

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

Absent: Michael Fee (Associate)

The meeting was called to order at 7:55 p.m.

Sudbury Research Center (Cummings Properties, 142 North Road)
Water Resource Special Permit – Public Hearing

William Keller coordinated the Public Hearing.

Attorney Myron Fox representing the applicant, emphasized the application is not for new construction, but rather to legalize Zone II existing conditions due to an oversight by several Boards and Committees. Currently, the maximum percentage of impervious surface permitted in Zone 2 is exceeded on this site. The error was picked up while the application was before the Selectmen. The solution proposed was to reduce the impervious surface to 25%. Mr. Fox referred to a letter dated 10/17/01 from Town Counsel, the Town Planner and the Town Engineer stating their joint recommendation for removal of pavement to the maximum of 25% of the lot area to be covered by impervious surface. Current opposing issues by Mr. Tyler and Mr. Verrill have been presented before; in particular the Zone II line issue which was decided to be resolved by various Boards. Mr. Fox next referred to a letter from the Planning Board to the Board of Selectmen dated 10/9/01, in which the Planning Board stated a significant amount of time had been spent on Mr. Tyler's allegations which were ultimately rejected.

Marc Knittle, Director of Development for Cummings Properties reviewed special permit requirements and the basic site plan approved by the Selectmen. Two versions were approved, one with the error and one with the correction in which there is a reduction of approximately 15,000 square feet of impervious surface and a small reduction of parking in the northeast corner of the property. The new parking configuration was approved by the Board of Selectmen. The Board of Health issued a new septic permit, compliant with Title V. There are 13 acres total involved with approximately 10.5 acres in Zone 3 and 2.7 acres in Zone 2. The existing impervious surface in Zone 2 is at 38% and will be decreased to 24.9% for a net reduction of approximately 15,000 square feet of new pervious area in Zone 2. The applicant believes the following factors will improve the water quality:

- increase the amount of natural recharge
- 3 catch basins retrofitted with hoods/gas traps
- rip rap extension of existing drainage
- will install grassy swales and stone rip rap

The applicant is requesting 4 waivers from the Planning Board:

1. Section 2.2.5: Requiring water quality baseline data from monitoring wells.
2. Section 2.2.4.6: Requirement of pre- and post-development contours at one foot intervals. (Applicant has shown them at two foot intervals)
3. Section 2.2.15: Groundwater quality monitoring
4. Section 2.2.16: Estimates of accuracy by standard deviation

The applicant responded to the Town Planner's and the Town Engineer's requests; all documented. Marc Knittle addressed Mr. Verrill's request for a building moratorium as well as the Conservation Commission's comments. It was their understanding that the Conservation Commission was satisfied when they had met. During the Site Plan review process with the Selectmen, the Department of Environmental Protection issues were addressed as well. The DEP concurred with the report issued by Environmental Resources Management stating the proposal will not substantially impact groundwater contaminant plumes in this area.

Mike Hunter: The area proposes 15,000 square feet to be made impervious; what does Cummings propose to do with the fill? It should be treated in such a way to restore original permeability. May want to consider adding organic material.

Lisa Eggleston: Something low maintenance that will enhance infiltration would be best.

Marc Knittle: Most likely, they will reclaim the asphalt on site and use it as land fill.

DEP permits anything over one year to be used as fill.

Discussion continued with a review of the property's history and original error which the applicant is now trying to legalize under the bylaws. The Board also reviewed the drainage plan.

At this point, the Chairman opened the discussion to the public.

Ralph Tyler: Provided the Board with a letter with reason why he feels the Planning Board should not approve the permit requested by Sudbury Research.

1. Mr. Tyler feels the applicant has not provided the correct data to consider why they should be permitted to go to 25% from 15% which is allowed by right.
2. 1' contours are required by regulation – does not feel applicant has provided documentation for this waiver.
3. Accuracy of data is very important.
4. Groundwater quality monitoring wells not shown
5. Seasonal profile of groundwater elevations are not shown for pre- and post-development. Is 5' elevation from surface being maintained?
6. Known public and private wells are not shown
7. Zone II line issue – 1994 bylaw shows default in Zone II

8. Zone II in bylaw states Zone II as “scientifically delineated”. Mr. Tyler feels the DEP line should be used.
9. System of groundwater recharge for Zone II not provided
10. Feels the application if approved would be detrimental to Mr. Verrill. Overflows are not captured; only the first inch.

Mr. Wagner: The water pressure is going to lower area; resurfaces in Mr. Verrill’s land.

Ralph Tyler: Mr. Verrill was unable to attend tonight but did not want it misinterpreted that he is not interested.

Bill Keller: Three submissions had been presented at the start of the meeting. The Chairman addressed the attorney’s applicant, Myron Fox as to how he would like to respond. Mr. Fox will provide written response.

Mr. Tyler feels the Board may want to delay voting on application until the Zoning Board of Appeals meets on 2/13/02 regarding the Zone II line.

Marianne D’Angelo: Ralph Tyler has not provided any new information. She is comfortable with voting tonight. Chris Morely concurred.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing on Sudbury Research Center Water Resource Special Permit.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct the Town Planner to prepare a Decision on the application of Sudbury Research Center for the 1/30/02 meeting.

Mercury Estates Definitive Subdivision – Continuation of Public Hearing

There had been one correspondence since the last meeting from the Fire Chief which was read by Jody Kablack.

Tom DiPersio, Thomas Land Surveyors reviewed the proposal for a 2 lot subdivision off Landham Road. The issues presented by the Town Engineer were addressed including: site distance, location of common driveway, contour and build-out. Site distance was increased from 210’ to 280’. The right-of-way was moved to the south to encompass the turn-a-round. They meet the 50’ property line requirement; also meet corner lot dimension requirement.

Chris Morely: Perc tests okay?

Tom DiPersio: Septic in back is okay; they will retest soil.

Jody Kablack: The soil is consistent throughout. The Town Planner favors this plan.

On motion duly made and seconded, it was unanimously:

VOTED: To close the Public Hearing on Mercury Estates Definitive Subdivision.

On motion duly made and seconded, it was unanimously:

VOTED: To direct the Town Planner to prepare a Decision document for Mercury Estates Definitive Subdivision.

Forestside Estates – Preliminary Subdivision

Bob Parente – Engineer

Peter Gallipeau – Newbridge Homes

The proposal before the Board seeks to subdivide 2 parcels on Hudson Road into 5 lots. The existing structures will be removed with a 400' long cul-de-sac with access to Hudson Road. The applicant is seeking a waiver to reduce the road width to 22 feet and for the elimination of walkways. They addressed the Planner's request to calculate the offset distance at 360'. Site Distance is very good in both directions but has not been measured yet; no impeding trees. There was discussion of historical fixtures and filing with the Historical Commission.

Chris Morely: Suggest discussion of resource area with Conservation.

Jody Kablack: There is no natural vegetation on the property.

Lisa Eggleston: Have you considered surface structure instead of sub-surface for stormwater?

Bob Parente: Can't do recharge with surface structure.

Lisa Eggleston: Could do a vegetated surface swale within the right of way (either side). Have it all drain into the swale; if it's sandy soil, it will disperse and infiltrate.

Bob Parente: Some towns do not like swales along the side of the road.

Lisa Eggleston: From a stormwater management perspective, it makes good sense.

Basically very subtle in the right of way but will be treated as part of lawn.

Jody Kablack: It could be stoned and vegetated for better infiltration.

Lisa Eggleston: Easier to maintain that way and also save money not having to build structures – that money could be used elsewhere.

The applicant will take the Board's opinions into consideration.

Zoning Board of Appeals Petitions

The Planning Board discussed an application submitted by Laura McCarthy for a variance to creation of a building lot on a parcel having no frontage on Concord Road.

The Planning Board denied recommendation of subject petition based on the following:

- Application may not be feasible; may not be in compliance with subdivision regulations
- The plan does not indicate an easement or alternative to cross Armstrong property
- Other options have not been exhausted
- Does not provide any public benefit to grant variance

Sudbury Woods – Bond Release

On motion duly made and seconded, it was unanimously:

VOTED: To release the Bond for Sudbury Woods Subdivision.

Willis Woods – Bond Reduction

On motion duly made and seconded, it was unanimously:

VOTED: To reduce the bond for Willis Woods by \$12,000, with proceeds from this reduction to contribute \$6,000.00 to the Town Walkway account and to gift to the Town an additional \$6,000.00 for improvements to Butler Road.

Bonding Policy

On motion duly made and seconded, it was unanimously:

VOTED: To approve the FY 02 Bonding Policy prepared by the Town Engineer.

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Street Acceptances: No progress to report on Willis Hill.

Frost Farm Proceeds: Approximately \$10,000/unit will go to the Town. If not appropriated, these proceeds will go into a General Fund. The Board of Selectmen want it to go into the Housing Fund. While, the Planning Board supports the Housing Fund, they would like to be sure options for the CPA have been explored. The CPA gives an option to use funds for affordable housing which may otherwise not happen.

Zoning Articles:

The Town Planner asked the Board to review revisions and email feedback to her.

There being no further business, the meeting was adjourned at 11:00 p.m.