

Present: Michael Fee (Chairman), Christopher Morely, Michael Hunter, Joseph Sziabowski, Pat Brown, Craig Lizotte (Associate), and Jody Kablack (Director of Planning and Development)

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

**Public Hearing: Senior Residential Community – Pickwick Development Corp. (The Green Company) – Special Permit – 40 Tall Pine Drive**

Present: Pickwick Dev. Corp. representatives Alan Green, Dan Green and David Caligaris, Attorney Joshua Fox, Project Engineer Bruce Ey, and several residents of the Tall Pine Drive Neighborhood

At 7:35 p.m., Chairman Fee opened the Public Hearing regarding the application of Pickwick Development Corporation for approval of a Definitive Special Permit for a Senior Residential Community (SRC) located at 40 Tall Pine Drive, Assessors Map J06, Parcel 0023, showing 26 residential units for sale to persons 55 years or over on approximately 18.8 acres, and he read aloud the Public Notice. He reviewed the materials which the Board was previously in receipt of, including: copies of the Public Hearing Notice, a memorandum from Ms. Kablack dated December 5, 2012, providing background information, comments and recommendations, a letter noting his comments from Department of Public Works Director Bill Place dated November 26, 2012, a memorandum noting his comments from Building Inspector Mark Herweck dated November 29, 2012, a letter noting his comments from Assistant Fire Chief John Whalen dated November 27, 2012, minutes of the Design Review Board November 28, 2012 meeting, the proposed November 13, 2012 “Senior Residential Community 40 Tall Pine Drive, Sudbury, Massachusetts” application materials and accompanying plans, including a landscape plan, prepared by Schofield Brothers, the November 28, 2012 “Proposed Senior Residential Community 40 Tall Pine Drive, Sudbury, Massachusetts Marketing Plan Construction Phasing Schedule of Construction Materials Snow Removal Plan,” prepared by Pickwick Development Corp., and the “Stormwater Management Design and Runoff Calculations Report for Proposed Senior Residential Community 40 Tall Pine Drive, Sudbury, Massachusetts,” dated November 9, 2012, prepared by Schofield Brothers, Plan. In addition, copies of a memorandum from Conservation Coordinator Debbie Dineen dated December 5, 2012 were distributed tonight.

The applicant’s attorney Joshua Fox briefly described the current site as approximately 18.84 acres, with a 25,600 square-foot building on it and parking for 125 cars. He noted the site is zoned residential, and that the applicant’s proposal is more in line with current zoning than what currently exists. Mr. Fox explained the project would include 24 two-bedroom units and two one-bedroom units, which would all be age-restricted to those 55 years of age or older. He emphasized the proposal preserves approximately 11.68 acres (62%) of the site as open space.

Mr. Fox stated the site currently has no stormwater management features, and the proposal will considerably improve these conditions. He also stated the SRC would present minimal infrastructure needs for the Town, since the units would likely not house school-aged children. Mr. Fox noted the Green Company developed Spring House Pond, which has had no children in ten years as occupants. He stated the SRC proposal includes no negative aspects, and that traffic generated will be less than what was generated in the past from the office building use. Mr. Fox stated the applicant is cognizant that the site is surrounded by single-family homes and the Cavicchio farm, which will be disclosed to future residents.

Chairman Fee announced the Board conducted a site visit this morning.

The Green Company CEO David Caligaris presented an overview of the company, noting its focus has been on empty-nest housing. He displayed exhibits to describe features of the proposed development at 40 Tall Pine Drive, noting the existing entry to the site will be used, there will be rain gardens for drainage, single-load roads will be part of the design, and emergency access will be provided.

Mr. Caligaris explained the development will include three home styles, and he displayed working drawings and photos of model homes. He noted most homes would be walk-out units in duplex buildings. Mr. Caligaris further stated an emphasis of their design is the incorporation of exterior space through the use of courtyards within the architectural shell of the homes. He stated wastewater for the site would be channeled by gravity to a pre-treatment system and then be pumped up to a leeching field. Mr. Caligaris stated more drainage details would be provided to the Board following the upcoming stormwater management peer review process.

Mr. Caligaris shared input provided by the Design Review Board regarding the aesthetics of the garage doors and the need for a public meeting place. He displayed exhibits of the proposed landscape plans for a typical duplex building and of the proposed center island rain garden, noting that existing buffer areas around the perimeter of the development would be supplemented with additional plantings as discussed during today's site visit with the Board. He also stated the company believes in the use of landscaping to enhance privacy. Mr. Caligaris stated there are plans for stonework, columns and a sign at the entrance, and further details will be provided at a later date. He stated the applicant will incorporate benches and/or a sundial into the plans as a meeting place. Mr. Caligaris stated the landscaping and colors used would likely be successful in breaking up the visual impact of the garage doors.

Sudbury resident Nancy McHugh, 96 Bridle Path, asked if there are still plans for a gazebo. Mr. Caligaris stated there is not, and the rain garden has since been incorporated into the plans. He noted this area would not be visible from the street.

Sudbury resident Jerry Paluch, 96 Bridle Path, asked what kind of lighting is planned for the entrance, noting he lives directly across the street, and he is concerned about inappropriate illumination. Mr. Caligaris stated the fixtures have not been finalized yet, but would likely provide light back towards the development, and not out towards the street.

Chairman Fee stated the Board will be sure to include specifications in its decision to address these concerns.

Mr. Caligaris addressed the comments made from Town staff communications. He noted several suggestions offered will be incorporated into the plans. Referencing #4 from Ms. Kablack's memo, Mr. Caligaris stated 22,500 cubic yards of fill is estimated to be brought onto the site. Referencing #5 and #6 from Ms. Kablack's memo, he stated ownership of the open space will be with the condominium association, and he is working with D.P.W. Director Bill Place to identify reconstruction work on Tall Pine Drive, which the applicant will fund. It is anticipated that work on Tall Pine Drive will commence after substantial site work has been completed.

Regarding #7 and #8 from Ms. Kablack's memo, Mr. Caligaris stated the Stormwater Management Permit application has recently been submitted, a peer review process will be conducted, and a Notice of Intent (NOI) will be submitted soon. In response to a question from Chairman Fee, Project Engineer Bruce Ey stated the NOI is expected to be filed within the next two weeks. Mr. Caligaris stated the applicant will await feedback from consultant Lisa Eggleston before proceeding with the Water Resource

Protection District Special Permit application. He further stated #9 from Ms. Kablack's memo will be incorporated into the plan and that Mr. Ey is addressing requisite soil testing (#10).

Regarding # 11 from Ms. Kablack's memo, Mr. Caligaris stated the emergency access road will be widened to 18 feet and a break-away chain will be installed, as suggested by the Assistant Fire Chief. He stated the applicant would prefer to not make the change suggested in # 12 from Ms. Kablack's memo, but they will incorporate items #13 and #14. Mr. Caligaris also stated further details would be provided at a later date regarding #15 and #16 from Ms. Kablack's memo.

Chairman Fee summarized there seems to be broad consensus between the applicant's team and Town staff, and that the only issues remaining to be resolved are the road work, buffers, and the stormwater management peer review process.

Mr. Caligaris stated the applicant will address the items mentioned in Ms. Dineen's memo when filing the NOI.

Mr. Hunter suggested Ms. Dineen's advice regarding planting of native species not be a barrier to a creative Landscape Plan, noting native species are often not as attractive as the non-native and common species which were proposed by the applicant.

Mr. Lizotte asked if revisions to the drainage plans are anticipated to be made prior to filing the NOI. Mr. Caligaris stated he does not anticipate any changes, and he believes the Conservation Commission did not previously have as much information as was available, which will be rectified.

Chairman Fee asked how the applicant plans to address the intermittent stream issue with the Commission, which could be of potential critical importance. Mr. Ey provided the rationale for removing it, noting it will be important to offer something meaningful in exchange. He stated this will be part of the negotiation process in relation to the local bylaw.

Mr. Caligaris stated items #1-#3 from DPW Director Bill Place's letter will be incorporated into the plan. Regarding #4 from Mr. Place's letter, Mr. Ey discussed the easement with Mr. Place, who stated he would be satisfied with a ten-foot wide easement.

Ms. Kablack and Mr. Morely asked questions for clarification regarding the installation of the drain pipe. It was noted the condominium association will maintain the drainage easement.

Mr. Caligaris next addressed the items noted in the Building Inspector's memo, stating they intend to disclose the adjacent agricultural use to potential buyers. Chairman Fee asked if the applicant objects to this being a condition of approval. Mr. Caligaris stated the applicant would like the opportunity to discuss the parameters of the condition in advance, if possible. Chairman Fee stated Sudbury has a Farming Preservation Bylaw (copies were distributed to the Board tonight), and he emphasized it is very important for potential buyers to be appropriately informed.

Regarding #2 from the Building Inspector's memo, Ms. Kablack asked whether all visitor parking will be designated for snow storage as indicated on the plan. Mr. Ey stated it is intended only as temporary snow storage. Mr. Sziabowski asked if this approach is typical. Mr. Ey stated it is, and that in extreme snow conditions, snow is hauled off-site.

Regarding #4 from the Building Inspector's memo, Mr. Caligaris stated the applicant believes the site conditions call for a revision to the 100-foot buffer on the east side of the lot to become a 50-foot buffer.

Chairman Fee advised the applicant this request will need to be further discussed with the Planning Board. Mr. Sziabowski concurred, noting the applicant should be prepared to present a strong argument for the Board to consider granting this waiver request.

Chairman Fee commended the applicant's team on having reached out to many Town departments early in the process and having incorporated many recommendations in the first draft of plans submitted.

Mr. Sziabowski referenced the suggestions made by the DRB, stating he believes an exterior community space is a good idea. He also encouraged the applicant to further pursue options to emphasize entries to the homes and to de-emphasize the garages, which he believes will enhance the development's sense of community.

Developer Allen Green and Mr. Caligaris explained this would be counter to the company's approach, which uses landscaping and some two-story elements to break-up the visual impact of the garages.

Mr. Morely noted each unit has a front entrance area which could be personalized.

Mr. Sziabowski requested the exhibits presented tonight be sent to the Board electronically for further review. Other Board members agreed this would be helpful.

Ms. Kablack asked what the plan provides for resident mailboxes. Mr. Caligaris stated a mailbox kiosk is proposed. Mr. Morely asked whether the mailbox area could be combined with the requested exterior community area. Mr. Caligaris stated the mailbox kiosk would likely be situated in an area providing residents easy drive-up access.

Chairman Fee opened the discussion to questions from the public.

Mr. Paluch asked for more information regarding the requested road easement for the drain pipe, which Mr. Caligaris provided. Mr. Morely explained the requested easement is for the Town to obtain ownership for future road maintenance.

Chairman Fee asked for a summary of the scope of road work to be done on Tall Pine Drive. Mr. Ey stated he and D.P.W. Director Bill Place have agreed that the applicant should replace the pavement from Horse Pond Road to the second entrance to Bridle Path. He further stated grading will be redone to channel water into the storm drains, upgraded drainage, and some new curbing will be installed and some sidewalk areas will be repaired. Mr. Ey stated a more detailed plan will be provided at a later date.

Mr. Paluch opined the drain under the road is not in good shape. Mr. Ey stated he and Mr. Place believe the pipe is fine, and he noted the pitch in this area will be fixed.

Ms. McHugh asked what the name of the development will be, and she emphasized the neighbors do not want it to be called Tall Pine. Mr. Caligaris stated the applicant's team has been well advised of this by abutters, and he assured her Tall Pine would not be used.

Sudbury resident and abutter Paul Cavicchio, 110 Codjer Lane, asked what the status of the road for Codjer Lane is, and whether the proposal includes the extension of the road to his property line. Mr. Caligaris stated the applicant has agreed to repair the road as it stands today to bring it up to a standard whereby the Town could accept it as a public way. Ms. Kablack explained the proposed road work will

not extend to Mr. Cavicchio's property line, but would likely end about 250 feet shy of this mark, and thus there would not be an accepted road layout for this section.

Chairman Fee stated this is a private road. Mr., Cavicchio emphatically disagreed, stating the Town took over the road and provided services when it located the dump there. Chairman Fee stated extensive title work has been done, which he asked Mr. Fox to summarize, and legally it is not a public way.

Mr. Fox stated title searches over the past 100 years were performed and there is no record that it is a Town-owned road. He stated that, although the road might have had public access at times, the road is a private way. Mr. Cavicchio disagreed, stating the Town maintained the road and plowed it when it needed to. Chairman Fee reiterated that, legally, the road is not a public way, even though it may have been treated differently in the past. He also stated there is a common interest to move forward with getting the portion of Tall Pine Drive discussed tonight accepted as a public way at a future Town Meeting.

Mr. Morely stated tonight's proposal will fix a major portion of what he and Mr. Cavicchio would refer to as the old "Codjer Lane."

Ms. Kablack asked Mr. Cavicchio if his preference is to have the road accepted as a public way up to his property line. Mr. Cavicchio stated that if this process is going forward he does not believe he should have to pay to fix the remaining 250 feet of road up to his property line.

Mr. Cavicchio urged the applicant to fully disclose to prospective buyers that the development is next to an active farm, which makes noise and smells on occasion. He stated he tries to be a good neighbor, but his business is what it is, and he does not want to risk having unhappy abutters try to put him out of business in the future.

Mr. Cavicchio emphasized he is not opposed to the development, and he believes the Green Company does excellent work, but he believes prospective buyers need to be told the truth.

Mr. Cavicchio also requested a buffer barrier of trees to block the view between the properties.

Sudbury resident David Acker, 67 Bridle Path, asked what the timing is for Tall Pine Drive to be accepted by the Town. Ms. Kablack stated the 2014 Town Meeting seems likely.

Ms. McHugh asked what colors the homes will be in the development. Mr. Caligaris stated his company selects a consistent complimentary color theme for the structures, but homeowners have a choice in the color of their front doors, which are not visible from the street.

Sudbury resident David Levington, Spring House Pond, 155 Nobscot Road, stated the next agenda item tonight is a proposal from the Council on Aging (COA).

Mr. Levington stated the COA would like to propose a warrant article for the 2013 Town Meeting to change the bylaw from a 10% maximum to a 25% maximum of one-bedroom units in SRC developments. He asked Mr. Caligaris his thoughts on this idea.

Mr. Caligaris stated he believes it is a good suggestion. Chairman Fee asked if a developer would see this as economically feasible. Mr. Caligaris stated it could be financially advantageous because it allows the developer to place more units on a site, particularly the smaller ten-acre sites.

Ms. Kablack stated the 10% limit was initially introduced as a way to limit the total number of units in a development.

Mr. Paluch asked if it would be possible to place a fence inside the buffer area.

Mr. Caligaris stated he does not think the resulting look would be appealing. Chairman Fee and Mr. Morely concurred.

Chairman Fee noted the Board observed the location of Mr. Paluch's and Ms. McHugh's home during its site visit today. He assured them the Board works to address the concerns of the people most impacted by a development's viewscape, and that the Board would attempt to reach the best outcome for all parties.

Ms. McHugh referenced a nearby conservation area, and she asked if the Town could plant more trees to provide a longer lasting buffer once the existing trees grow taller. Chairman Fee explained the Town has no authority to do anything within a conservation-restricted area.

Mr. Morely asked about the intersection of Tall Pine Drive and Horse Pond Road, and whether the radius could be improved. Mr. Ey stated the location of the current utility poles could make it difficult to change the layout, but he would review the area again with Mr. Place.

Mr. Ey offered to meet with Ms. Eggleston to help the stormwater review process move along.

Ms. Brown asked how long ago the existing building was fully occupied, and it was noted that it was probably in the August 2011 timeframe. She stated this is important when assessing the traffic data provided. Mr. Morely stated the traffic information provided by the applicant is consistent with reports from the Spring House Pond SRC that traffic is minimal for these types of developments.

Chairman Fee summarized the applicant will need to meet with the Conservation Commission, work with Mr. Place to provide more information about the scope of the road work and to incorporate some of the revisions and details previously discussed into the plans. Mr. Caligaris stated it is the applicant's preference to meet with the Conservation Commission at least once before returning to this Board.

Chairman Fee emphasized the buffers will be of critical importance to abutters. He commended the applicant on an excellent plan, which is well conceived and presents few major issues.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of Pickwick Development Corporation for approval of a Special Permit for a Senior Residential Community (SRC) located at 40 Tall Pine Drive, Assessors Map J06, Parcel 0023, showing approximately 26 residential units for sale to persons 55 years or over on approximately 18.8 acres, to January 23, 2013 at 7:50 p.m.

#### **Council on Aging – Proposed Warrant Article**

Present: Council on Aging (COA) Chair David Levington, COA member Bob Diefenbacher

At 9:17 p.m., Chairman Fee welcomed Council on Aging (COA) representatives David Levington and Bob Diefenbacher to the meeting. Copies of a COA handout entitled, "Progress Report on Objective Six: Housing" were distributed to the Board tonight.

Mr. Levington stated the COA would like to propose a warrant article for the 2013 Town Meeting to change the bylaw from a 10% maximum restriction to a 25% maximum of one-bedroom units in developments. He stated the 10% limitation was originally based on septic guidelines which are no longer relevant. Mr. Levington asked whether the Board would support such an article.

Mr. Kablack stated the 10% restriction was a way to initially limit the number of total units in a development and to initially approach the first SRC density regulations conservatively. She shared feedback from the Northwoods development, which had trouble selling several one-bedroom units.

Mr. Sziabowski asked if the Northwoods units were priced as one- or two-bedroom units. Ms. Kablack stated the units were 2,500 square-foot, one-bedroom units. Mr. Sziabowski stated this describes a unit which is not marketable.

Chairman Fee stated he does not see a downside to the proposal because it allows greater flexibility for senior citizens and for developers.

Mr. Lizotte stated this is part of the Special Permit process, and thus the Board would have the opportunity to revise its conditions appropriately.

Mr. Sziabowski stated developers are going to develop as much of a site as is possible, and he believes providing variety in housing options is favorable.

Mr. Morely stated his concern and objection would be if this change to the bylaw would automatically allow density rights, but he supports the change if it increases flexibility of options.

Ms. Brown asked how many other ten-acre parcels exist in the Town. Ms. Kablack stated she does not have that data readily available tonight.

Mr. Lizotte asked if the bylaw requires a certain amount of open space. He believes there is a lot of concern with residents regarding multi-family housing in Sudbury, and he cautioned against supporting something which could be perceived as in support of that concept. Ms. Kablack noted that there is an open space requirement in the SRC Bylaw.

Chairman Fee stated he believes the two issues are “apples and oranges” because SRCs do not present the infrastructure and school-aged children issues which are typically the focus of those concerns.

Mr. Sziabowski encouraged the proponents to educate the public on the positive aspects of the article in advance of the Town Meeting.

Chairman Fee asked who the COA believes should sponsor the article. Mr. Levington stated the COA prefers to sponsor the article, with the support of the Planning Board.

Chairman Fee stated the consensus of the Board is that it supports such a warrant article being submitted for the 2013 Annual Town Meeting. It was also suggested the COA should seek the support of the Board of Health.

**Comments on Site Plan Application – Northern Bank and Trust Co. – 430 Boston Post Road**  
Present: Northern Bank & Trust Co. Attorney Shaun Briere and project engineer Brian Fairbanks

At 9:32 p.m., Chairman Fee opened the discussion regarding the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq.ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077.

The Board was previously in receipt of a "Layouts & Materials Plan dated August 15, 2012, prepared by EBI Consulting and a memorandum from Conservation Coordinator Debbie Dineen dated December 4, 2012, providing feedback regarding the revised layout which she believes represents a significant change from a wetlands permitting perspective in a riverfront area. In addition, the applicant distributed copies of the most recently revised plan to the Board for review, reflecting one driveway on Union Avenue and an exit onto the alley (which is being negotiated with the alley owner).

Attorney for the applicant Shaun Briere stated the team met with the Board of Selectmen on December 5, 2012, and it is hoped the current plan version is nearly final. He reported suggestions were made by various Town departments and Boards with respect to design, many of which have been incorporated into the revised plan. Mr. Briere also stated the applicant is cognizant of the site being an important location within Sudbury.

Project engineer Brian Fairbanks displayed exhibits as he described the current revised layout. He explained the septic system has been re-located to the rear, and the egress from the proposed drive-through has been re-designed to connect to the existing alley. Mr. Fairbanks also stated there is a proposed 25-foot setback to both roads, and thus no variances are required.

A brief discussion ensued regarding the current septic system's location and what the definitions are of a culverted waterway and river. Mr. Lizotte stated that, according to the Wetlands Protection Act, a river must have a perennial stream. Ms. Brown asked where the river goes and how long it takes to get there, and Mr. Fairbanks responded.

Mr. Hunter stated that, in his opinion, there is a public benefit to the revised proposal from a wetland perspective.

Mr. Lizotte stated he believes the conclusions presented in Ms. Dineen's December 4, 2012 memorandum are factually incorrect. He believes the entire existing property has already been disturbed, and the developed area would not be getting any closer to the river. Mr. Lizotte stated the applicant's proposal is significantly better than what currently exists on the site.

Ms. Kablack stated she has shared the consensus of the Board with Ms. Dineen and will also share tonight's feedback with her.

Mr. Briere stated he is confident the informal meeting with the Conservation Commission will help to clarify some issues. He also noted the use of the alley will require an access easement from the abutter, which has not yet been finalized. He stated an alternative plan has been developed in the case that an easement cannot be obtained. Ms. Kablack circulated a copy of the alternative plan to the Board for review.

Ms. Kablack asked for clarification of where the drainage would go. Mr. Fairbanks responded and showed the location of the catch basins on the plan exhibits. He emphasized the stormwater management plan will be a significant improvement, given the present site has nothing.



Mr. Briere asked if the Board is willing to support this plan to the Conservation Commission.

Mr. Morely stated that the site calls for a bolder architectural plan than was previously shared.

Ms. Kablack suggested, and the Board concurred, a placeholder be put on the January 23, 2013 meeting agenda at 8:20 p.m., in case a further report is needed.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack, on behalf of the Board, to draft a letter of support for the application for Northern Bank & Trust Company, applicant, and Colonial Auto of Sudbury, Inc., owner, for approval to construct a new 2,500 sq.ft. retail bank building at 430 Boston Post Road, zoned Business District, Town Assessor Map K08, Parcel 0077, to be sent to the Conservation Commission in advance of its meeting with the applicant on December 17, 2012.

#### **Charles J. Precourt & Son, Inc. (Union Realty Trust) – 46 Union Avenue – Comments on Minor Site Plan Application**

At 9:58 p.m., Chairman Fee opened the discussion regarding the Minor Site Plan application for 46 Union Avenue submitted by Charles J. Precourt & Son, Inc. The Board was previously in receipt of copies of the “Application for Site Plan Approval dated November 19, 2012 and accompanying plan exhibits,” the Notice of Public Hearing with the Selectmen, a memorandum from Ms. Kablack dated November 28, 2012, and a memorandum from Conservation Coordinator Debbie Dineen dated November 30, 2012, noting her comments and that a wetlands filing will be required.

Ms. Kablack briefly described the application request. She noted a Public Hearing is scheduled with the Board of Selectmen on December 18, 2012 at 8:20 p.m.

Mr. Lizotte suggested, and the Board concurred, that a letter be drafted by Ms. Kablack, on behalf of the Board, stating the Board supports the plan as proposed by an existing local business, and further suggests that the applicant should meet with the Design Review Board.

#### **Route 20 Zoning Discussion**

Ms. Kablack stated she has been very busy preparing for the closing of Pantry Brook Farm and is still working on the revisions to the Route 20 Sewer Project survey to be sent to business owners sometime in early 2013.

#### **2013 Annual Town Meeting – Potential Articles**

Ms. Kablack distributed copies of a draft letter to be sent to the Board of Selectmen regarding potential Warrant articles for the 2013 Annual Town Meeting.

Chairman Fee suggested the third word (“unlikely”) of the first sentence in the third paragraph be deleted. He also suggested the second to the last paragraph on page one be revised to reflect that it would appear as if there are three ways to approach the issue, i.e., 1) ban the dispensaries entirely, as was done in Newton, 2) zone the location of dispensaries restrictively in order to authorize use only in specific areas, and 3) to do nothing, and see how other towns handle this issue and what regulations are established by

the State. Chairman Fee stated he would like to solicit the Selectmens' opinions and feedback on this issue.

Ms. Kablack stated there is a lot of current discussion regarding the marijuana dispensaries. She advocates for moving cautiously on the issue.

Mr. Lizotte recommended that any position by the Board be presented in a manner which cannot be misconstrued as the Board advocating for the allowance of the dispensaries in Sudbury.

Ms. Brown suggested the Board's current position could be that it is contemplating the issue, but prefers to gather more information before recommending an article. Chairman Fee agreed that it might be a good idea to wait to see what the regulations entail.

Ms. Kablack provided a brief update regarding the Tall Pine Street Acceptance. She stated the applicant has decided to provide a cash bond and to fix the road. She reiterated that it is anticipated the street acceptance process would be ready for the Annual 2014 Town Meeting.

Chairman Fee suggested, and the Board concurred, that a letter be drafted by Ms. Kablack, on behalf of the Board, stating the Board is entertaining an application from the Green Company as part of the Special Permit approval process for a SRC development, which includes the applicant's willingness to do roadwork on Tall Pine Drive, and that it would seem to make sense for the Town to proceed with the process of accepting Tall Pine Drive as a public way, to be sent to the Board of Selectmen.

Ms. Brown stated she is pleased with the solution which has been reached regarding the road work since the last meeting, and she asked if it could be received in writing from the applicant. Ms. Kablack stated these details will all be in writing and detailed within the Board's decision.

### **Miscellaneous Minutes**

Chairman Fee stated he would prefer to get the minutes electronically in advance of the meeting, which gives him more time for review. The Board concurred this would be helpful.

It was noted that a typographical error of a "9" at the end of the first sentence of the third paragraph on page five under the section "Olde Bostonian Estates Subdivision – Extension Request" be replaced with a parenthesis "(".

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of November 28, 2012, as amended tonight.

### **Upcoming Meeting Schedule**

The Board will meet with the Board of Selectmen on January 22, 2013 to discuss the zoning letter.

The Board's next regular meeting is scheduled for January 23, 2013, to be held at Town Hall at 7:30 p.m.

The meeting was adjourned by Chairman Fee at 10:15 p.m.