

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

Absent: Joe Sziabowski

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

Public Hearing: Stormwater Management Permit – Lot 16 Kato Drive

Present: Applicant Perry Beckett

At 7:35 p.m., Chairman Fee opened the Public Hearing regarding an application for a Stormwater Management Permit for Lot 16 Kato Drive, which was continued from October 12, 2011. Ms. Kablack circulated a copy of a letter dated today, received from applicant Perry Beckett, and it was read aloud by the Chairman. Mr. Beckett has requested an extension of the deadline for action on this application to December 1, 2011.

Ms. Kablack stated the lawyer representing the new property owners would like to review the provisions of the Permit with her.

Chairman Fee stated the Board might consider denying the application if the new property owners do not submit the new application for substitution of ownership in order to modify the original application.

Mr. Hunter stated he visited the property recently. He thought an excellent job was done regarding erosion control. Mr. Hunter further stated the construction seems far along in its process.

Ms. Kablack noted a Certificate of Occupancy cannot be granted until this modification process is completed.

Chairman Fee suggested, and the Board concurred, Building Inspector Jim Kelly visit the site tomorrow.

Ms. Kablack asked Mr. Beckett when occupancy is expected to occur. Mr. Beckett estimated not until the end of January 2012.

Chairman Fee reiterated to Mr. Beckett that he should inform the property owners that the Board would be inclined to deny the application if the appropriate paperwork is not received by its next meeting on November 30, 2011.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing until November 30, 2011 at 8:30 p.m., and to extend the final review and action on this application to December 1, 2011.

Ledgewood II – Bond Reduction Request

The Board was previously in receipt of copies of a letter from Town Engineer/DPW Director Bill Place, dated October 14, 2011, recommending that the bond for Ledgewood II at Sudbury Development Corp., be reduced to \$14,850.00.

Chairman Fee recused himself from this discussion and any subsequent vote.

Ms. Kablack explained the Town also holds a Letter of Credit in the amount of \$23,000, which the Town Treasurer is pursuing as being still in effect. The Town Treasurer is also researching whether there are back real estate taxes owed to the Town. Ms. Kablack provided a brief status update of the project, and she recommended approval of the request.

Mr. Morely questioned whether the Town should take the bond funds and complete the outstanding work. Ms. Kablack recommended against this action, since there are still houses to be constructed.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request of Richard Campana, President Ledgewood II at Sudbury Development Corp., for a reduction in bond for Ledgewood II to \$14,850.00, as recommended in a letter from Town Engineer/DPW Director Bill Place, dated October 14, 2011.

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

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

At 7:45 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, and he read the public notice. Mr. Fee noted that Mr. Sziabowski was absent from the discussion this evening, and appointed Craig Lizotte, Planning Board Associate Member, to act in a voting capacity for the purposes of this application.

The Board was previously in receipt of a letter from Martin E. Loiselle, Jr., Permitting/Development Manager for Capital Group Properties dated October 13, 2011 and a memorandum sent by Trustee William Depietri to all Grouse Hill Unit Owners and Residents dated September 22, 2011, stating results of a survey conducted regarding the suggested modifications.

Ms. Kablack displayed the plans to the Board, highlighting the Landscape Plan.

Mr. Loiselle also exhibited the original plan and the proposed modification plan. He explained the request is to amend the previous Special Permit Decision so as to eliminate the requirement to construct two walking trails and eight visitor parking spaces. In lieu of these items, it is suggested the applicant donate funds to the Town Walkway fund in an amount equal to their worth to be used to construct a sidewalk from the project entrance to the Framingham town line. Mr. Loiselle stated he has worked with Ms. Kablack and the Department of Public Works

Director/Town Engineer to estimate the value of the work, which has been determined to be \$16,250. He noted Grouse Hill residents overwhelmingly support the modification requests presented tonight, and he referenced a recent survey completed by residents.

Mr. Poch stated he believes there was considerable debate during previous discussions and hearings regarding the development's internal sidewalks and the creation of walkways to link to other open space in the area, including the Nobscot property. He further stated the Board previously granted relief regarding the installation of internal sidewalks in favor of the installation of the walkway trails. Chairman Fee concurred with this recollection.

Ms. Kablack read aloud the relevant condition from the current Decision.

Chairman Fee asked what rationale was previously provided for requiring the pedestrian walkways.

Mr. Morely stated he believes the walkways were to connect to existing paths in the area, which he further described, and to provide access from the future Rail Trail to the Nobscot property. He asked why there is no longer a need for the extra parking spaces. Mr. Morely emphasized the parking spaces and the walkways are two separate issues. He expressed concern that residents might have voted on the survey thinking that the two issues were linked. Mr. Morely cautioned the Grouse Hill residents to not forsake one thing for what they erroneously assume is the other. Chairman Fee concurred that the two issues should be decided upon separately.

Mr. Lizotte asked if the proposed amount of \$16,250 represents the actual cost of the proposed sidewalk construction. He also asked if it has been determined that the proposed sidewalk is able to be constructed.

Ms. Kablack stated there is sufficient right-of-way, but there are slope issues to be addressed. She reviewed the known problems, and she stated it has not yet been determined whether construction is feasible.

Mr. Lizotte summarized the \$16,250 would only pay for a portion of the proposed sidewalk, and that the slope may preclude construction of a sidewalk in the proposed location.

Chairman Fee noted it is not in the Board's authority to dedicate funds to a certain project.

Ms. Kablack highlighted the applicant wishes to fulfill all conditions prior to final occupancy.

Chairman Fee framed the question for this evening not as whether a sidewalk on Old Framingham Road is viable, but whether the developer should be relieved from their obligation to construct the walkway trails and parking spaces. He reiterated the walkways would provide connectivity to other trails, as previously stated by Mr. Poch and Mr. Morely.

In response to a question from Mr. Hunter, Mr. Loiselle stated the horse trails previously discussed are no longer used, and thereby have become overgrown. He stated the Grouse Hill residents questioned how often the trails in their current condition would be used and how they would be maintained in the future.

Ms. Kablack noted that the walkway trails were not intended to be used by the public, but rather were to be used by Grouse Hill residents, since they would be located on Grouse Hill property.

Grouse Hill resident Tom Travers, 32 Old Framingham Road Unit #45, stated most residents are over the age of 55, and the trails through the woods would not be easy for them to access. Nor does Mr. Travers believe the residents would utilize them to access a future rail trail. In addition, he noted the Condominium Trust would be responsible for the upkeep and clearing of the trails, which it was not certain it wished to do.

Mr. Travers also noted that the proposed trails would be in close proximity to a few housing units, and that there were privacy concerns. Mr. Travers stated the Grouse Hill residents support the elimination of the walkway trails.

Grouse Hill resident John Findley, 32 Old Framingham Road Unit #16, stated it would be expensive for the Trust to maintain the trails. He also emphasized how dangerous Old Framingham Road is now without sidewalks.

Grouse Hill resident Soterios Zoulas, 32 Old Framingham Road, Unit #9, stated the residents are far more apt to use a sidewalk on Old Framingham Road than they are to walk in the woods. Chairman Fee asked if the residents would use the walkway trails if the Old Framingham Road sidewalk could not be constructed for a while. Mr. Zoulas stated he does not believe they would use them. He also emphasized how dangerous the conditions are on Old Framingham Road, given cars speeding and the lack of a stop sign.

Mahoney Farms resident Mike Coutu, 30 Nobscot Road Unit #6, stated residents from Mahoney Farms and Grouse Hill would not be in favor of encouraging public access through their developments to the Nobscot Reservation property. He emphasized a sidewalk on Nobscot Road to Old Framingham Road is needed.

A Sudbury resident at 32 Old Framingham Road, Unit #18, expressed concern for dangerous conditions and wildlife in the woods. She stated she has heard gunshots in the area, and she is concerned that the liability which the Trust would need to assume would be a huge burden.

Sudbury resident, Rosemary Geary, Unit #43, stated she assumed the funds being offered to the Town tonight would be used to construct a sidewalk on Old Framingham Road.

Chairman Fee stated it is not within the Board's jurisdiction to earmark funds for specific projects. However, he emphasized the Board has identified Old Framingham Road as a high priority through its annual Walkway Forum process. Thus, Chairman Fee stated there is a high likelihood the funds could be used for this purpose. Ms. Kablack stated she would further consult with the Town Accounting Department as to whether funds could be designated for a specific purpose. Mr. Morely reiterated that the proposed funds do not represent the full cost of the proposed sidewalk.

Mr. Coutu asked for clarification regarding the current Town sidewalk plans for this area, which was provided to him. Both Old Framingham Road and Nobscot Road have been added to the 2000 Walkway Plan after public hearing and discussion by the Planning Board.

Mr. Morely reviewed the history of the previous intentions for the walkway trails.

Chairman Fee asked for public input regarding the parking space reduction request.

Mr. Travers stated there is adequate parking for residents most of the time based on the construction of driveways and the roadway. He further stated Grouse Hill residents enjoy the green space as it exists now, and they do not believe there is need for the eight parking spaces.

Ms. Kablack stated the roadway is 22-feet wide and it provides adequate space for on-street guest parking.

Chairman Fee recommended the Board review meeting minutes from previous relevant discussions and that it schedule a site visit to further evaluate the requests. Mr. Poch concurred. Mr. Morely also agreed that coordination of a site visit would be beneficial. Chairman Fee stated he is open to the Board revisiting its original decision if certain conditions no longer benefit the current residents, and he would be inclined to accept the proposed contribution.

In response to a question from Mr. Findley, Chairman Fee stated the Board is in agreement with the importance of prioritizing a sidewalk on Old Framingham Road, in particular for residents of Grouse Hill and Mahoney Farms. Mr. Poch concurred, stating a sidewalk in this location would benefit all Sudbury residents.

Ms. Kablack suggested the Board consider whether to escrow funds related to the parking spaces for future consideration if resolution of this issue is not completed prior to the final occupancy permit for the development.

Mr. Morely stated he is not inclined to make this process onerous for the developer. It was noted the Board is cognizant that closure on these items is needed for issuance of a final occupancy permit.

On motion duly made and seconded, it was unanimously:

VOTED: To continue 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 to November 30, 2011 at 7:30 p.m., and to schedule a site visit by the Board to Grouse Hill prior to this date.

Mr. Loiselle stated the applicant has also requested a release of the construction bond. Ms. Kablack stated the Board does not have the requisite information to consider this issue tonight.

Chairman Fee encouraged Mr. Loiselle to communicate with DPW Director Bill Place prior to the Board's next meeting in order to determine what issues need to be resolved to expedite the approval process.

Northwood at Sudbury, Northwood Drive – Consent to Modify Stormwater Management Permit and Water Resource Special Permit

Present: Petitioner First Colony Northwood LLC representatives Stan Gordon, Kevin Glabasser and Project Engineer Arthur Borden

Ms. Kablack recused herself from the discussion, since her husband represents the Northwood at Sudbury Condominium Trustees, and he is providing special counsel services to First Colony Northwood LLC, the successor developer under the U.S. Bankruptcy Court phasing rights auction held last year.

Chairman Fee opened the discussion regarding the request for consent to modify the Stormwater Management Permit and Water Resource Special Permit submitted by First Colony Northwood LLC.

The Board was in previous receipt of copies of two letters from Attorney Mark Kablack, dated October 12, 2011 and October 18, 2011 respectively (with accompanying plans), a letter from Planning Board Chair Michael Fee dated May 3, 2010, noting previous consent to modify the Water Resource Special Permit and Section H "Plan Changes" of Sudbury's Stormwater Regulations Adopted 9/9/09, copies of the Board of Selectmen Public Hearing Notice for November 15, 2011, and the "Decision Stormwater Management Permit Northwood at Sudbury dated June 9, 2010." In addition, copies of an email from DPW Director Bill Place dated November 8, 2011 were distributed to the Board tonight, and it was read aloud by Chairman Fee.

Mr. Gordon summarized the history of the Condominium development and displayed exhibits of the original plan and the proposed modified plan. He stated he has worked closely with the Trustees during the past year. Mr. Gordon explained First Colony plans to retain the proposed construction of 19 new condominium units, with the exception of the location of two duplex buildings on each side of the clubhouse. First Colony proposes to relocate the units to the north side of the clubhouse, creating a 4-unit building and allowing more open area to be retained south of the clubhouse. Mr. Gordon also stated that, from a drainage perspective, not much has been changed, with the exception of some recharge areas being appropriately relocated. He also noted a Site Plan Public Hearing is scheduled with the Board of Selectmen on November 15, 2011.

Chairman Fee asked Mr. Borden if he had reviewed the email from DPW Director Bill Place. Mr. Borden stated he did review the information with Mr. Place, and he will rerun the drainage calculations. He also responded to a few rain garden-related questions from Mr. Lizotte. Mr. Morely opined rain garden #5 appears large enough to handle the anticipated flow.

Chairman Fee asked for the Board's opinion as to whether the proposed modifications to the two Permits are insignificant in nature. The consensus of the Board was that they are insignificant. However, Mr. Poch stated he believes significant changes have been made which relate to the Site Plan regarding the building elevations. Mr. Morely noted the Design Review Board has already approved the proposed new plan. From a Site Plan perspective, Mr. Poch further stated he does not believe the proposed plan maintains the intent of the originally approved plans, and he does not believe the new plans fit within the context of what is already on site. The Board decided a letter be sent to the Board of Selectmen.

Mr. Hunter noted previous discussions had emphasized the importance of the buffer along the Cummings property line, and he asked for clarification that this area has been maintained. Mr. Gordon clarified no alterations were made to impact the proximity to the Cummings property line.

Chairman Fee stated the Board is inclined to approve the application at its next meeting, subject to the drainage calculations being rerun to the satisfaction of the DPW Director.

On motion duly made and seconded, it was unanimously

VOTED: To continue the discussion regarding the Northwood at Sudbury's request to amend its Stormwater Management Permit and its Water Resource Special Permit to November 30, 2011, with the understanding that in the interim, the applicant provides rerun drainage calculations to be reviewed by Sudbury's DPW Director, and that the DPW Director provide his opinion to the Board regarding the revised information.

On motion duly made and seconded, it was also unanimously

VOTED: To send a letter to the Board of Selectmen, stating that at the Planning Board's November 9, 2011 meeting, the Board reviewed the Northwood at Sudbury request to modify its Stormwater Management and Water Resource Special Permits as granted by the Board in June 2010, and pursuant to the Sudbury Stormwater Management Bylaw regulations as stated in Section H, the Board determined the request was not significant, and thereby entertained the request for modification. The Board voted to conditionally approve the request to modify the Permits contingent on receiving rerun drainage calculations, as requested by Department of Public Works Director Bill Place. However, the Planning Board noted significant proposed changes from the previously approved architectural design which it had reviewed in 2010, and the Board wishes to bring this to the Selectmen's attention and asks that they evaluate the proposed Site Plan accordingly.

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

Ms. Kablack distributed copies to the Board of a memorandum from Metropolitan Area Planning Council (MAPC) for District Local Technical Assistance Senior Regional Planner Cynthia Wall dated November 8, 2011.

A brief discussion ensued reviewing the recent Route 20 Zoning Forum coordinated by MAPC. The consensus was the presentation could have been better organized, but that feedback received from those in attendance was helpful.

Ms. Kablack stated she had hoped the most recent communication from MAPC would have offered more specific recommendations to assist Sudbury in its efforts to draft a new zoning bylaw. Ms. Kablack has spoken with Ms. Wall, and she expressed the need to focus attention to several issues such as uses, the form of any zoning bylaw change, incentives, and any proposed locations of new zoning districts.

Mr. Lizotte suggested language be more form-based and not dependent on the type of uses. Ms. Kablack stated form-based codes are now very popular.

Mr. Morely suggested including incentives for developers to combine parcels.

Ms. Kablack asked for clarification regarding whether the intent is to enter into rezoning efforts in general, or only to do so if there is a sewer project.

Mr. Lizotte asked if the project could be considered in a node concept, designating a few areas to be addressed separately. He suggested the Route 20 and Union Avenue area as the central node, and then working out from there.

Ms. Kablack reported the Route 20 Sewer Steering Committee has decided to not put an article forward for the Annual 2012 Town Meeting. Thus, there is more time to work on generating ideas and information.

Ms. Kablack asked the Board to think about ideas for housing and share their feedback with her. She asked if multi-housing should be considered. Mr. Morely stated he could see the potential for incorporating a limited number of single-family homes converted possibly to duplexes into plans. He also expressed his desire to maintain what he believes to be a current feature of Route 20 in that it has a variety of “zones” throughout Sudbury – residential zones interspersed with commercial zones.

Ms. Kablack stated she would continue to work with MAPC to focus on establishing possible zoning amendments, and asked for volunteers for a working session with MAPC prior to the Nov. 30th Planning Board meeting.

At 9:25 p.m., Chairman Fee closed the discussion.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of October 12, 2011.

Miscellaneous

Application Not Required Application – 181 Dutton Road

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plans submitted by John W. Egan and Kathleen L. Egan for 168 Marlborough Road and Keith L. and Elizabeth G. Armstrong for 166 Marlborough 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 plans submitted by John W. Egan and Kathleen L. Egan for 168 Marlborough Road and Keith L. and Elizabeth G. Armstrong for 166 Marlborough Road.

The meeting was adjourned by Chairman Fee at 9:30 p.m.