

Present: Michael Fee (Chairman), Lisa Eggleston (arrived 9:00 p.m.),
Christopher Morely, Joseph Sziabowski (Associate),
Jody Kablack (Town Planner)
Absent: Eric Poch, Michael Hunter

The meeting was called to order at 7:45 p.m.
The 7:30 item, "The Arboretum" vote decision, was delayed until later in the meeting as
4/5 of the Board members were not present.

2005 Annual Town Meeting Articles

The Board reviewed the Town Planner's memo dated November 9, 2004.
Water Resource Protection District Bylaw; should have the consultant's report soon.
Lisa Eggleston will present at Town Meeting.
Rezoning Landham and Route 20; the proponent plans to talk with the property owners
then with the Planning Board.
Inclusionary Zoning; the Community Housing Committee wants to pursue and may
present this at Town Meeting. It proposes a requirement for affordable housing in any
subdivision over a certain size (10 lots). A suggested idea was to give incentive bonuses.
Scenic Road Bylaw; co-sponsor with Historical Commission
CPA Projects – Willis Pond items to be taken up by Park & Recreation; Libby Land
Purchase, Affordable Housing.
The Board briefly commented on other items from the potential articles.

Mahoney Farms Senior Residential Community – Preliminary Plan Discussion

Mike Sullivan (Sullivan, Connors & Associates): They have filed with Conservation.
The wetland plan delineation was approved under the local bylaws. They have met
necessary Zoning, Conservation and Board of Health requirements for all lots. The 13 lot
ANR plan substantiates that. Conservation asked for a sketch plan which pulls the units
closer to the wetlands. The applicant will do a layout of a preliminary plan to submit to
Conservation; it should not impact the Planning Board. Conservation does not want the
cul-de-sac by Norumbega Council (second driveway from Nobscot Road). They want
the meadow in the front to remain as is. The applicant is ready to go to the definitive
stage to look at drainage and stormwater calculations.
Nick Carter: Conservation was satisfied, but is looking at a variety of plans. The
wetland issue has been resolved.
Chris Morely: Prefers an alternative road layout with only one access onto Old
Framingham Road.
Mike Sullivan: The developer does not want it there. The wetlands by Nobscot are
regulated.

There was discussion about the road layout.

Jody Kablack: The Newell property can access to Nobscot Road across this development, but there is also a need to use Old Framingham Road.

Mike Fee asked Mr. Carter for further information they were given by Conservation.

Nick Carter: Construction for the wetlands is not resolved yet. Mr. Connor will be preparing a concept plan. The southern area of the property where the houses currently are, is valuable wildlife habitat according to Deb Dineen. Procedurally, what is the delineation of wetlands?

Mike Sullivan: They have filed and are waiting for Conservation to respond on the resource delineation.

Mike Fee: Wants the wetlands defined; show how it changes the design and puts perimeter limitations.

Mike Sullivan: Will know their position with drainage with the exception of wetland corridor. They can not do drainage calculations until the definitive plan. There are three 6' retaining walls in the back of the property; if we can push them back it would be a significant impact. The point of entry and exit, from their point, is good (Nobscot). What is in the middle will need road design. Cannot get more information at the preliminary stage.

Joe Sziabowski: Are the roads aligned with the Newell plans? Jody Kablack: Yes.

Chris Morely: Conservation may prefer that from a wildlife perspective, access to Old Framingham Road be eliminated (wildlife corridors).

Mike Sullivan: It is not regulated under the State; they can let us fill-in and get rid of the retaining walls.

Jody Kablack: The ANR plan looks fine – can determine density. Recommends the Board advise applicant to proceed to the definitive plan.

Mike Fee concurred and stated at that point there will be more defined discussion.

At this point, the Chairman asked if there were any questions from the public. There were none.

Annual Town Meeting Articles

The Board continued discussing the articles for 2005 Town Meeting.

Inclusionary Zoning; Mike Fee acknowledged the importance of keeping this topic in front of voters.

Jody Kablack: Also discussed tear-downs at the Community Housing Committee Meeting. Should explore waivers for prices if there is affordable housing component (in perpetuity).

Mike Fee: We should encourage the Community Housing Committee to pursue inclusionary zoning concepts, it is an excellent plan. It is a small step, but one that the State likes to see while getting discussion going.

The next potential article discussed was for Accessory Apartments.

Jody Kablack: Currently, these are permitted only for three circumstances. This article creates diversity more than opportunity. The proposal is to change the occupancy requirement to allow accessory apartments for anyone.

Scenic Road Bylaw

Jody Kablack commented on getting a small group together.

Carole Wolfe: Framingham has a great scenic road bylaw. It is very detailed and explicit with penalties and recourse. Mike Fee expressed Sudbury's need for enforcement procedures. Carole Wolfe will provide copies of the Framingham bylaw to the Board.

Carole Wolfe: The Historic District Commission needs the support of the Planning Board for historic road signs.

Jody Kablack: What is the issue for support? Would a letter to the Town Manager and the Board of Selectmen be warranted?

Mike Fee suggested the following three points go into a letter on behalf of the Board:

1. The Planning Board is considering sponsoring this article with the Historic Districts Commission to amend the scenic road bylaw for Town Meeting.
2. The Planning Board is encountering enforcement issues with violations. There have been several incidents of disregard or unknowing violations.
3. Violations will be eliminated by taking the Historic Commission's suggestion for road signs to identify scenic roads.

The last article is for several minor zoning bylaw changes.

(Mike Fee: The Board still has a quorum issue and thanks the applicants scheduled for the 7:30 and 8:45 public hearings for their continued patience.)

Sudbury Crossing (40B), 534 North Road

Mike Fee: As this is a discussion only and not a vote, we will proceed without a quorum.

Jody Kablack provided a brief synopsis of the application which was a State application. The Town had no prior knowledge until October 28 when a brief pre-application meeting was held with staff and the developer. The property had been on the market for a while, there were many inquiries. The developer asked to be on the Selectmen's agenda at which point the pre-application meeting was held. A check list is needed for zoning, septic, compliance, wetlands, access, grading, walkways, name, fire safety and circulation. Neighbor's concerns, aesthetics will be addressed with the Zoning Board. There are 24 units on just under 5 acres; 1/2 of the property is wetland. The units are small and are located close to the wetlands, clustered at the front of the property. The applicant has submitted to Massachusetts Housing, who will issue a letter of eligibility. This application can be concurrent or prior to submission with the Town. There has not been an application submitted to the Town yet. The meeting held on October 28th was a factual meeting only. The Zoning Board of Appeals does a review when the application is received in which hearings are held and all input is taken into consideration.

Mike Fee: Currently, the Planning Board is responding to the State's request for general comment of the suitability of the site, correct?

Jody Kablack: Yes, the State is funding and is trying to determine if the project is fundable.

Mike Fee: At best it is marginal in terms of developing. There are wetland and topographical issues; more than half is unusable for housing. There are issues with the proposed density, which is probably not appropriate in his opinion. The Town has very little information at this point and is therefore limited in its assessment. The site could be developable, but the density is suspect.

Chris Morely opined the application was inappropriate in its entirety.

Mike Fee disagreed stating it is technically developable. It could be a four unit 40B but is premature to discuss density.

Jody Kablack: Based on what we have seen (Marrone development, Carriage Lane); this is higher per buildable acre as a starting point but has environmental restrictions.

Joe Sziabowski: There are 6 units in the 100' buffer. It seems to be maxing out what is usable.

Jody Kablack: They will need to go to the Conservation Commission for an order of conditions subject to the Wetlands Protection Act.

Joe Sziabowski: There is a ring of houses surrounded by asphalt; close to property lines.

Mike Fee: From a design standpoint, the massing on the property lines is inconsistent with neighboring properties.

Joe Sziabowski: What about the height appropriateness? The massing is overwrought.

Mike Fee asked if there were questions from the public regarding the process. There were none. He explained that the Town is a permitting authority and this is a private developer filing under a 40B statute. As abutters, you have input, however, it is not the same as an application not under 40B statute. Much is overridden by State Law and goes to the Zoning Board of Appeals.

Chris Morely: When the town proposes affordable housing, this is what we are trying to avoid; 40B proposals which we have no control over.

A question was raised regarding the neighbors' protection under a 40B. Jody Kablack stated that there are affordable housing requirements that the Town does not meet that enables developers to submit 40B applications. 25% of density has to be affordable.

Only 6 of these units would be affordable with the remainder "market" price.

Lisa Eggleston: Septic concerns, mostly with wetlands, for 48 bedrooms. State applicable codes must be met. Hydraulic reports must show the water goes into the ground.

Mike Fee: There are contingencies for the developer who exercises other rights. The process here is that the State has asked us for comments on the appropriateness of the application (whether it is unfeasible, unrealistic). Our opinion may or may not impact funding. The developer makes a submission to the Town which goes to the Zoning Board of Appeals, who is very sensitive to the abutters. It is a very lengthy process, 6 months or more. If there is no consensus and the Zoning Board approves it, the neighbors have an appeal option (hire an attorney).

Mike Fee: The Planning Board is in favor of affordable housing where appropriate to increase our percentage of affordable housing, while being sensitive to neighborhood aesthetics, massing and density.

Lisa Eggleston: Also to be addressed are; impervious surface percentage, wetlands, drainage and traffic (traffic study).

Board members explained there would be public hearing notices sent to direct abutters and it would be in the legal ads of the Town Crier.

A resident asked what the Zoning Board's history was with the Planning Board's input.

Mike Fee responded that the Zoning Board does their own analysis. Jody Kablack reiterated it is mandated by State law and the Town attempts to make it the best it can be. The Board directed the Planner to send a letter to Massachusetts Housing with the Board's opinion as stated tonight.

Scenic Road Public Hearing Continuation – Willis Road

Mike Fee: Town Counsel advised the Board not insist on a walkway easement, however, we can insist the wall be replaced exactly as it was. We can also impose a fine which Chairman Fee stated would not be necessary if the stone wall is rebuilt to the satisfaction of the Board.

Jody Kablack: No trees are involved in respect to regulations. The landscaper can put an additional wall 8' from the edge of the road as a retaining wall and to maintain privacy. Your own wall can go anywhere on your property. The stone wall that was removed must be 3' from the edge of the pavement exactly as it was.

The developer verbally agreed to replace it exactly as it was.

Lisa Eggleston: Any openings in the stone wall must be approved in this process.

Mike Fee: The wall must be exactly as it was within 30 days. If it is not done by then, we will revisit the issue and impose a fine.

Bob Quirk: There will be 2 walls, his and the old farmer's wall. Does the Board still want a walkway?

Mike Fee: We are not discussing a walkway. We will request Bill Place supervise the construction of the wall as well as someone from the Historic District Commission. The Board discussed the openings. They must be consistent with the driveway permit submitted to the Town Clerk.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Scenic Road public hearing for Willis Road.

On motion duly made and seconded, it was unanimously:

VOTED: To direct the Town Planner to prepare a Decision for replacement of the stone wall with the same material, structure and location as previously existed. The opening for the driveway must be consistent with the driveway permit and all work must be completed within 30 days from the date the decision is issued.

Arboretum Definitive Subdivision – VOTE DECISION

As there was not a 4/5 majority of the Board present the Board scheduled a meeting for Wednesday, November 17, 2004 at the DPW Conference Room at 8:00 a.m. for a Vote Decision.

The subject of the Associate Member's ability to step-in as a voting member in the unexpected absence of a full member was discussed. Due to an ambiguity in the bylaw, this was not possible. It will be discussed with Town Counsel. The possibility of noting the role of the Associate Member to vote in such circumstances on future hearing notices was discussed.

The Board reviewed changes to the decision as drafted by the Town Planner to have it prepared for a vote at the November 17th meeting. The applicant may want to amend Road B to be a full town road. It was determined the proposed change to Road "B" to a full cul-de-sac must be a modification application. The fee will be waived, however, it needs to be legally posted and a hearing must be held. Specific landscape requirements on lots were discussed in lieu of the typical street tree requirement plantings. The Board is to approve when finalized. Open field space is to be dominant in the streetscape.

Kayla Court – Request for Extension/Endorse Plan

On motion duly made and seconded, it was unanimously:

VOTED: To grant the request for an extension and to endorse the plan for Kayla Court.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the minutes of 3/10/04, 4/7/04, 4/12/04, 4/13/04, 4/28/04, 5/12/04, 5/26/04, 5/26/04 Executive Session, 6/23/04, 6/29/04, 7/28/04 and 9/8/04 Executive Session.

Willis Hill Subdivision Violations

Jody Kablack briefed the Board of a discussion with the Town Building Inspector, Jim Kelly who considers this an active subdivision. We are limited to do anything other than possibly rescinding the deadline.

This does not address the stockpiling concern which is illegal in a residential district. Jim Kelly is on agreement with the Board, but cannot issue violations. The Town Planner and the Building Inspector will look at the possibility of issuing violations with the Kendra Lane Subdivision.

While on the topic of violations, the Board discussed the trees on Carding Mill Pond were being cut down. The Town Planner will go to the site to check.

Nuisance Bylaw Submission

The Planning Board is willing to support if the petitioner makes it more reasonable.

Willis Hill Modification – DENIAL

On motion duly made and seconded, it was unanimously:

VOTED: To deny with prejudice the application for the Willis Hill Modification on the basis that the access to the lots is not acceptable and the water line has not been extended to service the lots in the subdivision.

Confirmatory Release of Covenant – Pine Hills Subdivision, Lot 18

On motion duly made and seconded, it was unanimously:

VOTED: To sign the Confirmatory Release of Covenant for lot 18 of the Pine Hills Subdivision.

The meeting was adjourned at 10:45 p.m.