

BRIAN & DAWNMARIE JADUL
96 Lincoln Lane
&
PETER & ANNETTE GIVEN
90 Lincoln Lane

MINUTES OF THE PUBLIC HEARING
SUDBURY EARTH REMOVAL BOARD
THURSDAY, MAY 13, 2004

The Board consisted of:

Richard L. Burpee, Acting Chairman
Stephen A. Garanin, Acting Clerk
Melinda M. Berman
Thomas W.H. Phelps, Alternate
Jeffrey P. Klofft, Alternate

Notice of the public hearing was posted in the Sudbury Town Crier on April 29, 2004, posted, mailed and read at this hearing.

Brian and Dawnmarie Jadul were present to request an extension of their ERB Permit 03-2. They were also requesting a reduction in the topsoil requirement of Condition 2 of the permit.

Peter and Annette Given, applicants for 90 Lincoln Lane, were not present at this hearing to represent their request for modification of ERB Permit 03-3. However, after discussion, the Board decided to proceed without them since their property adjoins the Jadul and the requests are similar.

The Board was in receipt of a letter dated April 29, 2004 from Town Engineer I. William Place who noted he had visited the site noted that without an as-built survey, it is unclear as to how much material has been removed. Town Engineer Place recommends the Board grant an extension subject to receipt of an as-built of the site with volume calculations and further, that loam should not be placed until the calculations are received and accepted. Also enclosed with the letter were photographs taken by Town Engineer of the excavation on both properties.

At the request of the Board, Mr. Jadul provided an update of the status of the project. He believed the earth removal is 100% complete; however, his engineers will be providing the numbers within a week. If the numbers are correct, he will begin planting.

With regard to the top area, Mr. Jadul said that area has been restored as Building Inspector Kelly requested. He said both Mr. Kelly and Mr. Place have been out to the site and have given their approval.

Mr. Garanin said he would want to see that approval in writing.

BRIAN & DAWNMARIE JADUL
96 Lincoln Lane
&
PETER & ANNETTE GIVEN
90 Lincoln Lane
Page 2

The Board asked whether Mr. Jadul knew the status of the Givens' project. Mr. Jadul said that excavation has not been completed.

Mr. Burpee referred to the request for a 2-month extension, questioning whether that was enough. He would be inclined to give more time.

Mr. Jadul was not sure. He would hope it was enough.

Discussion followed on the request to reduce the amount of topsoil. Condition 2 requires the slope to be covered with 9-12 inches of loam and then cover the loam with mulch and/or vegetation so as to prevent erosion and loss of soil.

Mr. Jadul was requesting 4 inches of topsoil between the plantings. He noted that he had erosion and washout issues at the front of his property which had 4 inches of loam and was hydro seeded. He said that area is at a 6:1 slope.

Ms. Berman asked whether the issue was that too much topsoil will slide.

Mr. Jadul replied that it was, based on his engineer's and landscaper's comments.

Mr. Klofft said he did some research of erosion control and found 4-6 inches of topsoil seems to be the average range.

Mr. Jadul referred to Sudbury's Zoning Bylaws, Section 3430 which deals with erosion control. Section 3432 of that Bylaw states "All such slopes exceeding 15% which result from site grading or construction activities shall either be covered with topsoil to a depth of 4 inches and planted with vegetative cover sufficient to prevent erosion or be retained by a wall constructed of masonry, reinforced concrete or treated pile or timber."

Mr. Klofft felt more comfortable with a 4-6 inch depth.

Responding to a question from Mr. Burpee on landscaping, Mr. Jadul said between the plantings the slope will be landscaped with soil, mulch and rocks. Eventually the plantings will grow together and fill in the area.

Mr. Burpee felt if the object is to have plants grow and fill the space, he was not sure there was a point to requiring more than 4 inches.

Mr. Klofft said the original intent of the permit was to have the space filled in.

BRIAN & DAWNMARIE JADUL
96 Lincoln Lane
&
PETER & ANNETTE GIVEN
90 Lincoln Lane
Page 3

Mr. Terzian asked what would be done with the top area. Condition 4 was read which states "Tree saplings, consisting of native species common to the area, shall be planted at the top of the ridge at spacings similar to the mature trees in the undisturbed areas."

Following further discussion, there was general agreement to require a topsoil depth of 4-6 inches on the slope with 9-12 inches in the planting areas, with mulch and vegetation to prevent erosion. Mr. Jadul indicated he was comfortable with this.

Mr. Jadul asked for an explanation of the process by which he may be granted a reduction of his bond. It was explained that Town Engineer, after receiving the as-built plan, will forward a recommendation to the Earth Removal Board. The Board will then schedule a meeting to vote on the recommendation.

Mr. Jadul said his engineer will be providing an as-built plan for his property; that it was the responsibility of Mr. Given to provide his own plan following completion of the excavation on 90 Lincoln Lane.

There were no further comments. The public hearing was closed.

The following motion was then placed and seconded:

MOTION: "To grant Brian and Dawnmarie Jadul, 96 Lincoln Lane and Peter and Annette Given, 90 Lincoln Lane, a 3-month extension of ERB Permits 03-2 and 03-3 respectively, from May 15, 2004 to August 15, 2004;

and it was further voted to delete Condition 2 of ERB Permits 03-2 and 03-3 substituting the following in lieu thereof:

"2. The applicants shall cover the slope with 4-6 inches of loam except that 9-12 inches of loam shall be used in the planting areas for shrubs. The loam will then be covered with mulch and/or vegetation so as to prevent erosion and loss of soil."

This extension and modification is subject to receipt of an as-built of the site with volume calculations. Loam will not be placed on the site until calculations are received and accepted by the Town Engineer.

BRIAN & DAWNMARIE JADUL
96 Lincoln Lane
&
PETER & ANNETTE GIVEN
90 Lincoln Lane
Page 4

Richard L. Burpee, Acting Chairman

Stephen A. Garanin, Acting Clerk

Melinda M. Berman

Thomas W.H. Phelps, Alternate

Jeffrey P. Klofft, Alternate

