

Present: Chairman Michael Hunter, Christopher Morely, Pat Brown, Craig Lizotte (arrived 8:20 p.m.), Peter Abair, Martin Long (Associate Member) and Jody Kablack (Director of Planning and Development)

At 7:35 p.m., Chairman Hunter called the meeting to order.

### **Scenic Road Temporary Change – 667 Concord Road**

The Board was previously in receipt of copies of a letter from Sudbury resident Carole Wolfe, 667 Concord Road, dated June 20, 2013. The letter requests a temporary change to the scenic road bylaw in order to temporarily remove a stone wall, to be reconstructed in the same manner within 90 days, to facilitate the installation of underground utilities.

Ms. Kablack read aloud the relevant provision from the bylaw.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Scenic Road temporary change request for 667 Concord Road, as requested in a letter from property owners Richard and Carole Wolfe, 667 Concord Road, dated June 20, 2013.

### **Minutes**

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of June 20, 2013.

### **Newbridge Farm Trust – Right of First Refusal – Discussion**

Present: Director of Planning and Community Development Jody Kablack

At 7:40 p.m., Chairman Hunter opened a discussion regarding the Town's opportunity to exercise its Right of First Refusal option regarding Newbridge Farm Trust. The Board was previously in receipt of copies of a Purchase and Sale Agreement dated June 20, 2013 and accompanying map, exhibits and letter from Trustee Rosanne Dickey, dated July 3, 2013, and relevant sections of the February 28, 2011 Sudbury Conservation Commission Meeting and the March 10, 2011 Board of Selectmen Meeting minutes. In addition, copies of a memorandum from the Board of Assessors dated July 26, 2013 were distributed tonight.

Ms. Kablack described the location of the one-acre lot, which is part of a much larger property, which in its entirety, is listed on the Town's Open Space Plan. She stated the family has sold off approximately five lots over a long period of time for financial purposes. Ms. Kablack noted a similar offer was submitted in 2011, but it never came to fruition. She emphasized that, in the past, and currently, several Boards and committees have reviewed the one-acre lot offer and have recommended that the Town does not exercise its Right of First Refusal.

Mr. Morely briefly shared some background information regarding the property, noting there are several stakeholders involved, but parties have indicate interest in working with the Town. Ms. Kablack concurred, noting the owners have indicated a desire to preserve the property.

On motion duly made and seconded, it was unanimously:

VOTED: To recommend that the Town not exercise its right of first refusal pursuant to M.G.L. c.61B on the property owned by Newbridge Farm Trust as discussed tonight, and to communicate this to the Selectmen.

**Public Hearing: Stormwater Management Permit – Brewster Road Lot B – Modification Request**

Present: Applicant Stan Hargus, and Stamski and McNary, Inc. representative Ben Ewing, E.I.T.

At 7:46 p.m., Chairman Hunter announced he would need to recuse himself from this discussion.

Mr. Morely opened the Public Hearing, and he read aloud the Public Hearing Notice regarding a modification request for the Stormwater Management Permit issued on September 19, 2012, submitted by DNH Homes, LLC, regarding the construction of a new single-family dwelling and relocation of the driveway on Lot B, Brewster Road (Assessor's Map H10, Parcel 0111). He reviewed materials previously received to the file, including an email from Eggleston Environmental President Lisa Eggleston dated July 16, 2013, an email from applicant Stan Hargus dated June 11, 2013, a letter from Stamski and McNary, Inc., dated June 17, 2013 and an email from Stamski and McNary representative Ben Ewing, E.I.T., dated June 10, 2013 with an accompanying photo, the Stormwater Management Plan and Phase 3 Erosion and Sedimentation Control Plan prepared by Stamski and McNary, Inc. and a draft Modification Stormwater Management Permit Lot B Brewster Road, Sudbury, MA dated July 31, 2013. In addition, copies of a letter from Conservation Commission Coordinator Debbie Dineen to Ms. Kablack dated July 31, 2013, a letter from Ms. Dineen to Mr. Hargus dated July 24, 2013, and a letter from Stamski and McNary, Inc., dated July 30, 2013 were distributed tonight.

Mr. Ewing displayed plan exhibits, and he described the modification request for a loop driveway, which is proposed as a result of discussions with abutters and obtaining an easement from the property to the east.

Ms. Kablack referenced the Conservation Commission violation letter dated July 24, 2013, which occurred due to the heavy rains experienced several weeks ago on this very steep slope. She also referenced a subsequent communication from Ms. Dineen stating the violation has been rectified to her satisfaction, and thus she has removed the cease and desist order. Ms. Kablack emphasized the objective is to finish the work so the area is stabilized as soon as possible. She also stated the Conservation Commission has required the applicant to submit a Notice of Intent (NOI) by August 7, 2013. Ms. Kablack further stated the Planning Board had issued a complaint letter in June, and the issue has been rectified. Ms. Kablack stated Ms. Eggleston has recommended conditions to help reduce the erosion potential, which could be incorporated into the Board's modification Decision, if the Board deems it appropriate to do so.

Mr. Ewing circulated to the Board photographs taken at the site yesterday.

Applicant Stan Hargus, 28 Ford Road, stated he has a client moving here from New York for the real estate closing in two weeks. He explained the delay in construction of the driveway was due to waiting to

receive the easement. Mr. Hargus assured the Board that any breach has always been rectified and the site is under inspection by the engineer.

Mr. Abair asked if the recommendations noted in Ms. Dineen's July 31 2013 letter could be incorporated as conditions in the Decision. Ms. Kablack stated she could incorporate whatever conditions the Board decides should be included. Mr. Ewing had not seen Ms. Dineen's letter in advance of the meeting, and Ms. Kablack provided him with a copy.

Mr. Hargus referenced Ms. Dineen's last recommendation requiring sod, which he believes is not necessarily needed.

Mr. Abair asked if a landscape plan is available for review. Ms. Kablack noted one is not a requirement for this type of Permit.

Sudbury resident Alan Corin, 64 Brewster Road, asked for the definition of an NOI, which Mr. Morely provided. Mr. Corin stated he lives across the street and directly below the property under discussion. He stated a history of violations began two years ago, when clear-cutting occurred. Mr. Corin's primary question and concern is whether there is an appropriate landscape plan in place to hold the hill together. He is doubtful grass is sufficient for long term stabilization. Mr. Corin stated he would like more information from an independent party certifying the plan will work. He also stated Mr. Hargus has ignored his emails, and thus there has been no trust established with abutters to the project. Mr. Corin suggested a decision on the Permit request be delayed to allow for more communication with neighbors regarding what recourse they will have in the future if water and mud continue to travel onto abutting properties.

Mr. Ewing explained the stormwater management violation occurred following unusually heavy and sustained rains in early July.

Mr. Morely noted the violations have been rectified, and he recommended tonight's discussion focus on how best to move the project forward so the area is stabilized as quickly as possible.

Mr. Corin reiterated his request that an independent party, preferably a landscape engineer, certifies the proposed plan will hold material on the hill, and he also requested a monitoring schedule be established for the next ten years.

Sudbury resident Tom Pullen, 63 Brewster Road, stated that what is proposed on the plans does not reflect the reality the neighbors have been living. Mr. Pullen stated certified letters were sent to Mr. Hargus requesting a neighborhood meeting, and they were ignored. He believes the plan is flawed and the execution to date has been wrong.

Mr. Morely reiterated the goal now is to make the project better going forward.

Mr. Ewing emphasized it is still a working construction site.

Mr. Hargus stated he does not believe there have been any violations in the past few days, and he has been working cooperatively with the Conservation Commission to do things correctly.

Mr. Morely asked Mr. Pullen and Mr. Corin if the Town has always been copied on its communication efforts, and they stated it was not always informed. Mr. Morely recommended copying the Town in the future on any relevant correspondence.

Ms. Kablack concurred, noting the two times the Town was apprised of concerns, actions were taken, and issues were resolved.

A brief discussion ensued regarding the monitoring requirements for the SWPPP, which is typically until the site is stabilized. Mr. Lizotte explained that, according to EPA guidelines, the SWPPP follows the contractor and owner. He further stated the Town has the ability to enforce monitoring within its permit. Mr. Lizotte stated the immediate goal should be not to impede any progress towards stabilizing the site as soon as possible.

Mr. Corin reiterated he is concerned about recourse for abutters. Mr. Lizotte noted the plans have been designed to stabilize the hill, they have been stamped by a civil engineer, and there is recourse under the Town's Permit.

Mr. Morely asked for information regarding the average slopes in question, which Mr. Ewing provided and is greater than 10%.

Mr. Ewing identified the hay bale line on the plan. He stated an infiltration trench is planned along the driveway.

Mr. Morely asked if the area is amply staked, and Mr. Pullen stated it is. Mr. Morely noted there is a lot to do in a short time before the potential real estate closing.

Mr. Ewing noted the stabilization plans were discussed in detail during the original Permit process, and a third-party peer reviewer has also evaluated the documents.

Sudbury resident Pat McCoon, 64 Brewster Road, questioned why there appears to have been no stabilization compliance required from the original Permit, resulting in these problems.

Ms. Kablack noted the neighbors would have legal rights as abutters through the Permit.

Mr. Lizotte asked Mr. Ewing to explain what efforts have been made to evaluate the slope and to ensure the landscape design will work. Mr. Ewing summarized the relevant work done, including a soil stability analysis.

Mr. Lizotte stated the plans indicate the steepest slope as 3-1. He stated grass is planted every day in similar circumstances, and he urged the abutters to understand they are viewing an incomplete plan at this time. Mr. Lizotte further noted the plans do require loam which will facilitate quick grass growing. In response to a question from Ms. Kablack, Mr. Lizotte stated, that in his professional opinion, a landscape plan is not needed for the Stormwater Management Permit.

On motion duly made and seconded, it was unanimously:

**VOTED:** To approve the modification request for the Stormwater Management Permit issued on September 19, 2012, submitted by DNH Homes, LLC, with the addition of the following conditions into the draft Modification Decision: (1) that the jute netting stays in place, and that hydroseed will go over it

with loam, as shown on the plan, and that, if this does not work, then sod could be incorporated, (2) to modify the SWPPP to include the driveway, and (3) to include appropriate modifications to remove the silt within Brewster Road.

**Maynard Road/Bonnie Brook - Preliminary Subdivision Discussion**

Present: Property owner John Derdarian

At 8:50 p.m., Chairman Hunter opened a preliminary subdivision discussion regarding Maynard Road/Bonnie Brook, Assessor's Map #G08,0500 and G08, 0025. The Board was previously in receipt of copies of the Town of Sudbury Planning Board Evaluation Form for Subdivisions for this project dated July 25, 2013, maps, and the Application for Approval of Preliminary Plan dated July 16, 2013. In addition, copies of a letter from DPW Director Bill Place dated July 24, 2013, an email from Assistant Fire Chief John Whalen dated July 29, 2103, an email from The Sudbury Valley Trustees Director of Stewardship Laura Mattei dated July 30, 2013, and a memorandum from Conservation Commission Coordinator Debbie Dineen dated July 31, 2013 were distributed tonight.

Ms. Kablack stated this property is listed on the Town's Open Space Plan, and the Town has worked with this applicant's family and the abutting Powell family for years regarding developing the land jointly. However, at this time, it appears as if each property owner will be pursuing its own development plan, which would require two right of ways on the same side of the road within 360 feet of each other, which is not allowed in the subdivision regulations. Ms. Kablack further noted there are several items required for a preliminary application which have not been fulfilled to date, as noted in her memo.

Applicant and property owner John Derdarian stated he would like to develop a five-lot subdivision on his 27-acre parcel and he is considering donating some land to the Town. He noted his engineer is not in attendance tonight.

Chairman Hunter asked how the driveway could be accomplished, given the slope. He also noted compliance with the 100-foot wetlands and 200-foot riverfront requirements will be crucial. Ms. Kablack requested the applicant's engineer provide more relevant information for the Board's review before any decision is made.

Mr. Lizotte stated the wetlands and riverfront requirements are the jurisdiction of the Conservation Commission. However, he noted the plans indicate a limited endangered species area which could greatly limit the potential of the project. He urged

Mr. Derdarian to have his engineer pursue what the species are, which will then dictate what regulations will need to be followed, before spending more time and money on the proposal.

Mr. Abair questioned whether the proposed Lot 5 could be built and/or accessed.

Mr. Lizotte stated the wetlands and habitat areas may preclude building on Lots 3, 4 and 5. He further stated that it would require a significant permitting effort to mitigate the wetlands impact which will be the concern of the Conservation Commission.

Chairman Hunter requested the applicant has his engineer reevaluate the sight distances along Maynard Road.

Sudbury resident Richard Chabot, 40 Minebrook Road, thanked the applicant and his family for being a good neighbor through the years. He asked for clarification regarding the proposed location, noting his concern for the many wells on the property. Mr. Chabot also asked for clarification regarding the 200-foot riverfront requirement, which Mr. Lizotte provided.

Robert Roth stated he has purchased a portion of the abutting Powell property. He will soon propose a 2 lot preliminary subdivision plan for the property. Mr. Roth stated perc tests have been completed, and access would remain as the current driveway, which would become a common driveway for the new structure and the Powell home.

Sudbury resident Lana Szwarc, 72 Maynard Road, stated she has a drinking water well on her property, and she asked what the impact would be from the development, and what her recourse would be.

Ms. Kablack stated that the Board would take this information into consideration when further reviewing the proposal.

Mr. Lizotte stated the proposal is for only a few homes, and it is unlikely a single-family well would be impacted. He suggested the easiest recourse for Ms. Szwarc would be to connect to the Town water supply.

Sudbury resident Greg Hunter, Minebrook Road, asked if there were a possibility the development could become bigger. Chairman Hunter stated there is that possibility if a Chapter 40B development were to be proposed.

Ms. Kablack noted it is too early to determine, with the information available at this time, how many units the property could support.

Mr. Morely emphasized there is the land is marginal even for a single-family development, and thus density is not a factor. He stated there is a lot more work to be done regarding the proposal.

Ms. Kablack stated the Board has until September 16, 2013 to make its decision on the preliminary plan.

Mr. Lizotte stated the plan could not be approved as currently presented.

Chairman Hunter suggested, and the Board concurred, the discussion remain open and the Board could review additional information at its next meeting on September 4, 2013.

Mr. Lizotte emphasized feedback regarding the endangered species could take 60 days to receive from the State, and he urged the applicant to pursue this information as soon as possible.

At 9:30 p.m., Chairman Hunter closed the discussion.

**Puritan Lane Extension – Potential Subdivision Discussion**

Chairman Hunter had previously announced this item was removed from tonight's agenda, and it would be rescheduled at a later date.

**FY14 Projects and Priorities**

The Board was in previous receipt of copies of a draft letter from the Board to be sent to the Chairman of the Board of Selectmen dated July 31, 2013 regarding the Planning Board's FY14 goals.

Chairman Hunter suggested, and the Board concurred, that the order of the two goals and corresponding content in the letter be reversed. Mr. Lizotte stated he would provide suggested edits tomorrow.

**Upcoming Meeting Schedule**

Ms. Kablack suggested, and the Board concurred, that a meeting be held on August 21, 2013 to discuss the Board's goals and possibly to meet with the Route 20 Sewer Advisory Committee Subcommittee. The Board's next regularly scheduled meeting will be held September 4, 2013, at 7:30 p.m. at Town Hall.

**Miscellaneous**

**Application Not Required Application – Newbridge Farm Trust  
10 Newbridge Road**

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Newbridge Farm Trust dated July 10, 2013.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by Newbridge Farm Trust dated July 10, 2013.

The meeting was adjourned by Chairman Hunter at 9:45 p.m.