

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 7:45 p.m.

Public Hearing – 2005 Town Meeting Articles

Mike Fee read the public hearing notice into record.

Jody Kablack: The bylaw changes petitioned in the articles are minor modifications to existing provisions. There are six sections under Article IX which will be addressed one at a time:

Section 7000, 2230 and 2313 addresses requiring a special permit for the keeping of animals on parcels of less than 5 acres in size. Over 5 acres it is exempt under State law. Currently under the bylaw there is only one section that references this. It has been advised there should be two sections in order to be valid.

The Chairman asked the public for comments on this section.

Laura McCarthy, 24 Goodman's Hill Road:

The Planning Board is changing it in two places?

Jody Kablack: In 2313 it is a minor change in wording to make it match the Use Table (section 2230).

Laura McCarthy: Would like the Board to define raising versus keeping.

Mike Fee: They are defined by generally accepted usage; not every word application is defined in a zoning bylaw.

Laura McCarthy: At last night's Zoning Board meeting, they also did not define raising versus keeping. Why change if no definitions are clarified?

Mike Fee: It is not necessarily solely to define. The Planning Board is promulgating this provision under generally accepted usage in most contexts. The Board is here to listen to definition advice and comments.

Laura McCarthy: Opines a clear definition is important. At the Zoning Board meeting "raising" versus "keeping" was not defined. The Planning Board needs to clarify the changes prior to Town Meeting.

Lisa Eggleston: She is assuming the broader definition of "keeping" while "raising" is more arguable.

Mike Fee: The confusion at the Zoning Board meeting last night is unknown to this Board. However, your comments for clarity are well taken and good points. It is not this Board's intent to make the change to add confusion. The Board will look at the definition ambiguities and will address with the Zoning Board.

Kirsten VanDijk, 37 Landham Road:

Offered a clarification which referenced children. We raise children for the lifespan of the species, taking care from birth to death, while keeping is not a lifespan definition but

an undefined period, possibly 2-3 generations of a species. She suggests using lifespan as the framework for definitions.

John Donovan, 26 Old Orchard Road:

Asked for basis of the last speaker's position – is it reference material or opinion?

Mike Fee: Assumes it's derived from experience as she did not submit reference material.

John Donovan: Does not agree with her. Raising a child and an animal are not similar nor do you stop raising a child at a certain age.

Mike Fee channeled the discussion back to the bylaw and the proposed amendments. If a special permit is required the Building Inspector is not going to look at the age of an animal, he will assume they are there to be kept.

Liz Sulkowski, 73 Moore Road:

To define would be a greater problem. How many people keep versus raise; is it for commercial use or self? She is alarmed by the change in wording from "keeping" to "raising".

Mike Fee: Commercial use is an important distinction.

Liz Sulkowski: Disagrees with needing a permit to keep a couple of chickens.

Martin Miller, 496 Concord Road:

He currently raises chickens and though they are not like a family dog, they do become your property; family. He would like to hear the exact wording of the bylaw as it is. Will he have to pay for this permit? (Yes). He opined it is not fair to impose a fee.

Mike Fee read the bylaw article.

Martin Miller: Will this be lumped with other articles?

Mike Fee: Yes, it was done that way for ease of consideration. The Board may rethink it with the differences of opinion expressed.

Richard Kurth, 113 Haynes Road:

Section 2230 change for adding to principal use, how would this apply to individual or property owners if no commercial use involvement? For example, if they just had a couple of animals for personal use (4H, food, pets). He does not see how the Planning Board changes get to an overarching statement to obtain a special permit.

Jody Kablack: Agricultural use in non-exempt. It does not state anything with regard to commercial. It is in the Use Table under Agricultural use then goes into a definition.

Chris Morely: In the bylaw prior to the old revision, an error was made.

Richard Kurth: The Use Table is not in the prior bylaw.

Adam Sulkowski questioned the Town Planner's interpretation of Town Counsel's opinion. The Town Planner withdrew remarks that may be deemed as other's interpretations of the bylaw. Mr. Sulkowski is involved in an appeal with the Building Inspector. At this point Chairman Fee deemed it inappropriate for Mr. Sulkowski to attempt to extract Town Planner opinion on matters currently in litigation. It is not what the Planning Board is trying to do. The Board is trying to open communication with concerned residents while also trying to address ambiguities that may exist in the bylaw.

Myra Miller: What is the bottom line, the intent with this change? Is it for enforcement?

Mike Fee: In his opinion, the change is a clash of cultures. The push for the concept is by new residents with big homes who don't like living near farm animals. The Town is attempting to react to all input to codify what should be done in an appropriate manner. The Town is not pushing to change the rural character or to have farming families move. If it is voted down, it is democracy.

Lisa Eggleston: In addition to what the Chairman has said, the sentiment currently doesn't clarify the intent of the Town. There are ambiguities which still require clarification if voted down.

Linda Muri, 623 Peakham Road:

She raises pigs and turkeys for consumption; she also has hens, rooster and horses. Her family has lived in town for a long time. People visit to pet the horses; she has visited schools with animals.

Mike Fee: If she has been farming in Town for a while, she may want to check if she is grandfathered.

Resident: What is the definition of livestock?

Mike Fee: The common, accepted usage in any dictionary.

Resident: There are two definitions in the dictionary; if changing this bylaw, definitions should be clarified. If the Board is vague in definitions and uses it will upset residents. The way the bylaw reads now, there is no compulsion for people to apply for a special permit; is not required.

Jody Kablack: That is an inconsistency that is trying to be addressed and added in the table under C1.

Leigh Dunworth, 78 Old Framingham Road:

It would be good to consider what constitutes being grandfathered.

Mike Fee: It would be a trigger date for grandfather status; would need to research when the special permit provision was enacted to the zoning bylaw.

Leigh Dunworth: If a resident is unable to prove they had animals prior to that date, then they would need a special permit?

Mike Fee: Yes.

Anne Stone: How will this affect the 4H kids and people with rabbits, etc.?

Jody Kablack: There is no threshold for the number of animals.

Patricia McCann; 23 Willard Grant Road:

She is a 27 year resident. Inquired about the printed document from the Planning Board that is on the website. What is Town Counsel's suggestion under the current bylaw?

Jody Kablack: That is up to the Building Inspector. What she wrote is the Planning Board's report which is what is on the website.

Patricia McCann: Is there a way to revise for grandfathering? For example, existing properties with relevant animals would be exempt. Find some language that allows what has been here to continue.

Mike Fee: Thanked residents for their time and input. All relevant comments were well taken. This is the first feedback the Board has received and it clearly indicates we have much to do. Your input is taken seriously and we will revisit to clarify and will make

adjustments. It is not intended to regulate the 4H kids but rather to give the Building Inspector a mechanism to regulate what goes over the line.

Laura McCarthy requested the Board keep in touch with the residents.

Jody Kablack stated that everyone should sign the sign-in-sheet and the Board will notify all listed.

Mike Fee stated the Board will resolve prior to Town Meeting. The Chairman read each of the other zoning article changes and asked for any questions or comments residents might have. There were none.

Jody Kablack entered into record an email received from resident Peter Kramer who could not attend the public hearing.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on the Zoning Bylaw Articles.

Public Hearing – Scenic Road Bylaw

Mike Fee read the hearing notice into record.

Kirsten VanDijk, 37 Landham Road:

She is President of the Historical Society, a former member of the Historical Commission and “applicant at large” for the Historic Districts. She is here tonight to comment to the Planning Board and the Historical Commission in light of the proposed Article 37, Scenic Roads. She opined there is an injustice to the residents with this proposed change to the bylaw as it does not include all relevant parties. She believes there is strength shown in numbers. She suggests to include as part of the amendment, the Historical Districts Commission for all historic districts in Town. Cautions the Board not to neglect the knowledge of the Historic Districts Commission to make better historical preservation.

Mike Fee: Supports the substance of your comments but to clarify are you suggesting having the Historic Districts Commission as a co-sponsor of the article?

Kirsten VanDijk: Yes, the Historical Commission and the Historic Districts Commission want to work together.

Lisa Eggleston: Are you talking about sponsorship or authorship?

Jody Kablack: The Historic Districts Commission never contacted us.

Mike Fee: Have them write a letter to the Planning Board stating co-sponsorship and support.

Laura McGrath, 245 Water Row:

Submitted comments from Water Row neighbors to file. A slide show was presented for scenic road protection. The neighbors support the amendment but have concerns with the bylaw. They lost one significant tree for which there was no public hearing. They would like to make additional protection comments, especially in regard to the trimming of trees. They have spoken with the Massachusetts Historical Commission which recommended an overlay district. In addition they have the following concerns and suggestions:

- Roadside guardrails as they are now are very dangerous for walkers and cyclists. They should be wood.
- Road Signage is out of character (cited Newbridge Road); smaller signs would be less confusing
- Share the use of scenic roads – reminders to vehicular traffic. Is there a way to have utilities flagged prior to pruning? Address having some type of oversight of pruning.
- Road striping criteria – feels there is a false sense of confidence as it currently is which makes a dangerous situation.

The Planning Board suggested side line stripes versus center line stripes; will discuss with Bill Place.

The neighbors commented Water Row is the oldest street in Sudbury, stripes change the character; barrier is out of place.

Mike Daitzman; 241 Water Row:

Many scenic roads in town are not suitable for heavy traffic. There should be a way to respect that; unsure how.

Lisa Eggleston: By definition, scenic roads are major thoroughfares.

Chris Morely: You would have to overlay the entire Town, not just a district issue. He opines the culture of the Department of Public Works needs to change which would be a topic for discussion with the Board of Selectmen and the Town Manager.

Lisa Eggleston: Bill Place is subject to regulations; he must recognize what dictates public safety. It is a matter of balance.

Mike Fee: It is also a budget issue; wooden guardrails would be expensive.

Chris Morely: Guardrails are not frequently replaced.

Lisa Eggleston: It could be discussed with Bill Place to possibly fund the difference in cost.

Chris Morely: It won't be in the budget unless it is in the DPW budget.

Laura McCarthy: The Scenic Road Bylaw is not enforced; it is ignored.

Jody Kablack: Enforcement has been an issue of discussion. Trimming was not in the previous bylaw and is now addressed in that it cannot be done (for a right-of-way) without a public hearing.

Lisa Eggleston: Someone should be alerting the utility companies to that.

Lynn MacLean: Hopefully the new signs will help. What about a letter that states what roads are scenic?

Lisa Eggleston: The Historic District should send them out annually.

Laura McCarthy: Also, there have been issues with stone walls being marked with paint; the Department of Public Works shouldn't do that.

Lynn MacLean: The guardrails run for a long stretch. She was trapped while walking and hit by a mirror of a car as there was no where for her to go, no break in the rail.

Jody Kablack: That is a serious issue; you need to make the Selectmen aware of this.

Lisa Eggleston: Also report it to the Safety Officer.

Lynn MacLean: The Superintendent of the High School handed out letters to students to go Water Row (versus Concord Road). This is very dangerous.

Lisa Eggleston: Believes that was meant to be temporary due to the construction.

Laura McCarthy: Continued discussion on the overlay district idea. Water Row is historic and has much to offer.

Lisa Eggleston: What does the overlay district establish?

Laura McCarthy: It would address additional aesthetic issues other than stone walls and trees.

Mike Fee: Do you have a list of other Towns who have done this? It would be helpful to submit one.

Laura McCarthy: Will get one. Concord has a "Roads Policy" which respects the historic nature and also holds transportation committee meetings to address traffic concerns.

Mike Fee suggested to Ms. McCarthy it sounded as if she were at the beginning of a process. In order to take this idea to the next step she should put something in writing and form a group. We could go further with it at that point.

Jody Kablack: There is no Traffic Committee currently, it is ignored. The Planning Board could form a sub-committee; she believes this is important. Finding models would be helpful.

Discussion was continued on forming a committee. Jody Kablack and Michael Hunter volunteered to be part of such committee.

Lynn MacLean thanked the Board for their time and support.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing on the Scenic Road Bylaw.

The Board revisited discussion on the Zoning Articles with respect to sections 2230 & 2313 for a special permit for the keeping of animals. The comments from the residents were discussed.

The Board was of the opinion it is ambiguous and creates more dispute than it solves. Thresholds and explicit language are needed as well as further communication with residents who may be impacted by the proposal to determine fairness and thresholds when requiring a special permit.

On motion duly made and seconded, it was unanimously;

VOTED: To withdraw the proposed warrant article amending Sections 7000, 2230 and 2313 of the Zoning Bylaw which would require a special permit for the keeping of animals on parcels less than 5 acres.

The Board intends to revisit for the 2006 Town Meeting.

A letter will be sent to residents on the sign in sheet with the Board's vote.

2005 Goal Setting – Projects and Priorities

The Town Planner reviewed the punch list for the Planning Board. Included on the list of projects for the upcoming year were:

- Community Housing; implement housing plan and formulate trust
- Economic Development; Route 20 issues, use table
- Historic Town Center Restoration; Jody Kablack and Joe Sziabowski to address
- Traffic; Sub-committee formation possibility
- Ponds & Waterways; Mike Fee, Lisa Eggleston

CPC Funding – Eligibility Study

Mike Fee spoke with the Board about its support for Carding Mill Harvesting and restoration, which is sponsored by Hop Brook as well as a wildlife and animal life study for Hop Brook. The declining vitality of Hop Brook and the Carding Mill Pond desperately need funding for restoration.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend approval of the requests for CPA funding for the Wildlife Study at Hop Brook Ponds and for a remediation study for Carding Mill Pond.

It is the opinion of the Board these are significant features in Town and worthwhile to undertake studies.

2005 Bonding Policy

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the 2005 Bonding Policy recommended by the Director of Public Works.

Endicott Woods Definitive Subdivision Plan

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Definitive Plan of Land for the Subdivision Endicott Woods.

ANR

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR for Evergreen Realty at Old Framingham Road for 2 new lots.

Miscellaneous

Board Member Eric Poch recused himself at 10:50 p.m.

On motion duly made and seconded, it was unanimously:

VOTED: To go into Executive Motion and not to return to regular session.
It was a roll call vote.

The meeting was adjourned at 11:10 p.m.