Companies as a Senior Accountant.

Mike Fee: Noticed on your resume, accounting was her specialty at Bentley. What experience could you bring to the Planning Board with regard to Real Estate and Development?

Susan Ciaffi: Finance was her specialty at Bentley. Although she does not have a lot of experience with real estate, she does feel development is being blown out of proportion and is worried about the potential for over-development. In addition, she has concerns about subsidized housing.

Mike Fee: Assumes you are referring to affordable housing, what is your feeling about it?

Susan Ciaffi: Would like to see affordable housing built up in a responsible manner. She is conservative about things and would like the opportunity to monitor it.

Mike Fee: Tell us a bit about your role on the Sudbury Youth Committee.

Susan Ciaffi: She started on the committee in a transition period. They aid in fundraising, chaperoning and as a resource for the Youth Coordinator for high school and middle school youth. In addition, they are forming a Friends in Needs Committee.

Bill Keller: Have you had the opportunity to read the Master Plan?

Susan Ciaffi: No.

Lisa Eggleston explained the functions and responsibilities of the Planning Board.

Bill Keller thanked Ms. Ciaffi for her interest and informed her the Board will make a decision in early September.

Miscellaneous:

Goodnow Road Walkway Update

The Planner updated the Board on the discussion held at a joint meeting she attended with the Board of Selectmen, the Town Manager, Conservation, the Town Engineer, the applicant, the developer and others. They walked the lane for the proposed walkway and agreed Lot 2 had engineering problems. After many concessions, it was decided to hold off on a final decision until the road work was completed. In addition those present on the site walk agreed on the following:

- Should be a stonedust walkway
- The proposed walkway will start at the Sudbury Valley Trustees' property (Hudson Road) away from the road and inside the stonewall. It would continue through the woods to the point across from the vernal pool. At this point, it would

run along the side of the road for a bit then veer away from the road and continue on the other side of Hudson Road. Lots 3 & 4 will have a potential of the walkway very near the front of the houses because there is an 8' difference between the road and behind the stone wall.

- The proposed shoulder grading will be back by the stonewall with a 4' wide stonedust walkway up and over the existing hill.

Chris Morely: Does not approve of stonedust near the road. It would not be maintained and after time would not be a walkway. Does not feel this is what the Planning Board intended.

Both Chris Morely and Lisa Eggleston understood the engineering difficulties; however, in the lower area (closer to Hudson Road) those difficulties are not present. In this lower area, they feel it should be a normal bituminous walkway.

Lisa Eggleston: In the 5' flat paved area, Conservation would have to provide proof that it's harmful to the species (salamanders).

Jody Kablack: Feels this current plan for the walkway was a good concession

Lisa Eggleston: Added concern particularly by embankments with stonedust, you will not be able to plow the shoulder. Also feels there should be something at the end of the street (Hudson Road) for the kids waiting for the bus away from the street.

Chris Morely requested the reason why the walkway could not go on the other side of the stonewall.

Lisa Eggleston recognized the engineering difficulties for portions of the walkway but not the entirety; does not want stonedust along the side of the road. She noted it was ironic; adding a walkway to the side of the road is more of an impact than widening the road would have been. She suggested the Planning Board offer a compromise; recognizing the engineering difficulties on the south side of the road in the upper portion not to construct this section, however, constructing to full standards in the lower portion. Bill Keller concurred with Lisa Eggleston. He also feels there should be a small paved area just inside the stonewall down to the end of Hudson Road for pedestrian safety. Putting an area next to the roadway with no separation from the pavement does not serve any purpose.

The Board continued discussion and instructed the Town Planner to draft a response to the Selectmen.

Dakin View Bond Reduction

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the Performance Bond for Dakin View Subdivision by \$13,862.00.

Ironworks Farm Subdivision – Bond Release

Jody Kablack: Taintor Drive was accepted at Town Meeting, the islands are in. She suggested the Planning Board release the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To release the bond for Ironworks Farm Subdivision.

Greenhill Estates Subdivision – Bond Release

On motion duly made and seconded, it was unanimously:

VOTED: To release the \$4,000.00 Cash Bond for Greenhill Estates.

ANRs

Applicants: Erik & Jodi Levy - 20 King Phillip Road; to change lot lines.

The Planner briefed the Board on the application. It is a landlocked parcel which was recently sold; a house was built and the access to the property was not good. This application proposes a 20' wide right of way access in a better location. It does make this a non-conforming lot (perimeter ratio), the bylaw states not to create a lot less than 50' in width for building purposes, but provides access while preserving trees.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Levy ANR Plan of Land at 20 King Phillip Road.

Applicant: Ledge Hill, LLC – 40 Tantamouse Trail; to change lot lines

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR Plan of Land for 40 Tantamouse Trail.

There being no further business to discuss, the meeting was adjourned at 10:20 p.m.