

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

At 7:38 p.m., Chairman Fee called the meeting to order.

Adoption of 2010 Bonding Policy

The Board was in receipt of a letter, dated January 8, 2010, from Town Engineer/DPW Director William I. Place, which updated the 2009 Bonding Policy to reflect 2010 unit prices. Ms. Eggleston noted that Mr. Place's information follows a similar standard presentation as provided in previous years. Mr. Morely noted that figures noted for construction have decreased.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the 2010 Bonding Policy unit prices as presented by Department of Public Works Director/Town Engineer William I. Place, in a letter dated January 8, 2010.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of January 13, 2010.

Miscellaneous

Ms. Kablack reviewed additional handouts distributed to the Board tonight. She noted that tonight's agenda is the same as was intended for last week's meeting (cancelled due to weather conditions), except for the Scenic Road Public Hearing regarding Herb Chambers BMW and the scheduled meeting with the Design Review Board, both of which have been rescheduled for March 10, 2010.

Zoning Articles for 2010 Annual Town Meeting - Discussion

Wireless Overlay District Bylaw - Chairman Fee opened the 7:45 p.m. discussion stating that the public hearing regarding the zoning articles proposed for the Annual 2010 Town Meeting, which was originally scheduled for February 10, 2010 and cancelled due to weather forecasts, was unable to be re-noticed in time for tonight's meeting. Therefore tonight's meeting will be informational only. He highlighted that the statute does not require that the Board notice abutters for zoning amendments. However, Chairman Fee

further stated that the Board, being cognizant of the controversial nature of the proposal, chose to notify abutters of a duly noticed Public Hearing last week, so as to elicit as much public input as possible. Thus, he stated that tonight's informal discussion has been scheduled to hear public opinion prior to the signing of the Town Warrant by the Selectmen on March 2, 2010. In addition, Chairman Fee announced that the statutory Public Hearing will be re-noticed for March 10, 2010 at 8:45 p.m.

Robert Stein, 7 Thompson Drive, stated that, although he is a member of Sudbury's Finance Committee, he is addressing the Board tonight as a private citizen. Mr. Stein announced that he is an abutter to the Lincoln-Sudbury Regional High School (L-SRHS) proposed cell tower location to be added to the Town's overlay district. He further stated that he was properly notified, along with other abutters, of last week's cancelled meeting. However, Mr. Stein further stated that abutters were not notified of tonight's meeting, which is being uncharacteristically held during a school vacation week. He stated that he is aware of at least 40 residents who are in opposition to the proposed overlay district additions, but they will not be present to voice their opinion tonight due to previous vacation plans. Mr. Stein estimated that possibly 50-100 more residents would be in attendance tonight if the meeting was scheduled during a non-school vacation week and abutters were notified in advance. He opined that it appears as if tonight's discussion has hastily been slipped into the meeting schedule as a means to include the proposed article in the publication of the Warrant. Mr. Stein urged the Board to consider postponing tonight's meeting until the abutters can be properly notified and heard.

On behalf of the Board, Chairman Fee took issue with the inference that the Board is trying to inappropriately hasten the inclusion of this article into the Town Warrant. He reiterated that the Board is not required by the law or statute to notify abutters regarding zoning matters, but it chose to include the public in its deliberation process nonetheless. Although Chairman Fee acknowledged the printing deadlines for the Warrant, he emphasized that the Board will continue to solicit and consider public input up to, and including, the time of the Town Meeting. He further stated that he believes Mr. Stein and others in attendance will better understand as the discussions proceed, that the Board has not, at this time, definitively decided its position on any of the proposed locations, and it is open to considering all feedback presented.

Chairman Fee presented the process to be followed for tonight's discussion, and requested that all parties present their positions in an orderly and respectful manner. Ms. Eggleston and Chairman Fee noted that tonight's attendees are also welcomed to attend the March 10, 2010 hearing if they choose, but may decide not to, if they feel their position is sufficiently heard this evening. Chairman Fee also noted that the Board has received numerous letters and emails from residents, which have been reviewed, and can be accessed as part of the public file record in the Town's Planning Office.

Chairman Fee briefly described the intent of the proposed article, stating that Federal laws greatly diminish local control regarding the site placement of cell tower facilities and also prohibit the Town Boards from considering any environmental or health concerns as a factor in their deliberations. He further stated, that the wireless overlay district is one way a Town can maintain some control in directing interested carriers to certain public parcels of the Town's choosing for installations, which will also provide the Town with accompanying revenues, as opposed to parcels chosen by the wireless providers. Chairman Fee reported that the L-SRHS area has been designated as having coverage gaps.

Ms. Kablack stated that the Town's bylaw has been in existence since 1998. In recent years, the Town has received numerous inquiries from providers to expand their networks. She explained that over a period of time, the Town collected sufficient monies from providers to fund an independent coverage study. The study was performed by Broadcast Signal Labs, and their report has been finalized and will be posted soon on the Town website.

Chairman Fee referenced feedback received from the Sudbury Water District regarding three of the proposed locations: the Goodman's Hill and Willis Hill Water Tanks and the Sudbury Water District land off of East Street. He reported that the Water District does not support designating these parcels as part of the overlay district. Thus, without the District's endorsement, Chairman Fee stated that the Board would likely be hesitant to include these locations. Ms. Kablack explained that the District cited access concerns regarding the Goodman's Hill Water Tank, and it believes the Willis Hill Water Tank area already has sufficient installations for three wireless providers. The District also stated concerns regarding the parcel off of East Street, citing the strong opposition faced by Omnipoint a few years ago in that area, however did not strongly discourage the Planning Board from proceeding with that parcel.

Mr. Morely emphasized that the locations put forth by the Board were only proposed as warranting further investigation. He stated that it is important for the community to note that, even if the Town decides not to pursue a particular location for inclusion in the overlay district, such as Willis Hill because it is "maxed-out," it does not preclude a provider from being approved for an installation on the vast land available in that vicinity. Ms. Eggleston noted that high locations with pre-existing structures, such as the Water Tanks, are preferred for cost-effective installations.

Tom Pullen, 63 Brewster Road, confirmed that there is no practical access to the Goodman's Hill Water Tank other than on his private property, through his back yard. He also noted that Goodman's Hill might only provide a temporary site, since the removal of the Tank was recommended in the Water District's Master Plan.

Jonathan Baker, 232 Goodman's Hill, concurred. It was noted that, for Sudbury Water District parcels, any revenue received would go to the District versus the Town.

On motion duly made and seconded, it was unanimously

VOTED: To withdraw the Goodman's Hill Water Tank (Assessor's Map No. H09, Parcel 0035) and the Willis Hill Water Tank (Assessor's Map No. E07, Parcel 0003) as parcels to be included in the Annual 2010 Town Meeting wireless overlay district article.

Ms. Kablack briefly summarized the proposed L-SRHS 100-acre location, which has been identified as having coverage gaps. The Board conducted a site visit and spoke with School personnel and School Committee members, who favor the inclusion of the site in the overlay district. Ms. Kablack noted that revenues would go to the L-SRHS district .

Chairman Fee reported that the Board was not unanimous in its decision to include the School as a proposed location, and it recommends installations be planned near recreational areas and that the hill view be retained. He also noted that the Board is awaiting an opinion from Town Counsel as to whether the article can specify certain locations within a site for cell towers. The High School endorses the concept of a cell tower installation within a football-field light pole. Ms. Eggleston noted that a cell tower within a light pole was successfully installed at Feeley Field years ago. Mr. Morely concurred that the Feeley Field tower is subtle and unobtrusive.

Mr. Stein, speaking again as a private citizen, stated that the proposed School location might be within yards of his home, and within 50-75 feet from Concord Road. He noted that he already experiences visual disturbances from the football field lights and does not want to also view a tower at an additional 40-foot height. He reiterated that he is representing and aware of another 40 taxpayers in the area who feel similarly, but may not have been aware of tonight's meeting. Mr. Stein stated that the suggested football field location is too prominent and would be highly visible to thousands of people traveling on Concord Road and visiting/attending the School each week. Chairman Fee asked if Mr. Stein would support another location on the L-SRHS property. Mr. Stein responded that his constituency would suggest the hill location near the leaching field, as a more suitable site farther away from abutters. Mr. Stein further stated that, as another alternative supported by his neighbors, he is willing to offer the barn cupola on his private property as a potential site, and is willing to sign documents donating all revenue received solely to the Town of Sudbury. He noted that this option would be more advantageous to the Town than having to split revenue received by L-SRHS with the Town of Lincoln.

Thomas Hollocher, 623 Concord Road, noted that the L-S football field is in a sunken area and he asked how high the cell tower would be. Ms. Kablack responded that 100 feet is the anticipated height. Mr. Hollocher's reaction to the information was not positive, and he too suggested the hill leaching-field area as more suitable.

Chairman Fee expressed his surprise that residents don't agree with the assumption that the football field provides a less noticeable site location. Mr. Morely noted that a hill installation will be visible to the Lincoln Road vicinity.

Ms. Eggleston asked that, if the Board is able to designate a specific L-S location, is the School then precluded from pursuing another site on its own property. Chairman Fee responded that by the Town designating a specific School site as part of the wireless overlay district it allows the ZBA the option to deny a separate request by the School based on the availability of an acceptable alternative location.

Mr. Hollocher questioned whether cell towers hinder television reception. The Board shared with him information on "General Television Frequencies," collected by Mr. Hunter, which indicated that reception is not adversely affected.

Carol Wolfe, 637 Concord Road, stated that the L-S proposed location will be extremely visible from her property, especially when trees are bare. Ms. Wolfe further stated she previously conveyed her opposition to the Board in an email message. She noted that the football field area is former swampland, which has been filled. She questioned whether the existing leaning light poles suggest that the land base is not strong enough to support the weight of a cell tower. Ms. Wolfe further questioned how the intent to locate towers in secluded areas, which have minimal visual impact, is fulfilled by the L-S playing fields, which have a visual impact seen by multitudes of people. She also noted that the playing fields abut the only other specific property besides the Wayside Inn named as a priority landscape in Sudbury's Heritage Landscape Inventory Report.

Chairman Fee asked Ms. Wolfe about the possibility of the barn on her private property being considered as a site. Ms. Wolfe responded that she had pursued this idea at one time, and the barn location was approved by the ZBA, but not approved by the Selectmen. Ms. Wolfe stated she supports Mr. Stein's offer of his barn, and thinks it provides a great option. She also stated that perhaps a location near the old boiler house on the LS property would be a possible alternative.

Fara Faramarzpour, 15 West Street, asked if providers are prohibited from adding to approved monopoles in the future. He also asked if the height is negotiable. Ms. Kablack responded that additional requests would require approval of a Special Permit by the ZBA. Mr. Morely noted that more than one carrier is usually co-located on the monopoles. Ms. Eggleston noted that the co-locating of several providers also necessitates a greater height requirement. Chairman Fee and Ms. Kablack explained that the average 100-foot request accommodates the height needed for the broadest coverage and to operate above tree lines for approximately 3 carriers.

Roanna London, 46 Hudson Road, expressed her opposition to the proposal of a second tower behind the Ti-Sales property, and she asked for clarification regarding the exact location. Ms. London noted that there is already a cell tower on the Ti-Sales property,

which is very visible from her property and an historic district. She also stated that she has consulted many neighbors, none of whom have experienced coverage problems. Mr. Morely noted that the existing cell tower is there as a result of a court case lost by the Town. Chairman Fee reiterated that the Board is awaiting the opinion of Town Counsel regarding whether the Town can designate specific, preferred locations within a parcel.

Alvaro Quigua, 44 Maynard Road, stated that Ti-Sales is located behind his property and he is opposed to this proposed location and is concerned about the effect these towers have on property values. Mr. Quigua and Ms. London also oppose the Musketahquid Village proposal for the same reasons expressed regarding the Ti-Sales parcel.

Mr. Quigua stated that he believes the Town has sufficient wireless coverage, and he questioned what will be the maximum number of towers needed. He also questioned why current installations cannot be upgraded versus adding new structures. Chairman Fee responded that no one can answer now for what future needs and technology will require. Ms. Kablack stated that the six major providers are always looking to expand their Town-wide networks.

Mr. Hollocher asked if the Board is convinced there are coverage gaps issues as opposed to signal strength issues. Chairman Fee responded that the Town commissioned the independent analysis so that it would not be dependent on the sole word of providers. The independent study did indicate coverage gaps in the Town Center, the L-SRHS area and the Town's southwest corner. Ms. Kablack stated that current technology requires stronger signals to also handle data transmissions. Mr. Morely noted that more people are using cell phones for their homes in place of land lines, which require more robust signals.

Robin Merrill, 35 East Street, previously sent the Board an email communication, which noted her objections to the East Street proposed parcel. Ms. Merrill participated in the opposition to the Omnipoint proposed installation in this area in 2008. She stated that the Omnipoint process included a balloon test, and it was determined that there is only one specific area in that location which would comply with the applicable Department of Environmental Protection and water supply regulations. She further stated that this location is very close to the surrounding homes and would also be very visible to homes across Hop Brook. Ms. Merrill also noted that the proposed area leads to walking trails, and thus does not seem conducive. She emphasized that she will also share her perspective and information with the Sudbury Water District. Chairman Fee encouraged Ms. Merrill to contact the Water District. He also noted that several East Street abutters have expressed their objections to the Board in previous communications.

Barbara Natoli, 6 Hollow Oak Drive, noted safety concerns, stating that setback requirements would place the tower so close to surrounding homes that it could possibly fall on the houses.

Ms. Eggleston asked what the setback requirements are from residential lot lines. Ms. Kablack responded it is 500 feet. Ms. Eggleston opined that she would be reluctant to endorse a proposed parcel if it could not comply with the established setback requirements within the bylaw. Chairman Fee concurred that this issue merits further investigation, and that the recommended parcels should comply with zoning.

Mr. Faramarzpour stated that the location of the previous Omnipoint proposal would have placed the tower within 300 to 420 feet from five homes.

Ben Stevenson, 601 Peakham Road, opined that the dimensional variances are critically important when assessing the Musketahquid Village proposed location. Mr. Stevenson is a ZBA member, and he stated that placement of cell towers within the 500-foot setback makes it extremely difficult for the ZBA to deny a variance request, if it has already been ignored by the Town. He further noted that the Musketahquid Village location would place an installation within close proximity to 64 residences. Chairman Fee noted that the Federal Telecommunications Act states that zoning does not apply, and thus setbacks may not be relevant. Mr. Stevenson opined that the ZBA can do a lot to direct providers to the best locations. However, he further opined that the Town has proposed these recommendations to raise revenue, which it realistically and understandably needs. Chairman Fee responded that, although increased Town revenue may be a by-product of this proposal, it was not the primary impetus for the article, but rather to retain some control for the placement of these wireless installations. Mr. Stevenson cautioned against completely eviscerating the existing bylaw.

Barbara Durant, 124 Pratt's Mill Road, has three children and has been a teacher in Town for 18 years. Ms. Durant is extremely concerned that environmental and health factors and not being assessed. She stated that health issues, such as a 500% increase in tumors in children should be seriously considered. Chairman Fee reiterated that the law does not allow for these issues to be considered. He referenced the website celltowerinfo.com for those interested in more scientific data, however, he noted that most information available is inconclusive.

Matt Heller, 59 Normandy Drive, expressed his concerns regarding access and health ramifications regarding an East Street area location. Barbara Natoli, 6 Hollow Oak Drive, noted that the Omnipoint process identified that a new road for access would need to be built through conservation areas. Robin Merrill, 35 East Street, opined that a new access road would be via Hollow Oak Drive.

Fara Faramarzpour, 15 West Street, noted that a previously stated concern of the Sudbury Water District regarding the East Street location, was that oil located in the wireless transmitter could, if spilled, contaminate the water table.

Mike Zawada, 593 Peakham Road, asked if the Sudbury Historic Districts Commission has rendered an opinion regarding the proposed Musketahquid Village location. Sudbury

Historic Districts Commission member Carol Wolfe stated that, depending on the specific site designated, the Commission could be very concerned regarding the proximity of an installation to an historic district. However the district only covers the first 200 feet from the road.

Ben Stevenson, 601 Peakham Road, opined that the intent of the existing bylaw is to keep cell towers away from residences, which will not be the case in the Musketahquid Village proposal. He reiterated that an installation in this location is within a quarter-mile of the Ti-Sales tower and would be in close proximity to 64 homes. Mr. Stevenson again urged the Board to withdraw this proposed location. Chairman Fee stated that Musketahquid Village will remain under discussion at this time.

At 8:58 p.m., Chairman Fee thanked the public for its input, invited the public to attend the upcoming Public Hearing on March 10, 2010 at 8:45 p.m. He urged residents to communicate their opinions to the Board up until and during Town Meeting, to ensure that the final result is a product of a broad consensus, and he concluded the discussion.

Ms. Kablack noted that no public feedback has been received regarding the other two zoning bylaw articles, and thus they will be submitted for publication in the Town Warrant as previously reviewed and approved by the Board.

At this time, the Board revisited the deliberation of the Musketahquid Village proposed location. Ms. Kablack noted that all previously approved tower installations have received dimensional variances from the 500 foot residential lot line requirement.

Mr. Sziabowski questioned whether the article should be withdrawn, since it does not seem to retain the intended impact now that the Board has decided to eliminate three proposed locations. He further stated that the article appears as if it will be unpopular and met with opposition at Town Meeting. Mr. Sziabowski also stated that he supports the L-SRHS proposed site only if the Board can designate a specific location on the property. Chairman Fee stated that it is important to make progress expanding the wireless overlay district, even if it is done only on an incremental basis.

Ms. Eggleston stated that she is concerned about the apparent contradiction with the Board establishing an overlay district, wherein designated sites do not meet setback requirements. She suggested, and the Board concurred, that the physical constraints of the remaining proposed site locations be further investigated prior to the Board's next meeting.

On motion duly made and seconded, it was unanimously

VOTED: To withdraw the Musketahquid Village, 55 Hudson Road (Assessor's Map H08, Parcel 0041, as a parcel to be included in the draft Annual 2010 Town Meeting wireless overlay district article.

Comprehensive Permit Application – Sudbury Housing Authority – Greenwood Avenue, Ford Road, Great Road and Landham Road

Present Sudbury Housing Authority members Kaffee Kang, Jo-Ann Howe, and Sherrill Cline and Meridian Associates representative Mark Beaudry

Chairman Fee welcomed Sudbury Housing Authority (SHA) member Kaffee Kang to briefly describe the proposed construction of five duplex units, which will increase Sudbury's affordable housing inventory by six units, on property owned by the Sudbury Housing Authority (SHA) at various locations in Sudbury.

Ms. Kang noted that the project is planned to have a similar architectural aesthetic to the Fairbank Circle development. She displayed a few plan exhibits and stated that the project has gone before the Design Review Board. In addition, the Comprehensive Permit public hearing has been opened with the Zoning Board of Appeals (ZBA). The ZBA noted some concern regarding the impervious surfaces planned for the Landham Road property. Ms. Kablack noted that two of the duplex designs exceed the 15% impervious surface requirement and needed to be mitigated.

Meridian Associates representative Mark Beaudry distributed copies of revised plans to the Board for review. He explained revisions made to the Landham Road plans, noting the parcel has good soils and that the proposed new septic system is in compliance with Board of Health standards. He also discussed the use of permeable pavers in the patio and walkway areas for many of the units as a stormwater-mitigation measure.

Ms. Eggleston asked how roof discharge will be handled. Mr. Beaudry responded that plans include drip trenches. Mr. Beaudry also stated that sheds have been raised to help mitigate runoff. Ms. Kablack stated that the general stormwater permit application needs to demonstrate that stormwater will not lead into the street. Mr. Beaudry has had discussions with Department of Public Works Director Bill Place regarding meeting the recharge regulations for Landham Road, and he will submit drainage calculations for all the lots to the Town, which indicate compliance with the DEP stormwater standards. Mr. Beaudry will also provide the Town with rain garden maintenance details for the Landham Road unit and incorporate the details on the final plans.

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

VOTED: To instruct Ms. Kablack, to draft a letter to be sent to Sudbury's Zoning Board of Appeals, stating that the Planning Board enthusiastically supports the construction of five duplex units, which will increase and upgrade Sudbury's affordable housing inventory by six units, on property owned by the Sudbury Housing Authority (SHA) at various locations in Sudbury located on Greenwood Avenue, Ford Road, Great Road and Landham Road, noting that the Board believes the plans meet the recharge and infiltration standards of the town's bylaws, the plans contain several recommended

mitigations for on-site infiltration, and the Board is pleased with the use of Low-Impact Development concepts.

Clear Wireless Site Plan – 36 Hudson Road, Comments to the Selectmen

The Board was previously in receipt of a letter and accompanying plan from Attorney Anne K. Grant, Prince Lobel Glosky & Tye, LLP dated January 7, 2010, explaining the application to install a wireless communications facility on the existing monopole located at 36 Hudson Road, which is located in a Business zoning district, and a memorandum from Ms. Kablack dated February 11, 2010, noting her comments regarding the plan and recommendations.

Ms. Eggleston noted that the project plan is erroneously labeled as “Willis Hill.” Ms. Kablack noted the plan title for correction. She stated that the application will need to go before the Zoning Board of Appeals for approval of a height variance and a Special Permit for the requested extension.

The consensus of the Board was that the plan works well at this site and has minor impact on the surrounding area. For informational purposes, Mr. Morely shared the tower profile and antenna orientation plans with Sudbury Historic Districts Commission member Carol Wolfe.

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

VOTED: To instruct Ms. Kablack to draft a letter to be sent to the Selectmen stating that the Planning Board is in support of this application as it encourages co-location on developed sites and appears to be an appropriate extension of the existing tower.

Zoning Articles for 2010 Annual Town Meeting – Wireless Overlay District Bylaw – Revised Planning Board Report

Ms. Kablack distributed to the Board copies of its revised report to be published in the Town Warrant regarding the Wireless Overlay District Bylaw.

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

VOTED: To approve the revised Planning Board Report to be published in the Town Warrant regarding the Wireless Overlay District Bylaw, as presented and reviewed this evening.

The meeting was adjourned by Chairman Fee at 10:10 p.m.