

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

At 7:35 p.m., Chairman Fee called the meeting to order.

Brookside Farm Screening – Discussion

Present: Developer Daryl Nash

Chairman Fee welcomed developer Daryl Nash to the meeting to discuss screening at Brookside Farm. Mr. Nash circulated photographs of plantings at the site to the Board for review.

Ms. Kablack noted that some Board members attended a recent site visit, at which time it was observed that most of the plantings along Landham Road are of the same species. It has been suggested that four or five other species be planted along both sides of the property along Landham Road and along the fence area.

Mr. Nash stated that, although there are many junipers planted, there are three variations of that species on the site. He previously provided a list of all the plantings on the property to Ms. Kablack for review, which he summarized for the Board, noting that other evergreens have also been used.

Mr. Nash reported that the last house is now under agreement and expected to be sold in December. He reiterated that he has provided numerous plantings on the property and consulted the Conservation Commission regarding his selections. Mr. Nash stated junipers were chosen because they are resistant to salt. He also explained his rationale for hemlock plantings in front of, and behind, the fence as further protection from street salt.

Mr. Morely stated that the Board has a concern that the plantings are all trees which will grow, and in 15-20 years the screening may no longer be adequate. He also referenced a no cut or replace buffer.

Chairman Fee read aloud from the 2005 provision regarding the Board's jurisdiction regarding the 20-foot buffer easement perimeter. It was noted that this would apply along Lots 1 and 9. Mr. Morely noted that all the plants are on private property.

Chairman Fee asked if a landscape plan was previously completed. Ms. Kablack stated it was not, but the area was thinned to improve sight distances. Ms. Kablack clarified that the Board has the authority to certify the intent of the subdivision plan. She emphasized that a few additional plantings would satisfy the Board's concerns.

Mr. Hunter stated he would prefer to see a mixture of species planted on the outside of the fence area in a more naturalistic manner. He further stated that there are several other salt-resistant plant choices which he has enumerated on a list previously provided to Ms. Kablack. Mr. Nash suggested several varieties of arborvitaes could be planted.

Chairman Fee stated that there seems to be a consensus from the Board as to what additional plantings are needed. He further stated that, this week, the Board would draft and issue Mr. Nash a letter detailing the location for and the number of additional trees to be planted. Mr. Nash stated he would prefer to plant what is needed this fall to reach closure on the issue. He stated there are over 265 trees are on the property.

Chairman Fee commended Mr. Nash on the development, and at 7:50 p.m., he closed the discussion.

Olde Bostonian Estates Subdivision – Request for Extension

Present: Property owners Frank and Karen Gazarian

The Board was previously in receipt of a letter from Frank and Karen Gazarian dated November 3, 2010, requesting an extension to complete work on Olde Bostonian Estates, Lots 1, 2, and 3, Olde Bostonian Way, Sudbury, due to the economy and lack of buyers for the proposed house lots and homes.

Ms. Kablack stated that the Board typically grants a two-year extension. However, she further noted that the applicants are a year past the date an extension should have been requested.

Property owner Karen Gazarian explained that buyers have not been available in the current economy, and she requested an additional two-year extension. She also provided a brief summary of work completed on the site.

On motion duly made and seconded, it was unanimously:

VOTED: To approve an extension to complete work on Olde Bostonian Estates, Lots 1, 2, and 3, Olde Bostonian Way, Sudbury, until December 2012, due to the economy and lack of buyers for the proposed house lots and homes.

Public Hearing - Pine Grove Definitive Subdivision

Present: Applicant Peter Karassik, President of The Eligius Homes Company, and Thomas DiPersio, Jr., Thomas Land Surveyors

At 7:53p.m., Chairman Fee opened the Public Hearings 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. The property is located at 293 and 301 Old Lancaster Road. He read the public notice, stating that tonight’s hearing will also address the Stormwater Management Permit and a Scenic Roads Bylaw matter concerning removal of two (2) trees on Old Lancaster Road, a designated scenic road in Sudbury. The applicant has duly requested removal of the trees. Chairman Fee stated that the hearing was duly published in the *Sudbury Town Crier* on October 21, and October 28, 2010. The Board was previously in receipt of copies of a letter from Thomas Land Surveyors dated September 29, 2010 and an attached Definitive Subdivision Plan Application Form C, Environmental Impact Statement dated September 20, 2010, and copies of an Evaluation Form for Subdivisions prepared by Jody Kablack, dated November 3, 2010 for this subdivision proposal.

Ms. Kablack stated there has been a lot of discussion regarding this property in recent years related to a proposed six-lot subdivision and a proposed Chapter 40B development. She explained that some of the focus of previous discussions has been on whether the Board would consider waivers to its subdivision regulations. The board had previously discussed the issue of granting the necessary waivers in lieu of the reduction in the number of lots in the subdivision, and had indicated its support. Ms. Kablack also noted that this is the first subdivision being reviewed under the Town's stormwater bylaw, and thus the stormwater management plan must be revised accordingly in order to approve the lot development as well as the roadway. She also noted that questions remaining to be resolved relate to road width and whether a walkway within the development would be required.

Chairman Fee asked when the plans were submitted. Ms. Kablack stated the plans were submitted in September and the Board has until February 2011 to issue its decision. She also stated she has completed a full review of the plans and material submitted to date, with the exception of the stormwater management materials. Chairman Fee noted that the subdivision plans are available for public review at the Planning Office.

Design engineer Thomas DiPersio, Jr. stated that the Board and abutters are familiar with previous scenarios proposed for the site. He briefly explained this proposal for a five-lot conventional subdivision on a 450-foot cul-de sac. He displayed plan exhibits, explaining that the proposal also includes 1.94 acres proposed as open space (Parcel 8), constituting over 25% of the total property.

Mr. DiPersio stated that extensive soil testing has been completed for various purposes, including septic system designs. He further stated that the soils are primarily sand with a low water table. Mr. DiPersio also stated that the proposal would require hardly any cuts or fills to be completed.

Mr. DiPersio stated that the suggestion has been made to reduce the pavement width to 22 feet and to eliminate walkways within the development to reduce the project's impervious surface area. He briefly reviewed the proposed stormwater collection design, including the installation of rain gardens. Mr. DiPersio noted that Town Engineer/DPW Director Bill Place requested that a revision be made to include an open basin at one end of the development. Mr. DiPersio stated he is confident the revision can be accommodated into the stormwater management design.

Mr. DiPersio stated there is an associated wetland and riverfront area on the western side of the property and that much of this area would be deeded as open space. He emphasized the plan proposes that all work be completed outside all conservation-related buffer zones, including the 200-foot riverfront zone.

Mr. Lizotte stated that, once installed, rain gardens require continual maintenance, and he asked who would be responsible for this. Ms. Kablack stated that this would need to be resolved, since this is the first subdivision stormwater permit review. Mr. Lizotte explained that the Department of Environmental Protection (DEP) has requirements for rain garden maintenance, noting that filter media and plants often get clogged. He suggested that a more standard approach would be to install detention basins, which are easier to maintain, instead of rain gardens. Ms. Kablack noted that the developer does pay an initial fee directed towards maintenance as a condition of subdivision approval when the Town accepts the road and drainage system. Mr. Lizotte also

suggested the applicant use a 1" quality volume when sizing, to ensure compliance with the local bylaw regulations which exceed those of the DEP.

Mr. Morely asked if the plan reflects the previous request of Mr. Blake, who lives across the street from the proposed development, to locate the entrance to the development so that cars exiting the subdivision do not shine into his house. Developer Peter Karassik stated it does. Mr. Karassik stated that resolution regarding the road width and walkways is needed in order to finalize the stormwater calculations. He also stated that reducing the width of the road would reduce the project's impervious surface and save trees. Ms. Kablack suggested a site visit be scheduled. Mr. Karassik requested that trees to be saved be flagged.

Mr. Hunter suggested an option for flipping the siting of the home on Lot 5 to satisfy setback requirements. However, Ms. Kablack stated this would be unnecessary, since setbacks would be revised to reflect the requirements.

Anne Fischer, 24 Wildwood Lane, asked for an explanation of three lots on one side and two on the other. Mr. DiPersio stated that once the location for the entrance to the property was determined to satisfy Mr. Blake's request, the placement of the homes was simply planned with the land left between the two roads. Ms. Fischer opined that the lot placements appear to put residents on Wildwood Lane closer to the development.

Mr. Karassik stated that the lots on the Wildwood side are actually deeper than those on the Peakham Road side.

Ms. Fischer asked if plantings are planned for the back of the development. Mr. Karassik responded there would probably be plantings. Ms. Fischer also asked if cul-de-sacs are standard in Sudbury. Chairman Fee and Ms. Kablack stated they are.

Mr. Karassik opined that he does not believe there needs to be a walkway within the development, but noted he would be required to make a walkway contribution to the Town nonetheless.

Ms. Fischer further questioned if placement of homes off of the already existing driveways had been considered. Ms. Kablack stated that frontage needed to be created to develop the lots. Mr. Karassik opined that it is also safer to create driveways off of a private road.

Chip Ach, 317 Old Lancaster Road, stated that he would prefer if the entire development is fully screened in all sides. He is concerned he will be able to see the new homes, since many of the trees currently on the site are in the center of the property and would be removed. He asked if the proposed homes would be LEED-certified. Mr. Karassik stated they may not be LEED-certified, but he plans to use green technology as he has done for the past three years and will construct the homes to meet Stretch Energy Code standards. Mr. Ach encouraged Mr. Karassik to consider full LEED certification.

Mr. Ach suggested that the development road be named for the woman who previously owned the property. Others noted it could be "Leona" Way. Mr. Karassik stated the name currently being considered is "Huckleberry Lane."

Chairman Fee stated that tonight's hearings are for discussion of the "big-picture concept" and that later in the process a landscape plan requiring screening to satisfy abutters would be discussed. Mr. Ach also suggested that consideration be given to adding trees on Old Lancaster Road.

Robert Gough, 16 Wildwood Lane, stated his preference would have been to have three homes placed above and two below, but he understands the proposed plan. He asked about planning and placement of plants. Ms. Kablack stated that, once the subdivision is approved, the Board does not typically oversee plant placement.

Fred Bautze, 42 Peakham Road, asked when the final lot lines are determined and by whom. Ms. Kablack stated the final lot lines would be discussed with this Board, but the final placement of the homes is usually determined by the developer.

Mr. Bautze also asked what the anticipated square footage is of the homes. Mr. Karassik stated approximately 3,800 to 4,200 square feet. Mr. Bautze asked for confirmation, which Mr. Karassik provided, that these figures did not include garages or decks, and thus could eventually be much bigger.

Mr. Bautze asked Mr. Karassik's opinion of the most desirable lot. Mr. Karassik stated that the parcel to the far left, Parcel 3, is already spoken for. In addition, he stated that lots with southern rear exposure are also desirable.

Craig Blake, 300 Old Lancaster Road, asked for an explanation of the subdivision regulations waiver which would be requested. Ms. Kablack explained that the physical nature of this property makes it impossible to locate a new road between Peakham and Wildwood according to the Town's subdivision regulations without a waiver. However, she further explained that the Board had previously concluded that if a new plan were submitted offering a significant public benefit while also not causing detriment to the public, a waiver would be considered. The Board further concluded that creation of open space and the reduction of one lot could satisfy the public benefit requirement for a waiver. Ms. Kablack also noted that these previous discussions are well documented in the Board's meeting minutes which are posted on the Town website.

Mr. Blake opined that creating a public benefit is an important factor. However, he noted that Old Lancaster Road is one of the more heavily traveled roads in Town by pedestrians. Thus, he suggested that a walkway be provided at least on one side of the subdivision road to assist the public with access to the proposed open space. It was noted that the amount of impervious space this would add to the project would be negligible.

Chairman Fee asked the applicant to define issues needing resolution. Mr. DiPersio stated the plan shows a road width of 24 feet, but the suggestion has been made to reduce it to 22 feet. Ms. Kablack stated that the DPW Director and Fire Chief suggested and support the revision. Chairman Fee stated it is the consensus of the Board that a 22-foot road width would be acceptable.

Mr. Karassik asked whether a walkway would be required. Ms. Kablack stated that the DPW Director is not usually in favor of walkways on small streets.

Mr. Gough stated his preference for walkways, noting it is safer than having residents walk in the roadway.

Mr. Bautze questioned how often the walkways would need to be maintained.

Ms. Kablack stated maintenance occurs on an average on every 30 years.

Chairman Fee suggested that the Board delay providing direction regarding the walkways. Mr. Karassik stated that a decision is needed to finalize the stormwater calculations. Mr. Lizotte suggested, and all concurred, that the calculations be finalized as if walkways are included, and that if a revision were needed at a later time, it would be very small.

Mr. DiPersio stated resolution is needed regarding the use of detention basins or rain gardens. The Board instructed him to consult with DPW Director Bill Place.

Ms. Kablack stated that Conservation Coordinator Debbie Dineen has stated that the Conservation Commission may want all of the riverfront area to be deeded as part of a Conservation Restriction.

Mr. Blake stated there has been an issue in the past on this site with runoff from Old Lancaster Road. Thus, he is concerned that sand from Old Lancaster Road will wash into the rain gardens. Mr. Blake believes detention basins would result in less maintenance for the Town. Ms. Kablack stated that the design has proposed plans for water to remain on this property and Old Lancaster's water to remain on that road.

Chairman Fee asked Ms. Kablack to coordinate a site visit date by email at a later time, including neighbors. She suggested that the public hearings be continued to the Board's next meeting on Thursday, December 9, 2010 at 8:00 p.m., and that the site visit would be scheduled prior to that meeting.

Chairman Fee stated that he is pleased with the overall plan presented, noting it incorporates a lot of the suggestions previously made.

Mr. DiPersio asked if the Board would like the center line of the road to be marked prior to the site visit. The Board responded affirmatively. In addition, the Board asked that the property boundaries of Lots 1 and 5 be flagged from Old Lancaster Road, that the center of the cul-de-sac be flagged and the riverfront area. In response to Mr. Poch, Ms. Kablack stated the two trees referenced in the Scenic Road Public Hearing have already been flagged.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearings 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 December 9, 2010 at 8:00 p.m.

Faucher Woods – Bond Release Request

At its last meeting, the Board was previously in receipt of a letter from Tom Diskin, dated September 20, 2010, requesting a release of bond for the Faucher Woods development. At that time, the Board voted to reduce the bond to \$16,500, since the project was thought to be incomplete. Ms. Kablack reported that all project items have sufficiently been completed and she recommended release of the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To approve a release of bond for the Faucher Woods development as previously requested in a letter from Tom Diskin, dated September 20, 2010.

Scenic Road Bylaw – 259 Old Lancaster Road

Chairman Fee recused himself from the discussion and vote.

Ms. Kablack stated that a request has been made by Burt Tighe to temporarily remove a portion of a stone wall located at 259 Old Lancaster Road. She noted that similar stones will be used to restore the wall. Ms. Kablack stated a provision in Sudbury's Scenic Road bylaw allows for approval of such a request without a Public Hearing. Ms. Kablack circulated photographs to the Board of the stone wall for review. She recommended approval of the request.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request to temporarily remove a portion of a stone wall located at 259 Old Lancaster Road, as requested by Burt Tighe.

2011 Annual Town Meeting

The Board was previously in receipt of copies of a memorandum from Ms. Kablack dated November 4, 2010, regarding a proposed 2011 Town Meeting Bylaw article related to Outdoor Wood Boilers, the Board of Health Minutes of Meeting of March 8, 2007, a Massachusetts Department of Environmental Protection (DEP) fact sheet regarding Outdoor Hydronic Heater Regulation, the State DEP Executive Office of Environmental Affairs communication regarding "Guidance for Adopting Municipal regulations to Control Air Pollution under M.G.L. chapter 111, section 31C, and a mass.gov.dep.air community website article regarding "Heating Your Home With a Wood-Burning Appliance." Tonight, Ms. Kablack also distributed copies of a "Holliston Board of Health Regulation to Ban Outdoor Hydronic Heaters" and a "City of Chicopee Board of Health ban for Outdoor Wood Burning Stoves."

Ms. Kablack summarized that the Board could consider prohibiting or regulating the use of these units or the Board of Health (BOH) could pass a regulation without a Town Meeting vote. She stated that, in 2008, the BOH concluded it did not want to enact a bylaw. She noted many communities at that time chose to wait for the Department of Environmental Protection (DEP) regulations which came out at the end of 2008. It was noted that the BOH now has two new members who did not participate in those discussions.

Chairman Fee asked for a straw vote from the Board as to whether it would support a ban of the units. Chairman fee, Mr. Morely and Mr. Hunter stated they would support a ban. Mr. Poch stated he is inclined to favor a ban only if there is new scientific and/or health information which has become available which supports a ban.

Ms. Kablack stated many communities have regulated the use according to DEP standards regarding setbacks, chimney height and seasonal use, and several have banned their use through enactment of Board of Health regulations.

Mr. Poch stated some properties in Sudbury might be large enough to accommodate them, and thus he might consider supporting restrictions.

Mr. Sziabowski stated he does not feel qualified to vote on a health issue. He also believes the required setbacks should eliminate nuisance issues.

Mr. Hunter noted that there is no oversight of the quality of material being burned in them. Ms. Kablack stated that BOH Director Bob Leupold has stated that enforcement can be a difficult issue to resolve.

Mr. Sziabowski stated he could possibly support enhancing the required setbacks to help eliminate nuisance concerns.

Mr. Lizotte stated he does not support an outright ban, but could consider working to expand the DEP setbacks.

Mr. Morely opined that restrictions would allow for a very small number of users, and thus he questioned if a ban for everyone makes more sense. Mr. Lizotte stated that could be an argument for most issues.

Ms. Kablack stated these units are popular with farms and Fairbank and Cavicchio have them. She stated an agricultural exemption might need to be considered. Mr. Poch stated that allowing exemptions begins the "slippery slope."

Chairman Fee stated he was asked by the Zoning Board of Appeals Chair to consider the issue.

Mr. Lizotte stated if there were more public complaints he would possibly consider other actions, but he does not see an outcry of opposition. Mr. Morely stated there were several complaints a few years ago and a discussion at Town Meeting.

Chairman Fee stated he supports developing some type of restriction and would like a rationale developed for supporting appropriate setbacks.

Mr. Poch asked if it would be more advantageous for the Board to help the BOH propose a regulation. Mr. Morely suggested the Board reach out to the BOH.

Chairman Fee asked Ms. Kablack, on behalf of the Board, to draft a letter to be sent to the BOH, requesting a joint meeting to discuss Outside Wood Boilers. He emphasized that it is the Board's

responsibility to research the matter to be presented before Town Meeting, where residents can decide what they want. Ms. Kablack opined she does not foresee this as a controversial issue.

Ms. Kablack stated she has a request from the Board of Selectmen to look at drafting a tree-cutting ordinance in relation to NStar, however, she is uncertain if only one property owner can be regulated.

Ms. Kablack reported that the ZBA does not anticipate the need for any revisions to the Accessory Dwelling Unit Bylaw and has stated it would incorporate its own guidelines for consideration of applications.

Ms. Kablack stated two large capital project requests have been submitted for the Town Center and Sewer projects, but due to the economy, she is uncertain if they will be brought forth to Town Meeting.

Minutes

Mr. Sziabowski requested a revision to the October 13, 2010 minutes in the fourth paragraph on page three.

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of September 22, 2010 and the October 13, 2010 meeting minutes as amended this evening.

Miscellaneous

Sudbury Housing Trust – 278 Maynard Road – Comprehensive Permit

Ms. Kablack reported that the Sudbury Housing Trust was awarded the Comprehensive Permit for the Maynard Road project. She stated that only one unit would count towards the Town's affordable housing inventory, but all three units will be considered affordable under the state's definition.

Sudbury Town Center Improvement Committee – Update

Ms. Kablack and Mr. Sziabowski recently attended a meeting with First Parish regarding the project to obtain feedback from First Parish and abutters. Due to several competing projects for limited funds, Ms. Kablack stated the Committee has considered whether a plan should even be designed using the funds which have already been appropriated. Mr. Sziabowski opined that it would be satisfying to validate all the work that has gone into the project and designing a plan using the available funds. Ms. Kablack stated she is inclined to agree, and noted that First Parish is now supportive of the project.

Route 20 Sewer Project – Update

Ms. Kablack stated information will be presented to the Selectmen on November 16, 2010, to assist that Board with deciding whether to take the project to Town Meeting for a debt exclusion

for project design. In addition, Ms. Kablack stated the additional hydrogeological testing at Curtis School will occur in December.

Community Preservation Committee – CPA Project Proposal Update

Ms. Kablack stated Community Preservation Act project proposals have been submitted for review by the Community Preservation Committee, but fewer than in recent years.

Upcoming Planning Board Meeting Schedule

The Board's next meeting is scheduled for December 9, 2010.

The meeting was adjourned by Chairman Fee at 9:18 p.m.