

Present: Chairman Michael Hunter, Christopher Morely, Craig Lizotte, Pat Brown, Peter Abair, Martin Long (Associate Member) and Jody Kablack (Director of Planning and Development)

At 7:32 p.m., Chairman Hunter called the meeting to order.

Public Hearing: Stormwater Management Permit & Water Resource Protection District Special Permit – Northern Bank & Trust Co. – 430 Boston Post Road

Present: Applicant's attorney Shaun Briere, engineer Brian Fairbanks and Sudbury Stormwater Management Peer Reviewer John Boardman

At 7:32 p.m., Chairman Hunter opened the Public Hearing regarding a Stormwater Management Permit application and a Water Resource Protection District Special Permit application submitted by Northern Bank and Trust Company, Applicant, to construct a new 2,500 square-foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping, and lighting at 430 Boston Post Road (Assessor's Map K08-0077), and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of a letter from the applicant's attorney Shaun Briere dated October 22, 2013 and accompanying materials, including the Permit applications and requested waivers, the Zoning Board of Appeals (ZBA) Notice of Decision dated September 30, 2013, the Board of Selectmen Site Plan Modification Decision dated October 1, 2013, the Board of Selectmen Site Plan Decision dated January 22, 2013, a Stormwater Management Report prepared by EBI Consulting dated July 23, 2013 and Site Plans prepared by EBI Consulting dated August 15, 2012 (last revised July 22, 2013), a memorandum from Ms. Kablack dated December 6, 2013, a letter from Sudbury Stormwater Management Peer Reviewer John Boardman dated November 20, 2013, a letter from EBI Consulting dated December 2, 2013, responding to comments received, a letter from Department of Public Works Director/Town Engineer Bill Place dated November 20, 2013, a letter from Mr. Boardman dated December 6, 2013, and a memorandum from Ms. Kablack dated December 10, 2013. In addition, the applicant provided copies of a revised plan, which Ms. Kablack distributed tonight.

Attorney for the applicant Shaun Briere stated this project has been discussed with several Town boards and committees for over a year. Mr. Briere described the location, which is currently owned by Colonial Auto. He stated variances have been granted by the Zoning Board of Appeals (ZBA) and the two permits under discussion tonight are the only outstanding approvals needed. Mr. Briere emphasized this project will beautify a dilapidated site in a key Town location. He believes the project proposed will be successful, and it has been well researched and vetted.

Engineer for the applicant Brian Fairbanks summarized the plan revisions which were made based upon comments and recommendations received.

Chairman Hunter stated the plan has been well conceived.

Mr. Long asked whether an emergency shut-down system is required. Mr. Briere stated it was concluded the bank is a low-impact use which would not require this. Mr. Fairbanks stated the applicant is amenable to providing some type of containment, if necessary.

Mr. Lizotte stated it is highly unlikely a shut-down system would ever need to be used. He suggested, and the Board concurred, that a Spill Prevention Countermeasure and Control (SPCC) plan be required to be prepared by the applicant and that it be kept on-site. Mr. Briere stated this would be an acceptable solution. Sudbury's Stormwater Management Peer Reviewer John Boardman concurred this was an acceptable recommendation.

Mr. Abair and Mr. Morely commended the applicant on the quality and thoroughness of responses provided to comments received.

Chairman Hunter asked Ms. Kablack to explain the difference between the two permits requested, which she provided. She noted the Water Resource Protection District Special Permit would require several waivers, but the bank should be considered a low-impact use. Ms. Kablack also reviewed the conditions required for granting this permit.

Mr. Boardman stated he visited the site today and he has spoken with Director of Public Works (DPW) Bill Place. His comments are intended to ensure problems upstream are not exacerbated by this project.

Mr. Fairbanks explained the front half of the existing site currently drains to Boston Post Road or Union Avenue, and the remainder of the property flows over land. This project would direct discharge to the same brook to which it currently goes. Mr. Fairbanks stated more water would be directed to the Union Avenue pipe, but capturing the water in a catch basin is a better option than what currently exists.

Mr. Boardman asked if a reverse drainage system could be considered. Mr. Lizotte questioned whether this could be accomplished. Mr. Briere noted the applicant does not own the other two properties involved.

Mr. Lizotte noted the proposal drastically reduces the current amount of impervious surface on site. He asked if an analysis was done of the pipe in the road as a design point for current and proposed conditions. He opined the differences may be minimal, given how much landscaping is being added to the site. Mr. Fairbanks stated this has not been done, but could be pursued.

Mr. Boardman asked if it is possible flooding could be increased on the adjacent property at the front right corner of the property. Mr. Fairbanks stated the current condition is that overflow from the adjacent property flows onto this site, due to an existing artificial low point. He believes there is no flow going from this site to the adjacent property.

Mr. Morely opined he has concluded from observations made over many years that the adjacent property floods onto this site.

Mr. Boardman stated a concern regarding dewatering during construction, and he asked where the water would go which would be pumped. He emphasized it is important the water be clean, and he recommended additional information specific to the dewatering operation for this site be required as a condition of approval. A brief discussion ensued regarding testing done and/or proposed to date. Mr. Lizotte stated it is reasonable to assume that contamination may arise during pumping. He stated the applicant must be prepared to deal with this possibility before the Board could approve the permit.

Mr. Briere asked for clarification regarding what the Board would require for the next meeting. Ms. Kablack summarized the existing pipe in Union Ave. should be analyzed, the applicant should work with

Mr. Place and Mr. Boardman on not worsening the artificial low point, more specific dewatering information should be provided and a SPCC plan should be prepared.

Mr. Lizotte opined it is not the applicant's responsibility to address the adjacent property's flooding issue. Mr. Morely and Chairman Hunter concurred.

Mr. Fairbanks stated the pipe can be analyzed and the SPCC can be prepared. He stated not much can be done regarding the flooding on the neighbor's property, since it is not owned by the applicant.

Mr. Briere asked if a continuance of the Public Hearing could be avoided by addressing some items tonight. Mr. Morely stated the Board has not been provided a draft decision tonight on which to vote.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the Stormwater Management Permit application and a Water Resource Protection District Special Permit application submitted by Northern Bank and Trust Company, Applicant, to construct a new 2,500 square-foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping, and lighting at 430 Boston Post Road (Assessor's Map K-8-0077), to January 8, 2014 at 7:45 p.m., and to instruct Ms. Kablack to prepare a draft decision for the Board's review at the next meeting.

Public Hearing: Definitive Subdivision – 82 Maynard Road – Assessor's Map #G08-0026

Present: Co-developers Robert Roth and Robert McGinty

At 8:14 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision, as shown on a plan entitled "Definitive Plan of Land, 82 Maynard Road in Sudbury, Mass.," prepared by R. Wilson and Associates dated October 23, 2013, proposing a subdivision of approximately 3.17 acres into two lots and construction of improvements thereon, and he read aloud the Public Hearing Notice. Said property is located at 82 Maynard Road (Assessor's Map G08-0026). The Board was previously in receipt of copies of the Town of Sudbury Form C application, the Town of Sudbury Planning Board Evaluation Form for Subdivisions submitted by Ms. Kablack and dated November 19, 2013, a letter from Department of Public Works Director/Town Engineer Bill Place dated November 14, 2013, a memorandum from Sudbury Conservation Coordinator Debbie Dineen dated December 3, 2013, an email from Robert Derderian dated November 19, 2013 explaining the plans for a five-lot subdivision were being withdrawn and that engineer Tom DiPersio has been asked to begin work on a three-lot plan, and two letters from the applicant's civil engineer Russell D. Wilson dated October 24, 2013. In addition, copies of a letter from attorney Saul Feldman dated December 10, 2013, and three memoranda from Russell Wilson dated December 5, 2013 were distributed tonight.

Ms. Kablack stated this is a new proposal for a two-lot subdivision, which will require creating frontage for the new lot. She reviewed for the Board the materials received to the file.

Co-developer Robert Roth summarized the proposal for the 3.17-acre parcel which has an existing house on the southern portion of the property. Mr. Roth stated the plan was restructured based on comments received from Town staff. He explained a common driveway is proposed, and a new 2,000 square-foot home would be added to the parcel. The existing house at 82 Maynard Road is proposed to remain.

Chairman Hunter referenced Ms. Kablack's evaluation, and he stated the application has numerous deficiencies. Ms. Kablack stated the revised proposal would require two waivers, however, she has not yet prepared a summary memorandum of comments and recommendations.

Mr. Roth explained the major plan revision was to shift the street to one side so as to minimize waivers. He stated the eastern lot has the required frontage, but the western lot cannot create enough frontage for a corner lot and a "Parcel" at the street frontage has been proposed. Mr. Roth stated there is minimal grading on the property, and the proposal follows the current grade. He also stated the soils have been tested, and two new septic systems exist.

Mr. Morely asked about the retention pond, noting the two proposed owners would need to share driveway and retention easements.

Mr. Lizotte asked Ms. Kablack for clarification regarding what the regulation is for the 50-foot setback requirement. Ms. Kablack stated the right-of-way should not abut any exterior property line, and that a minimum of 50 feet is required. She also explained the requirements for corner lots. Ms. Kablack stated the proposal has tried to simplify the waivers required.

Ms. Kablack stated a plan has not been submitted by the applicant which confirms the subdivision could comply with regulations. This is usually required by the Board before it considers waivers.

Chairman Hunter asked if the plan indicates the reserve areas for the septic systems, and he asked that they be verified.

Mr. Lizotte stated he would hope the plan has followed the strict Title V requirements for how close a septic system can be placed to a slope.

Chairman Hunter asked if wells have been proposed. Mr. Roth stated no because Town water will be used.

Mr. Morely asked if placing a septic system in the front of the property had been considered. Mr. Roth stated many options were explored.

Mr. Morely stated the Board has not received a plan which indicates the proposal could be built without waivers. Ms. Kablack stated there is not enough frontage for the proposal without waivers being granted.

Chairman Hunter asked about the future street noted on the plan. Mr. Roth stated he believes there is no road, and that nothing has been recorded in Land Court. Mr. Morely opined this should be further researched, since it is likely to be broached at the time of a sale.

In response to a question from Mr. Abair, Mr. Roth stated he needs a waiver to do the project, and he stated the Board has approved similar situations in the past.

Mr. Lizotte voiced his frustration that such an incomplete plan was submitted and has utilized valuable Town staff resources. He is concerned that the proposal has so many technical deficiencies, which do not comply with the Town's bylaw requirements.

Mr. Roth accepted the critique, stating that, from the beginning, the process could have been done much better.

Mr. Morely stated the applicant should be prepared at the Board's next meeting to explain what the public benefit would be for granting any waivers.

Chairman Hunter advised the applicant that a fundamental requirement is being asked to be waived, and he is not inclined to do so easily. Mr. Roth reiterated that similar waivers have been granted for locations throughout Sudbury, and that he has acted in good faith based on past precedence. Ms. Kablack stated the applicant should document other similar waivers granted. Chairman Hunter stated the applicant does not have the required frontage for the proposal, and he suggested working with the neighboring property to develop a better proposal.

Mr. Roth stated he has met several times with the neighboring property owner, but they do not agree on what is best for both properties.

Abutter John Derdarian stated he does not want the applicant's project to adversely impact his plans. Mr. Derdarian had hoped to combine the projects and split costs, but he stated Mr. Roth was not interested in doing so.

Ms. Kablack stated the Town has been presented with independent, preliminary plans from both Mr. Roth and Mr. Derdarian which are both fraught with problems. She encouraged both property owners to find a way to work together for all of their best interests.

Sudbury resident Elizabeth Touche, 98 Maynard Road, asked if the plans exhibited tonight are available to the public. Ms. Kablack stated they are available at the Planning Office, and Mr. Morely gave Ms. Touche his plan copies.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing for the application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision, as shown on a plan entitled "Definitive Plan of Land, 82 Maynard Road in Sudbury, Mass," prepared by R. Wilson and Associates dated October 23, 2013, proposing a subdivision of approximately 3.17 acres into two lots and construction of improvements thereon to January 8, 2014 at 8:15 p.m.

Public Hearing: Livermore Estates – Definitive Subdivision and Stormwater Management Permit – Lots 47, 48, 54 and 55, Assessor's Map #E06-0150, 0352 and 0353

Present: Applicant's engineer Vito Colonna

At 8:54 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by SF Holdings LLC, for approval of a Definitive Subdivision Flexible Development Special Permit and Stormwater Management Permit, which was continued from November 13, 2013. Said property will involve the disturbance of approximately 59,000 sq. ft. of land area and which contains areas with slopes greater than 15%. The Board was previously in receipt of copies of a letter from Hancock Associates' Stormwater Management Peer Reviewer John Boardman dated November 21, 2013, an email from Mr. Boardman dated December 5, 2013, stating all concerns have been addressed, an email from the applicant's engineer Vito Colonna dated December 2, 2013, addressing a few outstanding issues, a letter from Connorstone Engineering, Inc. dated November 7, 2013, responding to comments received, and a memorandum from

Ms. Kablack dated December 5, 2013. In addition, copies of an email from Fire Chief William Miles dated December 10, 2013 were distributed tonight.

Chairman Hunter stated there were only a few outstanding issues to be resolved after the Board's last meeting.

The applicant's engineer Vito Colonna stated Sudbury's Fire Department has accepted the recommendation to install sprinkler systems in the proposed homes.

Mr. Abair asked what will happen to lots A & B. Mr. Colonna stated they would be granted to the abutter.

Chairman Hunter briefly summarized some of the other comments from Ms. Kablack's December 5, 2013 memo. He asked about item #8, regarding who would benefit from, and maintain, the proposed drain on the western property line. Mr. Colonna stated the drain would most benefit the abutting property and they could maintain it. Ms. Kablack stated the Town cannot mandate that the abutting property maintains the drain. Thus, the Board will require the applicant to maintain the drain in a restrictive covenant.

Chairman Hunter noted the deadline to issue a decision on this application is January 2, 2014, and it has been recommended that an extension of time until January 31, 2014 be requested. Mr. Colonna stated he would provide Ms. Kablack with an extension letter tomorrow.

Ms. Brown referred to item #7 from Ms. Kablack's memo regarding the irrigation systems. Ms. Kablack noted Board of Health permits would be required.

On motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing regarding an application submitted by SF Holdings LLC, for approval of a Definitive Subdivision Flexible Development Special Permit and Stormwater Management Permit, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements to January 8, 2014 at 8:00 p.m., and to instruct Ms. Kablack to prepare a draft decision for the Board's review at the next meeting.

Public Hearing: Widow Rites Lane - Stormwater Management Permit – Lots 47, 48, 54 and 55, Assessor's Map #E07-146, 147, 148, 149, 154 and 155

At 9:03 p.m., Chairman Hunter opened the Public Hearing regarding a Stormwater Management Permit application submitted by SF Holdings LLC, to construct four (4) new single family dwellings on Lots 47A, 48A, 54B, and 55B Widow Rite's Lane (Assessor's Map #E07, Lots 146, 147, 148, 149, 154 155) which will involve the disturbance of approximately 164,000 sq. ft. of land area and which contains areas with slopes greater than 20%, which was continued from November 13, 2013. The applicant has requested that the hearing be immediately continued to a date certain as they have not completed their engineering analysis.

Sudbury resident Ed Dearias, 40 Widow Rites Lane, stated he was in attendance as the neighborhood representative.

On motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing regarding an application regarding a Stormwater Management Permit application submitted by SF Holdings LLC, to construct four (4) new single family dwellings on Lots 47A, 48A, 54B, and 55B Widow Rite's Lane (Assessor's Map #E07, Lots 146, 147, 148, 149, 154 155) which will involve the disturbance of approximately 164,000 sq. ft. of land area and which contains areas with slopes greater than 20% to January 22, 2014 at 8:30 p.m. No testimony was given.

Public Hearing: Stormwater Management Permit – Lot 3 Newbridge Road, Assessor's Map #G11-0500

Present: Property Owner Eric Kaufman

At 9:05 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by Eric Kaufman to construct one (1) new single-family dwelling on Lot 3, Newbridge Road (Assessor's Map G11, Parcel 0500), which will involve the disturbance of approximately 25,500 sq. ft. of land area with slopes greater than 10%, which was continued from November 13, 2013. The Board was previously in receipt of copies of a draft "Decision Stormwater Management Permit Lot 3, Newbridge Road, Sudbury, MA," dated December 11, 2013.

Ms. Kablack highlighted the additional conditions noted on page 3 of the Decision, which were recommended by Sudbury's Stormwater Management Peer Reviewer John Boardman.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the "Decision Stormwater Management Permit Lot 3, Newbridge Road, Sudbury, MA," dated December 11, 2013.

Maple Meadows Senior Residential Community Phase 2 – Request for Bond Reduction/Release

At 9:09 p.m., Chairman Hunter opened the discussion regarding the request to reduce the bond for Maple Meadows SRC. Copies of two letters from Department of Public Works Director William Place dated December 9, 2013 and an email from developer Robert Roth dated December 6, 2013 were distributed tonight.

Ms. Kablack stated the bond currently held for the entire development is approximately \$142,000. Mr. Place has recommended reducing the bond to \$61,766.25. Ms. Kablack stated the applicant is currently delinquent by \$3,200 regarding funding a required escrow account. She also stated a review of the berm has not been completed because she has not received the requested berm survey from the applicant.

On motion duly made and seconded, it was unanimously

VOTED: To reduce the surety performance bond held for Maple Avenue Meadows LLC to \$61,766.25, subject to receipt of the berm survey information and a check in the amount of \$3,200 to fully fund the required escrow account.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of November 13, 2013.

Annual 2014 Town Meeting – Discussion

At 9:18 p.m., Chairman Hunter opened a discussion regarding possible articles for the Annual 2014 Town Meeting. The Board was previously in receipt of a listing of potential topics for the 2014, 2015 and 2016 Annual Town Meetings and an excerpt from the *Boston Globe* listing the marijuana dispensary finalists.

Ms. Kablack stated she will discuss with the Building Inspector revisions which might be needed for an article regarding sheds.

Ms. Kablack stated DPW Director Bill Place believed there may not be any FEMA flood map changes which will impact Sudbury. However, the maps will likely need to be accepted.

Ms. Kablack stated Combined Facilities Director Jim Kelly would like to meet with the Board in early 2014 to review plans for the new Police Station.

Mr. Lizotte asked if there has been any consideration given to what will become of the current Police Station. Ms. Kablack stated the prevailing thought, at this time, is to hold the property until a sewer is installed on Route 20, which would then make the property more valuable.

Mr. Lizotte stated the first step regarding the Melone property disposition will be a public process for discussion. Ms. Kablack stated Board of Selectmen Vice-Chairman Chuck Woodard emphasized at the Community Preservation Committee Public Hearing that the Selectmen view the main objective for the property as helping the Town to achieve its affordable housing goals.

Miscellaneous

In response to a question from Chairman Hunter, Ms. Kablack stated Town Counsel has reviewed the Board's new regulations, and he suggested a few revisions. The Board's procedures are now approved, and they will soon appear on the Town website and be given to all future applicants.

Ms. Kablack distributed copies tonight to the Board of a letter from the Department of Conservation and Recreation dated November 8, 2013 regarding the Mass Central Rail Trail – Wayside Branch and an email from Conservation Coordinator Debbie Dineen dated November 27, 2013. Ms. Kablack stated a scoping session will be held on December 16, 2013 at 1:00 p.m. at the Wayland Public Safety Building.

Mr. Abair stated the Route 20 Sewer Steering Committee has expressed interest in meeting with the Planning Board to discuss coordination of zoning-related information.

The meeting was adjourned by Chairman Hunter at 9:30 p.m.