

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

Absent: Craig Lizotte (Associate) and Joseph Sziabowski

At 7:34 p.m., Chairman Fee called the meeting to order.

Public Hearing – Peakham Road Walkway – Scenic Road Applications

Present: Department of Public Works Director Bill Place

At 7:34 p.m., Chairman Fee opened the Scenic Road Public Hearing regarding the removal of certain trees on Peakham Road, a designated Scenic Road in Sudbury, for the construction of a walkway in this location. Trees under consideration for the Hearing are located as follows: one 28” pine at 95 Peakham Road, one 36” pine at 95 Peakham Road, and one 8” pine at 143 Peakham Road. The Board was previously in receipt of copies of a list of abutters notified, a proposed drainage and sidewalk construction plan, an email from Sudbury Historical Commission Chair Lyn Maclean dated March 18, 2013, stating the Commission’s support for removal of the trees and the Scenic Roads Application.

On motion duly made and seconded, it was unanimously:

VOTED: To waive the reading of the Public Hearing Notice.

Referencing exhibits, Department of Public Works Director Bill Place described the work to be done and the location of the trees to be removed. Mr. Place explained the project will connect with other existing walkways, eventually resulting in walkways on Peakham Road from Route 20 to Hudson Road. He noted there were considerable environmental and conservation-related issues which were resolved through the process. Mr. Place stated two catch basins will be installed as part of the walkway construction project to prevent stormwater runoff from traveling into the brook. He further stated the Historical Commission supports the removal of the trees, the Conservation Commission has approved the project and the Historic Districts Commission supports the project.

Ms. Brown asked for clarification regarding the size of the trees to necessitate the Hearing, which Ms. Kablack stated were any trees 4” in diameter or greater within the public right of way. She also noted that most of the trees that will be removed for this walkway project will be on private property and therefore do not need approval under the Scenic Road bylaw.

Ms. Kablack stated this area was petitioned for a walkway a long time ago, and Town staff has worked over several years to obtain the necessary easements and approvals to bring it to fruition.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Scenic Road Public Hearing regarding the removal of certain trees on Peakham Road, a designated Scenic Road in Sudbury, for the construction of a walkway in this location, including one 28” pine at 95 Peakham Road, one 36” pine at 95 Peakham Road, and one 8” pine at 143 Peakham Road.

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

VOTED: To approve the Scenic Road application regarding the removal of certain trees on Peakham Road, a designated Scenic Road in Sudbury, for the construction of a walkway in this location, including one 28" pine at 95 Peakham Road, one 36" pine at 95 Peakham Road, and one 8" pine at 143 Peakham Road.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of February 27, 2013.

Route 20 Zoning/Sewer - Update

To date, Ms. Kablack stated 26 Route 20 Sewer Project surveys have been returned from the 200 which were distributed to the business community. She has compiled a list of businesses which have not returned surveys to visit as a follow up. Ms. Kablack stated it is hoped to receive back at least 50 responses, but analysis has begun on those received to date. She stated the feedback received has not been unanticipated, with all responders noting that wastewater is an issue.

Mr. Morely noted height, i.e., a second story, does not seem to be an issue for responders based on the responses received by the full board.

Ms. Kablack noted there has not been a lot of feedback regarding the intentions for business expansion. She opined that one reason for this is that some business owners do not think the project will come to fruition anytime soon. Ms. Kablack stated it is possible more feedback and analysis will be ready to present to the Board at its April 10, 2013 meeting.

Ms. Brown asked if there is information available from the Assessor's Office regarding how much the commercial tax revenues would change as a result of sewer service.

Ms. Kablack stated some anecdotal information could be compiled, but more definitive information would be hard to obtain without knowing what type of businesses will be there.

Mr. Morely suggested the assessed values should be higher if a new building replaces an older, underutilized property. Ms. Kablack stated this is typically the case, and that some financial scenarios would need to be prepared for future discussion.

Ms. Kablack stated the Route 20 Sewer Citizens' Advisory Committee has established a zoning subcommittee.

2013 Annual Town Meeting – Potential Articles - Discussion

The Board was previously in receipt of copies of a letter to the Selectmen from the Planning Board dated March 13, 2013 and the Town of Hudson Public Hearing Notice regarding a pending article to amend the zoning bylaw regarding an interim medical marijuana treatment center moratorium. In addition, copies were distributed tonight of handouts regarding a draft Policies and Procedures for Site Plan Review Rules and Regulations revised by Ms. Kablack, a handout on the construction of a Police Headquarters, an article regarding the recent rulings by the Massachusetts Attorney General regarding medical marijuana dispensaries, and a handout on the Town Center Traffic Improvements.

Ms. Kablack stated the Massachusetts Attorney General upheld the medical marijuana dispensary moratorium proposed by the Town of Burlington, which is very similar to the one proposed for Sudbury, including the expiration date for the moratorium. She stated she attended a conference last weekend where the issue was discussed. Ms. Kablack stated there is only speculation at this point by experts regarding what the State regulations will be. She stated some think it is possible regulations will include that marijuana can only be grown in an enclosed building.

A brief discussion ensued regarding what “enclosed” might entail and whether it could be grown in greenhouses. It was noted that zoning does not apply to agricultural-exempt properties.

Ms. Brown noted the State regulations are due to be released by March 29, 2013.

Ms. Kablack stated draft regulations should be released soon, but the State is behind its schedule.

Mr. Hunter summarized that it appears as if Sudbury is within its rights to propose a moratorium. Ms. Kablack stated it appears this is the case, and Sudbury has proposed its moratorium to last past the time of the 2014 Town Meeting. Ms. Kablack will begin to prepare notes for the moratorium article discussion for the 2013 Town Meeting.

The Board briefly discussed next steps regarding the letter sent by Chairman Fee to the Selectmen on March 13, 2013 regarding Articles 26 and 27, to which a response has not been received. Chairman Fee believes it is critically important to have the unanimous support of the Board of Selectmen for presentation at Town Meeting. He asked if Town Counsel has opined whether his proposed bylaw language is within the four corners of the articles. Ms. Kablack stated she will follow-up on this with Town Counsel.

The Board considered the pros and cons of proceeding with article 27, Site Plan review Authority. Chairman Fee believes the Selectmen need to be provided some avenue of ultimate authority to garner their support. The consensus of the Board is that there will still be the possibility for some politically-motivated commentary at Town Meeting, but that it would be less with unanimous support from the Selectmen. The consensus of the Board was that the bylaw language proposed by Chairman Fee should proceed, if it is deemed by Town Counsel to be within the four corners of Article 27. If appropriate given the opinion of Town Counsel, Chairman Fee will then contact the Selectmen again requesting their position regarding Article 27. Mr. Morely offered to also contact the Selectmen to convey that this proposal has been a pending issue for well over a decade.

Ms. Kablack stated it is also important that the Planning Board be unanimously in support of Article 27, and that it fully considers whether it wants to proceed with the article, given its potential for controversy, which could reflect negatively on the Board.

Mr. Morely, Mr. Hunter and Ms. Brown each expressed their support for Article 27 as being sensible for a variety of reasons. Ms. Kablack stated she has reached out to 30 other towns where Site Plan approval sits with the Planning Board, and each has stated that applicants have no interaction with the Board of Selectmen. Chairman Fee suggested continuing this discussion at the Board’s next meeting on March 27, 2013, to also obtain input from members absent tonight.

Ms. Brown asked if the article could be indefinitely postponed by the Board at Town Meeting. Ms. Kablack stated this would be an option, as would withdrawing the article in advance of the Meeting.

Mr. Morely asked if the final argument for Article 27 has been prepared for publication in the Warrant. Ms. Kablack read aloud what has been drafted. Chairman Fee suggested, and the Board concurred, a sentence be added to the argument stating that, in those instances, when the Board of Selectmen deems a

Site Plan review process to be of significant magnitude, it reserves the right to designate itself as the authority granting entity.

Ms. Kablack stated the Selectmen and Town staff are working to publicize many Town Meeting articles to help better educate the public in advance. She stated the Town's debt is significantly decreasing in the coming years, and it is the Town Manager's vision to budget for capital improvements in a more scheduled and predictable fashion.

Mr. Morely stated the Town's Finance Director informed him that the recent bond issue refunding will result in savings of \$585,346 in debt service for the Town. Ms. Kablack stated a tremendous amount of work goes into the re-funding process, including obtaining a credit rating. She stated the Town earned a AAA rating again, and Town staff has been able to save \$1,823,431 through the re-funding of bond issues' process from FY02-FY26.

Ms. Kablack stated the Town Center Improvements article is proceeding to Town Meeting. She explained the Finance Committee has recommended changes to the proposed funding for the project, and has suggested that the full \$1.7 million be bonded, rather than designating two-year's worth of Chapter 70 funds to the project costs.

Ms. Brown opined that she questions whether the Town's roads can afford two years without maintenance.

Ms. Kablack emphasized the chronic malfunction of the Town Center traffic lights and the inherent safety risks.

Public Hearing: Stormwater Management Permit – 804 Boston Post Road

At 8:30 p.m., Chairman Fee recused himself prior to the start of the Public Hearing regarding the application submitted by Executive Realty Associates, applicant, and Harry Coxall, owner, to construct one (1) new single family dwelling at 804 Boston Post Road (Assessor's Map K04, Lot 0015), which will involve the disturbance of approximately 17,480 sq. ft. of land area, and which is part of a common plan for development which will disturb in excess of 40,000 sq. ft., which was continued from February 27, 2013, due to representing the applicant on another matter. He stated his client has asked to be contacted to be informed of the Board's decision tonight. Thus, Chairman Fee asked Ms. Kablack to later inform him of the outcome of the Public Hearing, and he proceeded to leave the room for the remainder of the meeting.

Vice-Chairman Hunter opened the Public Hearing. The Board was previously in receipt of copies of a memorandum from Sudbury's Peer Reviewer Lisa Eggleston to Ms. Kablack dated March 11, 2013, stating the soil testing data looks fine for the proposed infiltration system and a draft "Decision Stormwater Management Permit 804 Boston Post Road, Sudbury, MA dated March 20, 2013."

Ms. Kablack briefly summarized the major conditions included in the draft Decision, which also incorporates the previously suggested recommendations of the Board. She also stated the draft Decision was shared with the applicant and Ms. Eggleston, neither of whom expressed objections to its content.

Vice-Chairman Hunter suggested, and the Board concurred, that a revision be made on Page 3 to Section C. 3), by adding language at the end to reflect that "so long as the relocation stays within the disturbance area."

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing regarding the Stormwater Management Permit application submitted by Executive Realty Associates, applicant, and Harry Coxall, owner, to construct one (1) new single family dwelling at 804 Boston Post Road (Assessor's Map K04, Lot 0015), which will involve the disturbance of approximately 17,480 sq. ft. of land area, and which is part of a common plan for development which will disturb in excess of 40,000 sq. ft.

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

VOTED: To approve the Stormwater Management Permit Decision as reviewed and amended tonight for the application submitted by Executive Realty Associates, applicant, and Harry Coxall, owner, to construct one (1) new single family dwelling at 804 Boston Post Road (Assessor's Map K04, Lot 0015), which will involve the disturbance of approximately 17,480 sq. ft. of land area, and which is part of a common plan for development which will disturb in excess of 40,000 sq. ft.

Upcoming Meeting Schedule

Ms. Kablack stated the next meeting will be held March 27, 2013, at 7:30 p.m. at the Flynn Building in the Silva Conference Room. She stated the Tall Pines Public Hearings will be continued, and the Water Resources Permit Application Hearing for the same applicant will also be opened. In addition, there will be a Stormwater Management Permit Public Hearing regarding the Solar Sudbury One LF LLC a/k/a Ameresco project.

Ms. Kablack also reminded the Board that the April 10, 2013 meeting will include a Public Hearing of the zoning-related 2013 Town Meeting articles.

The meeting was adjourned by Vice-Chairman Hunter at 8:40 p.m.