

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

Absent: Joe Sziabowski (Associate)

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

Far Hills Preliminary Subdivision - Brimstone Lane - Discussion

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

Chairman Fee reopened a discussion regarding 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, which was continued from February 13, 2008. He noted that since the previous meeting, new correspondence and materials have been added to the file, including an email letter dated March 6, 2008 from Simone and Annette Ashiku, 94 Brimstone Lane, stating their objections to the development and that no easement on their property exists; a letter dated February 25, 2008 from the Glicks, Palmers, Reichs, Roths, and Simons, all Brimstone Lane neighbors, noting several concerns regarding the proposal; an email letter dated March 5, 2008 from the Roths, Ashikus, Cohens, Glicks, and Fuschis stating their opposition to the proposed development; and a letter to the Board dated February 20, 2008, from the Conservation Commission Coordinator, noting significant concerns regarding the preliminary plan as presented. Ms. Kablack also distributed to the Board an Easement Agreement/Covenants for Drumlin Development LLC and Richard H. White and Sally J. White, 781 Boston Post Road, dated May 21, 1998, and a plan prepared by Eastern Land Survey Associates dated May 18, 1998. Ms. Kablack noted that these documents will have no impact on the proposal under discussion.

Chairman Fee reported that on March 6, the Board conducted a site visit to the property, which was also attended by the applicant, applicant's counsel and several neighbors.

Mr. Chouinard stated that a goal of the site visit was for the Board to get acquainted with the lower 15 acres, which are not being considered for development, and to provide a lotting plan for the lower section which could provide hypothetical property layouts with access from below. The Board had previously asked to see a plan which would not need waivers, and Mr. Chouinard believes he has fulfilled that request.

Chairman Fee opined that, at the site visit, the consensus was that a compliant plan could not be demonstrated for the upper parcel. Therefore, it appears that the applicant should pursue presentation of a plan displaying access from the lower parcel. However, Chairman Fee noted that such access would require crossing a wetland or an adjacent

upland resource area. Based upon comments from the Conservation Coordinator, Chairman Fee questioned whether the Conservation Commission would grant a wetlands crossing. He asked if the applicant had any indication that such permission would be forthcoming from the Commission.

Mr. Chouinard responded that he anticipates submitting a limited crossing request to the Conservation Commission and the Department of Environmental Protection. Chairman Fee opined that it appears as if the plan submitted is based upon a large assumption that wetlands-crossing relief would be granted.

Ms. Eggleston noted that the Board would want confirmation of approval from the Conservation Commission prior to assessing a proposed subdivision plan. She further stated that the Board cannot consider the other parcel without evidence that such relief has been granted.

Mr. Chouinard expressed his frustration at being presented with new concerns and requests for additional information from the Board this evening than had previously been discussed. Ms. Eggleston responded, stating that information available has changed since the last discussion, in that the full wetland area has just recently been shown on the plan, and the Conservation Commission has requested resource delineation. She further stated that as of the last discussion, the Board had assumed that the wetlands were clearly defined. Ms. Eggleston reiterated that, while a fully-approved Notice of Intent is not necessary, a resource delineation will be required.

Chairman Fee clarified that he believes the Board has been consistent in its message to the applicant throughout all discussions in stating that the proposal will not be entertained by the Board until a compliant plan can be presented. In addition, he stated that if that compliant plan includes a wetlands crossing, the Board will need evidence from the granting authority that it is so inclined to grant such relief, and it would need to be supported by the permit issued.

Chairman Fee opined that based upon the site visit, it appears as if the lower parcel is far more developable, and does not present the topography and wetlands challenges posed by the upper parcel. He asked the applicant if an analysis of comparative costs to develop each parcel has been performed. Mr. Chouinard responded that the applicant is only interested in developing the upper five acres.

Ms. Eggleston again referenced comments from the Conservation Coordinator, noting that fill would not be approved until all other options are demonstrated to be impossible or exhausted. She reiterated that the conservation issues will need to be defined and resolved first.

Susan Roth, 88 Brimstone Lane, asked for how many bedroom units the upper parcel has been percolation tested for? Mr. Chouinard responded that although three five-bedroom

homes could have been built, the proposal has been pared down to two five-bedroom houses each with a septic system.

Karen Palmer, 44 Brimstone Lane, attended the site visit. She stated that the neighbors would like more information regarding an updated version of where the wetlands are located and a plan for the overall use of the 21-acre property before they will offer support for the plan. Ms. Palmer also asked about the access from Eva MacNeill's property shown on the new plan. Mr. Chouinard responded that Ms. MacNeill's home would not be moved, but rather the lot would only be reconfigured to gain the necessary frontage. Ms. Palmer also asked if this reconfiguration will create a double dead-end situation, which she believes will prove to be too challenging for public safety services to navigate. Ms. Palmer was informed that this remains a question to be further researched.

Bob Fushi, 109 Brimstone Lane, asked about the 100-foot wide easement from Route 20, which does not appear to provide any access to the site. Mr. Wallace responded that the easement was drawn to provide 100 feet of privacy for non-disturbance of vegetation for the Orchard Hills development and not for access.

Ms. Roth questioned whether there is any other intent for the property other than for single-family homes, to which the applicant responded no.

Mr. Chouinard stated that he does understand that the resource areas will need to be further evaluated.

Chairman Fee stated that the Board's feedback does not necessarily reflect how the Board would vote on such matters, since these discussions are preliminary. He emphasized to the applicant that the wetlands values will ultimately be of primary importance to the Conservation Commission and the Board upon review of a definitive plan. Chairman Fee closed the discussion at 8:12 p.m.

2008 Annual Town Meeting - Public Hearing - Creation of George Pitts Tavern Historic District

Chairman Fee opened the Public Hearing concerning the Annual 2008 Town Meeting Petition Article 37 for the Creation of George Pitts Tavern Historic District. He read the public notice for the record, which describes the article as proposing the creation of a new historic district encompassing the entire length of Maple Avenue, including the 200 feet at the end of the right of way and 200 feet on either side of the layout of the road, and extending eastward along the southerly line of Boston Post Road to meet the existing King Philip Historic District. The notice was duly published in the *Sudbury Town Crier* on February 21, February 28 and March 6, 2008.

Richard White, 14 Maple Avenue, read into the record a letter drafted by his wife explaining the petition. The letter described the neighborhood as rich in history, and

architectural uniqueness, which presents a timeline of the Town's growth. Mr. White explained that, as written, the article would encompass 16 properties, of which ten have expressed support for the petition (seven of those have also signed the petition), three property owners oppose it, one owner has expressed no opinion and two property owners were unable to be contacted. He noted that those in opposition reside on the edges of the proposal or on the private way portion of Maple Ave. Thus, Mr. White stated that the petitioners are willing to redefine the boundaries at Town Meeting to exclude those who do not wish to be part of the newly established historic district. However, Mr. White opined that he hopes the Maple Meadows Development will preserve some historic sites on its property. Mr. White further stated that the petitioners are also willing to reduce the width of the district to 150 feet, so as to not encroach upon the backyards of neighbors residing on Raymond Road.

Linda Hawes, Sudbury Historic Districts Commission member, stated that the Commission supports the petition, and it agrees with the decision to amend the article at Town meeting to reduce the width of the district to 150 feet. The Commission also would concur that the property located at 395 Boston Post Road, who is opposed to the petition, would not need to be part of the historic district.

In response to a question from Chairman Fee, Ms. Hawes explained the mission of the Historic Districts Commission as protecting neighborhoods from unmanaged change.

Mr. White stated that the houses proposed for the new district were built between the years of 1715 and 1950. Chairman Fee questioned why the name of the George Pitts Tavern was chosen. Mr. White provided a brief history of the Pitts Tavern which no longer exists, however did exist in 1715, when Route 20 ran up to Maple Avenue and then routed through what is now 15 Maple Avenue. Mr. White emphasized that the Pitts Tavern is, in essence, the birthplace of Sudbury, since it was there that the petition was written for the separation of Wayland from Sudbury. Thus, the petitioners would like to honor this element of Sudbury's history.

Mr. Morely asked who else opposes the petition article besides the owners at 395 Boston Post Road. Mr. White responded that Mr. Jacobson and the Maple Meadows development are the other two parties in opposition to the proposal.

Mr. White reiterated the intent to introduce an amendment at Town Meeting for the 150 foot width, and also to limit the district to terminate at the end of the public portion of Maple Avenue.

Lyn MacLean, Sudbury Historical Commission Chair, stated that the Commission also supports the article and prefers if the railroad station is included, as is, in the newly-established historic district.

Chairman Fee noted that there are benefits and burdens that accompany living within a historic district which are not governed by the standard zoning bylaws. He read into the record the Special Act which places certain limitations on such properties and homeowners without obtaining a Certificate of Appropriateness from the Historic Districts Commission.

Ms. Kablack noted that the Planning Board will need to render an opinion at Town Meeting on the article.

Bob Roth, Maple Meadows developer, addressed the Board to express his concern that rights granted to the development as part of its Special Permit be protected. He opined that he found the original language of the petition article to be ambiguous regarding location boundaries. He also noted that the development may plan to widen Maple Ave in the future, and he questioned what Town entity will have final jurisdiction as to what the development will have the right to do. He said he is strongly opposed to including the McCarthy property or the Maple Meadows development within a historic district. He also stated that Maple Meadows has not been contacted by the petitioners, and that it would have appreciated an opportunity to provide input and feedback to the drafting of the article.

Chairman Fee reiterated to Mr. Roth the petitioners' offer to amend the article at Town Meeting so as to exclude the Maple Meadows property. He asked Mr. Roth if the exclusion of the private road and that property would satisfy his concerns, to which Mr. Roth responded that, yes, it would adjust the development's position favorably. The Board requested that the petitioners contact Mr. Roth to resolve concerns and review amendment language prior to Town Meeting.

Jim Apostle, 395 Boston Post Road, asked for clarification that his property also will be excluded from the proposed historic district. Mr. White responded affirmatively that it will be excluded in the amendment.

Ms. Eggleston responded to one of Mr. Roth's concerns, that the approved road-widening will not be affected by this proposal, since it is a preexisting condition of an approved Special Permit, and would not need to be reconsidered under the historic district. The Board recommended that Town Counsel's opinion be sought on this matter.

Carol Wolfe, 637 Concord Road, clarified that the original Pitts Tavern was located just south of the current 7 Maple Avenue.

Mr. Poch opined that his observation of the neighborhood is that the architecture appears quite dissimilar and does not have a cohesive appearance as most historic districts do. Ms. Hawes responded that the Historic Districts Commission has evaluated the neighborhood, and it has determined that the area is well preserved, with very few renovations, except for the Goodrich property. Mr. White stated that the range of years

of building styles represented by the neighborhood's architecture is in itself an historic timeline which should be preserved. Mr. Hunter concurred, and he stated that the neighborhood maintains a unique charm and displays the care of its residents. Mr. Hunter recommended support of the article by the Board. Mr. Morely opined that he believes the proposed area has a contiguous ambiance. However, he did note his preference for another name for the historic district, such as Maple Avenue, to better identify its Town location.

Chairman Fee concluded that, since both the Sudbury Historical Commission and the Historic Districts Commission, as well as the majority of the neighbors support the article, and since the petitioner is willing to further restrict the district's boundaries, the Board will likely be inclined to support the article at the 2008 Town Meeting.

Resident, 7 Maple Avenue, stated that there are many older residents on the street who may soon be selling their homes, and he wondered if the restrictions of being in a historic district effect sale prices. Mr. White and Ms. Hawes referenced studies which reflect that homes within an historic district reap increased sale prices.

Paul Pakos, 231 Nobscot Road, is a member of the Budget Review Task Force. He asked if there are any Town costs associated with establishing a new historic district. Mr. White responded that none are anticipated, except possibly for a few signs.

Gail Kessler-Walsh, 236 Raymond Road, stated she fully supports the article and the amended 150-foot width.

The Board briefly reviewed the map of the area. Mr. Morely suggested, and the Board concurred, that the amended version include the Jacobson property, but not the Maple Meadows development or 395 Boston Post Road.

Mr. Roth requested review of the redrafted amendment to the article and a redrawn map of the amended properties for inclusion prior to Town Meeting. Ms. Kablack noted that Town Counsel will redraft the amendment in the next few weeks, and it will be distributed.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing concerning the Annual 2008 Town Meeting Petition Article 37 for the Creation of George Pitts Tavern Historic District.

At 9:30 p.m., the Board resumed deliberation of this petition article.

On motion duly made and seconded, it was unanimously:

VOTED: To support the Annual 2008 Town Meeting Petition Article 37 for the Creation of George Pitts Tavern Historic District, subject to an amendment being drafted to include the revisions discussed this evening to reduce the width of the district from 200 feet to 150 feet, and to include the Jacobson property, but excluding 395 Boston Post Road and Maple Meadows development in such a manner so that the proposed historic district terminates at the end of the public right of way and the map and motion presented at Town Meeting will be revised to reflect these changes.

Mr. Hunter volunteered to present the Board's position on this article at Town Meeting.

Springhouse Pond SRC Lease Request

The Board as previously in receipt of a letter from Gabrielle and Sheldon Cohen, 185 Nobscot Road dated February 25, 2008, asking for permission from the Board to rent their Springhouse Pond SRC unit. By a show of hands, Chairman Fee determined approximately 20 citizens were in attendance to express opposition to this request. However, Chairman Fee also determined that the applicant was not present.

Upon review of the request, Chairman Fee announced that the Board has determined that this request falls outside its jurisdiction. In addition, Chairman Fee noted that the request appears to fall within the purview of the condominium association to internally decide if a unit can be rented.

Herb Chambers BMW Dealership - Request for Modifications

Present: Attorney for Herb Chambers BMW Dealership Joshua Fox

Ms. Kablack had previously distributed to the Board, for review and discussion purposes, copies of the modification to the Site Plan request from the Herb Chambers BMW dealership, which will be presented to the Selectmen on March 25, 2008. She explained that the requested modifications are minor, and that the only material change is a request for an additional Special Permit to allow reserve parking for 30 spaces.

Mr. Hunter noted that the Design Review Board supports the requests, finding that the modifications are an improvement to the original proposal. In response to a question from the Board, Ms. Kablack further stated that the original impervious area will be slightly decreased and the buffers will be slightly adjusted by the modifications.

Ms. Kablack briefly reviewed the revised plans with the Board, explaining that the additional parking spaces are related to the necessary circulation of car carriers. She also noted that there will be a widening of the curb cuts at Old County Road.

Mr. Fox referenced some scrub vegetation behind the Sky Restaurant which they would like to clean up and re-landscape. Ms. Kablack confirmed that since Old County Road is

a Scenic Road, Mr. Fox will need to submit an application for a Scenic Road Public Hearing prior to the onset of clean-up activities.

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 the Board of Selectmen stating that the Planning Board has reviewed the information provided by the Director of Planning and Community Development, and it supports approval of the request for modifications to the Site Plan from the Herb Chambers BMW dealership.

Agricultural Commission - Proposed Article 24 to Amend Bylaws - Farming Preservation Bylaw

Ms. Kablack reported that the Agricultural Commission revised the language for Article 24 from what was previously reviewed by the Board. She noted that the precedence language was deleted, as was recommended by the Board, however several recreational uses are still referenced. She further noted that mention of operation of a farmer's market was also deleted. Ms. Kablack opined that the amended version reads as a basic declaration.

Mr. Hunter asked if passed, whether residents will be required to disclose proximity to a farming property for real estate transactions. Ms. Kablack responded disclosure will not be required for real estate purposes, and that posting at the Town Clerk's Office will only be necessary.

Chairman Fee concurred that the Commission seems to have made all the revisions recommended by the Board, and that the article is now Master-Plan friendly.

Ms. Kablack suggested that if the Board is inclined to take a position on the article prior to Town Meeting, she will include that opinion with others of the Board in the article she is drafting for the newspaper.

Mr. Poch asked if by the Board supporting this article, the Board may be misperceived by those who favor the Rail Trail. After a brief discussion, the Board concluded that the two issues should be acted upon separately, objectively and as if they have no relation to each other.

On motion duly made and seconded, it was unanimously:

VOTED: To support the Annual 2008 Town Meeting Article 24 sponsored by the Agricultural Commission to Amend Bylaws by establishing a Farming Preservation Bylaw.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of February 13, 2008.

2008 Annual Town Meeting

Ms. Kablack suggested that the Board prepare a presentation for the Annual 2008 Town Meeting in support of Articles 33 and 34, for the Nobscot land purchase, and Article 30, the Sudbury Housing Trust Allocation article. Ms. Eggleston cautioned that too many presentations can at times have an adverse effect on how articles are received by the public. After a brief deliberation, the Board recommended that Ms. Kablack include the Board's support of these articles in her forthcoming newspaper article.

Zoning Reform - Discussion

Ms. Kablack distributed, for informational and future discussion purposes, copies of the Possible Framework for a "Land Use Partnership Act," and comments on that proposal from a March 6, 2008 MAGIC meeting for the Board's consideration.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for March 26, 2008, at 7:30 p.m., but is subject to change.

At 9:50 p.m., Chairman Fee adjourned the meeting.