

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

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

Mr. Hunter acknowledged the accomplishments of Ms. Kablack in helping to bring the preservation of the Nobscot Boy Scout land to fruition for the enjoyment of Sudbury citizens for years to come. The Board thanked Ms. Kablack with a round of applause for her work on that project.

Adoption of 2009 Bonding Policy

The Board was in receipt of a letter, dated December 5, 2008, from Town Engineer/DPW Director William I. Place, which updated the 2008 Bonding Policy to reflect 2009 unit prices.

Chairman Fee asked if the cost for walkways should be increased. Ms. Kablack responded that the cost per linear foot received by the Town is based on the individual components of constructing walkways (preparation work, paving, loam and seed) and is appropriate, and she recommended acceptance by the Board of Mr. Place's proposal.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the 2009 Bonding Policy unit prices as presented by Department of Public Works Director/Town Engineer William I. Place, in a letter dated December 5, 2008.

Preliminary Raytheon Subdivision - Minor Site Plan Review

The Board was previously in receipt of an Application for Site Plan Approval, including accompanying plans dated December 22, 2008; a letter from Woodard & Curran Vice President David A. White, dated December 23, 2008, explaining the purpose of the Minor Site Plan application is for a wastewater treatment facility upgrade mandated by the Massachusetts Department of Environmental Protection for effluent discharge; the Conservation Commission Order of Conditions dated December 19, 2008, and an abutter list.

Ms. Kablack noted that this application is for construction of a 576 square foot building required in conjunction with the upgrade to the wastewater facility, which qualifies as a minor site plan. She stated that a plan of the full property has been requested from the

applicant. Ms. Kablack reported that no concerns have been raised by any Town departments.

Mr. Hunter asked if any input was received from Tall Pines, Ms. Kablack responded no community feedback was received to her knowledge. Ms. Kablack noted that the application will be brought before the Board of Selectmen, and abutters will be notified for the Selectmen's hearing.

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 no concerns regarding the Minor Site Plan application for a wastewater treatment facility upgrade mandated by the Massachusetts Department of Environmental Protection for effluent discharge submitted by Raytheon Corporation, and that the board supports approval of the application.

Willis Hill II - Kendra Lane - Reduction of Bond Request

The Board was previously in receipt of a letter dated October 29, 2008 from Town Engineer/DPW Director Bill Place, recommending the use of the remaining bond funds to complete the outstanding subdivision items not completed by the developer so that the subdivision can be accepted as a public way in April 2010. However, Ms. Kablack reported that, prior to the implementation of this recommendation, the developer, Robert Quirk completed the work in December. Given the current winter conditions, Mr. Place is unable to inspect the work completed by Mr. Quirk until spring. Ms. Kablack further reported that the Town currently remains in possession of a \$25,000 bond to complete this work.

Ms. Kablack recommended that the Board delay its decision on this matter until it received a report from Mr. Place following his inspection of the site in the springtime. The Board concurred with Ms. Kablack, and

On motion duly made and seconded, it was unanimously:

VOTED: To delay the vote of the Board regarding the request of Robert D. Quirk for a release of bond for Willis Hill II - Kendra Lane until the site can be inspected by Town Engineer/DPW Director Bill Place, and to instruct that Ms. Kablack send a letter, on behalf of the Board, to Mr. Quirk, informing him of the decision delay and its reasons.

Mahoney Farms SRC - Bond Reduction

The Board was previously in receipt of a letter dated January 5, 2009 from Rosewood Construction Corporation Project Manager Michael Cremin requesting a bond reduction for the Mahoney Farms development at 30 Nobscot Road. Ms. Kablack distributed to the

Board copies of a letter from Town Engineer/DPW Director Bill Place, dated January 13, 2009, which estimated the need for \$51,998 to complete the Mahoney Farms work.

Ms. Kablack reported that the Town originally held a \$500,000 surety bond which was previously reduced to \$243,000, however, no replacement surety bond has been provided to the Town for the lowered amount.

Ms. Kablack stated she would like to further research the original Mahoney Farms SRC Decision to make sure all required improvements are included in the latest bond estimate, and thus recommended holding on a vote regarding the request.

On motion duly made and seconded, it was unanimously:

VOTED: To hold in abeyance the bond for the Mahoney Farms development at 30 Nobscot Road pending further information.

Grouse Hill - Bond Reduction

The Board was previously in receipt of a letter from Michael Cremin of Capital Group Properties requesting an assessment of the Performance Bond for the Grouse Hill development at 32 Old Framingham Road.

Ms. Kablack distributed to the Board copies of a letter from Town Engineer/DPW Director Bill Place, dated January 12, 2009, which estimated the need for \$289,630 to complete the Grouse Hill work.

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the bond for Grouse Hill development at 32 Old Framingham Road to \$300,000 to complete work.

Dakin View, Skyview Lane - Surety Reduction

Ms. Kablack distributed to the Board copies of a letter from Town Engineer/DPW Director Bill Place, dated January 13, 2009, which estimated the need for \$11,542.00 to complete the Dakin View and Skyview Lane work. She reported that the Town currently holds a cash bond for \$22,300 and that the developer completed landscaping in the fall. Ms. Kablack recommended reduction of the surety bond.

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the performance bond for Dakin View and Skyview Lane to \$11,542.00 as recommended by Town Engineer/DPW Director Bill Place in his letter dated January 13, 2009.

Candy Hill Lane - Subdivision Plan Extension for Circular Driveway

Ms. Kablack distributed to the Board copies of an email message from Francy Zingale requesting an extension on building the circular driveway on her property on Candy Hill Lane as required by the previously approved Subdivision Plan.

Chairman Fee opined that, given the present economic and real estate development climate, he is inclined to grant the extension.

On motion duly made and seconded, it was unanimously:

VOTED: To approve an extension to complete the subdivision improvements as required in the Subdivision Plan for Candy Hill Lane as submitted by Mr. and Mrs. Zingale until January 30, 2010.

Minutes

Chairman Fee made a motion to approve the draft minutes for the December 20, 2008 meeting with a minor correction on page 1.

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular minutes of December 10, 2008, subject to the corrections made at the meeting and reviewed this evening.

Miscellaneous

2009 Annual Town Meeting Articles - Accessory Apartment Bylaw

Ms. Kablack updated the Board on additional information she has received regarding the proposed Accessory Apartment Bylaw.

Chairman Fee noted that Mr. Poch previously posed that the draft article does not resolve how it will accomplish the creation of housing diversity. Mr. Morely noted that, to date, the article has only been submitted as a placeholder allowing for more information to be collected.

Ms. Kablack stated that the Council on Aging supports the draft article, and she has discussed the article with several real estate brokers who think it is a good idea. The realtors confirmed that rental properties are needed in Sudbury, and that accessory apartments could be beneficial by adding value to homes for resale and to help people stay in their homes. Chairman Fee opined that the economic downturn will be a useful rationale to present at Town Meeting.

Ms. Kablack stated that the size of the units has been reduced to 850 square feet, allowing no more than 4 people/unit. Mr. Poch noted his concern that a type of housing unit is being created, yet not being recognized by the Town as a taxable housing unit.

Ms. Eggleston agreed that the values for taxation of the units and whether or not the permits will pass between owners at the time of property sale are key factors to be resolved. Ms. Kablack reported that she is in the process of scheduling a meeting to further discuss these matters with the Town Assessor. Mr. Poch reiterated that the permit being transferable at the time of sale of the property will enhance the marketability of the property.

Chairman Fee noted that there is no provision within Town bylaws for renewals of Special Permits. He opined that this bylaw should not be conditioned with time durations. Ms. Kablack concurred, noting that the draft, as written, specifies that the Permit is for the length of occupancy by the owner.

Ms. Kablack will also update the Zoning Board of Appeals on February 2, 2009 at 7:00 p.m. of this information. Chairman Fee will also attend the meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the draft 2009 Annual Town Meeting Article - Accessory Apartment Bylaw, subject to the revisions discussed this evening.

Zoning Board of Appeals Notice of Public Hearing

Ms. Kablack distributed to the Board, for informational purposes only, copies of the Zoning Board of Appeals Notice of Public Hearing for February 2, 2009.

Preliminary Far Hills Subdivision - Brimstone Lane - Update

The Board was previously in receipt of a letter dated January 5, 2009 from the applicant's attorney David Wallace, detailing the applicant's response to the Board's letter of denial dated December 10, 2008. Mr. Wallace reports that the applicants are able to resolve all issues posed by the Board except for the status of Brimstone Lane as a dead-end street. Mr. Wallace states that he believes the Board's conclusions constitute a *de facto* taking of the MacNeills' property by the Town of Sudbury without just compensation. Ms. Kablack reported that the letter has been forwarded to the attention of Town Counsel Paul Kenny, who will respond appropriately, on behalf of the Town.

Design Review Board - Candidate Review

On motion duly made and seconded, it was unanimously

VOTED: To approve the appointment of Giancarlo Del Vita, 5 Butler Place, Sudbury, as a new member of the Design Review Board.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for February 11, 2009, but is subject to change.

At 8:15 p.m., Chairman Fee adjourned the meeting.