

Present: Chairman Michael Hunter, Christopher Morely (arrived 8:00 p.m.), Craig Lizotte, Pat Brown, Peter Abair, and Jody Kablack (Director of Planning and Development)

Absent: Martin Long (Associate Member)

At 7:38p.m., Chairman Hunter called the meeting to order.

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

Present: Applicant’s civil engineer Scott Hayes

At 7:38 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, as shown on a plan entitled “North Ridge Farm Definitive Subdivision Plan,” prepared by FORESITE Engineering dated November 1, 2013, proposing a subdivision of approximately 7.46 acres into six lots and construction of improvements thereon, which was continued from March 12, 2014. Said property is located at 338 North Road (Assessor’s Map C09, Parcel 31), and will involve the disturbance of approximately 220,000 square feet of land area. Copies of a revised plan were distributed to the Board tonight. Ms. Kablack noted the revised plan has not yet been reviewed by Town staff.

The applicant’s civil engineer Scott Hayes submitted an extension letter through May 8, 2014 to Ms. Kablack for the Board’s consent. Chairman Hunter explained the timeframes for the Board to make a decision on the application and why the extension is being requested.

Mr. Hayes summarized the revisions made to the plan using visual exhibits. He stated he met with Ms. Kablack and DPW Director Bill Place in February to discuss changes to the drainage system. Mr. Hayes stated the proposed porous asphalt at the entrance was eliminated. He further noted neighbors’ concerns regarding screening, and he described the anticipated screening for lots 2 and 6. Mr. Hayes also noted a proposed crosswalk on North Road was eliminated, and the walkway was extended on the north side of North Road to Willard Grant Road, which lead to a crosswalk to Haynes Road. He further stated the proposed street name is now Bayberry Road, which is acceptable to the Fire Chief.

Sudbury resident Henry Cavooto, 338 North Road, suggested the road be named Anthony Road to honor his father.

Sudbury resident Bob Wilson, asked why there is a need to continue a sidewalk on North Road, when one already exists on the opposite side of the street. He also asked if the proposed sidewalk would interfere with his existing stone wall.

Mr. Lizotte stated it is likely safer to eliminate a second crosswalk within such close proximity to an existing crosswalk, and that sight lines may be better at the existing crosswalk. Mr. Lizotte stated the sidewalk is in the right-of-way, which Mr. Hayes confirmed. Mr. Lizotte asked if Mr. Wilson’s stone wall had been located on the plans. Mr. Hayes stated it had not. Mr. Lizotte suggested this be done, to ensure the sidewalk can be built as proposed.

Ms. Kablack noted DPW Director Bill Place will advise the Board on the recommended location of a crosswalk once Mr. Hayes completes the engineering of the walkway.

Chairman Hunter opined the traffic patterns on Route 117 may change due to the State highway work planned for several years on Route 2 in Concord, making pedestrian crossing even more difficult. The Board wants to be sure they are not creating an unsafe condition.

Mr. Hayes asked if a Board site visit will be rescheduled. Ms. Kablack stated April 9th will be held, weather permitting.

Mr. Hayes asked if the Board is requesting him to survey the stone wall on the abutting property and the area to the edge of the pavement, and the Board responded affirmatively.

Mr. Lizotte asked if the infiltration basin at the end of the road has an outlet and whether soil tests were performed there. Mr. Hayes described the proposed basin, noting soil tests have been performed in this vicinity.

Derena Drake, 12 Willard Grant Road, asked if the stone wall will be replaced if there is not enough room to leave it to construct the sidewalk. Ms. Kablack stated the Town does not favor losing stone walls, and it would likely be put reconstructed if it needs to be moved.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of North Ridge Farm Definitive Subdivision to April 9, 2014 at 8:00 p.m.

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 8:00 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision which was continued from March 12, 2014. The Board was previously in receipt of copies of a draft Definitive Subdivision Decision 82 Maynard Road dated March 26, 2014 and a letter from DPW Director I. William Place dated March 21, 2014. In addition, copies of a black-lined revised draft Decision dated March 26, 2014, noting comments received from the applicant’s attorney Michael Fee were distributed tonight.

The applicant’s attorney Michael Fee stated his suggested revisions to the draft Decision were primarily to define terms more consistently within the document.

Ms. Kablack stated she reviewed Mr. Fee’s comments with him, and she is in agreement with him. She reviewed the revisions with the Board.

Chairman Hunter stated the Decision is well done.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the revised Definitive Subdivision Decision 82 Maynard Road dated March 26, 2014, as reviewed and amended tonight.

Stormwater Management Permit Violation – Maynard Road, Lots E & F – Assessor’s Map #E06-303 & 304 – Update

Ms. Kablack stated DPW Director Bill Place photographed soil leaving the site on March 17, 2014. Ms. Kablack has discussed the matter with Town Counsel. The Building Inspector will issue a violation ticket for \$200 an occurrence. Ms. Kablack also stated the applicant’s attorney has been notified by Town Counsel. She stated the applicant’s contractor Derek Dube contacted her to state work is being done to resolve matters. However, Ms. Kablack stated site conditions have not changed, and the area is frozen again. She believes measures could have been taken to improve the situation even during the winter conditions.

In response to a question from Mr. Abair, Ms. Kablack stated no new plans have been submitted since January.

In response to a question from Ms. Brown, Ms. Kablack stated it is her intention of hiring the services of Stormwater Management Peer Reviewer John Boardman, and the applicant will pay for Mr. Boardman’s services as a construction monitor, or the issuance of an Occupancy Permit will be withheld.

Mr. Morely asked if the applicant is submitting the required inspection reports. Ms. Kablack stated she is receiving the reports on a regular basis.

At 8:12 p.m., the discussion was concluded.

794 Boston Post Road – Stormwater Management Permit – Accept Bond

The Board was previously in receipt of copies of a letter from Town Engineer/DPW Director I. William Place, dated March 17, 2014, estimating \$15,727.12 of work is left to complete the stormwater management system on Lot 2, 794 Boston Post Road.

Ms. Kablack clarified the location and address of the property (the original application was 804 Boston Post Road), and she recommended acceptance of the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To set the bond amount for the Stormwater Management Permit for 794 Boston Post Road at \$15,725.00, as recommended by Department of Public Works Director/Town Engineer I. William Place, in a letter dated March 17, 2014, and to accept the bond.

2014 Annual Town Meeting – Finalize Articles

At 8:15 p.m., Chairman Hunter opened the discussion regarding the zoning articles to be presented at the 2014 Annual Town Meeting. The Board was previously in receipt of copies of a memorandum from Ms. Kablack dated March 21, 2014 regarding the Wastewater Treatment Facilities Bylaw and copies of the relevant section of the April 10, 1989 Annual Town Meeting minutes, and the draft Zoning Articles as of March 17, 2014 prepared for the Town Warrant. In addition, Ms. Kablack distributed copies to the Board

tonight of a listing of all proposed Warrant articles submitted. She stated tonight is the Board's last opportunity to make any revisions to articles to be published in the Warrant.

The Board made no changes to the proposed accessory structure (sheds) article.

Ms. Kablack stated she completed a section by section comparison of the Town's Wastewater Treatment Facilities Bylaw to those of the State's Department of Environmental Protection (DEP). She believes the DEP regulations far exceed the Town's in accomplishing the purpose of the bylaw. Ms. Kablack highlighted a few differences in each set of regulations, noting the Town's bylaws have a cap on the amount of discharge allowed of 20,000 gallons per day, and DEP has no cap.

Chairman Hunter emphasized the Town bylaw was instituted before the DEP regulations were developed.

Mr. Lizotte stated the 1989 Town Meeting minutes reflect the reason for the Town instituting its own bylaw was because no other regulations existed at the time. In response to a question from Ms. Brown, Mr. Lizotte stated the State regulations apply to all local projects, and that the DEP regulations allow a business above the Town's cap to upgrade its system.

Ms. Kablack indicated currently restricted areas on a map for the Board. It was noted the Planning Board has never issued a permit under this bylaw, and that it is unaware of much of this activity because it is handled by the Board of Health. Ms. Kablack believes it does not make sense for the Town to retain this bylaw, nor is it within the Board's zoning jurisdiction.

Mr. Lizotte stated the Town has had the bylaw for 25 years, and it has never needed this bylaw to protect its water, and there have never been problems with the Town's wells.

Mr. Abair stated the purpose of the bylaw is now ensured through the DEP regulations. He asked if this bylaw was originally put in place to inhibit large growth, and if so, are there other zoning regulations in place to limit the size of projects.

Ms. Kablack stated any new project with over 20,000 square feet of floor area is subject to the Special Permit process.

Mr. Lizotte stated towns do not limit growth with a wastewater bylaw. He does not believe there is any justification for the bylaw the Town initially instituted, and he believes the Town's regulations are incomplete when compared to those of DEP.

Ms. Kablack stated she is working with the Sudbury Water District regarding the article, and she will also reach out to the Board of Health.

Chairman Hunter suggested the Board think about the best way to present this information to the public at Town Meeting, and he offered his assistance to develop the presentation. Ms. Kablack stated that she, Mr. Lizotte and Lisa Eggleston have been refining the rationale for deleting the bylaw.

Mr. Morely stated that, it appears as if the 20,000 gallons noted in the Town bylaw is arbitrary from an engineering perspective.

Sudbury resident Jon Danielson, 37 Landham Road, noted he opposed this article when it was presented last year. He finds the wording of this year's article very similar, and he questions why it is being presented again. Mr. Danielson asked if there are any possible unintended consequences from deleting the bylaw. He questioned whether there is a pending project which could benefit from the elimination of the bylaw.

Mr. Morely stated there is no known pending project, and the Town boards do not operate in a contrived manner as is being suggested by Mr. Danielson.

Mr. Lizotte stated eliminating this bylaw will stop no further activities from occurring. However, he emphasized that, if the current bylaw remains, it is possible existing businesses will be prevented from installing new systems. Mr. Lizotte stated he believes the bylaw is obsolete, inconsistent with DEP regulations and incomplete, and he sees no reason to keep it. He also emphasized the Town's zoning is tight and well-regulated.

Mr. Morely reiterated the bylaw was intended to protect water, which is done better through the DEP regulations.

In response to a question from Mr. Danielson, Ms. Kablack noted the Melone property is within a currently prohibited zone under the bylaw. It was noted this property is being thought of by the Selectmen for an affordable-housing development which may exceed the limits of the bylaw.

At 9:00 p.m. this discussion was concluded.

Ms. Kablack reviewed the minor revisions made to the Medical Marijuana Treatment Center article, noting Town Counsel has also reviewed the article.

No changes were made to the proposed FEMA map article.

The Board discussed presenters for the articles. Ms. Brown stated she would present the Medical Marijuana article, Chairman Hunter will be the speaker for the FEMA map and shed articles and Mr. Lizotte will present the Wastewater article.

Ms. Kablack asked if the Board wished to take a position on Article #26 – Route 20 Sewer article. It was noted the article may be indefinitely postponed due to its funding source, but, if needed, Mr. Abair will speak in favor of it on behalf of the Board.

On motion duly made and seconded, it was unanimously:

VOTED: To support Article 26 - Rt. 20 Sewer Engineering and Zoning analysis, to be presented at the 2014 Annual Town Meeting.

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

VOTED: To support the Community Preservation Fund Articles 29-37 to be presented at the 2014 Annual Town Meeting.

It was noted Petition Article #45 to Utilize a Portion of CPA Funds to Fund Conservation Fund, cannot proceed at Town Meeting without the recommendation of the Community Preservation Committee.

It was also noted Town Counsel has opined Petition Article 46 to Amend Wetlands Administration Bylaw could be problematic.

Minutes

Chairman Hunter asked that the word “itself” be replaced with the word “this” in the last sentence of the second full paragraph on page 3.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of March 12, 2014, as amended.

Miscellaneous

Ms. Kablack introduced Sudbury resident Steve Garvin, who was in attendance, noting he is interested in the Board’s Associate Member position. She also apprised the Board of two new initiatives the Town is involved in regarding regional sustainable water management and the Stormwater MS4 Permit audit.

Ms. Kablack also introduced the new Assistant Town Planner James Kupfer, who was in attendance.

Upcoming Meeting Schedule

The Board’s next meetings are scheduled for April 9, and April 23, 2014.

There being no further business, the meeting adjourned at 9:20 p.m.