

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Eric Poch (arrived 7:20 p.m.),
Joe Sziabowski (Associate), Jody Kablack (Planner)

The meeting was called to order at 7:05 p.m.

Village Green Conversion

Attorney Myron Fox was present to discuss possibilities for the Village Green property on Hudson Road.

Myron Fox: This property has been owned by the Duffy Family since 1991 and is in the Limited Business District. Former occupants have all failed and it is believed the major reason is due to the poor visibility of the property. There are 3 buildings on 2.77 acres, 41,800 square feet of floor area. Residential zoning is prohibited. The owner would like to convert the existing buildings into 20 condo units, 40 bedrooms total; change windows, add garages. It is still very preliminary and has not been looked at yet.

They would look to sell the units in the high \$500,000. The site is becoming 70% vacant. There have been various types of businesses in there but none have survived.

Lisa Eggleston: What about office space which wouldn't require advertising?

Myron Fox: That has not done well either. They are looking for the Planning Board's input. The owner is getting an offer for leasing and is under tight time constraints. The Town Manager thought Sudbury Public School administration could be a possibility, but is not probable.

Mike Fee: What is the property assed at?

Myron Fox: Almost \$2 million (1,925,600). The owner sees 2 possibilities:

1. Rezoning – This would need the support of the Planning Board. It cannot just be rezoned to residential, it would require a new residential zone for multi-family. Does not feel it would be considered spot zoning if there are other residences around it. Musketahquid Village is a Special Municipal Zone.

Some of the Board members were receptive to the idea of multi-family zoning which was not age-restricted.

2. Use Variance (Zoning Board) – There are 4 specific provisions of a variance plus the main provision (soil, building lot, building shape, topography). This property does not meet the main provision and therefore, most likely would not be favored by the Zoning Board. If a Use Variance was denied the owner could try a 40B proposal but would need one year in between proposals and does not have that timeframe.

Returning to the idea of leasing to the schools; they most likely would study it (understandably) then probably not want to lease. It would take longer than the owner wants.

Lisa Eggleston: Rezoning needs Town Meeting approval. That would take a while as well.

Jody Kablack: Is not certain rezoning is the best solution for this property. Would need to create a whole new zone which is a large endeavor and would require much involvement. Multi-family zone is not a short term recommendation of the Housing Committee.

Mike Fee: He believes it is a Housing Plan goal which looks for creative alternatives created by Boards. It would be a good test of the validity of the Housing Plan but would require marketing appeal.

Lisa Eggleston: What is the benefit of that versus a 40B? As the property is already developed, it would be a loss of control. A “friendly” 40B could achieve the same goal and would more likely be well received.

Mike Fee: He is not opposed to the idea of rezoning if that is the applicant’s preference.

Chris Morely: Seems expensive if affordable housing per unit cost is too high.

Jody Kablack: The Town Manager has not expressed an interest in this property; she has other ideas for school administration space.

Lisa Eggleston: Obviously, the Town would prefer something that would be paying taxes.

The Board reviewed a 1970 plan for Hudson Road which has the existing footprint.

Lisa Eggleston: What about a zoning swap with Route 20 if the owner wants to rezone?

Myron Fox thanked the Board for their time and will report comments back to the property owner.

Willis Hill II Modification (Kendra Lane) – Public Hearing

Mike Fee read the notice into record.

Tom DiPersio (Thomas Land Surveyors): Only had sketch plans, the original plan had the topographic submission. Basically the 2 lots at the intersection of Kendra Lane and Cudworth Lane are involved in the modification request. The applicant does not have the ability to do grading at the adjacent property, therefore, a retaining wall is needed. The original profile (which was approved) had an 8% grade at the steepest point. The retaining wall would be 2’ at the intersection, 7’ at the north side and 8’ at the south side with an 8% grade. The wall will go in approximately 5’ off the pavement on both sides. To relieve the height of the wall will require a 9.7% grade at the steepest point (Widow Rite’s Lane). This brings the heights to a high of 7’ at Cudworth, then to 4 ½’, 3 ½’, and 4’ in order to lessen the wall.

Jody Kablack: What about the two existing driveways?

Tom DiPersio: The driveway at lot 35a was going to be eliminated.

Eric Brock, 56 Cudworth:

That is his driveway. He has been there for the last 2 ½ years and this is the first he has ever heard of that. He was told his driveway would be raised, not moved.

Jody Kablack: The Brock’s did grant an easement. The resident on 46 Cudworth, (Mr. Sinton), did not sign one. However, he will agree to give the easement

if Mr. Quirk would just comply with his requests, which are very reasonable. Mr. Sinton would like for Mr. Quirk to move the dirt piles and show a good plan. Mr. Quirk has refused to do that. If he will reconsider and agree to do that, Mr. Sinton will likely grant the easement.

Lisa Eggleston: That property is on the market. The dirt piles are most likely interfering with that.

Chris Morely: We granted a waiver on the leveling area with these conditions he is trying to get waived currently.

Lisa Eggleston: That was an attempt to blend in the grading.

Mike Fee: He is concerned about whether Mr. Quirk will address outstanding issues if it is denied.

Eric Brock: There has been some pile reduction as well as some junk removal.

Jody Kablack: Mr. Quirk has deposits on all lots; he wants to get the work done as well. She suggests that the Board make a motion to continue the public hearing. She will negotiate Mr. Sinton's terms with Mr. Quirk in addition to requiring a bond specifically for the two driveways.

Lisa Eggleston: The driveway cannot be done unless the road is done.

Jody Kablack: The site easement is to regrade and relocate the driveway as per Eric Brock's easement agreement.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing on Willis Hill II Modification to
May 25th at 9:30 p.m.

Tom DiPersio will relay the information to Mr. Quirk in addition to the Town Planner speaking with him.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the minutes, as amended, for
2-9-05, 2-9-05 Executive Session, 3-9-05, 3-9-05 Executive Session,
3-23-05 and 4-6-05.

Brookside Farm Definitive Cluster Subdivision – Public Hearing

Mike Fee read the notice into record and listed file documents.

Mike Sullivan (Sullivan, Connors Engineering):

The property is approximately 25.7 acres. Hop Brook is to the North, the Calvary Baptist Church is on the South side, U.S. Fish & Wildlife Service to the East and farm and wetlands in the middle. They have the 40,000 square footage requirement for preliminary plan and the 180' frontage requirement. They also meet upland and wetland requirements. They did the soil testing with Bob Leupold; soils are excellent for septic. The proposal has two cul-de-sacs, one is 400' long, and the other is 600'. They have done a 10 lot plan to show density, however, the tenth lot is not part of the presentation. That lot is for tax purposes only; it will be 9 lots. All perimeter requirements are met. Lot size for cluster is 20,000 square feet; no lots have less than 50' of frontage. Regulations call for 15,000 square feet of uplands; all met. The cluster proposal includes a 500' long road, 50' right-of-way with 24' of pavement. The center island has a 60' radius at the cul-de-sac. There is a 1 ½% incline from beginning to end. At the end it goes up 3-4' for a good portion of the road. Drainage goes into a wetpond with a detention basin and island forebay which accommodates the 100 year storm. The existing lot prior to dividing lot 216 was under an ANR (1 acre). Drainage flows to Landham Road via an existing pipe; basin on either side of Farm Lane. Septic test holes are on each lot show high ground water. The finished grade will be 3-4' over the system; level front yard with walk-outs; will be Town water. Site distance requires 470'; falls within the right-of-way so it will be selective clearing. A crosswalk is proposed to get to the other side of Landham Road. The requirement for open space is 35% - they have 60%; 17 ½% total upland in open space, they have 42%. They are looking for the following waivers:

- 8" trees
- Walkway (500' road, only 24' is paved)
- Topography waiver for area being donated to the Town of Sudbury
- Perimeter buffer, need 100' – the houses will not be 100' from the street
- Lots 1 & 2 need 100' setback waiver

They also have answered the Town Planner's letter item by item as well as the Town Engineer's.

Jody Kablack: The Fire Chief's memo dated 5-10-05 has been satisfied with regard to the hydrants and the water line. Item 2 on his memo requests the installation of residential sprinkler systems. This is something the Fire Chief would like to do in all Special Permit applications. Lastly, he requests a donation for the video monitoring system. This is due to the new growth demand in Town.

The density has not been determined yet; plans are still being developed. Her memo was based on a cluster plan but she has a couple of concerns:

1. Lot 8 – the dimension plan doesn't have the required 2nd frontage.
2. Lots 2, 3 & 6 have wetlands which must be excluded from the total lot area.
3. Lot 4, the stormwater basin has to be deducted from the lot area.

4. Section 5133 of the Bylaw for Cluster Requirements is such that any lot in a cluster subdivision with wetlands on it needs a minimum area of 40,000 square feet. It's a special water resource area (any lot with wetlands). The frontage can be varied, but not the lot size. (That is not counting the buffer).

Mike Sullivan reviewed the lots on the plan with the Board; concerned with Lot 9 and possibly Lot 1. They may have to lose one lot.

Darryl Nash: Comment on the Fire Chief's request for the installation of sprinklers. (He cited Ironworks/Taintor). If it is a dry system there is not a problem. However, designs of systems are fallible. It is an extremely costly expense to repair a failed system.

Maintenance issues and water damage issues are costly.

Jody Kablack: The Fire Chief did note maintenance issues. She suggested the applicant work with him on the matter.

Mike Fee: We also need more input from the Fire Chief regarding that request. It may not be appropriate for all applications.

Joe Sziabowski: Obviously has no objection to safety interests but need to consider at what point does it become burdensome?

Darryl Nash: Has no objection to the video monitoring donation.

Lisa Eggleston: Could you just recap the storm drainage?

Mike Sullivan: There are 2 catch basins at the end of Lettery Farm Lane (by Landham) being proposed which go to a detention basin into a wet pond, swale and into the wetlands.

Lisa Eggleston: What about garages?

Darryl Nash: Garages are entry level, first floor elevation. They may drop the garages 3-4'.

Lisa Eggleston: Similar to grading on Taintor Drive?

Darryl Nash: Actually Taintor is more elevated. This would only be 3-4'. Lots 6, 7, 8 & 9 will have walkout capability. Lots 1, 2, 3 & 4 the septic is further back; beyond lot 1 it is all the same grading elevation. We will control the grades and have landscaping, attractive aesthetics.

Lisa Eggleston: Screening the two front lots (9 & 1) – will need visual screening in the front as well as the back.

Darryl Nash: Their intent was to screen across the front lots for noise on Landham Road and for privacy.

Chris Morely: It will be extremely tight the way it is shown on the plan to have screening.

Darryl Nash: They will look at the line of sight for screening; will offer screening along the front.

Chris Morely: Keep the 100' buffer in mind for the 40,000 square foot lots.

Lisa Eggleston: You will need to check with the Fire Chief on the cul-de-sac width for emergency access. Also need to check access to the detention pond.

Mike Sullivan: Need easement on property line of 20' for lot 2.

Mike Fee: Who will own the open space?

Darryl Nash: It will be donated to the Town for Conservation purposes (deeded with restrictions) which includes the field. The intent was to isolate the area to the north of the

property for conservation. They wanted a barrier between the wetlands and the houses so it all fit together which is why it is a tight cluster. The sprinkler well locations (irrigation) are within 100' of wetlands.

Jody Kablack: The irrigation 100' setback is not waivable.

Darryl Nash: Perhaps a centralized well so as not to affect groundwater.

Lisa Eggleston: Are there walkways along the entire length of Landham Road?

Jody Kablack: Yes.

Joe Sziabowski: Would like to echo the buffer sentiment. It would be a shame to clear and open the parcel to Landham Road. He is an advocate for buffering.

Darryl Nash: In the lot or on the Town right-of-way, they will do whatever the Board wants. Would like to mention where they would clear is mostly young growth.

The hearing was open to the public. There were no comments.

Jody Kablack: For clarification for the record, there was a pre-application meeting (on her memo it said there was not a pre-application meeting).

A site visit was schedule for Monday, May 23 at 8:00 a.m.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing for Brookside Farm to May 25, 2005 at 9:00 p.m.

Lisa Eggleston: The back of lot 5; there is actually a wet area being created?

Mike Sullivan: It will be a planted area, culvert for wildlife per the Conservation Commission.

Mike Fee: Advised the applicant to review sections 5134 and 5138 of the bylaw prior to the next meeting.

The Board continued discussion briefly after the applicant left. It was the general opinion of the Board that the applicant needs to submit plans showing compliance with the 100' buffer. The Town Planner will advise the applicant.

Miscellaneous

Mahoney Farms – Conservation Meeting Update

Mike Fee and Jody Kablack attended the May 9, 2005 Conservation Commission public hearing on the Mahoney Farms application.

Mike Fee: He spoke with Mark Ensign. Mark, Debbie Dineen and the developer met in advance of the Conservation Meeting. The developer said there is an out lot owned by Mr. Giblin which is contiguous to the development and could be deeded for

conservation. Ultimately the Conservation Commission requested a narrative of where the wildlife corridor is and what will be using it. After reviewing the mitigation offered (including mitigation in the settlement agreement), the Conservation Commission seemed comfortable with the proposal.

Ledgewood II Subdivision Progress

Board members Michael Fee and Michael Hunter recused themselves. Lisa Eggleston acted as Chairperson for the discussion.

Jody Kablack: On March 23, 2005, the Board discussed drainage issues at Beau Schless' house (abutter) and sent Dick Campana a letter with a response deadline of 30 days. The letter requested the removal of the cul-de-sac and paving to cure the issues at Mr. Schless' driveway. He responded to Bill Place and verbally said he would do what the Board was asking. He submitted a letter on April 26 stating they are proceeding. The Subdivision is bonded. Bill Place opines he should pave all the way through the subdivision by September. The Town Planner wants the cul-de-sac removed and a first coat of paving done. If the work does not happen, we can take the bond. She will keep the Board updated.

Joe Sziabowski: If the Town takes the bond and fixes the road what happens if he rips it up?

Jody Kablack: We don't want him to do the final coat. Also as an option, we could take a portion of the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct the Town Planner to send a letter to Dick Campana to have the cul-de-sac restored to the front yard and driveway at the Ledgewood II Subdivision by June 30, 2005.

Sudbury Meadows Comprehensive Permit – Recommendations to the Zoning Board of Appeals

Jody Kablack: The Zoning Board of Appeals opened the hearing on the application at which the applicant agreed to the changes that involved density and the age-restriction decision. Originally the proposal was for 16 units and would be age restricted. The Board of Selectmen issued a memo retracting their request for it to be age restricted. The applicant agreed with that as well as reducing the plan to 11 two-bedroom units (4 affordable). Septics and buy-downs were brought up. The applicant presented architectural plans which will change based on this reduction in units. The hearing was continued to May 26 making the new submission deadline by May 19. Most likely the hearing will continue to June 2 as the applicant will not have sufficient time to prepare.

For tonight's discussion, the Board should address density, screening, neighbors' issues and topographic issues.

Lisa Eggleston: For anyone who would like a visual comparison, you can take a ride to Acton on Route 27 (South side of 2A) across from the Post Office. There is a development which has a very similar scale.

Jody Kablack: There will be significant grade changes on all sides of the abutters' properties. Fire suppression should be discussed with the Fire Chief. Also need to discuss impervious surface. In order for the Planning Board to make substantive comments we need the following information:

List of documents/plans for:

- Screening
- Landscape and landscape architecture
- Architecture
- Topographic design
- Renderings from the street and other points

The Planning Board can meet on the application on May 25 at 7:00 p.m. if the plans are submitted. The Town Planner will put it in writing to the applicant the details needed for commentary and send it to the developer with the request it is done expeditiously.

Tricia Garrett: Can the Planning Board also ask the applicant to have the plans available at the library at the records desk so residents can see them during other hours than office hours?

The Board will put that in the letter.

Andrew Reynolds, 531 North Road:

No easements were shown on the plan for the Verizon Telephone property.

Also, 16 years ago, a greenhouse was torn down on the right side of the property which could be a potential hazardous waste issue. No notation was mentioned if they are aware of this.

The Town Planner will add those two concerns in the letter from the Planning Board.

Michael Garrett: In addition to his density concerns, he also would like to know more about the process being followed and the level of focus. The plans have not been stamped by an architect. He would like to see finished products of what he has done, in particular if he has done other 40B applications.

Tricia Garrett: If he has, would it be possible to get pictures of them submitted to the file?

Michael Garrett: The purchase of the Libby property by the Town was great, but we need to look at sites for affordable housing as well.

Jody Kablack: We do; that property was actually looked at but was not good for housing. There is a housing committee which works on affordable housing sites and meets constant opposition from residents.

Michael Garrett: Why doesn't the Town take CPA funds and establish ourselves?

Board members responded the Town identifies sites at Town Meeting and they get voted down by residents.

Tricia Garrett: With the reduction to 11 units, will it still be pressure-dosed septic system?

Jody Kablack: Yes.

Lisa Eggleston: It will be bio-clear which is faster and has no odor unless it is not working. The pressure dosed system will enhance it; it all has to be vented.

Marc Calandrella: Is there an independent septic and stormwater plan required?

Lisa Eggleston: Stormwater will be the jurisdiction of the Conservation Commission. They do have to meet State standards for stormwater.

Jody Kablack: Overland drainage will be addressed; the stormwater system directs all impervious surfaces into infiltration into the ground. There should not be any overflow from storms.

Glen Lewis, 24 Mary Catherine Lane: Has he applied to the MA highway?

Jody Kablack: Not yet, he has to show curb cut. The walkway will be a condition of approval.

It was also requested for the applicant to have the traffic study available at the library.

ANRs

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR plan of land for Linbrook Properties; 770 Concord Road.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR plan of land for Stephen Burt; 141 Boston Post Road, transfer of land to Buddy Dog.

The meeting was adjourned at 10:20 p.m.