

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely, Michael Hunter, Eric Poch (arrived at 7:45 p.m.), Joe Sziabowski (Associate) and Jody Kablack (Director of Planning and Development)

At 7:40 p.m., Chairman Fee called the meeting to order.

Adoption of 2008 Bonding Policy

The Board was in receipt of a letter, dated January 17, 2008, from Town Engineer/DPW Director William I. Place, which updated the 2007 Bonding Policy to reflect 2008 unit prices. Ms. Kablack recommended acceptance by the Board of Mr. Place's proposal.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the 2008 Bonding Policy unit prices as presented by Department of Public Works Director/Town Engineer William I. Place, in a letter dated January 17, 2008.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of January 9, 2008.

Potential Far Hills Subdivision - Brimstone Lane - Discussion

Present: Property Owners Malcolm and Eva MacNeill, Beals and Thomas, Inc., engineer Wayne Chouinard, and applicant's lawyer David Wallace

The Board was previously in receipt of a Preliminary Plan Filing for Far Hills Subdivision, dated January 30, 2008, prepared by Beals and Thomas, Inc., and an Evaluation Form for Subdivisions dated February 7, 2008, from Ms. Kablack regarding the proposal.

Chairman Fee opened this preliminary discussion by noting that it is not a hearing. However, he stated that Ms. Kablack did notify abutters, some of whom are in attendance tonight. He emphasized that the Planning Board is not required to formally approve or deny a preliminary subdivision plan, but that this discussion may help the applicant fashion future, definitive requests.

Attorney Wallace briefly described that the proposal has been revised several times, most recently from a proposal for three house lots to a plan for only two house lots. He stated that the proposal concentrates the development on about five and a half acres of the southern portion of the over 21-acre site, which is located off Brimstone Lane. He also

stated that the applicant has met with various Town Departments and tried to incorporate comments from those meetings into the current proposal.

Mr. Chouinard presented a conventional subdivision plan for a three-lot configuration without grading, but showing the septic system, and that a roadway is feasible. In response to a question from the Board, Mr. Chouinard explained that three waivers would be needed from the subdivision regulations to construct the conventional plan: the minimum separation of 50-feet required from the right-of-way of any subdivision abutting any exterior lot line of the property being subdivided (not attainable since the frontage is 93 feet); the last 100 feet of a dead-end street shall not have a grade greater than 2% (plan calls for only an 85-foot leveling area); and an increase in the grade of the road to 10%, similar to driveway standards, versus a maximum slope of 6% .

Mr. Morely asked if there is contiguous frontage of 93 feet. Mr. Chouinard stated that the access strip is not uniform, but seems to be no less than 89 feet wide.

Ms. Eggleston stated that the Board's precedent has been to generally not consider waivers until after an applicant has established that that the plan can meet subdivision standards.

Mr. Wallace stated that he hopes the Board will consider the fact that this parcel was created in 1983 under the relevant subdivision regulations, at which time there was no requirement to separate a subdivision road from abutting properties.

Referencing the Preliminary Plotting Plan for Parcel 1, Ms. Eggleston asked if there is intent to designate Parcel 1 as a buildable lot. Mr. Wallace and the owners responded that there are no plans for other parcels under this application or expected in the future. A brief discussion also ensued regarding an easement from Parcel 1 to Boston Post Road. Mr. Wallace has not information on use or rights to that easement.

Mr. Morely noted that for parcels of a certain size, the Board requests seeing alternative options for all 21 acres. Ms. Eggleston further stated that she would prefer to see development in the upland areas versus the wetlands. Ms. Kablack noted that an alternative sketch had been submitted by the applicant and is contained in the application.

In response to a question from the Board, Mr. MacNeil stated that they have chosen the current proposal because the property is naturally divided by the wetlands. He also noted that it was always the intent of his ancestors for the property to evolve in this manner as evidenced by the 1983 plan. Chairman Fee cautioned Mr. MacNeil that, even if a recorded plan exists from 1983, it may not be binding today. Ms. Kablack noted that if a property has been previously subdivided, the Board can take those plans into future consideration.

Ms. Kablack stated her concern that the proposal would establish a long dead-end street which is non-compliant. Thus, she questions whether the property is sub-dividable.

Ms. Eggleston asked if the applicant has spoken with the Conservation Commission. Mr. Chouinard responded that the Commission has suggested a few recommendations, which have not been finalized, such as a design around the isolated wetland, open space protection or a covenant of some sort for mitigation. Ms. Kablack stated that the Conservation Coordinator has indicated that the Commission would be inclined to work with the applicant towards an amenable conclusion.

Mr. Poch emphasized the need for the applicant to present a non-waiver plan which is compliant with current subdivision standards. He further stated that it would be helpful for the Board to peruse any historical planning documents for the property if they can be located by the applicant. Mr. Hunter concurred, and he stated that he has concerns from the plan presented this evening that even a single compliant lot exists.

Ms. Kablack offered to research further the dead-end Town bylaws from 1983 forward, which she will share with the Board at a later date.

Mr. Sziabowski questioned whether the northern boundary of Lot 1 is depicted properly on the Preliminary Plotting Plan. It is his understanding that properties of abutters extend differently than presented. Mr. Sziabowski also noted that there is an existing home (next to the Hussein house) which is also not shown on this plan, and may effect easements. Thus, he asked that the Ciampa subdivision plan be reviewed for accuracy.

Chairman Fee reiterated that the Board does not view the Town's bylaws and regulations as flexible guidelines, but rather as rigid rules which must be met. He further stated that otherwise, only in circumstances when a significant public or safety benefit to the community is evidenced are waivers granted. Consequently, he informed the applicants that they will need to shoulder the burden of researching prior precedence to support their proposal. He further stated that he would like to see the full 21-acre property considered, to assess the contiguous properties, and to consider Parcel 1 in the context of this application. He also will want to review the recorded development history of the property prior to consideration of permitting approvals.

Susan Roth, 88 Brimstone Lane, is a direct abutter to Lot 1. She commended Mr. MacNeill for his efforts to communicate and include her and other neighbors with this proposal process. Although Ms. Roth is appreciative of Mr. MacNeill's neighborly approach, she does have concerns with the proposal. She noted that her driveway is very close to the proposed road to Lot 1, and she is concerned about the safety of her children and pets. She also mentioned that, currently there is a lot of water that rushes downhill towards her house. Ms. Roth is concerned that if the topography is altered, she may have to contend with more water, or other problems. She asked if appropriate trees and fencing could be considered as needed. She also noted that the project would add

construction vehicles to the street, which is already difficult for standard vehicles to traverse. Ms. Roth mentioned that she plans to research further whether a vernal pool exists near the proposed development site. She asked Mr. MacNeill whether he has considered giving the neighbors more space by relocating the house which would be directly behind her home onto Lot 2. In its proposed location, and due to the grading of the area, Ms. Roth envisions lights from the new home shining into her bedroom in the rear of her home.

Ms. Roth further asked whether approval of this roadway would also provide access for future expansion. Ms. Eggleston responded that would depend on whether the road is built as a private way or not.

Ms. Roth stated that many people meander onto these Brimstone Lane properties to access Tipling Rock. She suggested that perhaps a designated trail to walk to Nobscot Mountain could be incorporated into the plan.

Larry Glick, 34 Brimstone Lane, echoed the concerns stated by Ms. Roth. He is a direct abutter of Parcel 1, and he too would be interested in viewing the "big picture" of the entire 21-acre property.

Mr. Poch summarized the consensus of the Brimstone Lane traffic discussion by stating that the road is currently substandard regarding grading, width and straightness. Ms. Kablack stated that the road was accepted by Town Meeting in the 1800s. The abutters were advised to work together as a neighborhood to address some of their safety concerns with appropriate Town departments.

Karen Palmer, 44 Brimstone Lane, stated that the MacNeills are long-time neighbors and have been good citizens of Sudbury. She and her fellow neighbors would like to find ways to accommodate the requested needs of the applicants as long as the setback and safety issues of the abutters can be satisfactorily addressed. Ms. Palmer further stated that she too would like to know more about the long-term perspective for Parcel 1. She also noted that, presently, emergency vehicles would have difficulty reaching the top of the hill. Ms. Palmer also referenced comments regarding the proposal previously submitted by Town departments and the Board of Health, which she hopes will be considered.

Bob Fushi, 109 Brimstone Lane, asked what the current code is for road frontage for a house lot. He was informed it was 210 feet in this zoning district. The subdivision regulation for a 50-foot roadway buffer from other property lines was also reviewed. Mr. Fushi also asked if there is a limit to how long a dead-end street can be. He was informed that it is 1200 feet. Ms. Kablack reiterated her concern that this could be problematic, since the new roadway is proposed to be 657 feet, and could be considered to be an extension of another dead-end street.

Chairman Fee commended the abutters for their respectful tone and demeanor while presenting their concerns. He noted that it is refreshing for the Board to have neighbors work cooperatively towards a mutually acceptable result. He further stated that such willingness to work together makes it easier for the Board to incorporate the concerns of abutters with the rights of the applicant when making its recommendations.

Chairman Fee suggested a site visit might be helpful, and the Board concurred. Ms. Kablack will solicit possible meeting times for the visit by email, and will communicate the selected date and time appropriately. Chairman Fee informed the abutters that they too can attend the site visit. Ms. Palmer agreed to be the neighborhood contact person for future communications.

Chairman Fee noted that, although the Board does not ordinarily issue a formal written response to a preliminary proposal, it may be helpful to do so in this instance. Ms. Eggleston restated that the applicants will need to first establish that their plan complies with standard subdivision regulations. Chairman Fee concurred that this threshold must be met prior to further discussions.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the discussion regarding the Preliminary Plan Filing for Far Hills Subdivision on March 12, 2008 at 7:30 p.m.

2008 Annual Town Meeting, Warrant Articles and Reports - Update

Ms. Kablack distributed, for informational purposes, a draft list dated February 11, 2008, of all articles and reports to be accepted for the Annual Town Meeting Warrant. She noted that the Board will hold a Public Hearing on March 12, 2008 regarding Petition Article # 37 to create the George Pitt Tavern Historic District. Thus, the Board will determine its position on Article #37 after the Public Hearing, and report it at Town Meeting.

Ms. Kablack further stated that she has not yet received any revisions as a result of the Board's preliminary comments to the proposed Article # 24 regarding a Farming Preservation Bylaw. Thus, the Board will not state its position for the article at this time.

Ms. Kablack opined that the Community Preservation Act (CPA) Fund Articles #25 through #35 are projects which are consistent with the Town's Master Plan. She and Mr. Morely will work to publicize this to the community possibly in a letter to the editor of the *Sudbury Town Crier*. It was also suggested that a PowerPoint presentation explaining the CPA articles, including the Board's position supporting each of them, be prepared for the Town website. Ms. Eggleston suggested that a feature newspaper article be done to explain the perspective of how these articles fit into the Town's long-range planning. She further stated that it would be helpful in the article to educate/remind the

community that these articles are funded separately from the Town's budget. Mr. Poch opined that in recent conversations with residents, he has observed that citizens seem well-versed in the issues which will be broached at the Annual Town Meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To support the draft Warrant Articles #25 through #35, as reviewed on the listing presented tonight, dated February 11, 2008.

Miscellaneous
Metropolitan Area Planning Council

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 which accompanied the Massachusetts Smart Growth/Smart Energy Toolkit to help communities with land-use planning and development issues. Anyone interested in a copy of the material should contact Ms. Kablack.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for March 12, 2008.

At 9:10 p.m., Chairman Fee adjourned the meeting.