

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

Absent: Eric Poch and Joe Sziabowski (Associate)

At 7:36 p.m., Chairman Fee called the meeting to order.

Agricultural Commission - Proposed Right to Farm Bylaw - Discussion

Present: Agricultural Commission Chair Laura Abrams

The Board was previously in receipt of several examples of Right to Farm Bylaws, also known as Farm Preservation Bylaws, as adopted by the towns of Weston, Topsfield, Hardwick, Northfield and Savoy.

Ms. Abrams briefly reviewed with the Board the intent of the proposed bylaw, which she stated is to preserve what agricultural operations remain in Sudbury by reconfirming what is allowed by State law. The bylaw would provide a confirmation by the Town that Sudbury is committed to its farming community, and that agriculture and the protection of Sudbury's farmland is encouraged. Ms. Abrams noted that no penalties or fees are planned to be associated with the bylaw. She stated that every Town which has presented such a proposal to its community has adopted the bylaw.

Chairman Fee questioned how many cities and towns in Massachusetts have adopted this bylaw because he found conflicting numbers when researching different reports. Ms. Abrams provided the Board with a listing from the Department of Agriculture website, dated March 2007, which indicated 50 communities. Ms. Abrams also stated that copies of the proposed bylaw and accompanying documentation have been provided to Town Counsel Paul Kenny for review and comment. Ms. Abrams will pursue a discussion with Mr. Kenny for his opinion on the draft article.

Chairman Fee commended Ms. Abrams for seeking assistance on the bylaw language prior to Town Meeting. However, he questioned the need for the "Precedence" (Section 4) language in the article. Chairman Fee opined that the inclusion of the Precedence language presents an aggressive article that suggests this activity takes precedence over all other local bylaws. He believes this will be problematic at Town Meeting and will diminish its odds of being passed by voters. Ms. Abrams responded that the newer models of this bylaw, such as in the Town of Savoy, include this language. Ms. Abrams also stated that the purpose of this language is to restate that compliance with State laws takes precedence over Town laws. Chairman Fee suggested that in some towns this section may be needed because other noise or nuisance bylaws are in existence which would be in direct conflict with this agricultural bylaw. However, he does not believe that problem exists in Sudbury. Chairman Fee recommended that Ms. Abrams research

what other local bylaws might conflict with this proposal, and if there are none, he suggested deleting this section. Chairman Fee reiterated that he is not opposed to this article being put forth, but he does believe the "Precedence" language is overly aggressive, and will be an impediment at Town Meeting.

Ms. Eggleston referenced the Section 2 "Definition" provided in the Massachusetts Smart Growth Toolkit Bylaw documentation provided by Ms. Abrams. Ms. Eggleston emphasized that the definition does not clearly delineate the group which she believes the bylaw is intended to protect, i.e., the commercial farmer. She highlighted that the draft article, as presented this evening, affords the same rights to a small-scale operation or residential/recreational farmer as a commercial farmer. Ms. Eggleston suggested clarifying the language of the article so as to protect those whose commercial farms provide their livelihood.

The Board briefly discussed several possible reasonable thresholds to require as part of the bylaw, such as the number of acres of a property, the number of animals per acre, and/or the amount of revenue generated by the farm. Mr. Morely suggested that the threshold should be the number of acres the farm has, such as one acre, because it would be too difficult to find a mechanism by which to monitor generated revenues.

Ms. Eggleston, suggested setting a two-acre threshold, which would not preclude those with less property from participating in farming activities, but nor would it provide them with the same rights as a commercial farmer. Ms. Abrams expressed concern for not limiting those who want to engage in 4-H projects. Ms. Abrams also questioned whether kennels would be covered by the "Precedence" language, which is certainly not the intent, because she believes kennel operations are governed by separate regulations.

John Donovan, Agricultural Commission member, stated that he is concerned that the small property owner, who might have a recreational interest in agricultural, also be protected. He believes it is important for children to have exposure and knowledge about farm animals, and does not want to see families penalized with Special Permit Fees. Ms. Kablack confirmed that raising/keeping animals does require a Special Permit, which are rarely, if ever, denied by the Town. Ms. Kablack further suggested that if fees are the impediment, than deleting fees for raising/keeping animals could be sought rather than an exemption from local bylaws.

Mr. Hunter recommended to Ms. Abrams that the Commission decide upon one segment of the agricultural community to be clearly protected in this article, and then craft the language to accommodate that group as well as possible. Mr. Hunter also believes the "Precedence" section should be deleted, and that trying to cover too many issues in an article many times leads to defeat at Town Meeting. He also suggested that additional ideas can be presented in future years in subsequent articles.

Ms. Abrams stated that the Commission will discuss the draft article with the Conservation Commission on January 28th. She also noted that the draft article has been

submitted to the Board of Selectmen, and she hopes it will be on a future Selectmen's agenda item for discussion. Ms. Kablack requested that Ms. Abrams circulate to the Board any revisions made to the article as a result of future discussions so that the Board can formulate its position prior to the Annual Town Meeting.

Ms. Eggleston encouraged Ms. Abrams to clarify the definition of commercial farming to be protected, which she believes would be supported at the Town Meeting as being consistent with the Town's Master Plan. The Board concurred that the scope of the article should be scaled back and better defined.

Maillet Estates Subdivision - Review Landscape Plan, Set and Accept Bond & Release Lots from Covenant

Ms. Kablack briefly reviewed the landscape plan. She noted three sugar maples with pine bark mulch, and she described two 15-foot stone walls, which have been appropriately located outside the right of way. A dry stacked wall will be required. In response to a question, Ms. Kablack stated that the subdivision is not on a Scenic Road.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the island landscape plan as presented this evening for the Maillet Estates on Horse Pond Road.

The Board was previously 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 recommended acceptance of this figure as the bond amount.

On motion duly made and seconded, it was unanimously:

VOTED: To set the bond at \$97,970.06 to complete work for the Maillet Estates on Horse Pond Road.

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

VOTED: To accept a surety bond from Bond Insurance Safeguard Company in the amount of \$97,970.06 to complete work for the Maillet Estates on Horse Pond Road and to the release lots from covenant.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of December 12, 2007.

2008 Annual Town Meeting
Sudbury River Boating Regulations - Proposed Bylaw Amendment

The Board was previously in receipt of copies of a draft proposal to amend bylaws, Art. V, Public Safety, to establish boating regulations on the Sudbury River.

Ms. Eggleston opined that the article seems to give reasonable enforcement rights. The consensus of the Board is that the draft article will not be controversial.

Maple Avenue Historic District - Proposed Petition Warrant Article

The Board was previously in receipt of copies of a draft Petition Warrant Article to create a new Maple Avenue Historic District, beginning at the southerly side of the Boston Post Road, extending the entire length of said Maple Avenue, and including 200 feet on either side of the layout of said road.

Mr. Morely opined that, perhaps the petition has been presented so as to prohibit future construction on the street. Ms. Kablack responded that the petition, if passed at Town Meeting, would not deter future construction activities on Maple Avenue.

Ms. Kablack noted that the petition is not within the jurisdiction of the Board. Thus, the Board will not present a formal position on the petition.

Community Preservation Committee Articles

Ms. Kablack and Mr. Morely will be reviewing these articles with the Finance Committee tomorrow. Chairman Fee noted that the budget process will be challenged this year. He questioned whether multi-million dollar articles such as the purchase of development rights to the Nobscot Boy Scout Reservation will pass at Town Meeting. Ms. Kablack replied that the purchase will never be cheaper for the Town than it is now. She also highlighted the uniqueness of the acquisition, and she believes the article can be strongly presented to the community. Mr. Morely opined that open space articles are usually well received and supported at Town Meeting.

Miscellaneous
Metropolitan Area Planning Council

Ms. Kablack distributed to the Board, for informational purposes, copies of a letter received from the Metropolitan Area Planning Council, dated December 17, 2007, regarding its proposal for a Stormwater/Low Impact Development Project's approval for funding by the Mass. Environmental Trust. This will allow MAPC to assist Sudbury and

three other towns with the development of up-to-date stormwater bylaws and regulations and Low Impact Development standards at no cost to the Town. Ms. Eggleston stated her interest in being involved with this process.

Kendra Lane - Request to Release Bond

Ms. Kablack distributed to the Board, for review and discussion purposes, copies of a letter received from Robert D. Quirk, dated December 17, 2007, requesting release of the bond for Kendra Lane, and copies of a letter from the Town Engineer/DPW Director, Bill Place, dated January 3, 2008, noting several significant items to be completed and/or corrected on Kendra Lane.

The Board concurred with the opinion of Mr. Place, that significant issues remain to be resolved to comply with the as-built design plans.

On motion duly made and seconded, it was unanimously:

VOTED: To deny the request of Robert D. Quirk for a release of bond for Kendra Lane until all issues of concern identified by Town Engineer/DPW Director Bill Place, in his letter dated January 3, 2008, have been corrected and/or resolved, and to instruct Ms. Kablack, on behalf of the Board, to send a letter to Mr. Quirk strongly recommending that work be completed according to agreed upon specifications.

Concord Alexan Development

In response to a question, Ms. Kablack briefly updated the Board that the Board of Selectmen and she have kept abreast of this project. Sudbury has sent Concord written communication noting several major areas of concern with the project. Ms. Kablack also stated that Sudbury has requested that an environmental impact study be completed. She mentioned that residents of Cranberry Circle have also made their perspective known.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for January 23, 2008, but is subject to change.

At 9:00 p.m., Chairman Fee adjourned the meeting.