

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Eric Poch, Joe Sziabowski (Associate), and
Jody Kablack (Director of Planning and Development)

Chairman Fee called the meeting to order at 7:50 p.m.

Cail Farm - Set and Accept Bond & Release Lots from Covenant

This item was removed from tonight's agenda and will be rescheduled for a future meeting.

Miscellaneous
Metropolitan Area Planning Council

Ms. Kablack shared with the Board an email message dated December 12, 2006, which she received from Donna Jacobs, Director of the MetroWest Growth Management Committee. This communication informed Town officials that as part of a reorganization plan, Sudbury has been moved to the Minuteman Advisory Group on Interlocal Coordination (MAGIC) subregion. This move reduces the fee paid by the Town from \$6,000 to \$2,000.

Grouse Hill Incentive Senior Development - Public Hearing Continuation

Present: William DePietri, Capital Group Properties President, Martin Loiselle, Capital Group Properties Manager, William Pezzoni, Capital Group Properties Attorney

At 7:55 p.m., the Chairman opened a continuation of the Public Hearing in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development.

The Chairman and Ms. Kablack reviewed materials added to the file since the November 8, 2006 hearing which included: a letter and attachments from Martin Loiselle, Permitting/Development Manager of Capital Group Properties, dated December 6, 2006, consisting of CertainTeed Corporation cut sheets for vinyl trim, the moderate housing deed rider, itemized cost estimate for reconstructing the Nobscot and Old Framingham Road intersection, itemized cost estimate for asphalt pulverization and repaving of Old Framingham Road, and a revised landscape plan by William Fleming Associates; a letter dated December 6, 2006, from MDM Transportation Consultant Ronald Desrosiers, responding to the two letters from McMahan Associates, both dated November 21, 2006, which provided backup documentation requested by MDM Transportation Consultants, Inc. and the Sudbury Planning Board; a letter dated November 27, 2006, regarding project mitigation and an updated construction schedule, and an email message dated December 13, 2006, which requested revisions to the draft decision and a revised

home features and specifications list, all submitted by Martin Loisselle of Capital Group Properties; the "DRAFT Definitive Decision for the Incentive Senior Development Special Permit for Grouse Hill" dated December 13, 2006; and a letter from Department of Public Works Director Bill Place, dated December 6, 2006, which responded to traffic issues associated with the project.

Chairman Fee reported that he and Mr. Pezzoni had a conversation regarding pricing. The consensus from that conversation was that the Board would be flexible on pricing if the developer would be amenable to the Board's mitigation requests.

Traffic - Chairman Fee focused the discussion on the first outstanding issue of traffic concerns. Ms. Kablack stated she has reviewed, and is comfortable with all correspondence, sketches and responses provided by both traffic consultants. Ms. Kablack also reported that DPW Director/Town Engineer Bill Place has also reviewed and approved the traffic improvements to be made as proposed by MDM Consultants, Inc. Mr. Place believes the improvements can be accommodated within the Town right-of-way. He also produced a sketch of a design of an intersection that creates an intersection at closer to 90 degrees, including a landscaped traffic island.

In its November 27, 2006 letter to Ms. Kablack, Capital Group Properties agreed to reconstruct the intersection of Nobscot and Old Framingham Road as recommended by MDM. The Old Framingham Road width would be revised to 18 feet. The developer has also agreed to perform the recommended work at the Nobscot Road/Dudley Road intersection to move the stop sign closer to the intersection and trim the vegetation. In addition, Capital Group Properties has requested that right turns from the development onto Old Framingham Road be allowed as recommended by the traffic consultants. Improvements to Old Framingham Road completed by the developer will be coordinated with the Department of Public Works (DPW) Director since the Town will be responsible for permitting of said work and final paving after construction. Capital Group Properties has also agreed to install a drainage system on Old Framingham Road and to patch the road until DPW can provide the finish paving.

In its December 6, 2006 letter, MDM Transportation Consultants, Inc. confirmed its satisfaction with the information provided by McMahon Associates and stated that the work completed conforms to standard traffic engineering practice. MDM believes that the traffic operations at the study area intersections should not be significantly compromised as a result of this development project, provided the recommended improvements are completed.

Landscaping - Ms. Kablack stated she has reviewed the revised landscape plan, which designates the pedestrian paths and connections from the development to the trails. Time for a more in-depth review of the plan will be included as a condition of approval. In

response to a question from Ms. Eggleston, Ms. Kablack also noted that public access to the trails will be allowed.

Mr. Hunter asked what changes to the landscape plan had been requested by the Conservation Commission. Mr. Loiselle responded that eleven non-native plants, which were within the 100-foot buffer were replaced with native species.

The Board requested that the plant/species legend be noted on all appropriate plans. The legend detail will be included in the order of conditions.

Chairman Fee asked if the Board was comfortable enough with the pedestrian plan and trails provided in the revised landscape plan to be able to waive the walkway requirements.

Mr. Poch asked if there were any Town precedents for the waiving of the walkway requirement. He strongly indicated that his preference would be to maintain consistency in how the Board handles this issue and that at least a donation to the Town walkway fund should be a requirement for approval. Mr. Poch continued his argument by noting that this development presents a significant change to the Nobscot neighborhood, which is one of the key Town neighborhoods already severely lacking walkways. Given these circumstances, he remained perplexed as to how the Board could even consider a waiver.

Mr. Poch also queried Mr. Loiselle about the mailbox system. Mr. Loiselle responded the mailboxes will be stacked cubes, which will serve 52 units.

Building Specifications - Mr. DePietri explained that the specifications have been revised to include identification of the manufacturers of windows, siding, plumbing fixtures (Kohler) and roof shingles. Ms. Kablack and Mr. Sziabowski noted they had not had adequate time to review this revised list. However, upon an initial review, many items seem to have been addressed. Time for a more in-depth review of the building specifications list will also be made a condition of approval.

An Anderson double-hung window sample was displayed. It is vinyl clad on the outside, with a wood interior. It has grills between the Low E glass. Upon inspection, Mr. Sziabowski declared the window choice as suitable.

Mr. DePietri exhibited siding samples, including tan accent shake shingles. He also showed the corner board sample, which is backed with Styrofoam insulation.

Mr. DiPietri also reviewed that the roof will be a 25 year or greater architectural fiberglass roof shingle. He also announced that the plumbing fixtures will be manufactured by Kohler.

Construction Schedule - Ms. Kablack requested that the berm installation be included in the newly-revised schedule, and it is now in Phase 2. Ms. Kablack also recommended the inclusion to the schedule of when the foundation will be built. With the incorporation of the aforementioned revisions, Ms. Kablack finds the revised construction schedule acceptable.

Deed Rider - Ms. Kablack reported the deed rider is progressing well and parties have mutually agreed to most of the content. Ms. Kablack will work with Mr. Pezzoni to compose the final language.

A brisk discussion centered on the Deed Rider's definitions on page 3 regarding the maximum resale price and the resale multiplier. Ms. Kablack clarified that, as defined, the unit's maximum sale price is \$572,500. She also explained that the resale multiplier will allow for some capital improvements to be included without needing to be approved and tracked by the Board, provided the initial sale price of a unit is below the maximum.

Dialogue regarding the resale multiplier continued as Page 7, Section 9 of the Draft Decision was discussed. Mr. Pezzoni stated that the prices for the initial sales will always be driven by the market and that the deed restriction will have the multiplier in it based on the price of the unit. He added that under the Town's bylaws, the maximum sales price should be \$572,500.

Mr. Poch asked if the resale multiplier is meant to be a price restriction. Mr. Poch also strongly expressed the need to include an example illustration of the formulas and computations used on Page 7 of the Draft Decision at the end of Section 9.

The Board requested that Section 10 on Page 7 of the Draft Decision be revised as follows: the third sentence shall now read "The Deed Rider shall include a resale price multiplier which shall be based on the sale price of the unit at its initial sale"; the second to the last sentence in the first paragraph should be deleted completely.

Prospective Grouse Hill homeowner John Cook, 172 Weston Road, Lincoln, asked for clarification regarding making capital improvements to the property at the time of purchase and whether that would be included as part of his initial sale price. He was informed that such improvements would be part of the initial sales price as long as they did not exceed the limit of \$572,500. Mr. Cook was satisfied with the response.

Upon conclusion of the discussion, Mr. Poch was satisfied that the figures discussed only referred to initial sales.

Price - Chairman Fee turned the attention to the cost estimate provided by Rosewood Construction Corporation for \$71,006.78 to complete the general contracting and

construction services for the roadway improvements (including the island) and the cost estimate provided by Aggregate Industries for \$67,419 for the asphalt pulverization and repaving of Old Framingham Road. The Board dismissed the estimate from Aggregate Industries since it has been decided that this work will be completed by the Town DPW.

In response to a question from Chairman Fee, Mr. DePietri disclosed that Rosewood Construction Corporation is the parent company of Capital Group Properties.

Chairman Fee summarized that the developer has already committed to an \$8,000 contribution for the Fire Department oxygen generator, which can be added to the \$71,006.78 estimate for the road improvements for an approximate total of \$80,000 in mitigation costs. Mr. Pezzoni quickly reminded the Board to also consider the \$75,000 which will be spent on the berm, which abuts Town property and noted that this work retails for well over \$100,000. The Board requested receipt of an email communication from Mr. Loiselle noting the landscape architect's berm estimate information. With this added information, the Chairman revised his estimated mitigation expenses to \$155,000. Ms. Kablack also reminded the Board that the developer has also committed to implementing drainage improvements within Old Framingham Road.

Mr. Poch returned the discussion to the need for a contribution to the Town walkway fund. Chairman Fee declared that ordinarily the Board would be seeking an approximate \$25,000 contribution towards walkways. However, given that pedestrian paths and trails have been added by the developer which will lessen the impact of having no walkways, the Board agreed to grant a discount. Thus, the Board requested a \$10,000 contribution to the Town walkway fund as a condition of approval. Capital Group Properties agreed to this condition.

Mr. Pezzoni reiterated that the base sale price for middle units will start at \$515,900 and end units will start at \$519,900. In response to a question from Ms. Eggleston, he also stated that 24 end units have been presold.

Chairman Fee commended the Capital Group Properties representatives for working so well with the Board and within the spirit of the Town's bylaws. The Board has appreciated the developer's commitment to keeping the base price as low as possible without compromising the integrity of the project. Mr. Poch concurred with these sentiments and also extended his compliments to the developer's team.

Chairman Fee reiterated that the Deed Rider is subject to final review and approval and that the Board will await the landscape information, which is also conditional, to be provided by Mr. Loiselle.

Mr. Pezzoni surprised the Board with a benevolent gesture of offering to assume the estimated \$70,000 to do the final paving work for Old Framingham Road. He explained

that it is very important for the success of the project and its marketing campaign that this step be completed in a timely fashion and thereby, the developer would rather not have to wait for the DPW schedule to accommodate this work. Thus, Capital Group Properties will be financially responsible for this work instead of the Town. The Board readily and happily accepted this generous offer.

Chairman Fee asked for questions or comments from residents in attendance tonight. Abutter Audrey Murphy, 118 Nobscot Road, expressed satisfaction with how the Board has handled all matters previously discussed.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development.

The Board proceeded with a thorough review of additional revisions to be made to the "Draft Definitive Decision for the Incentive Senior Development Special Permit for Grouse Hill," dated December 13, 2006. Mr. Loiselle's email message to Ms. Kablack dated December 13, 2006, should also be referenced for his recommended revisions. A summary of the Board's edits, not previously noted herein, follows below:

1. **Page 1 - 3rd paragraph** - add a new second sentence noting that Chairman Fee appointed Joe Sziabowski (Associate) to be a voting member for the full proceeding.
2. **Page 2 - first full paragraph** - Keep only the first sentence, "The Board finds that the proposed Plan is in harmony with the purposes and intent of the Zoning Bylaw and in particular with the sections pertaining to Incentive Senior Developments." Delete the remainder of this paragraph.
3. **Page 2 - Item #5** - At the conclusion of the first sentence add the words as compared to a single-family subdivision.
4. **Page 3 - Item #7** - The second sentence needs to reflect that the Board spent significant time and resources working with the developer to design significant buffers and screening along the perimeter between the proposed site and the neighboring properties.
5. **Page 3 - Item #9** - Second sentence, delete the words, "but will function like any neighborhood in Sudbury."
6. **Page 3 - Item # 10** - Paragraph should begin by referencing that the conclusions are based upon traffic studies done and reviewed by two traffic consultants. Second sentence

should read, "Specific traffic mitigation has been incorporated into the Plan to ensure the adjacent public ways will function adequately after construction. " Third sentence - replace the word "opportunities" with the word "walkways." Also, add a final sentence noting that a \$10,000 contribution has been made to the Town walkway fund.

7. **Page 4 - Section a.** - Final sentence should read, "Roadway A slopes upward as it intersects Old Framingham Road, and is therefore, acceptable from a public safety standpoint."
8. **Page 4 - Section d.** - At the end of the final sentence, add the words, "and has been approved and deemed acceptable by the Department of Public Works Director."
9. **Page 5 - Section o.** - Mr. DePietri explained to the Board why this condition can not be satisfied as drafted. After much discussion regarding the importance of proper driveway design and construction for drainage purposes, Mr. DePietri assured the Board that all garages have been designed higher than the road and that the garage floors will be above the gutter line. The revision should reflect this new language as the guideline and note that it will be monitored visually by the Department of Public Works Director.
10. **Page 5 - Section q.** Delete this item completely.
11. **Page 6 - Item #6 - Section c.** - Insert the word "written" as the second word of the sentence.
12. **Page 6 - Item #7 - Add Section g.** - to note that the walkway fee of \$10,000 will be collected.
13. **Page 7 - Item #8 - Add Section h.** - to note that plans for the intersection completion must be submitted before issuance of the first occupancy permit.
14. **Page 7 - Item #9** - At the conclusion, add an example of the computation formula.
15. **Page 7 - Item #10** - Third sentence should be revised to read, "The Deed Rider shall include a resale price multiplier which shall be based on the sale price of the unit, at its initial sale." The next to the last sentence should be deleted completely.
16. **Page 8 - Item #11** - In the last sentence, delete "\$572,500" and delete both the open and close of parentheses around the phrase "the maximum resale price."
17. **Page 6 - Item #12** - Mr. Sziabowski initiated a brief discussion regarding requiring a certain width for roof sheathing. However, Chairman Fee was reluctant to introduce new discussion given that the public hearing had already been officially closed. The Board agreed to dismiss the revision to the sheathing width.

18. Chairman Fee requested that the words "Condominium Association" appear consistently throughout the text with initial capitalization.
19. **Page 11 - Section 18** - The last sentence should be revised to read, "The construction of walkways is waived in lieu of a \$10,000 contribution to the Town walkway fund."
20. **Page 12 - Item #26** - First sentence should be revised to read, "The structures in this development shall be screened from view of the adjacent public ways in any reasonable manner as may be required by the Board."
21. **Page 12 - Item #30 - Add Section e.** to note the legend for the plants.
22. **Page 13 - Item #34** - At the end of the next to the last sentence, add the following words, "within one year of final occupancy and will also be re-inspected thereafter."
23. **Page 13 - Item #37** - Include the mention of the traffic consultants hired by the Town and the studies completed.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the "Definitive Decision for the Incentive Senior Development Special Permit for Grouse Hill," dated December 13, 2006, drafted by the Director of Planning and Development, subject to incorporation of the amendments discussed and agreed to this evening.

The Board signed the decision tonight and requested that Ms. Kablack circulate the revisions to the Board by email tomorrow so that a final decision can be issued by Friday, December 15, 2006.

2007 Annual Town Meeting - Article Sponsorship

Ms. Kablack reported that the Board will be submitting one article for submission to the 2007 Annual Town Meeting Warrant. The Board will support the adoption of the Mullin Rule, which allows members of the Planning and Zoning Boards as well as the Conservation Commission and other adjudicatory boards to miss one session of a public hearing and still be able to vote on an application as long as the member examines the evidence presented at the missed session, avails themselves of all video and audio tapes of the proceeding, reads all transcribed materials, and files an affidavit certifying that the evidence has been examined. Multiple members from a board may miss the same meeting as long as quorum rules for a session have been met. Ms. Kablack reinforced that meetings must be audiotaped if a voting member is absent.

On motion duly made and seconded, it was unanimously:

VOTED: To sponsor and submit the Mullin Rule in accordance with Chapter 39, Section 33D for the 2007 Annual Town Meeting Warrant.

At 9:50 p.m. Chairman Fee took leave from the meeting due to previous commitments.

Garner Dovic Realty Corporation - Plan Endorsement

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Application for Endorsement of Plan Believed Not to require Subdivision Approval (Form A) for Gerald S. Cournoyer, 6 Oneida Place, Hudson, MA regarding Garner Dovic Realty Corporation, dated December 11, 2006.

Miscellaneous
Accessory Apartment Bylaw

Ms. Kablack distributed to the Board, for informational purposes only, copies of a letter dated October 20, 2006, which she received from Jo-Ann Howe, Executive Director of the Sudbury Housing Authority, recommending revisions be made to the Accessory Apartment Bylaw in order to make the bylaw more resident-friendly and to encourage housing diversity.

Maple Meadows Senior Residential Community - Temporary Construction Access License Violations

Ms. Kablack distributed to the Board, for informational purposes only, copies of a letter dated December 4, 2006, which she sent to Robert McGinty, to note many conditions of approval for use of the Feeley Field which have not been met, and must be addressed immediately.

Sudbury Housing Authority - Overlay District Inclusion

Ms. Kablack distributed to the Board, for informational purposes only, a letter dated November 17, 2006 from Sudbury Housing Authority (SHA) Director Jo-Ann Howe requesting that SHA properties be included in the revisions to be made to the Wireless Services Overlay District Bylaw.

The meeting was adjourned at 10:05 p.m.