

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

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

Miscellaneous

New Associate Member

Mike Fee welcomed Joe Sziabowski to the Board.

Whitehall Estates II Subdivision – Road Name Change

Jody Kablack: The applicant has requested a minor road name change. The Fire Chief had no issue with the change.

On motion duly made and seconded, it was unanimously:

VOTED: To change the road name on the plan entitled “Definitive Plan of Land of Whitehall Estates II in Sudbury, MA”, drawn by Sullivan, Connors Associates, dated October 27, 2000 and last revised January 8, 2001, from “Whitehall Circle” to “Whitehall Lane”.

Willis Hill Easement

Jody Kablack: The abutter to the 2 lots in discussion, Carl Hagarty of 5 Wyman Drive, has been corresponding with the Board. Currently, the water line stops at the corner of Route 27 and Wyman Drive. An extension of the water line was requested of Mr. Quirk, who started digging. Mr. Quirk had some easements but not all that are necessary. The abutter on Wyman Drive, Mr. Hagarty, is seeking payment. Jody Kablack informed the abutter there was no plan on file and recommended he know where the main would be going before he allowed disturbance on his property.

Mike Fee: Is an Earth Permit Removal Permit needed?

Jody Kablack: No.

Lisa Eggleston: He cannot tap into the Water District.

Mike Fee: Mr. Quirk cannot dig one with no way to connect to the other. Feels the Planning Board needs to become involved with the matter; residents look to the Board for assistance when matters arise.

Jody Kablack: Will draft a letter of concern to the Town Manager and Town Counsel on behalf of the Board. Needs to do research beforehand.

Mike Fee: The Department of Public Works also needs to be notified; no street opening should be done (for trenching).

Lisa Eggleston: Livermore Circle subdivision was never bonded; should he be able to dig?

Mike Fee: Mr. Quirk may also need an Order of Conditions from the Conservation Commission.

Jody Kablack: It does not fall within the realm of that subdivision decision, however someone needs to address the issue with Mr. Quirk. A letter to the Town Manager from the Planning Board is appropriate. A member of the Natick Conservation Commission was driving by the site and immediately wrote a letter to the Sudbury Conservation Commission.

Mike Fee: We need to get involved. The neighbors look to us for control; the preceding Planning Board gave Mr. Quirk approval. This Board should adopt the regulations regarding fines. A public hearing would be in order to address the violations.

Lisa Eggleston: Past expirations are a concern; is it enforceable?

Mike Fee: We will need to review the documents prior to proceeding.

The Board discussed what the potential violations would be. Jody Kablack advised the Board to keep references to the regulations broad enough in order for the Board to enforce them.

The Arboretum Definitive Cluster Subdivision – Public Hearing

Mike Fee called the hearing to order at 7:55 p.m. Notice was read into record and file documents were listed.

John Boardman of David Ross Associates gave the presentation for the applicant. Two memos, one from the Town Planner and one from the Town Engineer, required changes which the applicant provided tonight. The Town Planner has not had the opportunity therefore, to review. One requirement was for a sidewalk off Maynard Road (across from Wyman Drive) associated with the entrance. The proposal creates a 1,000' dead end street accessing Maynard Road and 600' cul-de-sac road. It is a 10 lot cluster with the portion in the middle designated as open space; complies with open space requirements. They have attempted to keep as much as possible out of the 100' buffer, with only a small portion of lot 10 (rear) located in it. There are two stormwater basins, one is at the front adjacent to Maynard Road to treat the site and the other treats the rest of the area. Also have retention basins, septic and town water. The water main serves 3 houses across the street.

John Boardman: The main waivers the applicant is looking for are:

1. Roadway standards; pavement width and cross section. They are requesting approval for an 18' wide private way as proposed as opposed to a full roadway for lots 7-10.
2. Zoning for cluster under section 5134 for work within 100' perimeter buffer. The applicant requests the waiver for the buffer on the roadway perimeter around lots 7-9. If no waiver is granted these lots are not buildable.

The main portion of the nursery is under agricultural restriction (ball park in the front of the area). They are not developing all of what is permitted under cluster zoning which means the benefit of open space.

Lisa Eggleston: Are you also looking for a waiver of the cul-de-sac requirement?

John Boardman: Yes, the proposal is a "T" turn-around.

Chris Morely: You will need to obtain approval from the Fire Chief.

John Boardman: We will also have to meet with the Water Department.

Eric Poch: What are the driveway requirements regarding lot 10?

John Boardman: Not sure but believes it is about 250'. They are proposing a shared driveway for two lots (9 & 10) per the Conservation Commission.

Lisa Eggleston: Is there a base plan to establish lot count?

John Boardman: Yes, it has been shown. They have been looking at this project since 1997. Originally, they looked at the whole property and showed a 28 lot subdivision. This was not the owner's wish however so the plan was changed. The Arboretum originally was for eleven lots. The smallest lot is 37,800 square feet; minimum under zoning is 40,000, but cluster lots can be reduced to 20,000 square feet.

Chris Morely: What about the area of the Cutting barn lot?

John Boardman: It was combined with another lot owned by John Cutting.

Jody Kablack: It is one lot, not subdivided.

Chris Morely: Does it count as a driveway off a private drive?

John Boardman: Not sure, the access now is Maynard Road.

Jody Kablack: The full conventional plan is close. The technical plan was reviewed in the office and does not meet minimum requirements.

Jody Kablack: The perimeter of the preliminary subdivision plan was changed after review. A new plan showing the boundaries of the subdivision needs to be submitted.

Mike Fee asked members for their opinion to determine the general consensus of the Board. Consensus was to request a plan from the applicant showing a 10 lot feasibility. The Board cannot waive the lot density plan.

Lisa Eggleston: In order to evaluate all issues (buffer perimeter), it is necessary to have that information. It determines subdivision versus agricultural restrictions.

Chris Morely: Although we were aware the application would be for a cluster subdivision, it is still necessary to go through the process.

Mike Fee: The purpose of the perimeter buffer waiver is to separate the cluster subdivision from the surrounding property.

John Boardman: There is a 50' right-of-way with a 50' cut to prevent structures in front. The perimeter buffer protects neighbors from dense cluster. The proposed lot sizes are standard for a residential subdivision.

Mike Fee: Therefore, your argument for the requested waiver is based on the fact that you are not taking advantage of cluster density. Therefore, the Board should be lenient with the waiver?

John Boardman: Yes.

Jody Kablack: Referred to the section of the bylaw for cluster zoning; the applicant is constrained by the wetlands in the middle of the property. Only 5 lots do not comply with the 100' buffer requirement.

Mike Fee: The Board needs a justification for the waiver which would be the location of the wetlands on the proposal.

Lisa Eggleston: We need the minimal for subdivision setback; vegetation and screening issues.

Mike Hunter: The private parcel in the back corner (house lot); is it accessed off this?

John Boardman: Yes, off the end of the cul-de-sac.

Jody Kablack: 3 out of 4 lots in the back (by Maynard Road) are to be deeded to abutters from an ANR plan (approximately 900' from the cul-de-sac).

John Boardman reviewed the ANR plan which pertained to "The Arboretum".

The hearing was opened to the public.

Eric Richard (363 Maynard Road):

He is north of lot 8 and has a question regarding the 100' buffer. Would it be possible to plant trees at that location for screening? There are currently no big houses in the area and he is concerned with how this will fit in with the aesthetics.

Mike Fee: That will be reviewed on the site visit. The Board is cognizant of your concerns.

John Boardman: The groundwater is 2-3'; the entire site will come up (the house too) similar to the Ironworks Subdivision. It will be a raised roadway; houses will have walk-outs with the houses located on one side and the detention basins on the other side.

Jody Kablack: Would like to see more grading and contour lines.

Lisa Eggleston: Is there a wetland crossing? John Boardman: No.

Lisa Eggleston: Is the swale existing or proposed?

John Boardman: It is proposed, but it will keep the water flow the same as existing.

Mike Fee commented to resident Eric Richard that the grading for the driveway on lot 8 appears to go right to Mr. Richard's property. The Board will be looking at that as well.

Deanna LaCure (355 Maynard Road):

Her property is near lot 8; will there be a line defining properties?

Jody Kablack: Bounds will be placed; they will be required to stake the property line and flag it for the backhoes.

Lisa Eggleston added that would be the case in particular with grading.

John Boardman: There is a 15' elevation change to the site and to Maynard Road (houses won't be higher than Ms. LaCure's). It will be an all-fill site.

Chris Morely: Will the house on lot 8 be higher than Mr. Richard's house?

John Boardman: Not known at this time.

Lisa Eggleston: It looks to be about 8' of fill.

John Boardman: The applicant is willing to make drainage improvements for Maynard Road. There are a pair of catch basins located in the front of the Richard land. They will connect from one to the other. If it doesn't function well, they will install a pipe out to Maynard Road with a manhole that eventually will go out to the wetlands.

Lisa Eggleston: Is there an issue with the drainage for Wyman Drive?

John Boardman: It goes down Maynard Road. Bill Place is concerned with issues surrounding the ball field so they have revised the plan to include a portion of the Maynard Road runoff to go into their drainage.

Jody Kablack: Have you revised the drainage easement line?

John Boardman: Yes.

Mike Hunter: What are the building plans?

John Boardman: Between 4-5,000 square feet; they are utilizing the width limits while noting the limitations for impervious area.

Lisa Eggleston: What about test pits for retention ponds? Is that a requirement?

John Boardman: Not for infiltration ponds. They have been designed at existing grade; can create a berm for the retention basin.

Lisa Eggleston: That is required to be 2-3' above (separation).

John Boardman: That will not be an issue with the groundwater levels. They are creating ponds at existing grade.

Lisa Eggleston: What is the basis for the shape of the pond; sediment forebay?

John Boardman: Yes, then a berm.

A site visit was scheduled for Thursday, October 7, 2004 at 8:00 a.m.

The Board instructed the Planner to prepare a punch list for the next meeting.

Mike Fee: The waiver is the focus; a base plan is needed (preliminary subdivision plan).

The Board needs some finding for the basis of an informed waiver.

Chris Morely advised the applicant to submit a letter to the file which states the reasons for a waiver.

Mike Fee: Also include who is impacted for greater good.

Jody Kablack: Comments from the Fire Chief and the Water District are still needed as well as soil data.

Lynne Remington (David Ross Associates): The wetland boundaries have been established for 3 years.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing for The Arboretum to October 13, 2004 at 8:00 p.m. at Town Hall.

TC Sudbury Development LLC (at Chiswick Park) – Recommendation to Selectmen

Jody Kablack provided a brief summary of the site plan review. Ted Pasquarello applied to build in Chiswick Park, which is in Zone II. The applicant has purchased 5 acres of adjacent property to combine with the site. This purchase decreases the amount of impervious surface which reduces non-conformity.

Present for the applicant: Charles Giacchetto (TC Development), Ted Pasquarello, Attorney Joshua Fox and Fred King (Schofield Brothers).

Fred King gave the presentation for the site plan proposal. As stated by the Town Planner, the property is on 26 acres with a newly purchased 5 acre lot (the former Reider parcel). It is considered joint ownership. There is a 17,000 square foot office building on a peninsula of wetland and an 85 car parking area with access from a driveway through the property out to Union Ave. The five acre parcel has septic and leaching systems with access for maintenance. Open space would be designated to create a trail to connect the office park to Route 20, or to use for passive recreation.

The Chiswick Park driveway will access the building in the back portion of the property with parking in front. It has been made compact but will require filling of wetlands. Access will be one way in and one way out. At this point, the applicant addressed the Town Planner's memo of September 16, 2004. Commentary on item 1; the property is over the allowed impervious surface. The purchase of the additional 5 acres does decrease that from 42% to 36.7% and provides open space. It is a medical use proposal with 5 handicap spaces (4 is the minimum). There will be trees along the access driveway on one side. Item 5 on the memo regards the septic system grading which is shown on the Clapper property (abutting property). The easement referenced will be worked out by Ted Pasquarello; will not be an issue. A footbridge is proposed over the ditch. The west side of the parking area will have fill; wetland enhancement will be mix of wet meadow, vernal pool in west end.

Chris Morely: Does the Conservation Commission support the trail?

Fred King: Yes.

Lisa Eggleston: Will it be more of a meandering walkway rather than a path?

Fred King: It will consist of crushed stone and go all the way to Route 20. They are working on the detail of the trail; more managed facility.

Chris Morely opined it made more sense to go all the way to Route 20.

Jody Kablack: Is it a dirt road where it comes into the trail?

Fred King: It is not finalized yet, but is anticipated to be a gravel access road for at least a portion.

Chris Morely: If the center consists of stonedust, it can still be driven on while maintaining the look of a path versus a road.

Fred King: Item 6 of the referenced memo refers to a portion to the west which was a flood storage area; not suitable for building. 5,900 cubic yards of earth are to be removed with special fill around the flood storage basin. They will provide construction information.

Item 9 addresses buffers; they recommend a 25' buffer be kept with the first parking space and the road to facilitate cars' entrance.

Jody Kablack: Parking in front does not say along a public way; this is private. The main sign is to be on the front of the building and visible from Route 20.

Joe Sziabowski: The process of entering is not aesthetically pleasing from the main road.

Mike Fee: Are you suggesting we be flexible with the parking regulations due to the fact it is a medical use?

Josh Fox: Both Town Counsel and the Building Inspector opine the prohibitions on parking are not enforced for an office building.

Lisa Eggleston: What about the sewer flow?

Fred King: 2,000 gallons per day.

Chris Morely: Who are the other tenants?

Charles Giacchetto: For the most part, doctors' offices/groups which are already in Sudbury and potentially an x-ray/MRI facility.

Lisa Eggleston: Is there a sign for Union Ave. access?

Jody Kablack: No, only a building sign. The existing freestanding signs are working well.

Lisa Eggleston: Will there be an entrance notation?

Fred King: A general access entrance; they anticipate $\frac{3}{4}$ of the traffic to come from Route 20.

Mike Fee: The Board generally supports the project and will draft a letter to be finalized for the Selectmen on October 5th.

Lisa Eggleston: Is infiltration separate from the parking lot?

Fred King: No, the parking lot has a deep sump to the storm ceptor.

Candy Hill (Zingale) Definitive Subdivision – Continuation of Public Hearing

Mike Fee listed file documents submitted since the last public hearing. The previous meeting had concluded with a single access “T” design which the Board requested the applicant to address.

Tom DiPersio (Thomas Land Surveyors) presented two drawings for the Board to consider for turn-around configurations. Plan 1 shows the driveway opening at the intersection of Candy Hill Lane and the Crowley property; coming out to Candy Hill Lane with the wider portion of pavement (“Y” configuration). The septic was moved as well.

Plan 2 was based on the Fire Chief’s input with the proposed driveway opposite the Goorno’s driveway. It would be the same mouth dimension but would be pulled back to the subject lot with a more perpendicular entrance. One side would be a 12’ width and the other side 17’ (“T” configuration).

Jody Kablack: Met on site with the Fire Chief and the Department of Public Works Director. The Fire Chief has stated a circle in the cul-de-sac would best to meet the needs for emergency access. He is somewhat hesitant of a T-turn going outside of the way and potentially being blocked by a private property owner. Mr. Goorno may oppose it. Chris Morely commented the T-turn seems awkward and preferred the “Y” plan opining it provided better maneuverability.

Joe Sziabowski: Neither plan provides the proper turning radius.

Lisa Eggleston: How did the Fire Chief and Town Engineer arrive at the T preference?

Jody Kablack: They did not look at plan “Y” yet. They originally looked at the plan which went around the trees and did not like it. They had stone wall concerns with the circular driveway. The “T” looked plausible but so is a full cul-de-sac. The Fire Chief and Town Engineer need the opportunity to review the plan “Y”.

Tom DiPersio: The “Y” is similar to the original proposal only the location is slightly different.

Jody Kablack: There is some tree removal required with both.

Chris Morely: What about the trench?

Tom DiPersio: On the “Y” plan it turns in toward ditch on Candy Hill Road side (10’ off). On the “T” plan it is 20’ on the Crowley side.

Chris Morely: The builder/owner needs to be aware of that. Have you addressed Bill Place’s comments for the T at the end?

Tom DiPersio: This shows a Y at the end with a 15’ radius and is what Bill Place wants.

Lisa Eggleston: Prefers "Y", it seems to work better, however, is reluctant to determine without the Fire Chief's input on it. Suggest applicant meet with the Fire Chief to discuss.

Jody Kablack: In addition it needs to be reviewed by Bill Place.

Peter Berkel: One of the issues is total access. If this property is not developed, is the current structure of Candy Hill Lane still at risk? What then is the difference between adding another house?

Chris Morely and Jody Kablack responded that this subdivision provides better access as well as water connection.

Doug Zingale: There have been fire trucks on Candy Hill Lane; three have been out with no issues. Given the nature of the layout and what's paved, things work out okay. Also would like to point out there will be improvement from this proposal regardless; it will be a better paved access. Lastly, the water looping issue, this proposal will also help that situation, providing easements from the Crowleys. The water quality will be improved for all houses on the Lane. He is looking for reasonable consideration to be reached soon. The estimates he has received for the expense of providing the water main installation is not reasonable, in his opinion, to ask a resident who is looking to build one house. The cost is more comparable to what would be expected of a developer to pay.

Mike Fee: The applicant's points are well taken.

Doug Zingale: Is it feasible to close tonight with the condition of additional information?

Lisa Eggleston: Agrees with his point that this proposal provides improvements from a safety standpoint. However, truck access without snow conditions is different and needs to be considered.

Rick Curtin: Met with Bill Place this morning. From a historical perspective, there is a reason why it isn't a cul-de-sac. In all subdivisions he has recommended 18' widths. The Board should check with Bill Place to find out why he would not subdivide and why there wasn't a cul-de-sac in the first place. He urges the Planning Board to talk with Bill Place and hear his reasoning. Maple Ave. is a good example. Currently there is a 10' wide street in the front of his house which Bill Place opposes as well as the creation of a Candy Hill Lane subdivision.

Mike Fee: Bill Place has a letter to the Planning Board in the file which states the current width of Candy Hill Lane is not adequate and asks that the Board opine if upgrades are necessary. The Maple Ave. analogy is a good example of the Board trying to balance the input of Town Officials with the character of the neighborhood. The consensus of the Planning Board now is that it is a viable development under subdivision regulations. However, additional input from the Fire Chief is necessary.

Mike Fee explained to the public the Board's intent is to continue the public hearing solely to obtain the Fire Chief's input and estimates from the applicant for the water line, then vote on a decision. Given that as the Board's intent, he asked for any further public input.

Eric Goorno: Asks for consideration of safety with regard to vehicles coming through. It is nice that the Crowley's have a long driveway so that you can see both ways. He is

concerned that there may be too much screening with this plan at the corner coming onto Candy Hill Lane, posing a safety risk.

No further public comments.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing on the Zingale Definitive Subdivision to October 13, 2004 at 8:45 p.m. at Town Hall. (This hearing was subsequently changed to 10/14/04).

The Town Planner was instructed by the Board to draft a decision for review at that hearing.

Site Plan Recommendation – Chiswick Park

The Board continued discussion on the agenda item taken up earlier in the evening.

Lisa Eggleston: Drainage review concerns to be looked at for Water Resource Special Permit District, recharge and water quality.

The Board had the following comments for the Selectmen regarding the Chiswick Park proposal:

- Frontage of park and how it looks to be considered
- Path existence is crucial for pedestrian enhancement to walkway system
- Connection with the Rail Trail System
- Specific attention be given to the entrance of the trail

Chris Morely: Nobscot Road down the railroad track to Union Ave. right-of-way; would be beneficial if it was wider at the track. For public benefit reasons the applicant could be requested for 10' widening.

The meeting was adjourned at 10:15 p.m.