

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

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

**Public Hearing Continuation: Stormwater Management Permit - Lot 56B Widow
Rite's Lane**

Present: Thomas DiPersio, Sr., Thomas Land Surveyors

At 7:40 p.m., Chairman Fee opened the Public Hearing regarding an application to construct a new single-family dwelling on Lot 56B, Widow Rite's Lane, Assessor's Map #E06, Lot 0356, which was continued from September 9, 2009.

Thomas DiPersio, Sr., Thomas Land Surveyors, distributed a revised plan to the Board, detailing additional mitigation efforts to control stormwater runoff. He explained that several methods have been added to the revised plan, including two roof drain collection systems, which will flow into a leeching system with overflow basins, which will then lead to grass swales. Storms in excess of the ten-year storm will overflow to the street drainage.

Mr. DiPersio further stated that, in an effort to protect the integrity of the driveway, runoff will be directed into a bioretention basin and to grass swales. He provided the Board with copies of a preliminary hydrology report (which will be reviewed by Ms. Eggleston), noting that the plan achieves 70% removal, (10% short of meeting the Department of Environmental Protection (DEP) standard), but does accommodate two and ten-year events. Rates are slightly over for 25-year events, and are overflowing for 100-year events. Mr. DiPersio stated that the site may need a stormwater structure to help slow down the flow and enhance the efficiency of the bioretention basin. In response to a question by Ms. Eggleston, Mr. DiPersio reported that there is a 10% grade on the lot.

Mr. Morely emphasized his concern regarding recent drainage work in the local area, which does not seem to be effective. He has noticed dangerous pooling areas on Route 20 and is very concerned about peak rates. Mr. Morely questioned whether an additional cistern system could augment the proposed roof drainage. Mr. DiPersio responded that the two- and ten-year event standards are met with the inclusion of the roof drains.

Ms. Eggleston expressed concern regarding interceptor drains merely rerouting ground water and not mitigating stormwater issues. She suggested that drip drenches around the

building foundation be considered. Ms. Eggleston encouraged the installation of check dams in the swales every few feet. She emphasized that the pavement runoff needs to be treated, and that she would prefer if the plan incorporated some method of pretreatment in advance of the biobasin. Ms. Eggleston suggested rerouting to pitch into another slope on the site. Mr. DiPersio stated that he will further investigate this option.

Ms. Eggleston further expressed concern regarding discharge leading to a catch basin in the street, noting that it should rather be directed to a manhole. The Board suggested that Mr. DiPersio discuss this preference with Department of Public Works Director Bill Place.

In response to a question regarding local regulations, Ms. Kablack stated that the regulation recommends meeting DEP removal standards, but the regulation could be waived to accept a rate of 70%.

Ms. Eggleston stated that treatment of the pavement runoff should not be the priority, but avoiding erosion, as a result of the slope, should be. Measures should be taken to avoid erosion by focusing on slowing the flow of water. She also suggested installing small sumps.

A brief discussion ensued regarding sprinkler systems, and Chairman Fee questioned whether Sudbury's bylaw should prohibit them. Ms. Eggleston stated that the bylaw does not address sprinklers, and that stabilization and vegetation of slopes is desired. Mr. DiPersio stated that vegetation can be address in the O&M Plan. Ms. Eggleston suggested, and the Board concurred, that the applicant provide the Board with a long-term landscape and maintenance plan, which will stabilize the slopes by avoiding erosion.

Ms. Kablack will visit the site tomorrow to inspect the effectiveness of the hay bales. Mr. DiPersio stated the bales are working well, and the area is clean.

Chairman Fee inquired as to whether the Board has a deadline by which to render its opinion. Ms. Kablack stated that a decision is required within 90 days from the time the application is submitted, which was in early September. However, Ms. Kablack further noted that an extension can be executed, if more time is needed by the Board.

Based upon the information presented this evening, Ms. Eggleston asked the Board to consider approving tonight, the roughing out of the drainage system, based upon the understanding that the applicant will work to finalize basin issues and a landscape plan. This will enable the property owner to continue work prior to the winter months.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request to rough-out the drainage system for a new single-family dwelling on Lot 56B, Widow Rite's Lane, Assessor's Map #E06, Lot 0356, based upon the future submission of a landscape plan and finalization of basins.

On motion duly made and seconded, it was also unanimously:

VOTED: To continue the Public Hearing regarding the application to construct a new single-family dwelling on Lot 56B, Widow Rite's Lane, Assessor's Map #E06, Lot 0356, to November 19, 2009, at 7:30 p.m.

Ms. Kablack will communicate the Board's decision to Building Inspector Jim Kelly.

Maillet Estates - Trevor Way - Bond Reduction Request

Ms. Kablack distributed to the Board copies of a letter from Marcel Maillet, dated October 21, 2009, requesting a bond reduction on the road work completed to date at Maillet Estates, and a letter from Town Engineer/DPW Director Bill Place, dated October 26, 2009, estimating that \$20,344 is required to finish the subdivision's outstanding items. Mr. Place and Ms. Kablack recommend reduction of the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request of Marcel Maillet for a reduction of bond to \$20,344 for Maillet Estates (Trevor Way), based upon the inspection and recommendation of Town Engineer/DPW Director Bill Place.

2010 Annual Town Meeting - Potential Articles

Ms. Kablack reported that an amendment to the wireless bylaw will likely be submitted as a potential 2010 Town Meeting article, to be sponsored by the Board. Ms. Kablack is working with a consultant, who has been analyzing local radio frequency maps and establishing a list of preferred cell tower locations to determine additional cell tower locations to be added to the overlay district. Ms. Kablack noted that the amendment will propose the elimination of the requirements for a 500-foot residential setback and for a 1,000-foot setback from schools. She emphasized that these requirements are nearly always waived (by variance) by the Zoning Board of Appeals. In response to comments from the Board, Ms. Kablack further noted that, while determining zoning, health effects cannot be considered. The consultant should complete his analysis within the next four to five weeks.

Mr. Kablack further reported that there is a potential buyer for the Mercuri property, located at the corner of Route 20 and Landham Road. The buyer intends to construct a single-story, 36,000 square-foot, assisted-living facility on this five-acre lot. Such facilities are allowed, with a Special Permit, within residential districts. Building

Inspector Jim Kelly believes this type of facility complies with the Town's definition of nursing homes. Ms. Kablack noted that it is possible that the Board may be approached to entertain a zoning amendment to be presented at the 2010 Town Meeting.

Mr. Morely stated he would be interested to know more about the proposed design of the facility, and the intentions for the antique home located on the property. Ms. Kablack noted that the home is located in a central location on the property. She plans to ask the Sudbury Historical Commission for its opinion regarding the home's condition and historical significance. Ms. Kablack further noted that a site plan may have difficulty meeting the 150-foot front-yard setback requirement of the bylaw.

On behalf of the Board, Chairman Fee instructed Ms. Kablack to report that the Board has no negative feedback, at this time, regarding this proposed development. However, he noted that the Board is not in complete agreement regarding the future use of the antique home. Chairman Fee emphasized that he would not necessarily endorse the home's preservation as a necessary condition of future construction and planning decisions. Mr. Poch stated that he would prefer that improvements to the immediate traffic flow near the property be more of a project priority than the future of the antique home.

Ms. Kablack noted that there is a possibility Building Inspector Jim Kelly and the Energy and Sustainability Green Ribbon Committee may want to pursue a Town Meeting article proposing that Sudbury apply to become a Green Community. Ms. Kablack believes it is too late to pursue such an article for the 2010 Town Meeting. Mr. Morely agreed that the proposal, at this time, seems premature. In addition, Ms. Kablack opined that she is not yet convinced that it is in Sudbury's best interest to ever pursue this designation. Chairman Fee concurred, noting that becoming a Green Community would require making significant industrial-related zoning changes, which would encourage renewable energy plants, including biomass. Based upon his experience, he further stated the process eventually usurps local controls. Chairman Fee offered, if necessary, to share his perspective, along with Ms. Kablack, to Mr. Kelly and/or the Energy and Sustainability Green Ribbon Committee.

Chairman Fee opined that, in the future, he might consider proposing that a bylaw be established to prevent biomass or outside wood boilers in Sudbury.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of June 24, 2009, and to approve the regular meeting minutes of September 9, 2009, subject to replacing the word "Application" with the word "Approval" in the third-bolded heading listed on page 8.

Approval Not Required - Willis Hill Trust

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Robert D. Quirk, trustee of Willis Hill Trust, Lots E and F. Chairman Fee noted that the Plan erroneously notes Sudbury as within Worcester County. Noting that this is the only error on the Plan, it was,

On motion duly made and seconded, it was unanimously

VOTED: To endorse the Plan of Willis Hill as not requiring subdivision approval, subject to the correction of the County designation on the Plan.

Board members will sign the Plan at the Planning Office at their leisure, once the correction is made.

Miscellaneous

General Stormwater Permits - Delegating Authority

Ms. Kablack recommended that the Board officially authorize her to approve General Stormwater Permits.

On motion duly made and seconded, it was unanimously

VOTED: To authorize Director of Planning and Community Development Jody Kablack, on behalf of the Board, to approve General Stormwater Permits as appropriate.

Ms. Kablack noted that she and Conservation Commission Coordinator Debbie Dineen are working on several regular stormwater permits. The Baptist Church on Landham Road has plans to repave its parking lot, and inadvertently applied for an Order of Conditions, which was granted, prior to submitting a Stormwater application. Once the application is submitted, the Board will likely delegate review to the Conservation Commission.

On motion duly made and seconded, it was further unanimously

VOTED: To authorize Director of Planning and Community Development Jody Kablack, on behalf of the Board, to request that the Baptist Church submit its Stormwater Permit application as soon as possible, which the Board will then delegate to the Sudbury Conservation Commission for review.

Accessory Apartment Bylaw - Update

In response to a question from Mr. Hunter, Ms. Kablack reported that there has been only one request for an accessory dwelling application in the year since the bylaw was

amended. The process to be followed by interested parties is noted within the bylaw and application must be made to the Zoning Board of Appeals for a Special Permit.

Sudbury Housing Roundtable

The Board was reminded that the semi-annual Sudbury Housing Roundtable will be held at Town Hall on October 29, 2009 at 7:30 p.m. The Board is invited, and Chairman Fee, Mr. Morely and Ms. Kablack plan to attend.

Dead and Dying Tree List - Update

A brief discussion ensued regarding the designation of Town trees as dead and/or dying, and the process for their elimination. The consensus of the Board was that a list of Town dead and dying trees should be finalized by the Tree Warden, these same trees should be marked in the field, and a public hearing should be posted and convened to review and discuss the list of identified trees. Ms. Kablack will communicate this to the Tree Warden.

Scenic Road Bylaw Violation - Herb Chambers BMW Auto Dealership

Ms. Kablack reported that the Herb Chambers BMW Auto Dealership has violated the Scenic Road Bylaw on Old County Road, by removing a group of trees behind Sky Restaurant. Ms. Kablack stated that it had been specifically noted in prior discussions with company representatives that the trees were not to be removed without a permit. A letter was sent to the Herb Chambers BMW Auto Dealership, acknowledging the violation.

Ms. Eggleston opined that the company should be fined and that the Board should publicize the violation and fine incurred as a deterrent to others in the community. Chairman Fee concurred, and he recommended that a second letter be sent to the company informing them that fines will be imposed, if proper application and approval is not made and obtained expeditiously.

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 Herb Chambers BMW Auto Dealership, noting that the Town will commence with the process of assessing fines, if no response is received by a certain date, regarding the company's recent violation of the Scenic Road Bylaw.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for Thursday, November 19, 2009.

The meeting was adjourned by Chairman Fee at 9:00 p.m.

