

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

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

Public Hearing: Scenic Road – Dudley Road Walkway

Present: Director of Public Works Director Bill Place

At 7:35 p.m., Chairman Hunter opened the Scenic Road Public Hearing regarding removal of certain trees and stone walls on Dudley Road, a designated Scenic Road in Sudbury, for the construction of a walkway, and he read aloud the Public Hearing Notice. He also provided parameters for input during the Public Hearing, stating public comment would be limited to five minutes per speaker. The Board was previously in receipt of copies of the Public Hearing Notice, the Application for Approval under M.G.L. Chapter 40, Section 15C and Sudbury Bylaws Article VIII(B), an email from Chairman Hunter to Sudbury resident Christopher Fry dated February 24, 2014, a memorandum from Ms. Kablack dated July 27, 2011, the Planning Board Meeting Minutes of August 3, 2011, the Town of Sudbury Walkway Planning Initiative Report dated July 27, 2011 and an email and accompanying material from Mr. Fry dated March 4, 2014.

Ms. Kablack noted the first two trees listed on the Public Hearing Notice are oaks, which were mistakenly indicated as pines. She also stated photographs and the plans are available tonight for review, and she has met with several property owners regarding the application. Chairman Hunter reviewed the trees and stone wall under consideration for the Hearing as follows: 1- 32” oak: 1-15” oak and 1-7” pine at 25 Dudley Road, 1-12” oak at 71 Dudley Road, 1-14” oak at 89 Dudley Road, and removal of approximately 10 linear feet of stone wall at 5 Dudley Road. In addition approximately 86 trees on private property are expected to be removed with the permission of landowners, but are not part of tonight’s Hearing.

Director of Public Works (DPW) Director Bill Place reviewed the request to allow for the removal of the designated items. He stated he has also met with abutters, and the relevant trees have been flagged. Mr. Place explained the next steps, including obtaining releases from property owners and eventually constructing the walkway. He stated it is possible the walkway, which will extend from Adams Road to Old Framingham Road, could be completed by the end of this summer.

Mr. Morely stated he is confident Mr. Place and Ms. Kablack have done a lot of work related to this request. However, he asked if it necessary to cut down so many trees, noting the look of Dudley Road in this section will be changed dramatically. Ms. Kablack stated the estimated 86 trees on private property to be removed will more likely only be approximately 70 trees. She emphasized the plan is to avoid as many trees as possible with the walkway construction.

Chairman Hunter asked if a lot of fill work is expected. Mr. Place stated there will be some removal, but no fill is expected to be brought onto the site.

Ms. Brown stated she believes the road will have a totally different look. Mr. Place referenced sections of Peakham Road which are similar to what is planned. Mr. Morely stated that, initially no one likes change, but, eventually we get used to what is new.

Mr. Abair asked for clarification regarding the plans for the stone wall. Ms. Kablack explained a cut-through of the wall is planned for the walkway.

Mr. Morely asked if the stones would be re-used. Mr. Place explained the stones would be used to enhance the stone wall on both ends.

Chairman Hunter and Mr. Morely explained what is within the purview of the Board during a Scenic Road Public Hearing.

Mr. Lizotte referred to the plan, noting it appears as if a portion of the stone wall is on private property. Ms. Kablack confirmed this to be accurate.

Sudbury resident Reed Lowry, 25 Dudley Road, asked for clarification of the location of the oaks in front of his property. Mr. Place stated they are to the south of Mr. Lowry's driveway. Mr. Lowry stated the 32' and 19" oaks appear not to be in the way of the walkway, and he asked if they could remain. Mr. Place stated the 19" oak's root system would likely be damaged by its proximity to the walkway construction. He also stated the 32" oak is nearing the end of its lifespan.

Ms. Kablack stated the area will be staked and the construction will try to avoid the removal of any trees possible. She further stated discussions will continue with the neighborhood.

Sudbury resident Paul Pakos, 231 Nobscot Road, asked if the Town could work with NStar to bury the utility lines once the trees are removed. He believes the trees have been the cause of some power problems in the past. The consensus was that it is unlikely the utility lines will be buried as part of this project.

Sudbury resident Janet Derby, 89 Dudley Road, stated many of the trees in the designated area are dead or dying. She stated she is in favor of the plan to cut and remove the trees.

Sudbury resident Heidi Serven, 15 Shady Hill Lane, asked if there would be a grass strip on the street side of the walkway, and whether the Town would maintain it. Mr. Place and Ms. Kablack explained there would be a grass strip which will vary from approximately less than five feet to ten feet wide depending on the property lines. However, he also stated the Town would not maintain the grass.

Sudbury resident Julianne Woo, 16 Pine Hill Lane, asked how the stone wall will be finished off once the cut through occurs. Mr. Place described plans to rebuild the wall on both sides.

Sudbury resident Christopher Fry, 71 Dudley Road, stated he needed more than five minutes to address what he views as a horrible process regarding new walkways.

Mr. Morely stated the Board had received Mr. Fry's communications, and he reiterated tonight's Scenic Road Hearing is related only to the five trees and stone wall referred to in the application request.

Mr. Fry stated his emails to the Board included a 12-page report, which included a cost-benefit analysis and data he had compiled. He stated he had conducted his own pedestrian traffic studies on Dudley Road and Horse Pond Road (which Mr. Fry believes to be similar to Dudley). Mr. Fry observed very few pedestrians. He believes the benefit of a sidewalk on Dudley Road should be proportionate to the number

of people who will use it. Mr. Fry opined that safety should be the primary reason for constructing a sidewalk. He researched information from 2006-2012 with the Mass. Department of Transportation and Sudbury's Police Department and found there have been no fatalities on Dudley Road and there is a very small likelihood of one in the future.

Mr. Lizotte stated that he, and he believes the Town, do not view the construction of new sidewalks as a way of preventing deaths. The sidewalks provide many benefits to the community. Ms. Kablack stated the Town has established criteria for new walkway construction.

Mr. Fry stated the approximate cost of the Dudley Road sidewalk is \$98,000. He emphasized that asphalt walkways are not good for the environment, and the removal of trees impacts air pollution and quality. Mr. Fry believes sidewalks result in the overall decline in Sudbury resident's health. Chairman Hunter noted Mother Nature has a way of correcting this over time.

Mr. Abair stated the Town conducted a public process regarding this sidewalk, and the issue of a new sidewalk on Dudley Road was settled long ago.

Mr. Fry stated he did not live in Sudbury in 2000 when the Walkway report was generated. He believes a process gets tested over time by application, and he is unsatisfied with the current process.

Ms. Kablack stated the Town has had a process in place since 2007 which is initiated by neighborhoods, and then funds are appropriated at Town Meeting. She suggested Mr. Fry's comments might be better suited to a Town Meeting audience. Mr. Fry asked if no trees would be cut before he would have the opportunity to speak at Town Meeting. Chairman Hunter and Mr. Morely stated the Dudley Road sidewalk is underway and will be completed. However, they stated Mr. Fry's comments might impact the process for the future. Chairman Hunter informed Mr. Fry that he had exceeded his time for comments.

Ms. Kablack invited anyone interested in signing a construction license to see her at the close of the discussion.

Sudbury resident Joanna Roper, 71 Dudley Road, asked what the width of the sidewalk would be. Ms. Kablack stated it is planned to be five feet wide. Mr. Lizotte stated the State's minimum design standard for a sidewalk is 42 inches, and that five feet is a standard used by many towns. Ms. Roper asked if there is an alternative material for the sidewalks instead of asphalt. Mr. Place stated other materials have been investigated, but they are not as efficient as asphalt for all weather conditions.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Scenic Road Public Hearing regarding the removal of certain trees and stone walls on Dudley Road, a designated Scenic Road in Sudbury, for the construction of a walkway.

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

VOTED: To approve the Scenic Roads application regarding removal of certain trees and stone walls on Dudley Road, a designated Scenic Road in Sudbury, for the construction of a walkway, as it was noticed and amended tonight.

Public Hearing: Mahoney Farms Senior Residential Community (SRC) – Stormwater Management Permit – Request for Minor Modification

Present: Permitting/Development Manager Martin Loiselle, Jr.

At 8:22 p.m., Chairman Hunter opened the Public Hearing regarding the application of Mahoney Farms, LLC for a modification to an approved Senior Residential Community Special Permit Modification dated May 23, 2013, originally granted on June 22, 2005, and a Stormwater Management Permit dated May 23, 2013, which was continued from February 12, 2014. The Board was previously in receipt of copies of a Draft Decision for the Modification dated March 12, 2014, and emails from Martin Loiselle dated February 26, 2014 and March 4, 2014 and accompanying sketches and plan showing a typical connection between the roof drain infiltrators and the pop-up emitters. In addition, Ms. Kablack distributed copies of revised pages 2 and 3 of the Draft Decision, noting a few recent changes.

Ms. Kablack announced Mr. Abair and Mr. Lizotte have signed certifications that they examined the documents from the meetings they missed prior to tonight and are therefore eligible to vote.

Chairman Hunter referred to condition #5, and he asked if the pipes would be underground. Mr. Loiselle stated the sketch reflects the connection is now being made to the infiltrators that are already under the ground surface. Mr. Morely suggested, and all agreed, that the infiltrators be described as subsurface in condition #5.

Chairman Hunter suggested, and the Board concurred, that condition #6C be revised to note that the petitioner shall record the Decision in the Middlesex South District Registry of Deeds.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Modification Senior Residential Community Special Permit and Stormwater Management Permit Mahoney Farms dated March 12, 2014, as amended tonight.

Public Hearing: Definitive Subdivision and Stormwater Management Permit – North Ridge Farm – 338 North Road - Assessor's Map #C09-0031

At 8:26 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by Distinctive Acton Homes, Inc. (applicant) and Cavooto Sudbury Realty Trust (Owner) for approval of a Definitive Subdivision and Stormwater Management Permit, which was continued from February 12, 2014.

On motion duly made and seconded, it was unanimously:

VOTED: To immediately continue the Public Hearing to March 26, 2014 at 7:30 p.m., without taking any testimony.

Public Hearing: Definitive Subdivision – 82 Maynard Road – Assessor's Map #G08-0026

Present: Present: Co-developers Robert Roth and Robert McGinty, and their attorney Michael Fee

At 8:30 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision, as shown on a plan entitled "Definitive Plan of Land, 82 Maynard Road in Sudbury, Mass," prepared by R. Wilson and Associates dated October 23,

2013, last revised February 24, 2014 proposing a subdivision of approximately 3.17 acres into two lots and construction of improvements thereon, which was continued from February 12, 2014. Said property is located at 82 Maynard Road (Assessor's Map G08-0026). The Board was previously in receipt of copies of a letter from Town Counsel Paul Kenny dated March 10, 2014, a memorandum from Ms. Kablack dated March 7, 2014, a letter from Co-developer Robert Roth dated March 4, 2014 and accompanying revised plans and a letter from the applicant's attorney Michael Fee dated February 7, 2014.

Co-developer Robert Roth stated his engineer has spoken with DPW Director Bill Place to resolve outstanding questions. He referred to #1.e. noted in Ms. Kablack's memo, stating the water line would be moved, and as many trees as possible will be saved.

Ms. Kablack stated the plans are now at a point whereby they meet Town regulations. She is waiting for the Town Engineer's review of the stormwater management system, which will be ready by the next hearing.

Mr. Morely asked for clarification regarding screening. Co-developer Robert McGinty stated the nearest neighbor is far enough away that screening is not expected to be an issue. Mr. Roth stated the new home will be set far back approximately 250 feet away.

Mr. Abair asked for clarification regarding the 50-foot issue from the abutting lot line, which was explained. The new right of way proposes radii at the intersection within access easements. This creates a narrower right of way which meets the 50 foot setback from abutting property lines.

Mr. Fee stated he had not seen Town Counsel's letter, and Ms. Kablack gave him a copy.

Ms. Kablack noted this application has highlighted inconsistencies in the Town's regulations which the Board will address in the near future. She explained the applicant's proposal in the conforming plan is to place the radii within the easements, and thus no waivers are needed.

Mr. Abair and Mr. Morely asked questions regarding the angle of the road to Maynard Road. Ms. Kablack stated the Town's regulation is that the angle not be less than 60 degrees.

Mr. Lizotte requested the applicant's engineer note the angle on the plan as a condition of the decision.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision to March 26, 2014 at 7:45 p.m.

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

VOTED: To instruct Ms. Kablack to prepare an affirmative draft decision regarding this application for review and discussion at the Board's March 26, 2014 meeting.

Mr. Fee requested the opportunity for review and comment on the draft decision in advance of the March 26, 2014 meeting, which Ms. Kablack will provide.

Public Hearing: Zoning Articles for the 2014 Annual Town Meeting

At 9:00 p.m., Chairman Hunter opened the Public Hearing regarding the zoning articles to be presented at the 2014 Annual Town Meeting. No one from the public was in attendance.

A brief discussion ensued regarding the zoning articles. Ms. Kablack stated further discussion will be scheduled for the March 26, 2014 meeting.

In response to a previous question regarding the shed article, Ms. Kablack stated a building permit is not required for structures less than 200 square feet.

Regarding the article related to the FEMA maps, Mr. Lizotte stated the FEMA maps have been issued to become effective July 7, 2014. The only outstanding discussions are related to flood insurance, and not the maps.

Ms. Kablack stated she has discussed the wastewater facilities bylaw article with the Sudbury Water District to garner support.

Ms. Brown suggested, and the Board concurred, that section 4621 of the Medical Marijuana Dispensary article be revised at the end of the first sentence to read "... which are lawfully existing at the time of application for the Special Permit." Ms. Kablack will review this change with Town Counsel to make sure it is appropriate.

Ms. Brown asked whether the Board would limit hours in Section 4641. Ms. Kablack stated the Board advises on this as part of the Special Permit process.

Ms. Kablack will revise the articles as discussed tonight and circulate them to the Board for review.

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

VOTED: To close the Public Hearing regarding the zoning articles to be presented at the 2014 Annual Town Meeting.

Minutes

On motion duly made and seconded, it was:

VOTED: To approve the meeting minutes of February 12, 2014, subject to filling in the missing date in the second to the last paragraph on page two, as noted by Ms. Brown tonight.

Mr. Abair and Mr. Lizotte abstained from the vote.

Miscellaneous

Sudbury resident John Demos, 4 Adams Road, asked the Board why he is unable to make a left-hand turn on Nobscot Road to approach his home. He believes the Town should allow residents to make this turn, as is done in many other communities. Mr. Long and Mr. Morely agreed with Mr. Demos, and they

encouraged him to bring his issue to the attention of the Board of Selectmen. Mr. Lizotte also informed Mr. Demos the Selectmen have the authority to make a change.

Ms. Kablack stated the Traffic Safety Committee has discussed this issue. She also stated the Public Safety Departments do not agree with Mr. Demos.

Sudbury resident Joanna Roper, 71 Dudley Road, asked if a police officer could be assigned to Dudley Road to deter vehicular speeding. Mr. Lizotte encouraged her to share her concern with the Police Department.

Ms. Kablack had previously distributed copies of an email dated February 24, 2014 inviting the Town to join the Regional Transportation Advisory Council.

Ms. Kablack announced she has been receiving bi-weekly inspection reports for the Maynard Road Lots E & F project.

Ms. Kablack also announced Town Counsel Kenny is preparing an Answer to the Complaint filed by Catanzaro and Allen Attorneys at Law dated March 3, 2014 regarding S.F. Holdings, LLC (Livermore Estates) v. Planning Board of the Town of Sudbury.

Ms. Kablack stated Sudbury resident and engineer Steve Garvin is interested in the Board's Associate Member position. She also announced a new Sudbury Assistant Town Planner James Kupfer will begin work on March 24, 2014.

Upcoming Meeting Schedule

The Board's next meeting is scheduled for March 26, 2014, to be held at Town Hall at 7:30 p.m.

There being no further business, the meeting adjourned at 9:22 p.m.