

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

At 7:45 p.m., Chairman Fee called the meeting to order.

2009 Annual Town Meeting Articles - Accessory Apartment Bylaw

Present: Sudbury Housing Specialist Beth Rust

Ms. Kablack provided the Board with a brief update of the reaction of the Zoning Board of Appeals (ZBA) to a proposed Accessory Apartment Bylaw. The Board was provided with copies of the Sudbury Board of Appeals Meeting Minutes from November 17, 2008 for reference purposes. Although the ZBA supports affordable housing in Sudbury, it was concerned that the bylaw would allow for too many apartments to be created, bringing too many strangers to Sudbury as renters, which could be detrimental to the Town. The consensus of the ZBA was that the current bylaw serves the Town well without allowing such units in detached structures.

Chairman Fee noted that the ZBA is not a policy Board, and Ms. Kablack asked if the Planning Board wished to proceed with sponsorship of this article for the 2009 Town Meeting.

Ms. Eggleston opined that the ZBA's concern that too many apartments will be created seems unlikely, since it would require a certain type of homeowner to desire to modify their home in such a manner as to benefit from the new bylaw.

A brief discussion ensued regarding allowing apartments in detached structures. Ms. Kablack stated that Sudbury's Building Inspector supports allowing accessory apartments in detached structures. Ms. Eggleston suggested that Title V regulations may not fully support allowing the apartments in detached structures, and she recommended that the Board of Health Director be consulted further on this matter.

Sudbury Housing Specialist Beth Rust clarified that the proposed bylaw is intended only for residential properties. She noted that a previously considered waiting period for new construction/additions of five years has been removed from the draft language as unnecessary, since the waiting period has always been waived. Ms. Rust and Ms. Kablack will rework the language for apartments in detached structures.

Ms. Kablack stated that the size of the accessory dwelling unit will be reduced in the next draft revision from no greater than 1,200 square feet to no greater than 1,000 square feet. Mr. Morely suggested that a further reduction to 900 square feet be considered.

Chairman Fee agreed with Ms. Kablack's comment that there is a significant need for housing diversification within the homogeneous Town of Sudbury and its 5,500 homes. He emphasized that this article should be championed to the public using this rationale. Chairman Fee stated that he is inclined to proceed with the article.

A brief discussion ensued regarding the assessment of taxes for such dwellings. Mr. Morely stated that these apartments will provide an income stream for the property owner, and if the Special Permit is transferable upon sale of the home, the accessory apartment creates value and should be taxed. Mr. Morely and Mr. Sziabowski believe that the Special Permit should be transferable to a new owner upon request. Ms. Kablack stated that she will discuss this with the Town Assessor and report back to the board regarding taxation of these units.

Mr. Poch opined that, although these apartments provide an economic gain for the homeowner, the Town is unable to also capitalize upon that gain. Mr. Poch believes that, if the Town is instrumental in providing such a benefit to the homeowners, then the Town should also reap some sort of financial remuneration. He suggested that, perhaps some sliding scale of tax or credit could be implemented to provide homeowners who provide these units to preferred candidates such as senior citizens and veterans. Chairman Fee opined that Mr. Poch has posed important points for consideration.

Chairman Fee suggested that, perhaps a fee of several hundred dollars should be charged for the Special Permit, and thereby allowing the Town to earn some revenue from the creation of the apartments. Ms. Kablack noted that the issuance of the permit will need to be carefully structured to distinguish associated costs as either a fee or a tax.

Mr. Morely opined that he is apprehensive about the Board providing a list of preferred renters, and thereby appearing to micro-manage social policy. Ms. Eggleston suggested that further research be compiled regarding the profile of who typically occupies such apartments. Mr. Morely suggested that data be requested from Lincoln, which incorporates such dwellings quite successfully into its community. Mr. Sziabowski suggested setting a maximum limit for the number of cars allowed on properties with these types of rentals.

Ms. Kablack recommended that the article be approved to proceed as a placeholder, allowing her the time with Ms. Rust to refine the bylaw language and further research the applicability of property taxes and renter profiles from other communities. The Board would be able to assess the warrant article until February 2009, at which time it could decide whether or not to withdraw it from the Town Meeting presentation.

On motion duly made and seconded, it was unanimously

VOTED: To sign and sponsor an Accessory Apartment Bylaw placeholder for an Annual

2009 Town Meeting warrant article.

2009 Annual Town Meeting Articles - Stormwater Management Bylaw

The Board was previously in receipt of copies of a revised Draft Stormwater Management Bylaw 2009 Annual Town Meeting Warrant Article. Ms. Kablack noted that she and Ms. Eggleston will incorporate into the document the Board's suggestions from its October 29, 2008 meeting. She opined that the bylaw language will be reviewed by the working group tomorrow, which will finalize the article for submission. Ms. Eggleston will present the article at the Town Meeting. Ms. Eggleston noted that the regulations will be worked through during the coming months, and thus the final document will be revised from the draft presented this evening.

Chairman Fee suggested that the bylaw begin with the presentation of the "Purpose" section rather than the "Introduction." Ms. Kablack and the Board concurred.

On motion duly made and seconded, it was unanimously

VOTED: To sign and sponsor a Stormwater Management Bylaw as an Annual 2009 Town Meeting warrant article, subject to the incorporation of tonight's amended revisions.

Preliminary Far Hills Subdivision - Brimstone Lane - Decision

The Board was previously in receipt of a letter dated November 18, 2008 from the applicant's attorney David Wallace asking the Board to vote on the preliminary plan. Mr. Wallace stated that he has determined that the dated emergency access installed on the Framingham side of Brimstone Lane is not adequate to service the proposed two-lot Far Hills Subdivision.

The Board was also in receipt of a "Draft Definitive Subdivision Decision Far Hills Subdivision" dated December 10, 2008, wherein it is noted that the Board has denied the plan because, among other items, the applicant did not demonstrate that the proposed lots meet the minimum standards of the Town's Zoning Bylaws nor was a compliant Preliminary Cluster Subdivision Plan submitted.

Chairman Fee noted that it is not usually the Board's practice to offer a written decision for a preliminary plan. He questioned the purpose of the applicant's request, and he wondered if the response will be used in a forthcoming appeal. Ms. Kablack responded that there is no appeal process available regarding preliminary plans, since under Massachusetts General Laws preliminary discussions hold no legal bearing. She further clarified that the draft response does not denote all specific reasons for the Board's denial, such as would be required in a Definitive Subdivision Decision. Ms. Kablack opined that the written response will merely provide future guidance for the applicant.

Chairman Fee submitted a few grammatical revisions to Ms. Kablack. In particular, he requested that the last paragraph of Page 1 begin by stating that, "As requested in the applicant's letter of November 18, 2008 for a decision from the Board, the Planning Board hereby DENIES... for the following reasons, including, but not limited to:".

Chairman Fee also asked that it be noted in the response that the Board was presented with conflicting evidence regarding lot lines. In addition, Chairman Fee requested that the last paragraph on Page 2 referencing the appeal process be revised to begin as follows: "To the extent authorized and allowed by applicable law, appeals, if any," Furthermore, it was suggested that a sentence be added noting that this response does not preclude the applicant from filing a subsequent Definitive Subdivision Plan.

The Board also asked Ms. Kablack to revise the fourth paragraph of Page 1 to include that the Board conducted a site visit.

On motion duly made and seconded, it was unanimously

VOTED: To approve the Denial Decision for the Preliminary Subdivision Plan for Far Hills as amended and revised this evening.

Open Space and Recreation Plan - Support Letter

The Board was previously in receipt of a Draft Letter of Support for the recommendations contained within the 2008 Open Space and Recreation Plan. Ms. Kablack noted that a support letter is required from certain Town boards and committees.

On motion duly made and seconded, it was unanimously

VOTED: To authorize Ms. Kablack, on behalf of the Board, to sign and send as appropriate the letter of support for the Open Space and Recreation Plan recommendations as reviewed this evening.

2008 Planning Board Annual Report

The Board was previously in receipt of a Draft 2008 Sudbury Planning Board Annual Report.

A brief discussion followed Ms. Eggleston's question of whether the purchase of homes with Community Preservation Act funds will be perceived well by voters in such difficult economic times. Mr. Morely stated that he foresees that community support will continue as in previous years for open space projects. However, Chairman Fee stated that he is inclined to believe that it is a mistake this year to ask voters to endorse expensive housing initiatives, at a time when so many people are experiencing financial uncertainty.

He believes it would be best to withdraw such articles from presentation to the public.

On motion duly made and seconded, it was unanimously

VOTED: To approve and accept the 2008 Planning Board Annual Report as presented this evening.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular minutes of October 23, 2008, subject to the correction of Chairman Michael Fee being listed as absent rather than as present.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular minutes of October 29, 2008, subject to the correction of the location of the meeting being listed as Grange Hall rather than Town Hall, and that the last sentence on Page 3 be corrected to read , "...is neither an employee nor agent of the Board...."

Application Not Required - Lincoln Road Trust Approval

Ms. Kablack briefly reviewed with the Board the Application and Plan For Endorsement of Plan Believed Not To Require Subdivision Approval submitted by James J. Mawn and Douglas Adam Smith, Trustees of Lincoln Road Trust.

On motion duly made and seconded, it was unanimously

VOTED: To approve the Application Not Required plans submitted by James J. Mawn and Douglas Adam Smith, Trustees of Lincoln Road Trust.

At 8:45 p.m., Chairman Fee adjourned the meeting.