

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 7:36 p.m., Chairman Hunter called the meeting to order.

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

Present: Applicant’s engineer Tom DiPersio, Jr., Property Owner Eric Kaufman and Sudbury Stormwater Management Peer Reviewer John Boardman

At 7:36 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%, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of the Town of Sudbury Application for Stormwater Management Permit dated September 27, 2013 and accompanying Stormwater Management Plan Lot 3 Newbridge Road, Sudbury, Massachusetts dated September 26, 2013, prepared by Thomas Land Surveyors & Engineering Consultants, Inc., a letter from Director of Public Works (DPW) Director/Town Engineer I. William Place dated October 15, 2013, a letter from stormwater management peer reviewer Hancock Associates dated October 24, 2013, and a letter from engineer Thomas P. DiPersio, Jr. dated November 6, 2013 with accompanying revised plans. In addition, copies of a letter from Hancock Associates dated November 13, 2013 were distributed tonight.

The applicant’s engineer Thomas P. DiPersio, Jr. summarized the application, noting the project meets the threshold standard for the Permit due to the 10% slope. Mr. DiPersio stated he has submitted a stormwater management plan which complies with the local bylaw, and it mitigates existing conditions. He described the proposed subsurface infiltration system, which will collect runoff from the driveways and all roof drains. Mr. DiPersio also described a proposed bio-retention strip to be installed in the lower portion of the lot.

Mr. DiPersio referenced concerns previously presented by Bill Place and peer reviewer John Boardman, and he highlighted how they have been addressed. He stated the rate of runoff has been decreased in all instances except for a slight increase for 100-year event. However, Mr. DiPersio stated the plan is in compliance with Department of Environmental Protection (DEP) policy for this condition. He stated the volume of runoff was also analyzed, and it has been decreased. Mr. DiPersio noted there is a test pit within 50 feet of the proposed infiltration system installation, which is located in sandy soils. He stated the applicant would be amendable to a condition for a test pit under the infiltration system, if the Board deemed this to be required. Mr. DiPersio further noted the suggested capture area adjustments are not applicable for this project, and he does not believe an illicit discharge statement is required.

Chairman Hunter asked for clarification regarding the proposed structures for the infiltration system, which Mr. DiPersio provided.

Mr. Lizotte stated the Town’s bylaw requires following the standards for the illicit discharge statement. Mr. Boardman concurred, stating it is an informational tool for the owner to sign, signifying notification has been made.

Mr. Boardman stated the slight 100-year event increase is not a concern. Mr. Lizotte concurred.

Mr. Boardman stated the Board should determine if it wishes to require additional soil testing prior to construction. He also stated he found the recharge calculations a bit confusing, and he recommended they be clarified.

Ms. Brown asked what the back-up plan would be if additional testing is deferred to the time of construction and if results are unsatisfactory. Mr. DiPersio stated other sites would need to be explored to relocate the proposed systems.

Chairman Hunter asked whether a berm would be installed at the top of the driveways. Mr. DiPersio stated the appropriate practices for driveways will be followed.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack to prepare a draft decision for the Board's review, and to continue 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 slope greater than 10% to December 11, 2013 at 9:00 p.m.

Public Hearing: Mahoney Farms Senior Residential Community (SRC) – Stormwater Management Permit – Request for Minor Modification

Present: Applicant's Engineer Vito Colonna and Permitting/Development manager Martin Loiselle, Jr.

At 7:54 p.m., Chairman Hunter opened the Public Hearing regarding the application of Mahoney Farms, LLC for further modification to an approved Senior Residential Community Special Permit Modification dated May 23, 2013, originally granted on June 22, 2005, and a Stormwater Management Permit dated May 23, 2013, and he read aloud the Public Hearing Notice. The Board was previously in receipt of a letter dated September 27, 2013 requesting a modification of Condition 6/Stormwater Management Permit Condition 4 and for relief of the Stormwater Management Permit Condition 6 received from Capital Group Properties Manager Martin Loiselle, Jr. in a letter dated September 27, 2013, a letter from Mr. Loiselle dated July 22, 2013, an email from Sudbury resident Joel Goldstein dated November 1, 2013, a letter from the applicant's engineer Vito Colonna dated November 7, 2013, and accompanying revised plan. In addition, Mr. Loiselle distributed copies of several of these same items tonight.

Ms. Kablack stated she, DPW Director Bill Place and peer reviewer John Boardman met with Mr. Colonna on November 1, 2013 to review the site and the proposed modifications. She explained the practice of drywells surging in heavy rain conditions is a normal occurrence, stating this has been a concern of neighbors in the past. Ms. Kablack stated the applicant is aware of this issue and is working on it.

Sullivan, Connors & Associates engineer Vito Colonna summarized the two modification requests.

Ms. Kablack stated new information was just received on November 8, 2013 and Mr. Boardman has not had time to prepare his comment letter. Upon preliminary review, Ms. Kablack stated Town staff would be inclined to recommend approving the request to modify the requirement for two inspection ports per roof drain infiltrator.

Chairman Hunter asked for Unit #11 to be shown to him on the plan. Mr. Colonna indicated the unit, noting that, upon inspection, one port behind Unit 11 had water in it, and the one next to Unit 11 had no water. He also described the very bad soil conditions in this area.

Chairman Hunter asked if approximately 50% of the recharge system is not working correctly. Mr. Colonna stated all Phase 2 installations are working properly, and that he would estimate 70% of all installations are functioning as they should. Mr. Colonna provided his recommendation for handling runoff if they were to overflow, noting piping would be installed above grade in most instances, and possibly below grade in some areas.

Mr. Boardman agreed that there are very difficult soil conditions on portions of the site. He stated the requested offset was a condition of the original permit. Mr. Boardman believes the applicant should proactively work to prohibit overflow issues for residents and to ensure the water is directed away from foundations and into the drainage systems. He recommended the applicant considers other options.

Mr. Colonna suggested grates be installed on the inspection ports. He also emphasized the soil testing done for Phase 2 was with the proper separation. In response to a question from the Board, he also explained the grading behind Unit #13, which does not appear to be holding water. Mr. Lizotte suggested it would be prudent to alter the grading if the opportunity arises.

Ms. Kablack mentioned the original plan called for small grass strips between units with shared driveways, which were never installed. Mr. Morely asked if the strips would make a positive difference. Mr. Boardman explained the overflow would still run across the driveway.

Mr. Lizotte questioned what is within the Board's purview regarding review of the stormwater management permit. He noted some issues discussed tonight relate to safety and bad design, but are not relevant to this Permit application. He stated tonight's hearing is to determine if the drainage system is functioning correctly in relation to Town and DEP regulations.

Ms. Brown noted conditions might appear good at this time, but she further noted there has been very little rainfall in recent months.

Mr. Lizotte recommended not putting grates on the ports, explaining it could make matters worse. Mr. Morely concurred.

In response to a question from Mr. Lizotte, Mr. Morely clarified that for Phase 2, the Board previously modified the original permit, but Phase 1 was approved in 2004-2005. Mr. Lizotte stated this clarification helps to understand the Town's bylaw and DEP regulations were not in place at the time Phase 1 was approved.

Ms. Kablack stated the drainage appears to be functioning well, and there have not been complaints from neighbors. She asked if as-builts have been completed. Mr. Loiseau stated as-built plans were provided during the permitting stage of the Phase 2 project.

In response to a question from Ms. Kablack, Mr. Colonna stated only the internal ports #19 and #20 are not working properly. He also explained others are malfunctioning because of bad soils or their locations on top of retaining walls and/or fill situations.

Ms. Kablack stated she would like more specificity from the applicant regarding specific solutions for addressing open issues. She also suggested giving Mr. Boardman time to review the new material.

Mr. Loiselle asked the Board to consider releasing two of the units because Unit #29 has a closing scheduled before Thanksgiving, and another unit is set to close in early January 2014.

Mr. Morely suggested the applicant attends to the issues described behind Unit #13 when working on Unit #14.

In response to a question from the Board, Mr. Colonna stated he proposes to use roof leaders to direct water away from the foundation.

Chairman Hunter stated the consensus of the Board is that the recommendations proposed by the applicant tonight are unacceptable, and he encouraged the applicant to provide specific solutions for the concerns discussed.

Mr. Lizotte stated the Board has not had adequate time to process the new information which was provided late on Friday.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of Mahoney Farms, LLC for a modification to an approved Senior Residential Community Special Permit Modification dated May 23, 2013, originally granted on June 22, 2005, and a Stormwater Management Permit dated May 23, 2013, to modify the Senior Residential Community Special Permit Condition 6/Stormwater Management Permit Condition 4 and for relief of the Stormwater Management Permit Condition 6 received from Capital Group Properties Manager Martin Loiselle, Jr. dated September 27, 2013, to January 8, 2014 at 7:30 p.m.

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

VOTED: To release Unit #29 and Unit #30 for sale prior to resolution of all stormwater issues.

67 Brewster Road - Lot B – Stormwater Management Permit – Request for Bond Release

Present: Developer Stan Hargus

Chairman Hunter announced he would need to recuse himself from this discussion.

Copies of a letter from Department of Public Works Director William Place dated November 13, 2013 were distributed tonight.

At 8:37 p.m., Mr. Morely opened the discussion regarding the request from developer Stan Hargus to release the bond for 67 Brewster Road Lot B.

Ms. Kablack summarized the Board's discussion at its October 23, 2013 meeting. She stated the applicant has submitted the final as-built plan, and noting that the slope seems stabilized. Ms. Kablack stated Mr. Place recommends releasing the bond.

On motion duly made and seconded, it was unanimously

VOTED: To release the performance bond held for 67 Brewster Road Lot B, as recommended by Director William Place in his letter dated November 13, 2013.

Public Hearing: Livermore Estates – Definitive Subdivision and Stormwater Management Permit – Assessor’s Map #E07-0150,E06- 0352 and 0353

Present: Applicant’s engineer Vito Colonna and Sudbury Stormwater Management Peer Reviewer John Boardman

At 8:40 p.m., Chairman Hunter returned to the meeting. He opened the Public Hearing regarding an application submitted by SF Holdings LLC, for approval of a Definitive Subdivision Cluster Development Special Permit and Stormwater Management Permit, as shown on a plan entitled “Definitive Cluster Subdivision, Livermore Estates in Sudbury,” prepared by Sullivan Connors & Associates dated August 1, 2013, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements, which was continued from October 23, 2013. The Board was previously in receipt of copies of a letter from Cornerstone Engineering, Inc. engineer Vito Colonna dated November 7, 2013 and accompanying revised plans.

Ms. Kablack stated it had been suggested the applicant amend the proposal from a Cluster to a Flexible Development, which has been done. She stated new material was received from the applicant on Friday, and she has only had time for a preliminary review. Ms. Kablack emphasized this would still be a Special Permit, allowing the Board to place restrictions, if it wishes to do so. She highlighted the most important outstanding issue at this time is water supply to the lots. Ms. Kablack met with Mr. Colonna and George Connors, and she requested they consider other water supply options instead of a well.

Mr. Colonna described the revisions made for the Flexible Development plans submitted on Friday. He also reviewed the responses he provided in his November 7, 2013 letter regarding drainage concerns previously expressed by this Board, Town staff, the Sudbury Conservation Agent, and Sudbury’s Stormwater Management Peer Reviewer from Hancock Associates.

Chairman Hunter asked if there are wells to the north on adjacent properties which should be shown on the plan. Mr. Colonna stated he was unable to locate any.

Mr. Colonna stated most of the revisions made were to address drainage issues. He also stated the applicant has deliberated the water supply question, and recommends installing a fire cistern near the front of the street at a suitable location determined in conjunction with the Fire Department. Mr. Colonna explained it would be too costly to install 800 feet of water infrastructure in the main road.

Ms. Kablack stated the Fire Department might be interested in the proposed homes being sprinklered.

Mr. Morely suggested, and the Board concurred, the applicant contact the Fire Chief to determine the Fire Department’s recommendations.

Mr. Boardman stated he would like additional time to review the new material, but initially it appears as if most concerns have been addressed.

Mr. Abair asked how drainage is proposed at the southern portion of the property.

Mr. Colonna stated a berm is proposed, which will direct water to a rain garden. He also stated this is noted on the plan. In response to a question from Mr. Abair, Mr. Colonna also explained why the plan does not include shared driveways.

Mr. Morely stated he understands why there are not shared driveways proposed, and he described the 35-foot tall retaining wall, which had been proposed in the original plan.

Sudbury Building Inspector Mark Herweck encouraged the applicant to work with the Fire Chief to resolve the water issues.

On motion duly made and seconded, it was

VOTED: To continue the Public Hearing regarding an application submitted by SF Holdings LLC, for approval of a Definitive Subdivision Cluster Development Special Permit and Stormwater Management Permit, as shown on a plan entitled "Definitive Cluster Subdivision, Livermore Estates in Sudbury," prepared by Sullivan Connors & Associates dated August 1, 2013, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements to December 11, 2013 at 8:30 p.m.

Mr. Lizotte did not vote due to his absence at the October 23, 2013 meeting.

Public Hearing: Stormwater Management Permit – Maynard Road, Lots E & F – Assessor's Map #E06-303 & 304

Present: Sudbury Stormwater Management Peer Reviewer John Boardman

At 9:00 p.m., Chairman Hunter opened the Public Hearing regarding a Stormwater Management Permit application submitted by SF Holdings LLC, Applicant, to construct one (1) new single family dwelling on Lots E & F, Maynard Road (Assessor's Map E06, Parcels 0303 & 0304), which will involve the disturbance of approximately 52,000 sq. ft. of land area and which contains areas with slopes greater than 20%, which was continued from October 23, 2013. The Board was previously in receipt of copies of a "Draft Decision Stormwater Management Permit Lots E & F, Maynard Road, Sudbury, MA, dated November 13, 2013" for review.

Mr. Abair stated he recently visited the property, and he asked for clarification regarding an area at the top of the property which appears to be graded steeper than 2:1. Mr. Colonna stated Mr. Place had also asked about this area. The area will have an as-built completed, and Mr. Colonna will work with Mr. Place through this process. In response to a question from Mr. Lizotte, Mr. Colonna explained that this area was not altered as the natural vegetation was stable. All agreed it needs to be fixed for the long-term.

Chairman Hunter mentioned he drove by the property and noticed the barrier fence is possibly on the walking side of the sidewalk. Mr. Colonna will check on this, and have it corrected, if necessary.

Chairman Hunter stated the area looks well-stabilized, however, the lower section is not covered yet. Mr. Colonna stated he wanted to discuss this tonight with the Board. He suggested using a spray of a blanket-equivalent-type product. Mr. Lizotte noted the blanket would last for approximately a year, whereas the spray may need to be re-applied after weeks or months, which might be difficult in winter. Chairman Hunter suggested finding an alternative equivalent to a blanket which is longer-lasting. Mr. Boardman suggested possibly using an alternative equivalent along with mulch.

Mr. Morely asked if there is a note on the plan regarding saving the stone wall. Mr. Colonna indicated that this note was on the Slope Restoration Plan previously reviewed by the Board. Ms. Kablack stated this Plan would be added as an exhibit and all conditions on both the Restoration Plan and the Stormwater Management Plan would be enforceable.

Ms. Brown suggested, and the Board concurred, that item E.11) on page 4 be revised to delete "GSMP" from the sentence and replace it with the words "this Permit."

Ms. Kablack suggested, and the Board and applicant concurred, that item C.4) on Page 3 be deleted.

Chairman Hunter suggested, and the Board concurred, that the time limit in item E. on Page 6 be changed from three years to two years.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Stormwater Management Permit Decision for Lots E & F, Maynard Road, Sudbury, MA, dated November 13, 2013 as reviewed and amended tonight.

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 9:17 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%, and he announced the hearing would need to be immediately continued.

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 December 11, 2013 at 8:45 p.m.

Olde Bostonian Estates – Goodman's Hill Road – Accept Bond/Release Lots from Covenant /Site Plan Review

Present: Project Director Tom Bucknall for the Property Owner

At 9:19 p.m., Chairman Hunter opened a discussion regarding Olde Bostonian Estates – Goodman's Hill Road. The Board was previously in receipt of copies of the Site and Sewage Disposal System Design Plans for Lots 1, 2 and 3 prepared by Thomas Land Surveyors. In addition, copies of a letter from Department of Public Works (DPW) Director/ Town Engineer I. William Place dated November 12, 2013 and a memorandum from Project Director Tom Bucknall on behalf of property owner Burkhard Corporation dated November 11, 2013 were distributed tonight.

Ms. Kablack explained tonight's discussion relates to several items, including setting the bond amount, accepting the bond conditionally (upon its submittal to the Planning office), releasing the lots from covenant

and reviewing the Site Plans regarding grading for each lot. She stated the subdivision was sold, and she read aloud what the Board needs to do before the lots can be released from covenants.

Ms. Kablack stated Mr. Place recommends accepting a bond and releasing the lots from covenant.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the recommendations of DPW Director Bill Place to set the bond amount at \$56,839.00, and to release the lots from covenant upon receipt of the cash bond.

Ms. Kablack stated she has no issues with the plans, and she briefly reviewed each lot plan for the Board. She stated former Stormwater Management Peer Reviewer Lisa Eggleston stated the subdivision met the stormwater management standards, and she recommended no stormwater management review is necessary.

Chairman Hunter asked if the lots are designed for five-bedroom houses, and Mr. Bucknall responded affirmatively.

In response to questions from Mr. Lizotte, Ms. Kablack stated the subdivision was originally approved in 2006, but the former owners could not sell so the plans were modified. She further stated this subdivision has a current valid permit approval in place. Thus, Mr. Lizotte stated, since it is not a new application, there is no stormwater management permit required, because the Town bylaw was not in effect in 2007.

Ms. Brown asked about the proposed erosion control. Ms. Kablack stated it is noted on the plan.

On motion duly made and seconded, it was unanimously

VOTED: To approve the grading Site Plans regarding Olde Bostonian Estates as reviewed and discussed tonight

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

At 9:34 p.m., Chairman Hunter opened the discussion regarding the request to release the bond for completion of the Maple Avenue extension submitted by the developer of Maple Meadows SRC. Copies of a letter from Department of Public Works Director William Place dated November 8, 2013 were distributed tonight.

Ms. Kablack stated a \$7,200 surety bond is currently held to complete work on the private way. In addition, there is a \$142,000 surety bond held in relation to the entire development. Ms. Kablack stated Mr. Place recommends reducing the bond.

On motion duly made and seconded, it was unanimously

VOTED: To reduce the surety performance bond held for the Maple Avenue Private Way from \$7,200 to \$1,000, subject to verification by Ms. Kablack of the other surety bond being in place for the entire Maple Meadows development.

Ms. Kablack stated there are a number of conditions not finished for the entire Maple Meadows development, including poor paving of Maple Avenue. These items are secured under the surety bond held for the development.

Delegate Stormwater Management Permit Review to Conservation Commission – Sudbury Police Station

Ms. Kablack stated the application has not been filed yet, but delegation of the review will streamline the process for the applicant.

Mr. Lizotte asked if the Conservation Commission will hire a peer reviewer.
Ms. Kablack stated it will.

On motion duly made and seconded, it was unanimously:

VOTED: To delegate the Stormwater Management Permit Review for the Sudbury Police Station application to the Conservation Commission.

Minutes

Ms. Brown noted a typographical error on Page 6 to be corrected.

On motion duly made and seconded, it was:

VOTED: To approve the meeting minutes of October 23, 2013, as amended tonight.

Mr. Lizotte abstained from the vote due to his absence at the October 23, 2013 meeting.

Application Not Required Application – 272 Landham Road – 81X Certification

Ms. Kablack briefly reviewed with the Board the need to certify that a previously endorsed ANR plan for 272 Landham Road has not been altered (“Plan of Land in Sudbury, MA” dated September 30, 2003, prepared by Thomas Land Surveyors & Engineering Consultants, Inc. and endorsed by the Sudbury Planning Board on December 10, 2003). The owners received the signed plan but never recorded it at the Registry of Deeds. Since it is over 6 months old, certification is required in order to record the plan. This certification is permitted pursuant to Massachusetts General Laws Chapter 41, Section 81X.

On motion duly made and seconded, it was unanimously:

VOTED: To certify pursuant to Massachusetts General Laws Chapter 41, Section 81X that, according to the records on file in the Office of said Town Clerk, that the Planning Board of the Town of Sudbury’s approval of the plan entitled “Plan of Land in Sudbury, MA” dated September 30, 2003, prepared by Thomas Land Surveyors & Engineering Consultants, Inc. and endorsed by the Planning Board of the Town of Sudbury , Massachusetts on December 10, 2003, has not been modified, amended, or rescinded, nor has said plan changed, for 272 Landham Road.

The Board signed both the plan and the narrative certification.

Application Not Required Application – Widow Rites Lane

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted for Widow Rites Lane by SF Holdings LLC, which reduces the lot area of land on Widow Rites Lane, and adds acreage to the Livermore Estates subdivision property in order to create a 10 acre parcel for the subdivision.

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 for Widow Rites Lane.

Application Not Required Application – 5DWD, LLC – Olde Bostonian Estates

Ms. Kablack briefly reviewed with the Board the Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval plan submitted by 5DWD, LLC and John B. Wise dated November 11, 2013 regarding Olde Bostonian Estates and a minor change to the lot line between Lots 1 and 2.

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 5DWD, LLC and John B. Wise dated November 11, 2013.

The meeting was adjourned by Chairman Hunter at 9:55 p.m.