

Present: Michael Fee (Chairman), Lisa Eggleston, Michael Hunter, Christopher Morely,  
Eric Poch, Jody Kablack (Planner)

The meeting was called to order at 7:05 p.m.

### *Associate Member Interviews*

The Board conducted a second round of interviews for the Associate Member vacancy.

#### *Todd Donaldson*

New to the area; has been in town for one year. He has read the Master Plan; the values of Sudbury are very attractive to him. He has 5 children he wants to raise them in this community. He has been employed with EMC for 19 years with some time spent living in Colorado. It is his desire to give back to the community; he has an interest and passion in community development. He was the President of a condominium association for five years during which, he obtained Design Review Board experience. Denver has urban infield lots; he was involved in an urban infield project for one year. His professional background includes Real Estate vestment.

Mike Fee: The Planning Board struggles to implement the Master Plan. Are there points contained in the Master Plan which you find compelling or points which are outdated?

Todd Donaldson: A topic which did stick out for him was the eroding commercial tax base and the idea of sustaining economic value in Massachusetts. Also a big area of interest for him is the economic development of Route 20.

Mike Fee: You referenced building and commercial tax base; how would you approach that?

Todd Donaldson: It is something that has to be studied. There is much disposable income in this town which could be taken advantage of. It would be a matter of blending utility versus attractive field. He sees the same problem with the Master Plan as in the business world; attracting revenue with competition. It needs to be analyzed and studied, to determine what people want (questionnaire) and what other towns offer.

At this point, the Board explained the role of Associate Member to the 3 applicants.

Jody Kablack: The Associate Member sits as a sixth member and is requested to be present at all meetings. There is little voting privilege as an associate member; only in the case of an absence of a full member on special permits. However, the associate member participates fully in all public hearings and discussion. It is an effective way to learn the ropes prior to becoming a full member, which is an elected position via ballots for a three year term.

Mike Fee: You can make yourselves more valuable by sitting on other committees or sub-committees as well. He would urge the associate member to take a role in addition to the Planning Board.

*Janie Dretler*

She and her husband moved to Sudbury four months ago from Somerville. They both grew up in this area and have family here (Wayland) so she is familiar with the area and thinks it is a wonderful community. She had been working for the State Street Corporation in downtown Boston where she sold investment administrative services and converted accounts. Last year she took the buy-out offer from State Street which provided the opportunity for change. Her background is varied; last year she started her own company as a professional organizer. In addition, she started doing charity work (early childhood education group). She has volunteered with the Sudbury Valley Trustees the last 2 months, twice a week to help with the website. This has allowed her to become very familiar with their properties. She has a great ability to encourage interaction; a skill she believes would be beneficial on the Planning Board.

Mike Fee: Hypothetically, there is an application before you for a senior residential development with a competing design of a 9 lot subdivision and very angry neighbors. How would you approach the situation?

Janie Dretler: Her top priorities are diversity and affordable housing. She would educate herself and learn each group's issues. Communication among all parties would be crucial.

Mike Fee: From a Planning Board standpoint, would you support a one acre subdivision or a cluster with affordable housing components?

Janie Dretler: The Master Plan supports cluster development, which at first she was taken aback by, but realizes it is beneficial for open space. Her position is one where value is in more open space.

Chris Morely: What is your feeling regarding sewers on Route 20? Route 20 is not well built; he feels sewers are a necessity.

Janie Dretler: From a task value and assessment, she supports it. She values community development; commercial property provides ways to do that on Route 20.

Chris Morely asked Todd Donaldson the same question.

Todd Donaldson: It is a way to get commercial areas to another level. Sewers are necessary, but it's about costs. Change is difficult but better managed through listening and engaging in talk with people in the community. The eroding tax base was a big concern to him as he read the Master Plan.

Janie Dretler: Feels comfortable paying more taxes to keep the character of the Town in tact.

*Michael Keegan*

Has lived in Sudbury for 8 years; loves being a resident here. He also has relatives in town and is interested in making a contribution. He is familiar with many issues the Board deals with and acknowledges the thought and debate process. His background includes construction equipment sales, high technology marketing and internet. He currently runs his own business and is therefore familiar with the small business as well as large business interests. He believes his business and sales background offers diversity to the Board.

Mike Fee: While the Master Plan is well crafted, it is full of inconsistencies (open space and commercial development). What tools would you provide to balance these interests?

Michael Keegan: He agrees almost 100% with the objectives of the Master Plan; preservation of open space and business base development diversity. He believes it is impossible to create a document of that magnitude without ambiguity. He brings another head to come up with ideas.

Mike Fee: Do you feel the Planning Board should be active in a position to support one or other of these goals? What is our role from your perspective?

Michael Keegan: As a Planning Board, you should use your job to assess options and present an opinion, whatever the collective will of the group is. The Planning Board provides a voice where people come together. This has been a critical role throughout history; representing government and relying on people who study it.

Mike Fee thanked the applicants for their time.

***Omnipoint Holdings; Expansion of Wireless Facility at North Road***  
Recommendations to Selectmen

Jody Kablack: In 2003 a Water Resource Special Permit was granted for this application. There is another applicant's (Verizon) propane tank on the site which will not be used by the current applicant. The Town Planner referred to her memo of July 15, 2004. Originally, a fourth array was approved but never installed. This proposal is for a third array with a small area for equipment.

Chris Morely: There is just an issue of whether we can relocate the propane tank which is not currently in a safe location (next to the driveway).

Eric Poch: Where is the applicant's equipment located in proximity to the existing?

Jody Kablack: The driveway is on the eastern portion of the site then curves back to the west; not in the riverfront.

Lisa Eggleston: Where the Town Engineer is recommending the tank be moved to, is that near the riverfront? Jody Kablack: No.

Mike Fee: Is this a modification to the Water Resources Special Permit?

Jody Kablack: No, they received that in February 2003. The Board is discussing recommendations to the Selectmen on the Site Plan application. She concurs with Bill Place in recommending the relocation of the propane tank.

Eric Poch: The propane tank was part of Verizon's plan. We cannot hold it as a condition on Omnipoint's application.

Jody Kablack: Suggest recommending to the Building Inspector to review and provide input as to whose responsibility the relocation would fall under.

Chris Morely: Can the DPW put up jersey barriers?

Jody Kablack: Should not be the responsibility of the DPW.

Lisa Eggleston: While we recognize it is not Omnipoint's responsibility, we need to reiterate Bill Place's concerns.

Eric Poch: We should not connect the two. It would be unfair to hold up approval for Omnipoint due to the propane tank.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend approval to the Selectmen on the site plan application for Omnipoint Holdings, with additional notes as discussed.

***Candy Hill Lane (Zingale) Definitive Subdivision – Public Hearing***

Mike Fee read the notice into record and reviewed file documents.

Jody Kablack provided a brief background of the neighborhood. Candy Hill Lane is a private way off Candy Hill Road. It is on the official map with status as a private roadway; not public, not scenic. There were five original lots under the Candy Hill Subdivision. Currently, there are eleven lots with frontage and access. One of the eleven lots is vacant but does have septic. This proposal is for the addition of one lot; further subdivision is not likely. The Planning Board was involved in ANR capabilities of the lots. Between 1991-1992 there were 5 acres which were split from the larger Hill lot (owners are Mr. & Mrs. Crowley). A portion of the lane was relocated by petition of the neighbors through subdivision approval. A variance application at the end of the Lane was submitted to the Zoning Board of Appeals for one lot and approved. Another variance application to create the subject lot without adequate frontage was denied. This is a cul-de-sac proposal to create frontage on the Crowley lot which was the applicant's next option. The Town Planner referred to a locus plan – the lot to the south with potential development. There is one house currently under construction.

Tom DiPersio – Thomas Land Surveyors

The property is owned by the Crowleys and is located east of Candy Hill Lane on approximately 5.32 acres. Candy Hill Lane creates the present property frontage with a paved portion limited into the Crowley's driveway. Soil testing has been done (passed). A 60' radius cul-de-sac is being proposed to create frontage on the Crowley lot ("lot 1", 3.24 acres). Lot 2 (1.5 acres) has a portion of the frontage on Candy Hill Lane and the remainder on the cul-de-sac. There is an 18' wide access off existing driveway and a new 12' driveway for access to the new house. There are existing trees both within and out of the right-of-way. The grade for the driveway is 5% coming down from the road. The applicant is requesting a waiver from constructing a full turnaround (only a paper circle for frontage).

Mike Fee: What would be the public benefit to granting that waiver?

Tom DiPersio: There would not be additional road to plow; no additional services. It would connect to Town water.

Mike Fee: Are there other significant waivers being requested?

Tom DiPersio: All waivers requested are relevant to road construction.

Jody Kablack: The applicant has not been provided a full-build out.

Chris Morely: The proposed 18' wide access section does not seem easy. What was the reasoning for it?

Tom DiPersio: The applicant was trying to avoid removal of trees.

Chris Morely: What is the width of the Crowley's driveway at that point?

Tom DiPersio: 11-12'.

Lisa Eggleston: What is the width of Candy Hill Lane approaching this point?

Jody Kablack: The DPW states it is 14'. It is average; flat, level with grass shoulders on each side that only narrows at the corner lot. There is a possibility of removing some brush versus taking down 2 large trees. There is a stone wall at the western corner of the Crowley lot and slightly west of that on the other side.

Lisa Eggleston: Can potentially waive the cul-de-sac build out but what about the turn-around?

Tom DiPersio: Under the impression that Bill Place feels comfortable with the turn-around at the end of Candy Hill Lane.

Jody Kablack: Bill Place said it is not adequate. Need the Fire Chief's input as well.

Tom DiPersio will reopen the turn-around issue with Bill Place.

Eric Poch: The drainage is directly adjacent to another lot.

Tom DiPersio: The drainage does not leave the driveway.

Chris Morely: Does the Crowley lot have an ownership interest in the right-of-way?

Tom DiPersio: It is usually divided in the middle; there is only a fee interest.

Jody Kablack: Believes they own to the center line.

The hearing was opened to the public.

Rick Curtin, One Candy Hill Lane: The Plan shows the way is 8-10 feet wide. Is the plan to increase the width of the road?

Tom DiPersio: No.

Rick Curtin: Isn't that a requirement prior to obtaining a waiver?

Jody Kablack: The adequacy of the waiver is up to the Board.

Rick Curtin: There is only a 4' wide pavement in front of his house. The Board lists it as 14'.

Jody Kablack: Not of the opinion it is 4'.

Mr. Curtin was adamant it is 4'. He questioned how the Fire Department would turn-around. Peter Berkel, 18 Candy Hill Lane: Believes it is wider than 4' but does narrow significantly at the end. It was paved over a clay road; there is no berm. Mike Dunne's concern then was access, not a turn-around. Any access to the current house has not been included.

Chris Morely: Who owns the right-of-way?

Peter Berkel: In 1961 it was documented that all residents on Candy Hill share ownership and are responsible for maintenance and lane improvement when it was paved.

Chris Morely: That includes new houses?

Peter Berkel: Yes, the Town does none of the maintenance.

Lisa Eggleston: Need the Fire Chief's input on access and maneuverability.

Jeff Schaffer, former Sudbury resident: Agrees with Peter Berkel.

Marianna Crowley, 42 Candy Hill Lane:

At no point is this road 4' wide, never come off the pavement. Large vehicles can go down, it is tricky to turn around but the access is there. Adding one house will not change existing conditions.

Joseph Sliwowski, 40 Candy Hill Road:

Is of the opinion it appears as gerrymandering; is there precedence for this? Under normal conditions it would not be allowed.

Lisa Eggleston: The Board makes the determination for what the roadway conditions can be. Also the proposal reason for a paper street – both are precedents.

Joseph Sliwowski: Has the Board created paper streets prior? Chris Morely: Yes.

Jody Kablack: Frontage has been created on a private way.

Mike Fee: The reason we grant waivers is for balance; when a proposal works better than other alternatives. On face assessment, this isn't allowed – the Board exercises discretion, goes on site visit and obtains the input of the Fire Chief and neighbors.

Peter Berkel: What about water concerns; there is an 8" pipe down the center of the lane. Should be an impact study done; who would bear the costs? A paper cul-de-sac makes more sense than a cul-de-sac which he opines would be very unattractive.

Chris Morely and Lisa Eggleston explained the cul-de-sac plan is necessary only to prove buildability and to create frontage.

Rick Curtin: Doesn't this application require permission from the owners for construction?

Mike Fee: It is unclear at this point; the Board may need Town Counsel's opinion. Typically, in a private right-of-way, everyone owns to the center line.

Rick Curtin: This application hasn't received permission from the abutters; refers to Attorney Cournoyer's letter dated 2002. Residents lose power constantly – addressed with NStar 2 years ago who went underground through the lane. The roadway was moved to a bowed location which is the Schwartz's property. He contends the Schwartz's permission and others who own to the middle of the road, is required. He requests Town Counsel's ruling.

Mike Fee: That is the Board's decision. There is much historical background involved. Town Counsel will determine the value of Attorney Cournoyer's letter.

Jody Kablack: The proposal is not to do any improvements within the Candy Hill Lane right-of-way, only on the Crowley property. The turn-around is created on the Crowley property.

Peter Berkel concurred with the Town Planner.

Lisa Eggleston: We should look at the site first and determine the need for improvements.

Doug Zingale: The road circumstance today has sufficient vehicle access (3 new houses last year) without problems. Also wanted to comment in addition to the ownership agreement issue, it is a matter of enabling owners to do what they want with their land. He encourages the site visit. It is his intent to build one house in the least disturbing way. When the site is looked at, vehicle access appears adequate (as is Bill Place's opinion).

Drake Behrakis, 23 Candy Hill Lane: Is the lane part of the definitive subdivision?

Tom DiPersio: No, just the cul-de-sac.

Peter Berkel: Within the last 3 years construction has caused damage to the surface of the Lane. If possible, he suggests holding \$5-10,000 in escrow in the event of damages so that the owners do not have to bear the expense.

Mike Fee: The status will be addressed on the site visit.

Chris Morely: Fieldstone Farm to Candy Hill; can loop a water line. Encourages talking with the Water District; would need an easement.

Ed Kaye; 39 Candy Hill Road: What is the zoning intent? This proposal appears to get around zoning. It troubles him to think that is the intent. He encourages building but it is not necessarily good. Does the Planning Board factor in all aspects?

Tom DiPersio: They are not trying to get around zoning; everything conforms. This proposal is creating frontage under subdivision regulation process. We are creating two lots out of one.

Peter Berkel: The cul-de-sac is greater than 210', could potentially provide frontage for additional lots.

Rick Curtin: What prevents the road from being built? If an applicant is trying to create a lot on an unacceptable way, they need to adhere to present criteria. This application is taking an old road through a new cul-de-sac. They do not have 210' of frontage. This is a bad precedent. That is what the subdivision control law is for.

Resident: In follow-up to the escrow for road repair comment; there are four projects that caused damage. This applicant shouldn't be held to their projects.

Doug Zingale: This proposal divides 5 ½ acres into two; does not pose a risk of further subdivision. He can assure the other side will not be subdivided (35' frontage).

There was no further public comment. A site visit was scheduled for Wednesday, September 8<sup>th</sup> at 8:00 a.m.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing to September 8, 2004 with the time to be determined.

Peter Berkel: Power issues should be added to the concerns. There is a set of poles on the right hand side of Candy Hill Lane; what line will the new house access?

Mike Fee: The Board has it on the list of issues as well as Town Counsel's opinion.

Chris Morely: Wants to reiterate that the creation of a paper cul-de-sac is normal subdivision control procedure.

Mike Fee requested a punch list from the Town Planner of the items needed from the applicant.

***Endicott Woods Definitive Subdivision***

The Decision is not yet prepared. The applicant's attorney would prefer to meet in August but is willing to wait until the Board's next scheduled meeting on September 8.

***Whitehall Estates II – Request for Bond Reduction***

The bond amount is currently for \$85,000. Bill Place has estimated the work completion amount to be \$47,000. The applicant has done a lot of work and only one lot has been released. They have fully bonded the subdivision, the work is going well. The Town Planner recommends reducing the bond amount.

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the performance bond on Whitehall Estates II to \$47,000.

***Miscellaneous***

The Board will conduct a hearing for the modification to the WRSP Decision for London Taxi of North America.

There will be a Task Force Committee established for discussion of the St. Anselm's property.

The meeting adjourned at 9:45 p.m.



***Associate Member Appointment***

The Board felt all of the applicants were extremely well qualified and were impressed with the choices for many different reasons. Ultimately, based on all criteria and the skill set as relates to the activities of the Board, a determination was made.

On motion duly made and seconded, it was unanimously:

VOTED: To appoint Joseph Sziabowski as Associate Member.