

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

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

***The Meadows Preliminary Senior Residential Community Plan
Continuation of Public Hearing***

Bill Keller reviewed the materials received to file since the last meeting on January 14, 2004.

Myron Fox: At the January 14th public hearing, the Planning Board had asked the applicant to provide additional traffic data which they provided this evening. The report shows data for accidents between 1998-2000 from MassHighway on Route 20. If the applicant were to get more recent data, it would have taken more time (and money) and they would not have had it for tonight's meeting. That is how records are kept at MassHighway. The report shows an average of four accidents between 1998-2000 along Route 20 and Maple Ave. The portion of Boston Post Road surveyed by MassHighway was #370 - #429. The majority of the accidents were rear end collisions, which indicates it was from traffic on Route 20. The traffic volume data showed heavy traffic during the morning hours (7 vehicles on Maple Ave.) and p.m. hours (6 vehicles on Maple Ave.). The chart on page 3 of this report shows residential single family development peak morning hour trips daily volume of 86. This number is too low as they are dealing with 3 and 4 bedroom homes. The first column of that chart was data collected from Springhouse Pond. The numbers would be as skewed when the condominium unit is priced between \$600 -700,000; would be lower as owners typically travel during summer months.

Mike Fee thanked the applicant for their time, effort and expense to provide this information.

Myron Fox: They have spoken with Park & Recreation regarding Feeley Field access. In addition, they have also spoken with Cheryl Salatino. Primary access through Feeley Field is wanted by the Maple Ave. residents.

Bill Keller: What about the water line?

Myron Fox: The Water District said it would be through Feeley Field, looped over in the front of their proposal.

Bill Keller: The existing water line comes up Maple Ave. and ends? Myron Fox: Yes.

Jody Kablack: Did the Water District indicate where it would be looped?

Myron Fox: Not at this stage. No utility upgrades would be necessary; electric, gas are already set. The preliminary fill calculations have been provided. They will need to bring in quite a bit of fill; 24,000 cubic yards with approximately 20 cubic yards in a truck should take about 37 ½ days (4 trucks, 8 loads per day). The applicant was asked

for architectural renderings and to move the emergency access by the tennis courts. The proposal is still 22 two bedroom homes and 1 one bedroom home. They have also prepared floor plans.

Mike Fee: What is the building top size?

Alan Marrone: 145 x 70 with decks for 3 units.

Lisa Eggleston: Looking at nine buildings which could be single family homes clustered together. Has there been any thought to how the buildings would be rearranged should the access road be through Feeley Field?

Myron Fox: There would be sufficient room.

Mike Fee: What is your position on Feeley Field access?

Myron Fox: We are fine with that.

Mike Hunter: Would it still be a private road? It's Park & Recreation land.

Myron Fox: There would probably be an easement; privately maintained, public use.

Mike Hunter: You're taking Park & Recreation land and making it a private use; blocking it so it is a private road. What about Raymond Road residents?

Myron Fox: That may or may not be an issue, but it will be for Town Meeting and the legislature. A warrant article is already in, submitted by the neighbors asking for an easement. The applicant will not object. It would then go to legislature. There would be a trail for pedestrian traffic to walk down Maple Ave. to Route 20.

Steve Bradford: Since the petition for the article was by the residents and not the developer, he feels he should speak. They had given a similar presentation to the Board of Selectmen. The petition explained the article; they didn't question residents but took minutes (last Tuesday). They have also spoken with Conservation regarding the wetland issue at lower Feeley Field. They will recommend upper Feeley Field access

Bill Keller: Are they taking from the tennis court or just the parking lot?

Steve Bradford: Just the parking lot. Bill Place had met with them and said a road could easily be designed through the parking lot. Deb Dineen thought connections through private property to public land would be good.

Bill Keller: You aren't contemplating traffic going from Maple Ave. to Raymond Road?

Steve Bradford: No.

Mike Hunter: This plan before us only uses Maple Ave. Basically it is being shifted from one neighborhood to another, Raymond Road.

Myron Fox: We didn't have permission to do anything else. The Planning Board could put it in their decision that it would be mandatory to use as a primary access. The applicant is not looking to take away from public land.

Mike Hunter: But it would go through what exists which is public land.

Myron Fox: They cannot show access through Raymond Road.

Lisa Eggleston: For tonight's vote, the Board needs to determine whether the SRC can proceed to a definitive plan with the conventional plan having been shown.

Bill Keller: Is there anything else the applicant needs for the preliminary plan?

Myron Fox: We need approval for the density plan. It has been approved by other Boards. It is within regulations and we ask for density approval in order to proceed.

Lisa Eggleston: Do we need a position on access prior to ruling?

Board members and the Planner responded that was not necessary at this stage.

Mike Fee: In his opinion, the applicant has demonstrated it can be built as drawn with access from Maple Ave. He has serious reservations about that access. As the plan proceeds, they need to balance the impact on Maple Ave. and Raymond Road.

Lisa Eggleston: The Board needs to determine whether it's feasible to build a nine lot subdivision.

Eric Poch: An area of concern is obviously the access which is not to be determined at this point, but worth commenting on.

Jody Kablack read the findings in the bylaw and what the Board needs to know to vote on the preliminary decision.

Bill Keller: It appears we can rule on a preliminary basis and then require more for the definitive stage.

Jody Kablack: The applicant has done a lot of work for this stage of the proposal. They have submitted what we asked for to date.

Christa Van Dijk – Sudbury Historical Society:

Both she and Alex Frisch (former member of the Historical Society) are concerned with this proposal. She would like to ask that the Planning Board keep it in mind that the Mill Village Historic District could be developed. Also wanted to stress the impact it would have should that development occur.

Bill Keller: That would also be considered at the Definitive Stage.

A new resident to Maple Ave. (2 months there) commented (did not give name).

She has seen at least four accidents since moving there and feels a further traffic study maybe necessary.

Bill Keller: The Police Department would have additional data.

Bettina Westerberg: 239 Raymond Road

Commented that it is not just about Raymond Road and Maple Ave. It is an issue of children's safety. Having a road go through the parking lot where recreational activity occurs is not a good idea.

Bill Keller: Before any road can go through a parking lot, it would have to go before Town Meeting.

Bettina Westerberg: Are all residents made aware of the issue prior to Town Meeting?

Jody Kablack: All residents receive a Town Warrant with information on all proposals to be voted on at Town Meeting.

Bettina Westerberg: Had some photographs of accidents she wanted to submit to file.

Liz Canella: 245 Raymond Road

School buses will not stop at that point in the road as it is too dangerous.

Helga Andrews: 11 Maple Ave.

Do the trees on Maple Ave. belong to the Town? What's the process to decide if they are taken down or not?

Jody Kablack: Any tree in the right-of-way belongs to the Town. There would be a public hearing for every tree needed to be removed.

Steve Bradford: There was a neighborhood meeting for upper Feeley abutters only. The neighbors were comfortable with the idea. Yesterday, they met with Park & Recreation, who is also supportive. They will talk with the Conservation Commission.

Mike Fee: At the last meeting, design elements were an issue. Do the residents have any feedback on what the applicant has provided?

Jim MacDonald: 31 Maple Ave.

Offhand, it looks attractive. However, the garage is prominent and takes over the elevation; the house is hidden. Would rather the garage was behind the house or set-back.

Mike Fee: Are the garages facing each other? Myron Fox: Yes.

Bill Keller: The intention now is at the definitive stage. The applicant will include access through Feeley Field if approved by the Town. If not successful, access will come through Maple Ave.

The Board discussed Town Meeting and the hearing process for the definitive stage.

Bill Keller: If access goes through Maple Ave., changes through Maple Ave. may occur which cannot be determined at this time (potentially widen road, tear trees down).

Steve Bradford: Can the Board tackle those issues sooner rather than later? Can you tell the residents what the road could be widened to?

Jody Kablack: The maximum for a public way would be 24'.

Bill Keller: So Maple Ave. could potentially be 22-24' wide.

Jody Kablack: Bill Place recommended the Board require a plan showing improvements to Maple Ave. conforming to a standard acceptable to Planning Board requirements. The preliminary plan has no legal standing.

Tim Walsh: 236 Raymond Road

How often has a preliminary plan been denied?

Jody Kablack: There has only been one other SRC proposal, which was approved.

The Board was asked for guidance on the approval process by a resident.

Jody Kablack explained preliminary requirements for special permits which flush out issues and gains scope. It proceeds to a definitive plan which provides much more detail of what is built. The Planning Board process is separate from Town Meeting and can last several months. Town Meeting happens to be in the middle of this application process so there may be issues with dates. The Board can ask for an extension until Town Meeting votes on access. The Board has to follow deadlines when a definitive plan is submitted.

Cheryl Salatino: She and Steve Bradford have done a lot of work. It will obviously be important to have Town Meeting support. Does the Board have any suggestions how they could get that?

Bill Keller: Prior to Town Meeting, ask the Board to get on an agenda to take a position.

Jody Kablack: The application will be well along at that point; the Board should be able to have a position before Town Meeting.

Mike Fee: It clearly is a threshold issue for all of us. The Board should have a position by Town Meeting.

Lisa Eggleston: You will need the position of the entire Board, not just representatives. Lisa requested when the definitive plan is submitted that the Raymond Road residents be notified as well.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on The Meadows Preliminary Senior Residential Community Plan.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the 9 Lot Density Plan for The Meadows.

Bill Keller thanked everyone present for their interest and attendance.

Discussion with the Zoning Board of Appeals - Sign Bylaw Articles

Zoning Board members present: Jonathan Gossels (Chairman), Jeffrey Klofft, Pat Delaney, Elizabeth Taylor and Tom Phelps. Also present was the Building Inspector, Jim Kelly and Selectmen Larry O'Brien.

Bill Keller thanked the Board for coming in to discuss the sign bylaw with respect of politically working with the business community and the bylaw amendment the Planning Board proposed. Opened the floor for discussion.

Eric Poch asked the Zoning Board what was the impetus for their amendments, who were the constituents they served?

Pat Delaney: The Zoning Board likes to avoid articles at Town Meeting which they have to render decisions on. For example, the table with the setback and frontage area is the subject of the cases they have. They would rather leave adjustments of the bylaw to others. As the Town Zoning Board, they know what works and what is clear, but cannot make a contribution the way the law is presented, worded and administered. The top 3 goals of their amendments are:

1. Make the bylaw more clear
2. Enable it to be applied more uniformly
3. Enable it to be administered quickly

The Zoning Board looked at areas they thought they could approve. In answer to Eric's question, who the constituents being benefited are – there are no specific constituents, it's more general. Their articles dealt with the permit granting authority which has an error in it. It was contradictory with regard to the Design Review Board if it doesn't react. They believe most signs in town are denied – they want them to look good and should be reviewed by the Design Review Board but the DRB is an additional step. How can we get the best of both worlds; review by the Design Review Board while streamlining the process? The Zoning Board believes review by the Design Review Board should be

optional. The Building Inspector should determine if DRB review is necessary, if an application is controversial. If he deems it not to be, then the application goes through faster. The Building Inspector would probably continue to direct the applicants to the Design Review Board, but this reserves the option to do that.

Grandfathering was another article the Zoning Board proposed. This is a much more controversial topic. These special permits are for situations where the owner of a property has retained a special permit or changes to it that make it non-conforming. This is a sensitive subject with regard to sign laws. It gives way to unequal treatment, business owners can't put up the same signs. If Town Meeting prohibits something, applicants apply to the Zoning Board for a Special Permit. It doesn't require a lot of legal justification. The text to assist the Zoning Board has no substance, the guidelines are not specific, saying that it should look good and also saying it should promote visibility. The Zoning Board would like to reduce the scope and circumstances of waivers for granting special permits. Currently, there is a provision for a reason for approving a waiver; lists public purpose for granting a permit (visibility); directory signs – public safety. Will still be a special permit – thus 2 different owners have 2 different signs but now there would be a reason. Having alternates on the Board means that decisions vary – the idea is to eliminate granting waivers as being seen as adversarial.

Jeffrey Klofft: This requires more input by the applicant.

Tom Phelps: Is in agreement with the Planning Board Ad Hoc article.

Jody Kablack: In the larger article it is not the same wording by the ZBA at all.

Pat Delaney: The third article regards changing waivers; starts with an error stating erecting a sign is re-lettering and goes on to say it is not re-lettering.

Mike Fee: How is that consistent with 40A grandfathering?

Pat Delaney: That is a good question. They need Town Counsel advice. A couple of towns have text with a rolling schedule presumably approved by the Attorney General.

Mike Fee: Who told you that? Would be curious to know.

Pat Delaney: If Town Counsel advises they cannot do this, they will need to do something else instead of a rolling schedule; they get 7 years to bring up to code. Also, there is the expense of changing signs and the Building Inspector will be caused much trouble and work. There are between 3-4 dozen signs which are non-conforming. With regard to the setback table, the Zoning Board would like to see it cleaner. The meaning of the table or its contents may need to be changed.

The Zoning Board cannot as a Board enforce AdHoc – they need to be viewed as impartial.

The Boards continued discussion on the position of the Zoning Board for the bylaw articles and a compromise for both Boards and their positions.

Twillingate Subdivision – Request for Bond Reduction

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the bond amount for Twillingate to \$13,100.00.

Town Meeting

The Town Planner briefly commented.

No major changes to the freestanding sign. For the freestanding business sign, it will be a separate article with a change to allow businesses with greater than 250' of frontage to be able to get freestanding business signs.

Warrant Reports -

CPC Walkway Article; the Planning Board has been a proponent of this article from the beginning. The Board approved the Planner's request to submit a report on the article.

The Planner will write a letter of support for Demolition Delay and the Cutting Proposal.

Sudbury Valley Trustees ANR: 3 lots proposed. They will be meeting with Conservation on Tuesday.

There being no further business, the meeting was adjourned at 11:15 p.m.