

Present: William J. Keller, Jr. (Chairman), Lisa Eggleston, Christopher Morely, Michael Fee, Michael Hunter, Eric Poch (Associate, arrived 7:50 p.m.), Jody Kablack (Planner)

The meeting was called to order at 7:45 p.m.

The Meadows Senior Residential Community Preliminary Plan – Public Hearing

Bill Keller read the hearing notice into record and opened the hearing.

Attorney Myron Fox, representing the applicant, began the presentation with the 9 lot conventional subdivision plan. This plan consists of nine 5-bedroom homes and was submitted and approved by both Conservation and the Board of Health. The applicant had met with the Planning Board prior to tonight in order to gain their input. At that time, the Board asked the applicant to decrease the number of waivers they were requesting, which they have done. That included the construction of a street greater than 50' to an adjacent property line (at 31 Maple McDonald home and the McCarthy home with cul-de-sac intersection); they moved the road over so there is now 50'. Attorney Fox referenced a memo from the Town Planner dated 1-6-04 which listed comments and recommendations for the applicant, and what they had addressed including:

- Soil testing has been done
- Stormwater management has been preliminarily designed
- Locus Plan submitted
- Larger plan showing the intersection with Route 20 has been done
- Traffic volume count done
- Width of roadway increased 18' to 20'
- They had a 1-60 scale and changed it to 1-40 as requested

In addition, the applicant has met with the neighbors at one of the resident's home as well as phone conversations with Cheryl Salatino. They have walked the site with the Planning Board and with Conservation.

At this point, Attorney Fox asked the Planning Board for their approval at this meeting for the density plan prior to proceeding to the SRC plan which would be a total of 45 bedrooms; 22 two-bedrooms and 1 one-bedroom unit.

Bill Keller: Would you address the dead end street limitation for the conventional plan?

Myron Fox: This waiver has been requested in the past by other applicants. When going Route 20 all the way down Maple Ave., for fire safety in the subdivision, it wouldn't be a dead end street. They need a waiver in case more than 1200' is required.

Lisa Eggleston: What is the length of Maple Ave. to the secondary access?

Myron Fox: 650'.

Senior Residential Plan

Myron Fox: The scale shown tonight is 1"=50'; the other scale they had used was 1"=100'. It encompasses Feeley Field out to Route 20 and all areas around Maple Ave. There are not any notes on the 1 to 100 scale plan; otherwise it is the same plan. The footprint for the homes is 1,500 square feet (master bedroom, kitchen, living area, full bath, powder room, great room) with a total 2,500 square foot living area including the 2nd floor (small bedroom, loft, and bath). They are wood frames on slabs with 2 car garages. They are priced between high \$600,000 – low \$700,000. It is on a total of 28.76 acres of which 80% after the SRC will be open space to be owned by the Homeowners Association. Again referring to The Town Planner's memo dated 1-6-04, #5; the access road. This is off Maple Ave. with a 10' emergency access just north of the Feeley Field tennis courts. Similar to Springhouse Pond, there will be gravel and the gating will be plastic chain. They will try to move the emergency access road 50' to the south, away from the MacDonald home. The applicant is also checking into trail easements. Roads and stormwater management will be owned by the Condo Association and managed by them (#9 on Planner's memo). Item 12; they do have an access plan, which Bill Place was okay with it as was the Fire Chief. Roadway standards are addressed as is the length of the dead end road. The perimeter buffer is less than 100' in some locations and 50' in others; emergency road is 10' wide.

The scale is 1"=50' to show uplands – another waiver not listed.

Item 15: Out of the 80% total open space, 14.66% will be upland open space and 61% would be wetland open space. This would be well beyond the requirement.

It was noted that some of the neighbors filed a bookmark for permanent access over Feeley Field. This will be up to Town meeting.

In conclusion, Attorney Fox asked the Planning Board to accept the number and location of the units for the preliminary plan in order that they may proceed with a definitive plan. Their engineer was present for technical questions on either plan.

At this point the Chairman recognized one of the residents, Steve Bradford (25 Maple), for a presentation on behalf of the Maple Ave. neighbors.

Mr. Bradford began the presentation with the core arguments being on access. The presentation does not address the merits of the proposal but sites the risks to the traditional neighborhood and possible alternatives. Maple Ave. is a neighborhood with an average 20+ years of residence with the homes being in close proximity to each other. It is a narrow street, 14' wide on average, considered to residents a "shared drive". There are concerns with 15 homes growing to 38 (23 SRC units). The trip study the applicant provided was done at 5 trips a day/home. That number of trips could be argued but there will be an increase in traffic. It will be a particular safety issue for those unfamiliar with the passing situation. There are short setbacks, as you enter off

Route 20 it is wide, but quickly narrows. The right-of-way shown in the plan is where all the trees are. Just up the hill from the proposed development is a garage, sight distance would be difficult. The entrance into the SRC would have to be changed for safety reasons; Maple Ave. is right across from Dunkin' Donuts. Heading west on Route 20 at

5:00 p.m. and trying to take a left onto Maple Ave. is extremely difficult, very poor sight distance. Lotus Blossom's new curbing/sign have already been broken. It is a very bad section of Route 20 for gridlock. In addition, the entire road (650'+) would have to be repaved which would be very costly.

The neighbors outlined ideas for alternative access:

To reduce the traffic impact on Route 20 a possibility could be to use Feeley Field (which needs site work already and this could potentially save the town some money if the developer funded from savings they would make).

Lower Feeley Access:

Use the buffer between the softball and baseball fields to create additional parking for lower Feeley Field (overflow). This could also direct access to Framingham and Wayland. There would be three constituents with this idea:

1. Town (Park & Rec.) – gives access and gets upgrades (savings). Also reduces Route 20 impact and provides better parking.
2. Developer – gives cost of new road and parking lot and gets access road (savings)
3. Maple Ave. neighborhood – gets no changes to the area

Upper Feeley Access:

Possible access savings – finish parking lot and sidewalks; landscaping (where the recent expansion of the field removed the landscaping). The parking lot currently has chain link and no landscaping as was promised. This lot abuts Raymond Road and Maple Ave. which equates to an impact on the homes. Should upper Feeley field be used for access:

1. Town (Park & Rec.) gives access to tennis parking and gets Maple Ave. upgrade, lessens impact on Route 20 and provides landscaping.
2. Developer gives upgrade to parking lot and landscaping; gets possible SRC savings via access from Maple Ave.
3. Neighborhood gets a new road near Maple Ave., Raymond Road

In summary the neighbors would like:

1. To protect the neighborhood
2. Minimal impact to Maple Ave.
3. Minimal Route 20 impact
4. Leverage savings to improve Feeley Park

(At this point a GIS picture was shown depicting the neighbors' ideas.)

Bill Keller: Have you been to the Conservation Commission? Steve Bradford: No.

Bill Keller: Anticipates wetland issues for access with lower Feeley Field. Are there emergency access approvals?

Jody Kablack: The Fire Department crosses private and public access ways so it is not an issue as far as emergency access. They would need to petition to Town Meeting for an easement or right-of-way in the event it became a permanent access.

In addition, they may need legislative approval to take it from Park & Rec. Would also need to determine if it would be a public road.

Lisa Eggleston: The upper field does get a lot of use where the gravel is. It would be difficult to get Town people to approve as there would be no savings to the Town for improvements plus they would lose Park and Recreation land. It would be an uphill battle at best.

Steve Bradford agreed with Lisa's assessment.

Lisa Eggleston: What about establishing traffic volumes and the level of increase on Maple Ave.?

Bill Keller: Have any studies been done on the existing traffic?

Jody Kablack: No.

Lisa Eggleston: The level of service is low for a the intersection of Maple Ave. and Route 20. Most intersections along Route 20 are poor; the impact on Route 20 should be addressed. The residents used 5 trips while the study at Springhouse had a total of 14 trips at peak hour.

Myron Fox: The count was based on 39 units at Springhouse; this would only be 23.

Jody Kablack: The Institute of Traffic Engineers lists 10 trips per day as a typical count for single family; for seniors it is 3 trips a day.

Bill Keller invited comments from other residents in attendance.

Bettina Westerberg; 239 Raymond Road

Had 2 comments she wanted to make. First was with regard to the traffic report. The developer chose November 20th which was one of the worst weather days. This should be considered – misleading, should be done on a good weather day when there is more travel.

Secondly, the upper access to Raymond Road; she is concerned with safety, especially for children. The busing issue needs to be considered, sporting events would also be a factor, sporting events would give a different picture. In addition there is traffic from The Garden in the Woods.

What about maintenance? Also suggests talking to the Police Department about the left hand turn onto Raymond Road. Will an independent firm be hired to track the traffic?

Harry Ainsworth; 44 Maple Ave.

He is 72 years old and makes more than 3 trips per day as the ITE study said. Sixteen years ago a major development was proposed at this site. Upon review, there were too many environmental issues and environmental safety concerns.

Bill Keller: The size and scope of that project is not being triggered here.

Lisa Eggleston: That proposal required more state mandated environmental policies that exceeded thresholds where this project does not.

Harry Ainsworth: Who reviews this proposal?

Bill Keller: There is a multi-board review; Board of Health will review wastewater, Conservation will review wetland issues, the Planning Board is the special permit granting authority.

Harry Ainsworth: No review from out of the Town?

Bill Keller: No.

Lisa Eggleston: The only possible state review would be Massachusetts Historic regarding archeological study; no historic significant study.

Jody Kablack asked Carole Wolfe who is on the Sudbury Historical Commission whether she was attending for historic issues.

Carole Wolfe: Not attending for historic reasons; more concerned with the trees.

Liz Canella; 245 Raymond Road

The area is full of children; being a permanent emergency access flabbergasts her.

Raymond Road is a disaster in terms of traffic; there are repeated skids off that road every year. It is a very narrow road at that point. Due to the Water District being located there she questions if the road care issues are different for icing and so on.

Bill Keller: The emergency access is gated only to be used when normal access is blocked. Ruling Raymond Road as a permanent access is not within the Planning Board jurisdiction.

Greg Lowenberg; 19 Maple Ave.

There does not appear to be a good access solution. It is a remote area and would need significant upgrades for that to happen. This should be considered before granting preliminary approval. A private development being built does have tax advantage attractiveness, but the neighborhood would have a completely different integration. It would be a complete negative impact on Maple Ave. residents.

Christa Collins; Sudbury Valley Trustees Land Protection Specialist

They abut the southeast side of this property and are concerned with work within a 200' buffer with regard to leaching, impervious surface and wastewater treatment. Hop Brook could be severely impacted and would like that to be carefully looked at.

Bill Keller: That will be done.

Peggy Bennett; 19 Partridge Lane

Visits Maple Ave. frequently for sporting events. She feels Maple Ave. is an inappropriate access – aesthetically it will be bad. Access on Dudley Road was denied a few years back, so why would it be done on Maple Ave.? Why was Dudley Road made a one way?

Chris Morely: The neighbors petitioned the Selectmen to do so.

Amy Galblum; 19 Maple Ave.

Commented on density concerns. To go with 23 houses would change the entire character. She is not opposed to development but the amount is excessive. She would prefer the 9 houses proposed on the conventional plan. What is the process for the conventional plan; what input do they have? The applicant has made changes to that plan; what else does it change? She is concerned with possibility of future development. Would like to see other streets considered for development.

Bill Keller: In terms of changes the applicant established that they could build 9 lots which is required to allow the SRC application. The Board has not approved anything yet, but would approve that they have the area to build 9 lots under zoning regulations. In addition, they have all had perc tests done.

Harry Ainsworth: They have had perc tests and none are on wetlands?

Bill Keller: Yes.

Helga Andrews; 11 Maple Ave.

What is the plan for the trees?

Myron Fox: We do not plan to take down trees.

Bill Keller: The impact on the road use and if its width is adequate must be addressed.

We may require the applicant to widen the road, but would be very careful with road condition concerns and tree preservation.

Greg Lowenberg; 19 Maple Ave.

Are there analyses of other infrastructure upgrades and impact?

Bill Keller: The proposal is not that far along yet.

Greg Lowenberg: Is the Planning Board allowed to consider?

Bill Keller: The Board is allowed to consider impact; regulate what's built versus what's permitted.

Chris Morely: Regarding earlier comments that a 9 lot sub-division be preferred. That wouldn't mean Maple Ave. would not be widened.

Lisa Eggleston: Regarding traffic counts and the numbers stated earlier; 10 trips/day on average would also mean 10 times the 9 lots versus 3 on average for seniors being about 70 for the SRC which would be a reduction in trips per day. Also need to look at wastewater disposal, environmental concern – one versus the other. What makes the most sense? The SRC incentive increased density but we get back open space, less infrastructure, 9 septics versus a treatment facility for better net benefit. The Board needs to get input from the Town Engineer and Fire Chief on access.

Bill Keller: Wants to let residents know that there is potential for a 40B at this location.

Mike Fee: If you balance 9 units against an SRC; think of the possibility that a developer could propose hundreds of units under Chapter 40B which is state law. The Town is under the state mandate for percentage of affordable housing. The applicant could go to the Zoning Board of Appeals but they would have a very high chance of passing.

Greg Lowenberg: But you wouldn't approve it due to septic requirements.

The Board responded they would not have a choice.

Greg Lowenberg: 45 bedrooms is the maximum allowed, correct?

Robert Abrams: No. This Board does not have the authority to stop 40B. He reviewed a situation at Willis Hill (1980) where it did not perc so they could not build. Since that time there have been changes in the regulations and now Willis Hill has between 30-40 houses. In this situation, the current owner wants to sell the property and not develop it. There could be much more development there. An Incentive Senior Development could be proposed with twice as many units. Farming uses could be done, agricultural housing, other options besides this proposal. The Planning Board is looking at the impact on the entire Town.

Steve Bradford: Approval for 9 lot subdivision; what are the regulations for a dead end street?

Bill Keller: Access and length of a dead end street waivers do not typically get denied.

Lisa Eggleston: Routinely approved for safety reasons.

Steve Bradford: But when is the last time the Town widened a road?

The Board responded they widened Goodnow Road just last year and Old Lancaster Road and Candy Hill in 2002.

Mary Ainsworth; 44 Maple Ave.

Are there regulations prohibiting children in an SRC?

Jody Kablack: No.

Mary Ainsworth: So there could be children?

Myron Fox: Not likely; at Springhouse Pond there are 39 units and no children. The way the units are designed is not for family style.

Nancy Moore; 11 Maple Ave.

Is there a plan for construction trucks?

Myron Fox: Requested through the upper field by the tennis courts.

Greg Bradford; 25 Maple Ave.

The parking lot could be benefited. Access for Raymond Road is there to Framingham and Wayland. Feels this proposal would be bad for the residents. If there are no plans to take down trees, who decides on the road improvements?

Bill Keller: The Planning Board decides with input, the developer pays.

Nancy Conklin-Stone; 177 Prides Crossing Road

Has lived in town 5 ½ years and within that time has seen many changes. This proposal will add to the traffic situation. How much thought is anyone giving for future planning?

Bill Keller: There is a Town Master Plan you should read. A lot of work by many dedicated people has been done for Planning issues.

Mike Fee: The most compelling issue from residents tonight seems to be traffic, road concerns, intersection with Route 20 concerns. The developer provided a traffic study with another development which is not relevant to this area. Need to have more traffic information.

Bill Keller: In fairness to the applicant the Board had asked for a study at Springhouse at the last discussion.

Mike Fee: Recalls that, but we need to address it at this location.

The Board entertained an existing versus proposed traffic study for that area.

Jody Kablack: The intersection can be analyzed by Town means, unless you promote some other impact (such as a traffic light or widening of Route 20 under public way access).

Lisa Eggleston: Would like to see more statistics on SRC versus houses.

Eric Poch: Frost Farm may be more compatible than Springhouse Pond which has a low traffic flow volume.

Chris Morely: But there are additional uses on Frost Farm's road.

Mike Hunter: What could we require as maximum to widen the road?

Jody Kablack: We need to get Bill Place's input; the maximum width would be 24'.

Greg Lowenberg: Would there be a pedestrian traffic study done?

Lisa Eggleston: Yes, we need a grasp on the numbers.

Bill Keller: Traffic count for existing conditions on Maple Ave. would also be helpful.

Myron Fox: If the Board requires it, we will do it.

Lisa Eggleston: Would like numbers in terms of project impact; 9 lot and SRC.

Jody Kablack: Your traffic person should analyze the data and put it into a report.

Mike Fee: Include the volume on Maple Ave. and Route 20 during rush hour for proper intersection analysis.

Jody Kablack: Will get information from Bill Place prior to final requests.

Mike Fee: Will the applicant provide concept drawings of what it will look like to ease the neighbors' fears?

Myron Fox: If we can get approval of the conventional plan tonight, we can go ahead and do elevations tomorrow.

Mike Fee: Are you saying you can't do it without approval?

Myron Fox: We can, it won't be very different from Springhouse Pond.

Bill Keller: Any other requests from the Board?

Jody Kablack: The 9 lot viability; they are asking for a discretionary special permit which requires knowledge of all outstanding concerns. At this point, she feels too much is unanswered for preliminary approval. Construction access is a big question; Bill Place can't grant access, Park and Recreation has to grant it as they own Feeley Field. Majority of the information needed centers around access issues (traffic flow).

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing for the Preliminary Plan of The Meadows Senior Residential Community Plan to January 28, 2004 at 7:30 p.m. at Town Hall.

Frost Farm Bond Reduction Request

Bob Yelton, Phil Hresko and Richard Goldman were present for Bay Avary.

Bob Yelton passed out a response letter to Bill Place's letter dated 1/12/04. They were disappointed in the nature of the letter which overlooked items they have addressed and others without contingencies. All items listed in their response were done. He reviewed the items they have completed which are listed in their response letter. Whatever amount the Board wants to put in for completion, they ask to supply specific reasons as opposed to the general letter from Mr. Place stating a lot is missing which they don't feel is accurate. Also addressed in the response letter were the drainage, splashing issues.

Bill Keller: Typically, we get a letter approving a bond request from Bill Place. In this letter he has taken the time to write to tell the Board it is a big issue. While the Board hears Bay Avary saying it's done, Bill Place is saying it is not. Many of the points at hand are not within his realm and he would refer opinion to Bill Place.

Bob Yelton: Many items are observable, others require an engineer's input. They would like to receive a specific letter of exactly what needs to be done. They cannot respond to such a general letter which has been the case all along. They have spent significant time and money to get things done. This is not what the infrastructure agreement was for.

Mike Fee: Disagrees with that; it is exactly what the infrastructure agreement is for. It is hard to evaluate who is right or wrong. May need an independent analysis, barring a meeting with Bill Place. If forced to get an outsider, it would be at Bay Avary's expense.

Jody Kablack: We don't have escrow for this; waived the application fee.

Phil Hresko: We just received the letter today. Would be happy to meet with Bill Place. The trees and grass are okay, the drainage is the issue. They have met with Bill many times. Would like to address the five items at \$92,000 for over \$500,000 in total; much of that work has been completed.

Lisa Eggleston: Bill Place typically addresses what needs to be done rather than what has been completed, which she believes is proper.

Bob Yelton: We do not have a punch list.

Lisa Eggleston: Was under the impression Town Counsel supplied one. Also, drainage has changed from original plan.

Bob Yelton: Only location, not quantities have changed.

Lisa Eggleston: The cost of addressing the change in the drainage may have gone up.

Phil Hresko: We are not trying to be adversarial, we are looking for a solution. It is a matter of what level Bay Avary is being held to. The town buildings have more water issues. They were given authorization to move the houses 10-15'. They were asked to keep the houses low; flat surface. They still meet standards, they drain. The swales still need to be cleared – issues with directing maintenance. They will look into drainage issues.

Bob Yelton: If they had the time, they would have spoken with Bill Place about those 5 items. They are in a position now where they do not know what to do.

Phil Hresko: We are willing to own a punch list. Town Counsel advised in August of 03, not to be specific – generic list for developer to solve. We made an attempt to fix what we saw.

Lisa Eggleston: Do you have drainage certification? Built to Plan?

Bob Yelton: Bruce Ey has said that everything is in workable order.

Jody Kablack: Bill has certified that the basin functions as designed which is what we require. Bill further points out that work was done in late fall. We need more weather tests to determine if it is right. We don't know the extent of expected work, it is a timing issue.

Richard Garaffo: The bond is over \$1million with cash retainage of \$250,000. They are asking for a retainage reduction. Still have bond for 1 million plus cash. Do not think all that should still be held.

Bill Keller: You need to meet with Bill Place and decipher what needs to be done. If Bill is more specific as to why he needs us to hold the \$240,000, we will.

Chris Morely: We need counsel to tell us what the bond covers.

Jody Kablack: Performance bond is retainage account; need Town Counsel input.

Richard Garaffo: A retainage reduction is requested for completed work.

Bob Yelton: If there is a warranty issue, it is covered by payment and performance bond.

Richard Garaffo: If you're concerned work is not done right, it's a retainage issue. We maintain we did work.

Chris Morely: We have 2 sides; one saying it works, the other saying we need to wait to see if it works.

Phil Hresko: In October, Jody Kablack and Bill Place said to add catch basins; water in driveways. They spent \$2,000-4,000 for a leaching basin; \$1,000 in swale costs. Need to know from Bill Place if that is appropriate.

Eric Poch: Bruce Ey said he attests to septic and retainage; couldn't attest to field elevations or surface drainage. We need to understand further input from Bill Place.

Bay Avary concluded that they would meet with Bill Place as advised.

Twillingate Meadows Bond Reduction

Jody Kablack: They are requesting a reduction from \$48,000 to \$13,000. It is up for street acceptance this year; suggests holding for now.

Forestside Estates Bond Reduction

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the Tri Partite Agreement Amount from \$111,000 to \$10,000.

Dakin View Bond Reduction

Jody Kablack: Only bonded for \$75,000; wants \$18,000 reduction. Suggests reducing by \$10,000.

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the bond amount for Dakin View Subdivision to \$65,000.

Willis Woods Bond Release

On motion duly made and seconded, it was unanimously:

VOTED: To release the \$10,000 bond for Willis Woods (Thornberry Lane)

Town Meeting

- Sign Bylaw: In good shape.
- Discussed Zoning Board petitions.
- Jody Kablack to attend Finance Committee Meeting for Town Meeting Articles.
- Cutting
- Transfer of land to Housing Authority was approved by the Selectmen, but the list is shorter than desired.

Whitehall Estates II Definitive Subdivision Modification

On motion duly made and seconded, it was unanimously:

VOTED: To endorse the plan for Whitehall Estates II Modification.

The meeting was adjourned at 11:15 p.m.