

Present: Eric Poch (Vice-Chairman), Christopher Morely, Michael Hunter, Joseph Sziabowski, Craig Lizotte (Associate – 7:30 p.m.-9:05 p.m.), and Jody Kablack (Director of Planning and Development)

Absent: Michael Fee (Chairman)

At 7:35 p.m., Vice-Chairman Poch called the meeting to order.

Site Plan Modification Application – 29 Hudson Road LLC – Discussion and Comments for the Selectmen

Present: Applicants/Managers Jeff Walker and Mike Carney

At 7:35 p.m., Vice-Chairman Poch opened the discussion regarding the Site Plan Modification Application of 29 Hudson Road LLC in accordance with Town of Sudbury Zoning Bylaw Section 6300 for property located at 29 Hudson Road, Town Assessor's Map H09, Parcel 0002. The Board was previously in receipt of copies of a memorandum from Director of Planning and Community Development Jody Kablack dated March 30, 2012, and notes from a March 22, 2012 Village Green Pre-Application Meeting, 29 Hudson Road. Ms. Kablack stated the applicant met with the Board of Selectman for a public hearing which has been continued to April 24, 2012. She further stated a draft affirmative decision has been requested by the Selectmen for review at the April 24th meeting.

Applicant and property co-owner Jeff Walker described the project, which proposes to construct 15 new parking spaces in front, to change the access driveway, and to improve the exterior architecture and landscaping. He purchased the site in 2011, which is approximately 2.89 acres in the Business District. The new owners plan to use the existing three structures (which total 41,000 square feet, including the basements) in a similar fashion for retail, restaurant, storage and office use. Mr. Walker displayed and referenced a rendering for the Board. Mr. Walker stated the project proposes an enhanced entrance in front to attract those who drive by. The vision is to create a Sudbury Town Square atmosphere with the addition of porches, cobblestones and an open patio. Trees will be added in the rear for shade. Mr. Walker stated an elevator will be added to the large building.

Mr. Morely asked if the current square footage is changing. Property co-owner Mike Carney responded it will be virtually the same.

Mr. Hunter noted the current windows on the first floor do not seem sufficient for retail tenants. He emphasized retailers need their goods to be seen to be successful.

Mr. Carney explained upgrading the windows was discussed in detail with the Historic Districts Commission. As a result of those discussions, and in an effort to keep the project moving forward in a timely manner, it was decided the windows would be upgraded as each retailer prefers and as recommended by the Historic Districts Commission on a per tenant basis. Mr. Carney further stated there will be some street signage to draw customers to the site.

Mr. Sziabowski stated the location needs to look more like a retail destination, if it is to attract retailers as tenants. Currently, the consensus was the site looks like office space. Mr. Sziabowski stated more should be done on the front facade to appeal to mixed-use tenants.

Ms. Kablack asked about plans for signage. Mr. Walker stated signage will be discussed with the Historic Districts Commission tomorrow night. He further stated the site has limited retail space available, which totals approximately 12,000 square feet. The applicants envision small retailers, such as a coffee shop, candy store/ice cream shop and/or a convenience retailer to be interested in the location. Mr. Sziabowski and Mr. Hunter reiterated that any retailer is interested in getting as many customers as possible, and thus the visual street image and marketing is critical to success. Mr. Carney stated, at this time, the applicants decided to put the emphasis on getting the project approvals needed to move forward.

Mr. Morely asked about extending plantings in the front. Mr. Carney stated the sidewalk first needs to be extended and plantings will be worked in as best as possible.

Mr. Morely referenced a road widening easement requested by Department of Public Works Director Bill Place, and he asked if the stone wall needs to be removed. Mr. Carney stated he does not believe the stone wall will be disturbed, but, if necessary, it could be restacked quickly.

Mr. Hunter asked for clarification, which was provided, regarding one-way and two-way entrances and egresses.

Mr. Morely asked for an explanation for the choice to essentially pave the front yard. Mr. Carney explained the intent is to have a functional area, which could also be used for special events. The Historic Districts Commission suggested the area be unpainted cobblestone for aesthetic appeal, and, if needed, it will also allow for parking. Mr. Carney stated the area could be softened with seasonal plantings.

Mr. Sziabowski asked if the turnaround area in the middle could be eliminated to extend the green area. He does not believe there would be frequent need for a turnaround.

Ms. Kablack concurred. Mr. Carney stated this has been discussed with Mr. Place, and the applicants believe out-of-town visitors may find themselves in a turnaround situation on occasion.

Mr. Lizotte asked if there is adequate access for a fire truck. Mr. Carney responded affirmatively.

Mr. Morely asked about plans for snow removal. Mr. Carney opined he believes the site can accommodate typical winter accumulations, and if the snowfall is exceptionally high, it could be hauled off site.

Mr. Morely noted that the disturbing aspect of the plan is the unintended clearing of trees on the site, particularly in the rear west corner. Mr. Carney stated the proposal includes plans to re-vegetate that corner with white pines. He further noted that, due to a miscommunication, an area along the rail bed which they had hoped to retain was cleared. Mr. Morely emphasized his concern that the property not be visible from Peakham Road. He suggested substantial planting be done, however, he is also concerned that there is not enough space in which to plant. Mr. Carney stated the Conservation Commission suggested waiting to submit a plan until later in the process, after the natural vegetation in the swale has bloomed for the season. Ms. Kablack stated it is imperative to plant additional screening vegetation along the property line. A brief discussion ensued regarding suitable species of trees. However, Mr. Carney stated some species would require too much space for planting, and would extend off of their property. Ms. Kablack stated a plan must be proposed, and that it would be a condition of site plan approval. Mr. Lizotte suggested a concept plan be submitted, which Mr. Carney stated could be done.

Mr. Morely asked if some pavement in the rear corner could be eliminated, to provide more space for screening. He noted the long-term screening potential (over 15 years) of a tree species needs to be considered. Mr. Carney indicated that pavement will be removed from this area as shown on the plan.

Mr. Sziabowski stated he is very supportive of seeing this proposal succeed.

Ms. Kablack suggested, and the Board concurred, to provide the Selectmen with a letter of comments, stating the Planning Board supports the Plan, and noting minor recommendations regarding the landscaping, windows, front parking, and mixed-use façade image which were discussed tonight.

Public Hearing: Mahoney Farm Senior Residential Care (SRC) – Special Permit Modification and Stormwater Management Permit Application

Present: Developer Martin E. Loiselle, Jr., Capital Group Properties and Developer William Dipetri

At 8:05 p.m., Vice-Chairman Poch opened the public hearing regarding the application of Mahoney Farms LLC for a modification to an approved Senior Residential Community Special Permit, Mahoney Farms, dated June 22, 2005, and a Stormwater Management Permit, which was continued from February 8, 2012. The Board was previously in receipt of copies of a letter from Project Engineer Vito Colonna, P.E. of Sullivan, Connors & Associates dated February 6, 2012 and accompanying revised plans from 2005, a letter from Joseph Peznola, PE of Hancock Associates dated March 9, 2012, regarding the stormwater management application and as-builts, Existing Conditions Plans of Mahoney Farms Senior Residential Community in Sudbury, Massachusetts revised March 11, 2005, an email message from Mahoney Farms resident Joel Goldstein dated March 26, 2012, noting concerns regarding incomplete plans and future responsibility for maintenance, and a series of plans prepared by Capital Group Properties, submitted April 4, 2012. In addition, copies of two letters from Project Engineer Vito Colonna, P.E. of Sullivan, Connors & Associates dated April 6 and April 11, 2012 respectively, and an accompanying Stormwater Report for Mahoney Farms Units 21-33 at Nobscot Road & Old Framingham Road, Sudbury Massachusetts dated November 17, 2011 and plans, a letter from Joseph Peznola, PE of Hancock Associates dated April 10, 2012, and photos of existing walk-out units.

As a result of feedback received at the Board's last meeting, Ms. Kablack stated the Town commissioned a stormwater management peer review by Hancock Associates. She summarized issues raised at the last meeting.

Mr. Lizotte stated the key unresolved stormwater issues are a difference of opinion regarding whether the basins comply with Department of Environmental Protection (DEP) standards, and the status of the location of infiltration systems for the existing roof drains and future monitoring responsibilities.

Project Engineer Vito Colonna, P.E. of Sullivan, Connors & Associates stated the basin is not completed and the as-builts were not in complete compliance.

Mr. Lizotte stated he believes too long of a time has passed (five years) with an unstable site. Mr. Colonna shared the applicant's perspective, noting that addressing the concern would not change the result. While the basins have not been completed, the site is stable.

Mr. Colonna reviewed his April 11, 2012 letter, and every response provided to Hancock Associates' comments and concerns. He emphasized a certification of the plan would be done after construction is completed, as is customary.

In response to questions regarding the pond, developer William Dipetri shared Conservation Coordinator Debbie Dineen's recommendation to not expand the pond. Mr. Colonna noted it was an existing pond.

Mr. Lizotte recommended, and all concurred, that it would be reasonable for the berm around the basin to be completed and landscaped during this construction season. Mr. Dipetri stated that this can be accomplished.

Mr. Morely stated the change in weather patterns in recent years has resulted in heavier rainfalls and more stormwater management failures. He wanted to be sure the volume of the pond was in compliance with the town's stormwater standards.

Given it is still under construction, Mr. Lizotte stated his preference that the basin be built according to the current standards of the local bylaw. Vice-Chairman Poch concurred, noting the site is near a road and all attempts should be made to contain storms on site. Mr. Lizotte added the wetlands are also in close proximity. Ms. Kablack stated the Board should consider whether there is a need to grant a waiver under the "General Stormwater Commentary #3." section of Mr. Colonna's letter.

Ms. Kablack noted the need to review the existing infiltration structures for the roof runoff, and she asked if the plan captures the design volumes. Mr. Colonna explained the roof runoff is clean water, and he shared the applicant's perspective on inspections for previous installations.

Mr. Lizotte stated it is important to know where the structures are located, and at what elevation, so that they can be properly maintained in the future when the Condominium Association takes ownership. Mr. Colonna opined there is not much to be gained by inspecting prior installations, but he noted new installations would be constructed with inspection ports. Mr. Dipetri concurred, stating there would be nothing of relevance to see from an inspection which is not already known. Mr. Lizotte emphasized that putting in inspection ports would not be too difficult or costly, and most importantly, it would provide the current residents some assurances. He believes remedying the situation is not an onerous task, and to do so is important to the residents. Ms. Kablack stated when the development is turned over to the Condominium Association, the residents are entitled to the information they need regarding the roof drains, and that this was an expectation of the originally approved plan. Mr. Colonna stated the drains installed previously met the requirements and standards at the time. Mr. Dipetri stated that, if the Board wants the inspection ports, they would be installed. Mr. Lizotte stated the Board wants them, and Mr. Morely concurred.

It was noted there is another open issue of expanding the basin.

Sudbury resident Pawel Sowinski, 78 Old Framingham Road, asked if the sediment would be removed from all the ponds in the relevant area. Based on the applicant responses, Mr. Morely summarized sediment would be removed from all three ponds.

Mahoney Farm's resident Mike Couto, 30 Nobscot Road – Unit 6, stated it is critical to verify the location of the roof infiltration structures, and locate them on an as-built plan, for future maintenance needs. He asked if the current Town stormwater bylaw requires new structures to be inspected, and he recommended

it should require compliance in the future. Ms. Kablack stated she believes the current bylaw does require inspections.

Mr. Coutu stated the forebay and control structure in the basin areas are currently unsightly, and he asked that they be included on the landscape plan. Mr. Morely concurred, stating he had commented on this at the Board's last discussion on this application.

Mr. Coutu asked if an O&M Plan was submitted as part of the original Site Plan because he has never seen any evidence of it being implemented. Mr. Dipetri stated he believes this is done annually by an outside contractor, and the report is submitted to the Conservation Commission. Ms. Kablack asked the applicant to provide the historical reports to the Planning Board for review.

Mr. Coutu asked if there are any retaining walls on the new plan, and Mr. Dipetri responded that any retaining walls would be for landscaping purposes only. Mr. Coutu stated the roof infiltration structures were designed to capture ¼" of rainfall, but they seem to have no capacity whatsoever and may not be functioning properly. He reiterated the residents need a better comfort level as to what was constructed and installed and whether it is properly operating.

In response to a question from Mr. Morely, Capital Group Properties representative Martin Loiselle, Jr. reviewed the elevation photos of the walk-out units. Mr. Sziabowski stated he believes the modified plan, which breaks up the units into a 2 unit structure and a single unit structure, will improve the aesthetics. However, he still believes the mass could be better broken up. Mr. Sziabowski offered a suggestion, but he stated it is difficult to offer recommendations on the spur of the moment, and that he would prefer to see an elevation. Mr. Sziabowski asked if the design of the proposed plan is different from the first phase. The developers stated the designs are similar, and that the building type (stand-alone) is the only difference. Mr. Sziabowski also stated it is important to put substantial landscaping at the base of the buildings to also help break up the mass. Mr. Dipetri noted that this was intended.

Mr. Couto asked that the screening in between buildings also be completed in this construction season. Ms. Kablack noted the applicants have already agreed to do so.

Ms. Kablack summarized the Board's recommendations presented tonight.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing regarding the application of Mahoney Farms LLC for a modification to an approved Senior Residential Community Special Permit, Mahoney Farms, dated June 22, 2005, and a Stormwater Management Permit and to prepare affirmative decisions on both of these applications with the comments received to date.

Public Hearing: 2012 Annual Town Meeting Zoning Articles

At 9:05 p.m., Vice-Chairman Poch opened the public hearing regarding the 2012 Annual Town Meeting zoning articles, and he read aloud the Legal Public Hearing Notice. The Board was previously in receipt of copies of the vote by Sudbury's Board of Selectmen to refer the zoning-related articles to the Planning Board, the Legal Notice regarding tonight's Public Hearing and an email from Sudbury resident Ralph

Tyler, One Deacon Lane, regarding the article to Amend Zoning Bylaw, Section 2313 and Appendix A to regulate the raising of roosters. The articles were discussed as follows:

Amend Zoning Bylaw, Appendix A, Article IX (the Zoning Bylaw), to update the definition of AGRICULTURAL USE

Ms. Kablack explained the article would revise Appendix A, use #B.6 to change the words “on a parcel of more than five acres in area” to “in accordance with M.G.L. c. 40A, s.3.” She noted the definition is being updated to match the State’s definition, proposed to accommodate a Massachusetts General Laws revision in size of agricultural lot exemption (from five acres to two acres + revenue production).

Sudbury resident Lida Armstrong, 379 Concord Road, asked for clarification of this article and the article regarding roosters. Ms. Kablack stated this article relates only to size of a parcel and the revenue generated.

Sudbury resident Pawel Sowinski, 78 Old Framingham Road, asked if this article has an impact on property taxes. Sudbury resident and Agricultural Commission Chair Laura Abrams, 48 Horse Pond Road, stated it does not alter Chapter 61A status.

Amend Zoning Bylaw, section 2313 and Appendix A, Article IX (the Zoning Bylaw) to regulate raising of roosters.

Ms. Kablack explained the article proposes changes to two sections of the bylaw, one of which would now require a Special Permit for roosters, and the other is a clarification regarding special permits for the keeping of animals. She stated the Board received an email from Sudbury resident Ralph Tyler, One Deacon Lane, suggesting several revisions to the Warrant article, including a better definition of what is a rooster, a limit on the number of by-right roosters one can have, setback requirements and the need for a Special Permit. Mr. Morely read aloud the email message.

Laura Abrams, Chairperson of the Sudbury Agricultural Commission, believes a rooster is a male chicken, and that a capon is a castrated rooster.

Mr. Sziabowski stated Mr. Tyler raises some good points, including the contemplation of other forms of poultry.

Ms. Armstrong asked if the intent of the article is to address noise concerns, and the Board responded affirmatively. She noted Sudbury is a farming community, and the roosters are needed to protect the hen house from hawks and other predators.

Ms. Armstrong also noted the chickens and roosters are a more “green” way of maintaining a yard, since they eat grubs and the use of chemicals is not needed.

Mr. Morely highlighted the article does not ban roosters; it would only now require a Special permit for them. He also noted some Town locations are better suited to the raising of chickens than other locales.

Ms. Kablack stated there are clearly two different perspectives in Town, i.e., one that thinks more regulation is needed in the suburbs, and the other thinks the regulation needs to be more relaxed, given Sudbury’s history as an agricultural community. Ms. Kablack stated Town Counsel would need to opine

as to whether Mr. Tyler's recommendations are within the four corners of the article, however she doubts they would be since the article is quite simple.

In response to a question regarding setbacks from the Board, Ms. Abrams stated there is no setback requirement for dog houses on properties to regulate the noise from a dog barking. She noted there have only been two rooster complaints, one in 2007, and another in 2011.

Ms. Armstrong stated she keeps her chickens in a small barn situated sixty feet from her home. She explained the roosters only crow to warn of impending dangers.

Ms. Abrams stated the Agricultural Commission supports the article as drafted because it proposes a simple one-word solution to resolve a known issue. She suggested that, if the problem continues, then it can be re-visited in the future for other issues such as setbacks and the number of animals allowed.

Mr. Morely agreed, stating he typically favors longer-termed solutions, but in this instance, he believes a simple solution is appropriate.

Building Inspector Jim Kelly stated he believes the article as drafted should be put forth at Town Meeting. In response to a question from the Board, Mr. Kelly stated the average number of chickens raised is between six and ten.

Ms. Kablack noted zoning articles require a two-thirds majority vote at Town Meeting. Vice-Chairman Poch noted some of the opposing arguments which may be made at Town Meeting, and the Board encouraged all in attendance tonight to support their position at Town Meeting.

Ms. Abrams asked Ms. Kablack and the Board to check whether footnote "v" is already used.

Amend Zoning Bylaw, section 5331, Article IX (the Zoning Bylaw) to revise the minimum tract size for Senior Residential Developments.

Ms. Kablack explained the article as a modification proposal to reduce the parcel size to ten acres from the current 20 acres, as requested by the Council on Aging. She also noted this would put the parcel size in line with the Town's other types of residential developments.

Council on Aging (COA) Chair David Levington, stated the COA supports the article. Mr. Levington stated the COA believes there is an opportunity to help developers size SRC projects more appropriately for the Town and to make the units more affordable. He further stated Sudbury needs to improve its housing stock for senior citizens. He urged the Board to support the article, and he stated the COA would help in any way needed to pass the article at Town Meeting.

Vice-Chairman Poch stated the Board supports the article.

Amend Article V (F), Stormwater Management Bylaw Article V (F)

Ms. Kablack explained this article only requires a majority vote at Town Meeting. She explained the intention is to revise the Stormwater Bylaw with proposed changes to thresholds in order to capture appropriate projects and to update the bylaw language as needed.

There was no public comment regarding the article.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing regarding the 2012 Annual Town Meeting Zoning Articles.

Annual 2012 Town Meeting – Community Preservation Act Articles – Take Positions

Ms. Kablack reported the Board of Selectmen will not put forward the Town Center Traffic Improvements Article #14 this year at Town Meeting. However, it will use the opportunity to apprise the community of the need for the project and to continue its work after Town Meeting to develop a five-year strategic plan to fund long-term projects. A brief discussion ensued regarding whether the proposed project will improve traffic conditions in the Town Center.

Mr. Sziabowski stated the traffic signal lights need to be upgraded. Ms. Kablack stated the goal of the project was to improve safety, while maintaining the character of the current Town Center, and not to increase the capacity of the intersection.

On motion duly made and seconded, it was unanimously:

VOTED: To support the Annual 2012 Town Meeting Community Preservation Act Warrant Articles # 24, 26, 27, 28, 29, 31 and 32, and to pass at this time on Article # 25 and to hold on taking a position on Article # 30, until an appropriation amount is available.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of January 25, 2012, February 8, 2012 and March 21, 2012, as discussed and amended this evening.

Miscellaneous

Application Not Required Application – 14 Tall Pine Drive

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by George Bradley for 14 Tall Pine Drive. No action was taken by the Board, as Ms. Kablack believes the property lines are not accurate on the plan.

Upcoming Meeting

Ms. Kablack will coordinate a meeting time prior to Town Meeting, and she will notify the Board of the date, time and location.

The meeting was adjourned by Vice-Chairman Poch at 10:05 p.m.