

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

Absent: Michael Fee (Chairman) and Lisa Eggleston

Ms. Kablack reported that Mr. Fee and Ms. Eggleston will be absent tonight. Thus, Mr. Hunter volunteered to be Acting-Chairman, and he called the meeting to order at 7:45 p.m.

Board Reorganization

As required annually by the State of Massachusetts, the Board reappointed Board members as follows:

On motion duly made and seconded, it was unanimously:

VOTED: To reappoint Michael Fee as Chair, Lisa Eggleston as Vice-Chair, and Christopher Morely as Clerk of the Sudbury Planning Board.

The reappointments will be filed with the state Land Court and Registrar of Deeds as appropriate.

Tear-Down Philosophy - Citizen Concern

Present: William T. Maloney

The Board was previously in receipt of a letter to the Planning Board dated April 14, 2008 from William T. Maloney, 119 Willis Road. Mr. Maloney addressed the Board to relay his observations of inconsistency in Town policy and philosophy from various Town boards regarding tear-down developments in Sudbury. He stated that in hearings held in November 2006 and January 2007, the Zoning Board of Appeals commented that the Planning Board supports teardowns, in its justification for granting Special Permits when applicants meet the criteria. Mr. Maloney would prefer Town boards to relay a consistent message on this matter. He hopes that the Town application and decision criteria can include consideration of the effect the proposed new development will have on the existing neighborhood.

Ms. Kablack stated that the Special Permit process should allow for abutters to have the opportunity to express concerns regarding proposed projects. However, she noted that the Special Permit process only applies to non-conforming lots.

Mr. Maloney referenced a recent proposed tear-down situation which abuts his property. He believes that the proposal was not at all consistent with sustaining the character of the neighboring properties. He stated that frontage was inadequate for the size of the new home construction which was approved. Mr. Maloney felt that the ZBA did not consider the effect of the development on the neighborhood, nor did neighbors have the opportunity to speak to that issue. He strongly believes that effect should be added as a criterion to be addressed in Special Permit hearings.

Ms. Kablack responded that consideration of a proposed development on the surrounding neighborhood is already a standard Special Permit criterion. She emphasized that every decision should consider this issue, quoting from Section 6200 of the bylaws, which states that the project should not be detrimental to the neighborhood. Ms. Kablack offered to research the Special Permit Decision for Mr. Maloney regarding the property which abuts his home. Mr. Maloney provided Ms. Kablack with a copy of the Decision. Upon a quick perusal of the Special Permit Decision, Ms. Kablack found that the ZBA had correctly noted a finding regarding the effect on the surrounding neighborhood, which unfortunately differed from Mr. Maloney's adverse opinion.

Ms. Kablack stated that the Planning Board has never taken a position on tear downs. In addition, she stated that the Board was instrumental in ensuring that tear-down developments be vetted through the Public Hearing process by proposing the current bylaw language.

Mr. Maloney stated that the property next to his was cleared, however, now it appears as if the project has been abandoned. As a neighbor, he is now left with an unpleasant view, and he hopes this will not happen to others in the community. Ms. Kablack noted that property owners are entitled to clear lots with no approvals. Mr. Maloney asked if the Special Permit has expired after one year, given that it was not exercised. Ms. Kablack responded that she believes an extension was granted at a subsequent meeting.

Mr. Maloney found this news disturbing, since he was not notified as an abutter of further discussions or hearings. Ms. Kablack offered to further research the extension process for Mr. Maloney.

Mr. Morely stated that Mr. Maloney's letter also highlighted that while the Town pursues affordable housing options as a goal, loopholes in the systems allow for tear down situations to occur making way for large homes to be built. He further stated that this issue is complicated by the need to balance property owners' rights with the best interests of a community. Mr. Morley stated that the Town is diligently working on several opportunities through the Sudbury Housing Trust and the use of Community Preservation Act funds to purchase homes such as Mr. Maloney is describing to be maintained as affordable housing options. However, Mr. Morely noted that unfortunately, many applicable small homes become tear-down because maintenance has been delayed to the point of needing severe repairs.

Mr. Poch stated that the Board will communicate to the ZBA that the Planning Board is capable of speaking for itself on such matters, given that the Planning Board follows a very methodical approach throughout its permitting hearing while uniformly assessing prescribed criteria.

Ms. Kablack also noted for Mr. Maloney that an appeal process was available for him, however that needed to be acted on within 20 days of the decision. She emphasized that the ZBA is an independent board, and that the Planning Board could only indirectly share some of tonight's feedback. Mr. Poch encouraged Mr. Maloney to also share his concerns and to forward his letter to the Board of Selectmen.

Sudbury Housing Trust - Habitat for Humanity - Local Initiative Plan - Update

Ms. Kablack briefly updated the Board on the Sudbury Housing Trust - Habitat for Humanity project on Dutton Road. She explained that application will be made shortly to the Zoning Board of Appeals for the Chapter 40B Comprehensive Permit. The Board was previously in receipt of

preliminary plans and a summary report provided by Sudbury Housing Specialist Beth Rust. The Town has received the site eligibility letter from the State's Department of Housing and Community Development.

Ms. Kablack stated that both units will be affordable. She also noted that the Greater Worcester Habitat for Humanity program subsidizes successful candidates and uses a 50% Area Median Income eligibility criterion. The Worcester program also reports that successful homeowners choose to stay in these homes for long periods of time, so they have little turnover of homes.

Mr. Morely opined that he found the recent newspaper article on the project very positive. Ms. Kablack concurred, and she noted that the project continues to generate strong community support. She referenced a recent Board of Selectmen's meeting, at which the Sudbury Housing Trust - Habitat for Humanity Local Initiative Plan was discussed. Ms. Kablack reported that numerous Sudbury residents spoke uncharacteristically in support of this affordable housing project at that meeting. She opined that this project has rallied a broad and varied base of support from the community.

Special Permit Conditions - 80 Union Avenue

The Board was previously in receipt of a letter from Building Inspector James Kelly dated May 2, 2008 to Dan Santangelo regarding 80 Union Avenue. In his letter, Mr. Kelly highlights several Special Permit conditions not in compliance and/or still unfulfilled. In addition, there is a building code and zoning violation which must be addressed since no final plumbing inspection or Certificate of Occupancy has been issued. Furthermore, all of the conditions of the Conservation Commission Order of Conditions have not been addressed.

In addition, Ms. Kablack stated that the property has no functioning drainage system. She also noted the recent posting of a new freestanding sign on the property.

Ms. Kablack reported that Town Counsel Paul Kenny will most likely issue some form of a formal zoning violation and a fine will be assessed.

In response to a question from Mr. Poch, Ms. Kablack confirmed that site plan review is unregulated, and augments these frustrating situations. She also noted that Building Inspector James Kelly will have to issue a ticket and pursue court proceedings given that the tenant has been occupying the space for nearly two years without an Occupancy Permit.

Omnipoint Tower - Willis Hill Water Tank - Site Plan Application

The Board briefly reviewed the application and plans of Omnipoint Communications, Inc. for a site plan proposal to install a wireless communications facility on the property located on Maynard Road at the Willis Hill Water Tank, zoned Single Residential A-1.

Ms. Kablack reported that the applicant filed for a Special Permit, dimensional and use variances, which were granted by the Sudbury Zoning Board of Appeals on March 31, 2008. The applicant would like to install a 100-foot monopole and three wireless communications antennas within the monopole.

Ms. Kablack opined that Omnipoint has been thorough in its site selection and application processes with Sudbury. She noted that Omnipoint has recently submitted applications for four locations.

Ms. Kablack does not anticipate significant proposal dissention from abutters. She opined that opposition reactions from residents seem to have diminished in recent years, as citizens become more comfortable and more dependent on these services.

Ms. Kablack reported that one of her recommendations on the site plan application will be to require a monetary contribution from Omnipoint, which the Town will use to hire a consultant to develop the next generation of sites. Mr. Hunter asked if the money is put towards the Town's General Fund. Ms. Kablack responded that the funds will be specifically earmarked for this purpose.

On motion duly made and seconded, it was:

VOTED: To authorize Ms. Kablack, on behalf of the Planning Board, to draft a letter to the Board of Selectmen, recommending approval of the application of Omnipoint Communications, Inc. for a site plan for property located at Maynard Road, Assessor's Map E07, Lot 0003, located in the Single Residential A-1 zoning district, noting that the site seems to be appropriate due to its current use and elevation, and encouraging the Board of Selectmen, if possible, to secure additional funds to be used for the site study and bylaw revisions.

FY09 Projects and Priorities

Ms. Kablack recommended postponement of this discussion until a future meeting with all Board members in attendance.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of March 12, 2008.

Miscellaneous

FY09 Board of Selectmen's Goals and 2008-2009 Liaison Assignments

Ms. Kablack previously distributed to the Board, for informational purposes, copies of the FY09 Board of Selectmen Goals, and its 2008-2009 Liaison Assignments listing.

Mr. Poch opined that he found the format and categories obtuse, and he would rather have seen specific timeframes and persons responsible for implementation noted. Ms. Kablack noted that Town Manager Valente plans to assign a Selectmen liaison to each goal.

Mr. Morely opined that, perhaps the Town Center redesign should be listed as a Safety goal.

Mr. Poch suggested that the Selectmen should consider a long-term goal of moving towards a five-member Board. Mr. Morely stated he has heard negative feedback regarding five-member Boards from Wayland, which regrets increasing its membership. Mr. Poch opined that Sudbury has strategic planning and more than enough work to be done than can be done well by just three Selectman and the already overworked great Town staff and Department Heads. He believes more bodies are needed, which also brings more expertise to the table. In particular, Mr. Poch believes that the addition of an appointed legislative liaison would be beneficial to the Town. Mr. Poch further stated that more should be done to communicate to the public how much work is involved in accomplishing Town projects. He believes more can be done to educate the community by possibly enlisting the help of local marketing professionals.

Ms. Kablack stated that the Town's primary focus throughout the next year will be to reduce Town costs and increase Town revenues. She suggested that the Board research further the pros and cons of increasing the membership of the Board of Selectmen, and make a future recommendation as appropriate.

Mr. Morely noted that the 2008-2009 Liaison Assignments listing should include the Community Preservation Committee as a liaison assignment for Selectmen Drobinski.

MAGIC- Bolton Meeting

Ms. Kablack was the featured guest speaker at the MAGIC meeting held in Bolton for a discussion on walkway construction. She reported the meeting was well attended.

Wayside/Mass. Central Rail Trail

Ms. Kablack previously distributed to the Board, for informational purposes, copies of an article published in the *Waltham Daily News Tribune*, dated May 2, 2008, noting that the MBTA Board approved a 99-year agreement with the State to lease a 26-mile stretch of abandoned railroad right of way between Waltham and Berlin. This vote will allow the State's Department of Conservation and Recreation to convert the land to a bike and walking path. All agreed that this news is exciting.

Concord Alexan Development

Ms. Kablack previously distributed to the Board, for informational purposes, copies of an article dated May 7, 2008 noting that the Alexan Concord developers have agreed to pay Concord for improvements needed to the area surrounding the project upon receipt of occupancy permits. The article also states that Sudbury abutters to the project do not feel as though Sudbury's concerns are being adequately addressed.

Design Review Board - Appointments

Ms. Kablack announced that Deborah Kruskal, 136 Lincoln Road, and Charles Kellstedt, Jr., 94 Goodman's Hill Road, have both agreed to serve on the Design Review Board, and she recommends their appointments.

On motion duly made and seconded, it was unanimously:

VOTED: To appoint Deborah Kruskal, 136 Lincoln Road, and Charles Kellstedt, Jr., 94 Goodman's Hill Road, to the Design Review Board, each for a term to expire on April 30, 2011.

ANR Endorsement - 555 Concord Road

Ms. Kablack briefly reviewed the plans for 555 Concord Road with the Board, highlighting the final modifications.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the final site plans for 555 Concord Road.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for June 11, 2008.

At 9:00 p.m., Acting-Chairman Hunter adjourned the meeting.