

Present: Michael Fee (Chairman), Eric Poch (Vice-Chairman), Christopher Morely, Michael Hunter, Joe Sziabowski (arrived at 7:50 p.m.), Craig Lizotte (Associate), and Jody Kablack (Director of Planning and Development)

At 7:35 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, and MAPC representatives Julie Conroy and Barry Fradkin

At 7:35 p.m., Chairman Fee opened the discussion regarding the Metropolitan Area Planning Council (MAPC) District Local Technical Assistance project. The Board was previously in receipt of copies of a “Draft Scope of Work for the MAPC and Town of Sudbury District Local Technical Assistance FY2011 Project,” and the advertisement flyer for the Route 20 Zoning Forum on October 26, 2011.

MAPC Senior Regional Planner Cynthia Wall stated she and her colleagues would provide a preview of the Zoning Forum presentation tonight. Ms. Wall welcomed feedback from the Board prior to October 20, 2011 to be incorporated into the presentation. Copies of a handout of the presentation slides were distributed.

Ms. Wall noted the presentation focuses on background uses and design preferences.

Mr. Morely noted the boundaries presented on the “Study Area Map” are too generous and should be narrowed. Mr. Poch agreed, and he suggested a parcel layer be included.

Mr. Lizotte asked if the study area is the Route 20 corridor or only where the sewer would be located. Chairman Fee stated the rezoning areas are potentially broader than the sewer service area, and thus the larger area should be publicly presented. Mr. Poch concurred, and he suggested two maps be presented, i.e., one of the business district and the other for the potential sewer district. The consensus of the Board was that a parcel layer be added to the maps.

The Board considered language for Slide #4 “Project Background.” Chairman Fee stated the presentation should note what the Master Plan includes regarding this subject.

Mr. Lizotte suggested Master Plan goals be highlighted. Ms. Kablack referenced and distributed copies to the Board of a listing she compiled of “General Goals – based on Mullin and Cecil visioning sessions 2001.” Mr. Poch suggested the 1999 Wastewater Needs Assessment be identified as the Weston and Sampson study, noting an independent technical study was completed and a civic forum reached similar conclusions.

Mr. Morely suggested the Water Supply Map be presented first for maximum impact. Mr. Poch and Chairman Fee concurred.

The Board requested that the map resolutions and colors be intensified prior to the Zoning Forum because delineations were difficult to discern tonight. Mr. Hunter also requested a few notable landmarks be designated on the maps as frames of reference. Mr. Poch agreed, and suggested a few to be listed along the project boundaries.

Mr. Hunter further suggested several map overlays be presented to culminate in an impressive display of the build area.

MAPC representative Barry Fradkin reviewed the interactive keypad polling process. Ms. Kablack noted it would be important to emphasize the votes are non-binding.

The Board briefly discussed potential uses for Route 20 to be presented. Chairman Fee suggested the public be asked for its input regarding additional uses.

Ms. Wall stated a series of photos would be used to determine what the public prefers regarding mixed uses. Mr. Sziabowski asked according to what criteria were the photos selected. MAPC representative Julie Conroy explained they have been culled from other presentations as good examples for what might be appropriate for Sudbury. Mr. Poch opined it is important to carefully clarify for the public that mixed uses are represented in the photos. Ms. Wall stated the photos would first focus on style preferences and then on a breakdown of higher-density and mixed uses.

Ms. Kablack questioned whether photos of Sudbury examples might have more relevance with the public. Mr. Sziabowski stated the images seem all very similar, and he suggested a wider variety of options be presented. Ms. Kablack and Chairman Fee concurred. Ms. Kablack requested several more images be included.

Ms. Conroy briefly reviewed the examples of "Low Impact Development (LID)" included in the presentation. Ms. Kablack stated this environmental focus is important, and she believes it will resonate with residents. Mr. Lizotte questioned whether the stormwater management issues deviate too much from the intended zoning discussion. He suggested a few potential strategies which might be used be presented at the end.

Ms. Conroy stated this feedback is helpful, since site planning is usually done prior to presenting the LID information

Mr. Poch stated he would prefer if a more macro approach is presented, including a larger scale of redevelopment inclusive of pedestrian pathways and bikeways. He further suggested the stresses on current infrastructure, including traffic, be broached.

Mr. Lizotte suggested traffic issues could be mentioned as part of a constraints exhibit. Chairman Fee suggested three or four issues be highlighted, such as how green principles could be incorporated, pedestrian flow, traffic flow comparisons with Route 9, etc.

Mr. Poch emphasized Chapter 40B concerns should be addressed. He stated he has been contacted by residents regarding this issue. Mr. Poch believes it is important to state a position that there is relative low risk of Chapter 40B development on commercial sites. Mr. Morely suggested a slide be included noting why such development is unlikely.

Mr. Hunter suggested residents be asked how they envision Route 20 to look in 10 years to provide more of a transition from the style portion of the presentation to the density/use portion. It was also suggested the public be asked where the greatest opportunity for redevelopment is on Route 20.

Ms. Wall stated her team could use more guidance regarding the presentation of mixed-use options. She further stated some revisions would be made and sent to Ms. Kablack to distribute for additional input.

At 8:29 p.m., Chairman Fee thanked the MAPC team, and he concluded the discussion.

Public Hearing: Stormwater Management Permit – Lot 16 Kato Drive

Present: Perry Beckett

At 8:29 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 September 21, 2011. The Board was previously in receipt of copies of a draft “Decision Stormwater Management Permit Lot 16 Kato Drive Sudbury, MA dated October 12, 2011. Chairman Fee stated Mr. Hunter would not be voting on this agenda item.

Ms. Kablack reviewed that Section II C 2) of the Draft Decision includes the requested covenant language requiring maintenance of the stormwater management system.

Perry Beckett stated he reviewed the Draft Decision and has forwarded it to the new owners of record. Chairman Fee asked when the property was sold. Mr. Beckett stated the sale occurred last spring. Chairman Fee announced the Board would not be able to vote a decision tonight. He advised Mr. Beckett to inform the new owners they should come before the Board to request a substitution of ownership and complete the necessary administrative procedures to modify the original application.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application for a Stormwater Management Permit for Lot 16 Kato Drive to November 9, 2011 at 7:30 p.m.

Public Hearing: TD Bank – 407 Boston Post Road

Present: Joshua Swerling from Bohler Engineering and Future Property Owner and Developer Rick Curtin

At 8:35 p.m., Chairman Fee opened the Public Hearing regarding the Water Resource Special Permit and Stormwater Management Permit applications for TD Bank at 407 Boston Post Road which was continued from September 14, 2011. The Board was previously in receipt of copies of a “Decision and Water Resource Special Permit TD Bank 407 Boston Post Road dated October 12, 2011” and a “Decision Stormwater Management Permit TD Bank – 407 Boston Post Road dated October 12, 2011.”

Ms. Kablack stated the Board of Selectmen have met with the applicant and is now more comfortable with the minor revisions made to the proposal regarding the placement of the building on the site and a few other matters.

Joshua Swerling from Bohler Engineering confirmed the building would be set back a few more feet than was originally proposed and that only a few minor revisions have been made to the Site Plan. He asked if the requirement to cover the soil stockpile could be deleted from Section II B 3. Mr. Lizotte recommended the language remain as presented regarding covering the stock piles, and the Board concurred.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing regarding the Water Resource Permit and Stormwater Management Permit applications for TD Bank, 407 Boston Post Road.

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

VOTED: To grant the Water Resource Special Permit Decision for TD Bank, 407 Boston Post Road, as reviewed tonight, subject to correcting the spelling of Mr. Morely's name and noting that such granting is contingent upon the approval by the Board of Selectman of a Site Plan in substantial conformance with the "Site Development Plans for Proposed TD Bank with Drive-Thru, 407 Boston Post Road" dated May 19, 2011, last revised August 24, 2011 and prepared by Bohler Engineering, Southborough, MA.

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

VOTED: To grant the Stormwater Management Permit Decision for TD Bank, 407 Boston Post Road, as reviewed tonight, subject to correcting the spelling of Mr. Morely's name and noting that such granting is contingent upon the approval by the Board of Selectman of a Site Plan in substantial conformance with the "Site Development Plans for Proposed TD Bank with Drive-Thru, 407 Boston Post Road" dated May 19, 2011, last revised August 24, 2011 and prepared by Bohler Engineering, Southborough, MA.

Zoning Board of Appeals – Discussion Regarding Potential Changes to the Zoning Bylaw – Wind Regulations and Temporary Signs

Present: Zoning Board of Appeals (ZBA) Chair Elizabeth Quirk, ZBA members Jonathan Gossels, Jeffrey Klofft, Building Inspector Jim Kelly and Board of Selectmen Chair Lawrence O'Brien

At 8:46 p.m., Chairman Fee opened a discussion with the Zoning Board of Appeals (ZBA) regarding potential changes to the Zoning Bylaws related to wind regulations and temporary signs. The Board was previously in receipt of copies of a *Boston Globe* article "More municipalities eager to tap state for wind turbine subsidies," copies of a State wind map of Sudbury, copies of the current sign bylaws and copies of the 2007 Annual Town Meeting proceeding discussion regarding revisions to the sign bylaw for portable signs.

ZBA member Jonathan Gossels stated the Board wanted to be proactive regarding a few issues, including outside wood boilers. Ms. Kablack stated the Board of Health had issued regulations last spring, which are on the Town website. She explained the regulations include large setbacks and existing owners of boilers would not be able to replace their units unless they comply with the current bylaw. Chairman Fee noted that the Board of Health regulations take precedence over any zoning variances. Mr. Gossels was pleased to hear these updates.

Mr. Gossels stated the Board would also like to be proactive regarding the investigation of wind turbine technology. He stated current systems are noisy and proposals are sometimes made to install units near property lines.

Chairman Fee stated it is the Board's belief that Sudbury is not in a significant wind zone, and thus the likelihood of this technology being used in Town is unlikely. Ms. Kablack concurred and referenced the State Wind Map.

Mr. Lizotte stated a few communities, such as Foxboro, Savoy, Charlton and Brimfield have established model bylaws, which could be evaluated. He also noted the wind turbine tax credit expires in December 2011. Mr. Lizotte believes the only programs having a lot of funding success are for municipal entities and not residential purposes.

Mr. Gossels believes this issue could be of more significance in the next few years. Thus, he believes the Town should establish corresponding policy.

Mr. Lizotte stated he believes photovoltaic options are more cost effective for Sudbury residents than wind turbines.

Mr. Morely suggested the model bylaws be reviewed and that information be accessed on the MAPC website.

Ms. Kablack stated she and Building Inspector Jim Kelly consulted with MAPC regarding the issue. MAPC will research model bylaws and provide more information in the next month for review.

The consensus of the group was that, perhaps a basic model bylaw could be prepared for presentation at the Annual 2012 Town Meeting.

Mr. Morely asked if the draft bylaw prepared would allow or prohibit wind turbines. He stated his preference would be to prohibit them because he believes the current technology is too noisy to install on a one-acre lot.

Board of Selectman Chairman Lawrence O'Brien stated new technologies need to be encouraged and a basic model bylaw is a good place for the Town to start.

Ms. Kablack asked Mr. Kelly if the Energy and Sustainability Green Ribbon Committee has formulated an opinion on wind turbines. Mr. Kelly stated the Committee does not see wind as a viable option in Sudbury. He noted a turbine cannot be placed on the Town's landfill.

ZBA member Jeffrey Klofft explained the ZBA receives numerous requests for Special Permits regarding signs which he believes are superior to the allowable temporary signs. Thus, he has concluded that, perhaps the sign bylaw is not working as well as it could and needs to be revised. Mr. Gossels concurred, stating perhaps some modifications could help reduce the visual clutter of signs, while also giving businesses the advertising visibility they need.

Selectman O'Brien and Mr. Hunter provided background information regarding previous sign policy discussions.

Mr. Morely stated he believes the clutter of signs is due to businesses not complying with the temporary sign regulations.

Mr. Gossels stated local businesses have often expressed that the temporary signs are critical to their success. Selectman O'Brien stated many small businesses along Route 20 are set too far back from the street and have limited visibility.

In response to a question from Chairman Fee, Mr. Klofft stated businesses need the temporary signs, and thus the thought is to allow more signage by right.

Ms. Kablack opined that sign revisions made in 2004 have worked well in most instances. However, Mr. Gossels noted the ZBA is asked to approve exceptions all the time. Mr. Klofft concurred, noting he cannot recall an instance when a request for additional signage has seemed inappropriate.

Mr. Kelly stated businesses often tell him the temporary portable signs are saving their businesses and are the most effective signage. He acknowledged some businesses are better than others regarding compliance for storing the portable signs at the close of business.

Mr. Morely reiterated his belief that the clutter of signs is due to business people not obeying the current rules.

Mr. Kelly stated there are currently 34 business signs on Route 20 along with real estate signs.

Mr. Klofft stated the current bylaws allow signs which are not effective, but the temporary signs are effective. He believes the current set of sign regulations are not working as well as the Town intended. Mr. Gossels noted the ZBA has not denied a request in a very long time.

Chairman Fee stated that the dimensions being regulated are inherently arbitrary. Thus, he questions whether the results would vary even if the bylaw were revised.

Mr. Morely opined that, even if regulations are loosened, business owners will still want A-frame signs.

ZBA Chair Elizabeth Quirk expressed her preference, for aesthetic purposes, to have no temporary signs allowed.

Mr. Poch noted that the preponderance of signs is cyclical. Given the current economy, he understands why businesses need as much visibility as possible.

Mr. Hunter referenced the current bylaws, noting a second-floor business has different requirements than a first-floor business.

Mr. Klofft stated it is difficult to find legitimate grounds upon which to deny a request for additional signage.

Chairman Fee opined that the sewer re-zoning discussions will also need to assess these issues.

Mr. Kelly believes the portable signs are a benefit for businesses. He noted they are not permanent and are reviewed on an annual basis. Mr. Kelly stated he often reminds business owners that they must make the portable sign program work or they may lose it. He also acknowledged enforcement of sign non-compliance can be frustrating.

Mr. Morely urged Mr. Kelly to tell business owners compliance is needed. Selectman O'Brien asked if a letter should be drafted to convey this message.

Mr. Kelly shared a few suggestions for improving the uniformity of portable signs.

Mr. Morely stated it seems like the wrong economic time to limit sign options.

Agricultural Bylaw - Use Discussion

Building Inspector Jim Kelly stated he receives rare requests from residents to house chickens in their yards. Currently, a Special Permit is required for housing chickens on anything under a five-acre parcel.

Ms. Kablack stated there is an inconsistency in the bylaw language and the language of the use table. The Agricultural Commission has suggested no Special Permit be required and that other towns be surveyed regarding regulations. Mr. Kelly currently requires the Special Permit as required by the bylaw.

ZBA member Jeff Klofft stated he believes the Special Permit process works well in these cases.

Mr. Morely stated potential problems arise not so much from the number of chickens, but rather where on the property the chickens are housed.

Chairman Fee asked Mr. Kelly what the reason would be not to regulate this activity. Mr. Kelly stated the intent is to be more consistent with the right-to-farm bylaw. It was also noted the Board of Health could possibly regulate this activity.

Chairman Fee and Mr. Morely stated they are inclined to agree with Mr. Klofft that the Special Permit process should be retained.

Mr. Poch suggested the bylaw be made broader to allow the location of the chickens on the property by Special Permit.

Mr. Morely stated the Special Permit process is the only authority available, and he is not inclined to relinquish it.

If this activity were allowed, Ms. Kablack and Mr. Sziabowski stated they would prefer to see property line setbacks required for the location of the chickens.

The consensus was that Mr. Kelly should share tonight's feedback with the Agricultural Commission and determine if the Commission wishes to draft a model bylaw to present to the Board for review.

Johnson Farm Chapter 40B Development – Update

In response to a question from Chairman Fee, ZBA Chair Elizabeth Quirk provided a brief update of the Public Hearing process to date regarding the Johnson Farm Chapter 40B proposal. Ms. Kablack stated the ZBA's Technical Assistance Advisor Edward Marchant will conduct a public meeting for one hour (at 7:00 p.m.) prior to the next hearing (scheduled at 8:00 p.m.) on October 18, 2011, at Town Hall.

Ms. Quirk stated there was a misperception by the public at the last hearing regarding the ZBA's lack of comments and the assumption that the silence equated to agreement. She further stated she would address this on October 18, 2011, and explain that the project is not a viable proposal at this point, and thus the last meeting was meant to provide an overview.

The consensus was that public input should be solicited at the next meeting, but that time limits should be established for speaking. Mr. Klofft stated the ZBA will try to hold the emotions in check, noting that the emotional phase eventually runs its course. Mr. Morely urged the ZBA to continue to repeat its role to the public to help educate the community regarding the process.

At 9:55 p.m., Chairman Fee thanked everyone for their input and he concluded the joint discussion.

Inclusionary Zoning Bylaw – Discussion

The Board again considered the drafting of an Inclusionary Zoning Bylaw. The Board determined that, given the current efforts related to the Route 20 sewer project and re-zoning of the business district, drafting of such a bylaw should be tabled for another year, until more input is available from these other resources.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of September 14, 2011, subject to correcting the spelling of Mr. Morely's name throughout the text.

Upcoming Planning Board Meeting Schedule

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

The meeting was adjourned by Chairman Fee at 10:12 p.m.