



# Town of Sudbury

## Earth Removal Board

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### MINUTES

NOVEMBER 1, 2022 AT 7:00 PM

### VIRTUAL MEETING

**Members Present:** Chair Jonathan Patch, Bryan Gammons, Michael Hershberg, William Ray, Jeffrey Rose, and Benjamin Stevenson

**Members Absent:** None

**Others Present:** Director of Planning and Community Development Adam Duchesneau

Mr. Patch called to order at 7:00 PM.

**Public Hearing, Case 22-01 – Herb Chambers 43 Braintree Street, LLC, Applicant and Owner, seeks a Removal Permit under the provisions of Article V(A) of the Town of Sudbury General Bylaws to remove approximately 12,200 cubic yards of pavement, gravel, topsoil, and fill material at 141 Boston Post Road, Assessor’s Map K11-0019**

Gabriel Crocker and David Newhall from Crocker Design Group; and Sam Haydock and Brian Lowry from BL Companies were in attendance to discuss the application with the Earth Removal Board.

Mr. Newhall provided a summary of the permits which had been obtained to date for the site and described the proposed construction for the new car dealership at the subject property. He indicated approximately 12,200 cubic yards of earth removal would occur at the property and approximately 17,000 cubic yards of material would be brought into the property.

Mr. Haydock described the existing soils on the property and discussed some of the environmental history of the site including the remediation of soils which had occurred. He stated a Phase I Environmental Assessment had also been conducted in 2020 and the assessment indicated there were no environmental concerns at the property. Mr. Haydock noted a limited removal action would occur at the property to address some marginal soils on the site of approximately 30 to 40 yards of material. The hope was to perform this action within the next few weeks.

At this time Mr. Ray left the meeting.

Mr. Stevenson inquired as to what was the prior industrial use at the property and Mr. Haydock indicated it was an industrial gas company.

Mr. Stevenson inquired as to why every 500 cubic yards would be tested and how this particular figure was arrived at? Mr. Haydock stated they were trying to gain as much information and knowledge about the soils on the subject property before work commenced. He also noted 500 cubic yards was a number frequently requested by soil disposal sites.

Mr. Stevenson noted there were wetlands at the rear of the property and the project was close to some Sudbury Water District wells.

Mr. Gammons stated he believed there had been elevated levels of arsenic at the site in the past. Mr. Haydock indicated certain soils with certain contamination levels would be handled appropriately and removed.

Mr. Gammons asked if any contaminants at the subject property had the characteristics of listed wastes. Mr. Haydock noted trace concentrations had been found at the property, but were not a concern.

Mr. Gammons also asked about dewatering being used at the property during the removal of the material. Mr. Newhall indicated they did not anticipate a large amount of dewatering occurring during the removal process.

Mr. Hershberg inquired as to what defined clean materials and where the project team was planning to source them from. Mr. Haydock stated the Soil Management Plan indicated the source locations would be identified, and the soils to be used would be those that were documented as being virgin material or below certain contaminant criteria levels.

Mr. Patch asked if the project team was or was not intending to submit a Soil and Groundwater Management Plan. Mr. Newhall indicated they were not intending to submit such a plan.

Mr. Gammons indicated it would be good to have a Soil and Groundwater Management Plan submitted to the Town to ensure the soils at the project site met the industry standards.

Mr. Patch noted there were no members of the public in attendance.

The Earth Removal Board then discussed potential conditions for the Removal Permit using the 105 Boston Post Road Removal Permit from September 21, 2021 as a base document.

There was discussion as to whether to implement a condition which required a Performance Guarantee to be implemented as part of the project. Ultimately it was decided this type of a condition would not be required for the subject property.

Mr. Stevenson made a motion to approve the Removal Permit for 141 Boston Post Road with the conditions as discussed. Mr. Hershberg seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

**Approval of Minutes: May 12, 2022**

Mr. Patch made a motion to approve the minutes from May 12, 2022. Mr. Rose seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Abstain, Mr. Hershberg – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye.

Mr. Stevenson made a motion to adjourn the meeting. Mr. Patch seconded the motion. Roll Call Vote: Mr. Patch – Aye, Mr. Gammons – Aye, Mr. Hershberg – Aye, Mr. Rose – Aye, and Mr. Stevenson – Aye. The meeting was adjourned at 8:02 PM.