

PRESENT: William Keller, Jr. (Chairman), Lisa Eggleston, Marianne D'Angelo  
Christopher Morely, Michael Hunter, Michael Fee (Associate),  
Jody Kablack (Planner)

The meeting was called to order at 7:45 p.m.

**Whitehall Estates II** – *Lot Release*

Attorney Myron Fox updated the Board. Originally there was one buyer for all 3 lots, however, the buyer is no longer interested. They now have two buyers who are keeping the same plan of land. One buyer is purchasing only the existing house, and is scheduled to close next week. They are asking the Board to release Lot 2 from covenant without having to comply with all the subdivision conditions.

The Town Planner commented to the Board; with the exception of the house having access on the driveway, all other conditions relate to the construction of the new homes.

Following the Board's conversation with the representing attorney, the Chairman recognized residents in attendance.

Ken Daly: 29 Codman Drive

Supports the plan in its entirety, does have some questions:

If the 3 lots were purchased and the new owners wanted changes to the plan would it be go through a process?

Jody Kablack: They would be required to undergo a full hearing/modification procedure.

Ken Daly: Right now it is a paper street, can it be built or extended?

Jody Kablack: Not under the current approval, however it could come before the Board in the future.

Ken Daly: Septic tests on lot 3 of this development – is it relative to this?

Jody Kablack: You would have to check with the Board of Health.

On motion duly made and seconded, it was unanimously:

VOTED: To release from Covenant Lot 2 of the Plan of Land known as  
Whitehall Estates II.

On motion duly made and seconded, it was unanimously:

VOTED: To release Lot 2 from the new Covenant under new name to be held by  
the Town Planner until the new Covenant is received.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the deed and form as amended and reviewed by the Town Planner.

**Hawes Farm Definitive Subdivision** – *Continue Public Hearing*

Michael Hunter, coordinator: No new communication since the last meeting; the site visit was done by the Board.

Bruce Ey of Schofield Brothers reviewed issues and suggestions from previous meeting.

1. The zoning violation brought up by the Building Inspector of the garage being too close to the line at the center of the road: The owner will submit a new ANR plan with a new lot configuration to maintain the 65' line requirement.
2. New road proposal at a 10% slope which will save 5' of cut along almost the entire length.
3. The walkway easement across the front of the property and the front of the ANR portion will show on the definitive plan. They will put a 20' walkway easement on the ANR. This will be conveyed by Mr. Hawes upon approval.

Drainage: Currently, water from this property and the adjacent portion of Nobscot hill flows down across this property onto Dudley Road, and then ultimately into the Springhouse Pond system. Their drainage proposal mitigates the ½ acre of new impervious surface created by the project. They propose underground storage in order to create volume. Soils in the area are not very permeable. Some infiltration will occur, but not in back-to-back storm conditions. Structures are sized to accommodate the additional impervious surface for the 100 year storm. Bill Place was concerned with the area where water weeps across Dudley Road after significant rain. The problem was how to get the water across the road. Bill Place wanted initially to install a 6' pipe connected to the catch basins but it would have had to go through back yards. Lisa Eggleston's suggestion, which Bruce Ey felt was feasible, was to have a siphon culvert (underground) with a catch basin on either side of the road (inverted siphon) which would not force a lot of water through at once but would enable the Town to maintain and clean. This was brought to the Town Engineer's attention and he supported the idea. They will submit a formal design.

Sight Distance: To the north, there are not any problems, however sight distance to the south will require the removal of 8 or 9 trees. This is also where the walkway easement will be located.

Lot 2 is a 72,000 square foot lot with a 12,000 square foot drainage chamber; the remainder of the lot has the driveway and septic (which will be in a fill situation). They will need to clear along the property line of lot 2 to install a cuvert (to direct water away from the septic system), but estimate approximately 75' of trees being preserved between the drainage easement and the house.

Lisa Eggleston: Regarding the siphon culvert, an issue for Bill Place would be maintenance.

Bruce Ey: They would have to use a vacuum truck; leaf cover will be an issue, blocking grate.

Lisa Eggleston: Is the catch basin going to be in the pavement?

Bruce Ey: It's off to the side in the existing swale. A small berm between the road and catch basin will be created.

Lisa Eggleston: If it doesn't work, is there a secondary system?

Bruce Ey: The catch basin siphon should solve the issue of getting water across Dudley Road.

Jody Kablack: We should consider stormwater maintenance funds for the siphon culvert.

Bruce Ey: The homeowners will be responsible for on Lot 2 culvert and the underground drainage structures.

Bill Keller: Does the water eventually leach out the bottom of the underground structures?

Bruce Ey: Yes, within 3-5 days.

Jody Kablack: Trees 18" in diameter should be marked for preservation. A waiver could be granted in consideration of specific screening along Tippling Rock Road and to screen the cut caused by the drainage area.

Bruce Ey: There is a 5-6' leeway where the road will go; the septic systems have to go in proposed locations; they can slightly move houses/driveways.

Jody Kablack: For construct on slopes over 10%, regulations require a grading plan which we will need for Lot 2. The lot line by Tippling Rock Road will be the most impacted.

Lisa Eggleston: Concurs with Bruce Ey to put low brush buffer along Dudley Road in for sight reasons. On the drainage calculations, the culvert is said to be sufficient for 100 year storm, but pipes are designed for 25 year storm.

Bruce Ey: Regulations call for those specifications.

Lisa Eggleston: Also look to see if the driveway can drain off to the south along the gutter line of Dudley Road so it is not crossing the road.

Bruce Ey: Believes that is feasible.

Lisa Eggleston: Is the culvert in the back of the property part of the Operation and Maintenance plan?

Bruce Ey: It should be.

Lisa Eggleston: Would like to see it in the O&M plan specify that the pipe is to be maintained by the Homeowners.

Bill Keller: The Town walkway fund would appreciate an offering from the developer as there are not any proposed walkways.

Bruce Ey: There is approximately 220' of walkway built; however the remainder of the road there is no walkway. A trail may be constructed depending on what ConCom wants.

On motion duly made and seconded, it was unanimously:

VOTED: To close the public hearing on Hawes Farm.

On motion duly made and seconded, it was unanimously:

VOTED: To direct the Town Planner to prepare a draft Decision.

**Cummings/ Sudbury Research Center Site Plan** – Recommendations to Selectmen

Bill Keller thanked Ralph Tyler for the package he prepared for the Board regarding this application.

Jody Kablack updated the Board since the last meeting on September 19<sup>th</sup>. Mr. Tyler's material he submitted to the Board for that meeting was mostly based on the Zone II line. Ms. Kabalck stated that the line shown on the site plan is accurate as it utilizes the zoning line voted at Town Meeting. The discrepancy brought up is more applicable to the Board of Health and DEP. There was a second line approved by the Department of Environmental Protection in 1996, unclear as to what was submitted to the DEP to have them change the line. The Board cannot change the line for zoning without the approval of Town Meeting. The impact this line has on this application is in determining the amount of impervious surface permitted in Zone II.

Myron Fox, attorney representing the applicant: Are there any specific issues for Cummings to address tonight?

Jody Kablack: The impact on Frost Farm Road; Cummings said they would show the exact location on a plan which they have not submitted. The Board needs more information on stormwater management. Have the wetlands been flagged?. Also drainage calculations running all the way down the driveway to check the volume has been requested by Bill Place. Would the Cummings Engineers provide this?

Marc Knittle: They received the Town Engineer's comments today and are willing to discuss. The stormwater calculations did go to Valerie Thompson at the Department of Environmental Protection as well as the Unysis licensed site professional (LSP); they were reviewed and accepted.

Chris Morely: What about the parking issue violation regarding the access driveway mentioned in Mr. Tyler's package?

Jody Kablack: There is nothing in the by-laws relative to that in this circumstance.

Lisa Eggleston: Will the correspondence from the DEP address septic as well? Looking for response to Mr. Verrill's letter. Would like it in writing that the proposal will not have a negative impact overall.

Marc Knittle: It was all looked at. They will attempt to get a written response from DEP.

Mr. Tyler: Disappointed in Jody's confirmation of Zone II line. He does not understand the assessment. Had been told by the Planning Board secretary at noon time there was no further written confirmation; saw no maps.

(Note: The maps were not in the Planning Board office at the time Mr. Tyler came by. )

It is his opinion there are severe zoning violations with the proposed plan and thinks the Board should enforce the bylaws. Parking off access driveways specifically where you drive into is not allowed. Two lots have been created and not addressed. Mr. Tyler is not convinced with Jody Kablack's assessment of the Zone II line. He also feels the parking exceeds what is permitted in the bylaws.

There was much discussion between the Board members, Mr. Tyler, and Jody Kablack regarding the Zone II line which resulted in the Board acknowledging the map for Zoning purposes which Cummings utilized in their plan is indeed the map approved by Town Meeting and is the actual map in the Town Warrant.

Attorney Myron Fox addressed Mr. Tyler's concerns that the site exceeds the maximum impervious surface limitation in Zone II already. Although the new building would be in Zone 3 where there are no impervious surface regulations, Cummings is willing to address this alleged violation. However, they have not come up with any solution at this time.

Lisa Eggleston: One of the main purposes of limiting impervious surface in Zone II is to maintain recharge patterns within the watershed. A possibility for the Selectmen to consider could be to look for other property within this Zone II that could be maintained at less than 15%. No specific property being implied. The Board is just seeking alternative means to comply with this provision.

Marianne D'Angelo: The Board may want to issue a memo separate from the recommendation of the Cumming/Sudbury Research Center to address the alleged zoning violation. Do not feel that it is within the scope of site plan review since no changes are proposed in Zone II.

Michael Fee: It should be context specialized. The Board should recognize the significant amount of time spent on Mr. Tyler's literature and the research done by Jody Kablack. The line is where it is and we do not need to address impervious surface any further tonight.

Marianne D'Angelo: As the Planning Board is the body who oversees the Zoning Regulations we should address this as a separate issue.

Jody Kablack: It should also be reviewed how we got to this point. IF there is a violation, it was an oversight by officials/boards. There is some missing data in the files. It should be addressed in a parallel track with mitigation recommendations. We granted permits/approvals that somewhat put Cummings in their current position.

Ralph Tyler: In 1991, the Town regulations relaxed the impervious surface to 38% in Zone II. In 1994, the recommendation was made to go back to 15% (and 25% with a special permit) and with that zoning change Cummings became a pre-existing, non-conforming use. The subdivision made the situation worse. He feels until the zoning violation is resolved, no occupancy permit should be issued by the Building Inspector.

Bill Keller gave Cummings an opportunity to respond or comment.

Marc Knittle: Cummings has no comment at this time.

Mr. Wegner: Suggests the Board go to Town Counsel prior to making any recommendations.

Mr. Fox: Does not feel it would be beneficial to go to Town Counsel about an engineering line – you do what the Town Planner did and go to the Town Engineers who we pay to do this for us. We should have confidence in the Town Engineer's assessment. Also, zoning is not always as it first appears.

On motion duly made and seconded, it was unanimously:

VOTED: To direct the Town Planner to prepare a letter to the Selectmen outlining the issues discussed, including:

- Remove parking on the west side of the building;
- Permit reserved parking spaces;
- Response from DEP prior to approval;
- Board feels confident that correct Zone II line has been used by the applicant;
- Do not recommend moving parking into Zone II
- Development be limited to Zone III
- If the plan changes substantially, the Planning Board would like an opportunity to review changes

Impervious surface issue should be addressed separately. Lisa Eggleston suggested purchasing and protecting land in another part of the Zone II. If the alleged violation is the case, Cummings should buy/preserve land in Zone II to preserve recharge.

The Planning Board will continue discussion on the Water Resource Special Permit application.

### **Capital Budget:**

On motion duly made and seconded, it was unanimously:

VOTED: To submit the prepared Capital Budget for next year's budget in the amount of \$150,000 for walkways.

### **Master Plan:**

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the Master Plan for the Town of Sudbury.

The Town Planner will follow-up with Boards to check progress of the Master Plan. A memo regarding implementation will also be submitted.

**Senior Residential Communities Rules and Regulations:**

The Town Planner has prepared a new hardship clause to be inserted into the rules and regulations for Senior Residential Communities. The Board will look into the language and work with Paul Kenny and Myron Fox to present for a Public Hearing at a later date.

**Willis Hill Subdivison:**

The Planner updated the Board. The owner has commenced blasting off Widow Rite's Road. The Town Planner has notified the Water District, Board of Health about the blasting, as they might both have concerns.

**Frost Farm:**

On motion duly made and seconded, it was unanimously:

VOTED: To extend the Frost Farm endorsement date for 2 years.

The meeting was adjourned at 11:05 p.m.