

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

Absent: Michael Hunter

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

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of November 10, 2010.

2010 Planning Board Annual Report

The Board was previously in receipt of a Draft 2010 Sudbury Planning Board Annual Report. Chairman Fee suggested, and the Board concurred, that Ms. Eggleston's service on the Board since 1986, be more substantially highlighted.

On motion duly made and seconded, it was unanimously

VOTED: To approve and sign the 2010 Planning Board Annual Report as reviewed and amended this evening.

Potential Articles for 2011 Annual Town Meeting

The Board was previously in receipt of copies of its letter to Sudbury's Board of Health (BOH) dated November 15, 2010, requesting a joint discussion regarding the possibility of submitting a warrant article regulating the use of outdoor wood boilers. A BOH meeting is scheduled for December 13, 2010 at 8:15 p.m. Mr. Morely and Mr. Lizotte plan to attend the meeting.

Chairman Fee noted that Mr. Morely and Mr. Lizotte have varying perspectives on the issue, which should aid the discussion. Mr. Lizotte noted that the BOH could regulate the use of this equipment more easily than the Planning Board. Ms. Kablack concurred, noting the BOH could institute regulation without a Town Meeting vote.

In response to a question from Mr. Sziabowski, Chairman Fee stated that time has passed since the issue was last broached and the climate for discussion will not be as charged as

before. In addition, he noted that there are two new BOH members, and thus the time seems appropriate to resurrect the discussion. Chairman Fee stated that the BOH can be the most effective resource for action, while requiring the least amount of political process for implementation. He also stated that the Planning Board defers to the BOH regarding health issues related to this topic. However, Chairman Fee further stated that from a zoning perspective, the Board may view the issue as a nuisance needing regulation. Mr. Morely and Mr. Lizotte will share the Board's perspectives at Monday's meeting.

Special Permit Public Hearing - Water Resource Protection District – All-Right Printing d/b/a American Speedy Printing

Present: Applicant Ron Remillard and franchise representative John Curtain

On motion duly made and seconded, it was unanimously:

VOTED: To appoint Associate Member Craig Lizotte as a full voting member to hear and vote on the following Special Permit Hearing this evening.

At 7:48 p.m., Chairman Fee opened the Water Resource Protection District Special Permit Public Hearing regarding All-Right Printing d/b/a American Speedy Printing.

On motion duly made and seconded, it was unanimously:

VOTED: To waive the reading of the Public Notice.

Ms. Kablack briefly described the application, which requests approval for the operation of a printing business to be relocated to 57 Union Avenue within Zone II of the Water Resource Protection District, from its present location at 15 Union Avenue. Ms. Kablack stated the intended use is allowed in Zone II as long as no harm to groundwater resources can be demonstrated.

The Board was previously in receipt of copies of a memorandum from Ms. Kablack dated November 30, 2010, noting comments regarding the application, the Petition for a Special Permit dated October 19, 2010, a State Department of Environmental Protection (DEP) Fact Sheet Draft Hazardous Waste Facility License for Safety-Kleen Systems, Inc. dated July 2010, a General Waste Notification form dated August 10, 2010, a State 2009 Compliance Certification form dated September 8, 2009, an email from Fire Chief Ken Maclean dated November 29, 2010, asking for further documentation regarding the type of hazardous material generated annually, an email and accompanying Material Safety Data Sheets from the applicant dated December 6, 2010, defining the waste material and a Draft Decision and Water Resource Special Permit for All-Right Printing, d/b/a American Speedy Printing, dated December 9, 2010 for review. In addition, Ms. Kablack distributed copies tonight to the Board of an email from Fire Chief Maclean dated December 8, 2010, stating his previously expressed concern has been resolved, a handout

provided by the applicant regarding Waste Disposal Supplemental Information and an accompanying plan of Waste Storage Areas.

Chairman Fee stated that the application materials indicate that all appropriate standards and environmental regulations have been met and submitted. He noted that Fire Chief Maclean had an initial concern regarding the type of hazardous material generated and disposed each year. Ms. Kablack noted that Fire Chief Maclean has since learned that the quantity of waste generated is not subject to regulation or reporting requirements. She further noted that there is no expanding use proposed and this type of business generates a low volume of traffic.

Mr. Sziabowski asked if a building permit would be issued for the new location. Ms. Kablack responded affirmatively.

The Board reviewed the Draft Decision. Chairman Fee referenced paragraph E4 on Page 2, stating that his interpretation of the bylaw is that the cost to an applicant is not a legitimate reason to grant a waiver. Thus, he recommended, and the Board concurred, that paragraph E4 be reworded to reflect that the minor nature of the application does not warrant the need for submission of a site plan.

Ms. Kablack highlighted that the Draft Decision does not include any conditions, but she referenced paragraph E on Page 3, which allows the Board to request and inspect all DEP Compliance Certificates issued.

Chairman Fee stated he is satisfied that Town staff has performed its due diligence regarding review of the application. He commended Mr. Remillard on the company's stellar record of no compliance violations brought before any Town Board.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Water Resource Protection District Special Permit Public Hearing regarding All-Right Printing d/b/a American Speedy Printing.

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

VOTED: To grant the Water Resource Protection District Special Permit to All-Right Printing d/b/a American Speedy Printing pursuant to section 4243(i) of the Zoning Bylaw for the operation of a printing business within Zone II of the Water Resource Protection District, said property is located at 57 Union Avenue, shown as parcel 0052 on Assessor's Map K08.

Public Hearing - Pine Grove Definitive Subdivision

Applicant Peter Karassik, President of The Eligius Homes Company and Thomas DiPersio, Thomas Land Surveyors

At 8:02 p.m., Chairman Fee opened the Public Hearing regarding the application of The Eligius Homes Company, Inc. for approval of a Definitive Subdivision Plan entitled "Pine Grove, Definitive Subdivision in Sudbury, MA" dated September 17, 2010, prepared by Thomas Land Surveyors, proposing a subdivision of approximately 7.19 acres into five lots, which was continued from November 10, 2010. Mr. Karassik noted that the name of the subdivision road has been changed to Huckleberry Lane and that he had notified Ms. Kablack, in writing, of the change. The Board was previously in receipt of copies of an email from the Sudbury Historical Commission dated November 18, 2010, stating the Commission voted unanimously to have the structures located at 293 and 301 Old Lancaster Road demolished due to age and neglect. Additionally, Ms. Kablack distributed copies of revised subdivision plans to the Board tonight for review.

Since the last meeting, Chairman Fee stated the Board conducted a site visit to the property located at 293 and 301 Old Lancaster Road. He noted the site visit was well done and attended by many neighbors. During the site visit, Chairman Fee stated he observed that a few of the proposed house sites appear very close to existing homes on Wildwood Lane.

Thomas DiPersio stated that a decision has been made to locate the septic system in the front yard of Lot 3, which will minimize the amount of clearing done in the back. He believes this should help alleviate Chairman Fee's concern. Chairman Fee concurred that relocation of the septic system would help.

Mr. DiPersio reviewed changes made to plans since the last meeting regarding stormwater management. He noted that another rain garden has been added to respond to an objection expressed by Department of Public Works (DPW) Director Bill Place. He stated that the hydrology report now includes the 25-year event and is consistent with the Town's stormwater regulations. In addition, setback requirements have been adjusted to be consistent with the Town bylaw. However, Mr. DiPersio noted that the submitted hydrology report reflects 24 feet of pavement, a sidewalk and a fully paved cul-de-sac. He further noted that revisions can be made as desired by the Board.

Ms. Kablack stated that the stormwater calculations were received yesterday. Thus, she and Mr. Lizotte have not had time to adequately review the material and tonight's hearing would need to be continued.

In response to questions from Mr. Sziabowski and Mr. Morely regarding offsets needed for the effective operation of the second rain garden, Mr. DiPersio stated that special setbacks are not required.

Mr. Poch noted that the proposed layout for Lot 3 seems tight and asked if the plan could be repositioned. Mr. DiPersio stated that all lots would go through a Board of Health (BOH) approval process to ensure there is 100 feet of separation from wells and other compliance issues are satisfied and that adjustments could be made at that time.

Chairman Fee next addressed the road width, stating that the Fire Chief supports a 22-foot road. He stated balancing the road width with the need for walkways should be considered. Ms. Kablack stated that, since the proposal includes open space, the development might lend itself to the inclusion of walkways as a way to access the public space. Mr. Poch stated that a walkway is inviting and would encourage viable use of the open space. Mr. Morely concurred, stating that a walkway implies public access. Mr. Poch stated he is inclined to support a smaller road in order to also accommodate a sidewalk. Chairman Fee concurred, stating that a narrower road could accommodate vehicles and pedestrians. Mr. Lizotte stated that this is a small five-house development, and he supports inclusion of a sidewalk to encourage use of the public space. Mr. Sziabowski stated that the existence of open space on the parcel makes a walkway logical.

Mr. Karassik stated that he has heard more support for sidewalks from neighbors than for not having them. Thus, he believes a smaller road and sidewalks can work well for all parties and he is amenable to incorporating this into the plan.

Anne Fischer, 24 Wildwood Lane, noted that she and her husband often have to walk in the street during the winter, due to icy sidewalks. Chairman Fee asked if Ms. Fischer could support a 20-foot wide road and walkways in the development. No objections were expressed.

The cul-de-sac plan was next discussed. Mr. Morely stated that his preference is for the incorporation of a planted island rather than a fully paved cul-de-sac.

Mr. Lizotte asked who would be responsible for plowing and he was informed it would be the Town.

Ms. Kablack stated she would review the radius needed if the road width is reduced to 20 feet. She noted that the diameter of the cul-de-sac would not change and that the only revision would be the addition of the island.

Chairman Fee broached the issue of screening. He noted that it is difficult to definitively discuss screening at this stage of the process. Chairman Fee noted that he foresees some screening could be needed on Lots 3 and 1. Mr. Morely recommended that Lot 1 require significant screening, given its layout.

Mr. Karrasik stated that his contractor typically works with him to fill open areas with screening and has even replanted trees as was done on Thornberry Road. A brief

discussion ensued regarding the type of evergreens and arborvitaes which could be incorporated into the plan. Chairman Fee reiterated that planting details could better be discussed at a later stage in the process. He suggested holding further discussion of screening at this time, noting that a decision could include a condition that, at its discretion, the Board could require a landscaping plan. Chairman Fee assured the applicant that the Board would be reasonable in its requests.

Ms. Kablack briefly reviewed the standard plant requirements for six-foot trees. Mr. Karrasik stated the suggested standards seemed reasonable. Chairman Fee stated that these plant standards could also be incorporated into the decision.

Mr. Morely highlighted that two different types of screening/planting standards should be articulated, i.e., one for the rear, and one for along the street. Ms. Kablack concurred, stating that tree preservation along the road is important. She stated there are some trees behind the lot line which add to the aesthetic of the streetscape and they should be flagged for preservation. Ms. Kablack further suggested that the Board could conduct another site visit to review the trees along the frontages on Lots 1 and 5 at the appropriate time in the construction. Chairman Fee noted that this also could be a condition of a decision.

With the addition of the second rain garden, Mr. Lizotte noted that a detailed plantings list would likely be needed later in the process. He expressed his concern that the rain garden at the end of the cul-de-sac would be difficult for the Town to maintain and would collect snow and salt from winter conditions. Mr. Morely asked if the rain garden could be relocated to between the driveways for Lot 3 and Lot 4. Mr. DiPersio will research this further. Mr. Lizotte also suggested that a traditional detention basin be considered. Mr. Sziabowski questioned if the whole cul-de-sac could be moved towards Old Lancaster Road. Mr. DiPersio stated it could not and still maintain required frontages.

Mr. Poch suggested possibly straddling the riverfront area. Chairman Fee wondered whether the Conservation Commission would consider a rain garden on Lot 3. Ms. Kablack read aloud from a previous email from Conservation Coordinator Debbie Dineen, indicating that the Commission's preference would be to have the entire riverfront area put into a Conservation Restriction. However, Chairman Fee stated that perhaps the Commission would consider an alternative or some flexibility for the riverfront area, if it were made aware that the rain garden has the potential to fail from snow and salt conditions. Mr. DiPersio stated he would prefer to avoid the need for a Notice of Intent to be filed with the Commission and possible restrictions on Lots 2 and 3. Mr. Lizotte also suggested smaller rain gardens, which could be located a bit farther back on the lots.

Mr. DiPersio stated he looks forward to receiving DPW Director Bill Place's report, and he will research further alternative stormwater treatment solutions.

Ms. Fischer asked what the plan is regarding the existing stone wall on Old Lancaster Road. Ms. Kablack clarified there is an existing stone wall along the proposed Lot 5. Mr. Karassik stated he had not noticed the wall, but he is amenable to restoring it in a similar manner as it is. Mr. Morely emphasized that the Board does not want him to construct a new, grand stone wall, but rather it would like the existing wall restored. Chairman Fee informed Ms. Fischer of the developer's intent to preserve the existing stone wall and to restore it using a dry stack method.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of The Eligius Homes Company, Inc. for approval of a Definitive Subdivision Plan entitled "Pine Grove, Definitive Subdivision in Sudbury, MA" dated September 17, 2010, prepared by Thomas Land Surveyors, proposing a subdivision of approximately 7.19 acres into five lots to January 12, 2011 at 7:45 p.m.

Chairman Fee announced there would be no further published notices regarding the continuation of this Public Hearing.

Public Hearing – Stormwater Management – Kato Drive – Lot 16

Present: Applicant and Property Owner Perry Beckett and Thomas DiPersio, Thomas Land Surveyors

At 8:40 p.m., Chairman Fee opened the Stormwater Management Public Hearing regarding the application of Beckett Associates, LLC to construct one (1) new single-family dwelling on Lot 16, Kato Drive (Assessor's Map #J10, Lot 616) which will involve the disturbance of approximately 3,500 square feet of land area with slopes greater than 20%. He read the public notice, stating that tonight's hearing was duly published in the *Sudbury Town Crier* on November 25 and December 2, 2010. Chairman Fee noted that the Board received no materials regarding this application.

Ms. Kablack stated that a plan was submitted today, which included a preliminary sediment control plan. She explained that with the onset of winter, the applicant had anticipated that the Board would consider the application in phases. Chairman Fee stated that he is amenable to considering the application in phases, however the Board has nothing to deliberate, if it has no materials to review. He further noted that it is a complicated site. Ms. Kablack concurred, emphasizing that the Board is not familiar with this property or its surrounding neighborhood. She stated plans would need to be submitted to her soon to ensure that Town staff had adequate time for review, which is typically 30 days. If the application is to be discussed at the next Board meeting, Ms. Kablack stated she would need to receive a detailed erosion control plan by December 17, 2010.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of Beckett Associates, LLC to construct one (1) new single-family dwelling on Lot 16, Kato Drive (Assessor's Map #J10, Lot 616), which will involve the disturbance of approximately 3,500 square feet of land area with slopes greater than 20% to January 12, 2011 at 8:15 p.m., subject to the applicant submitting a detailed erosion control plan to the Planning Office prior to December 17, 2010.

Miscellaneous

New Cingular Wireless, LLC Variance and Special Permit Applications

The Board was previously in receipt of a memorandum from Ms. Kablack dated December 1, 2010, regarding comments and recommendations regarding applications filed for two Dimensional Variances, and Use Variance and a Special Permit to install a 95-foot monopole wireless communications tower with external antennas, and 540 sq. ft. of land for equipment needs on property located at 116 Victoria Road owned by Maung Zaw Min and Mra Thinzar Nyun.

Ms. Kablack reported that the applicants have temporarily withdrawn their application from review by the Zoning Board of Appeals (ZBA). She explained the location is near high-tension wires. Ms. Kablack further reported that the applicants have agreed to pay for a consultant to perform a concurrent peer review with the Board. She opined that this is the type of application which would be difficult to deny. Chairman Fee stated it is not within this Board's purview and that approval would be determined by the ZBA.

Ms. Kablack further stated that the Board of Selectmen has interest in resurrecting the zoning article deliberated last year by this Board to expand the wireless overlay district. The consensus was that the Planning Board does not have the appetite to pursue this issue again, since the public did not support it last year.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for January 12, 2011.

The meeting was adjourned by Chairman Fee at 8:50 p.m.