

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

At 7:00 p.m., Chairman Fee called the meeting to order.

**Residential Care Facility – Proposed Bylaw Revision for Annual 2011 Town  
Meeting – Discussion**

Present: B’Nai B’rith Housing New England Senior Project Manager Holly Grace, and Attorney Joshua Fox

Ms. Kablack distributed copies to the Board of proposed language for an Annual 2011 Town Meeting article regarding allowing Residential Care Facilities (RCF) in A-Residential zones by Special Permit issued by the Zoning Board of Appeals (ZBA).

Chairman Fee asked what the ramifications of this revision would be from a zoning perspective. Ms. Kablack noted currently, such facilities are only allowed in the Research District, located on Route 117. However, she further stated that she and Building Inspector Jim Kelly have concerns whether submitting an article is the proper approach to address this issue. Ms. Kablack highlighted that RCFs are loosely defined.

Chairman Fee asked what the basis was for initially limiting these facilities to the research districts. Ms. Kablack provided a brief summary of relevant history for similar projects. Chairman Fee concluded, and Ms. Kablack concurred, that currently, these types of facilities are allowed as of right, and the Selectmen administer this use as they deem appropriate.

Ms. Kablack opined that the proposed revision is not substantive enough for presentation at Town Meeting, as Residential Care Facilities are only a definition in the Zoning Bylaw, and have no substantive provisions attached. She further opined that the ZBA might have difficulty approving or disapproving projects based on the definition alone.

Chairman Fee asked Attorney Joshua Fox why he has suggested this proposal be presented at Town Meeting. Mr. Fox stated that the proposal only asks that RCFs be treated according to the same conditions currently applied to assisted living facilities and nursing homes in the Town bylaws. He believes they are similar uses from a zoning perspective.

Mr. Fox explained that his client, B’Nai B’rith, is a non-profit under a Purchase and Sale Agreement for the Mercuri property and is pursuing a Comprehensive Permit for the site. He further explained that it is his client’s preference to pursue an alternative option by asking for this use to be considered by the same conditions as a nursing home or assisted living facility under a Special Permit in case the Chapter 40B process is delayed or rejected. Mr. Fox stated he believes that, if presented, the ZBA is equipped to handle this type of application.

Chairman Fee referenced the ambiguity of the definition in the bylaw. He stated that there are often repercussions from attempting to enact a zoning change which is ill defined. However, he questioned if there is a way to balance the client's need for a less regulated environment with a substantive proposal. Mr. Fox stated he does not believe the definition for RCFs is any more ambiguous than it is for nursing homes and assisted living facilities. However, Ms. Kablack stated that nursing home and assisted living facility uses are also regulated by clearly defined State regulations.

Mr. Fox stated that an RCF is essentially apartments with some services. He noted that the Selectmen approved the Senior Residential Community at Northwoods Special Permit with conditions, which could also be done for RCFs in other zoning districts.

Chairman Fee expressed concern that, if this proposal were enacted, there would be over 100 parcels in Town eligible for this type of permit in A-Residential zones. Thus, before such a broad zoning change is recommended, he requested a better understanding of the rationale for the proposal other than it provides B'Nai B'rith with a "Plan B" option. Additionally, Chairman Fee stated he is unable to ascertain why Mr. Fox and his client feel as though a back-up plan is necessary. Mr. Fox stated they are unsure of whether the Comprehensive Permit application will be successful within the anticipated timeframes. Chairman Fee asked when the client loses its opportunity to obtain the property under the P & S Agreement. Ms. Grace stated she is not certain, but it might not be in time for consideration at Town Meeting. Ms. Kablack later stated that the Purchase and Sale Agreement is in effect until July 2012, and she opined that an extension from the seller would likely be considered and granted.

Mr. Fox stated that the Town is in difficult financial times and the Board should be supporting ideas which would help limit the number of children in the school systems and the need to incur additional Town costs. He emphasized that this development is for residents ages 55 and older and will be revenue positive for the Town. Chairman Fee acknowledged that this development is a welcomed step in the right direction.

A brief discussion ensued regarding revising the proposed language to satisfy the concerns expressed tonight, including that there could be 100 five-acre parcels in residential districts possibly impacted by adopting this proposal. Mr. Fox stated that many of the referenced 100 properties would not be suitable for such use for a variety of reasons, and that they are already potential sites for nursing homes or assisted living facilities.

A brief discussion also ensued regarding the types of services that would and would not be provided. Mr. Sziabowski stated the options are broad if the development is essentially a townhouse with amenities. Mr. Fox reiterated that the facility is for ages 55 and older and would include an affordability component. Mr. Morely stated that, as presented this evening, the proposal does not seem substantial enough for Town Meeting and seems to be more of an apartment building, since 75% of the units will be sold at market rates. Mr. Fox stated that the units are proposed as 100% affordable counting towards the Town's affordable housing inventory stock. Mr. Morely expressed concern that, as discussed tonight, the use could be perceived as multi-family rental housing for rich people.

Ms. Kablack opined that there could possibly be support for this type of article at Town Meeting from senior citizens as a way to address some of their issues through zoning, but she believes the issue is more complex than just a definition. Mr. Morely concurred, stating he would prefer to further study where in Town this use would be appropriate. Mr. Sziabowski asked if there are other existing examples of this type of housing which the Board could evaluate. Ms. Grace provided the locations of other B'Nai B'rith

facilities in Brighton, MA. However, Mr. Fox noted densities are higher at these other urban locations than what is planned for Sudbury. Ms. Kablack referenced another similar facility, Shulman House, in Framingham. Mr. Morely reiterated that this type of zoning recommendation requires more thought and public process.

Chairman Fee asked again why the proponents are unsure about the pending outcome of the Comprehensive Permit process. Ms. Grace stated there is concern that the process will be successful within the Town Meeting process timeline.

Mr. Sziabowski asked if RCFs would be subject to zoning setbacks and Ms. Kablack responded affirmatively. Mr. Poch opined that the RCF seems to be a slightly different take on an Incentive Senior Development (ISD). Ms. Kablack stated that an ISD has density limitations. Mr. Poch noted that the Board has supported larger scale zoning initiatives in the past and that this proposal seems limited for the purposes of this site. Chairman Fee stated that, although the Board is supportive of this development at this site, he noted that spot zoning is illegal.

Mr. Poch suggested that, perhaps the ISD, SRC or other regulations could better be revised to address this need. He further suggested that the definition of a RCF be fine-tuned to focus more on its institutional and end use for elderly housing. Mr. Hunter later suggested creating a new district encompassing this site and a larger area to avoid the criticism of perceived spot zoning.

Chairman Fee acknowledged validity to both sides of the argument presented tonight, given the state of the Town budget, and the need to think creatively about such issues.

Ms. Kablack stated that, in the next year, the Town plans to create a Housing Production Plan. Thus, housing and zoning issues will be broached next year and this issue might be better addressed within that context.

Mr. Poch stated there are elements of this proposal which the Board supports. However, he opined that he believes the Comprehensive Permit Chapter 40B process has more chance for success than making minor changes to a bylaw at Town Meeting.

Mr. Morely concurred, stating that this proposal opens up too many parcels to a potential new use, which is a complex issue requiring more analysis.

Chairman Fee asked the Board's opinion on whether the potential article should be submitted as a bookmark, allowing the Board more time to deliberate. Mr. Poch and Mr. Sziabowski stated they are open to further discussion. Mr. Morely stated he is unlikely to change his mind in the next few weeks.

On motion duly made and seconded, it was unanimously

VOTED: To bookmark as a potential warrant article regarding a better defined use of Residential Care Facilities for the Annual 2011 Town Meeting.

Chairman Fee stated he had done some initial research on better definitions which he shared with Mr. Fox. He emphasized his desire to find a practical solution and to be proactive supporting a worthy project to develop a location in Town which is in great need of improvement. Mr. Morely concurred, stating it is important for the Board to reinforce its support of the project.

Chairman Fee requested this issue be added as an agenda item at the Board's next meeting on February 9, 2011, and that Mr. Fox provide feedback at that time regarding a better definition for this use.

**Public Hearing - Pine Grove Definitive Subdivision**

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

At 8:00 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 December 9, 2010.

Thomas DiPersio, Sr., Thomas Land Surveyors, distributed revised plans to the Board for review and he briefly summarized the changes made since the last meeting. He stated 95% of the rain garden at the end of the cul-de-sac was brought onto Lot 3. Mr. DiPersio further stated that the revisions were made without encroaching into the 200-foot river front area. He noted that the revisions made did not impact the information provided previously in the hydrology reports and that he believes the Board's concerns have been addressed. Mr. DiPersio explained that the septic system on Lot 3 was relocated to the front, the lot area of Lot 3 was adjusted accordingly and no changes were made to the profile view.

Ms. Kablack stated she reviewed the plan and has concerns that Lots 1, 2, and 3 have perhaps not been sufficiently adjusted, noting that no amount of lot area can be used for surface drainage. She opined that the lots may need to be larger and she requested additional information. Mr. DiPersio stated that the lot areas of these lots are compliant with the bylaw, however they will notate the exact acreage of the basin on each lot.

Ms. Kablack also requested that the typical house driveway and typical road be quantified in the stormwater report. Mr. DiPersio stated these items would be accounted for in the drywell calculations and basin size. Mr. DiPersio stated he would transfer this information from the hydrology report to a narrative to be re-submitted to Ms. Kablack.

Ms. Kablack stated she had previously met with Mr. DiPersio and DPW Director Bill Place, and all their suggested changes discussed have been made to the plans. She further stated the roadway name would be changed on the plan to Huckleberry Lane.

Mr. Hunter noted that the house on Lot 5 is shown outside the building envelope. Ms. Kablack stated that this will need to be revised. Mr. Hunter further noted that the street appears to slope down towards the cul-de-sac. He asked if the runoff heading towards the riverfront area could be better captured. Mr. DiPersio stated he believes it has been adequately addressed, with runoff draining into the rain garden and not into the open space.

Mr. Morely broached the issue of screening mentioned at the last meeting. Mr. DiPersio stated that his understanding was that there would be conditions provided regarding screening. Ms. Kablack noted that conditions on screening along the back of Lots 1, 3, 4, and 5, as well as on Lots 1 and 5 along Old Lancaster Road, will be added to the decision. Ms. Kablack noted that the Board usually does not require a landscape plan.

Mr. Hunter concurred, stating general language should suffice.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack, on behalf of the Board, to prepare a draft affirmative decision 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 for review at the next meeting.

On motion duly made and seconded, it was also 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 February 9, 2011 at 7:30 pm.

**Public Hearing – Stormwater Management – Kato Drive – Lot 16**

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

At 8:15 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% which was continued from December 9, 2010. The Board was previously in receipt of copies of the Stormwater Management Permit application dated November 17, 2010, the Erosion/Sediment Control Plan dated December 9, 2010 prepared by Thomas Land Surveyors and comments and recommendations from Conservation Coordinator Debbie Dineen, Mr. Lizotte and Ms. Kablack.

Mr. DiPersio stated that the plan has now advanced to the Erosion and Sediment Plan stage, which he briefly reviewed. He noted that this plan would then be followed with the Stormwater Plan. Mr. DiPersio described where the septic design was and the grading problems in the backyard. He stated a pump system would be used for the septic system, allowing the grade to be higher and to eliminate the grading problem they were having previously. In addition, plans include four-foot high retaining walls to envelope the southern side of the parcel, and the installation of hay bales and silt fences during the construction phase of the project. Mr. DiPersio further stated the sediment basin on the south side of the lot has been moved slightly off the property line and closer to the house. He stated the proper controls have been reflected in the drawing to mitigate erosion problems. Mr. DiPersio also stated that the septic design would be finalized and be presented to the Board at a later date with the stormwater design plan.

Ms. Kablack opined that the plan is improved. She reported that Mr. Lizotte had reviewed the plan and provided comments, as did she and Conservation Coordinator Debbie Dineen. In addition, Mr. DiPersio has provided a response to Ms. Dineen's comments.

Based on his own experience living nearby, Mr. Hunter cautioned that the temporary sediment basin should be well thought out. Mr. DiPersio stated the berm has been increased from 18" to 24", and it has been moved uphill slightly and increased, as requested by Mr. Lizotte.

Mr. Morely noted the title of the plan needs to correctly spell the word "erosion."

Mr. Hunter asked if the trailers would be moved to another lot. Mr. Beckett stated the two containers would be shifted appropriately.

Ms. Kablack noted that, if the applicant wishes to pursue a foundation permit soon, the Board could consider allowing work to commence, with the understanding that the Stormwater Plan is pending submission.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Erosion and Sediment Control Plan as reviewed this evening, subject to the submission of the Stormwater Plan 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).

Ms. Kablack will issue a letter listing specific requirements and will conduct follow-up inspections as appropriate.

On motion duly made and seconded, it was also 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 April 13, 2011 at 7:30 p.m.

#### **Maple Meadows Senior Residential Community – Phase 2 – Discussion**

Present: Developer Robert Roth and Drew Garvin, R. Wilson & Associates, Inc

At 8:30 p.m., Chairman Fee welcomed developer Robert Roth to the meeting to discuss the next phase for the Maple Meadows Senior Residential Community (SRC). The Board was previously in receipt of an email message from Drew Garvin, R. Wilson & Associates, Inc. dated January 11, 2011, explaining his attachments of the original density plan, a reconfigured density plan to save the existing house and the desired ANR plan configuration and the "Definitive Decision Senior Residential Community Special Permit, The Meadows dated June 29, 2004."

While referencing exhibits, Mr. Roth described the area of approximately four acres at the end of Maple Avenue, known as the McCarthy property, to be developed. He stated the existing house is in good shape and would likely be retained, and that the barn is used for storage, but needs significant work and will likely be demolished in favor of creating a new residential lot. Mr. Roth stated that the Special Permit approved in 2005 contemplated the future development of this 4 acre lot, and incorporation of the property into the larger development. When the property was purchased in 2007, Mr. Roth met with the Board and it was determined the parcel could become four lots, for which preliminary plans were developed. However, the real estate market soon declined and the project was suspended. Mr. Roth provided a brief update on the Maple Meadows project, noting 13 units are built and seven are sold out of the total 23 units approved.

Currently, Mr. Roth is considering better diversification of the property by saving the existing house, creating one new building lot ( to be approved as two ANR lots) and combining the remainder of the parcel into the Condominium Association (the equivalent of possibly five units). He would like to resume

the project and has met with Ms. Kablack several times, combining her comments/suggestions with his ideas. Mr. Roth further stated there are service and safety benefits for the area provided by this plan, as they are proposing to develop a cul-de-sac at the end of Maple Avenue which will facilitate circulation on the street. He believes it develops the end of Maple Avenue in a manner which is beneficial to all parties.

Ms. Kablack briefly referenced the original density plan for nine lots, followed by the second plan which created a cul-de-sac to create frontage, followed by the third plan which reconfigured the second plan to two ANR lots. She noted there are some issues which would need to be addressed, such as the process for modifying the original special permit, and the phasing of the ANR lots and the new SRC units. Ms. Kablack further noted that additional research would be required if the private way needed to be altered to determine who owns the cul-de-sac and has rights to use and alter it. Mr. Roth recalled discussion from 2007 with the Board that was not definitive regarding whether a modification would be necessary, but he acknowledged the need for clarification of this issue. Ms. Kablack has consulted with Town Counsel Paul Kenny who suggested that the Special Permit Decision will need to be modified.

Chairman Fee stated the plan presented tonight reflects lower density and preserves the existing house -- features he deems as positive. Mr. Morely concurred, however, he initially is not supportive of a subdivision concept as much as he would support two lots and building out the cul-de-sac area.

Mr. Hunter noted that the proposed five units would be separated from the rest of the development by the topography of the area. Mr. Roth explained the planned grading revisions and he believes the placement of the units enhances the overall design. Mr. Hunter and Ms. Kablack noted there is no road connecting the two phases of the development, but Mr. Roth stated a walkway could be constructed. Mr. Poch stated he views the plan as a "win-win" for all parties. Chairman Fee concurred, stating the consensus of the Board is support for the ideas expressed this evening.

Mr. Roth suggested that he would present the Board first with plans for the two ANR lots for consideration, while the Special Permit is also modified.

Chairman Fee stated that, if the Special Permit is to be modified, he would not be keen on separating the plans, but would rather consider the proposal in its entirety. Ms. Kablack suggested that, perhaps the Permit could be modified to be a portion of the McCarthy lot and then consider the two ANR lots. Chairman Fee expressed hesitation regarding the need to separate the ANR lots. Mr. Hunter stated ultimately, the deliberation would proceed as advised by Town Counsel. Chairman Fee stated he would like additional time to consider the best procedural approach.

Mr. Morely stated he is sympathetic to the financial times we are living in, is pleased with the proposal and is inclined to support ways to make the development work. Chairman Fee concurred, and he concluded the discussion.

#### **Grouse Hill and Mahoney Farm – Bond Reduction**

Ms. Kablack announced this item is not ready to proceed and has been removed from tonight's agenda.

#### **Stormwater Management Permit – Haskell Field Parking Lot Expansion**

The Board was previously in receipt of copies of the Stormwater Management Permit application for the Haskell Field Parking Lot. Ms. Kablack stated that the project's Site Plan will be deliberated by the

Board of Selectmen, and thus in the interest of conserving municipal resources, it has been suggested that the Board delegate its authority to the Selectmen for review of the Stormwater Management Plan.

On motion duly made and seconded, it was unanimously

VOTED: To delegate the Planning Board's authority for Stormwater Management Permit review to the Board of Selectmen regarding the Haskell Field Parking Lot Expansion.

### **Minutes**

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of December 9, 2010.

### **Adoption of 2011 Bonding Policy**

The Board was previously in receipt of a letter, dated December 28, 2010, from Town Engineer/DPW Director William I. Place, which updated the 2010 Bonding Policy to reflect 2011 unit prices and a copy of the current 2010 unit prices as presented in a letter from Mr. Place dated January 8, 2010. Ms. Kablack recommended acceptance by the Board of Mr. Place's proposal.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the 2011 Bonding Policy unit prices as presented by Department of Public Works Director/Town Engineer William I. Place, in a letter dated December 28, 2010.

### **Meadowview Knoll Lot C – Release of Covenant**

Ms. Kablack recommended release of the covenant, noting all other lots were released and only Parcel C was never officially released.

On motion duly made and seconded, it was unanimously:

VOTED: To approve and sign the Release of Covenant for Lot C, Meadowview Knoll.

### **Potential Articles for 2011 Annual Town Meeting**

The Board was previously in receipt of copies of a listing of 2011 potential articles for the Annual 2011 Town Meeting and accompanying draft articles and documentation to review.

The Board discussed and voted on each potential article as follows:

**Residential Care Facility – Amendments** – Ms. Kablack stated a good case could be made for this article as a means to encourage senior housing opportunities. However, she reiterated the concern that over 100 five-acre parcels in A-Residential zoning districts would be potentially impacted if the proposal were adopted.

Mr. Hunter suggested proposing an overlay district by re-zoning the neighborhood.



Mr. Morely opined he is concerned about rushing a decision for a project that does not seem to need it.

Mr. Poch stated he sees benefit to exploiting the need for Town revenue through a more comprehensive zoning approach. Mr. Morely agreed, but stated there are more extensive proposals the Board could initiate other than what has been suggested by B'Nai B'rith. Chairman Fee concurred that a more comprehensive zoning study would be useful.

However, he further stated that this is the most viable developer to present itself for this difficult location in a long time and it is important that the opportunity is not lost.

Mr. Morely reiterated that he does not understand the need to rush to act on the proposal provided.

Previously tonight, the Board had voted to bookmark this issue for further consideration.

**Wireless Bylaw – Adding Properties to the Overlay District** – The Board was previously in receipt of material related to notification of construction of a proposed cell tower on the Bartlett Greenhouse property outside the Overlay District and copies of the draft article prepared for discussion last year. Chairman Fee reported he met with Selectman O'Brien, who believes the Overlay District should be expanded to deter carriers from approaching private property owners for site installations.

A brief discussion ensued regarding the opposition expressed last year by citizens and that nearly all the suggested sites were problematic regarding setback requirements, and thereby had been eliminated from consideration.

On motion duly made and seconded, it was unanimously

VOTED: To not proceed with sponsoring a warrant article for the Annual 2011 Town Meeting regarding the expansion of the Wireless Bylaw Overlay District and to instruct Ms. Kablack, on behalf of the Board, to communicate this vote to the Board of Selectmen.

**Outdoor Wood Boilers (OWB)** – The Board was previously in receipt of copies of the "Town of Sudbury Board of Health Outdoor Hydronic Heater Regulations (modeled after Westminster)." Mr. Morely reported attending the December Board of Health (BOH) meeting, noting the current BOH Chairman has positive experience working with commercial biomass-type facilities. He further reported that the BOH does not think it could support a ban and does not deem OWBs as a health annoyance, however, it did seem open to considering regulation of greater setbacks. Ms. Kablack provided the BOH with draft regulations, similar to those of the Department of Environmental Protection, for review and she awaits feedback.

Mr. Sziabowski noted he was pleased with the inclusion of language regarding emissions. Mr. Hunter was pleased to see the inclusion of language regarding the type of wood to be burned and setbacks. Chairman Fee stated he hopes the BOH will choose to adopt the regulations, however, if it does not, he suggested that the Board bookmark the article.

On motion duly made and seconded, it was unanimously

VOTED: To bookmark a warrant article for the Annual 2011 Town Meeting regarding the regulation of Outside Wood Boilers in the event that the Board of Health decides not to adopt regulations.

**Wind Turbines** – The Board was previously in receipt of an email message from Jonathan Gossels dated January 4, 2011 regarding proactively developing a zoning bylaw regulating wind turbine technology to address, height, noise, vibration/pressure, safety and maintenance issues, copies of an article initiated by the Town of Pepperell and a *Boston Globe* article dated January 6, 2011 describing Pepperell's efforts.

Chairman Fee stated he does not believe Sudbury has enough sustained wind to warrant proceeding with an article. Mr. Hunter noted that the information provided does not meet the U.S. Department of Energy standards and that sound standards would be difficult to enforce. It was noted that this type of regulation is needed more in coastline communities along the seashore and hilltop communities in the Berkshires.

Chairman Fee asked for clarification regarding whether height limitations in the Town bylaws apply to structures or just buildings. Ms. Kablack read the bylaw aloud. Based on the current bylaw, Chairman Fee does not believe there is a height limitation and a large structure would not be banned. He suggested bookmarking an article.

Mr. Sziabowski stated that, although he is inclined to support alternative energy resources, he believes the size and location of these structures would be difficult to regulate. Chairman Fee opined that, currently, they are allowed by right. Ms. Kablack suggested that the issue be referred to the Energy and Sustainability Green Ribbon Committee for further review.

On motion duly made and seconded, it was unanimously

VOTED: To instruct Ms. Kablack to respond to Mr. Gossels, noting that the Board reviewed the material provided, but believes there may not be enough wind in Town to proceed with sponsoring a warrant article for the Annual 2011 Town Meeting regarding the regulation of wind turbine technology, and to refer the issue to the Energy and Sustainability Green Ribbon Committee for further review.

**Accessory Dwelling Bylaw – By Right for Family Members** – The Board was previously in receipt of a draft article, noting the addition of Section 5530 which stated that no Special Permit would be required if the unit is created for a family member and a certified affidavit is provided establishing the relationship to the property owner. Use of the unit would also discontinue upon the departure of the relative from the home.

Ms. Kablack stated that she and Building Inspector Jim Kelly suggested this article. She noted that, at this time, the ZBA stated it is satisfied with the bylaw and is not recommending revisions. Ms. Kablack expressed concern that there is not enough substance provided in the proposed language. Mr. Poch opined that the ZBA should be determining whether a unit qualifies as an Accessory Dwelling Unit or not, and that it should not matter who will live there.

On motion duly made and seconded, it was unanimously

VOTED: To not proceed with sponsoring a warrant article for the Annual 2011 Town Meeting to revise the Accessory Dwelling Bylaw to allow by right use for a family member of the property owner.

**Allowing Retail within Industrial Districts** – The Board was previously in receipt of copies of maps of all Industrial and Limited Industrial Districts in Sudbury. Ms. Kablack stated it does not seem logical to preclude retail from these districts, especially during difficult economic times. In addition, any new commercial building proposed would be subject to a special permit as a Major Commercial Project, thus

allowing discretionary power to the ZBA if the use was deemed inappropriate for a certain location. Chairman Fee concurred, noting it is common place to have retail in industrial districts. Mr. Poch opined that, perhaps, retail should be allowed in all districts.

On motion duly made and seconded, it was unanimously

VOTED: To proceed with bookmarking a warrant article for the Annual 2011 Town Meeting regarding allowing retail within the Industrial and Limited Industrial Districts.

**Floor Drain Control Regulation – Board of Health** – The Board was previously in receipt of copies of draft language provided by Ms. Kablack to the Board of Health regarding Floor Drain Control regulations required by DEP. She awaits feedback from the BOH.

Ms. Kablack listed a few other potential articles, including Tree Cutting Regulations and Transfer of Small Parcels of Land on Hudson Rd and Pinewood Ave. to be deliberated by the Board of Selectmen. She further noted that the Route 20 Sewer Project – Design and Permitting Phase and the Town Center Project have been submitted as \$1,000,000 Capital Budget Improvement Requests. Ms. Kablack opined she believes the Town Center project is unlikely to proceed this year.

**Application Not Required Application – 49 Brimstone Lane**

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Jeffrey Simon regarding 49 Brimstone Lane. Ms. Kablack described the two small requested changes as basically a land swap, and she recommended approval.

On motion duly made and seconded, it was unanimously

VOTED: To approve the Form A Application Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Jeffrey Simon regarding 49 Brimstone Lane.

**Application Not Required Application – Willis Hill Trust - Maynard Road Lots 303 and 304**

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Willis Hill Trust regarding Lots 303 and 304 located at Maynard Road. Ms. Kablack recommended approval.

On motion duly made and seconded, it was unanimously

VOTED: To approve the Form A Application Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by submitted by Willis Hill Trust regarding Lots 303 and 304 located at Maynard Road.

**Application Not Required Application – New Bridge Farm Trust**

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by New Bridge Farm Trust regarding Lot 0500 east of 48 New Bridge Road. Ms. Kablack recommended approval.

On motion duly made and seconded, it was unanimously

VOTED: To approve the Form A Application Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by New Bridge Farm Trust regarding Lot 0500 east of 48 New Bridge Road.

**Miscellaneous**

**Accessory Dwelling Unit - Update**

The Board was previously in receipt of a letter from Rosanna Woodmansee dated January 2, 2011, thanking the Board and the ZBA for approving a Special Permit for an accessory dwelling unit which has helped her financially. However, Ms. Woodmansee noted that the unit was measured by the Assessor as 1,030 square feet and not 954 as indicated on her application. Thus, Ms. Woodmansee asked if a correction waiver is required now that appropriate Town parties have been apprised of the discrepancy.

**Upcoming Planning Board Meeting Schedule**

The Board's next meeting is scheduled for February 9, 2011.

The meeting was adjourned by Chairman Fee at 9:50 p.m.