

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

Absent: Michael Fee (Chairman), and Joe Sziabowski (Associate)

At 7:00 p.m., Acting Chair Eggleston called the meeting to order.

**Metropolitan Area Planning Council - Proposed New Regional Planning Agency
(RPA)**

Ms. Kablack distributed to the Board, for discussion purposes, a Metropolitan Area Planning Council (MAPC) Fact Sheet regarding the pending Senate Bill, SB1199 sponsored by State Senator Karen Spilka. This bill proposes to create a new regional planning agency (RPA) by removing Sudbury from the Metropolitan Area Planning Council, and several other towns from their present regional planning commission. Ms. Kablack explained that the MAPC does not currently support this proposal and is encouraging communities to also voice objections.

The consensus of the Board is that funding issues have not been clearly defined, nor is there enough overall information available upon which to base an informed opinion. Mr. Poch stated that at present, there does not appear to be any advantage to Sudbury to transition to a new RPA, and that such action could possibly cause disruption to current plans and programs in process. Mr. Morley concurred that the Board is unable to support or reject the proposal at this time due to a lack of pertinent information.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Planning Board to draft a letter to the Board of Selectmen expressing that although the Board does not necessarily oppose the concept for a new regional planning agency, not enough information about the benefits to Sudbury is available at this time to support this proposal, and that the Board is inclined to believe that such a transition could be disruptive to current Town programs and activities.

Scenic Road Public Hearing - 273 Goodman's Hill Road - Stone Wall

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

At 7:30 p.m., Acting Chair Eggleston opened the Scenic Road Public Hearing concerning an application for changes to a Scenic Road filed by Frank Gazarian & Karen Lento Gazarian, 273 Goodman's Hill Road, concerning the removal of approximately 50 feet of

stone wall at 273 Goodman's Hill Road, designated as a Scenic Road in Sudbury. She also read the legal notice for the record, which was published in the *Sudbury Town Crier* on October 4 and October 11, 2007. Ms. Kablack reported that no written comments from residents have been received.

Mr. DiPersio explained that the applicants propose to construct a Private way, which will require the removal of 50 feet of the existing stone wall directly in front of 273 Goodman's Hill Road. He reported that the removed stones will be used to reconstruct a portion of the wall across in front of 267 Goodman's Hill Road.

Mr. Morley asked if there is intent to mortar the wall. Mr. DiPersio responded that there will be no mortar, and that the wall will be rebuilt as a farmer's wall, which is preferred by both the Planning Board and the Historical Commission.

Craig Gruber, 187 Goodman Hill's Road, thanked the applicants for providing a thoughtful presentation. However, Mr. Gruber did state concerns regarding increased development in the neighborhood related to traffic and safety issues. Mr. Gruber presented two books to the Board as exhibits, Historic New England Blueprint for Preservation and Sudbury: A Pictorial History, depicting the original abundance of stone walls years ago, in this farming area. Mr. Gruber stated that each large and small development to the area detracts a bit from the original character and nature of the Town, and he cautioned against the approval of further developments.

Ms. Eggleston stated the Board's commitment to preserving the nature and character of the Town, which is evidenced by the designation of Scenic Roads, and hearings such as this one tonight. She further clarified, that the proposal plans for only one driveway, with one curb cut, to access three lots. Ms. Eggleston noted that if approved, the plan will actually result in a net increase of stone wall. She opined that this development proposal is respectful of its surrounding area.

Ms. Kablack stated that the Board is unable to deny a plan which complies with regulations. However, Ms. Kablack emphasized that the Board works diligently to improve and mitigate aspects of development proposals prior to approval.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Scenic Road Public Hearing concerning the removal of approximately 50 feet of stone wall at 273 Goodman's Hill Road, designated as a 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 7:42 p.m., Acting Chair Eggleston 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 10, 2007.

Ms. Eggleston reported that since the Board's last meeting, a memorandum from Thomas DiPersio, Sr., Thomas Land Surveyors, dated October 24, 2007, and modified plans have been added to the file, and distributed for discussion this evening.

Mr. DiPersio briefly summarized the modifications made to address the Board's and abutters' comments from the last Public Hearing.

Mr. DiPersio reported that frontage dimensions have been relabeled, the cul-de-sac to property line offset has been surveyed, the conventional plan shows the stormwater drainage system as a subsurface system under the landscaped island in the cul-de-sac, detention basin soil test results have been provided, and additional conduits and a crosswalk have been added to the plans. Mr. DiPersio noted that the actual location of the crosswalk may be subject to a site inspection.

Ms. Eggleston suggested that a condition be added to the decision to require a site visit to approve screening efforts to ensure privacy, and that the Lot 3 driveway drainage issues have been adequately addressed.

Ms. Kablack reported that since there is no Special Permit required, the Fire Chief will not require residential fire-sprinkler regulations. However, she noted that an Earth Removal Permit may be required to haul material off the site. Ms. Kablack questioned Mr. DiPersio as to why the drainage system on the conventional plan has been changed to a subsurface system, which is not a conventional system, since there is adequate space for it on Lot 3 as a surface basin. She suggested that it be changed back to a surface basin, which would be consistent with the construction plan. Mr. DiPersio concurred.

Ms. Kablack further noted that maintenance requirements of the Homeowner's Association will also be addressed in the Board's decision.

Ms. Eggleston stated that there is no emergency spill way noted on the plans. She suggested that grading be such, so as to ensure a downhill overflow path. Mr. DiPersio replied that the berm can be raised to address this concern.

Craig Gruber, 187 Goodman Hill's Road, stated for the record, that his comments relating to the development remain unchanged from those he expressed earlier this evening, during the Scenic Road - Stone Wall Removal hearing for this location.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Olde Bostonian Estates Definitive Subdivision Public Hearing, and to request that Ms. Kablack prepare a draft site plan approval decision, subject to conditions.

Ms. Kablack stated that a draft decision will be prepared and distributed to the applicant and Board for review prior to November 8, 2007, when the Board is anticipated to vote on the subdivision plan.

Potential Subdivision - 82 Thunder Road - Discussion

Present: Property Owners Maile Hulihan and R. Michael Couch

The Board was previously in receipt of a letter from Maile Hulihan and R. Michael Couch dated October 9, 2007, requesting preliminary feedback regarding a proposal to subdivide their property at 82 Thunder Road, and a conceptual subdivision plan prepared by Engineering Design Consultants, Inc. of Southborough. In their letter, the couple stated that the intention is to build a new home on the 5.93-acre property which better suits their present and future needs. The existing home would then be sold.

Ms. Kablack described the present parcel as it relates to the surrounding properties and wetlands to the Board. She reported that she has met with the owners and their engineering team to discuss many plan ideas. However, Ms. Kablack reported that there is only 210 feet of frontage, which according to Town bylaws is insufficient for creation of two lots. She also stated that the proposed waiver plan does not satisfy Town requirements regarding the minimum 50-foot lot width and the required diameter for the circle. Ms. Kablack further reported that she has advised the owners, that prior to review and consideration, the Board customarily requires submission of a conforming, conventional plan. Ms. Kablack opined that based upon significant review, she has doubts as to whether a conforming plan can be designed.

Ms. Eggleston concurred with Ms. Kablack's assessment. She advised the owners that a conforming plan would need to be submitted, depicting a dividable lot without waivers, to warrant further Board consideration.

A remote option was discussed relating to the creation and addition of a small parcel at the frontage to accommodate the proposal. Ms. Eggleston stated that this Board has not previously approved such an option in order to initially meet the Town's criteria, but rather has been done after the fact. Mr. Morely agreed that the applicant must first prove that a plan satisfies regulations before any revisions can be contemplated. Ms. Eggleston requested that Ms. Kablack further research whether there is Town precedent for the creation of a small parcel so as to satisfy requirements.

The consensus of the Board was that there is not enough frontage for two lots and that the building envelope is severely constrained. Upon an initial review, it appears as if the proposal would only allow for a house no more than 27-feet wide. Mr. Hunter reported that the present real estate market commands an average home to be approximately 80 feet long by 35 feet wide.

Ms. Eggleston reiterated that the lack of frontage issue is significant, since zoning and frontage define what is a buildable lot within the Town's bylaws. She further emphasized that the Board will be unwilling to consider any waivers until full compliance with Town regulations can be demonstrated.

Mr. Poch stated that it is important that the Town not set a detrimental precedent for small lot applications. He opined that the proposal presented tonight would likely be rejected by the Board, however, he agreed that Ms. Kablack should further research the recent subdivision history regarding such proposals.

Ms. Hulihan asked whether the 25' wide right of way on the property can be used to enhance the frontage calculations. Ms. Kablack responded that she does not believe that will be possible, because the applicants have no official documentation for ownership of the right of way. It is possible that an easement existed at one time regarding the right of way, however, no easement has been officially recorded granting rights. The Board encouraged the owners to further research whether such ownership documentation exists, and whether the driveway was ever officially designated as a road. In the absence of such documentation, the consensus of the Board is that the frontage issue will not be solved unless additional frontage is purchased from direct abutters.

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

Ms. Kablack announced this agenda item has been cancelled this evening.

Miscellaneous

Metropolitan Area Planning Council - MAGIC Legislative Breakfast Meeting

Mr. Hunter attended the Minuteman Advisory Group on Interlocal Coordination (MAGIC) subregion Legislative Breakfast on October 22, 2007. He reported that a topic of discussion was the future of Community Preservation Act funding due to the decrease in real estate activity. He stated that forecasts were quoted of a reduction to a 40% match in two years. Ms. Kablack stated that the Town has anticipated this decline in its three-year plans, projecting a 75% match next year, a 30% match the following year, and 0% the year after (even though there is a 5% minimum match currently required).

Mr. Hunter also reported that there was discussion regarding the proposed 40T legislation. Ms. Kablack stated that this program would allow the creation of special

assessment districts. Ms. Kablack is pursuing more information about whether this could be applicable for a sewer district.

Route 20 Wastewater Options

Ms. Eggleston stated that since most in-Town options have been exhausted, out-of-Town alternatives will need to be explored. She also reported that she has heard that acquiring property through the exercise of eminent domain is not an option for the wastewater project.

Ms. Kablack stated that it has been determined that a much larger parcel will be required than originally thought to accommodate an appropriate facility. Ms. Kablack is awaiting confirmation of a meeting date with DEP on this matter, and will update the Board at a future meeting. She will also, per Mr. Poch's request, re-circulate the listing of identified potential property sites to the Board for review.

Goodman's Hill Road - Resident Concern for Public Safety

Craig Gruber, 187 Goodman Hill's Road, addressed the Board to ask for its support regarding public safety concerns related to Goodman's Hill Road. Mr. Gruber reported that at various points of the day, it is very difficult to safely cross the street. He contacted the Sudbury Police Department to monitor vehicular speed, and he reported that traffic data now exists with which to make decisions on safety improvements. Mr. Gruber stated that a petition has been started within the neighborhood, which supports the need for speed bumps, speed tables, and/or better posting of speed limits.

Ms. Eggleston clarified what was stated by Chairman Fee at a previous meeting, by noting that speed limits and traffic issues are not within this Board's jurisdiction, however, public safety in subdivisions is. She further reported that the Board has already determined that a painted crosswalk and sidewalk enhancements will be included in any approved plan for the Olde Bostonian Estates Definitive Subdivision plan. As mentioned in a previous meeting, Ms. Eggleston also restated that speed bumps are not readily used on Town roadways because of the difficulties they pose for snow plow and maintenance vehicles.

The consensus of the Board, as expressed by Ms. Eggleston, was that Mr. Gruber should submit his petition and concerns to the Board of Selectmen, and that the Selectmen will then advise regarding appropriate remedies and/or options available to address the concerns. During its deliberation, Ms. Eggleston stated that the Selectmen may seek input from other Town boards, at which time, the Planning Board will provide its opinion on these matters. The Board thanked Mr. Gruber for his interest in these matters, and Ms. Eggleston closed the discussion.

Special Town Meeting - Schedule

Ms. Kablack distributed to the Board, for informational purposes, copies of the schedule for the opening, closing, preparation, signing, copying and delivery of the Warrant for the Special Town Meeting on December 3, 2007, regarding acquisition of the Young property and collective bargaining packages.

Massachusetts Federation of Planning & Appeals Boards - Annual Meeting

Ms. Kablack distributed to the Board, for informational purposes, copies of an announcement for the Massachusetts Federation of Planning & Appeals Board's Annual Meeting to be held on Saturday, October 27, 2007 at the Crowne Plaza Hotel in Worcester.

Bay Circuit Alliance, Inc. - Hiking Trail Route Revision

Ms. Kablack distributed to the Board, for informational purposes, copies of a letter to the Board of Selectmen from the Bay Circuit Alliance, Inc., asking for permission to route the Bay Circuit Trail (BCT) through the Raymond land using the trail between Lyons-Cutler Reservation and Raymond Road. The Sudbury Valley Trustees have endorsed the idea to use the trails in Lyons-Cutler Reservation. Conservation Coordinator Debbie Dineen has stated that the Raymond land has not been designated as conservation land. Thus, Ms. Dineen suggested access be requested from the Board of Selectmen.

Upcoming Planning Board Meeting Schedule

Ms. Kablack reminded the Board that its next meeting will be on November 8, 2007, a non-traditional Thursday evening.

Acting Chair Eggleston adjourned the meeting at 8:30 p.m.