

Present: Chairman Michael Hunter, Christopher Morely, Pat Brown, Craig Lizotte, Peter Abair, Martin Long (Associate Member) and Jody Kablack (Director of Planning and Development)

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

Stormwater Management – Maynard Road, Lots E & F – Request for Waiver

Present: Applicant's Attorney George Connors

At 7:34 p.m., Chairman Hunter opened a discussion regarding the request by PRC Builders for a waiver of the Stormwater Management regulations regarding Maynard Road, Lots E & F, Assessor's Map #E06-303 and 304. The Board was previously in receipt of a letter from the applicant's attorney George Connors dated August 29, 2013 and accompanying Slope Restoration Plan. In addition, copies of a memorandum from Conservation Commission Coordinator Debbie Dineen dated September 4, 2013 were distributed tonight.

Ms. Kablack reported someone has bought the remaining vacant land on Willis Hill previously owned by Bob Quirk. There will be future public hearings for 3 Stormwater Management Permits and a subdivision. She stated the plans submitted are very realistic and develop 7 lots. Tonight's discussion is only for immediate action requested for Lots E and F.

The applicant's attorney George Connors summarized the proposal and referenced the revised plan. Mr. Connors stated the steep slope will be stabilized to a 2-1 slope, and four inches of loam will be added, along with an erosion control mat (he circulated a sample of the mat). He emphasized the objective is to start the work in September to give seed time to germinate. Mr. Connors stated a waiver is requested so work can commence immediately rather than wait for the stormwater review in October, which he believes is in the public's best interest. He further stated an erosion control plan will be implemented before any work is done, which meets the Town's regulations.

Ms. Kablack referenced Ms. Dineen's memo. Mr. Lizotte stated Ms. Dineen's recommendation for eight inches of topsoil seems excessive. He suggested, and the Board concurred, a target be set for six inches.

Chairman Hunter asked if there is an active cease and desist order for the property.

Ms. Kablack stated there is not.

Chairman Hunter stated he believes the proposed six inches of two-inch stones at the entry is insufficient. He suggested 18 inches of larger stones be used. Chairman Hunter also noted the stone wall on the south side has previously failed more than once, and he asked if there is a plan to stabilize it. Mr. Connors stated there is not. However,

Ms. Kablack stated this could be addressed during the Stormwater Management Permit Public Hearing. Mr. Connors stated he understood this could be added as a Permit condition.

Ms. Brown asked for clarification regarding the timeframe for expected vegetation growth on the site, improvements in erosion and that the purpose of this request is to stabilize the lots as soon as possible, which Mr. Connors provided.

Mr. Lizotte asked if the applicant has filed for the National Pollutant Discharge Elimination System (NPDES) Permit. Mr. Connors stated the permit application has not yet been filed.

Chairman Hunter referenced Ms. Dineen's suggestion for terracing. Mr. Lizotte stated terracing might have been considered for creation of a new site. However, he stated this site has been relatively stable for a long time, and he does not believe terracing is needed.

On motion duly made and seconded, it was unanimously:

VOTED: To temporarily waive the Stormwater Management Permit regulation process, to be revisited at a later time, as requested by PRC Builders regarding Maynard Road, Lots E & F, Assessor's Map #E06-303 and 304, subject to six inches of loam installed prior to stabilization, a larger construction access area to be installed, the NPDES permit application to be filed and that reports are submitted to the Planning Board on a regular basis.

Booma - 233 Concord Road - Right of First Refusal – Discussion

At 7:54 p.m., Chairman Hunter opened a discussion regarding the Town's opportunity to exercise its Right of First Refusal option regarding 233 Concord Road.

As an abutter, Mr. Long recused himself from the discussion.

Ms. Kablack stated she has notified Town boards and committees that the Town has received a "Notice of Intent to Sell Land Classified Under M.G.L. Chapter 61A" from Stephen and Sharon Booma for 233 Concord Road. Copies of the Notice were previously provided to the Board along with the Purchase and Sale Agreement for \$325,000 and accompanying addendums and map. She stated the offer is for approximately 2.2 acres, which is likely a buildable lot. Ms. Kablack stated that the Land Acquisition Review Committee has considered the proposal, and the Committee has determined it would like to obtain further information prior to reaching a conclusion. She further noted the property is within the Historic District and abuts other open space in the rear of the lot, including a Conservation Restriction on the back ½ of the property. Ms. Kablack stated the Chairman of the Sudbury Historic Districts Commission believes it would be a good addition to the surrounding open space. She noted abutters are in attendance tonight, and that the Board of Selectmen has until December 19, 2013 to make its intentions known.

Sudbury resident Susan Doherty, 253 Concord Road, asked for clarification of the parcel in question. Mr. Morely explained the location of the parcel, noting any house built would be in the front ½ of the property. Ms. Doherty asked if the property has been subdivided, and Ms. Kablack responded affirmatively. Ms. Doherty urged the Town to consider the property from a Heritage Landscape perspective, and she later noted the abundance of wildlife in the area.

Sudbury resident Dick Wollensak, 60 Pennymeadow Road, asked for clarification regarding setback requirements from the road and whether the wetlands would be compromised. Ms. Kablack stated the position of any house built would not be in the wetlands area. Mr. Morely further described the Conservation Restriction area and the wetlands delineation area.

In response to a question from Mr. Abair, it was noted the setback requirement from the road is 40 feet.

Sudbury resident Keith Funston, 269 Concord Road, stated he owns a home built in 1720 and has helped to maintain abutting Sudbury Valley Trustees land in this Historic District. He urged all parties to exhibit restraint in design and construction, as he has done, to help preserve the character of the neighborhood.

Mr. Wollensak stated it is important to maintain the character of the Historic District, and that the type of house eventually built should complement the two tasteful antique homes to each side. Ms. Kablack stated any future building plan would require review by the Sudbury Historic Districts Commission. Mr. Morely stated that, if done well and by the right contractors, it is possible to build new construction which blends well with an historic neighborhood.

In response to a question from Ms. Kablack, all of the abutters in attendance tonight stated they would support the Town exercising its Right of First Refusal to purchase the property.

A brief discussion ensued regarding potential funding sources for purchasing the property. Ms. Kablack stated it would be eligible for Community Preservation Act (CPA) funds, but the timing of the transaction might be difficult to present for approval at the 2014 Town Meeting, and there would be competing requests for CPA funds. She will further consult with Town Counsel and the owners as to reasonable timing for the transaction and willingness to work with the Town to meet the required deadlines. It was noted that, if the timing did not work out for the 2014 Town Meeting, a Special Town Meeting would need to be called, where history has shown such items are often defeated.

Mr. Lizotte questioned if other funds might be available, and he noted \$325,000 is not a lot in the overall scheme of the budget. Mr. Morely stated the Sudbury Valley Trustees owns abutting land and could be contacted.

Mr. Morely noted he believes the meadow area under discussion could become a less desirable forest in time, as he noted has occurred on the property to the right of the parcel. He stated he is uncertain at this time whether the Town should exercise its Right of First Refusal. However, he also described the surrounding area, noting that if a house were to be constructed in an historic and complementary design to the neighborhood, it could fill in nicely a current gap in the landscape.

Ms. Kablack encouraged the abutters to remain involved in future public discussions, including those which would occur regarding the design of a potential home.

Mr. Abair asked if this project would be considered for CPA funds. Ms. Kablack stated the Community Preservation Committee (CPC) begins to review projects in November, and the CPC would consider it, if it is brought forward and sponsored by the Board of Selectmen.

Mr. Morely mentioned to the abutters to consider organizing themselves and possibly organizing some fundraising efforts to contribute to a potential purchase.

At 8:31 p.m., Chairman Hunter thanked everyone for their input, and he closed the discussion.

Maynard Road/Bonnie Brook - Preliminary Subdivision – Request for Extension

At 8:31 p.m., Chairman Hunter opened a discussion regarding a request for extension regarding the Maynard Road/Bonnie Brook, Assessor's Map #G08,0500 and G08, 0025 preliminary subdivision plan.

The Board was previously in receipt of copies of a letter from the applicant John Derdarian dated August 28, 2013 requesting an extension for approval to October 17, 2013.

Mr. Abair asked how soon the applicant can re-apply if the application is denied.
Ms. Kablack stated there is no time limit.

Mr. Lizotte stated he would not vote to extend the application process, and he suggested denying the application tonight.

Ms. Kablack stated another meeting should be held by the Board to vote the denial and that the Board must put forth in writing why the application is being denied and does not meet the subdivision regulations.

Chairman Hunter recommended the Board follows the proper process if it is considering denying the application.

A brief discussion ensued regarding the pros and cons of denying the application and when would be the appropriate time to do so.

On motion duly made and seconded, it was voted by three to two as follows:

VOTED (3 to 2): To approve the request made by property owner John Derdarian on August 28, 2013 to extend the 60-day time limit to approve the preliminary subdivision plan to October 17, 2013.

Mr. Abair and Mr. Lizotte opposed the vote.

Brewster Road Lot B – Acceptance of Bond Check Signing

Chairman Hunter announced he would need to recuse himself from this discussion.

Ms. Kablack noted that this item was not on the agenda for discussion but merely to obtain signatures on acceptance of the performance bond, which was voted at the last meeting.

For information purposes, Ms. Kablack distributed copies tonight of a letter she sent to Mr. Hargus dated September 4, 2013 regarding erosion control. The Board determined it needed to undertake an emergency discussion tonight regarding the time-sensitive issues brought to its attention since the breach of conditions on September 2, 2013. Ms. Kablack stated she visited the site numerous times this week with Department of Public Works (DPW) Director Bill Place. She stated the reported breaches occurred in areas where there was no jute netting installed. Ms. Brown also shared her observations from visiting the site, noting the jute netting has to be installed everywhere.

Mr. Lizotte suggested voting to take the bond currently held by the Town if all areas are not covered by a certain date, in order to prompt the developer to properly complete the work.

A brief discussion ensued regarding the opposing positions presented to the applicant by the Conservation Commission's cease and desist order and the request from the Planning Board to stabilize the site as soon as possible.

Ms. Brown stated the Board perhaps erred when it voted to allow the developer to proceed with the sale of the house before all the conditions were met. Mr. Lizotte stated the Board allowed the developer to get his money by allowing the Certificate of Occupancy to be issued, and now there is less pressure on the developer to complete the work as requested.

On motion duly made and seconded, it was unanimously

VOTED: To request Town Counsel review whether the Town of Sudbury should take the bond currently held regarding Brewster Road Lot B if the site is not brought into compliance with the Stormwater Management Permit by September 15, 2013.

Ms. Brown asked how the Town will monitor this. Ms. Kablack stated she and Mr. Place will frequently visit the site.

Ms. Kablack stated she will notify the applicant tomorrow of the Board's inclination to take the bond if significant progress is not made.

Draft Planning Board Procedures – Discussion

At 9:16 p.m., Chairman Hunter returned to his duties.

The Board was previously in receipt of copies of a revised black-line draft of the "Town of Sudbury Planning Board Procedures."

Ms. Kablack stated she will circulate a clean version incorporating the revisions to the Board for further review, and she will schedule a Public Hearing at the Board's next meeting.

2014 Annual Town Meeting – Potential Bylaw Articles

Ms. Kablack distributed copies of her email to the Board dated September 4, 2013 regarding the preliminary work she and Ms. Brown have done regarding a medical marijuana zoning bylaw.

Ms. Kablack noted cultivation sites of two acres or more will be exempt under MGL c. 40A, s. 3. She suggested the Town's focus should be on the dispensaries. Ms. Brown and she have discussed questions for consideration, such as whether the dispensary should be out in the open or in remote/hidden locations, whether an overlay district is the best approach, and which entity should be the Special Permit granting authority. Setback limits were also briefly discussed, noting 300 feet as a minimum requirement, or whether 500 feet or even the Federal drug-free limit of 1000 feet from a school should be considered. If the setback is too large, it will eliminate virtually every site.

At this time, the consensus of the Board was that dispensaries should be located out in the open, and they should be allowed only by Special Permit.

Ms. Kablack will solicit feedback from the Police Department and a draft bylaw will be prepared for the Board's review at an upcoming meeting.

Minutes

Ms. Kablack stated the minutes of the August 21, 2013 will be reviewed and voted at the Board's next meeting.

Upcoming Meeting Schedule

The Board approved the following dates for future meetings: October 9, 2013, October 23, 2013, November 13, 2013 and December 11, 2013.

Mr. Abair suggested DPW Director Bill Place be invited to a future meeting to become acquainted with Board members.

The meeting was adjourned by Chairman Hunter at 9:40 p.m.