

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

At 7:30 p.m., Chairman Fee called the meeting to order.

Scenic Road Public Hearing - 233 Concord Road

Present: Steve and Sharon Booma, Property Owners

At 7:30 p.m., Chairman Fee opened the Scenic Road Public Hearing concerning an application for changes to a Scenic Road filed by Steve and Sharon Booma, for the removal and reconstruction of approximately 200 feet of stone wall at 233 Concord Road, designated as a Scenic Road in Sudbury. He read the legal notice for the record, which was published in the *Sudbury Town Crier* on October 18 and October 25, 2007. It was noted that the location is also in the Historic District and thereby, the application should also be forwarded to the Historic District Commission and the Historical Commission. Chairman Fee also noted that a portion of the stone wall was already reconstructed this past summer, and that this application is being filed retroactively.

Mr. Booma stated that he and his wife have owned the property since 2000. He reported that a car accident damaged a portion of the stone wall to the right of the driveway. He explained that no work or restoration has been done to the stone wall to the left of the driveway, which was always mortared from the time he purchased the home. He further clarified that he simply matched the damaged portion of the wall to the right to match the existing undamaged wall to the left of the driveway. He apologized for not realizing that such work needed Town approval, but stated that he believes they matched the wall as well as possible.

Mr. Morely and Ms. Eggleston expressed that those portions of the wall, with mortar, lack the historic character preferred by the Town, and would not have been approved if the application had been filed prior to work being completed.

Historic Districts Commission member Linda Hawes stated, for the record, that the Commission does not encourage inappropriate stone wall restoration, and urges residents to present plans to the Commission in advance of work commencement. However, she did note that this home has over 400 feet of frontage, with many varying existing types of stone walls. When asked by Mr. Morely if the Commission has an aesthetic objection to the completed restoration work, Ms. Hawes replied that the result seems too formal for the road.

Mr. Booma reiterated that portions of the stone wall had exactly the same appearance prior to his restoration work this summer.

Chairman Fee noted that it appears as if the applicants pursued a reasonable approach in attempting to make the wall symmetrical, when presented with the need for repair due to the accident. Ms. Kablack opined that there are many different styles of stone walls represented within Sudbury's Historic District.

The Board briefly discussed whether a penalty should be entertained for the post-reconstruction application, and what can be done to prevent these situations in the future. Ms. Kablack stated that due to changes in the building permits, this is easier to catch in advance for new construction. Ms. Kablack urged Board members to be more vigilant in their observations around Town, and to stop and question work they observe regarding Scenic Road compliance.

Mr. Morely commended the applicants on the excellent work done to preserve their home. Mr. Booma opined that he and his wife have tried to be good stewards of this home and the property they own across the street. He apologized again for their honest mistake in not filing a timely application with all relevant Town entities.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Scenic Road Public Hearing concerning the removal and relocation of approximately 200 feet of stone wall at 233 Concord Road, a designated Scenic Road in Sudbury.

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

VOTED: To authorize the removal and reconstruction of approximately 200 feet of stone wall at 233 Concord Road, a designated Scenic Road in Sudbury.

Olde Bostonian Estates Definitive Subdivision (Goodman's Hill Road) - Public Hearing

Present: Thomas DiPersio, Sr., Thomas Land Surveyors, Frank and Karen Gazarian, Property Owners

At 7:50 p.m., the Chairman opened a Public Hearing in connection with the application of Frank Gazarian & Karen Lento Gazarian, for approval of a Definitive Subdivision Plan of Land, entitled "Olde Bostonian Estates," property located at 267 and 273 Goodman's Hill Road, drawn by Thomas Land Surveyors and Engineering Consultants, Inc., dated June 19, 2007, and showing three lots on approximately 3.48 acres, which had been continued from October 24, 2007.

Chairman Fee reported that the only material added to the file since the Board's last meeting is the Draft Definitive Subdivision Decision for Olde Bostonian Estates, Goodman's Hill Road, dated November 8, 2007, which was distributed to the applicant and the Board in advance of this meeting.

Chairman Fee stated, for the record, that he was absent for the October 24th deliberation of this matter, however, the Mullin Rule allows him to be eligible to vote on the site plan, since he has listened to an audio tape of the proceedings and reviewed the minutes of the October 24, 2007 meeting. He also noted that Mr. Poch is absent tonight and will not vote on the site plan.

The Board reviewed the Draft Decision for content and typographical errors and/or omissions. The Board discussed the referencing of restrictive covenants and the inclusion of clear, written notice in the deed and references to the decision.

In response to a question regarding the requested crosswalk, Ms. Kablack responded that it is on the plan and will be field-verified before it is painted. She said the gazebo is also noted on the plan.

Mrs. Gazarian asked for, and received, clarification regarding a few items within the Draft Decision such as, who collects signatures in 5d., where do the easements go in 5b., do they have in fact, three new lots for subdivision fees, which trees will be flagged as referenced in 6b., timeframe for release of covenants and completion of other items. Ms. Kablack assured the applicants that she will be monitoring condition progress on an ongoing basis, and she will notify them when substantial completion has been achieved.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize the removal of approximately 50 feet of stone wall at 273 Goodman's Hill Road, designated as a Scenic Road in Sudbury, in connection with the Olde Bostonian Estates Definitive Subdivision Public Hearing.

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

VOTED: To approve the Draft Definitive Subdivision Decision for the Olde Bostonian Estates, Goodman's Hill Road, as presented and amended this evening.

Ms. Kablack stated that the Definitive Subdivision Decision will be filed tomorrow at the Town Clerk's Office.

Mr. Gazarian thanked the Board for its thoughtful review.

Omnipoint, Inc. - Wayside Inn Road and Great Road - Site Plan Discussion

Present: Sameer Parakkavetty, Nexus Wireless Senior Engineer

Chairman Fee opened the public discussion regarding the applications of Omnipoint Communications, Inc. for a minor site plan proposal to install and operate three-panel antennas for wireless communications entirely within the Church steeple, for property located at 104 Wayside Inn Road, Assessors Map L02, Parcel Lot 002, owned by Wayside Inn corporation; zoned Single Residential, and for a minor site plan proposal to install and operate an antenna assembly for wireless communications entirely within the Church steeple, for property located at 16 Great Road, Assessors Map B07, Parcel Lot 050, owned by St. John's Evangelical; zoned Single Residential.

Chairman Fee informed Mr. Parakkavetty that this Board merely advises the Selectman on this matter. He asked Mr. Parakkavetty if he would like to address the Board. Mr. Parakkavetty responded that he would prefer if the lawyer representing Omnipoint spoke on behalf of the applications. However, he added that the lawyer was expected this evening, but has not yet arrived.

Lee Swanson stated that he has heard that the weathervane has not been replaced on the Martha Mary Chapel because the radio frequency signal has not been turned off to allow repair workers safe access to the steeple. Chairman Fee opined that the Wayside Inn owns the tower, and thereby, should assert its ownership rights to ensure timely maintenance and repairs. He confirmed with Mr. Parakkavetty that turning off the signal power is possible, although it does cause service interruption for the provider. Ms. Kablack will relay this information to the appropriate Wayside Inn representatives. The Board also advised Mr. Swanson to relay his concern, in writing, to the Board of Selectmen for consideration prior to its scheduled November 27, 2007 public hearing.

Mr. Sziabowski opined that the 16 Great Road application indicates a box on the roof for additional cabling conduit, which could be aesthetically unnecessary and unpleasing to some. He queried whether an alternative plan could be developed to better camouflage that feature.

In response to several inquiries from Chairman Fee, at 9:15 p.m., Mr. Parakkavetty stated that he was unable to reach the applicant's lawyer, and he apologized for the miscommunication this evening. Chairman Fee advised the applicant to be sure that their lawyer is aware of the correct date and time for the Board of Selectmen Public Hearing on November 27, 2007 at 8:20 p.m.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Planning Board, to draft an affirmative recommendation letter to the Board of Selectmen, regarding the applications of Omnipoint Communications, Inc. for a minor site plan for property located at Wayside Inn Road (Martha Mary Chapel) and 16 Great Road (St. John's Evangelical), owned by Martel Business Realty Trust; zoned Business District, but also highlighting that maintenance issues at these locations need to be resolved with the owners.

Maillet Estates Subdivision - Set and Accept Bond & Release Lots from Covenant

The Board was in receipt of a letter dated September 21, 2007 from Town Engineer/DPW Director Bill Place, which estimated the need for \$97,970.06 to complete the Maillet Estates on Horse Pond Road. Ms. Kablack reported that a surety company has been contracted, however, the company is not listed as being able to do business in Massachusetts. As of this date, no bond has been obtained. Ms. Kablack noted that the Board does not meet again until December 12, 2007, and she asked if the Board would consider a contingency vote tonight.

Ms. Eggleston opined, and the Board concurred, that the bond needs to be produced, and if necessary, Board members could then be assembled quickly to vote to accept the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To hold on setting the bond amount, accepting the bond and releasing lots from covenants for the Maillet Estates on Horse Pond Road until a bond is received, at which time, and if necessary, a special Board meeting will be called.

Open Space & Recreation Plan - Update

The Board was in receipt of the Draft Open Space and Recreation Plan Goals/Objectives and the October 18, 2007 Draft list of Priority Parcels.

Mr. Morely announced that over 50 properties have been identified on the plan versus 16 the last time the plan was done.

Ms. Kablack reported that a public forum was held regarding these issues, which was well attended. She also reported that over 500 responses have been received to the Open Space & Recreation Survey versus 100 responses last time it was done. Ms. Kablack noted that the increase in responses is primarily due to the survey being available on the Town's website.

Ms. Kablack explained that the next step is to finalize the list of potential properties and define the use priority criteria and ranking system. A draft plan has been written. She reported that one controversial issue has been that the Sudbury Valley Trustees (SVT) have no permanent restrictions on their parcels. SVT has been invited to the next Open

Space meeting to discuss this and other matters. The final written plan will include a goal for the SVT to raise its level of protection.

Lee Swanson mentioned that through his work with Sudbury third graders, he recently became aware of a Barton Pool, which is still owned by the Town. He wonders why it is not being used by the public. Many Board members were aware of the pool, and Mr. Morely shared his recollections of swimming there as a child. Chairman Fee stated that he will also bring this facility to the attention of the Ponds and Waterways Committee.

Community Preservation Committee Proposals - Planning Board Positions
Town-wide Walkways

Ms. Kablack also reported that a \$75,000 grant has been received to complete a walkway on Hudson Road from Spruce Lane to the Wildlife Headquarters from the MA Department of Tourism.

On motion duly made and seconded, it was unanimously:

VOTED: To support the Community Preservation Committee Project Submission request for \$200,000 from CPA FY09 funds for the purpose of engineering, designing and constructing priority walkways throughout the Town.

Project Submission Form - Sudbury Housing Trust Fund Allocation - Production of Affordable Housing Units

On motion duly made and seconded, it was unanimously:

VOTED: To support the Community Preservation Committee Project Submission request from the Sudbury Housing Trust (SHT) for \$250,000 for the FY09 10% Community Preservation Act housing allocation to be appropriated to the Sudbury Housing Trust for the purposes of preservation and creation of affordable housing in Sudbury for low and moderate-income households.

Sudbury Housing Trust Deed Restriction Purchase Program - Production of Affordable Housing Units

On motion duly made and seconded, it was unanimously:

VOTED: To support the Community Preservation Committee Project Submission request from the Sudbury Housing Trust for \$500,000 from CPA FY09 finds for the purpose of purchasing permanent, affordable restrictions on single or multiple-family units in Sudbury, for homeownership or rental, in accordance with affordability guidelines set forth by the Department of Housing and Community Development and

other guidelines established by the Sudbury Housing Trust, to make units available to residents earning less than 100% of the Boston area median income.

Land Acquisition of the Young Property

Ms. Kablack exhibited a new 16 unit concept plan to the Board. She noted that another schematic will be produced to depict 25 units. She informed the Board that she has heard that neighbors are organizing a legal defense effort.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Planning Board, to draft an affirmative letter of support to the Board of Selectmen and the CPC regarding the Community Preservation Committee Project Submission request for FY08 funds in the amount of \$860,000, for purchase of approximately seven acres of land located at 804 Boston Post Road, for the purposes of affordable housing.

Ms. Kablack will circulate the draft letter to the Board for review prior to further distribution.

Mahoney and Melone Properties - Discussion

Ms. Kablack announced that the Board of Selectmen will hold a public forum on November 13, 2007, to gather input on the first phase of planning for the future use of two Town -owned parcels of land: 38 acres of the Mahoney property located off Old Framingham Road; and 46 acres of the Melone property on North Road.

Ms. Kablack reported that funding for development feasibility studies for both properties was awarded by the 2006 Town Meeting using Community Preservation Act funds. She briefly reviewed that the Mahoney property has been highlighted for recreational uses. However, Ms. Kablack further reported that Parks and Recreation Director Dennis Mannone stated that responders to the Open Space and Recreation Survey expressed an interest in this parcel being used for agricultural purposes or community gardens. Ms. Kablack also noted that uses for the Melone property have been suggested for housing and recreational purposes. Department of Public Works Director Bill Place estimates that nearly all the gravel has been removed from the parcel, and final grades will be set in the next year.

Chairman Fee asked what the development process will be for the properties.

Ms. Kablack responded that the feasibility studies will be completed, and public input will be solicited prior to any development commitments being made. A future public forum will be held once the engineering analysis has been completed and conceptual development scenarios have been created.

Miscellaneous

2008 Annual Town meeting

Ms. Kablack distributed to the Board, for informational and reference purposes, copies of the 2007/2008 Planning Board Projects and Priorities, dated May 9, 2007. She asked the Board to begin to review its priorities for the next Town Meeting. Ms. Kablack noted that focused work on Town bylaws should be a priority. She also highlighted the wireless facilities bylaw as needing to expand the Overlay District and Lincoln-Sudbury Regional High School as a potential new property. Ms. Kablack will draft and circulate a more current listing of priorities to the Board for review.

Ms. Kablack reported that MAPC is writing the stormwater bylaw, which she will review and revise.

The Board briefly discussed Impact Fees which are assessed by some communities for 3% of the total project cost, but not legally allowed under State law. The Board suggested that Town Counsel be consulted regarding what legally could be charged, and how it should be termed. Ms. Kablack will research what Lincoln does in this regard. Chairman Fee also will forward Ms. Kablack a website address to access for more information from the municipal database system.

Mahoney Farms Site Schedule

Ms. Kablack distributed to the Board, for informational purposes, the Mahoney Farms Site Schedule, dated October 23, 2007.

Board of Appeals

Ms. Kablack distributed to the Board, for informational purposes, the November 19, 2007 Board of Appeals Notices of Meeting and Public Hearing.

Executive Office of Energy and Environmental Affairs

Ms. Kablack distributed to the Board, for informational purposes, copies of a letter received from the State's Executive Office of Energy and Environmental Affairs, dated October 31, 2007, regarding Sudbury's score of 63 for the FY08 Commonwealth Capital application. Ms. Kablack will investigate further the ramifications of this score.

Upcoming Planning Board Meeting Schedule

The Board's next meeting will be December 12, 2007.

Executive Session

At 9:35 p.m., Chairman Fee announced the close of the regular meeting and it was

On roll call duly made and seconded, it was unanimously:

VOTED: To go into Executive Session for the purpose of discussing land negotiations.

Chairman Fee announced regular session would not reconvene following Executive Session, and he adjourned the meeting at 9:35 p.m.