

MINUTES  
SUDBURY EARTH REMOVAL BOARD  
THURSDAY, FEBRUARY 10, 2005

The Board consisted of:

Melinda M. Berman, Chairman  
Richard L. Burpee, Clerk  
Stephen A. Garanin  
Constantine Athanas

The public hearing was reconvened by the Chairman, Ms. Berman.

Present: Joshua Fox, Esq. Rollins, Rollins & Fox  
Thomas Giacchetto, Petitioner

The Board was in receipt of a draft decision document. Following discussion, after minor wording changes, all parties were in agreement with the conditions with the exception of Condition 13, Bond requirement.

The Board was in receipt of a letter dated February 2, 2005 from Town Engineer I. William Place which provides a breakdown of the costs estimated for this project and sets a bond amount of \$549,132.45 for this project.

Messrs. Fox and Giacchetto felt this amount to be excessive and have brought this to the attention of Mr. Place who, with the additional information provided by the petitioners, has agreed to provide a second estimate.

Mr. Fox would prefer to modify the wording of the condition to read "a bond amount acceptable to Town Engineer."

Mr. Garanin was not in favor of this wording since it has been the policy of the Board to accept the cost estimate and bond amount provided by Town Engineer and to list that amount in the decision document. Further, the Board was unaware that Town Engineer would be providing a second estimate.

After discussion it was agreed to leave Condition 13 as is with the original bond amount. If Mr. Place notifies the Board that he is readjusting the bond amount, the Board would schedule a meeting to amend its decision.

There was no further input. The public hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant T C Sudbury Development, LLC, applicant, Paris Trust & T&E Realty LC, owners of property, an Earth Removal Permit under Article V,A of the Town of Sudbury Bylaws, to remove various earth materials including topsoil, subsoil, and underlying earth, estimated at 1,485 c.y. of topsoil and 6,376 c.y. of subsoil, property located at 460 & 490 Boston Post Road, Limited Industrial District #1, subject to the following conditions:

1. Hours of operation shall be 7AM-3:30PM, Monday through Friday; no Saturday or Sunday hauling.
2. All truck activity shall be limited to the following major streets of the Town of Sudbury: Nobscot Road, Route 20, Union Avenue, Concord Road, Route 27, Route 117, Hudson Road and Landham Road.
3. Appropriate measures shall be taken to prevent the tracking of material onto any public way. Any spills should be promptly cleaned up by the developer. Installation of a construction access (a temporary driveway typically made of stone at the entrance to the construction area) may reduce the amount of material that leaves the site on the tires of the vehicles. The Applicant should install these at all access points to the construction site.
4. Appropriate measures shall be taken to stabilize the soil on outgoing trucks via the use of covers.
5. General precautionary measures shall be taken to prevent erosion on the site into the wetland areas.
6. Excavation on the site shall be conducted in such a manner so as to preserve at all times a 4-foot separation between earth removal and ground water on site. The permanent removal of soil shall not result in any depth of historical high ground water of less than 8 feet, excepting from this requirement the excavation in localized areas providing for the creation of a detention basin, wetland area, building foundation and other excavation is permitted as shown on the approved Site Plan.
7. The signs which indicate trucks entering the site shall be maintained during the entire period for which truck traffic will exist.
8. Dewatering of the site shall be in accordance with Site Plan dated July 28, 2004, Sheet SP-10, titled Erosion and Sediment Control Details. Location of the temporary sedimentation basin shall be approved by the Engineering Department prior to construction.

9. The culvert under Route 20 shall be checked for debris and silt prior to construction and shall be restored to its present condition as necessary.
10. The Applicant shall utilize the best methods in order to reduce the overall amount of traffic generated during construction. Vehicles entering the site with structural fill should leave the site with the excess soil.
11. Any stockpiled soil must be covered and surrounded by siltation fencing to minimize sedimentation during construction.
12. Erosion control barriers shall be in place before any excavation commences.
13. Prior to removal of any earth, the Applicant shall provide a surety bond in the amount of \$549,133.00, in a form acceptable to the Town Treasurer, to guarantee completion of the work and to ensure that appropriate measures are taken during and following completion of construction to provide for street sweeping and other appropriate measures to prevent tracking of material onto the public way. The term of this bond shall be not less than 60 days following completion of this earth removal.
14. The starting date for removal may begin after this Decision has been filed with the Town Clerk and after posting of the Surety Bond in accordance with Condition 13 above and subsequent notification to the Earth Removal Board of same.
15. A Certification, prepared by a Registered Civil Engineer or Land Surveyor, shall be submitted at the completion of the earth removal certifying that the earth removal has been completed by design. Town Engineer shall certify acceptance of said Certification and shall notify the Earth Removal Board of same.
16. This Earth Removal Permit will expire in one (1) year on February 10, 2006, and may be renewed at the Board's discretion provided application for an extension is made thirty (30) days prior to expiration."

VOTED: In favor: 4 (unanimous) Opposed: 0

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Melinda M. Berman, Chairman

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Richard L. Burpee, Clerk

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Stephen A. Garanin

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Constantine Athanas

