

Present: Michael Fee (Chairman, arrived 8:05 p.m.), Lisa Eggleston, Michael Hunter, Eric Poch (arrived 8:00 p.m.), Joe Sziabowski (Associate), Jody Kablack (Planner)
Absent: Christopher Morely

The meeting was called to order at 8:00 p.m.

Discussion with the Agricultural Commission

(Lisa Eggleston chaired.)

Present for the Commission: Laura Abrams, Karen Hodder, Jennifer Churchill, John Donovan, Meghan Taylor.

Laura Abrams: The Commission requested to meet this evening as follow-up with the Planning Board. They are looking at the possibility of switching jurisdiction of the special permit raising/keeping issue to fall under the Board of Health. They looked at other towns' zoning regulations for the number of animals allowed per acre under health regulations versus zoning. The Town of Hudson was one of the examples where it falls under the Board of Health. Another scenario under the Board of Health was Wayland. The members of the Agricultural Commission think it makes sense for this to fall under Health in Sudbury as it also involves health of animals. How many can be safely kept or raised on a parcel of land is imperative to their health condition and public health safety. The Commission wants the Planning Board's opinion of what direction they should follow. The City of Newton has 2 year permits and requires 1,000 foot setback from the lot line. There is also the issue of grandfathering of existing properties where animals are raised.

Lisa Eggleston: Was there feedback from the towns you spoke with as to how it has worked under the Board of Health?

Karen Hodder: Hudson was very vague; they passed the bylaw but don't always enforce it.

Jennifer Churchill: If there was a problem, the other towns discussed with the Commission, otherwise there was no reply to their calls.

John Donovan: He liked Newton's process the best, but they did not specify the number of animals permitted per property. They had the 1,000 foot requirement from neighboring lot lines which would fall under zoning.

Laura Abrams: Will provide a copy of Newton's regulations to the Board. If the direction they take is to go with animal units per property, then it should be the Board of Health.

Jody Kablack: The Board of Health makes sense to apply this to but she wants their input. Grandfathering would only come into play if it were a zoning bylaw.

John Donovan: He is concerned with the health of animals and people; thinks the Board of Health should be the governing Board.

Jody Kablack: The Board of Health is very understaffed. This may provide opportunity for additional staff. As the bylaws are currently written, the Zoning Board regulates animals.

Lisa Eggleston: The ZBA should regulate property not animals. This is a good opportunity to change that.

Jody Kablack: We could propose a general bylaw under the Board of Health.

Michael Fee: The Hudson regulations are geared towards health, but the nuisance issue is what we are discussing and whether or not there should be a regulation for nuisance. This conversation started over noise and odor issues associated with keeping animals. The Commission needs to define what is nuisance in correlation to keeping animals and regulate only that issue.

Meghan Taylor: Nuisance is under the Board of Health.

Jody Kablack: The Special Permit requirement by the Zoning Board was an issue previously identified; was that the objection?

Karen Hodder: No, it was the “raising” versus “keeping” issue.

Jody Kablack: If the issue is of the health of the animals, it would be the Board of Health, but they are not regulating the nuisance factor.

Lisa Eggleston: If the Board of Health regulates the nuisance factor, can we include roosters?

John Donovan: If people aren't affected there is no problem. He thinks the definition of nuisance is when it involves peoples' health. For example, if they are unable to sleep due to roosters making noise it will affect their health.

Jody Kablack: Are we trying to regulate the keeping of animals?

Laura Abrams: It still doesn't define the nuisance problem; even if it is permitted it doesn't address nuisance.

Lisa Eggleston: Special Permits have to be renewed; the issue is how to protect abutters and farmers; let the buyer beware. There is protection for the farmer because they have the Special Permit; conditions could be readdressed however, with the renewal.

John Donovan: The difficulty will be defining nuisance.

Lisa Eggleston: That factors into why define the number of animals. You should look into what relates to nuisance complaints.

Jennifer Churchill: Perhaps there should be a clause in the Special Permit requiring the applicant house the animals away from neighboring lot lines.

Jody Kablack: The Commission needs to provide more bylaw examples. She will address this with the Health Director. Maybe it can be narrowed down and put into regulations.

Jody Kablack and Lisa Eggleston opined it should not be a Zoning Board issue.

Laura Abrams: The Commission members can also check in Hudson, Newton and Wayland bylaws to see if there is any type of crossover with the zoning bylaw and Board of Health bylaw.

Mike Fee: The Sudbury Zoning Board does not have a standard timeframe for Special Permits; it is evaluated case by case.

Mike Hunter: Should the Special Permit timeframe be consistent?

Jody Kablack: The Zoning Board feels it is too broad to codify.

John Donovan: The right to farm bylaws and “buyer beware” approach may help alleviate nuisance issues.

Jody Kablack: Is that something the Commission is looking to do, a right to farm bylaw?

Laura Abrams: We are considering proposing it.

Faucher Woods Definitive Subdivision – Continuation of Public Hearing

All Planning Board members were present for the hearing.

The hearing was opened; no additional material had been submitted by the applicant.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing for Faucher Woods to June 14, 2006 at 8:30 p.m.

Discussion of potential subdivision at 52 Horse Pond Road

Bob and Laura Abrams requested to talk with the Board about waivers that would be needed for potentially subdividing their property on Horse Pond.

Mike Sullivan: The applicants are discussing filing a preliminary plan to create 2 lots. They would request a waiver of road construction and put a driveway in; a waiver of the 50’ right of way from abutting property lines is necessary. They also would request a waiver of the 360’ right of way separation requirement to the closest edge of any other right of way. Although the property consists of 2 ½ acres, this requirement would take up a lot of the area. The lot sizes meet zoning requirements. Lastly the other waiver they would need is the cul-de-sac being centered on the street centerline.

The applicant is looking for the Board’s opinion prior to proceeding. They would propose detention basins, subsurface detention – good soils. The corner lot frontage requirement can’t be met, they are proposing 2 non-buildable parcels be created to separate from Horse Pond Road which would eliminate the corner lot.

Jody Kablack: Are there any structures on the abutting property (the Stone property)?

Laura Abrams: No, only the house shown in back is existing.

Jody Kablack: She wants to discuss the corner lot issue with Bill Place and Jim Kelly.

Mike Hunter: Is this a non-conforming lot already?

Jody Kablack: Yes because it does not meet frontage requirements.

Bob Abrams: He disagrees with that assessment. When the lot was created it had sufficient frontage. There was a taking of land by the Town in 1951-52 which left it insufficient. It cannot be called non-conforming because of a taking by the Town that reduced the frontage.

Mike Fee: We will have to look into that. Any time an applicant comes in requesting waivers it is policy of the Board to ask the applicant what the public benefit is in granting these waivers?

Mike Sullivan: He is hard-pressed to indicate a benefit.

Mike Fee: Criteria requires demonstration of public benefits. Otherwise, it would be only for private benefit. The Board cannot and will not do that.

Lisa Eggleston: It is also policy that waivers don't get entertained until it is demonstrated the subdivision can be built without them.

Mike Sullivan: The 50' requirement under the circumstance of the abutter being the same as the applicant, should be an extenuating circumstance.

Mike Fee: The title to that lot could change at any time. The abutter may not always be the applicant. Going forward the Board needs the feedback from Bill Place and Jim Kelly regarding the corner lot issue. There also needs to be demonstration of full build and public benefit.

The public in attendance was invited to ask questions or make comments. There was no public input.

Grouse Hill Incentive Senior Development Discussion

Jody Kablack: In November of 2005 we left off with requesting the applicant work with the Conservation Commission on the configuration of the units. The applicant filed a Notice of Intent with Conservation. They were deemed to be wetlands but not functional; no vernal pools. The units are shifting to the north but still need input on the final layout.

Bill Depietri: Four options for unit placement are presented. They have attempted to move all units away from wetland resources, minimize visibility along Old Framingham Road and design roads to Town regulations. There are slightly more units in the field adjacent to the Dunworth property, but they are proposing significant screening.

Mike Fee: What was the Selectmen's position about the land swap?

Bill Depietri: They said it was dependant on Conservation's input which is the only remaining issue. Conservation is scheduled to discuss it on June 5.

Jody Kablack: The Selectmen generally liked the idea of the land swap.

Lisa Eggleston: The issue of re-grading needs to be pursued. It needs to be kept out of the field and away from neighbors and vernal pool. There are more units visible from the road.

Bill Depietri: These units are tucked away and will not be visible from the road.

Board members and Ray Bachand (abutter) disagreed with the applicant, opining it will be very visible from the road.

Eric Poch: What is the diameter of the southern cul-de-sac?

Bill Depietri: 120'.

Mike Fee: Is option 3 substantively similar to what was approved?

Jody Kablack: There are more units in the land purchased from Evergreen Realty. The settlement agreement will need amendment.

Joe Sziabowski: Would like to see the density lightened by the road and put it where it is less visible and outside of the vernal pool area.

The Board discussed various options for building number and location with the applicants.

Jody Kablack: The next step for the applicant is to go to the Board of Selectmen (after the Notice of Intent). All ideas are premised on the land swap.

Mike Fee: The Planning Board would like to see a version of "Option 3"; a possible 5 unit building at the most southerly point; and in particular, back to a 3 unit building by Leigh Dunworth's property.

Bill Depietri: We could take 2 units from the northern end and go back to the original plan with the addition of a double unit.

The general consensus of the Board favored that option.

Ray Bachand (63 Old Framingham Road): What about doing a cut and not fill the other area?

Mike Sullivan: If we bring the grade down, it will become more severe and would require a waiver for road grade.

Ray Bachand: Would prefer to see the building on the Framingham side.

Unidentified Resident: He and his wife have looked at senior housing for 2-3 years now and are very much in favor of this project. He believes it is a quality project.

Ray Bachand: Likes the idea of reducing the cul-de-sac.

Joe Sziabowski: The only enhancement is the planted turn-around; making it smaller would not make it better.

Ray Bachand: Instead of the circle, can the main entrance be an oval?

Applicant: No, there are radius requirements.

Mike Sullivan: A lot of time and thought went into that entrance island. They don't want to have to reduce it.

Mike Fee: Agrees that it is a visual bonus and with Joe Sziabowski's comment that it is the only enhancement.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend to the Board of Selectmen Option "M" if the area of land swap is increased.

The Planning Board also recommends the unit closest to the Dunworth property be eliminated or moved.

Ledgewood II Subdivision Sign

On motion duly made and seconded, it was unanimously:

VOTED: To deny the sign request for Ledgewood II as it does not comply with regulations.

ANRs

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the ANR Plan of Land for 10 Phillips Road submitted by Salvatore & Mark-Anthony Cautela to change lot size/shape.

The meeting was adjourned at 10:00 p.m.