

MINUTES OF THE PUBLIC HEARING
SUDBURY EARTH REMOVAL BOARD
TUESDAY, JANUARY 25, 2005

The Board consisted of:

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

Notice was published in the Sudbury Town Crier on December 30, 2004 and January 6, 2005, posted, mailed and read at this hearing.

Present: Frederic W. King, P.E., Schofield Brothers
Joshua Fox, Esq., Rollins, Rollins & Fox
Charles & Thomas Giacchetto, Petitioners

Mr. Fox said this project has been before all of the required town Boards with the exception of the Earth Removal Board. It has received site plan approval and positive feedback from the Design Review Board. The project has been before the Planning Board twice, for site plan approval and Water Resource Protection District Special Permit approval.

From the locus, Mr. King presented an overview of the project which is located off Boston Post Road and Union Avenue in the Chiswick Industrial Park. The proposal is for a 17,000 s.f. office building with associated parking, drainage systems, etc.

All of the earth removal is necessary for the construction of the building and appurtenances. Mr. King oriented the Board to the area of the project, including access to the site. The project includes both 460 and 490 Boston Post Road. The proposed building and parking area (490 Boston Post Road) will be constructed in a peninsula area of upland which is surrounded by wetlands on three sides. The building, when completed, will be able to be seen from Boston Post Road. 460 Boston Post Road will contain the septic system as well as a replication area. He pointed out an area where a park area is proposed which will have public access.

As a result, there is site activity which is grouped into two areas – the building site which is the 490 Boston Post Road site and the septic system site which is 460 Boston Post Road. The activities are linked but they almost have to be handled separately because the only access from one site to the other is over the road.

Mr. King referred to the Table (Attachment 3) which was submitted with the application and which shows the disposition of the various materials relevant to the earth removal. There will be 1,485 c.y. of excess topsoil, 6,376 and c.y. excess borrow/subsoil. In addition, 10,640 c.y. of structural fill will have to be brought in.

Mr. Burpee asked whether the removal occur only where the building footprint is or other areas as well. Mr. King said both sides will have different amounts of removal. In addition there are also excess grass-covered piles resulting from the activities when the original development of the industrial park was built. In order to construct the site, there were several issues. For the building, all of the old fill has to be removed and stockpiled temporarily. Also, underneath the parking lot, there are quite a bit of drainage structures which will also have to be temporarily stockpiled. He pointed out a wetlands which is going to be filled noting that before it can be filled the topsoil must be excavated and temporarily stockpiled for use later on.

Mr. King also pointed out the septic system area and wetland replication area which will also have to be excavated. The topsoil and subsoil from those areas will be used for the building of the septic system which will be a large vegetated mound.

Mr. Burpee said it appears that at 460 Boston Post Road the soil and subsoil is just being moved from one part of the parcel to another. Mr. King agreed, noting that there may be a little bit of excess loam but all of the subsoil will be used.

Mr. Burpee asked whether the numbers that are estimated in the Table with regard to subsoil and topsoil referred to the 490 parcel. Mr. King replied that they refer to both parcels.

In response to further questions from Mr. Burpee, Mr. King said most of what is proposed to be removed is from the 490 site. He said the loam and topsoil has value. It is hoped to be able to work out some sort of trade with the suppliers of the gravel materials to offset costs of the materials; i.e., stone, structural fill, which will have to be brought in.

Ms. Berman asked what the truck route would be. Mr. King said anything that has to go north will use Union Avenue. Anything going west or east, or possibly south, will use Boston Post Road.

Mr. Vetstein asked when excavation would begin, and the duration. Mr. King said although it can't be done immediately because of the weather, he would like to begin as soon as possible. He said the Earth Removal Permit is the last permit that is needed. Once begun, he would anticipate earth removal would be finished up after ten months.

Mr. Burpee referred to Town Engineer I. William Place's letter dated January 10, 2005, incorporated as part of the record, which includes recommendations for the project. He asked

whether the petitioners had any problem with those recommendations. They did not. This also included Mr. Place's recommendation for hours of operation.

Mr. Burpee asked how many truckloads are proposed. Mr. Giacchetto said he would estimate approximately 750 but felt that number to be conservative.

The Board was also in receipt of Town Planner Jody Kablack's letter dated January 12, 2005, incorporated as part of the record, which makes several recommendations. Mr. Burpee asked the petitioners whether there were any concerns with regard to any of the recommendations. There did not appear to be.

No abutters were present at this hearing.

The Board reviewed with the petitioners the Springhouse Pond Earth Removal Permit conditions, which contains the Board's standard conditions, as well as the recommendations contained in the letters from Town Engineer and Town Planner. A copy of the earth removal permit was given to Mr. Fox for his review. Discussion followed on the formulation of a draft decision with conditions incorporated from the standard permit conditions including the recommendations from Town Engineer and Town Planner.

Following further review of the Town Planner's letter, the petitioners had some concern with Condition 6 dealing with excavation. It was Mr. King's opinion that they were granted an exemption in the Water Resource Protection District Special Permit to include excavation for creation of a detention basin, wetland area, building foundation, utilities, etc. Mr. Fox suggested alternative language and the Board agreed to check with the Town Planner for clarification and language acceptability.

Although 2-way use of trucks would be used as much as possible, Mr. Giacchetto felt there may be instances where this is not feasible. He suggested modifying the language of that condition to reflect this.

Other than minor modifications to the wording, the petitioners were in agreement with the standard conditions and the recommendation letters.

A draft decision will be prepared for review and for a vote on February 10, 2005.

The hearing was continued to February 10th.

Melinda M. Berman, Chairman

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