

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

Absent: Joe Sziabowski (Associate)

Chairman Fee called the meeting to order at 7:46 p.m.

Walkway Public Forum

At 7:46 p.m. Chairman Fee opened the Public Forum to discuss Town walkways. Ms. Kablack briefly reviewed the history of the Town's walkway development, which began in the 1960s. Since that time, over 45 miles of walkways have been built along 160 miles of roadways. Ms. Kablack reviewed that, initially walkway construction was funded from the Town budget, however, it has been funded with Community Preservation Act funds for the past five years. Ms. Kablack noted that contributions from developers have also been used. The average annual contribution by developers ranges between \$5,000 and \$20,000, with the Town collecting approximately \$700,000 from the Town budget/CPA in the past eight years.

Ms. Kablack stated that a Walkway Master Plan was completed in 2000, which identified 16 miles of roadways needing walkways. Ms. Kablack noted and displayed slides of several street locations which have had walkways built in the past five years. She also exhibited a map noting existing walkways, and those under construction and proposed.

Ms. Kablack reported that the Planning Board instituted a new process in 2006 to identify neighborhoods requesting walkway construction. Town officials have worked with citizens and neighborhood groups to prioritize the walkway projects through the submission of petitions, with signatures from at least 75% of the pertinent residences, and identification of a neighborhood coordinator. She stated these collaborations have been successful in garnering support from abutters, and helping to contain costs and staff time. Ms. Kablack noted that the Traffic Safety Committee reviews the petitions based upon predetermined criteria.

Ms. Kablack reported that, to date, one walkway petition has been received for Nobscot Road, and three letters of intent for Dutton Road, Powder Mill Road and Route 117 respectively. Prior year petitions have also been received for Pantry Road and Old Lancaster Road, but neither of these successfully meet the criteria. She stated that the Nobscot Road location may encounter wetland issues, and the Dutton and Powder Mill Roads locations may encounter easement impediments.

Ms. Kablack noted that once walkways are constructed, the Town assumes the maintenance and liability for them. For construction, the Town uses the services of

outside contractors and the Department of Public Works. Ms. Kablack stated that the average cost for construction is approximately \$25 to \$35 per linear foot.

Ms. Kablack further stated that she and the DPW Director have assessed the following locations as high priority: Powder Mill Road, Marlboro Road, Maynard Road, and Goodman's Hill Road. She stated that wetlands constraints prohibited the Powder Mill Road project from moving forward 15 years ago, and the inability to secure easements ceased work for the lower end of Goodman's Hill Road proposal. However, several residences on Goodman's Hill Road have changed ownership, and the Town may be receiving a contribution from a developer to build a walkway on Powder Mill Road. In response to a question from Ms. Eggleston, Ms. Kablack updated the Board on walkway plans for Route 20. Developers will be constructing a continuous walkway from the TJ Maxx Plaza to Mill Village. She noted that Route 20 is the only Sudbury road with planned walkways on both sides of the street.

Mr. Poch recused himself from discussion as a Board member, since he is the neighborhood contact for the Nobscot Road application. Mr. Poch stated that the neighborhood unanimously supports the need for walkways. He stated that the Nobscot proposal should be strongly considered for various reasons, but primarily because of public safety. Mr. Poch further stated that the Nobscot neighborhoods have experienced more population growth in the past ten years than any other area of Sudbury, but with little or no improvements made to the surrounding infrastructure.

Mr. Poch has approached neighbors regarding easements which may be required, and most are willing to discuss those options with the Town. He also has broached the subject with Spring House Pond Road residents, who are also supportive. Mr. Poch noted that some areas of Nobscot may be tight for walkway construction, however, most of the proposed area is within the Town right of way.

Ms. Kablack concurred with Mr. Poch's description. She noted that the Department of Public Works Director has begun to stake the area. She noted that the pond area located near the Mahoney Farms development may present problems for construction.

Ms. Eggleston noted that the walkways are usually constructed of asphalt, which is a petroleum-based product. Thus, walkway construction prices will only increase over time, given the present national economy. It was suggested that other walkway surfaces be considered as long as they are ADA-compliant. Chairman Fee stated that the ADA does not prohibit non-concrete surfaces, but only requires that the surface be sturdy.

Arnold Barnes, 223 Nobscot Road, stated that he believes the east side of the road is the best location for a proposed walkway.

Ms. Kablack opined that the Nobscot Road petition is in good order for the Town to pursue, with funding which is already available. Chairman Fee stated his preference to hear all petitions and compare their costs prior to prioritizing them for approval.

Ms. Kablack briefly reviewed the letter of intent received from Ann Manion, 448 Dutton Road, for walkways on Dutton Road. However, Ms. Kablack also disclosed that she lives in close proximity to the proposed petition area, and thus will remain neutral in her remarks. She stated that the Department of Public Works will soon stake the right of way to better determine which side of the road is more conducive for walkway construction. Chairman Fee noted that the neighborhood must continue its work to provide evidence of support from 75% of the abutters.

Eileen Murray, 34 Mill Pond Road, frequently walks in the Dutton Road area. She informed the Board of traffic and visibility safety concerns, which she has observed since 1965. She highlighted problem areas on Dutton Road heading towards the Wayside Inn, and the intersection of Pratt's Mill Road and Dutton Road when one is traveling south. She also noted that, for safety purposes, the walkway should be moved to the opposite side of the Road at the intersection of Barton Drive. Ms. Murray suggested that residents from the neighborhood should have the opportunity to share their observations as part of the Town survey and staking process. In addition, Ms. Murray offered to help communicate with her neighbors to do whatever is necessary to make the walkway come to fruition.

In response to a question from Chairman Fee, Ms. Kablack responded that the Dutton Road walkway proposal would be for approximately the equivalent of a half-mile.

Ms. Kablack distributed to the Board, for information and review purposes, a letter of intent received today from John C. Darcey, who has volunteered to be the contact person for a Powder Mill Road walkway petition.

John Darcey, 82 Cranberry Circle, stated he has read the Town's 2000 Walkway Report, and he believes all the prioritized areas, including tonight's other petitions, are all worthy of consideration. However, Mr. Darcey, briefly highlighted why Powder Mill Road should be prioritized at the top of the Town's list for walkways. He noted that the Road is a through street for access from Route 62 to Route 117. He described unsafe conditions presently for walkers at risk of being hit by very large trucks traveling the road in excess of the speed limit. Mr. Darcey emphasized that many residents in this area live within the two-mile limit to Haynes School, and thereby are prohibited from free school-busing. Yet, families are not provided any walkways upon which their children can safely walk or bike to school.

Mr. Darcey noted that the neighborhood does present challenging wetlands construction issues. Ms. Kablack agreed, and she stated that the wetlands have precluded walkways from being built on Powder Mill Road in the past.

Mr. Darcey further stated that Concord is planning a 350-unit development in close proximity to Powder Mill Road, which will bring more of a need for walkways for residents and school-aged children.

It was also noted that there are potential easement issues, since the Road is very narrow between Singing Hill Road and Route 117. The initial consensus was that the east side of Powder Mill Road is better suited for a walkway.

Ms. Kablack reported that the Town of Sudbury is in the midst of discussions with Concord and Acton officials regarding the proposed 350-unit development. She stated that walkways from Route 117 to Route 62 have been discussed as mitigation with the developer, and that final details should be available soon. Ms. Kablack is optimistic that the Town will be successful in procuring funding for construction of a walkway in Sudbury on Powder Mill Road as part of the development negotiations.

Chairman Fee asked what the estimated cost will be for Powder Mill Road. Ms. Kablack responded that the proposed area is approximately 1500 linear feet, costing approximately \$55,000. Ms. Kablack clarified that a small portion at the end of Mossman Road would be combined with the Powder Mill Road construction.

Maiké Byrd, 51 Windmill Drive, addressed the Board to present a letter of intent on behalf of her neighborhood for a petition for walkways on North Road from Haynes Road to Davis Recreation Area. Ms. Byrd has spoken with 90% of her neighbors, and she has collected 80 signatures in support of a walkway petition.

Patricia Mele, 46 Windmill Drive, explained that Windmill Drive is too narrow for a school bus to turn around, so children are asked to meet the bus on Route 117. However, Ms. Mele noted that there are no walkways, or even a shoulder on Route 117, upon which the children can convene. Because of these safety issues, the residents have been successful in having the school bus enter Windmill Road, however, they must pay for service, since they are within one mile of the Haynes School. Ms. Mele also noted that the neighborhood is in close proximity to Davis Field. However, she further noted that there are no walkways leading to the Town-owned public field to encourage use by Sudbury's youth or residents in the area.

Ms. Kablack briefly reviewed the process to complete an application for a walkway petition. She will work with the designated neighborhood volunteers to advise them of the status of their applications and to ensure that requirements are fulfilled. Ms. Byrd has volunteered to represent this petition, and she will complete the appropriate paperwork as soon as possible.

Chairman Fee asked what the estimated area will be for the proposed North Road walkway from Haynes to Pantry Roads. Ms. Kablack responded that the proposed area is approximately 4500 linear feet.

Mr. Morely suggested to the residents that a communal bus pad be developed as residents have done at Brimstone Lane. Ms. Mele responded that there is not enough room on Windmill Road for such a pad.

Ms. Eggleston opined that a walkway from Windmill Road to Davis Field is a good idea. However, Ms. Eggleston is hesitant about this petition because it will not provide connection to other Town walkways as some other petitions will. Ms. Mele responded that it would provide a link to Haynes Road walkways. Ms. Kablack noted that this petition could encounter wetlands constraints as well.

Kim Lewis, 357 Willis Road, stated that she is interested in pursuing a petition for the northern portion of Willis Road from Ford Road to Mossman Road, however, she has not yet canvassed her neighbors. Ms. Kablack encouraged Ms. Lewis to view the walkway petition criteria on the Town website, and to pursue conversations with her neighbors regarding support and easements.

Ms. Eggleston informed Ms. Lewis that walkways in this area have been pursued in the past, however, the Town was unsuccessful in obtaining the necessary easements. Ms. Kablack further noted that Willis Road is a Scenic Road, which presents additional obstacles to overcome. Ms. Kablack stated that if Ms. Lewis is successful in obtaining the support of her neighbors, then the Department of Public Works Director can work on design options.

Ms. Kablack stated that, although some of these petitions will be difficult to accomplish, she will collect more thorough information regarding best side-of-street logistics and linear-feet estimates for the Board's consideration and use to prioritize the future projects.

Ms. Eggleston urged the support of those in attendance for Town-walkway projects in the future. She noted that these projects do not add to one's tax burden because they are paid for through Community Preservation Act funds.

At 9:00 p.m., Chairman Fee thanked the residents for their interest, encouraged them to contact the Planning Office for additional assistance, and he closed the public discussion.

Maple Meadows Senior Residential Community - Set Bond Amount & Discussion of Condominium Documents

Present: Developers Robert Roth and Robert McGinty

The Board was previously in receipt of a letter dated May 22, 2008 from Town Engineer/DPW Director Bill Place, which estimated the need for \$121,630.95 to

complete the Maple Meadows Senior Residential Community, and the need for \$21,070.12 to complete the Temporary Construction Access License conditions. Ms. Kablack explained that the walkway bridge work may take some time to be approved by the State. Thus, the developer has asked to delay the bridge item from the bonding until a later stage in the Occupancy Permit process. Ms. Kablack supports this request. Chairman Fee noted that a placeholder will be established for that portion of the bond.

Ms. Kablack noted that the Board does not need to vote on the second figure of \$21,070.12, but only the amount required under the Special Permit.

On motion duly made and seconded, it was unanimously:

VOTED: To set the bond at \$121,630.95 to complete work for the Maple Meadows Senior Residential Community (SRC) as set forth in the letter of May 22, 2008 from Town Engineer/DPW Director Bill Place, and if the Board so instructs, to maintain and administer a second bond, within the first amount, to accomplish said work under the Construction License.

The Board deliberated the question of whether the Maple Meadows Senior Residential Community units can be leased, and if so, how should that option be officially presented. Ms. Kablack explained that the Condominium Association would like to allow rentals, however, she would like the Board to review whether the Town bylaws preclude such activity. In addition, she asked the Board if it has an opinion, or not, regarding rentals at the development. Ms. Kablack's interpretation suggests that the bylaw allows for an exception for leasing, if granted permission to do so by the Condominium Association.

The Board reviewed the relevant Town bylaw language and compared it to the Senior Residential Community Rules and Regulations for consistency. Chairman Fee concluded that the two excerpts were inconsistent.

Mr. Roth stated that he would like to allow the opportunity for owners to lease to an authorized occupant, which he has deemed as someone 55 years of age or older.

Mr. Poch opined that his interpretation of the language presented is that there is little to no room in the bylaw for anyone other than the owner to occupy a unit. He opined that the bylaw was created to retain older citizens in Sudbury as owners and occupants of such units.

Mr. Roth suggested that criteria be set to require that a lease be for a one-year duration and be approved by the Condominium Association.

Ms. Eggleston's interpretation of the SRC Rules and Regulations is that an owner could lease to someone 55 years of age and older, as long as it is approved in writing by the Condominium Association and the Planning Board. Mr. Roth said he could abide by this,

and he asked if the Board wanted to also approve the tenants even though they will be age-appropriate. The consensus of the Board, with the exception of Mr. Poch, who remained opposed to the notion that rentals should be entertained, was that the Board would not need to evaluate the lessee.

Mr. Hunter questioned whether the Board should be involved at all in this matter, stating that the approval should remain within the Condominium Association.

Mr. Poch disagreed, stating that it is the Board's responsibility to ensure that the bylaw language is complied with fairly and consistently.

Chairman Fee stated that the issue of whether the bylaw requires that the owner also be the occupant is one upon which reasonable minds could differ. He further stated that the determining factor should be the intent of the bylaw, which he does not believe, in this case, is based upon ownership, but rather age-eligibility. Mr. Poch and Ms. Eggleston disagreed, and stated that they interpret the bylaw differently.

Ms. Kablack stated that the Board does maintain some control over such matters in that, it does monitor that the age of residents is 55 and over.

Mr. Morely opined that, for him, the bylaw is clear that the owner should be the occupant. However, Mr. Morely understands that life circumstances sometimes require a move, to which he would not be opposed, but he would want the Board to have the opportunity to review the circumstances.

Mr. Roth stated that to not include a lease provision for potential buyers would be extremely restrictive and provide undue hardship for the developer. Ms. Kablack suggested that perhaps the proposed lease language could be modified.

Chairman Fee noted that the Board is divided regarding the leasing concept. He suggested that Mr. Roth draft revised condominium documents, which highlight exception language for leases versus favored language, for the Board's review at its next meeting.

Mr. Poch reiterated that the intent of the SRC regulations need to be consistent with the Town bylaw.

Ms. Kablack reported that a deadline of July 21, 2008 relates to these matters, and thus the Board will need to revisit this topic at another meeting at the end of June.

The suggestion was made that a unit be owned and occupied for a minimum of two years prior to any lease considerations based upon death, divorce or other hardships.

Mr. Hunter reiterated his opinion that the Board should not take a position on what a property owner can and cannot do with their own asset in a free market in the U.S.

Chairman Fee stated his preference to not revise the bylaw unless absolutely necessary, since several developments have already been approved under the present language.

At the conclusion of the discussion, the Board recommended that Mr. Roth draft revised condominium documents, which highlight exception language for leases versus favored language, for the Board's review at its next meeting.

Save A Dog, Inc - Site Plan Review & Recommendations

Chairman Fee recused himself from this discussion because he and his law firm are assisting the non-profit company in connection with its property and its intended proposal. Consequently, Vice-Chair Eggleston opened discussion regarding a proposed Site Plan application by Save A Dog, Inc.

Ms. Kablack briefly described the request to change the use of this site from a single-family property to administrative offices, adoption counseling facilities and a temporary shelter for dogs in transition. She explained that Town Counsel Paul Kenny has determined that Save-A Dog qualifies for non-profit educational status, and thereby is exempt from the application of local zoning ordinances, and special permits for the proposed uses. However, she further stated that site plan review will be required since the structure located on the site exceeds 500 feet. In addition, she noted that the site review would be minor, since the proposed structure is less than 2,000 square feet.

Ms. Kablack described briefly the mission of Save-A-Dog, Inc. She explained that the company is not in competition with Buddy Dog, and that the two organizations offer very different services. She emphasized that Save-A-Dog, Inc. is only open to the public by appointment.

Mr. Morely opined that a two-car garage space seems cramped to house 20 dogs.

Ms. Eggleston noted that a new development is being built in close proximity to this location. She further stated that it is possible that new residential owners from that development could oppose this application, but the timing of this request makes their representation impossible.

Ms. Kablack reminded the Board that the applicant is exempt from zoning, and thus the Board cannot dictate what the applicant does, but it can merely comment on how it is done.

Mr. Morely is inclined to offer no comment on this application, since he is not inclined to favor it.

Mr. Poch opined that it is the Board's responsibility to consider that there are other commercial businesses nearby serving food and alcohol and a medical facility. He questioned whether this is the proper location for such a facility. It was stated that the current site and proposal provide adequate screening of the facility and for noise.

Ms. Eggleston suggested that restrictions be established for outside runs to help mitigate potential concerns from neighbors. She also recommended that #6 under "Acceptable Restrictions" listed in the May 13, 2008 Minor Site Review should be amended to note that the composting bins should be fully enclosed.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Board, to draft a letter to the Board of Selectmen summarizing tonight's discussion and incorporating the recommendations that restrictions be established for outside runs, and that composting bins be fully enclosed, and that the letter be circulated by email for review by this Board prior to being sent.

Application for Comprehensive Permit (Case 08-21) Habitat for Humanity - Requests for Comments

Sudbury's Zoning Board of Appeals has scheduled a public hearing on June 16, 2008, regarding the Application for Comprehensive Permit (Case 08-21) for the Greater Worcester Habitat for Humanity and the Sudbury Housing Trust, and has asked for a report and recommendation from the Board.

Ms. Kablack explained that since the buildings are owned by the Sudbury Housing Trust, an entity of the Town, the bylaw allows for waiver of fees, which were approved by the Board of Selectmen last night.

In response to a question from Mr. Morely, the Town will have the walkway easement deeded as shown on the site plan and recommended by the Department of Public Works Director.

Chairman Fee stated that the Sudbury Housing Trust has received overwhelming and broad support for this project throughout the community.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Board, to draft a letter to be sent to Sudbury's Zoning Board of Appeals expressing unanimous support for the Habitat for Humanity project on Dutton Road.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of May 14, 2008.

FY09 Projects and Priorities

The Board was previously in receipt of a draft listing of FY09 Planning Board Projects and Priorities, dated May 14, 2008, which was prepared by Ms. Kablack.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the draft listing of FY09 Planning Board Projects and Priorities, dated May 14, 2008, as discussed this evening.

Miscellaneous

Ponds and Waterways Committee - Revisions to Constitution of Membership

Ms. Kablack announced that due to the resignation of Chairman Fee from the Ponds and Waterways Committee, a new representative for the Board is needed on the Committee. All Board members stated that they are unable to participate on the Committee at this time. However, the Board did state its preference for being represented by a designee.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Board, to draft a letter to the Selectmen expressing the Board's preference to be represented by a designee, and requesting that information regarding interested parties be forwarded to the Board's attention for review on June 25, 2008, when selection of a candidate will be made for recommendation to the Board of Selectmen.

192 Boston Post Road - Intent to Sell to Buddy Dog Humane Society, Inc.

Ms. Kablack previously distributed to the Board, for informational purposes, copies of a letter from Dionisi/O'Rourke, LLP regarding the intent to sell property at 192 Boston Post Road by the Estate of Theodore Shylovsky to Buddy Dog Humane Society, Inc. for one million dollars.

Ms. Kablack stated that the Sudbury Housing Trust will provide its formal opinion next week. However, the Board should determine if the location could be better used for other

municipal purposes. The consensus of the Board was that it would defer its opinion to the Sudbury Housing Trust. However, upon initial review, the Board's consensus was that the new location seems to be appropriate for Buddy Dog.

On motion duly made and seconded, it was unanimously:

VOTED: To request that Ms. Kablack draft a letter, to be sent to the Board of Selectmen, stating that it reviewed other municipal uses for the proposed new location for Buddy Dog, and that since no other identified needs seemed appropriate for the site other than housing, the Board's opinion will be deferred to the Sudbury Housing Trust.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for June 25, 2008.

At 10:14 p.m., Chairman Fee adjourned the meeting.