

Present: Michael Fee (Chairman) arrived 8:43 p.m., Christopher Morely, Michael Hunter, Joseph Sziabowski arrived 7:45 p.m., Pat Brown, Craig Lizotte (Associate), and Jody Kablack (Director of Planning and Development)

At 7:37 p.m., Vice-Chairman Hunter called the meeting to order. He explained some items would be taken out of order tonight, and that Chairman Fee is expected to arrive at 8:45 p.m., due to a conflicting appointment.

Public Hearing: Definitive Subdivision (Concord Road) - Peter's Way Extension – Continuation

Present: Department of Public Works (DPW) Director Bill Place and Attorney Robert Abrams representing the owner, JOC Trust

At 7:37 p.m., Vice-Chairman Hunter opened the Public Hearing regarding the application for approval of a Definitive Plan of Land entitled "Peter's Way Extension," property located off Concord Road, drawn by Sullivan Connors & Associates, dated June 15, 2012, and showing one lot on approximately 9.79 acres, which was continued from August 22, 2012. The Board was previously in receipt of copies of a draft Definitive Subdivision Decision Peter's Way Extension dated September 19, 2012.

Ms. Kablack reported Mr. Abrams and DPW Director Bill Place have reviewed and are in agreement with the draft Decision.

Vice-Chairman Hunter stated he has reviewed the draft Decision. He questioned the deletion in a few sections of the revised draft of an end date for the work. Vice-Chairman Hunter stated there has been a problem in the past with subdivisions which are never completed. He also noted references within the revised draft to "station 5+90-." Vice-Chairman Hunter recommended, and the Board concurred, that the intersection be well marked by the applicant indicating which portion can be accessed by the Town, with signage on the land to avoid future confusion. Mr. Lizotte suggested, and the Board concurred, that the words "as shown on the Plan," be added after references to "station 5+90" within the Decision.

Ms. Kablack reviewed each revision made to the draft decision. She explained the deletion of the typical two-year timeframe, given it is only for one lot, the owners are not contemplating construction at this time and allowing additional time to complete the subdivision would likely not inconvenience others. Vice-Chairman Hunter suggested language be added to the Decision to explain this. The consensus of the Board was that a waiver of the two-year timeframe should be added to the Decision.

Mr. Morely expressed concern regarding whether the adjacent land might be used for agricultural activity using the small dirt road. He asked if language should be added to require the driveway to be built if agricultural use commences.

Mr. Abrams stated the owners have no desire to do anything with the adjacent property at this time. He stated it is possible a future intention might include agricultural use.

Mr. Abrams emphasized the main motivation for this request is in order to convey the two acres to the Town for cemetery purposes.

Mr. Morely asked Mr. Place's opinion regarding the intersection of Concord Road.

Mr. Place stated he believes the draft Decision language is adequate as presented regarding the intersection.

Ms. Kablack suggested a further revision be made to #5.a and #27 to add the words “to a non-family member” at the end of the last sentence in each section. She also suggested a revision be made to #20 in the first sentence following the underlined words “access to abutting agricultural lands,” to include the words “by agricultural vehicles and equipment.” The Board concurred.

On motion duly made and seconded, it was:

VOTED: To approve the draft Definitive Subdivision Decision Peter’s Way Extension dated September 19, 2012, as amended tonight.

On motion duly made and seconded, it was also:

VOTED: To close the Public Hearing regarding the application for a Definitive Plan of Land entitled “Peter’s Way Extension,” property located Concord Road, drawn by Sullivan Connors & Associates, dated June 15, 2012, and showing one lot on approximately 9.79 acres. Said property is also shown on Town of Sudbury Property Map G09, Parcels 0018, 0100.

Mr. Sziabowski did not vote due to his absence at the August 22, 2012 meeting.

Northern Bank – 430 Boston Post Road – Discussion

Present: Attorney for Northern Bank Shaun Briere and EBI Consulting project engineer Brian Fairbanks

Ms. Kablack distributed copies of the Public Hearing Notice with the Selectmen for September 18, 2012, the Pre-Application Staff Meeting Minutes of March 27, 2012, an excerpt noting conclusions and recommendations from the MDM Transportation Consultants, Inc. traffic impact report dated August 13, 2012, memoranda from Conservation Coordinator Debbie Dineen and DPW Director Bill Place to Ms. Kablack, respectively dated August 27, 2012 and August 28, 2012, and a memorandum from Ms. Kablack to the Selectmen dated September 14, 2012.

The applicant’s attorney Shaun Briere provided a brief background regarding the property, and he described its location at the intersection of Union Avenue and Route 20. He stated the site is currently operated by Colonial Auto, and that it is in the business district and the Water Resource Protection District. An aerial view exhibit of the property was displayed. Mr. Briere described the proposal to construct a one-story bank branch with a detached drive through. He noted there would be no access from Route 20. Mr. Briere stated 14 parking spaces are required, but a Special Permit has been requested from the Selectman to reduce this by two spaces. He emphasized the plan includes significant landscape improvements.

Mr. Briere stated a pre-application meeting was held with Town staff, and the Site Plan is currently before the Board of Selectmen, which has continued its hearing to October 16, 2012. He stated a second Special Permit has been requested to the BOS to reduce the buffer strip. Mr. Briere further stated the Zoning Board of Appeals (ZBA) previously granted two variances.

Project engineer Brian Fairbanks distributed copies of exhibits to the Board.

Mr. Fairbanks described the existing conditions on the small and constrained half-acre site. He noted groundwater and surface water are concerns which will be addressed, and he described the proposed retaining wall for the septic system.

Mr. Sziabowski asked questions about the proposed retaining wall and whether berms could be used instead.

Mr. Fairbanks described the proposed entrance and egress points. He also stated the current site has essentially no landscaping, whereas the proposed plan will introduce extensive landscape improvements, including retaining half of the property as open space.

Vice-Chairman Hunter asked why the applicant has not considered using the existing Pet Store entrance (the "alley") as a driveway rather than propose two new curb cuts. Mr. Fairbanks stated he is not sure the applicant would have rights to use it. Mr. Briere stated he does not think this driveway is on the applicant's property, and the applicant would rather provide access from its own property. However, he further stated he is willing to further research the option.

Mr. Lizotte stated having three driveways in such close proximity to the existing traffic light, near a very busy intersection does not present a great design for Sudbury. He believes the potential traffic issues could be very problematic.

Mr. Morely agreed, and he suggested the Pet Store owners be approached by the applicant with the proposal that an improved driveway would benefit all parties.

Ms. Kablack stated that, at last night's Selectmen's meeting, Chairman O'Brien suggested the applicant review other options to reduce the volume of congestion and traffic. She also noted the alleys current configuration has visibility issues and it is not built for heavy volumes.

Mr. Fairbanks stated they had studied several options, but had not wanted to move the entrances closer to the alley.

Vice-Chairman Hunter recommended the referenced ornamental screen fence be kept low to not inhibit sight lines. It was noted the fence is planned to be wrought iron, and it will allow for adequate visibility. Ms. Kablack requested the fencing and retaining wall details be added to the plans.

Mr. Lizotte asked if a Stormwater Management Permit will be required, and Ms. Kablack responded affirmatively. Mr. Briere stated the applicant plans to submit the appropriate paperwork for the requisite permits soon.

Vice-Chairman Hunter stated the proposal is a tremendous improvement to the site.

Mr. Sziabowski stated he too thinks there will be a big improvement to this location. However, he asked why the building is positioned as proposed. Mr. Sziabowski believes it would be better if the building were to be oriented to be parallel to the street line. He also thinks the building is too close to the street. Mr. Sziabowski suggested rotating the building placement in a way which will allow the building to set back a bit more.

Mr. Lizotte stated he thought the placement of the building closer to Route 20 is preferable in order to encourage pedestrian traffic. A brief discussion ensued, with several Board members expressing opinions as to whether this section of Route 20 would ever be used by pedestrians in a "downtown" fashion.

Mr. Sziabowski reiterated his preference for a more "gracious" appearance, which is set back from the street. He also noted that he is only suggesting the building be moved back by three or four feet.

Mr. Fairbanks stated that, typically the building would have been situated to align to the roadway. However, at this location, the septic system location is determining how the building is positioned. Mr. Fairbanks stated he would review the alignment and rotation issues again.

Mr. Sziabowski asked if the septic system could be re-located more to the west. He urged the applicant's team to rethink the position of the building. Mr. Sziabowski believes the building will look strange if it does not relate to the street.

Mr. Morely asked if the proposed plan is a standard design used by Northern Bank. Mr. Briere stated the bank works with each community to customize its designs for each location.

Mr. Morely stated he was not impressed with the quality of the proposed architecture from the materials he reviewed. He emphasized the location is a prominent corner in Town. Mr. Fairbanks presented different exhibits. Mr. Morely stated the exhibits presented tonight appear better than those he had previously viewed.

Mr. Briere stated the Selectmen expressed their preference for more clapboard and stone to be used. He also stated the applicant plans to meet with the Design Review Board next week.

Vice-Chairman Hunter echoed the preference for stone material rather than brick. Mr. Fairbanks stated the front is proposed as brick, and the side will have clapboard. Mr. Sziabowski suggested the building might be more aesthetically appealing if it were all clapboard.

Ms. Kablack requested revised plans be submitted, and Mr. Briere stated he would provide them.

Mr. Lizotte noted the plans do not indicate any infiltration or detention systems, and he advised the applicant to cover these items thoroughly as part of the Stormwater Management Permit application process. Mr. Fairbanks provided a brief explanation of the applicant's intentions for these issues. Mr. Lizotte recommended LID and/or rain garden techniques be incorporated into the design. Mr. Fairbanks emphasized the proposed plan will provide a significant increase in the pervious material on the site.

Ms. Brown asked where the current runoff drains, and Mr. Fairbanks explained the existing systems.

The consensus of the Board was that Ms. Kablack, on behalf of the Board, draft a letter to the Selectmen, noting the Planning Board views the proposed plan as a tremendous environmental improvement of the site, but it has significant concerns regarding the proposed orientation of the building and the proposed location of the septic system, and emphasizing that this is a major re-development, in a prominent location in Town, and that the Board also has concerns regarding the proposed access to the site. In addition, the Planning Board would like the opportunity to continue to comment on the architectural aspects of the proposed plan throughout the Selectmen's review process.

Mr. Lizotte suggested that, if the applicant cannot provide a better solution to the access/driveways issues, the Town should consider conducting a peer review.

Mr. Morely noted the ZBA has already supported the proposed two new driveways.

Mr. Sziabowski opined it is possible the two driveways will not impact traffic in the area too much because the expected volume of traffic is very low for this type of use.

At 8:43 p.m., Vice-Chairman Hunter concluded the discussion, and Chairman Fee led the remainder of the meeting.

Planning Board – Re-appointment

On motion duly made and seconded, it was unanimously:

VOTED: To re-appoint Craig Lizotte as an Associate member to the Sudbury Planning Board for a two year term.

Maple Meadows – Endorse Plans

Ms. Kablack announced this agenda item is on hold.

Cail Farm - Request for Bond Release – Cail Farm

Ms. Kablack announced this agenda item is on hold.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of August 22, 2012.

Public Hearing: Stormwater Management Permit – Brewster Road Lot B - Continuation

Present: Project engineer Ben Ewing for the applicant DNH Homes, LLC

At 8:46 p.m., Chairman Fee opened the Public Hearing regarding a Stormwater Management Permit application submitted by DNH Homes, LLC to construct one new single-family dwelling on Lot B, Brewster Road (Assessor's Map H10, Parcel 0111), which will involve the disturbance of approximately 41,500 square feet of land area with slopes greater than 10%, which was continued from August 22, 2012. The Board was previously in receipt of copies of a draft Decision Stormwater Management Permit Lot B Brewster Road, Sudbury, MA dated September 19, 2012 and a series of emails and responses dated September 4, 2012 from Lisa Eggleston to Ms. Kablack and Ben Ewing regarding the steep 2:1 slopes along the entrance drive and prevention of erosion.

Mr. Hunter recused himself from the discussion due to a potential business conflict.

Ms. Kablack stated Ms. Eggleston is satisfied the applicant has addressed concerns previously noted and the current plans reflect the required revisions. Ms. Lisa Eggleston has also reviewed the draft Decision, and Kablack stated the applicant has also reviewed the draft Decision.

Mr. Lizotte stated he had reviewed the initial information, and he is confident Ms. Eggleston has addressed any issues of concern with the applicant. However, Mr. Lizotte stated that he would not want to see the conclusion drawn by Ms. Eggleston regarding mowing of the 2:1 slope become the precedent of the Board. The Board concurred.

Ms. Kablack reported two stormwater management inspection reports were submitted in anticipation of storm weather activity.

On motion duly made and seconded, it was:

VOTED: To approve the draft Decision Stormwater Management Permit Lot B Brewster Road, Sudbury, MA dated September 19, 2012 for the Stormwater Management Permit application submitted by DNH Homes, LLC to construct one new single-family dwelling on Lot B, Brewster Road (Assessor's Map H10, Parcel 0111), which will involve the disturbance of approximately 41,500 square feet of land area with slopes greater than 10%, as reviewed tonight.

At 8:55 p.m., Mr. Hunter rejoined the meeting.

Preliminary Senior Residential Community Special Permit – Pickwick Development Corp. (The Green Company), 40 Tall Pine Drive

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

Chairman Fee opened a discussion regarding the application of Pickwick Development Corporation for preliminary 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, which was continued from August 22, 2012. The Board was previously in receipt of copies of a revised draft Preliminary Special Permit Decision dated September 19, 2012, an email from Attorney Joshua Fox dated September 7, 2012 and accompanying letters from the Office of Sudbury's Town Counsel dated October 4, 1976 and November 27, 1981, noting the road known as Tall Pine Drive as a statutory private way, and several communications from Sudbury residents in the Tall Pine Drive neighborhood, urging the Board to not approve the requested change to the setbacks.

Mr. Lizotte recused himself from the discussion due to a business relationship with the applicant and his employer.

Chairman Fee opened the discussion by describing the process to the neighbors. He noted that this type of application requires a two-step process, and what the Board is concluding tonight is the first step which gives broad recommendations to the developer in order to formulate the final plan. In the coming months, more detail will be provided, and the neighbors will have another opportunity to comment on the plans at the Definitive stage. He noted that the public hearing has been closed, but he will entertain comments once the board and applicant have reviewed the draft Special Permit.

The Board reviewed the draft decision with the applicant, and made minor changes.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the draft Preliminary Special Permit Decision Senior Residential Community 40 Tall Pine Drive dated September 19, 2012, as amended tonight.

Mr. Fee then asked the development team to give an overview of the project for the neighbors who were in attendance.

Scott Crawley, 11 Bridle Path, stated that he was not aware of the development until 2-3 days ago. He is disappointed with the developer and would have liked to review the plan prior to issuance of the preliminary decision. He and other neighbors have concerns with the setbacks to Tall Pine Drive, the number of units to be developed, the proposed improvements to improve Tall Pine Drive, their fear of an extension of Codjer Lane into their neighborhood, and the potential impacts to their property values.

Mr. Green suggested that a meeting be held with the neighbors in October, prior to submitting the definitive application. Mr. Fee noted that the Board had requested the developer to speak with the neighbors earlier in the process. Mr. Green stated that they had wanted to wait to show plans to the neighbors until they had more specific information on the soil percolation tests, which affect the placement of the homes.

Steve Forman, 11 Trailside Circle, asked if there was any consideration of traffic impact caused by the development. Horse Pond Road is a very difficult intersection currently, and this development will add more traffic. He opined that the traffic from the publishing business was opposite commuter traffic (entering in the am and exiting in the pm), but the residents from this development will contribute to commuter traffic.

Alan Green responded that previous traffic studies conducted at the Pine Hills suggests that adult communities do not exhibit normal commuter traffic patterns.

Lisa Brockway, 90 Tall Pine Drive asked if Tall Pine Drive will become a public way, and if so, who will maintain it.

Joshua Fox noted that the developer is considering the improvements necessary to bring Tall Pine Drive to Town standards, and they understand that some improvements will be required as a condition to approval of the development. However specific details are not ready.

David Ecker, 67 Bridle Path, also noted concerns for traffic volume, particularly at peak hours and at the Horse Pond Road intersection.

Nancy McHewn, 96 Bridle Path, had concerns for the reduction in the buffer and the visual impact the development will have on the neighborhood. She questioned whether the development could be pushed back farther into the site.

Mr. Ey described the wetland and riverfront constraints in the rear of the site, and the goal of the applicant and the Conservation Commission to protect those resources. He noted that Dudley Brook is a cold water stream and has a unique wetland system. A natural buffer already exists in the front, and additional planting will supplement the existing vegetation, thus screening the new homes from the neighborhood. Mr. Ey suggested neighbors look at the Springhouse Pond development to get an idea of the amount of landscaping that the Green Company typically provides.

Mr. Fee noted that a detailed landscape plan will be required at the definitive application stage.

Jerry Pollack, 96 Bridle Path, asked what the setbacks would be to the buildings along Tall Pine Drive. It was noted that there would be a minimum setback of 60 feet for any building, and a 50 foot vegetated buffer.

A question was asked as to the timing of development, and Dan Green replied that they hope to start in the spring of 2013, and take 2.5 years to fully complete.

Miscellaneous

Ms. Kablack requested feedback on prioritizing projects for the year, and handed out the Board's Projects and Priorities dated June 2011. This document was not updated for 2012. The Board spent some time discussing the list of projects, and concluded that the Route 20 sewer, and zoning for the sewer, were the most critical projects and that staff time should be dedicated to those. Ms. Kablack asked for volunteers from the Board to form a sub-committee to work on the zoning issues, and Mr. Fee and Mr. Sziabowski volunteered.

Upcoming Meeting Schedule

The Board's next meeting will be held at Town Hall on Wednesday, October 24, 2012 at 7:30 p.m.

The meeting was adjourned by Chairman Fee at 10:30 p.m.