

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

At 7:20 p.m., Chairman Fee called the meeting to order.

Metropolitan Area Planning Council – Route 20 Zoning District Local Technical Assistance Project

Present: Metropolitan Area Planning Council (MAPC) Senior Regional Planner Cynthia Wall

At 7:20 p.m., Chairman Fee opened the discussion regarding the Metropolitan Area Planning Council (MAPC) for District Local Technical Assistance project. The Board was previously in receipt of copies of examples of village/downtown zoning provisions from Acton, Ashland, Canton and Wayland provided by MAPC. In addition, MAPC Senior Regional Planner Cynthia Wall distributed copies tonight to the Board of similar information for Canton and Manchester-by-the-Sea.

Ms. Wall reported the project has received an extension to the end of February 2012. She suggested the next step in the project is to draft a set of regulations for Sudbury.

Ms. Wall stated she presented the Canton information because the town has developed bylaws encouraging mixed uses, and that three projects have been developed under the bylaws.

Chairman Fee stated, upon review of Canton's information, he does not believe the town is comparable to Sudbury. He suggested the examples provided for Acton and Ashland are better written and far more relatable for Sudbury. Mr. Morely agreed the Acton material is more detailed than Canton's, and Mr. Poch concurred.

Ms. Wall briefly summarized interesting aspects of the Acton bylaws which include a Board of Selectmen Special Permit process, required sidewalks (even if they need to encroach on private property), and recommended connectivity of lots. She noted on page 77, Acton comprehensively provides variable density provisions which are incentives.

Ms. Wall plans to contact Acton's Town Planner to find out more information and why the transfer of development rights has not worked well.

Ms. Wall also referenced Acton's Building Design section on page 76, noting it provides flexibility.

Mr. Lizotte asked if the zoning could be structured. Ms. Kablack noted that, if new regulations were established, they could usurp the current Site Plan authority of the Selectmen. She suggested procedures would need to be determined.

Ms. Wall referenced Ashland's bylaws, noting it has created subareas within its overlay downtown business district, for predominant mixed uses, some mixed uses, and then lower density in the last area. Chairman Fee stated there has been support expressed for this concept in Sudbury.

Chairman Fee stated he was impressed with Ashland's integration of design guidelines into its bylaw. He also believes Acton's bylaws provide a lot of useful material. Chairman Fee recommended these two models be used as a basis in drafting Sudbury's regulations.

Ms. Kablack stated she will further research cost benefit analysis available for business centers.

Mr. Lizotte asked if the previous Weston and Sampson wastewater study included a build-out analysis. Ms. Kablack stated it did, and was based on the 2000 MAPC build-out Analysis done for every community in the region. However, there are some inaccuracies.

Ms. Wall suggested uses might include new medical, elective surgical options and senior care facilities. Mr. Sziabowski stated he could envision the future need in Sudbury for medical facilities which offer more comprehensive and graduated care. Chairman Fee requested Acton be asked for its definition backup regarding healthcare facilities.

Ms. Kablack asked if MAPC could provide any studies on development trends and demand. Mr. Lizotte stated affordable housing and rental properties are now popular. Mr. Sziabowski agreed, and he noted large hospitals and community hospitals may also expand their operations in the future. The consensus of the Board was that, although these types of uses might not be best for the village, they would be appropriate uses on the periphery of the business district.

Chairman Fee stated the more types of uses presented, the more types of businesses Sudbury will attract. Ms. Wall suggested considering uses which need water, which have been limited in the current zoning due to wastewater concerns. Mr. Sziabowski suggested recreational uses also be included. Mr. Lizotte suggested not delineating prescribed uses in order to provide maximum flexibility, noting a use could always be denied within the Special Permit process. Mr. Hunter recommended encouraging uses already in existence.

Mr. Morely noted that there are more appropriate locations for certain uses than others, and that incentives can help clarify this issue.

Ms. Wall asked if the Board had any suggestion for how to approach the draft regulations. She opined that establishing the uses is a fundamental first step. Chairman Fee agreed.

Mr. Poch asked if there is a database from which the Board could review information regarding what type of projects have been permitted and/or had site plans approved in communities with similar demographics over the past ten years. Ms. Wall and Ms. Kablack will further research this request.

Sudbury resident and Sewer Technical Advisory Committee Chair Lisa Eggleston noted when considering uses, it is important to remember that much of the village district area is in Zone 2.

It was determined the Board would next meet with MAPC regarding this project on January 25, 2012 to review a draft of regulations based on the Acton and Ashland models. At 7:59 p.m., Chairman Fee closed the discussion.

Public Hearing: Special Permit Modification – Grouse Hill Incentive Senior Development

Present: Martin E. Loisetete, Jr., Permitting/Development Manager for Capital Group Properties and several Grouse Hill Development residents

At 8:00 p.m., Chairman Fee opened the Public Hearing regarding the application by Capital Group Properties for a modification to an approved Incentive Senior Development Special Permit dated December 13, 2006, property located at 32 Old Framingham Road, Assessor's Map M07, Parcel 0006, which was continued from November 30, 2011.

The Board was previously in receipt of copies of a letter from Martin E. Loisetete, Jr., Permitting/Development Manager for Capital Group Properties dated December 8, 2011 and accompanying color plan showing the walking trails of Grouse Hill and aerial photograph and a letter from Thomas Travers representing the Grouse Hill Condominium Community dated December 9, 2011. In addition, Mr. Loisetete distributed copies to the Board tonight of a Walking Trail Plan for Grouse Hill dated December 8, 2011.

Ms. Kablack distributed copies to the Board tonight of a draft "Modification Special Permit Decision Incentive Senior Development Grouse Hill" dated December 14, 2011.

Chairman Fee stated the Grouse Hill residents have offered the following proposals for considerations: 1) the Developer would clean the paths in the woods and the Condominium Association would provide the Town with an easement for the path and the Town would then be responsible for future maintenance, 2) that the Board eliminate the requirement for the Developer to construct internal Grouse Hill trail connections to the woods and open fields, 3) the Board agrees with the elimination of all the visitors parking internal to Grouse Hill as previously approved, 4) access to the Town land and "loop" paths would be accessible to the public through the meadow off Old Framingham Road north of the development and off of Old Framingham Road through the "loop" path at the south end of the development, and 5) and excess funds from the Developer's \$16,500 after cleaning up paths would go to the walkway fund for Old Framingham Road unless it cannot be built. Mr. Travers' letter stated the proposal has over 90% approval from residents.

Mr. Loisetete presented exhibits of the Grouse Hill site and described the location owned by Grouse Hill, the wetlands, the area covered by a Conservation Restriction and the southern and northern paths originally approved. He highlighted that the option of clearing the southern path would not be possible because it falls within the wetlands buffer, and thus clearance may not be allowed by the Conservation Commission.

Mr. Loisetete noted the northern path is already clear, and that the area nearby is common property able to be accessed by all Grouse Hill residents.

Chairman Fee summarized the consensus of the Board at the close of the last meeting. He stated the Board was inclined to not require the developer to build extra parking spaces or the southern walking path, but was uncertain as to whether the developer should build out the northern path connection to the Mahoney property.

Chairman Fee stated the maps provided by Mr. Loisetete led him to the conclusion that there is no value in asking the developer to build the southern or northern paths because the assumed connectivity through Grouse Hill does not exist, and all connectivity options are through the Mahoney Farms property. Chairman Fee emphasized the area near the proposed northern path is common area, and thus anyone has the right to access Mahoney Farms from this point. He asked

the Grouse Hill residents in attendance if anyone disagreed with this statement. No public comment was received.

Rosemary Geary, 32 Old Framingham Road – Unit 43, provided the rationale of the Grouse Hill residents' perspective presented in Mr. Travers' letter.

Chairman Fee recommended the developer be relieved of his responsibilities to build any additional visitor parking spaces and walking paths, and that the developer make a financial contribution to the Town to be used for a walkway on Old Framingham Road or Nobscot Road. Mr. Sziabowski agreed, stating the plans presented tonight clearly depict there is no practical way to construct the walkways as initially approved. He suggested the focus and energy of efforts be put towards something more constructive. Mr. Poch concurred, stating the wetlands and topography preclude constructing the paths. From a conservation perspective, Mr. Hunter stated it is best to leave the Grouse Hill site as is.

On motion duly made and seconded, it was unanimously:

VOTED: To relieve the developer of his responsibilities to build any additional visitor parking spaces and walking paths, and to request the developer make a financial contribution to the Town to be used for a walkway on Old Framingham Road or Nobscot Road, if feasible.

Grouse Hill resident Lisa Eggleston stated she had pictures of the present paths which confirm the predominant wetlands' conditions. However, she noted there are other areas where the paths could be useable in the future. Ms. Kablack stated the Conservation Restriction allows for this possibility, if the Town and/ or residents wish to pursue it in the future.

The Board reviewed the draft Modification Decision. Ms. Kablack suggested revisions be made on Page 2, at the end of Conditions #2 and #3, to state that the monetary contributions would be dedicated for a walkway on Old Framingham Road or Nobscot Road, if feasible, and if not deemed feasible by the Department of Public Works, then the funds would be added to the General Fund to be utilized for the Town-wide walkway program.

Mr. Morely urged all in attendance to attend Town Meeting and support the Walkway Fund article.

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

VOTED: To close the Public Hearing regarding the application by Capital Group Properties for a modification to an approved Incentive Senior Development Special Permit dated December 13, 2006, property located at 32 Old Framingham Road, Assessor's Map M07, Parcel 0006.

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

VOTED: To approve the Modification Special Permit Decision Incentive Senior Development Grouse Hill dated December 14, 2011 as revised tonight, regarding the application by Capital Group Properties for a modification to an approved Incentive Senior Development Special Permit dated December 13, 2006, property located at 32 Old Framingham Road, Assessor's Map M07, Parcel 0006.

Landham Crossing Comprehensive Permit - Discussion & Comments for Zoning Board of Appeals

Present: Developer Ben Stevens (arrived at 8:35 p.m.)

At 8:23 p.m., Chairman Fee opened a discussion regarding the revised plans for the development of a Chapter 40B project at 192 Boston Post Road, Landham Crossing. The Board was previously in receipt of copies of revised plans as of November 11, 2011, as prepared by Bruce Saluk & Associates, Inc., a memorandum from Ms. Kablack to the Zoning Board of Appeals (ZBA) dated December 8, 2011, noting comments and recommendations and copies of her March 11, 2011 and October 3, 2011 memorandums to the Zoning Board of Appeals, a letter from Department of Public Works Director/Town Engineer Bill Place dated December 8, 2011, asking for a re-calculation of drainage calculations, that an operations and maintenance plan be submitted and that the erosion and sediment control plan be consistent with the local bylaw.

Ms. Kablack reported that it appears as if the application will be approved, and that the Planning Board typically sends comments regarding areas within its jurisdiction, such as stormwater management, to the ZBA for consideration. She stated the plan has changed significantly and that the layout looks good, and she provided a brief summary.

Ms. Kablack stated the ZBA spent considerable time deliberating the project, and that revised architectural plans will soon be submitted.

Chairman Fee stated he needs more information before offering comments. He suggested relevant information on the project be provided to the Board, and in particular, to Mr. Lizotte for review, and that a stormwater management discussion be scheduled on a future agenda.

Mr. Hunter opined that the project seems dense with 31 units on eight acres. Ms. Kablack clarified the density of this development in relation to other approved projects, and it is similar if not less dense.

Ms. Kablack noted DPW Director Bill Place has reviewed the Stormwater Management Plan and has provided a letter to the board noting his comments. Chairman Fee asked if the Board is comfortable with granting Mr. Place this discretion on its behalf, even though the Board respects Mr. Place's opinion on such matters.

Mr. Lizotte asked if the ZBA conducted a peer review. Ms. Kablack stated no. Chairman Fee concurred with Mr. Lizotte, that on a project of this magnitude, the ZBA should have conducted a peer review. Ms. Kablack noted the applicant is required to comply with Department of Environmental Protection stormwater standards. Chairman Fee stated Sudbury has developed its stormwater management bylaw, and it should be rigorously reviewed.

Upon his arrival, Ms. Kablack summarized tonight's discussion for developer Ben Stevens, stating the Board is considering recommending review of the stormwater management plan with a consultant.

Mr. Sziabowski asked if the Board could also opine on the buildings along the street. Ms. Kablack stated there could be additional discussion once the architectural plans are received.

Chairman Fee recommended language for a letter to be sent to the ZBA. Mr. Morely suggested the letter include a specific and general message related to the need for peer reviews.

On motion duly made and seconded, it was unanimously

VOTED: To authorize Ms. Kablack to draft a letter, on behalf of the Board, to be sent to the Zoning Board of Appeals, recommending that the ZBA should take the opportunity to solicit another opinion regarding the stormwater management plan proposed for the Landham Crossing Comprehensive Permit Application, urging the ZBA to require a stormwater management and drainage peer review for all proposed Chapter 40B developments, and requesting architectural drawings for the Landham Crossing Comprehensive Permit Application be provided to the Planning Board for review and future comment.

Ms. Kablack will schedule discussion of this project for a Board meeting in January 2012.

Public Hearing: Maple Meadows Senior Residential Community – Phase 2 – Discussion

Present: Developer Robert Roth and approximately 12 residents from the Maple Meadows area

At 8:40 p.m., Chairman Fee opened the discussion regarding Phase 2 plans for the Maple Meadows Senior Residential Care (SRC) property. The Board was in previous receipt of copies of an email message from Robert Roth dated December 1, 2011, regarding an updated layout for the remaining five units and accompanying drawing and the “Definitive Decision Senior Residential Community Special Permit The Meadows” dated June 29, 2004. In addition, Ms. Kablack distributed copies of a key to the preliminary plan drawings to be presented tonight.

Developer Robert Roth stated he has worked under the Special Permit to modify the plan to construct five units on a two-acre section of the property. He contacted abutters, and he has addressed their concerns and added additional screening buffers. Mr. Roth stated a neighbor across the street expressed concern regarding the initial access point proposed, and thus he has relocated its position. He also has met several times with Ms. Kablack, and he has incorporated many of her recommendations into his revised plan. Mr. Roth further stated a landscape and lighting plan have not yet been submitted, since the plan is preliminary at this time.

Mr. Roth stated the road work is almost completed, and paving is scheduled for tomorrow. He encouraged the Board to visit the site. Mr. Roth next reviewed six photos of various views of the property. Mr. Roth explained his plans for tree retention and clearing. He noted that, in some instances, it could be safer to remove the trees and replace them with more attractive landscaping. Mr. Roth stated he would like to come before the Board in the future with a landscaping plan and with preliminary septic system and stormwater management systems designs.

Ms. Kablack emphasized tonight’s discussion is preliminary and that Mr. Roth invited residents of the area to attend in order to be informed regarding the status of the project. She explained that the Board previously approved a modification of the original Special Permit to allow construction of these five units. Chairman Fee noted the Board’s original approval included the entertainment of a Phase 2 construction at some point in the future.

Clarification of Condition 3. b. on page 3 of the Definitive Decision dated June 29, 2004, was made to note the requirement for a 100-foot perimeter buffer around the development to fifty feet,

and the requirement that no dwelling unit may be erected within 200 feet of an adjacent roadway, have both been waived. Clarification was also provided regarding Condition 6. e. on page 5.

Chairman Fee noted there will be a future submission of an application to modify the original Plan. He suggested a site visit might enable the Board to better comment on the application.

Mr. Morely, Mr. Lizotte and Mr. Hunter opined on retention of the two tall pines.

Mr. Sziabowski noted the amount of planned pavement for the project seems significant. He questioned if it could be minimized. Mr. Roth stated the 20-foot driveway coming in could possibly be reduced. Mr. Sziabowski questioned whether the loop could be re-thought. Mr. Roth stated it could possibly be reduced, but that a turnaround had advantages. Chairman Fee opined the Fire Chief would likely be inclined to prefer the turnaround options provided by the loop. Ms. Kablack clarified the original Decision allows for driveways up to 18 feet.

Sudbury resident Christina Hermos, 19 Maple Avenue, asked if the loop is intended for one-way or two-way use. Mr. Roth stated it could be used in two directions.

Sudbury resident Richard White, 14 Maple Avenue, asked how the new units will increase the population density, and what will be used as a construction access. Mr. Roth stated projections estimate two or less people will inhabit each unit. He also stated construction access would be through Maple Avenue, for a limited timeframe, to construct two foundations.

Sudbury resident Helga Andrews, 11 Maple Avenue, asked if anything can be done to slow down the speed at which trucks travel through the area. Mr. Morely suggested to Mr. Roth that the construction manager convey this request to contractors.

Sudbury resident Rachel Goodrich, 10 Maple Avenue, asked for clarification, which she received, of what would be used for emergency access, since the Feeley Field access is closed.

Sudbury resident Harry Ainsworth, 44 Maple Avenue, requested that no new houses or new condominiums be provided utility service from equipment crossing his front yard. He provided the Board with a brief summary of the easement problems he has encountered since he purchased the property in 1972. Mr. Roth stated he tried to research this matter, and he is inclined to bring down the existing cables to be installed underground. However, Mr. Roth further stated the ultimate decision resides with the power companies, and he is uncertain as to their position on this matter.

Chairman Fee informed Mr. Ainsworth that it appears as if he has a private right to allow or not allow any additional use on his utility pole.

Sudbury resident Mary Ainsworth, 44 Maple Avenue, stated she has observed very dangerous conditions from truck traffic travelling the area at the same time as school buses. She noted there are no sidewalks in this area, and she recommended the times for construction trucks to access the site not coincide with the school bus schedule in this area.

In response to a question from Ms. Hermos, Mr. Roth displayed through his photos his plans for building up the tree barrier between the development and Feeley Field and Raymond Road. Ms. Hermos also asked if Maple Avenue residents would be able to walk within the development.

Sudbury resident Burt Aaronson, 35 Maple Avenue, stated the residents of Maple Avenue are welcomed at any time to visit and walk around the development.

Sudbury resident Maxine Aaronson, 35 Maple Avenue, stated she believes the planned turnaround is safer for access by ambulances and emergency vehicles.

Chairman Fee summarized tonight's discussion as expressing some concerns regarding construction traffic, the need for a landscaping plan which satisfies abutters, addressing the fence in disrepair on Town-owned property and the power line issues broached by Mr. Ainsworth. Ms. Kablack suggested a condition could be included that the taking of utility service could only occur from the existing transformer.

Mr. Morely suggested also including Mr. Sziabowski's comment to pursue alternative driveway designs to reduce the amount of pavement on site.

On behalf of the Board, Chairman Fee requested Ms. Kablack schedule a site visit within the next two weeks.

Open Meeting Law – New Regulations Allowing Remote Participation

The Board was previously in receipt of a *MetroWest Daily News* article dated November 18, 2011, explaining the new regulations under the Open Meeting Law allowing remote participation in public meetings in five situations: personal illness, personal disability, emergency, military service or geographic distance. The Board confirmed its vote at its last meeting to support adoption by Sudbury of the remote access regulations of the Open Meeting Law, while encouraging in-person participation as the preferred option with the exception of the five conditions provided by the proposed law.

Friends of the Bruce Freeman Rail Trail – Proposal Discussion

At 9:33 p.m., Chairman Fee opened the discussion regarding a proposal presented to the Board of Selectmen from the Friends of the Bruce Freeman Rail Trail. The Board was previously in receipt of copies of a memorandum from Town Manager Valente, on behalf of the Selectmen, dated December 5, 2011, the relevant Board of Selectmen meeting minutes of September 27, 2011 and a memorandum from Ms. Kablack dated December 8, 2011, noting comments and recommendations.

Ms. Kablack provided a brief background for the request. She noted there is not sufficient Town staff or a project manager to oversee this proposal. She further noted that keeping abreast of the funding resources for such projects is extremely time consuming, and if those lobbying efforts are pursued, they should be made for the entire proposed project, and not for just a small section of it. Mr. Hunter concurred that the State's Transportation Improvement Plan process is very political.

Mr. Poch stated the lack of progress on this project is frustrating. In response to

Mr. Lizotte, Ms. Kablack stated there are stormwater and wetlands issues associated with the proposed Rail Trail.

Chairman Fee stated he does not believe he has enough information at this time to formulate an opinion on this request.

The consensus of the Board was that, on its behalf, Ms. Kablack be instructed to draft a letter to be sent to the Board of Selectmen, stating the Planning Board's opinion that it would be helpful to see some progress on this project, noting the comments provided in Ms. Kablack's memorandum dated December 8, 2011, and asking if the Selectmen would like to task the Friends of the Bruce Freeman Rail Trail to begin work towards funding a 25% design. Ms. Kablack noted it would be helpful for municipalities if the State were to re-prioritize this type of project.

Community Preservation Act Project Submissions

The Board decided to postpone this discussion to a future meeting date.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of November 30, 2011.

Miscellaneous

Metropolitan Area Planning Council – Wind Power Development

Copies of a memorandum from Metropolitan Area Planning Council Energy Planner Erin Brandt dated December 7, 2011, regarding the Regional Energy Manager project in Sudbury for wind power development were previously distributed to the Board for information purposes.

Upcoming Meeting

The Board's next meeting will be held at Town Hall on Wednesday, January 11, 2012 at 7:30 p.m.

The meeting was adjourned by Chairman Fee at 9:45 p.m.