

Present: Michael Fee (Chairman), Lisa Eggleston (arrived 8:45 p.m.),  
Christopher Morely, Joseph Sziabowski (Associate, left 10:00 p.m.),  
Jody Kablack (Planner).  
Michael Hunter and Eric Poch had to attend "Candidates Night"  
and arrived at 8:10 p.m.

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

### ***Mahoney Farm - Revised Preliminary Plan***

Mike Sullivan of Sullivan & Connors:

Since the last plan was presented, the applicant has resolved many issues with Conservation. They anticipate having a definitive plan prepared by the end of the week. There have been many changes to the original plan which was driven by the wetlands in the middle of the development. Originally, both roads in the proposal went onto Old Framingham Road. The plan now involves a double barrel road off of Nobscot Road with one exit onto Old Framingham Road and end in a cul-de-sac in the middle. There will be two drainage basins along Nobscot Road with a drainage pond in the middle corridor with plantings. The septic will be between the development and lot 7A. Another major change involves open space. What originally was to be 100' corridor is now a 350' corridor.

The Newell property will involve purchasing an abutting lot; part of that land will be designated as a wildlife corridor, ensuring more open space. The properties are well connected. They will also be filing with Conservation soon. The two waivers they are requesting:

- 1) They are only 50' from Old Framingham Road (a result of the middle being condensed).
- 2) The entrance road (required to be 2%) grade cannot achieve compliance due to high water table. They are asking it be 4% and have gone over it with Bill Place (he is okay with the proposed grade).

Jody Kablack: Likes this plan much better, the applicant has taken recommendations and implemented them well. Is the proposed road onto Old Framingham Road still opposite the other Incentive Senior Development that will be submitted?

Mike Sullivan: Yes, and the main access on Nobscot Road is not opposite of the Boy Scouts driveway which had been a concern with residents.

Chris Morely: Is very pleased with the changed plan and the double barrel landscaped area. Is there going to be a retaining wall with this plan?

Mike Sullivan: Yes, it will cut into the hill and be approximately 15' high (rock wall).

Joe Sziabowski: Likes this plan much better as well.

Mike Fee: Is happy with the cluster design; it preserves the natural resources.  
Has there been an environmental impact study?

Mike Sullivan: No.

Mike Fee: Could ask the Conservation Commission about that.

Adam Miller: The development that is going in across from Old Framingham Road had initially caused concerns about the extra traffic. Is that still a concern?

Mike Fee: Currently, we are in the preliminary stage of the application. This is mainly to determine if density is appropriate for the application to move forward to the definitive stage. Once the definitive plan is submitted, the Board will address the plan at a much higher scrutiny, including the traffic issues.

Adam Miller: Isn't it better to include all planning with the preliminary plan?

Mike Fee: If a plan is approved at the preliminary stage, it does not indicate it will be approved at the definitive stage. It just means the applicant has the ability to proceed with a definitive plan.

Mike Sullivan: Bill Place has already cautioned about the traffic but it is still early on. They understand there may be traffic improvements required.

Tim Coyne, 24 Taylor Road: What is the acreage?

Mike Sullivan: 23 ½ acres, excluding what the Town owns on the other side.

Maryann Clark: The original plan showed 11 buildings, this plan shows 13.

Mike Sullivan: Yes, however, it is the same number of units (33). The applicant wanted to get more 2 unit buildings, with no middle units. There are still 65 bedrooms; 32 two-bedroom units and 1 one-bedroom unit.

Maryann Clark: There was some discussion regarding 2 house lots on the Mahoney property on the east side of Old Framingham Road.

Mike Sullivan: The Mahoney settlement included 2 lots across the street on Old Framingham Road which were to be used as single family homes. Mr. Giblin (the applicant) and Mr. DiPitri mutually agreed to make these part of the Newell application. They are looking at possibly 6-8 units. The Incentive Senior Development bylaw permits 4 units/buildable lot by right which would be 8 units on the 2 lots.

Ray Bachand: There was discussion about the access road location and width.

Chris Morely: The development across the street comes out at the same point on Old Framingham Road. This plan has the double barrel; two roads in and out with vegetation. The old plan had 12 units only accessing Old Framingham Road. He opines this new plan is much better.

Ray Bachand: Will the road be private or public?

Mike Sullivan: It will be privately maintained.

Ray Bachand: Is there a need for a Town road?

Jody Kablack: Will check into it.

Ray Bachand: Single family homes on the other two lots would have been much better for property values.

Adam Miller: Access onto the land the Town is getting; will it be a driveway?

Jody Kablack: A 30' wide easement to access the Town land is provided on the northern property line.

Mike Fee: Would like to respond with regard to Mr. Bachand's comment on property value. This is a Senior Residential Community proposal which the Planning Board has limited discretion on. We do not have the power to deny it if it meets Board of Health

and bylaw criteria. We are trying to fashion a design which cannot substantially change the character of the neighborhood. Residents' comments are important to the Board but it must be within our purview in order for us to be capable of responding.

Maryann Clark: The Zoning Board of Appeals variance was for 2 separate building lots for individual homes, not 6-8 units. On the east side of Old Framingham Road the perc tests done in back were for residential single family homes.

Jody Kablack: That variance was necessary if they were going to do single family homes. Since that is no longer the intent, the variance basically becomes null.

Ray Bachand: The agreement from the court case was that it would be developed as two house lots and the Town would get 40 acres. How did it get to this scenario?

Mike Fee: Will have to read the settlement documents to determine if only two single family homes would be permitted.

Ray Bachand: There was also a 3 month limit.

Jody Kablack: That was mutually extended by both parties. The Town has met about the 2 houses and opined if the applicant was able to get it to work, they would substitute the two lots with additional senior units.

Mike Fee: These are legitimate inquiries which will be discussed at our next meeting on Mahoney Farms.

There were no further public comments.

A vote was taken by the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the preliminary plan for Mahoney Farms.

The applicant was instructed to submit a definitive plan.

### ***Public Hearing – 2005 Annual Town Meeting Changes/Additions to Historic Districts***

Mike Fee read the hearing notice into record.

Present for the Historic Districts Commission were Sally Hild, Sandra Heiler and Linda Hawes.

Sally Hild presented the article to extend the King Philip Historic District (Concord Road beginning at Boston Post Road all the way to Antique Circle). The area they are discussing runs 300' feet (both sides) and is the southern border of Old Sudbury Historic District. It feels appropriate given the character and number of historic buildings which are on record with the Massachusetts Historic District and National Register.

A power point presentation was shown with 13 Concord Road properties to be included in the proposal. Architecture and graphic locations were referenced.

Mike Fee: What would be the impact to the homes if this article were to pass?

Jody Kablack: The properties within the designated historic district would require approval by the Commission for any changes to the homes which would be viewed by a public way or place. It would be a requirement under the law to do this. Exterior architecture features would include kind, color, texture, windows, doors and lights.

Sandy Heiler: Property owners in the Historic District who need building permits first need a Certificate of appropriateness from the Historic Districts Commission. They have guidelines available of what they typically recommend to homeowners. For example, they would not approve vinyl siding – they are trying to protect the Historic District and its character. While you cannot get a Building Permit without a Certificate of Appropriateness, something not needing a Building Permit may still require a Certificate of Appropriateness (fence, paint color).

Mike Fee: How does this process work?

Sandy Heiler: It is required to obtain the Certificate (the Historic District Commission is overlay zoning), however, the Building Inspector is the only enforcer. There are benefits to being in the Historic District. The number of historic buildings in this area is reason to approve the petition (teardowns are a major case).

Mike Hunter: What if the scenario is a homeowner with a 50's style ranch in this area who wants to add-on?

Sandy Heiler: The Commission may reject the request if they are significant changes.

Joe Sziabowski: What if there is a 50's ranch which is not historic in value and the owner wants a 2005 architect to redesign?

Sandy Heiler: The Commission decides if it is appropriate to demolish. We are trying to preserve historic significance; which is also required by the Community Preservation Act and the Master Plan.

Linda Hawes: If you demolish a home, you cannot build a home which is out of character.

Eric Poch: It was mentioned in the presentation that this article was petitioned by the neighbors. How many houses were asked and how many agreed? How many houses are there in total?

Linda Hawes: 44 were contacted, 3 dissented.

Jody Kablack: Over 90 homes in the district would be affected.

Eric Poch: Where did the genesis come from for this petition?

Linda Hawes: It was submitted by the Historic District Commission; the neighbors started the petition.

Chris Morely: Feels this should have been done in 1963, is in favor of the petition. However, he would suggest adding from the cemetery to Church Street.

Linda Hawes: They were too late in getting that added.

Sandy Heiler: The commercial properties may have been why it failed in the past. She is of the opinion properties appreciate faster when in a historic neighborhood.

Dave Missirian, 133 Concord Road: You addressed historic homes by Route 20 to 100 Concord Road then jump to 150 Concord Road. He is in the middle, at #133 Concord. There are no historic homes in that area. He can see the need for preserving history, but an overlay of zoning (without grandfathering) is not reasonable. If you bought your

home when it was not within a historic district, it is unfair to all of a sudden be designated in one. Some of the 44 contacts the Commission mentioned were not given all the information with regard to the Commission dictating the changes owners can make. He strongly objects that section of Concord Road can not do what they choose as a taxpayer and a U.S. citizen.

Joanne Topham, 210 Concord Road: Agrees with Mr. Missirian. While she likes the idea of preserving history, she objects to having to pay a fee in order to be told what color she may paint her home. She feels this is assertive. From Codjer Lane to Route 20 is historic, beyond that it is not. It is not in the residents' best interest. The Commission is imposing their views of what they think it should look like.

Harriet Anderson, 137 Concord Road: She will be doing an addition to her house, not currently in the Historic District. Will she have to go through the same regimen?

Sandy Heiler: People who agree to buy in a Historic District give up some rights, but it is also possible a neighbor would not approve changes to a home. The intent is to preserve and prevent losing more historical character.

Dave Missirian: Understands the notion of preserving history, but denies the notion of growth. Cities and towns grow; we just built a new high school, smaller homes get made bigger. It is the growth of a community which includes the right to choose. Change is important also. Many people cannot afford historic homes and do not want to be dictated to about what they can do.

Linda Hawes: Other strong historic towns such as Lexington, Concord and Cambridge, have saved their historic character. An example of one which hasn't would be Marlboro. The Commission is not controlling; we don't deny "normal" things.

Joe Sziabowski: What governs the critique you levy?

Linda Hawes: The guidelines are on the web; they are not regulations, just guidelines.

Joe Sziabowski: Are scale and style addressed on those guidelines?

Sandy Heiler: Yes. It depends on the makeup of the Board. Currently, we have an architect and members with advanced degrees in architectural history. There is a lot of knowledge on the Commission and we try to be flexible.

Jody Kablack: For the record, John Caron of 105 Concord Road has submitted a letter of opposition, which the Board members have received.

Resident: The Board should consider if this passes, some people may have to spend money they do not have, in particular elderly residents on limited budgets that have been in Town for a long time.

The Board took a straw vote; 3 out of 5 members were unable to support the article at the time. The Board will table for a formal vote.

### ***Create Maple Ave. Historic District Article***

The Planning Board Chairman began the discussion by publicly noting the Special Permit the Board issued for "The Meadows" Senior Residential Community resulted in the Board being sued by neighbors who allege the Board failed to recognize the historic character of the neighborhood and exceeded its authority in granting the permit. It is his

belief given the historic value referenced in the complaint, that it would be inappropriate for the Board to entertain this article and procedurally should not take a vote or position. He asked the Board members if they agree it is prudent not to entertain the presentation. Eric Poch concurred with Mike Fee.

Chris Morely: It doesn't impact the Special Permit.

Mike Fee: No, it impacts the lawsuit. He has serious concerns with taking a position.

Lisa Eggleston: Agrees the Board should not take a position on the article while the matter is in litigation, however, procedurally for public hearing purposes the Commission should make the presentation and obtain public input.

The Board determined 5 out of 5 voting members will vote not to take a position but will listen to the presentation.

Sandy Heiler: The petition for the Pitts Tavern District, Maple Ave., was received from neighbors which required follow-up by the Commission. Pitts Tavern is the most significant reason for creating a Historic District here. Historic events occurred at the Pitts Tavern from 1715-1721. There were 2 prominent families which lived there. In the late 19<sup>th</sup> century they adopted greenhouse gardens (this was the center) and the other significant fact was pre-WWII, this was a very successful part of Town and the property was owned by the grandson of General John Nixon

Linda Hawes: 67% of houses on Maple Ave. are pre 1940 and 20% are pre 1920.

The hearing was open to the public at this point.

Bob Abrahams; attorney for Laura McCarthy, a defendant in the subject litigation referred to.

Understands it is difficult for the Board to support this petition. He opines it would be consistent with the Board's decision to oppose it. He finds it curious no-one from Maple Ave. who participated in the litigation is present. That in itself is an appropriate reason to vote against the petition. Where do we draw the line when deciding what should be a Historic District? 1915, 1917, 1927, 1940; does that constitute history?

Laura McCarthy: Out of 15 parcels, how many people of Maple Ave. petitioned this article? She was not even aware of it.

Sandy Heiler: Believes all but 2.

Laura McCarthy: Does not believe that is accurate, would like to see the petition. This is a small dead-end street; if it is looked at then 75% of the Town should be looked at.

Sheila Cusolito, 28 Maple Ave.: She has read through the Master Plan and Community Preservation Act which emphasize preservation of history. That takes on more than just the date a house was built. Significant families and events as stated in the presentation need to be considered. This area was 1 of 3 villages originally identified in Sudbury. She would like to see more emphasis on preservation other than just dates homes were built. History is much broader than that. She does not see much historic character in Town.

No further public comments.

Mike Fee: Those were very thoughtful comments and well heard.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing for the 2005 Annual Town Meeting articles to change the Historic Districts (Articles 35 & 36).

Mike Fee: Believes in the concept of historic overlay districts and enhancing them. There is a compelling presentation for large portion of Concord Road to be designated. The Master Plan represents the consensus of the Town who were so inclined to vote in favor of an overlay district. Mr. Missirian's comments were compelling, however, as a municipal board, we need to take a broader approach.

Chris Morely: There were few objections out of 90 homeowners. We are obligated to the concept of a Historic District as a municipal board and under the Master Plan. He is shocked that the Planning Board may turn down this concept of a district. It is a good tool for preservation of character. A district is more than just portions along the street.

Lisa Eggleston: Zoning is grandfathered but not in this instance.

Eric Poch: From the public who attended, there were more objections than there was support. Out of 90 homes, only 44 took a position which is not a lot of support.

Chris Morely: We need to take a position from a Planning aspect. There were only a few residents present tonight.

Lisa Eggleston: Public support does not necessarily mean only residents of the area. We are dealing with an issue of residents who may have bought with the intention of making changes and now cannot.

Mike Hunter: Has reconsidered and would like to change his vote after Chris Morely's statements of concept versus individual issues. The concept prevails over individual concerns. He agrees the Board must implement the Master Plan whenever possible. An overlay district sometimes sacrifices individual interest to achieve an overall enhancement. It is a policy the Planning Board should do.

On motion duly made and seconded, it was:

VOTED: To support the warrant article for the Extension of the King Philip Historic District submitted the Historic Districts Commission.  
(one opposed)

Mike Fee read the Town Manager's letter regarding Article 36 in relation to litigation.

On motion duly made and seconded, it was unanimously:

VOTED: To take no position on the article to create a Maple Ave. Historic District.

***Article 34 – Amend Special Act: Historic Districts Commission Membership***

Sandy Heiler: We are required currently to have members who are referred by several groups. This article proposes the deletion of members appointed by Town Boards and allows the Commission to recruit its own members. The membership appointment would still be done by the Selectmen but it would be nominees the Commission requests.

Currently the make-up of the Commission must be:

1 architect, 1 nominee by the Historical Society, 1 voter who lives in the Historic District, 1 nominee by Conservation and 1 nominee by the Sudbury Historical Committee.

They are proposing it consist of the following:

1 architect, 3 voters in the District if possible and 1 member at large.

On motion duly made and seconded, it was unanimously:

VOTED: To support article 34 for the Historic Districts Commission membership.

The Planning Board's position is to show support for the Historic District Commission and the concept of it.

***Public Hearing – 2005 Housing Plan***

The hearing notice was read into record.

Jody Kablack: This is a good action plan to preserve housing. On October 21, 2004, there was a town-wide Housing Forum that discussed many items in the Housing Plan. Zoning, accessory bylaw, inclusionary zoning, 40R were all discussed. Also discussed buy-downs, tear-downs, 40B (St. Anselm's property given in example).

Mike Hunter: What is the affordable price for a single family house?

Jody Kablack: Each program has its own guidelines, but the most recent homes sold in the Carriage Lane development cost approximately \$180,000.

No public was present for the public hearing.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on the 2005 Housing Plan.

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the 2005 Housing Plan.



***2005 Annual Town Meeting – Positions and Speakers***

Articles 13-15; the Board deferred a position at this time.

On motion duly made and seconded, it was unanimously:

VOTED: To support articles 34, 35, 37, 39, 40, 42, 43, 45, 47 and 48 and to take no position on article 36.

***Minutes***

On motion duly made and seconded, it was unanimously:

VOTED: To approve the minutes of 3/24/04, 6/9/04, 7/14/04, 9/8/04, 9/22/04 10/14/04, 10/27/04, 11/10/04, 11/17/04, 12/9/04 and 1/12/05.

***Commitment Letter***

On motion duly made and seconded, it was unanimously:

VOTED: To commit to explore the adoption of a Right-to-Farm bylaw for the 2006 Town Meeting in conjunction with the proposed Agricultural Commission.

***Bond Release – Cutler Farm***

On motion duly made and seconded, it was unanimously:

VOTED: To release the \$5650 bond being held in escrow to Barberry Homes.

All work secured by this bond has been completed.

***ANRs***

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR plan for 275 Morse Road, applicant Ellen Haije.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR plan for 10 Hudson Road, land transfer by the First Parish Church.

*Executive Session*

On motion duly made and seconded, it was unanimously:

VOTED: To go into Executive Session (roll call vote).

The meeting was adjourned at 11:15 p.m. after the Executive Session