

Present: Michael Fee (Chairman), Joe Sziabowski, Christopher Morely,
Michael Hunter, Eric Poch, and Jody Kablack (Director of Planning and
Development), Lisa Eggleston (Associate)

At 7:38 p.m., Chairman Fee called the meeting to order.

**Joint Public Hearing with the Conservation Commission -
Stormwater Management Regulations**

Present: Conservation Commission Coordinator Debbie Dineen, Conservation
Commission Chairman John Sklenak, Commission Vice-Chairman Victor Sulkowski,
Commission member Samuel Webb, and Conservation Commission Technical Assistant
Victoria Parsons

At 7:40 p.m., Chairman Fee opened a Joint Public Hearing of the Planning Board and
Conservation Commission to discuss regulations for the new Stormwater Management
Bylaw adopted at the Annual 2009 Town Meeting. Chairman Fee read the public notice,
noting that the hearing was duly publicized in the *Sudbury Town Crier* on August 27,
2009 and September 3, 2009, and that copies of the Draft Stormwater Regulations were
made available in the Town's Planning and Community Development Office, the
Conservation Commission Office, and on the Town website.

Chairman Fee stated that a small group of Town staff, including Ms. Kablack,
Ms. Dineen, Ms. Eggleston, and Ms. Parsons have worked over many months to develop
draft regulations. He asked Ms. Kablack to briefly summarize that process.

Ms. Kablack stated that the group was provided a regulations draft template by the
Metropolitan Area Planning Council (MAPC), which was used as a starting point.
Sudbury was a recipient of a MAPC technical grant, which was used for related purposes.
The committee revised the MAPC document to include information Sudbury would want
to capture from potential applicants.

Ms. Kablack noted that the bylaw passed at Town Meeting includes a lot of information,
however, the regulations are meant to clarify standards and processes in a complimentary
manner to the bylaw. She highlighted that the Planning Board is designated as the
reviewing authority, however, the Board can delegate review to other entities as deemed
appropriate. Ms. Kablack further explained that the Board would likely delegate
authority to the Conservation Commission for applications which fall under their
wetlands jurisdictional purview, so as to streamline the hearing and permit process.

Ms. Kablack emphasized that Sudbury has always maintained high standards with its
current process, and thus, it is anticipated that the new process will not be significantly

different. The regulations have been drafted to uphold to the maximum Massachusetts Department of Environmental Protection standards.

The group identified two types of permits, i.e., a General Permit for minor projects, which will require no fee, no hearing and will be decided within 30 days, and a Full Permit process for major projects that might impact surface water or groundwater resources. Ms. Kablack reported that, since the bylaw was passed this spring, one General Permit application has been received and approved by the Planning Board, and one Full Permit application, for the Lotus Blossom restaurant, was received and delegated to the Conservation Commission for review. Ms. Kablack noted that the fees listed for the Full Permit are reasonable and meant to cover the administrative time required for processing.

Ms. Kablack further reported that the group spent significant time establishing the criteria for the regulations. She acknowledged the considerable time Ms. Eggleston and Ms. Dineen spent researching many sources of information. The group believes that the draft regulations presented will benefit the Town by improving the pre-, during-, and post-project inspections of properties and will provide better oversight of operations and maintenance. She also noted that the group has tried to appropriately incorporate Smart Growth and "green" technologies in the regulations.

Ms. Dineen stressed that Sudbury's adoption of the stormwater bylaw this year was required by the Environmental Protection Agency (EPA) and the Massachusetts Department of Environmental Protection (DEP). Ms. Dineen stated that the intent of the group was to develop regulations which would achieve the goals presented in the bylaw, without being an onerous process for homeowners or business owners. She stated that the General Permit is meant as an educational activity to help guide applicants through the process with suggestions for improvements. She displayed a checklist and exhibit board produced by the SUASCO Community Council and the Organization for the Assabet River to help educate the public. Chairman Fee asked if the checklist will be circulated to residents. Ms. Dineen responded that it will be available in Town offices and will be distributed at the Annual Town Meeting and other forums. Ms. Dineen further stated that the regulations focus on erosion control and sedimentation for larger projects and the Full Permit process.

Chairman Fee noted that the thresholds for the bylaw were vetted at the Annual Town Meeting.

Ms. Eggleston stated that the regulations developed will provide consistent standards for Town Boards and Commissions by which to assess compliance. This has not existed previously, since the Planning Board reviewed these issues as part of its subdivision jurisdiction, while the Conservation Commission reviewed the issues under its wetlands jurisdiction. Ms. Dineen concurred, stating that now stormwater issues will be reviewed consistently by the same, updated regulations. Ms. Eggleston stated that DEP updates its

stormwater technical handbook regularly and, when appropriate, the group deferred to the guidance within that handbook. Ms. Kablack noted that the Town's subdivision regulations will be revised to reference these regulations so that they are also incorporated into other relevant local jurisdictional regulations. Ms. Eggleston stated that the regulations serve as clarification and guidance for Town entities and applicants, and thereby better defines responsibilities for all parties.

Mr. Morely asked if the draft has been reviewed by Town Counsel. Ms. Kablack responded that Town Counsel has reviewed many versions of the document as it has developed to ensure that the regulations do not override what is stated in the bylaw. Chairman Fee confirmed that, if an inconsistency were to arise in the future between the bylaw and the regulations, the bylaw would trump the regulations and be viewed as the defining document.

Mr. Sulkowski asked how Sudbury's progress compares regarding the stormwater bylaw process with neighboring communities. Ms. Eggleston responded that every city and town was required to pass a bylaw by May 2009, and that 70-80% have done so. However, she further noted that many cities and towns do not yet have regulations in place. Ms. Eggleston opined that Sudbury's bylaw and proposed regulations are more comprehensive than others, and may eventually become a model for other cities and towns.

Chairman Fee asked for public input from meeting attendees regarding substantive comments related to the draft regulations. Donald Bishop, 213 Old Sudbury Road, stated that he noticed a few typographical errors in the draft document. Chairman Fee advised Mr. Bishop to share his corrections with Ms. Kablack at the earliest opportunity.

Michael DiModica asked who would be reviewing the General Permits and deciding their outcomes. Ms. Kablack suggested that the Planning Board designate her as the approval-granting authority for the smaller projects applying for General Permits.

Mr. DiModica also asked who will determine the extent of compliance required for septic system projects at residential properties. Ms. Kablack and Ms. Eggleston responded stating that a site visit might be conducted to assess how the project could best be directed to mimic the property's natural drainage patterns. Ms. Dineen opined that, especially regarding septic system projects, common sense factors will be considered.

Mr. Bishop referenced a recent Boston Globe article that reported Concord was assessed a \$50,000 fine for stormwater-related non-compliance. Ms. Dineen stated that seven Massachusetts towns were fined for non-compliance.

Thomas DiPersio, Sr. presented a hypothetical idea of a six-lot subdivision application, wherein two lots have excessive slopes, and he asked if all the lots would need to pursue the Full Permit. Ms. Eggleston responded that subdivisions already necessitate a Full

Permit process. Ms. Dineen stated that, in this instance, a developer might be asked to submit additional pre- and post-grading information for the two lots with the steep slopes.

Chairman Fee noted that the bylaw almost always refers only to the Planning Board as the permit-issuing party. Ms. Kablack and Ms. Eggleston confirmed that the "reviewing agent" is not defined in the bylaw. He requested, and the Board concurred, that a sentence be added at the end of the first paragraph of Section 4.0 on page two to read, "The Reviewing Agent shall be considered to be the Planning Board for the purpose of compliance for Sections 4.0 through 8.0 of the bylaw."

Ms. Eggleston noted that in the first sentence of Section 3.0 B. on page 2, the word "is" needs to be inserted as the eight word in the sentence. Ms. Eggleston also suggested, and the Board agreed, that the first sentence of Section 5.0 on page three be revised to read, "These Stormwater Regulations apply to all activities subject to the Applicability...."

At 8:23 p.m., Chairman Fee closed the Public Hearing regarding the Stormwater Management Bylaw Regulations, and he recognized that the Planning Board and the Conservation Commission both had quorums present for a vote.

On motion duly made and seconded, it was unanimously:

VOTED: Jointly by the Planning Board and the Conservation Commission to incorporate into the "Draft Stormwater Management Bylaw Regulations for the Town of Sudbury Revised 8/20/09" language to reflect the recommendations and grammatical corrections made this evening, and to adopt these regulations as finally edited.

Public Hearing: Stormwater Management Permit - Lot 56B Widow Rite's Lane

Present: Thomas DiPersio, Sr., Thomas Land Surveyors, and Property Owner Tony DeSousa

At 8:24 p.m., Chairman Fee opened a Public Hearing regarding an application to construct a new single-family dwelling on Lot 56B, Widow Rite's Lane, Assessor's Map #E06, Lot 0356. Chairman Fee read the public notice, noting that the hearing was duly publicized in the *Sudbury Town Crier* on August 27, 2009 and September 3, 2009, and that copies of the plan and application are available in the Town's Planning and Community Development Office.

Ms. Kablack briefly explained that, due to the timing of this application occurring at the same time that the stormwater regulations were being promulgated, the applicant has not yet been able to provide the Board with a complete application. She has invited the applicant to tonight's meeting to review as much information as possible, but has also made the applicant aware that the hearing will need to be continued. Ms. Kablack opined that it may be possible for the Board to review the pre-construction aspects of the bylaw

tonight, so that construction can begin to take advantage of the fall weather, while continuing review of the post-construction aspects to the next scheduled meeting.

Representing the applicant, Thomas DiPersio presented the Board with plans, to date, depicting what erosion controls will be planned for the site. He explained that the grading of the property slopes vary from a minimum of 10%, to slopes in excess of 20%. He briefly reviewed anticipated erosion controls, including the installation of hay bales and/or silk sacks. Mr. DiPersio further stated that, during construction, run-off will be controlled in a temporary basin. He also provided the Board with a preview of anticipated long-term, run-off controls, including drywells leading into grass swales, noting that the roof drains will be connected to the grass swales, which will ultimately lead to a permanent basin. Mr. DiPersio opined that a rain garden or bio-basin may be created, and that the final plan will be developed as the project progresses.

Ms. Kablack asked if basic drainage calculations are available for review. Mr. DiPersio responded that time did not allow for the calculations to be available this evening, but that they will be provided as soon as possible.

Based upon the erosion control information presented tonight, Ms. Kablack asked the Board to consider approving tonight the start of foundation work, with the appropriate erosion and sedimentation controls installed, to enable the property owner to commence work prior to the winter months.

Mr. Morely opined that he would like to be highly confident that the basin at the base of the hill will be big enough to handle its intended load. Mr. DiPersio responded that more information regarding the basin and the hydrology calculations will be provided at a later date, and that the applicant is most interested in the Board's reaction to the erosion control information this evening.

Ms. Eggleston asked a series of questions regarding the sequencing of the project and the amount of disturbance which will be caused by the foundation work. Mr. DiPersio responded that the site has already experienced significant disturbance. The consensus was that the hay bales and disturbance to the area will likely remain until spring 2010. Ms. Eggleston suggested that "snakes" which stick closer to the ground might provide a better seal than hay bales. Mr. DiPersio stated he will research this option further. Ms. Eggleston asked several other questions related to sedimentation basins, quality of the soil, drainage limitations and overflow points.

Mr. Morely asked for clarification regarding the location of the catch basins, which was provided by Mr. DiPersio. He later asked if the adjacent property will need any mitigation, and suggested that the abutter be approached for input. Mr. DiPersio responded he will investigate those needs further.

Ms. Eggleston emphasized that regular inspections should be required regarding erosion and sediment control. Ms. Kablack clarified that the applicant will be responsible for providing these weekly reports in a timely manner. On behalf of the applicant, Mr. DiPersio agreed to add the language regarding the inspections to the plans and to provide Ms. Kablack with revised copies as soon as they are available.

Ms. Eggleston expressed concern regarding the steepness of the driveway and potential run-off onto the road. She suggested that the applicant may need to hard pipe into the manhole to avoid run-off onto the road surface.

In response to a question from Chairman Fee, Mr. DiPersio stated that the proposed spillway notes and details are not ready yet. Ms. Kablack reminded Mr. DiPersio that the Board will need to receive soil data as soon as possible, which he agreed to provide.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request to construct a foundation for a new single-family dwelling on Lot 56B, Widow Rite's Lane, Assessor's Map #E06, Lot 0356, based upon the erosion and sediment control information presented this evening.

Ms. Kablack asked how long the applicant needs to complete the application requirements and to provide the data and information requested tonight. Mr. DiPersio responded that four weeks should be sufficient to complete the application and to revise the plans.

Chairman Fee noted that the plan indicates common ownership for other adjoining parcels. Mr. Morely suggested that the applicant consider the present and future needs for all parcels as it develops its plans. Chairman Fee concurred.

On motion duly made and seconded, it was also unanimously:

VOTED: To continue the Public Hearing regarding the application to construct a new single-family dwelling on Lot 56B, Widow Rite's Lane, Assessor's Map #E06, Lot 0356, to October 14, 2009, at 7:30 p.m. [Note: the Planning Board meeting scheduled for Oct. 14, 2009 was cancelled and rescheduled to Oct. 28, 2009]

Willis Hill II - Kendra Lane - Subdivision Progress Update and Release of Bond

The Board was previously in receipt of a communication from Ms. Kablack explaining that Town Engineer/DPW Director Bill Place has completed the required work to complete the outstanding subdivision items for a cost of \$5,400. Ms. Kablack further reported that the Town currently remains in possession of a \$25,000 bond, and that Mr. Quirk has requested the balance of \$19,600 be returned to him. Mr. Place and Ms. Kablack recommend release of the bond.

On motion duly made and seconded, it was unanimously:

VOTED: To approve of the request of Robert D. Quirk for a release of bond for Willis Hill II - Kendra Lane based upon the inspection and recommendation of Town Engineer/DPW Director Bill Place, and to instruct Ms. Kablack to inform Mr. Quirk of the Board's decision.

Land Acquisition Review Committee - Member Appointment

Ms. Kablack announced that the Board of Selectmen established a new Land Acquisition Review Committee (LARC) to implement land purchase/land preservation recommendations contained in the 2009-2013 Open Space and Recreation Plan. The Board was previously in receipt of copies of the LARC Mission Statement for review. The Committee's mission is to assist in prioritizing the limited funds available for land purchases by reviewing properties, based upon set criteria, as they become available.

Mr. Poch questioned whether the Committee is needed. Ms. Kablack stated she requested the advisory Committee be formed to assist her in the evaluation and prioritization of useful parcels, which might benefit the Town.

Mr. Sziabowski questioned why seven members have been designated for the Committee. Ms. Kablack responded that the membership constitution should be corrected to read that up to seven members will be considered for the Committee. She further stated that interest has been expressed by a few people for membership consideration. Two Committee positions will be reserved for one member from the Conservation Commission and another from the Planning Board or their designee(s). All Committee members require appointment by the Board of Selectmen.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Board, to draft a letter to be sent to the Board of Selectmen, recommending that Christopher Morely be appointed as Sudbury's Planning Board member on the Land Acquisition Review Committee.

Minutes

On motion duly made and seconded, it was unanimously

VOTED: To approve the regular meeting minutes of July 31, 2009, and September 1, 2009 as drafted, and to approve the minutes of June 10, 2009, subject to replacing the word "purported" in the fifth line from the bottom of the last paragraph on page three with the work "reported," and to also correct the next line to now begin with "...a private convenience rather than a public safety issue."

Miscellaneous

161 Plympton Road - Tree - Update

The Board was previously in receipt of a letter from Sudbury Safety Officer Ronald B. Conrado, dated July 22, 2009. In his letter, Officer Conrado states that he deems the tree located at the edge of the driveway of 161 Plympton Road to present a safety issue.

On motion duly made and seconded, it was unanimously:

VOTED: To authorize Ms. Kablack, on behalf of the Board, to draft a letter to be sent to Officer Conrado, stating that, while the Planning Board values the opinion of Sudbury's Police Department, unfortunately, the communication regarding the safety issue presented by the tree located at the edge of the driveway of 161 Plympton Road arrived approximately six weeks after the close of the Public Hearing on this matter, and thus, the Board was not able to take this information into consideration at the time of its vote, and that, in the future, the Board would appreciate receiving input concurrent with the open Public Hearing.

Application Not Required - 555 Concord Road - Approval

Ms. Kablack briefly reviewed with the Board the Form A, Application For Endorsement of Plan Believed Not To Require Subdivision Approval, and plan submitted for 555 Concord Road. Ms. Kablack recommended approval.

On motion duly made and seconded, it was unanimously

VOTED: To endorse the plan submitted for 555 Concord Road as Approval Not Required.

Upcoming Planning Board Meeting Schedule

The Board's next two meetings are scheduled for October 14, 2009 and November 18, 2009.

The meeting was adjourned by Chairman Fee at 9:25 p.m.