

Present: Chairman Craig Lizotte, Christopher Morely, Peter Abair, Martin Long, Stephen Garvin, Jody Kablack (Director of Planning and Development), and Assistant Planner Jim Kupfer

Absent: Dylan Remley (Associate Member)

At 7:30 p.m., Chairman Lizotte called the meeting to order.

Public Hearing: Scenic Road Application – 239 Concord Road - (Assessor's Map H09-0016)

Present: Walker Development representative Jeff Walker and general contractor Michael Carney

At 7:30 p.m., Chairman Lizotte opened the Public Hearing regarding the application for changes to a Scenic Road filed by Walker Development for property located at 239 Concord Road, Town Assessor Map # H09-0016, which was continued from September 9, 2015.

As an abutter to this property, Mr. Long recused himself from the discussion and vote.

Walker Development representative Jeff Walker explained the parcel is under agreement. He stated the applicant's team has worked with the Sudbury Historic Districts Commission (HDC), which has approved the proposed picket fence and removal of the stone wall, which is being requested for safety and aesthetic purposes. Mr. Walker stated work is proceeding to remove the stone wall portion which is on the parcel's private property.

General contractor Michael Carney stated he has researched and consulted with a few people regarding the existing stone wall. Mr. Carney stated he has determined the stone wall has no historical significance, and he summarized his findings for the Board. He also mentioned a few other houses in the area which do not have stone walls. It was noted the HDC believes the proposed fencing will clean-up the current appearance.

Ms. Kablack circulated a copy of a site plan.

Mr. Morely stated he is disappointed with the options available, but he believes the situation "is what it is."

Mr. Abair stated the historic ambiance of Concord Road is important to the Board whether the stone wall has historical significance or not. Mr. Carney stated the stone walls are intermittently located on Concord Road.

Mr. Garvin stated the Board wants to preserve the stone wall, which it believes enhances the aesthetics of the scenic road. Mr. Abair stated he does not believe a picket fence is in character with the Road. Mr. Carney stated he believes there was a time when the Town was more heavily fenced.

Ms. Kablack noted the proposal is for a wooden picket fence, not vinyl.

Mr. Walker stated his construction projects have improved the Town's historic area, noting his 197 Maynard Road project.

Ms. Kablack asked what will be done with the wall stones which are being removed, noting the Department of Public Works might have need for them. Mr. Carney and

Mr. Walker stated they would contact Bill Place tomorrow.

In response to a question from Mr. Abair, Mr. Walker stated the home's buyers have four children under the age of eight, and they want the picket fence for safety purposes.

Mr. Abair opined that some people, in similar circumstances, might not have chosen to purchase a home on a busy road. Mr. Carney did not agree with this perspective, stating the buyers want to experience living close to the Town Center.

On motion duly made and seconded, a vote was taken to approve the Scenic Road application for changes to a Scenic Road filed by Walker Development for property located at 239 Concord Road, Town Assessor Map # H09-0016, to remove approximately 115 feet of stone wall, and to install fencing. The vote was 2 in favor (Morely and Garvin) and 2 against (Lizotte and Abair).

The motion failed.

Public Hearing: Scenic Road Application – 308 Concord Road - (Assessor's Map H09-0049) – Town Common (Assessor's Map H09-0063)

Mr. Long returned to the Meeting.

At 7:44 p.m., Chairman Lizotte opened a Public Hearing regarding the application for changes to a Scenic Road filed by William Place, Department of Public Works, for the removal of trees along Concord Road, a designated Scenic Road, in the vicinity of 308 Concord Road, (Assessor Map # H09-0049) and the Town Common (Assessor's Map H09-0063), and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of the Public Hearing Notice, the Scenic Roads Application for Approval under M.G.L. Chapter 40, Section 15C and Sudbury Bylaws Article VIII (B) and accompanying maps and plans, a memorandum from Ms. Kablack dated September 9, 2015 and a memorandum from Ms. Kablack to the Historic Districts Commission dated August 19, 2015.

Ms. Kablack described the four trees in question as: 1-24" maple at 308 Concord Road, 1-18" maple on the Town Common, 1-12" maple on the Town Common and 1-8" maple on the Town Common. She further explained the tree in front of 308 Concord Road was already removed so as not to interfere with the Town Center construction schedule.

Ms. Kablack stated the Town is committed to re-planting the area (308 Concord Rd) upon approval of the homeowner. She referenced the maps and the locations of the three trees on the Town Common to be removed, noting DPW Director Bill Place may also want to remove a fourth tree on the Common to help thin the existing tree canopy. Ms. Kablack further explained the Town Common is part of the right-of way and the trees are subject to the Bylaw.

Mr. Morely stated he is surprised more thinning of the tree canopies has not been considered.

Ms. Kablack stated the Historic Districts Commission approved the landscape plan for the Town Center project, including the tree removal. She stated that, once the work is completed, the Town Center will be much more useful and accessible, and she described features to be added, including three crosswalks.

Chairman Lizotte stated he defers to the judgement of the landscape architects. However, he would have preferred if Mr. Place had not removed the tree at 308 Concord Road without following the same process the

Town asks others to follow. Mr. Garvin concurred, stating the same process should be followed by everyone, and he asked if the trees in question had been posted. Ms. Kablack indicated that it did.

Sudbury resident Ralph Tyler, 1 Deacon Lane, circulated a photograph to the Board of an area near where he lives, where a tree was removed several years ago by the Town and nothing has been replaced there since. Mr. Tyler does not believe the Town should remove trees prior to having enough funds available to cover replanting.

Ms. Kablack noted significant replanting was done this week at Grinnell Park, however the intent of the landscape plan for the Town Common is to have fewer large trees. Smaller plantings are proposed for phase 2.

Mr. Tyler referenced his photograph, stating nothing has been replanted in the location near his house since the mature tree was removed in May 2008. He opined that he got the impression from DPW Director that there is never extra money in the budget for replanting, and that probably nothing would be replaced. Mr. Tyler urged the Board to reject tonight's request until there is a plan for the Town to replace plantings removed on Scenic Roads. He believes the scenic beauty, which is enhanced by these trees, is disappearing in Town.

Chairman Lizotte asked if the Town's Scenic Road Bylaw covers replacement of trees. He stated the DPW has no money for replanting, but perhaps it is an issue to be brought to Town Meeting.

Mr. Tyler stated he believes replanting is within the intent of the Bylaw. He again urged the Board to take a stand tonight to not remove more trees until a plan for replacement exists.

Ms. Kablack referenced the Bylaw, and she later read aloud the pertinent section, noting the Bylaw does require replanting, but it is not required for trees removed by the Town.

Sudbury Historical Commission (SHC) Chair Lyn MacLean stated the SHC voted in favor of removing the proposed trees. Ms. Maclean stated she and others are in favor of recapturing the ambiance of the Town Common, as it was prior to the trees becoming so mature. She asked about an historic pump at 308 Concord Rd and whether it would remain. Ms. Kablack stated the homeowners were given the choice about the pump, and she believes it will remain.

Mr. Morely suggested that, perhaps, the Town should consider the point raised by Mr. Tyler tonight.

Ms. Kablack stated the Town has tried to develop a tree replacement fund from development mitigation monies, but it has never been able to accumulate a significant balance. She also noted the DPW is averse to having trees in the right-of-way due to maintenance concerns. Chairman Lizotte stated it is difficult in New England winters for the DPW to clear sidewalks and roads when trees are in the right-of-way.

Mr. Garvin asked if the tree at 308 Concord Road will be replaced. Ms. Kablack stated she is not sure, due to the final width of the shoulder after construction. She stated the Town will continue to work with the homeowners.

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

VOTED: To approve the Scenic Road application filed by William Place, Department of Public Works, for the removal of trees along Concord Road, a designated Scenic Road, in the vicinity of 308 Concord Road,

(Assessor Map # H09-0049) and the Town Common (Assessor's Map H09-0063), and the Board strongly urged the replanting of a tree at 308 Concord Road.

In response to a request from Mr. Tyler, Ms. Kablack stated she would speak to Mr. Place regarding replanting on Pantry Road.

Dudley Brook Preserve – 40 Tall Pine Drive - (Assessor's Map J06-0023 - Request for Bond Reduction

Present: Dudley Brook Preserve Executive Vice-President/Construction Rick Maranhas

At 8:15 p.m., Chairman Lizotte opened a discussion regarding the request for a bond reduction for Dudley Brook Preserve, 40 Tall Pine Drive. The Board was previously in receipt of copies of a letter from Dudley Brook Preserve Executive Vice-President/Construction Rick Maranhas dated September 11, 2015. In addition, copies of a letter from Town Engineer I. William Place dated September 24, 2015 were distributed tonight.

Ms. Kablack stated substantial work has been completed, noting Mr. Place recommends reducing the bond to \$85,023.41. Ms. Kablack noted that this is a cash bond in excess of \$137,000.

On motion duly made and seconded, it was unanimously

VOTED: To approve a reduction of the bond for Dudley Brook Preserve, 40 Tall Pine Drive, Assessor's Map J06-0023 to \$85,000.00, as recommended by Town Engineer I. William Place in a letter dated September 24, 2015.

Chapter 40B Application – Peter's Way off of Concord Road – Assessor's Map G09-0100 – Discussion

At 8:16 p.m., Chairman Lizotte opened a discussion regarding a new Chapter 40B application received for Peter's Way, off of Concord Road (Assessor's Map J06-0023). The Board was previously in receipt of copies of the MassHousing Comprehensive Permit Site Approval Application/Rental form submitted on September 21, 2015 by Sudbury Station LLC for a proposed project named "The Village at Sudbury Station," and site concept drawings provided by The Cecil Group.

Ms. Kablack stated a schematic design has been received for a proposed 40B development off of Concord Road, and she described the location. She stated the development proposes 250 units rental units, of which 63 would be affordable.

Chairman Lizotte asked if the Town will have a peer reviewer. Ms. Kablack stated if the application proceeds, there would be stormwater management and traffic peer reviewers and probably a financial pro forma peer reviewer.

Ms. Kablack stated comments on the proposal will be collected to share with the Selectmen, who will eventually provide the Town's opinions in writing to MassHousing. She stated the entire application received to date is on the Town website, although she has only received a schematic plan.

Chairman Lizotte expressed his concern regarding the project from a traffic perspective.

Mr. Abair asked if the filing of the proposed plan puts Sudbury in a position of safe harbor regarding the State-mandated 10% affordable housing requirement. Ms. Kablack stated it does not, until the proposal is

approved. Chairman Lizotte explained this application is for site eligibility approval, and, if approved, the applicant would later file for a comprehensive permit.

Ms. Kablack stated the MassHousing site visit is at 4:00 p.m. on October 6, 2015.

Mr. Morely stated he believes the Town should consider purchasing the property now. Chairman Lizotte concurred.

In response to a question from Mr. Abair, Ms. Kablack explained that it is possible the Town will have two Chapter 40B developments to consider at the same time, this one, and one planned at the Raytheon property, which will be discussed at the October 6, 2015 Board of Selectmen's Meeting. She also stated the Town needs 272 more affordable units to cover Sudbury through the 2020 Census. Ms. Kablack stated there are a lot of options for the Town to consider.

Mr. Abair stated the Town has more leverage with the developers of the Raytheon property because they will need to work with the Town for other property enhancements.

Mr. Garvin stated he believes traffic mitigation will be difficult to overcome for the Peter's Way proposed plan.

Chairman Lizotte stated this proposed plan would need a wastewater treatment plant.

Ms. Kablack urged Board members to attend the Selectmen's October 6, 2015 meeting. Chairman Lizotte questioned whether it would be better to attend as a Board to express the Board's opinion that this is not a good project for the proposed location.

Ms. Kablack stated she has questioned the feasibility of the proposed plan to the applicants.

Mr. Morely reiterated his belief that the Town should buy the property now.

It was noted the developer maintains control of the property until June 30, 2017.

Ms. Kablack stated she would remind Board members of the site visit and the Selectmen's Meeting.

Minutes

Mr. Abair noted a hanging sentence at the bottom of page 7. Ms. Kablack stated this would be corrected on the final version.

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of September 9, 2015, as amended tonight.

Miscellaneous

Assistant Planner Resignation

Ms. Kablack announced tonight would be Jim Kupfer's last meeting as Assistant Planner. Jim has accepted a new position as the Town Planner for Bellingham. The Board thanked Jim for his exceptional service to Sudbury, and wished him well in his new position. Ms. Kablack stated the position has been advertised.

Policy on Access to Town Counsel

Copies of the “Policy on Access to Town Counsel and Confidentiality of Attorney-Client Communications Adopted by the Board of Selectmen on September 8, 2015,” were previously provided to the Board.

Upcoming Meeting Schedule

Ms. Kablack stated the next meetings will be held October 14, 2015, November 4, 2015 and December 9, 2015 at Town Hall beginning at 7:30 p.m.

Ms. Kablack stated the October 14th Meeting will be busy, with the Walkway Forum scheduled, a presentation from National Development regarding its plans for the Raytheon property, and a possible Site Plan application for the cell tower at the site of the DPW Building. It was noted Chairman Lizotte will recuse himself for all Raytheon-related agenda items.

Ms. Kablack stated it is likely the Board will need to meet every two weeks beginning in 2016.

The meeting was adjourned by Chairman Lizotte at 8:50 p.m.