

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

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

Site Plan Comments to Selectmen

Maynard Road Athletic Field (Cutting Property)

Jody Kablack briefed the Board on the status of the Park and Recreation Commission's Site Plan application for an athletic field for town purchased land on Maynard Road. Stormwater treatment is proposed with a VorTechnics System. The surface of the field is currently being prepared by the Department of Public Works. Work has been halted due to flood by beavers.

Lisa Eggleston: She has some concerns with maintenance. Storm septrors require back-up. Stormwater structures should be maintained by the Town as much as possible.

Jody Kablack: There is a recommendation to chose a type of structure that can be maintained by the Town.

Lisa Eggleston: Is the detention fenced?

Jody Kablack: At the end of the field by the detention pond there is a 10' fence; can't run-off into it. There is no public access there. There is a lack of funding for certain amenities (sign); however, it has not gone to bid yet. They do have fund-raising plans as well and may seek corporate sponsors.

Mike Fee: The lack of signage from a Planning perspective is an issue for traffic safety. Would like to suggest it on our recommendation to the Selectmen.

Lisa Eggleston: Is there information on the groundwater table?

Jody Kablack: It is higher now due to beaver dams. They are attempting to gain access on the refuge property to install a culvert. Ross Associates and Gale Associates co-coordinated on their design of the field and road drainage systems.

Joe Sziabowski: Are there any concerns regarding parking?

Jody Kablack: It is somewhat over-sized for the highest usage, which should not be frequent.

Lisa Eggleston: There are usually two games going on, not just one. Should reference scheduling due to parking concerns on our recommendations as well. Suggest breaks between games to clear the parking lot.

The Board discussed the potential of installing post and rail fences in the center parking aisle for safer and more efficient parking.

Jody Kablack: The anticipation is that it will not be over-used.

There was additional discussion by the Board on corporate sponsorship. The majority of the Board was in favor of encouraging corporate sponsorship to obtain revenue enhancement for better amenities.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend approval of the Site Plan for construction of a synthetic turf field and parking on the land purchased by the Town on Maynard Road with the recommendations discussed.

Discussion – Proposed Agricultural Commission

Resident Laura McCarthy was present as an Agricultural Commission Steering Committee member, along with 3-4 Sudbury farming families.

Laura McCarthy: Over 13 towns in the Commonwealth have adopted the establishment of an agricultural commission which provides:

- stronger agricultural voice
- visibility necessary to keep farming alive
- network; resources and planning
- local and state bylaw awareness
- advocate for farmers; work with Boards and Committees when developers apply
- support for regulations benefiting farms
- advocate for Massachusetts Agriculture statewide classroom program

Jody Kablack: Is there a State statute that governs the commission?

Laura McCarthy: No. Towns adopt an agricultural commission, and then some towns take it another step further by adopting the “Right to Farm” bylaw. Basically, it is like a 40A regulation where the farmer is exempt with up to 5 acres. They may also have other rights under this bylaw. It does not say they must have 5 acres; the Right to Farm bylaw may waive the 5 acres and provide wiggle room for smaller farms (2-3 acres).

Jody Kablack: In addition, it states actions for nuisance reasons cannot be taken against farmers.

Laura McCarthy: Some bylaws restrict truck deliveries as well.

Jody Kablack: It provides protection other than State law for farmers.

Laura McCarthy: Some towns have it put in the definitions of “nuisance” depending on the farm. It provides disclosure to abutters moving in; “buyer beware”. It also allows individual towns the ability to exempt activities similar to Chapter 40A. In Sudbury there are over 900 acres in 61A or 61B (with over 5 acres).

Chris Morely: How much of that is actively farmed?

Laura McCarthy: Doesn’t have an exact number but many 2-3 acre farms are very active. A very popular involvement for children is the 4H.

Chris Morely: It would be helpful to obtain the number of active farms; provide a list. A concern is that a farmer could be on the commission and not live in Sudbury.

Laura McCarthy: There would be 3 non-residents.

Mike Fee: Strict rules apply for Town Commission members being residents.

Laura McCarthy: Had a brief conversation with Town Counsel and there was no reference to that, nor was there any negative response to the proposal. Will seek private counsel opinion.

Mike Fee: What is the impetus for this commission proposal? Is it in reaction to development or zoning?

Laura McCarthy: She has personally been under pressure to form a commission over the last 2 years from different boards she is on including the Massachusetts Farm Bureau. The Commissioner of Agriculture asked her to have a meeting to see if there was any interest in Sudbury. She held a meeting not anticipating much attendance and was very surprised at how much interest there was.

Rosanne Dickey (Newidge Farms): Her family farm is currently in 61B. She has a personal interest in keeping farms in Sudbury; too many have gone already.

Linda Meade: Has a family history in farming as well. She is interested in preserving farming in particular after living in the city.

Ms. Stone: She is on the State Farm Bureau and supports the reasons stated by Laura McCarthy for the development of such a commission.

Mike Fee: Curious if there was any zoning pressure or threats to address?

Laura McCarthy: Heard about the Planning Board's article for Town Meeting which involves agriculture.

Jody Kablack: The article amends the definition of agriculture for less than 5 acres and keeps farming as a by-right use in all zones. It is an attempt to encourage farming which is a non-exempt use by right but they have encountered complaints (in particular with the keeping of poultry).

Mike Fee: The Planning Board is submitting the article to see if Town Meeting will vote to allow.

Jody Kablack: The proposal is to require a Special Permit to keep and raise live animals with less than 5 acres.

Laura McCarthy had questions regarding keeping horses and the number permitted per acre. Jody Kablack advised that was the jurisdiction of the Board of Health.

Jennifer Churchill: She is a horse farmer and very interested in maintaining the existence of farms in Sudbury over development. She encountered struggles when starting her farm that she opines would have been much easier if there had been a commission. As well as offering support, a commission would provide a way to learn the laws and exemptions for farmers she was not aware of. It would be a great source of networking, support, connection and learning.

Lisa Eggleston: The Planning Board supports farming and the rural character it provides Sudbury.

Mrs. Churchill: Does not want to stop development but rather wants developers and buyers aware of farms around them. Does not want farmers to be squeezed out.

Mike Fee: Agrees in the support for farmers. What is the advantage of having this commission proposal town sponsored versus private group sponsors?

Laura McCarthy: It provides more clout if the Town approves it, more connection with Town Boards.

Mike Fee: It is a double-edged sword having the Commission under the Board of Selectmen.

Laura McCarthy: But it would enable the Commission to provide recommendations to the Selectmen. When they presented the proposal to the Selectmen, they did not reference any of this, nor did Town Counsel.

Mike Fee: It may be wise to revisit the subject with Town Counsel. He is discussing potential issues and may not be correct. His interpretation is that the proposal reads the Selectmen are not bound by the Commission's recommendations. There is also a potential issue with non-residents being on the Commission.

A straw vote was taken.

On motion made and seconded it was unanimously;

VOTED: To support the article to adopt an Agricultural Commission.

Scenic Road Bylaw

Carole Wolfe (Historical Commission) was present.

A draft of the article was reviewed. Minor revisions to the draft were made.

Jody Kablack: The DPW Director wanted language in the article such that if a tree is diseased or dying it may be taken down by the Department of Public Works without a public hearing.

Carole Wolfe opined it should always require a public hearing.

Mike Fee: It is overarching the explanation of what should be excluded from a public hearing; it takes the discretionary grant to the Tree Warden out of the bylaw.

Another revision was with regard to bonding. The Board was in favor of placing bonding as a condition of approval with fines for violators (within public right-of-ways).

Eric Poch: What about having it as a condition of issuing a permit of occupancy?

Jody Kablack: Will discuss requesting that with the Building Inspector and the possibility of holding or revoking pending permits.

Carole Wolfe: The Historic Commission would like to install or replace guard rails on scenic roads with wooden ones. In addition the Commission would like Replanting Tree Plans.

Water Resource Protection District Bylaw

Jody Kablack: The bylaw has been revamped by an outside consultant which the Board has just received. One of the major changes to it would be that an application only needs to come before the Planning Board in the event the threshold of impervious surface exceeds 15% or it exceeds any of the other thresholds generally aimed at limiting the use of hazardous materials. It also establishes criteria for net improvement of stormwater and puts that criteria in the rules and regulations. The Conservation Commission is a co-sponsor of this article. A meeting will be necessary for final review of the article prior to submitting it.

Community Housing Committee

On motion duly made and seconded, it was unanimously:

VOTED: To re-appoint Mike Fee as Planning Board representative the
Community Housing Committee.

The Arboretum Cluster Subdivision

On motion duly made and seconded, it was unanimously:

VOTED: To endorse Cluster Plan of Land for the Arboretum off Maynard Road.

The meeting was adjourned at 10:00 p.m.