

Present: Chairman Craig Lizotte, Christopher Morely (arrived 7:55 p.m.), Stephen Garvin, Peter Abair, Jody Kablack (Director of Planning and Development) and Jim Kupfer (Assistant Planner)

Absent: Martin Long and Dylan Remley (Associate Member)

At 7:33 p.m., Chairman Lizotte called the meeting to order.

**Maple Meadows SRC - Request for Bond Reduction**

Present: Developers Robert Roth and Robert McGinty

The Board was previously in receipt of copies of two letters from Director of Public Works/ Town Engineer I. William Place dated December 9, 2013 and February 5, 2015 respectively, and an email from developer Robert Roth to Ms. Kablack dated January 21, 2015.

Ms. Kablack explained Mr. Place provided a new estimate to complete work for both Phase I and Phase II. She stated she has reviewed the items noted by Mr. Place, and she is comfortable with his recommendation of an estimate of \$36,450 to complete the items needed.

Developer Robert Roth stated he is comfortable with Mr. Place's estimate.

Sudbury and Maple Meadows resident Leon Goodman, 35 Maple Avenue, #602, asked for an explanation of the bond reduction/release process. He also asked if any of the items to be completed, and for which bond funds are being retained, relate to work to be done to prevent a recurrence of the major slope washout problems which occurred last year.

Ms. Kablack explained the previous slope problem was due to the improper installation of the roof gutter pipes, which has been rectified. She stated it is believed the slope will stabilize itself, and that this will be verified once an as-built plan is submitted and reviewed. She stated that, currently, a \$62,000 surety bond is held on the project. Ms. Kablack described the customary bond reduction/release process, noting the Board typically would not release funds below \$10,000, unless it was satisfied with the completion of the project. If the Board is not satisfied, it could pursue the process of calling the bond and have the Town complete the work, but this is rarely needed.

Mr. Goodman asked if a timeline for completion could be put on the outstanding items.

Chairman Lizotte stated the developer was given a list of items to complete, and it is anticipated they will be completed in the spring/summer, once the weather improves. The Board hopes that the work will be completed prior to the project coming before the Board again.

On motion duly made and seconded, it was unanimously

VOTED: To reduce the performance bond for the Maple Meadows SRC to \$36,450 as recommended by Department of Public Works Director Bill Place.

**Application Not Required Application –304 Goodman's Hill Road**

Ms. Kablack summarized for the Board the Town of Sudbury Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by James and Dawn Dentzer of 304 Goodman's Hill Road and Richard and Mary Scott, 16 Brewster Road, Sudbury.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by James and Dawn Dentzer of 304 Goodman's Hill Road and Richard and Mary Scott, 16 Brewster Road, Sudbury.

**Application Not Required Application –222 and 230 Peakham Road**

Ms. Kablack summarized for the Board the Town of Sudbury Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Thomas Stevensen, 222 Peakham Road, and Sherry Fendell, 230 Peakham Road, Sudbury.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Thomas Stevensen, 222 Peakham Road, and Sherry Fendell, 230 Peakham Road, Sudbury.

**Zoning Bylaw – Definition of Residential Care Facility**

The Board was in receipt of copies of the Zoning Bylaw Section 7000 – Definitions; accompanying relevant articles previously presented at Town Meetings regarding this subject; and Municipal Definitions for assisted and/or independent living arrangements to persons 55 years or older for Sudbury, Stow, Berlin, Lexington, Dennis and Upton.

Chairman Lizotte stated he received an email from Board of Selectmen Vice-Chairman Pat Brown a few months ago, asking for the Board to look at clarifying the definition for a residential care facility. He stated this question arose from the ongoing Northwoods developments discussions and litigation.

Ms. Kablack stated that, if additional discussion tonight were to relate to Northwoods' litigation matters, she would need to recuse herself. However, she would be able to address any issues relating to the zoning definition.

Ms. Kablack referenced the materials provided to the Board for review, noting this definition has no bylaw provisions behind it. She also noted residential care facilities are allowed only in the research district. Assistant Planner Jim Kupfer noted the Town does not define independent living.

Chairman Lizotte noted the Town has a Senior Residential Community (SRC) bylaw, adopted in 1997, which includes extensive conditions and provisions for development.

Ms. Kablack stated the Senior Residential Facility definition was adopted in 1994.

Chairman Lizotte suggested, and the Board concurred, that the Board should consider whether it wants to clarify or eliminate the current definition, and discuss it as a future agenda item, noting timing precludes the Board from presenting an article for the Annual 2015 Town Meeting.

Chairman Lizotte asked if this definition could be linked to the SRC bylaw.

Ms. Kablack stated there is more research which can be evaluated, and she urged the Board to also consider the Melone property as part of its review, as this property is within the Research District.

**Public Hearing: Stormwater Management Permit – 555 Concord Road – Assessor’s Map F10-0010**

Present: Applicant Venanzioro Fonte and Applicant’s Senior Project Engineer Dennis Griecci

At 8:04 p.m., Chairman Lizotte opened the Public Hearing regarding the Stormwater Management Permit application regarding a Stormwater Management Permit application submitted by Venanzioro and Laura Fonte, Applicants, to construct a new 5,670 sq. ft. barn and associated improvements which will disturb greater than 40,000 sq. ft. of land on a 7.42 acre parcel located at 555 Concord Road (Assessor’s Map F10-0010), and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of a letter from Sudbury’s Stormwater Management Peer Reviewer Joseph Peznola dated March 3, 2015, and a letter from the Applicant’s Senior Project Engineer Dennis Griecci dated March 11, 2015 and accompanying plans and responses to comments made by

Mr. Peznola. In addition, copies of a letter from Mr. Peznola dated March 17, 2015, noting responses to comments received from Andover Consultants Inc. dated March 11, 2015, and a letter from Mr. Griecci dated March 18, 2015, noting responses to

Mr. Peznola’s March 17, 2015 letter and accompanying plans were distributed tonight.

Assistant Planner Kupfer stated Sudbury’s Peer Reviewer at Hancock Associates has reviewed the responses to concerns noted. Mr. Kupfer referred to the March 18, 2015 letter from Andover Consultants, Inc. noting the only outstanding issues are items #4

(regarding providing a landscape design and planting details) and #5 (providing a separate Erosion Control Plan depicting an area for stockpiling of materials and appropriate erosion controls).

The applicant’s Engineer Dennis Griecci summarized the stormwater management and discharge plans with the use of a plan exhibit. He briefly described the 6.8 acre site and the plans to build the 5,700 square foot barn. Mr. Griecci also summarized the erosion and sedimentation control plans. He stated soil testing was completed last Friday and the results were satisfactory as expected. Mr. Griecci stated he believes all comments received have been responded to at this time.

Ms. Kablack noted Mr. Griecci’s March 18, 2015 responses were sent to Hancock Associates today, and comments from Sudbury’s Peer Reviewer should be available for the Board’s next meeting. She noted that the landscape plan requested by Hancock Associates is mainly related to the stabilization of the slope. This is information the Board will want to review prior to approval.

Chairman Lizotte stated the Board has had some bad experiences with developments on hills not being stabilized properly. He noted there is a decent-sized slope involved, and he suggested the applicant might want to consider mid-slope erosion control measures.

Mr. Garvin noted there are significant slopes on both sides of the proposed barn.

Mr. Griecci stated stabilization could be added during and post construction. He also stated the 1 to 1 slope is proposed to be reinforced with stabilized stone.

Mr. Garvin asked if the existing pump chamber and “d” box loads would be confirmed and if there is a vent for the leaching field. Mr. Griecci stated they would be confirmed and there is a vent shown on the plan.

Chairman Lizotte stated the Board would want to know what the vegetation would be for the slope. Mr. Griecci stated this information would be provided.

Mr. Garvin asked if the soil tests indicated seasonal high groundwater. Mr. Griecci stated this was not found.

Chairman Lizotte asked if this would be a fill site and whether appropriate measures have been proposed to handle the fill. Mr. Griecci stated no problems are anticipated.

Ms. Kablack noted that there will be a peer-inspection review, and if any issues were noted, the developer would be contacted.

Mr. Garvin referenced a timber guardrail at the turnaround. Mr. Griecci stated this has since been eliminated from the plans. Mr. Garvin stated the area around the retaining wall might need a guardrail at a height over 30 inches. Chairman Lizotte noted re-grading could also be an option.

Chairman Lizotte emphasized the erosion control plan should focus on the slope and he urged the applicant to do more during construction than they might have proposed to ensure a successful result. He mentioned benching the slope as an option, and he urged the applicant to be prepared to clearly describe the proposed vegetation during its next discussion with the Board. Chairman Lizotte further urged the applicant to consider how the vegetation would be maintained.

Sudbury citizen Brad Glaser, 539 Concord Road, stated he is an abutter to the project who lives downhill. He stated he is concerned about the long-term impact the construction will have on water being diverted to his home and property.

Mr. Griecci stated the proposed plan does not change how the water travels towards Mr. Glaser’s property, but it does reduce the volume and rate at which it travels.

Chairman Lizotte referenced the new plans and noted there is a potential for channelization of some flow going towards Mr. Glaser’s property. He suggested moving the pipe to the far other side, away from abutters. He also suggested the applicant look at doing a level spreader at the discharge point.

Mr. Garvin noted there could be a problem from a lot of compacted fill.

Mr. Glaser asked how high the structure would be. Mr. Griecci stated it would be approximately two and one-half stories high.

Chairman Lizotte noted tonight’s hearing only relates to stormwater management issues.

Mr. Glaser stated a lot of trees have been cleared on this property in the past decade and then dumped into his woods. Property owner Venanzioro Fonte stated he has cleaned some of this up.

Andover Consultant's Inc. representative Bill McCloud asked if the Board is inclined to want a separate erosion plan.

Mr. Garvin stated he prefers a separate erosion plan that is more legible, which he believes is easier for contractors to follow. Ms. Kablack stated Sudbury's Peer Reviewer concurs. The consensus of the Board was to request a separate Erosion Control Plan be provided.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the Stormwater Management Permit application regarding a Stormwater Management Permit application submitted by Venanzioro and Laura Fonte, Applicant to construct a new 5,670 sq. ft. barn and associated improvements which will disturb greater than 40,000 sq. ft. of land on a 7.42 acre parcel located at 555 Concord Road (Assessor's Map F10-0010) to April 8, 2015 at 7:45 p.m.

#### **North Ridge Farm Drainage – Set Bond Amount, Accept Bond and Release Lots from Covenant**

At 8:33 p.m., Chairman Lizotte opened a discussion regarding setting the bond amount, accepting the bond, and releasing lots from the covenant for the North Ridge Farm Subdivision. The Board was previously in receipt of copies of a letter from Director of Public Works/ Town Engineer I. William Place dated February 23, 2015, and a letter from FORESITE Engineering Associates Inc. dated February 12, 2014.

Ms. Kablack recommended, and the Board concurred, that Lot 1 not be released from covenant at this time due to issues regarding the drainage structure on that lot. If a larger basin is necessary, that would make Lot 1 non-conforming due to lot size.

On motion duly made and seconded, it was unanimously:

VOTED: To set the bond at \$156,089.88 for the North Ridge Farm Subdivision as recommended by Director of Public Works/ Town Engineer I. William Place.

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

VOTED: To accept the bond and lender's agreement at \$156,089.88 for the North Ridge Farm Subdivision as recommended by Director of Public Works/ Town Engineer I. William Place and to release lots 2-6 from covenant.

#### **Annual 2015 Town Meeting Articles – Discussion**

At 8:41 p.m., Chairman Lizotte opened a discussion regarding the 2015 Annual Town Meeting. The Board was previously in receipt of copies of the vote by the Board of Selectmen to refer Article #43 to Amend Zoning Bylaw, Article IX – Site Plan Authority Change from Selectmen to Planning Board. Ms. Kablack stated she would schedule the required public hearing for the zoning-related bylaws.

Ms. Kablack stated there were changes to State law regarding dogs and kennel licenses made in 2012. Copies of a draft article entitled, "Amend Zoning Bylaw, Article 7000, Definition of Dog Kennel," were distributed for review. She explained the Town Clerk has asked that the Board consider adding an article for the proposed Special Town Meeting (if it is called) within the Annual 2015 Town Meeting to make Sudbury's definition of kennel conform with State law. She explained the proposed new law would require a

kennel license if one has more than four dogs. Ms. Kablack further stated she confirmed with Town Counsel the proposed article would conform with State law.

Mr. Morely asked what the compelling reason is for bringing this forward as an article. Ms. Kablack stated the Town Clerk has proposed changes in the Town Dog Bylaw for the 2015 Annual Town Meeting, and it will be confusing if the Zoning Bylaw is not changed at the same time. Practically speaking, it will require residents with 3 or more dogs to obtain a zoning special permit, but they will only need a license from the Town Clerk if they have 4 or more dogs. Making the 2 laws consistent with each other is the goal.

Mr. Abair stated the proposal seems arbitrary to him, and he questions how the State determines the number of dogs which require a kennel license.

It was noted there is a zoning component, which is why the Board has been asked to consider submitting the article.

Mr. Garvin asked if other towns have been changing their bylaws accordingly.

Ms. Kablack stated that, due to timing, the Board would need to vote tonight as to whether to submit the article, noting the article could later be withdrawn.

On motion duly made and seconded, it was

VOTED: To submit an article to a Special Town Meeting, if one is called, within the Annual 2015 Town Meeting, to make Sudbury's bylaw consistent with State law regarding kennel licenses for dogs.

Mr. Abair opposed the vote.

### **FY15 Projects and Priorities**

The Board was in previous receipt of copies of a draft listing of "FY15 Planning Board Projects and Priorities Voted June 18, 2014 and Revoted March 18, 2015."

Chairman Lizotte announced this agenda item would be deferred to a future meeting when all Board members are present.

### **Miscellaneous**

Mr. Morely announced he will be submitting an application to serve on the Town Hall Blue Ribbon Committee.

### **Minutes**

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of February 11, 2015.

### **Upcoming Meeting Schedule**

Ms. Kablack stated the next meeting will be held March 25, 2015 for the presentation of the Cecil Group's Rt. 20 Zoning Study and the Board's next regularly scheduled meeting will be April 8, 2015 at Town Hall.

The meeting was adjourned by Chairman Lizotte at 9:01 p.m.