

Present: Michael Fee (Chairman), Lisa Eggleston, Michael Hunter,  
Joe Sziabowski (Associate), Christopher Morely (arrived 8:45 p.m.),  
and Jody Kablack (Director of Planning and Development)

Absent: Eric Poch

At 7:55 p.m., Chairman Fee called the meeting to order.

**Scenic Road Public Hearing – Tree - 161 Plympton Road**

Present: Co-applicant Patricia Sluder

At 7:55 p.m., the Chairman opened a Scenic Road Public Hearing, and read the public notice concerning the removal of one 30" Linden (correction from the published notice) tree, within the public way, Plympton Road, a designated scenic road in Sudbury, at 161 Plympton Road, Assessor's Map No. G10, Parcel 0500. The hearing was duly publicized in the *Sudbury Town Crier* on May 21 and May 28, 2009, and abutters were properly notified.

Ms. Kablack read a communication received from the Sudbury Historic Districts Commission Chair Linda Hawes, stating the Commission is opposed to removal of the tree. Ms. Kablack distributed to the Board copies of an email message dated June 10, 2009, from Sudbury resident Frank Riepe, who opposes the tree's removal, stating the tree presents no threat to pedestrians or motorists. The Board was previously in receipt of an email message dated June 3, 2009, from the Sudbury Historical Commission Chair Lyn MacLean, stating the Commission is opposed to removal of the Linden tree, since it is believed to be healthy and has not been a nuisance for previous owners. In addition, Ms. MacLean noted that, even if the tree is removed, a telephone pole, in close proximity to the tree, may still hinder visibility. The Commission recommends that the brush at the base of the tree be removed, and that a large round road mirror be mounted on the tree across the street to indicate traffic entering Plympton Road from Candy Hill.

Ms. Kablack distributed to the Board copies of an email dated June 5, 2009, from Co-applicant Greenfield Sluder, addressing the concerns of the Sudbury Historical Commission.

Chairman Fee asked if Tree Warden Scott Taylor has rendered an opinion as to the health of the tree. Ms. Kablack responded he has not. Chairman Fee summarized that all parties seem to agree the tree is healthy. Mr. Hunter opined that, although Linden trees appear sloppy, this tree appears to be healthy.

Ms. Kablack circulated to the Board pictures she took today when visiting the site. She noted the tree does hinder sight visibility a bit when pulling out of the Sluder driveway

and looking left. Ms. Kablack further noted that there is a lot of vegetation along this stretch of Plympton Road, and that removal of the tree would not greatly alter the road's scenic character.

Chairman Fee asked for clarification of the homeowners removal of a previous driveway, on the other side of the property, which was not hindered by this tree.

Co-applicant Patricia Sluder opined that the tree is a safety hazard. She stated her family has had several near misses of accidents when attempting to exit her driveway, most recently with a bicyclist, who was hidden by the tree. Ms. Sluder further stated she now has two teenagers learning to drive, and she is concerned for their safety and that of others. She further referenced the responses from her husband to the concerns of the Sudbury Historical Commission. Ms. Sluder stated that the recommendation of installing a mirror would be difficult, since the only trees available for installation of a mirror are located too far away and on Sudbury Valley Trustees' property. She also fears the mirror will encourage acts of vandalism. Mr. Hunter later noted that mirrors are now available in shatterproof materials that would be essentially vandal-proof.

Sudbury Historical Commission Chair Lyn MacLean stated she has lived in Sudbury for 50 years, and she is not aware of problems as a result of this tree. She emphasized that the current owners demolished a circular driveway which had existed, lending a clear line of vision in both directions. Ms. MacLean suggested that, the problem could be improved by clearing the vegetation at the base of the tree. Ms. MacLean further stated that the Scenic Road bylaw exists to protect trees.

Sudbury resident Carol Wolfe, who is a member of the Sudbury Historic Districts Commission, but not speaking on its behalf tonight, stated that Linden trees are recommended street trees. Ms. Wolfe believes that the visibility problem is primarily due to the growth of bittersweet and buckthorn at the base of the tree and along the guardrail, which could be removed. She further stated that she is concerned about the precedent which would be set if this request is approved. Ms. Wolfe opined, that although the position of the tree may not be ideal, the responsibility is on citizens to drive slowly and carefully so as to avoid an accident situation.

Sudbury resident Lee Swanson, who is a member of the Sudbury Historic Districts Commission and the Sudbury Historical Society, but not speaking on either's behalf tonight, opined that the situation could be improved with the installation of a traffic mirror and with significant brush cutting, without the need to remove the tree. He further stated he would prefer if the telephone pole were removed or buried. Sudbury Historical Commission member Ellen Given concurred.

Ms. Sluder responded that the telephone pole is six feet away from the tree, much smaller in circumference than the tree, and does not pose as much of a hazard as does the tree. She believes that the vegetation at the base of the tree are sprouts of the Linden tree,

which, if trimmed, will eventually grow back. Ms. Sluder stated that, although the tree is healthy, it is extremely misshapen and unattractive. She also believes that installation of a glossy traffic mirror would not enhance the scenic character of the road.

Chairman Fee asked how long the applicant has lived at this residence. Ms. Sluder responded that she and her husband purchased the home in 1992. Chairman Fee reiterated his understanding that the homeowners abandoned the existing driveway, which was safer, for this current driveway design. Ms. Sluder confirmed their choice to remove the original driveway to allow for yard space.

Ms. Wolfe referenced Ms. Kablack's photographs, noting that removal of the vegetation at the base of the tree, and behind the guardrail, would provide better sight distances, but she reiterated that drivers would still have to exit the driveway carefully. Ms. Sluder responded that removal of the vegetation behind the guardrail may not be possible, since it is a designated wetland area. Ms. Wolfe stated that, since bittersweet and buckthorn are invasive species, nothing in the wetlands regulations would prohibit their removal. Ms. Eggleston concurred.

Chairman Fee asked Ms. Kablack if any safety concerns have been noted by Town staff regarding this location. Ms. Kablack responded no concerns have been brought to her attention other than the email from Scott Taylor.

Ms. Eggleston stated she is not convinced that removal of the tree will completely eliminate the applicant's problem. In addition, Ms. Eggleston is concerned that approval of this request would set a precedent for convenience. Ms. Eggleston opined that other options should be considered, such as whether the driveway should be moved, prior to a decision being made to remove the tree. She stated she would prefer to continue the hearing and have the opportunity to visit the site. Mr. Sziabowski concurred.

Chairman Fee stated he is disinclined to continue the hearing, and he is disinclined to approve this application. He stated that, from all accounts provided, the tree is healthy, but inconvenient. Chairman Fee believes that the Scenic Road Bylaw exists to protect the scenic streetscapes, and not to provide a convenient exit from one's driveway. Because the homeowners willingly and knowingly removed the original driveway, he believes the present safety issue is self-imposed. Furthermore, Chairman Fee believes that sufficient evidence has been provided to date, to support a decision not to disturb the tree. In response to a question from Ms. Eggleston, Chairman Fee stated that in all other applications for tree removals, which have been considered by this Board, safety has been defined by the health of the tree and whether its diseased condition could cause harm. He noted that no one has reported that this tree is unhealthy, and thus he believes this to be a private convenience rather than a public safety issue. Chairman Fee noted that this is a public tree. He also expressed his agreement with Ms. Wolfe's observation that the situation may require drivers to be more careful, but not necessarily the removal of the tree. Chairman Fee stated he would entertain a motion to deny the application.

Ms. Eggleston and Mr. Sziabowski reiterated their preference to visit the site. Mr. Hunter suggested an interim step of removing some of the base brush and vegetation first, to see if the situation could be improved without removing the tree. The consensus of the Board was that a site visit be scheduled for 6:30 p.m. on June 24, 2009, followed by the continuation of this Public Hearing at Town Hall at 7:00 p.m. Chairman Fee noted that the June 24<sup>th</sup> hearing will not be re-noticed. He also encouraged the applicant to provide any new information or photographs prior to the June 24<sup>th</sup> meeting, which she believes to be important for the Board to consider.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Scenic Road Public Hearing in accordance with M.G.L. Chapter 87, concerning the removal of one 30" Linden Plane tree, within the public way, Plympton Road, a designated scenic road in Sudbury, at 161 Plympton Road, Assessor's Map No. G10, Parcel 0500 to June 24, 2009. at 7:00 p.m, to be preceded by a Board site visit at 6:30 p.m.

#### **Ledgewood II Subdivision - Bond Reduction**

The Board was previously in receipt of copies of a letter from Town Engineer/DPW Director Bill Place, dated May 12, 2009, which estimated the need for \$23,625.00 to complete the Ledgewood II Subdivision. Board members expressed their satisfaction with the amount and quality of work completed to date.

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the bond for the Ledgewood II Subdivision to \$23,625.00 to complete work.

#### **Willis Hill II - Kendra Lane - Subdivision Progress Update**

Ms. Kablack distributed copies to the Board 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, and copies of a letter from developer Robert Quirk, dated January 6, 2009, requesting final payment, and stating all work has been completed.

Ms. Kablack reported that a stormwater issue created on a neighboring property when the road was installed, has not been rectified to the neighbor's or Town's satisfaction.

Ms. Kablack and Mr. Place recommend that the Board take receipt of the remaining \$25,000 bond, since prior conditions of construction have not been met. Ms. Kablack explained that this action will enable Mr. Place to re-grade the property properly back to the neighbor's garage. She noted that the anticipated Town work will likely not cost \$25,000, and thus any remaining funds would be returned to Mr. Quirk.

On motion duly made and seconded, it was unanimously:

VOTED: To take receipt of the remaining \$25,000 bond for Willis Hill II - Kendra Lane, to enable the Town to complete the developer's unfinished work, and to instruct Ms. Kablack to send a letter, on behalf of the Board, to Mr. Quirk, informing him of this decision, and the reasons for it.

### **Minutes**

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of April 15, 2009 as presented, and to approve the regular minutes of May 11, 2009, as amended tonight.

### **Board Reorganization**

Chairman Fee announced he is willing to continue as Chairman, unless someone else would like to serve in this role. The consensus of the Board was that Mr. Fee should continue as Chairman of the Board. Chairman Fee reported that Mr. Poch has expressed interest in being the Board's Vice-Chairman.

Ms. Kablack reported that Ms. Eggleston and Mr. Sziabowski have spoken about Ms. Eggleston's intention to resign from the Board, after 11 years of service, and that her position be filled by Mr. Sziabowski. Ms. Kablack further reported that her hope is that Ms. Eggleston could serve as the Board's Associate Member, to continue to lend her expertise, especially in the first year of implementation of the Stormwater Bylaw.

Ms. Kablack stated that, following Ms. Eggleston's resignation, there would need to be a joint appointment of this Board and the Board of Selectmen for her replacement. Chairman Fee suggested that a letter be drafted presenting the Board's vacancy due to Ms. Eggleston's resignation, its preference to appoint Mr. Sziabowski as her replacement, its preference for Ms. Eggleston to be appointed as the Associate Member and requesting the Selectmen to defer to the Board's recommendations. Ms. Kablack noted that no one from the community has expressed interest in serving on the Planning Board in recent years, and thus she does not believe the vacancy will have to be advertised.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack, on behalf of the Board, to draft a letter to the Board of Selectmen, requesting a meeting be convened to jointly appoint a member to Sudbury's Planning Board, due to a vacancy occasioned by the resignation of Lisa Eggleston, and presenting to the Selectmen the Planning Board's recommendations for reorganization.

### **FY10 Projects and Priorities**

The Board was in previous receipt, for review and discussion purposes, of copies of an updated listing of FY10 Planning Board Projects and Priorities dated June 10, 2009, and a listing of FY10 Goals for other Town Boards and Departments.

Ms. Kablack briefly reviewed the handouts. She noted that regarding the goal of "Economic Development/Route 20," permission has been received by the Town to perform soil tests on the Johnson property on Old Lancaster Road.

Ms. Kablack reported that regarding goals for the "Environment," the Ponds and Waterways Committee will be deleted, since it is fully functional at this point in time. She further reported that the Open Space and Recreation Committee will be dissolved, and an Open Space Acquisition Committee will be recommended to be established by the Selectmen. Ms. Kablack will also update the Community Preservation Committee Report.

Ms. Kablack briefly explained plans to commence work on the development of a Town Historic Artifacts Policy. At the request of the Town Manager, Ms. Kablack will also work to create a Mitigation Fund Policy for the Town to more equitably share funds received by the Town during permitting.

A brief discussion ensued regarding goals for "Bylaw Changes." The consensus of the Board was to delete "Adult District Zoning" from the goal listing. Ms. Kablack will continue to work on revisions to the Wireless Facilities Bylaw. She noted that mitigation funds were earmarked for expert consultations for this work, and for consultants to study traffic on Route 20.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack, on behalf of the Board, to communicate the Planning Board's goals to the Board of Selectmen, as discussed this evening, and prioritizing wastewater development as the highest Town priority.

**Miscellaneous**  
**Annual 2009 Town Meeting**

Ms. Kablack reminded the Board that the continuation of the Annual 2009 Town Meeting will be on June 15, 2009. She encouraged everyone to attend.

**Upcoming Planning Board Meeting Schedule**

The Board's next meeting is scheduled for June 24, 2009, at 7:00 p.m., preceded by a 6:30 p.m. site visit at 161 Plympton Road.

The meeting was adjourned by Chairman Fee at 9:15 p.m.