

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Joe Sziabowski (Associate), Jody Kablack (Planner)
Absent: Eric Poch

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

Cail Farm Definitive Cluster Subdivision – Continuation of Public Hearing

Mike Fee reviewed documents submitted since the last hearing. The Chairman read the first paragraph of the Town Planner's memo dated April 7, 2006 for public members in attendance.

George Dimakarakos (Stamski & McNary):

The changes presented tonight include the location of the houses with the 40' cul-de-sac radius; additional Blue Spruce (3) are proposed to be planted in the field to break-up the view of lot 2 from the abutter (Geagan's); street trees are shown on the plan. The issues raised by the Town Engineer were addressed;

- the back of lot 3 has been reconfigured
- a drainage easement adjacent to Concord Road is shown on lot 1
- moved the driveway so it is at least 5' off lot lines
- soil testing completed
- leaching area shown

The Town Planner's memo has also been addressed:

- subdivision conventional layout is shown
- buffer waiver has been requested
- hydrogeologic profile has been done
- sketches have been added for abutters
- access easement over the drainage easement proposed
- drafted language for restrictive easement
- fill calculations done
- homeowners maintenance plan

The Board discussed the proposed buffers, the possibility of creating a public water supply well in the open space and the existing drainage problem on Concord Road which creates puddling on the corner of Lot 1. The Sudbury Water District will be asked to review the hydrogeology report. Mr. Karassik was asked to speak to Frank Vanaria about the drainage issue. These issues will be further discussed at the next hearing.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the hearing to April 26, 2006 at 7:30 p.m.

Mahoney Farm Senior Residential Community – Review Architectural Plans

William DiPietri was present for the applicant.

Elevations from Nobscot Road were requested. Buildings 12 and 13 and the walk-out conditions remain as per the landscape plan previously submitted to the Town.

Board member Joe Sziabowski reviewed the architectural plans Mr. DiPietri brought to the meeting.

Joe Sziabowski: The Board had requested the applicant to submit a representation of the backs of the buildings for the walk-outs. This is not shown.

William DiPietri: Has the architectural drawings for “Grouse Hill” which will be the same.

Joe Sziabowski: There is a 9’ grade change at the back of the building. This site elevation disguises the lower level ultimately. We wanted to see the elevation of the backs of the buildings.

Chris Morely: Concurs with Joe. This does not show the rear architectural elevation or the rear façade of the buildings as we had requested.

William DiPietri: There must have been a miscommunication with the engineer. He will review this with him. There will be sliders with double units as shown with Grouse Hill.

Joe Sziabowski: He is concerned; rear elevations were produced previously, but did not show 2 stories. It did show what the buildings looked like; this doesn’t show that either.

Jody Kablack told the applicant that is necessary to show for this exact building.

The Board opined the elevations are not correct with what was presented this evening.

The applicant was scheduled to come back before the Board at its next meeting on April 26 at 8:30 p.m.

Residence at Sudbury Commons 40B (Village Green) – Comments to MassHousing

Jody Kablack: This has been a commercial shop area which has never been successful. The owners, the Duffys, would like to develop it into 24 affordable housing units. They propose to utilize the existing buildings for 16 units and construct two new 4 unit buildings in rear. They will have some one story enclosed garage building (by the railroad tracks). They have applied to the State who in turn has asked for the Town’s comments.

The Planning Board flagged the following issues to be sent to the Selectmen:

- appropriate at this location since commercial use has never been successful or viable
- this is located in the Historic District
- needs input from the Design Review Board
- this proposal changes the use but not the overall appearance; utilizes existing infrastructure
- it is well concealed from the public view
- wetlands on the other side of the property

- also the use of existing building regarding a historic area; this maximizes retention of the existing façade

273 Goodman Hill Road - Discussion

Tom DiPersio of Thomas Land Surveyors:

This property is just under 3 acres. The owners want to put 2 lots in the back but do not have sufficient frontage. They cannot meet the 50' offset requirement from the lot corner to the closest part of the right-of-way. The remaining regulations can be met for a conventional build out. They would be moving the existing house back onto the new lot.

Mike Fee: What is the public benefit to the Town to waive the regulations you have mentioned?

Tom DiPersio: He cannot cite a public benefit.

Mike Fee: How close is the southern abutting line?

Tom DiPersio: It's 65' from the lot line.

Mike Fee: What about from the westerly abutting line?

Tom DiPersio: At least 65'.

Mike Fee: This proposal would put the new house directly behind an existing structure.

Mike Hunter: This property is grandfathered now. He is not in favor of a house right behind a house.

Mike Fee: He is not likely to grant waivers for deficiency of frontage without a public benefit. He is open to hearing more, however, at this look, it appears this proposal is jamming houses in places which will adversely affect the neighbors.

Lisa Eggleston: You cannot meet the frontage requirements; it is making a non-subdividable piece of property subdividable.

Jody Kablack: There is a 50' setback requirement; when it was put into the requirements, parcels with large backlands were reviewed and noted. These areas were to be considered when granting waivers. This was a single lot at the time so it does not fall into that category. Therefore, granting these waivers could set precedence.

Tom DiPersio: He thanked the Board for their time and will continue to work with the applicant.

Discussion of Subdivision Waivers

Mike Fee: We need something other than minutes for denial justification when we get these types of requests in a preliminary discussion. In particular there needs to be stronger wording for public benefit when applicants are requesting waivers.

Lisa Eggleston: The same for the applicant being required to demonstrate the property is buildable by right before waivers can be discussed. It must be presented where a subdivision road on paper meets all dimensional requirements first, then the public benefit must be identified and the waiver requested.

Mike Fee: Memorializing it will only strengthen it and show consistency of the Planning Board's position.

Lisa Eggleston: Concurs with Mike. It is worth memorializing it to clarify to the applicants waivers cannot be discussed until the other requirements are done.

Mike Fee: Instructed the Town Planner to draft a general policy memo on the Planning Board's position regarding waivers; starting with the point that full build must be demonstrated.

Zoning Board of Appeals Petitions

BMW Dealership, 122-130 Boston Post Road

Jody Kablack: This application goes before the Selectmen for site plan and before the Zoning Board for a special permit for the use (motor vehicle operation/sales/service). The Zoning Board wanted to know if the building size could be reduced. They were not rejecting it but did have traffic concerns. They also wanted realignment of Old County Road and Route 20 included in this proposal.

Attorney Joshua Fox was present on behalf of the applicant.

Josh Fox: The project engineer has stated that site distance is adequate at 40-45 m.p.h. Foreign Motors is committed to do whatever it takes. They have already discussed scaling back the building size, possibly the service area to reduce the square footage of the building footprint. The other thing they are considering is moving the building forward significantly to reduce the number of vehicles in front and increase the landscape buffer in front.

In concluding discussion, the Board had the following comments for the Planner to send to the Zoning Board. The Planning Board favorably opines this area be used for commercial use in terms of the Master Plan. The Design Review Board has commented favorably as well. This is not a prohibited use, the applicant is not asking for variances. It is not detrimental to the neighborhood. The Zoning Board has limited purview. Comments for Site Plan Review will be worked on with the Board of Selectmen. An analysis of special permit criteria in correlation to this proposal will be made in the Planner's letter to the Zoning Board.

Lastly, the Board notes the willingness of the applicant to invest significant monies for traffic improvement at Old County Road and Landham Road.

Josh Fox: Natick has a Pollution Spill Prevention Program (PSPP); this project does not fit into those regulations (40CFR112) but they are willing to submit if it fits the needs for Sudbury.

Lisa Eggleston: Wants the PSPP in the Plan.

On motion duly made and seconded, it was unanimously:

VOTED: To send a letter to the Zoning Board of Appeals stating the Planning Board favorably recommends the Zoning Board approve the Special Permits for BMW.

ZBA Petition, 80 Union Ave.

The Planning Board granted a Water Resource Protection District Special Permit to London Taxis N. America, Inc. and Union Avenue Realty Trust for the property located at 80 Union Ave. in 2004 for a prohibited use, specifically to allow limited motor vehicle service or repair on the premises. This permit was incidental to sales only and had special conditions specifically for London Taxi vehicles solely to be serviced. The proposed business use of an Auto Care Center would be detrimental to the groundwater resources and supplies in this district.

On motion duly made and seconded, it was unanimously:

VOTED: The Planning Board recommends the ZBA deny the Petition for 80 Union Ave.

The meeting adjourned at 9:30 p.m.