

Present: Michael Fee (Chairman), Lisa Eggleston, Christopher Morely (arrived at 7:41 p.m.), Michael Hunter, Eric Poch, and Jody Kablack (Director of Planning and Development)

Absent: Joe Sziabowski (Associate)

At 7:35 p.m., Chairman Fee called the meeting to order.

Public Hearing: Maillet Estates Subdivision Modification

At 7:35 p.m., Chairman Fee opened the Public Hearing concerning an application of Maillet & Sons, Inc. for approval of a modification to Condition #9 of the Maillet Estates Definitive Subdivision Decision dated October 11, 2006.

On motion duly made and seconded, it was unanimously:

VOTED: To waive the reading of the Public Hearing Notice.

Chairman Fee briefly summarized that the modification requests the allowance to waive the construction of a walkway in the development and, instead contribute \$9,000 to the Town-wide walkway account for construction of Sudbury walkways.

Ms. Kablack distributed to the Board, for review and discussion purposes, a "Draft Modification Definitive Subdivision Decision for Maillet Estates dated September 24, 2008."

On motion duly made and seconded, and upon no discussion, it was unanimously:

VOTED: To approve the "Draft Modification Definitive Subdivision Decision for Maillet Estates dated September 24, 2008," as presented this evening.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the regular minutes of September 10, 2008.

Endicott Woods Subdivision - 821 Boston Post Road - Extension Request

The Board was previously in receipt of an email message dated September 22, 2008, from Attorney Myron Fox, on behalf of his clients Joseph and Barbara Ciampa, requesting an extension of two years to their subdivision approval to complete

subdivision infrastructure. Attorney Fox explained that due to the real estate crisis, the Ciampas have been unable to contract with a developer or complete the work.

Ms. Kablack clarified that the original date of endorsement was February 2005, however, due to recent real estate conditions, the applicants have been unable to complete construction. Ms. Kablack further noted that the applicants have been diligent regarding keeping the maintenance of an active status, and have recently re-applied for an Order of Conditions which had lapsed. In response to a question from Chairman Fee, Ms. Kablack stated that the development is for three lots on 5.2 acres.

Ms. Eggleston urged for approval of the request so that the original application, which limits access to additional parcels, can continue to be enforced.

Chairman Fee opined that, given market conditions, the request seems reasonable.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request from the Endicott Woods Subdivision, 821 Boston Post Road, for a two-year extension, from today, to complete the subdivision infrastructure.

Preliminary Far Hills Subdivision - Brimstone Lane - Discussion

The Board was previously in receipt of an email message dated September 11, 2008 from Ms. Kablack stating that, upon review of the Ciampa plans, a property line submitted on plans provided by Civil Engineer Wayne Chouinard for the Far Hills Subdivision appears to be incorrect by 150 feet. Additionally, Ms. Kablack has determined that Associate Planning Board Member Joseph Sziabowski appears to be a direct abutter. Thus, Ms. Kablack, upon consultation with Town Counsel Kenny, recommended that Mr. Sziabowski recuse himself from future discussions.

A brief discussion ensued as to what could cause such a large discrepancy in the accuracy of the property line. Chairman Fee suggested that Ms. Kablack notify Mr. Chouinard that this is an additional issue to be resolved for the Board.

Ms. Kablack reported that she received a message from David Wallace confirming that the applicant would need to reschedule further discussion from tonight's meeting to a future date, so as to prepare responses to the dead-end street issues previously posed by the Board.

The Board deliberated upon whether Mr. Sziabowski, if recused, could/should participate as a citizen from the audience at future Board meetings. Ms. Kablack opined that she believes it is the Town Manager's preference, if not policy, that once a citizen chooses to become a member of a Town board or committee, one also understands that they may

lose some individual rights for the larger good of the community and fulfillment of that particular board's or committee's mission.

Chairman Fee noted that, although some might interpret the Ethics Commission Policy to require recusal from deliberations and/or discussions leading to a vote, as well as from the vote itself, he does not happen to subscribe to that interpretation. Chairman Fee strongly believes that if Mr. Sziabowski recuses himself from the Board prior to future Public Hearings, Mr. Sziabowski should then be allowed to speak freely as a citizen from the audience. Most Board members seemed to concur with Chairman Fee, however, Ms. Kablack was asked to verify if there is a written and/or expected policy for Town committee and board members prohibiting them from any participation in matters where a conflict of interest might exist.

The Board briefly discussed whether there is precedence of previous decisions where exceptions have been made for a secondary access on a dead-end street.

Chairman Fee stated that, as the Board has previously informed the applicant, the Board will only consider a waiver of the dead-end street regulation if, by doing so, it benefits the public or public safety. Upon initial consideration, Chairman Fee believes that approval of a waiver could diminish safety on Brimstone Lane, and thereby a waiver cannot be justified. Ultimately, strict enforcement of the Town bylaws is one of the Board's responsibilities.

Ms. Eggleston stated that she would be willing to consider the proposal only if evidence could be provided of a second emergency access which is viable. She stated that the Board will need to be convinced that a suitable alternative access exists.

It was noted that when Fire Chief Ken MacLean was consulted regarding the dead-end street status, he stated that the proposed second access was not currently considered to be useable. Mr. Morely suggested that the Board more clearly define what constitutes a viable emergency access, since he would be inclined not to deny development rights based upon a subjective opinion of the quality (or lack thereof) of a proposed emergency access.

Mr. Poch stated that the Town's dead-end street bylaw will take precedence over all other matters in the deliberation of this proposal. He suggested that the applicant be reminded that complete focus of their energies should be directed towards overcoming this obstacle prior to investing more time and money on this proposal.

Ms. Kablack will provide Mr. Wallace with minutes from the Board's September 10, 2008 meeting, and she will update him on tonight's discussion.

At 8:10 p.m., Chairman Fee closed this discussion.

Stormwater Bylaw - Draft

Ms. Kablack and Ms. Eggleston briefly updated the Board on their recent meeting regarding the drafting of a Stormwater Management Bylaw for the Town of Sudbury, to be presented to the voters at the Annual 2009 Town Meeting. They reported that the document is being written designating the Planning Board as the permit-granting authority, with the discretionary authority to delegate the review process to the Conservation Commission, if deemed appropriate to do so.

Ms. Kablack opined that the additional oversight is not expected to be onerous, since few Public Hearings are anticipated.

The consensus was that the Planning Board prefers to maintain authority, and, at its discretion, will delegate the review capacity accordingly, when appropriate to do so.

Ms. Kablack mentioned that consideration is also being given to drafting an Accessory Apartment Bylaw for presentation at the 2009 Town Meeting as well.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for October 8, 2008 at 8:30 a.m. in the Flynn Building's Silva Conference Room. Subsequent meetings will be held at Town Hall on October 22, November 12, and December 10, 2008 at 7:30 p.m.

At 8:27 p.m., Chairman Fee adjourned the meeting.