

Present: Michael Fee (Chairman), Lisa Eggleston, Michael Hunter,  
E. Poch (8:10 p.m.), J. Sziabowski (Associate), J. Kablack (Planner)  
Absent: Christopher Morely

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

***Adoption of Regulations for Senior Residential Communities & Incentive Senior Developments – Public Hearing***

Mike Fee read the notice into record.

Jody Kablack: There are two parts to what we are doing. First, we are changing the existing Senior Residential Community regulations which have not been changed since 1997 when they were originally adopted, and secondly, we are adopting new regulations for Incentive Senior Development Applications. The Town Planner's memo dated June 8, 2005 outlines three additional revisions, including a requirement that the plans be stamped by a registered engineer and architect. The May 2005 memo lists 18 proposed changes to the regulations and collective needs. One of the major revisions to the Senior Residential Community Regulations is to Section VII.C (Death of Foreclosure Period and Criteria). The change would allow the Planning Board to review situations on a case by case basis and broadens the exemption period and criteria. The Incentive Senior Development mimics this change.

Lisa Eggleston: There is no design standard for stormwater.

Jody Kablack: Currently in the regulations, stormwater is based on subdivision regulations. That is the next project for revisions to rules and regulations.

Lisa Eggleston: Has there been any feedback from the developers it was mailed to?

Jody Kablack: No, however, Myron Fox and his firm originally suggested the wording for the exemption period. Board member Eric Poch pointed out the end provision to the revision basically is that the owner/occupant is permitted to lease the premises. He had an issue with that wording.

Mike Fee: The financial language is a bit unclear; should specify release "to a third party". Was that Eric's concern?

Jody Kablack: Yes. Stipulate not allowed to rent except in extreme hardship.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public hearing on the Senior Residential Communities  
Revisions and Adoption of Regulations for Incentive Senior  
Developments.

Miscellaneous Item:

Mike Fee noted each time a Special Permit comes before the Planning Board, the Associate Member (if present) should be appointed as a voting member.

***Sprint at Feeley Field – Recommendations to Selectmen***

Jody Kablack: The proposal is for the addition of a carrier on the existing pole located on Town property. It is a basic application, internally mounted. The Town encouraged this proposal by going out to bid for proposals.

The Board reviewed the plan.

There was discussion on the proposed barbed wire fence around the pad; not around the tower but around the equipment. Currently the access gate is wide open. Park & Recreation would like to have a black vinyl fence installed rather than galvanized metal and more landscaping. The applicant did not show landscaping on the plan but agreed to it as a condition of approval. They are located in a wetland buffer zone; need an Order of Conditions. Screening will be needed from Raymond Road; utilities will be underground.

Mike Fee: Due to the nature of the field and the security risks, barbed wire is not appropriate. The Board should recommend additional expenses be provided to the Police Department in the amount of \$5,000 for extra patrols. Also should get comments from both the Police and Fire Departments. All installation of the antennae will be internal.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend approval of the Sprint Spectrum Wireless Installation to the existing tower at Feeley Field with the recommendations drafted by the Town Planner in her memo of June 7, 2005 and recommendations discussed by the Board tonight.

***Willis Hill II (Kendra Lane) Modification – Public Hearing Continuation***

Tom DiPersio (Thomas Land Surveyors) met with Mrs. Brock (56 Cudworth Lane) on behalf of his client. Mr. Brock (present) has a sketch of the current modification which shows a 5 ½' rise to meet driveway regulations to Kendra. It is a 4% grade which creates a low point and flows to the rest of the Kendra Lane subdivision. The other option they had was to flatten the Brock's driveway to a 2% flow in the same direction. On lot 36A off Kendra, there is a change in the property from the edge of Kendra to the existing driveway of 8'; 20% change. The other option here would be a 7.7% grade from the driveway but they have not received the owner's reply yet. The owner is aware it would reshape his driveway.

Jody Kablack: Will relocating either driveway require wetland filling?

Tom DiPersio: Yes, the Brock's driveway relocation would be in the 100' buffer.

Jody Kablack: That would eliminate a decent portion of Mr. Brock's lawn. Will there be something proposed for the grading?

Tom DiPersio: The requirement is 2-1 (currently it is approximately that); they are proposing a 3-1 slope.

Mr. Brock: He has grass that grows fine now. If the road is raised will it be more steep?

Jody Kablack: No, it would be less steep.

Lisa Eggleston: It would make it longer or more shallow; at that point a grade change of 3 ½% is not much of a difference. It is up to the abutters at this point. Is the intent still for a driveway?

Jody Kablack: Yes, Mr. Sinton wanted to see a plan like this. He is selling his lot; they or the new owner must agree.

Tom DiPersio: Lot 36A does not need a wetland filing, the other lot does. They could still get that driveway change out of their jurisdiction.

Lisa Eggleston: There could be a condition on the waiver of grading requiring an easement.

Mr. Brock: He had thought of the impact of the driveway previously, but had not thought about the impact to the front yard.

Lisa Eggleston: Tom DiPersio could stake that out.

Mr. Brock: He is more inclined to raising the grade not moving the driveway.

Tom DiPersio: Will add flags to show the buffer zone.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing on the Willis Hill II Modification to  
6/22 at 8:15 p.m.

There was comment suggesting an easement as a condition of approval at Mr. Sinton's closing.

The Board revisited the discussion on Senior Residential Communities and Incentive Senior Developments Regulation Adoption.

Mike Fee: The public hearing is closed, the Board is deliberating now on the lease portion of hardship cases.

Discussion focused on the Exemption Period.

Eric Poch: Does the proposed change to the exemption clause preclude someone from moving in to help a parent prior to the change of owner?

Jody Kablack: No, but it has to come to the Planning Board first.

The unit can also be leased to a third party for a two year period; allowing the family 2 years to get rid of the unit.

Joe Sziabowski: What criteria does the Planning Board base on?

Jody Kablack/Lisa Eggleston: Hardship is a case by case basis.

Eric Poch: Should cover someone without an heir to protect the Association's interest of neighboring property owners.

Jody Kablack: Believes that is in the Condominium documents/laws.

Eric Poch: That should be verified.

Comment was made that an out was needed, more flexibility is necessary.

Mike Fee: By adding "to a third party" it expands it more.

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the proposed revisions to the Senior Residential Communities Rules and Regulations with the addition in wording discussed.

The Board discussed the Incentive Senior Development Regulations.

There was one comment on the equation basis for the price restriction being ambiguous.

The Board opined to add a numerical example to the regulations.

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the proposed Incentive Senior Regulations as modified based on the June 2005 draft.

### ***Mahoney Farms Senior Residential Community – Public Hearing Continuation***

Mike Fee commented on a letter dated May 26, 2005 written by the applicant's attorney, Nick Carter, addressed to Town Counsel. In his letter, Mr. Carter complains about the Planning Board's pace of the proceedings and urges a more expeditious review. He further comments the Planning Board said they would approve the application by the June 8, 2005 meeting.

Mike Fee: He is perplexed by this letter. He opines it is not appropriate to send to Town Counsel without even copying the Planning Board on the letter or sending it directly to the Planning Board. There was no request for a vote at the close of the last meeting.

Kevin Giblin: Believes the frustration expressed in the letter is a result of 30 years experience during which, he has never had to ask for a close/vote. There is additional frustration resulting from the litigation with the Town. In June they gave a deadline date of July 15 to Town Counsel. They are only building on 10 acres out of 70+ total. The frustration expressed by his attorney and partner as well as himself. The July 15 appeal period is up; the judge signed it when they won the case. It was written it would be done two Decembers ago with no demands. It is a hard balance with the Planning Board procedures. When the agreement was done by the judge, the Town had agreed.

Mike Fee: Your discussion should be with Conservation, who was not aware of certain portions of your property. Your conflict is with Conservation, not the Planning Board. This is not respectful of the Planning Board. Mr. Fee went to the Conservation Commission's meeting specifically to let them know the Planning Board was approving

of this application thus far. Your perception and ours are different. We are not part of the settlement agreement with the Town; does not say need approval by the Planning Board.

Jody Kablack: You did not win that litigation. No plan was produced at the time. The definitive plan was submitted February 15; the Board has until July 15 to approve.

Kevin Giblin: The extra 14 months have been costly. It was a 4 month settlement agreement. He has respect for the Planning Board; this is a great plan. The Planning Board should say we've done a good job. The letter was part of their frustration. He disagrees with the July 15 approval deadline.

Mike Fee: The Planning Board likes the plan however, as a Town Board we are obligated to hear your desires as the applicant and also the neighbors. The Board takes its obligations very seriously and works diligently to balance all concerns. It is a process we go through to be certain all constituencies have been addressed. It may be more cumbersome than other towns you have dealt with but it is our process.

Mike Sullivan: They have submitted revisions (very minimal) based on Jody Kablack's memo of 6-1-05. He ran through the items on the memo. Item 1 regarding road improvements for Old Framingham Road. Mr. Giblin will design and install the drainage, the road improvements are under Bill Place.

All items on the memo were referenced and either have been or will be addressed with comments on the following.

Item 3 – Water District approval not indicated. The water was off of Old Framingham Road and ended with a hydrant. The Water District wanted it looped. They did that; with the loop 1500' from the entrance it would cost around \$100,000. They asked Al Renzi if it were needed. If the water line breaks on Old Framingham Road, we can fix with a tie to Nobscot Road. They are continuing discussion; could be conditional with the Water District approval.

They will meet with the Design Review Board on June 22 and will have items submitted for the Board before the meeting.

Item 10; septic design – They have met with Bob Leupold who said he was comfortable with the proposal. He's going to the Board of Health for variances to enable more definitive landscape design. The definitive septic design will take a while, but Bob Leupold was okay with the preliminary design.

Item 11; fill – They are bringing in more than they are taking out. It should not get transported through town. It may be used across the street.

Mike Fee: Old Framingham Road is a scenic road. Will it be widened or an intersection design?

Jody Kablack: Bill Place has designed two plans. One is an 18' widening the other 22'. Utility poles and trees will be affected however, no stone wall removal in either case. For the 22' plan there are poles and trees that will need to be removed but not many. There are 2 significant ash trees (which are in decline).

For the 18' road plan it is less impact, one pole or possibly two. No impact to trees or stone wall. It would just be for the paving portion. It is possible up to 83 units could be

accessing this road. The intersection alignment of 90° is not in the right-of-way and would require an easement. The property owners are not in agreement.

Mike Fee asked if there were any comments from the public regarding the road configuration. Residents were invited up to look at the plans.

Maryann Clark: There is not a big difference between the two plans, but she prefers the 18' widening for purposes of keeping in character.

Mike Fee: Agrees with the notion of keeping in character as much as possible but the Board also needs to plan ahead (Newell application) for traffic concerns.

Mr. Clark: In the future, if the intersection changes to a wider width it would be better at that point.

After discussing, the consensus of the Board for the road width was 18' with gravel shoulders (1 – 2' on either side) where tree removal is not needed.

Jody Kablack: Where permitted for 2' shoulders to be installed, can the drainage be in the shoulder?

Mike Sullivan: No, the drainage will be under the pavement, approximately every 300'. It is generally in the middle.

Mike Fee: The intersection reconfiguration is not an option at this point. The necessary easement is not in agreement.

Jody Kablack: It could be readdressed with the property owner at a later point (the next application).

Lisa Eggleston: Does this require a Public Way Access Permit?

Jody Kablack: Yes, it is part of this hearing.

Mike Sullivan: When he was on site with the Town Planner it was stated that 50% of the roadway improvement expense would be paid by this applicant and 50% by the next applicant. It was also stated that permitting would be by the Department of Public Works.

Jody Kablack: We need to hear from the other developer regarding the 50%. No application has been submitted yet.

Mike Fee: How will that work where the other developer has not even submitted an application yet?

Kevin Giblin: Will have to discuss with him. The other developer agreed. He could do the widening with shoulders which would be at least two years (20-36 months). They will consult with Bill Place as to how the drainage will get done.

Jody Kablack: If Brendon Homes agrees to pay half of the work and Grouse Hill (the other applicant) doesn't proceed, the work won't get finished. We need to define the work better and not base it on the Newell application.

Mike Fee: What waivers are you still asking for?

Mike Sullivan:

- 2% leveling at the intersection (proposing 4% necessary due to vertical curve)
- waiver on grade into driveway
- perimeter buffer; no structures within 200'
- location of trees on plan

Jody Kablack: Old Framingham Road (side closer to road) does show vegetative screening on the landscape plan.

Lisa Eggleston: The trees there are pine and oak.

Mike Sullivan: 8" trees that can be saved are shown.

Jody Kablack: The regulations for 100' around the entire perimeter are all complied with except the structure within 200' of an adjacent public way.

Lisa Eggleston: Will the units facing out onto the Nobscot Road entrance be looking at garages?

Kevin Giblin: Yes.

Mike Fee: Justification for granting the perimeter buffer waiver request would be the enhanced landscaping and the sensitivity to the perimeter buffer on Old Framingham Road final design. It is in the public's best interest to grant the waiver. What about the cut and fill?

Jody Kablack: It will require an Earth Removal Permit. Also may condition some information from the traffic study such as large tree removal on the roadway (review prior to removing).

Mike Hunter: The site distance is good.

Mike Fee: What about additional signage on Nobscot Road?

Jody Kablack: Will talk to the Safety Officer.

Lisa Eggleston: Traffic study would be useful to the Planning Board as far as lower impact numbers.

Kevin Giblin: The rear architecture for buildings 31-33 plans have been submitted. If the back faces Nobscot they will put dormers/sheds on the backs of the roofs or any other suggestion the Board advises.

Joe Sziabowski: Likes the dormers; the 3 unit building is the one in question, not the 2 unit building.

Kevin Giblin: Will have something else on the backs of the roof.

Jody Kablack: The Design Review Board will review all the architectural and building plans. May be good to have the Planning Board's Associate member, Joe Sziabowski attend (he is an architect).

Eric Poch: With the fill elevation from Nobscot, should submit what it will look at.

Kevin Giblin: 770' of fencing, 1020 trees/shrubs/ground scape. When the septic grade is determined, it will be wall and shrubs instead of a mound. The proposed street lights are "Boston lights".

Lisa Eggleston: Old Framingham Road backyard units look wide, cut into buffer.

Jody Kablack: Screening has to be 50' wide; front yard setback is 40'. Is there an agreement with Mr. Bachand (63 Old Framingham Road) about planting trees?

Kevin Giblin: If they are building in the zone they have to put earth berm, but they are not building in that zone. If they do build on his property and need screening, they will do it.

Outstanding items were noted:

- Design Review Board input
- Confirmation of drainage to Town Engineer's approval

- Signage opinion of Safety Officer

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing for Mahoney Farms SRC to June 22, at 8:45 p.m. with instruction for the Town Planner to draft a decision document for approval at that time.

### ***Miscellaneous***

#### ***Sub Committee Updates***

##### ***Rail Trail***

Eric Poch: They will go to the Conservation Commission Monday. Will update at that point.

The Board briefly commented on the potential for a rail trail versus a walkway resulting from the Mahoney application. A trail easement through open space would be a conservation issue. Board members Lisa Eggleston and Joe Sziabowski liked the idea of a pathway or walkway in that neighborhood.

#### ***Land Acquisition***

On motion duly made and seconded, it was unanimously:

VOTED: To go into Executive Session and not return to regular session.  
(Roll call vote)

The meeting was adjourned at 10:30 p.m.