

Present: Michael Fee (Chairman) arrived at 7:40 p.m., Lisa Eggleston, Christopher Morely, Michael Hunter, Joe Sziabowski (Associate), and Jody Kablack (Director of Planning and Development)

Absent: Eric Poch

At 7:35 p.m., Ms. Eggleston, Acting Chair, called the meeting to order.

**Omnipoint at Sudbury Taylor Rental - Site Plan Discussion**

Present: Jennifer Trotta, Prince, Lobel, Glovsky & Tye LLP, and Troy White, Nexus Wireless Senior Engineer

At 7:35 p.m., Ms. Eggleston opened a discussion of the application of Omnipoint Communications, Inc. for a minor site plan proposal to install a wireless communications facility on the property located at 712 Boston Post Road, owned by Martel Business Realty Trust, which is zoned as Business District.

Ms. Trotta briefly reviewed the history of the new request. Mr. Morely noted that the original proposal had been for a site at 578 Boston Post Road, which would have unnecessarily provided coverage predominantly for the Nobscot Mountain area. Ms. Trotta explained that this Board had suggested researching alternative sites. She further described that the new proposal is to install, operate and maintain three antennas for wireless communications within two faux vent pipes mounted to the rooftop on the existing building at 712 Boston Post Road. The new wireless system on the roof could be entirely camouflaged, with no need to build a tower. Ms. Trotta emphasized that the proposal is inside the Wireless Services Overlay District, and should have no adverse effect on the immediate neighborhood.

Ms. Kablack reported that the applicant was granted a dimensional variance by the Zoning Board of Appeals in March 2007. She further reported that neighbors have appealed that variance. Town Counsel has advised that the Board can proceed with its discussion, in spite of the pending appeal. Ms. Kablack also confirmed that rooftop systems are allowed in the business district by right.

Ms. Eggleston referenced comments from a letter drafted by DPW Director/Town Engineer William Place dated May 31, 2007, noting no objections to the proposal, but recommending that the ballast should be sized, and designed by a registered professional structural engineer, to prevent the antennas from collapsing during severe storms. Ms. Trotta responded that the proposal complies with all local, State, and Federal safety laws, and she believes it was prepared by a registered structural engineer. Ms. Trotta will provide appropriate documentation of the requested credentials to ensure these concerns are addressed and resolved.

Dan Jacob, 19 Washington Drive, asked how this site compares with the other Town site applications submitted by the applicant. Ms. Kablack clarified that a pending application has been submitted to the Town for the Bartlett Greenhouse site. However, she noted that it is her understanding that if the Sudbury Taylor Rental site is approved, the Bartlett application will be withdrawn. Ms. Trotta confirmed this statement, noting that 712 Boston Post Road is the preferred site for all parties involved.

Ms. Kablack also reported that the Board of Selectmen will hold a Public Hearing in connection with this application on July 24, 2007 at 8:00 p.m.

Chairman Fee abstained from the voting process due to his late arrival for this discussion.

On motion duly made and seconded, it was:

VOTED: To authorize Ms. Kablack, on behalf of the Planning Board, to draft a letter to the Board of Selectmen, recommending approval of the application of Omnipoint Communications, Inc. for a minor site plan for property located at 712 Boston Post Road, owned by Martel Business Realty Trust; zoned Business District, but also highlighting that the issues raised in the letter dated May 31, 2007 from the Town Engineer should be addressed, and that upon approval, the applicant should be encouraged to withdraw the Bartlett Greenhouse application from consideration.

**Pine Grove Definitive Subdivision (Old Lancaster Road) - Public Hearing**

Present: Thomas DiPersio, Sr., Thomas Land Surveyors, Peter Karasik, Eligius Homes, Attorney Paul Alphen, representing Mr. Karasik and Eligius Homes

At 8:00 p.m., the Chairman opened a Public Hearing in connection with the application of Eligius Homes Company, for approval of a Definitive Subdivision Plan of Land, entitled "Pine Grove," property located at 293 and 301 Old Lancaster Road, drawn by Thomas Land Surveyors and Engineering Consultants, Inc., dated April 9, 2007, and showing six lots on approximately 7.19 acres, which had been continued from June 13, 2007.

Attorney Alvin reviewed that a continuance of the hearing had been requested so that the applicant could reevaluate his position, and so that he could consult with counsel for the seller to ensure that no one's interests were ignored or underserved in this process. He further stated that unfortunately, due to professional and vacation schedules, he has not been able to meet with Mr. Dan Weiner, who is Mrs. Johnson's (the seller's) lawyer. Upcoming schedules will continue to prohibit those discussions prior to the Board's next scheduled meeting on July 11, 2007. Consequently, Attorney Alvin said he was in possession of executed extension papers to extend the decision timeframe beyond the current September 2, 2007 deadline.

Chairman Fee stated that the request to speak with related counsel to more extensively research and reevaluate the proposal is reasonable and should be accommodated, if possible, by the Board. He asked for comments or objections to an extension from abutters in attendance.

Robin Goff, 16 Wildwood Lane, asked whether a hearing can be continued indefinitely. Chairman Fee responded that a hearing can be continued for as long as needed. However, Chairman Fee also said that it is the Board's intention to resolve the matter at its next meeting.

Participant schedules were discussed.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Pine Grove Definitive Subdivision Public Hearing on September 12, 2007 at 8:00 p.m., subject to the granting and execution of a decision extension by the applicant to October 12, 2007

Chairman Fee noted that no further notice will be published regarding the continuance date. However, Ms. Eggleston added that the Planning Board Meeting Agendas are posted on the Town's website.

### **Young Property -Right of First Refusal Under Chapter 61B**

The Board was previously in receipt of the following materials for review: A Notice of Intent to Sell filed by George W. Young, Jr., dated May 22, 2007, for property located at 804 Boston Post Road; a layout and grading plan of 804 Boston Post Road, dated February 7, 2006; a letter from the Conservation Commission dated June 17, 2007, stating several reasons for its recommendation that the Town pursue acquisition of this parcel; a letter from the Board of Selectmen dated June 20, 2007 sent to George W. Young, Jr., 804 Boston Post Road, informing him that the Town would like to exercise its right to survey and inspect the land, conduct soil testing and to perform a visual inspection on June 25, 2007.

The Board discussed the option to purchase the Young seven-acre property for \$815,000, which does not include any municipal use restrictions. Ms. Kablack noted that the location and size of the property make it a good parcel choice for the Town to pursue. The property lends itself to a variety of uses, including affordable housing, conservation/park open space, and may be suitable for wastewater disposal and a small treatment plant.

Ms. Kablack reported that the Technical Advisory Committee (TAC) enthusiastically supports the Town's pursuit of this property. At a recent meeting, TAC approved funding for an appraisal and soil testing to be performed.

Mr. Hunter noted that there are frontage ownership issues with the property which need to be resolved. The proposed buyer has planned to use the property for three lots, which may not be possible given that a sliver of frontage land is owned by the Town.

Ms. Kablack agreed that no legal impediments with the proposed property lines will need to be determined.

Mr. Sziabowski is an abutter across the street from this property, and thus, his feedback was requested by Chairman Fee. Mr. Sziabowski asked several questions regarding what the sight might look like in the future if it did become a wastewater disposal and plant site. Since disposal would be sub-surface, he asked what types of structures could be built on the surface, and what landscaping could be installed. Ms. Eggleston responded that other municipalities have built open fields or municipal buildings on such sites, and that certain plants could be installed.

Ms. Kablack reported that the Board of Selectmen have requested the Board's opinion regarding the property prior to the Selectmen's Public Hearing on July 24, 2007.

Ms. Eggleston strongly stated that the Planning Board should recommend that the Town pursue the purchase of this property. Ms. Kablack noted that a definitive decision may not be required at this time, since the Selectmen usually conduct a multi-Board meeting when deliberating land acquisitions.

Mr. Morely asked whether the price can be negotiated or researched to be sure it reflects fair market value. He asked what the Town's options were if an appraisal determined that the land is worth less than \$815,000. Ms. Kablack responded that by law the Town would be required to match the existing offer price of \$815,000 to exercise its Right of First Refusal Under Chapter 61B.

On motion duly made and seconded, it was unanimously:

**VOTED:** To authorize Ms. Kablack, on behalf of the Planning Board, to draft a letter to the Board of Selectmen, stating that the Planning Board has long followed, with intense interest, the developments regarding the sale of the Young property located at 804 Boston Post Road, and that it is the opinion of the Board that this site has many potential uses, which should be thoroughly investigated at a Town multi-Board meeting prior to the exercise deadline, and in addition, the Board recommends that the Town perform its due diligence by requesting that Town Counsel ascertain whether the existing purchase offer by Harold Coxall, 12 Sibley Road, Weston, is legitimate and bona fide so as to determine an appropriate purchase price.

**Miscellaneous**

**Mahoney Farms Walkway**

Ms. Kablack reported that she expressed the Board's opinions, as deliberated at the June 13, 2007 meeting, to the representatives of Capital Group Properties regarding plans to develop walkways within the development. She also mentioned that Mahoney Farms resident Joel Goldstein has contacted her regarding the Town's flexibility, or rather lack thereof, regarding certain development issues.

Capital Group Properties has asked whether the Board will allow the private walkways within the development to be narrowed to a four-foot width. Ms. Kablack noted there is only 18 feet of front yard to each front door, and that this request seems reasonable. The walkways in the development are privately owned and maintained.

Chairman Fee asked if a modification would be required for such an approval. Ms. Kablack responded that a modification would not be necessary since nothing significantly has been altered, and the sidewalks remain in the same location.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request from Capital Group Properties for a reduction of width, from five feet to four feet, for the interior walkways at Mahoney Farms.

**Board of Selectmen Liaison Assignments**

Ms. Kablack distributed to the Board, for informational purposes, copies of the 2007-2008 Sudbury Board of Selectmen Liaison Assignments.

**Town of Sudbury Chairman List**

Ms. Kablack distributed to the Board, for informational purposes, copies of the newly revised Town of Sudbury, Chairman List.

**115 Willis Road - Scenic Road Public Hearing - Resident Comment**

Ms. Kablack distributed to the Board a letter from William T. Maloney dated June 22, 2007. Mr. Maloney researched the plot plan, and believes that the primary septic system would have been located where the circular driveway was proposed, which is contrary to what was stated by Mr. Peng, as reflected within the May 23, 2007 Planning Board meeting minutes. Since the request for a circular driveway was denied, Mr. Maloney declared that no response was necessary from the Board.

**Mahoney Farms - Request for Use of Framingham Water**

Ms. Kablack distributed to the Board, for informational purposes, copies of a letter from Framingham's Town Manager to Capital Group Properties dated June 19, 2007, stating that Mr. Depietri will be contacted regarding his request for permission to extend Framingham water service into Sudbury to serve his project. The Board determined it is not necessary to provide input on this matter at this time.

**Hop Brook - Coordination of Sediment Study Meeting**

Ms. Kablack distributed to the Board, for informational purposes, copies of a letter from the Department of the Army Corps of Engineers to the Sudbury Conservation Agent dated June 17, 2007. The purpose of the letter is to initiate coordination for the proposed sediment study at Hop Brook project. The U.S. Army Corps of Engineers will conduct an on-site meeting with interested personnel on July 19, 2007 at 11:00 a.m. Those who plan to attend should meet at the Hager Pond site, in the parking lot on the Marlborough south side of Route 20.

**Upcoming Planning Board Summer 2007 Meeting Schedule**

Ms. Eggleston stated that if needed, she may now be available for the first two weeks of August. The Board's next meeting, if needed, will be July 11, 2007.

Chairman Fee adjourned the meeting at 8:30 p.m.