

Present: William J. Keller, Jr. (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Eric Poch (Associate, arrived 7:50 p.m.),
Jody Kablack (Planner)
Absent: Michael Fee

The meeting was called to order at 7:45 p.m.

Public Hearing on Zoning Articles – Submitted for 2004 Annual Town Meeting

Bill Keller opened the hearing and explained that the Planning Board is required by law to hold a public hearing on all zoning proposals for Town Meeting. There were originally 5 proposals; 4 submitted by the Zoning Board of Appeals and 1 submitted by the Planning Board which were all listed in the hearing notice. The Zoning Board has withdrawn their 4 proposals so only the first one listed on the hearing notice (Section 3200, Signs and Advertising Devices and Section 7000, Definitions) will be discussed tonight. At this point, the hearing was open to the public.

Bill Keller read into the record comments which were emailed to the Planning Board prior to the hearing.

- Exhibit 1 - email from Pat Delaney
- Exhibit 2 - email from Craig Wambolt
- Exhibit 3 - email from Joseph Green

Charlie Brower; owner of Cloud 9 Toys

Given the ones which were stricken, what is being discussed?

Jody Kablack: The Planning Board is proposing a major revision to the sign bylaw which is explained in the handouts provided tonight as well as on the website.

Hale Lamont Havers:

Has two concerns, the first with the A-Frames and the proposed \$50/week fee. This is a great hardship on small businesses who are already struggling. Feels this is exuberant and not the way to proceed.

The second concern is with regard to the Directory Signs. Many small plazas such as the Wayside Plaza have them however, the larger ones, Sudbury Crossing, Sudbury Plaza and Mill Village do not. The Sudbury Plaza stores were hit hard by the Shaw's renovation and by the parking lot; they need assistance.

Bill Keller: Those are valid points; the articles were drafted with the intent to be more business friendly.

Charlie Brower: Has seen freestanding signs, sandwich signs and large freestanding signs for years that legitimizes what is not conforming with the bylaws. The Board has given in to large malls and gone after small businesses that already pay enough. Do not ask the small businesses for more money. Would like to have freestanding signs with the

business name and sandwich boards for less visible stores allowed. The thrust of what he is concerned with is the \$50/week fee; really hits where it hurts.

Chris Morely: The idea behind that was to reduce the number of sandwich board signs.

Charlie Brower: A bigger sign, even a lit sign does not help him. What does that \$50 really do? It feels as if it is a penalty.

Jody Kablack: The \$50 fee was a way to raise money for sign enforcement which is a very large issue that takes time and money. She understands the point being made. The new provision will not legitimize signs you mentioned. Signage must be in conformance to get freestanding signs. They are discussing ways to enforce and what is legal when a new business comes in and changes panel signs. The freestanding sign was a way to get them in conformance. The A-frame signs are legitimate ways to advertise; would like to extend to those who pay.

Bill Keller: The attempt here is to allow businesses to do a little more than they are currently allowed. Unfortunately the common thought in the Town is to oppose sign changes such as Mr. Green states in his email that was submitted to record. The Town Boards are more receptive to loosening things up a bit.

Charlie Brower: Admires what the Board is trying to do. With the article as proposed, he would like to see fees decreased.

Bill Keller: Last year the Planning Board attempted to change the sign bylaw after many complaints from businesses. No business owners showed up for Town Meeting to support it.

Charlie Brower: Part of the reason for that was if you are not a resident, you can not vote.

Bill Keller: Yes, but non-residents can speak with permission of the hall when you have valuable input such as in this case.

Charlie Brower: Would be happy if it went as proposed, but thinks there should be more equity without just sandwich boards. For example, what if there were a one time fee for sign design?

Bill Keller: That is a good idea.

Nick Palermo; Chamber of Commerce member.

Would like to comment on the summary sheet hand-out, specifically bullet 3 under the major changes since the 2003 proposal. It should be clarified that is still an increase to what currently exists.

Jody Kablack: Yes, the proposed bylaw increases from 30 to 65 square feet the total signage allowed.

Nick Palermo: It gives the impression it is being reduced the way it reads. He also stated the Chamber of Commerce is behind the Planning Board 100% and thanked them for their efforts. With regard to section 3271, Banners on light or utility poles on public or private property. Utility poles are private property; should go to the Selectmen with respect to utility poles on private property.

Jody Kablack: Can change the wording on that section to clarify it.

Nick Palermo: A further request is to increase the percentage of verbiage allowed on each banner from 15% to 20 or 25%. Some businesses with long names end up in very small type.

Lisa Eggleston: Without revising, the existing zoning is already 15%. Hasn't this been working?

Eric Poch: What is the process to hang the banners, who authorizes?

Jody Kablack: It is a special permit by the Zoning Board. The banner program is working; 15% is not an issue. Would rather focus on signage for business owners to prioritize and not touch this. The regulations on banners has always been there.

Nick Palermo: But there are complaints on the size of the lettering on banners by the business owners who pay for them. They say it can't be seen as you drive by and ask for more than 15%.

Both Nick Palermo and Charlie Brower thanked the Board for their work on this proposal and felt it was a move in the right direction.

Bill Keller asked if there was any further comment. There was none.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on Zoning Articles for the 2004 Town Meeting.

Endicott Woods Preliminary Subdivision (821 Boston Post Road)

Present for the applicant: Myron Fox (Attorney), Bruce Ey (Engineer), Joseph & Barbara Ciampa (owners)

Myron Fox: Joseph and Barbara Ciampa have owned 821 Boston Post Road for 28 years. They are proposing to subdivide 5 ¼ acres into 3 lots; the existing home will stay with 2 new house lots. It is located on the south side of Boston Post Road with Orchard Hill to the east and Peakham Road to the west. The waivers they are requesting include:

- waiver of road construction to a private way
- 10% slope instead of 6% slope; if they were to do a 6% slope, it would devastate the area; the top of the road would be a 22' cut and 11' cut at the bottom.

Currently there are two driveway entrances to the existing house at an 18% slope; 10% with a 30' leveling at the street would be much safer. All three homes would access the private way.

The current septic system is failing; the new septic system would be further to the west and up to standards. In addition there is currently a large hill behind the house which allows water to run across the two driveways to the east, picking up pollutants and going into the wetlands. This proposal eliminates that system and replaces it with a better system. Although it is just a preliminary plan being presented tonight, the applicant has

provided a lot of detail. They have met with the Conservation Commission and will be filing a Notice of Intent. They have also met with other Department Heads.

Bruce Ey: As Myron has stated, the property is 5.21 acres; requirements for this zone being 60,000 square feet with 210' frontage. The lots slightly exceed the minimum lot size with a range from 60,940 to 77,363 square feet. Currently, the access is a loop driveway at an 18% slope with very little leveling to get onto Route 20. This proposal provides one common driveway for all 3 lots which is much safer. It is proposed with an 18' width, the slope on average is 10% from back to front. There will be 3 separate septic systems on the property. They will be moving one over to the front yard; the other 2 areas with acceptable soils were way in the back. Water flows down into the wetlands, very marginal wetlands.

Lisa Eggleston: Is there a drainage easement on the property currently?

Bruce Ey: No. There is a ridge of bedrock behind the barn that has caused a swale to form – no depth where the water ponds, flows over the swale, down the driveway and into the soil. The water gets to that point, seeps down and leeches into the natural soil. Sometimes it causes damage to the existing driveways (Elizabeth Foley, neighbor). This proposed drainage system diverts it into Route 20 drainage and puts it into a headwall. They are meeting DEP standards with the leaching chamber system, most of which will go into the ground and recharge water tables. It will collect in a deep sump catch basin through a culvert on Route 20. Elizabeth Foley has asked for Town water via an easement to bring a service to tie into. Her garage is about 10' off the wetlands; some of her run-off has been diverted into the town drainage. This proposal will resolve that issue. The applicant was also asked to provide a lay-out of the conventional subdivision, which they have. Road design was shown; 50' level strip at a 2% entrance; 6% maximum at the cul-de-sac; 100' at 2%. Grading at the very deepest cut of the cul-de-sac will be a 22' cut with an 11' cut at the other side of the cul-de-sac. There will be a 5' retaining wall on the left side continuing up to a maximum height of 22', which may seem extreme, but it is being done. The septic is still in the front. The circular driveway will be eliminated. They will also provide evergreen screening as required by the neighbors. Elizabeth Foley asked not to have a lot of street lights. There will not be further development, just the two houses.

Bruce Ey: With the common driveway, the homeowners may want to leave the barn but this plan takes it down. They are not altering the hydrology or wetland system. As Myron stated earlier, they will be filing a Notice of Intent with Conservation.

Jody Kablack: If the barn remains in the Right of Way, you will need a variance from the Zoning Board of Appeals.

Bruce Ey: The waiver on the rounding of the road was left off because it connects to the edge of way so far back to Route 20.

Lisa Eggleston: With regard to the storm ceptors, will there be a Homeowner's Association?

Bruce Ey: Yes. A common driveway works well for crossing the swale and for access to the house. They will also speak with Mike Dunne (Fire Chief) regarding the turn-around.

Lisa Eggleston: The 30' level area – is it on the property or does it include the Right-of-Way?

Bruce Ey: It includes the Right-of-Way.

Jody Kablack: Will ask Bill Place what he thinks of the 30' leveling instead of 50'.

Bruce Ey: By moving the driveway 250' to the east, it improves sight distance. It provides a good, safe access, especially compared to the two current driveways.

Lisa Eggleston: Be sure to speak with the Fire Chief about the turn-out.

Bruce Ey: 18' should be sufficient.

Lisa Eggleston: What about the abutters to the rear of the property line?

Bruce Ey: No issues; on the corner of Brimstone, they aren't even close and there is no development close by.

Jody Kablack: Will you be filing the Notice of Intent prior to the Definitive Plan?

Bruce Ey: The Conservation Commission has walked the site with him. They can not assess yet due to the icing. However, spot elevations do not meet the definition of a freestanding vernal pool. They will have a wildlife biologist review it. They most likely will file the Notice of Intent around the same time as the Definitive Plan. The bordering vegetative wetland was used for paddock so it shouldn't hold water. They are treating it as a jurisdictional wetland, also as if it were a vernal pool.

Bill Keller thanked them for their presentation. In terms of waivers they have shown it can be built and he did not believe there were any outrageous waiver requests.

Ti-Sales Minor Site Plan Discussion

Present for Ti Sales: Richard Leaf (Architect), Steve Pool (Engineer), Dave Zanca (Surveyor), Kevin & Burt Tighe

Dave Zanca: The site is located at 36 Hudson Road. The existing site was reviewed. The wetlands tie into the property. Basically, they are proposing a small addition off the front of the main building with parking in the front being maintained and some additional parking in the rear. The drainage will be put in ground in back of property.

Richard Leaf discussed the building design. The addition will be going in the front of the building with 1,900+ square feet for office space and a conference room on the second floor (to accommodate approximately 20-25 people). The addition will come out 25' from the body of the building. The front of the addition is subtle; they will follow the roof pitch. Any rooftop mechanical units will be behind so it won't be visible. The exterior will be stucco.

Chris Morely: Is there a stone retaining wall that exists now in the railroad Right-of-Way?

Kevin Tighe: Yes, they were cold storage bins a long time ago.

Jody Kablack: This is a minor Site Plan which they are attempting to expedite. The Selectmen have their Public Hearing scheduled for the day before the Planning Board's next meeting. There are not many issues. Access/egress issues that already exist, cannot be solved. Bill Place recommended the applicant approach neighbors to cut vegetation.

The site is fairly well developed – they have made drainage recommendations to the applicant for the back portion of the site. Nextel is under construction now to put up a cell tower in the back.

Chris Morely: Is the paved driveway in the Commonwealth of Massachusetts' Right-of-Way?

Dave Zanca: Yes.

Jody Kablack: The Selectmen may have issues with landscaping. The buffer reduction requested is on the east side, but the Selectmen are concerned with the west side. They are trying to make distinct access to the Recreation field other than Ti-Sales' driveway, which seems to be working.

Lisa Eggleston: If there were ever a change in use the site should be revisited. She encourages the use of gravel for parking rather than impervious surface. With regard to infiltration and the catch basins, how deep is the groundwater? Is there adequate depth?

Steve Pool: The groundwater is 7' with a low point where it hits prior to spilling to Town property.

Bill Keller: What do you do for sales meetings currently?

Kevin Tighe: We have a conference room but it is too small.

Bill Keller: Is business doing well? Kevin Tighe: Yes.

Bill Keller: Likes to encourage small businesses in the community.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend approval of Ti-Sales Minor Site Plan renovation to the Selectmen with comments made by the Planning Board.

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Feeley Field Access

The Board addressed Feeley Field Access first as three residents were in attendance: Bettina Westerberg; 239 Raymond Road, Gail Kessler-Walsh; 236 Raymond Road and Elizabeth Canella; 245 Raymond Road.

Jody Kablack: Bill Place drew up alternatives where access could go for the SRC proposal, The Meadows. He advised the Planning Board to request the applicant provide plans for road improvements to Maple Ave. with the Definitive Plan submission. Both Bill Place and Mike Dunne requested a road expansion to 20'. Bill Place would like 2 means of egress as opposed to an extension of a dead end street.

Lisa Eggleston: Although they have recommended widening Maple Ave. to 20', she is reluctant to see that dramatic of an impact.

Jody Kablack: Town meeting is forcing discussion. The Board needs to talk about alternatives but doesn't need to do that at this point.

Gail Kessler-Walsh: Most impacted as she lives on the east side of the street right next to the proposed entrance. It directly impacts her way of life. The original plan was for a small emergency path with improvements to Maple Ave.

Elizabeth Canella: It was implied if access was out to Raymond there would be parking improvements. There was an implicit understanding there would be permission for construction access. That is a big deal; why can't Feeley Park get landscaping improvements for granting construction access alone? Why make this access permanent?

Lisa Eggleston: No construction should happen while Feeley Park is in use.

Elizabeth Canella: Glad to hear a Board Member had that opinion. If construction was to occur while Feeley Park is in use they would need police detail at least.

Chris Morely: If they avoid cutting trees on Maple Ave. then six homes on Raymond Road will be affected.

Gail Kessler-Walsh: Safety is an issue as well as getting onto Route 20.

Chris Morely: There is a problem with speed at that corner.

Eric Poch: The sketch done by Bill Place is better than the proposal of Maple Ave. for site access reasons but it is very premature at this point. There are other processes this must go through first.

Lisa Eggleston: What was the tone from Park & Recreation at their meeting last night?

Gail Kessler-Walsh: Left the meeting with the feeling Park & Recreation heard their concerns and believes they concur. This is a very hard issue; she also loves Maple Ave. but they have had improvements with the walkway to accommodate increased traffic. Feels Maple Ave. should be required to undergo similar upgrades.

Elizabeth Canella: Is it realistic to think they will have a definitive plan showing what will happen to Maple Ave.? She is uncomfortable going to Town Meeting without that plan.

Jody Kablack: Thinks they will submit that plan prior to Town Meeting. The applicant is looking for approval by April.

Lisa Eggleston: These sketches by Bill Place are not definitive either. There is room for input and refinement.

Elizabeth Canella: But there is no obligation to have Raymond Road information prior to Town Meeting?

The Board responded that the Board cannot force the developer to submit the plan.

Gail Kessler-Walsh: The impact on Maple Ave. is not as detrimental as to Raymond Road where there is already much more traffic.

Chris Morely: You must be equally upset about losing your buffer?

Gail Kessler-Walsh: Yes.

Jody Kablack: The Selectmen are doing the same fact finding process. The Planning Board will write a letter to the applicant requiring the plans showing road improvements to Maple Ave.

Lisa Eggleston: Also ask that a 20' width be shown and that they provide an alternative width for the Board to consider.

Bill Keller: Would there be any advantage to you if the road went through Maple Ave. coming north off Raymond Road for cut-through reasons?

The residents responded there would not be. They opined all the houses on Maple Ave. would use Raymond Road as a cut-through.

Eric Poch: We cannot approve the developer's access to Feeley Field until the road access is approved at Town Meeting. This is so far from being done.

Chris Morely: We are also not bound to consider access through Feeley Field by any Town Meeting decision.

Lisa Eggleston: Can the Planning Board approve the SRC without authorizing an emergency access easement?

Jody Kablack: Yes. Would have to clear an area – need Town Manager or Park and Recreation approval but not legislature. The Board may want authorization of an emergency access easement.

ANRs

Sudbury Valley Trustees ANR Plan of Land – 2 new lots
Old Sudbury Road (Wolbach property)

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Sudbury Valley Trustees ANR Plan.

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Jody Kablack: Maureen Valente has requested she be co-author of the walkway warrant report. The Board approved.

Cutting Property:

Jody Kablack: The Finance Committee approved the CPC funding. Does the Board also want to do a letter to the Editor?

The Board requested the Planner draft a letter to the Editor on the sign bylaw as well as a letter on Cutting to encourage voters to go on SVT walks.

Environmental Summit

Scheduled for March 15, 2004.

Jody Kablack: Letters went out requesting consultant help with the Water Resources Bylaw.

There being no further business, the meeting was adjourned at 10:45 p.m.