

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely,
Michael Hunter, Eric Poch (arrived at 8:15 p.m.), Joe Sziabowski
(Associate) and Jody Kablack (Director of Planning and Development)

At 7:38 p.m., Chairman Fee called the meeting to order.

2009 Annual Town Meeting - Draft Accessory Apartment Bylaw

Present: Sudbury Housing Specialist Beth Rust

The Board was previously in receipt of copies of a "Draft Accessory Dwelling Units in Residence Districts Bylaw, dated October 23, 2008." Ms. Kablack stated that she and Sudbury Housing Specialist Beth Rust have prepared the draft bylaw to help increase the amount of rental housing within Sudbury.

Ms. Rust briefly summarized updates made to the accessory apartment bylaw as removing occupancy restrictions, while retaining size, appearance and duration restrictions, and allowing for a few other minor revisions. Ms. Rust emphasized that this need is cited in Sudbury's Master and Community Housing Plans. The intent of these changes is to present an updated bylaw to the Annual 2009 Town Meeting sponsored by the Planning Board. The result is that the revisions to the bylaw should accomplish the goal of helping these type of units become more accessible for property owners and renters.

In response to a question, Ms. Rust stated that there have been 17 special permits issued for accessory apartments in Sudbury, for four-year term renewals, over the past 15 years (since the bylaw's adoption). She stated that the current bylaw sets a maximum for these dwellings at 5% of the total housing stock, or approximately 250 units, and this is not slated to change. The proposed revisions also allow for accessory apartments in detached structures. Ms. Kablack noted that Building Inspector Jim Kelly was consulted, and he supports the inclusion of detached structures in the bylaw.

Mr. Morely questioned since the accessory apartments add value to the home, whether the home will be then appraised for a greater tax value. Ms. Kablack reported that she has been informed by Sudbury's Tax Assessor that such units are not taxed differently, or as two-family homes. Mr. Morely opined that if the right to this feature can be sold, and if it adds to home value, then it should be assessed accordingly.

In addition, Mr. Morely suggested that the revised bylaw be explained to the public as providing diverse housing opportunities, and it also allows those who need additional income to utilize their homes in this manner.

Mr. Morely further questioned whether the proposed 30% of the total building and 1,200 square feet guidelines are too large.

Mr. Fee recommended that the first sentence of the Draft's "Section 5510 - Purpose" be deleted, since the word "renters" connotes that this option has been created for commercial gain. The Board concurred, and suggested that the Purpose section be redrafted to better reflect the aim of the bylaw towards diversified housing options. Chairman Fee also suggested, and the Board agreed, that a reference should be made at the conclusion of "Section 5510" to the legislative history for this in Sudbury's Master Plan and its Community Housing Plan.

Mr. Sziabowski cautioned that it will be likely that the public will question what consequences there will be to the potential overcrowding of schools and burden on Town services from encouraging additional rental units able to house four individuals. The Board agreed that it would need to be prepared to address such a concern at a future Town Meeting. Mr. Sziabowski also opined that 1,200 square feet is the size of an average two-bedroom apartment.

Ms. Eggleston stated she would be interested in statistics of who tends to occupy accessory apartments. Ms. Rust shared a listing with the Board of current units in Sudbury. Almost all approved accessory dwellings are occupied by family members.

Mr. Morely stated he would be interested to know what Lincoln's size standards are, since they have many accessory apartment dwellings. Ms. Rust referenced information from Lincoln, which sets similar guidelines of 1,200 square feet and 35% of the building total. Mr. Morely reiterated that 30% seems generous when one considers the parameters of the entire bylaw. In response to a question from Chairman Fee, the Board briefly deliberated the rationale for two such limiting guidelines. The resulting Board consensus was that both restrictions should be retained in the Draft.

Ms. Kablack highlighted that the bylaw specifies a Special Permit process, with which interested parties will also need to comply. Mr. Morely opined that the inability to sell the right to these units when one sells their home could be a disincentive, and perhaps could make the home more difficult to sell. Mr. Hunter stated that the new homeowner can reapply for the accessory apartment. However, Mr. Morely noted that the new owner risks qualification if the Town has reached its maximum of 250 units. Ms. Kablack opined that she does not foresee this type of situation occurring.

Chairman Fee asked if the Zoning Board of Appeals has provided feedback on the Draft bylaw revisions. He noted that the Draft's "Section 5566 - Waivers" authorizes the ZBA to waive several sections if it deems the purpose of the bylaw has been met. Chairman Fee recommended that the sentence be amended to authorize "the ZBA to waive any sections, if the request to do so meets all of the criteria of the Special Permit and the

purposes of the bylaw." Ms. Eggleston and Mr. Sziabowski opined that this seems to grant the ZBA great latitude. Ms. Kablack responded that the ZBA will be consulted in the near future, along with the Council on Aging and other entities, once comments from this Board have been incorporated into the Draft. She further stated that the ZBA is only being given a few additional waivers regarding size, the number of occupants, and the number of front doors.

Mr. Morely reiterated his preference for an incentive for property owners to be incorporated into the bylaw by perhaps allowing for some type of transfer of ownership of title of the Special Permit.

Mr. Sziabowski opined that he believes the property owner gains value and income from these units, and thus should be assessed for more taxes. Chairman Fee suggested that the Town Assessor could be notified of all relevant future Special Permits issued. Ms. Kablack stated that the taxation on these units must comply with approved assessment rules and regulations. Ms. Kablack further stated that she will continue to pursue this topic with the Town Assessor, emphasizing the Board's belief that such units add value to the home, and therefore should be taxed accordingly.

The Board requested that Ms. Rust and Ms. Kablack incorporate the recommended changes discussed this evening to the Draft, and that a revised document be presented to the Board for review at its November 12, 2008 meeting.

Stormwater Management Bylaw - Discussion

Ms. Kablack distributed to the Board, for review and discussion purposes, copies of a "Draft Stormwater Management Bylaw for the Town of Sudbury, Revised 10/27/08."

Ms. Eggleston highlighted a few revisions to the Draft since the Board's last discussion. She noted that a tiered permitting process has been incorporated into the document. Ms. Eggleston and Ms. Kablack noted that the Planning Board has been designated as the permitting authority for all issues that are not within the jurisdiction of the Conservation Commission. Ms. Eggleston reminded the Board that the regulations will provide far more specific detail than is included within the bylaw language.

Chairman Fee noted that the Draft's "Section 4.0 Administration" calls for the Board to affirmatively delegate any such powers or duties to the Conservation Commission. He recommended, and the Board agreed, that the end of the second sentence of this section be amended, since the Conservation Commission is neither an employee nor agent of the Board, to read, "...may be delegated in writing by the Planning Board to any Town employee, agent or Board.

Ms. Kablack concluded the discussion by stating that the Draft will be finalized so as to submit the Accessory Apartment and the Stormwater Management Bylaws in December 2008 for inclusion in the Annual 2009 Town Meeting Warrant.

FY09 Projects and Priorities

The Board was previously in receipt of copies of a listing of completed and pending "FY09 Planning Board Projects and Priorities dated May 14, 2008."

The Board briefly reviewed the listing. Ms. Kablack provided a brief update regarding a proposal from the Charles River watershed Association to investigate viable sites for wastewater disposal locations. Ms. Kablack is assisting in writing the proposal for a grant from The Sudbury Foundation. A brief discussion ensued regarding possible Town wastewater locations consisting of a minimum of four acres, including two Town-owned sites at Curtis and Haskell Fields. Ms. Eggleston noted that by using a more scientific approach to glean viable site locations, much of the public controversy will hopefully be diminished.

Ms. Kablack announced that the Town Center survey should be complete and available in November. She also mentioned that a feasibility study on the Melone property is being finalized.

Updates on Committees

Ms. Kablack briefly summarized the Rail Trail Conversion Advisory Committee's report to the Selectmen last night. She highlighted that, given the State's economic concerns, there will be no State funding for this type of project in the foreseeable future. Thus, unless the Town is willing to fund the project entirely, the project will likely remain on hold. However, Ms. Kablack also stated that an article will be submitted for the next Town Meeting requesting the use of leftover, previously appropriated, funds up to \$25,000 to pursue a concept plan. Town staff will work throughout the next year to assess critical design aspects and best next steps in the process.

Ms. Kablack reported that her office has been busy finalizing the Nobscot land purchase arrangements. She also has overseen the processing of nine Project Submission Requests for Community Preservation Act funds. A few more submissions are expected prior to the October 31, 2008 deadline. She also noted that her assistant, yet to be hired, will work up to five hours a week for the Community Preservation Committee items.

Chairman Fee announced he has resigned from the Ponds and Waterways Committee due to time constraints.

Minutes

Mr. Morely asked that the Board's Draft September 24, 2008 meeting minutes be amended to combine paragraphs five and six on page three to better indicate his remarks in relation to those of the Fire Chief.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of September 24, 2008, subject to incorporation of the revisions discussed this evening.

Miscellaneous

Willis Hill II- Kendra Lane - Reduction of Bond Request

The Board was previously in receipt of copies of a letter received from Robert D. Quirk, dated September 9, 2008, requesting release of the bond for Kendra Lane, copies of a letter from the Town Engineer/DPW Director, Bill Place, dated September 18, 2008, verifying receipt of an as-built plan and recommending release of the remaining bond balance, and a letter to Mr. Quirk from Ms. Kablack, dated October 16, 2008, noting a few outstanding issues needing to be resolved, including: replacing the section of the bituminous berm along the roadway; pointing all sections of granite curbing at the intersection of Cudworth Drive and Kendra Lane; correcting stormwater runoff problems associated with 193 and 183 Willis Road properties, and recommending these items be completed prior to the Board's consideration of a release of bond.

Ms. Kablack stated that this request will be discussed as a future agenda item.

Upcoming Planning Board Meeting Schedule

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

At 9:07 p.m., Chairman Fee adjourned the meeting.