

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

Borden Hill Lane Subdivision - Public Hearing and Modifications

Present: Joshua Fox, Attorney, Foreign Motors West

At 7:42 p.m., the Chairman called the meeting to order and opened a Public Hearing concerning the application of Foreign Motors West, Inc., for approval of a modification to Condition #8 of the Borden Hill Lane Definitive Subdivision Decision dated September 14, 1987, to allow the subdivision of Lot 2 to create a 1.25 acre parcel to be deeded to the abutting parcel (Map K11, Parcel 4), not to be considered a separate building lot and to remain as restricted open space pursuant to a conservation restriction.

On motion duly made and seconded, it was unanimously:

VOTED: To waive the reading of the official public notice for this hearing.

Ms. Kablack provided a brief summary of the relevant history for this request noting that Lot 2 abuts the Stanmar Office Park location, which is the site for the proposed Foreign Motors West BMW dealership. As part of that proposal, BMW will purchase a 1.25 acre parcel from Lot 2. The Board was in receipt of a Form C - Application for Approval of Conventional Subdivision Plan with an accompanying \$50.00 check, three copies of Mylar ANR forms and two letters respectively dated October 18, 2006 and November 2, 2006, provided by Foreign Motors West Attorney Joshua Fox, as well as the Definitive Subdivision Decision for Borden Hill Lane dated September 14, 1987.

Attorney Fox fielded a few questions from the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing for the modification to Condition #8 of the Borden Hill Lane Definitive Subdivision Decision dated September 14, 1987, to allow the subdivision of Lot 2 to create a 1.25 acre parcel to be deeded to the abutting parcel (Map K11, Parcel 4), not to be considered a separate building lot and to remain as restricted open space pursuant to a conservation restriction.

Ms. Kablack reviewed with the Board a Draft Decision for Modification of the Definitive Subdivision for the Borden Hill Lane dated November 29, 2006, and a few revisions to that draft submitted by Attorney Fox.

The Board requested that Ms. Kablack revise condition #2d of the Draft Modification of the Definitive Subdivision for the Borden Hill Lane dated November 29, 2006, to read as follows: "There will be no change in use of the 1.25 acre parcel. The 1.25 acre parcel created by the proposed subdivision modification will not be used for any purpose other than conservation including, but not limited to, passive open space as defined by the Town of Sudbury Zoning Bylaw. The Property is contained within a recorded Conservation Restriction held by the Sudbury Valley Trustees."

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Draft Modification of the Definitive Subdivision for the Borden Hill Lane dated November 29, 2006, as amended this evening.

Also, at the conclusion of tonight's Planning Board meeting it was,

On motion duly made and seconded, unanimously:

VOTED: To endorse the ANR plan submitted by Foreign Motors West, Inc. to create a 1.25 acre parcel to be deeded to the abutting parcel (Map K11, Parcel 4), not to be considered a separate building lot and to remain as restricted open space pursuant to a conservation restriction.

Grouse Hill Incentive Senior Development - Public Hearing Continuation and Scenic Road Public Hearing Continuation

Present: William DePietri, Capital Group Properties President, Martin Loiselle, Capital Group Properties Manager, Ronald D. Desrosiers, MDM Managing Principal, William R. Bent, McMahon Associates Senior Project Manager

At 7:55 p.m., the Chairman opened a continuation of the Scenic Road Public Hearing concerning the removal of four ash trees and one maple tree and removal of approximately 90 linear feet of stone wall on Old Framingham Road, in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development.

Scenic Road Public Hearing - Trees - Ms. Kablack and the Chairman noted for the record, that in order to comply with the public shade tree bylaw, the trees to be flagged were remarked appropriately, and a new public notice was submitted, noting each tree and its proper location. Ms. Kablack reported no adverse commentary from the Conservation Commission or abutters has been received.

Scenic Road Public Hearing - Stone Wall - No further discussion was required.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Scenic Road Public Hearing concerning the removal of four ash trees and one maple tree on Old Framingham Road, and the removal of approximately 90 linear feet of stone wall on Old Framingham Road, in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development.

On motion duly made and seconded, it was also unanimously:

VOTED: To authorize the removal of four ash trees and one maple tree on Old Framingham Road, in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development.

On motion duly made and seconded, it was also unanimously:

VOTED: To authorize the removal of approximately 90 linear feet of stone wall on Old Framingham Road to then be reconstructed along the development entrance area, in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development.

Grouse Hill Incentive Senior Development - Public Hearing Continuation

The Chairman reviewed materials added to the file since the November 8, 2006 hearing which included: Transportation Peer Review Comments provided by MDM Transportation Consultants, Inc. dated November 9, 2006, an Incident/Accident Report provided by the Sudbury Police Department, a memorandum from Grouse Hill prospective owners Bert and Linda Sellier, 347 Dutton Road, and two letters from McMahon Associates, both dated November 21, 2006, responding respectively to comments from MDM Transportation Consultants, Inc. and the Sudbury Planning Board. Mr. Martin Loiselle of Capital Group Properties also distributed to the Board a letter dated November 27, 2006, regarding project mitigation and an updated construction schedule.

Initial discussion revolved around traffic issues. Mr. Bent addressed the Board to review McMahon Associates' responses to the Transportation Peer Review Comments provided by MDM Transportation Consultants, Inc. in a report dated November 9, 2006. MDM was contracted by the Town of Sudbury to identify any potential traffic impacts to the Town and to comment on the preparation of the Traffic Impact Study (TIS) completed by McMahon Associates relative to standard traffic engineering practice.

MDM suggested the following four recommendations to improve safety and traffic operations:

1. Nobscot Road/Old Framingham Road Intersection - Improve the horizontal and vertical alignments of the intersection to channelize traffic, encourage low speed turning movements, and enhance overall safety, New signs and pavement markings should also be provided.
2. Nobscot Road/Dudley Road Intersection - Locate the stop line and stop sign closer to the intersection and remove the vegetation along the westerly side of Nobscot Road to improve sight distance from Dudley road. An advance warning sign (W2-2) should be installed on both the Nobscot Road southbound and northbound approaches to intersection.
3. Old Framingham Road at Site Drive - Allow right-turn movements at the Old Framingham Road/Site Driveway.
4. Require the applicant to identify and make some form of mitigation commitment to improve safety at the intersections noted above.

MDM also concluded that the prepared TIS did conform to standard traffic engineering practice with several elements either missing or requiring further analysis and /or additional explanation to provide a more comprehensive review.

Mr. Bent reported that since the release of the November 9, 2006 MDM report, he has met with MDM and Ms. Kablack to clarify and resolve outstanding questions. He has provided backup documentation for methodology and calculations, done additional site visits and provided additional information on several issues. Mr. Bent concurs with the recommendations suggested by MDM and has revised his reports accordingly. He expressed his commitment to working with the Town and MDM on whatever improvements are deemed necessary to enhance public safety. Ms. Kablack requested that the Planning Office receive a final, revised report incorporating all the revisions from McMahon Associates, which he agreed to provide upon completion.

Mr. Bent also has reviewed newly-available crash data provided by the Sudbury Police Department and data from the Massachusetts Highway department for the years 2003-2005. These incident reports reflect statistics far below the State averages and indicate no potential safety hazards.

Mr. Desrosiers presented an exhibit to the Board of a conceptual design for the intersection realignment and fielded a few questions.

The Chairman reviewed the discussion history regarding traffic issues prior to tonight. The Chairman stated that throughout these approval discussions, the Board has been functioning on the assumption that the traffic impact of the development will not be significant. He said, if, however, that is not the case, and the impact will be significant, the Board will need to know that information. Thus, Chairman Fee requested that Mr. Desrosiers thoroughly review the revised responses from McMahon Associates and provide a written follow-up report to the Board as soon as possible.

In response to a question from Mr. Morley, Mr. Bent and Mr. Desrosiers explained the differences between A - B- and C - Levels of Service which relate to driver time-delay averages.

In response to a question from Ms. Eggleston, Mr. Desrosiers reviewed some of the recommended mitigation modifications.

The Board did express varying opinions regarding allowing right-turn movements at the Old Framingham Road/Site Driveway, which will require further discussion at the next meeting.

Chairman Fee thanked both traffic consultants for their thorough work in addressing the Board's concerns.

Linda Sellier, 347 Dutton Road, asked whether future landscaping at the new intersection will interfere with future scope of sight. She was informed plantings will remain low so as not to hinder visibility and if necessary, vegetation will be trimmed by the Town.

John Cook, 172 Weston Road, Lincoln, asked whether access will still be available through the Mahoney property and he was informed that it would be.

Chairman Fee addressed both Capital Group Properties representatives and said that the Board will not be able to discuss their letter dated November 27, 2006, received tonight, due to an inadequate amount of time for review. He strongly stated that materials for consideration and discussion must be submitted to the Planning Office no later than the Thursday prior to the applicable Planning Board meeting date to allow for distribution to the Board members.

In addition, the Chairman also cautioned Mr. DePietri and Mr. Loiselle that when their mitigation letter dated November 27, 2006, is discussed on December 13th, he will vehemently oppose any attempt to connect the acceptance of a traffic plan to the base price of the development units. The Board clearly believes these are two distinct issues, which must be handled separately. The Chairman explained that approval of this project is based upon bylaws being satisfied and includes confirmation that the traffic impact will

not adversely effect the community. Thus, traffic improvements are necessary requirements to ensure public safety and have nothing to do with determining the base price of the units.

Mr. DePietri voiced strong opposition to this perspective stating that Capital Group Properties has already absorbed as much of the Town recommended project costs as possible.

Ms. Eggleston requested that Ms. Kablack contact Town Engineer/DPW Director, Bill Place, for his opinion on the intersection improvements and restriction of the right-turn issue.

Bert Sellier, 347 Dutton Road, a prospective resident of Grouse Hill, expressed s a strong preference for being allowed to make a right turn to approach Route 20.

Mr. DePietri reported that pedestrian walkway, trail and landscape issues were discussed with the Conservation Commission on November 27, 2006, which necessitated revisions to the landscape plans/designs.

Chairman Fee announced that further discussion regarding walkways, landscape design, trails, pricing and the construction schedule will be deferred until the December 13, 2006 meeting so that the landscape architect can attend to present his modified plans.

The Board next addressed its receipt of the letter dated November 21, 2006, from prospective owners Bert and Linda Sellier, 347 Dutton Road, who are quite concerned about the proximity of the location of the proposed berm to their building unit. Mr. and Mrs. Sellier are also concerned about drainage and potential water problems in the basement of their intended unit.

Mr. Sziabowski and Mr. Loiselle addressed the Selliers' concerns with the assistance of a topographical map explaining that there will be at least 20 - 30 feet of flat yard from the edge of the deck to the beginning of the gradual (5 to 1) slope of the berm, and that all drainage will be directed away from their property. Mr. Poch also explained to the Selliers that the berm will be desirable to them because it will help shield a public access and right of way behind their unit.

Chairman Fee stated that the Board will seriously consider the concerns of Mr. and Mrs. Sellier regarding drainage and the berm and will be mindful of these issues as much as possible, within its jurisdiction, throughout the approval process.

Mr. and Mrs. Sellier expressed satisfaction with the answers provided tonight and thanked the Board for its time and attention to these matters.

At the request of Mr. Sziabowski, Mr. DePietri and Mr. Loiselle agreed to provide samples and literature for the window casings and corner boards which will be used. These materials, as well as samples and clarification of the window specifications, will be submitted to the Planning Office for review prior to the December 13th meeting.

In addition, Ms. Kablack requested Capital Group Properties provide the Board with a best, final list of all building products, including samples and specifications, prior to the December 13th meeting to help the Board thoroughly assess the quality standards of the project.

Chairman Fee summarized that one more meeting will be needed for project review of final traffic details, including confirmation from MDM that all acceptable documentation has been received from McMahon Associates; cost analysis for intersection improvements, including the pricing for a traffic island; landscape final plans, including discussion of pedestrian trails and the wildlife corridor, mailboxes, fences, and amended species; product and sample list, construction schedule, deed rider, and pricing. With the successful resolution of the items noted above at the December 13th meeting, Chairman Fee stated the Board would anticipate a Draft Decision to be voted upon at the January 10, 2007 meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing in connection with the application of Capital Group Properties, Grouse Hill Incentive Senior Development to December 13, 2006 at 7:45 p.m., for discussion related to final traffic details, including confirmation from MDM that all acceptable documentation has been received from McMahon Associates; cost analysis for intersection improvements, including the pricing for a traffic island; landscape final plans, including discussion of pedestrian trails and the wildlife corridor, mailboxes, fences, and amended species; best products and sample lists, construction schedule, deed rider, and pricing.

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

This item was removed from tonight's agenda and will be rescheduled to the December 13, 2006 meeting.

Arboretum Subdivision - Set and Accept Bond & Release Lots from Covenant

The Board was in receipt of a letter dated October 18, 2006 from the Town Engineer/DPW Director, Bill Place, estimating the need for \$106,331.54 to complete Arboretum Way.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the cash bond of \$106,331.54 to complete Arboretum Way.
and to release lots from covenant.

Hawes Farm Subdivision - Bond Release

The Board was in receipt of a letter dated November 21, 2006 from the Town Engineer/DPW Director, Bill Place, estimating the need for \$1,052.25 to complete Pine Hill Lane. Ms. Kablack has consulted Mr. Place who has confirmed that the majority of work has been completed with the exception of some landscaping to be done in the spring of 2007. Ms. Kablack also reported that \$400 of the bond has been offered to the Town for the Tree Replacement Fund.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize \$400 of the Hawes Farm Subdivision bond amount be transferred to the Sudbury Tree Replacement Fund and that the remaining balance of the bond, including interest, be released to the applicant.

Mahoney Farms Development - Bond

On motion duly made and seconded, it was unanimously:

VOTED: To approve and sign the surety performance bond for the Mahoney Farms Development in the amount of \$584,682.39.

O'Malley - 46 Cudworth Lane - Kendra Lane Landscape Reimbursement

The Board reviewed a letter and accompanying invoice and payment documentation from Eamon O'Malley requesting reimbursement for \$6,500.00 as defined by the Agreement with Robert Quirk.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize the release of \$6500 from the bond for Willis Hill II as previously voted by the Planning Board to reimburse the abutter for landscape work completed, with the understanding that this is the final reimbursement for all work completed as previously agreed.

Maillet Estates Subdivision - Endorse Plan

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the Maillet Estates Subdivision Plan.

Maple Meadows Senior Residential Community - Review of Architectural Plans

Ms. Kablack reported that all conditions previously required have been met.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the final Maple Meadows Senior Residential Community Site Plans, as presented, in accordance with the approved Special Permit.

Miscellaneous

Old Lancaster Road - Waiver Request

The Board was in receipt of a letter dated November 13, 2006 from Ralph Wegener, Overland Design Project Engineer requesting a waiver to Section VB,2(g) as being in the best interest of Sudbury.

Chairman Fee is extremely reluctant to consider any waiver unless the requestor can provide evidence of zoning compliance for the building proposal.

The Board requested that Ms. Kablack inform the requestor that a written definitive plan will need to be submitted in order to obtain the Board's further consideration and to also share the Board's inclination to deny a waiver request without sufficient and compelling evidence to act otherwise.

Potential Rezoning Petition - 206 North Road

Ms. Kablack distributed a property map of 206 North Road and the surrounding area for review and rezoning consideration. She provided a brief history of the land ownership and disputes with a Concord abutter. After a brief discussion, the Board seemed inclined to not consider supporting a rezoning proposal unless another compatible use, which has a public purpose, and does not adversely effect the character of the neighborhood can be presented.

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