

Present: Chairman Michael Hunter, Christopher Morely, Pat Brown, Craig Lizotte, 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.

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

Present: Applicant's Attorney George Connors and Sudbury Stormwater Management Peer Reviewer John Boardman

At 7:35 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 0304 & 0305), which will involve the disturbance of approximately 52,000 sq. ft. of land area and which contains areas with slopes greater than 20%, and he read aloud the Public Hearing Notice. The Board was previously in receipt of a letter from Department of Public Works Director/Town Engineer I. William Place dated September 27, 2013, noting his comments and recommendations, a letter from peer reviewer Hancock Associates dated September 26, 2013, noting comments and concerns, the applicant's Application for Stormwater Management Permit dated August 1, 2013 and accompanying reports and plans.

The applicant's attorney George Connors circulated a photograph to the Board.

Mr. Connors stated work has progressed, and approximately 25% of the slope has been stabilized, and some seed has been put down. He summarized the plan to construct a single house lot in the northern section of the approximately two and a half acre-parcel. Referencing a plan exhibit, Mr. Connors described where the stormwater collection areas have been established, noting the existing septic system has been approved by the Board of Health. He stated the intention is to install a landscaped lawn on the front 85 feet along Maynard Road. Mr. Connors stated he was asked to evaluate the stormwater system in the street, and inspections revealed that the system was functioning adequately. He further stated questions regarding soil testing were addressed, and revised plans were submitted, and hard copies were made available to the Board tonight. Mr. Connors also summarized the sequencing plans for construction, noting no water has left the site during construction.

Ms. Kablack asked Mr. Connors to address the comments noted in the letters received from Mr. Place and Hancock Associates. Mr. Connors provided updates on all items, noting most have already been addressed, and that he has walked the area with Mr. Place to review concerns.

Regarding item #6 in Mr. Place's letter, Mr. Morely suggested the applicant attempt to connect this lot to Town water. Mr. Connors stated their preference is for a well.

Regarding item #3 in Mr. Place's letter, Ms. Kablack provided background regarding the Livermore subdivision, stating she will further discuss the water main connections between Wyman Road and Fairbank Road with Mr. Place and will report back at the next public hearing.

Regarding #9 of the General Comments noted by Hancock Associates, Mr. Lizotte stated the plan does not show driveway drainage leading to the catch basin. The overall objective is the water needs to reach

the catch basin, and he suggested the plan be tweaked to reflect this. Hancock Associates peer reviewer John Boardman concurred, stating the applicant must demonstrate that the intended function will work.

The Board asked a few questions regarding #8 of the General Comments noted by Hancock Associates. Mr. Lizotte noted it is late in the fall, and he expressed concern that the planting plan might not work. He asked what the plan would be if there is not enough germination before the winter season sets in. Mr. Connors stated 25% of the area is already seeded and covered, and the rest is hoped to be completed in the next week. If there is not enough germination, spraying would occur again next spring.

Mr. Connors asked the Board's permission to mine material from the front to complete the work on the slope, and to move the hay bales to the front of the site. Ms. Kablack asked if the stone wall would also be removed, and Mr. Connors replied affirmatively.

Mr. Boardman suggested that, if the material is necessary to complete the slope, he would encourage the Board to approve the request because the optimum time to complete this work is running out. He stated grass is the best bet to hold the slope through the winter, and he recommended hydroseed be used to facilitate the process.

Mr. Lizotte suggested #9 of the plan be revised to mirror the Town's Stormwater Management Permit Regulations.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the request of the applicant to continue work mining material from the front to complete the work on the slope as discussed tonight.

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

VOTED: To continue 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 0304 & 0305), which will involve the disturbance of approximately 52,000 sq. ft. of land area and which contains areas with slopes greater than 20% to October 23, 2013 at 8:30 p.m.

Chairman Hunter invited Mr. Boardman to meet the Board and to briefly describe his affiliations and experience. The Board thanked Mr. Boardman for his input.

### **Booma - 233 Concord Road - Right of First Refusal – Discussion**

At 8:12 p.m., Chairman Hunter opened a discussion regarding the Town's opportunity to exercise its Right of First Refusal (ROFR) option regarding a portion of 233 Concord Road. The Board was previously in receipt of a letter to the Selectmen from the Sudbury Conservation Commission dated September 17, 2013, recommending the Town exercises its ROFR, a letter from Sudbury resident Suzanne E. Kellogg dated September 23, 2013, and emails from Sudbury residents Jill and Stefan Gross dated September 8, 2013, Frances and Edward Shashoua dated September 9, 2013, and Beth Whitlock dated October 3, 2013, all recommending the Town exercises its ROFR, an email from Sudbury Valley Trustees Director Christa Collins dated October 4, 2013, stating the SVT would likely not be able to fundraise for the small lot at this time, an email from Park and Recreation Director Nancy McShea dated

September 12, 2013, stating the Commission voted unanimously to not recommend any recreational use for the property, and a memo from the Board of Assessors dated September 26, 2013, taking no position on exercising the ROFR, but stating it considers the \$325,000 offer to be consistent with neighborhood land values, assuming the lot is buildable. In addition, a memorandum dated October 5, 2013 from the Chair of the Sudbury Historic Districts Commission has been received supporting preservation of the parcel, and copies of an email from Mike Carney dated October 8, 2013 and accompanying initial house sketches were distributed tonight. Ms. Kablack stated this topic is on the Selectmen's October 22, 2013 meeting agenda.

Mr. Lizotte asked if there is any news regarding funding mechanisms to purchase the property. Mr. Morely stated it is possible Community Preservation Act (CPA) funds will be requested by the Selectmen, but CPA funds would not be available until July 1, 2014, and the request will need to be deliberated by the Community Preservation Committee (CPC) in relation to many other competing requests. He also noted it is unknown if the owners would be willing to delay a purchase to coincide with timing of an approval from Town Meeting. Ms. Kablack clarified the Selectmen would need to decide if CPA funds should be requested, and then the CPC would need to recommend the appropriation to Town Meeting.

Sudbury resident Susan Doherty, 253 Concord Road, distributed packets of materials to the Board, which included her comments to the Board tonight. She referenced several sections of the Town's Master Plan, which she and other neighbors believe support the purchase of the property. She urged the Board to read the information provided, and to recommend to the Selectmen that the parcel be purchased by the Town to preserve the historic character of the neighborhood and to preserve the field as open space.

In response to a question from Ms. Doherty, Chairman Hunter estimated the square footage of Mr. Carney's proposed house at 4,500-5,500 square feet, noting that the surrounding homes are approximately 3,000 square feet.

Sudbury resident Suzanne Kellog, 265 Concord Road, asked if anyone in attendance thinks the proposed sketch is attractive and/or will improve the Town's aesthetics. There were no positive responses to these questions presented. However, Mr. Morely stated initial sketches often do not provide the best presentation, and any design would be subject to working with, and approval from, the Sudbury Historic Districts Commission.

Sudbury resident Keith Funston, 269 Concord Road, stated the neighbors have discussed future maintenance to ensure the land remains as a field. He stated Fiona Hamersley, 260 Concord Road, hired a certified arborist, John Platt, who created a management plan to help keep the site as a meadow. Mr. Funston stated that, if the Town purchases the property, and if it is unable to maintain it, the neighbors have agreed to be responsible and pay for the maintenance. Mr. Morely stated someone would need to be contractually responsible for this activity.

Ms. Brown stated she had heard the Selectmen cannot make a decision until it hears from the Planning Board. She questioned whether the decision will be made in time to submit a CPA project proposal before the CPC deadline of November 1, 2013. Ms. Kablack stated private fundraising can occur independently from the Town's CPA process. She also stated the CPC would likely be willing to consider a proposal submitted by the Selectmen after its November 1<sup>st</sup> deadline.

Mr. Morely stated he would like additional time to consider funding sources and other competing Town projects. Chairman Hunter concurred.

In response to a question from Mr. Abair, Ms. Kablack stated the Board typically provides a recommendation to the Selectmen for all Chapter 61 properties. She explained there are a lot of pending CPA projects with significant costs, and there is currently limited bonding capacity. Mr. Morely stated a large portion of the CPA reserves were used last year to acquire open space, and the CPC needs to prioritize saving and building its reserve position for future large land preservation projects.

Mr. Lizotte clarified the Board could recommend purchasing the property without addressing how it will be funded.

Mr. Abair stated the Town's zoning allows a home to be built on this site, but he stated other factors need to be considered, such as its location in the Historic District and the relevant sections of the Master Plan referenced tonight. He further noted the Historic Districts Commission has recommended purchasing the parcel, but it appears as it does not trust its own guidelines can adequately protect the area.

Mr. Lizotte stated that, from the larger Town-open space perspective, this is a small purchase for a small amount of money. He believes the Town might regret passing on the purchase in years to come. Thus, he would support a recommendation to purchase the parcel, even though he does not know how it would be funded.

On motion duly made and seconded, it was unanimously:

VOTED: To instruct Ms. Kablack to draft a letter, on behalf of the Board, to be sent to the Board of Selectmen, recommending the Town exercises its right of first refusal pursuant to M.G.L. c.61A on the property owned by the Boomas at 233 Concord Road, as discussed tonight, and to create a mechanism to preserve the meadow in perpetuity, as offered by the neighbors tonight.

**Puritan Lane – Potential Subdivision, Assessor's Map #J10-435 and 436 –  
Informal Discussion**

Present: Schofield Brothers of New England, Inc. Senior Vice-President Bruce Ey and Property Owners Mr. Johnson and Mr. Lee

At 8:55 p.m., Chairman Hunter recused himself from this discussion.

Mr. Lizotte opened an informal discussion regarding a potential subdivision plan for Puritan Lane, Assessor's Map #J10-435 and 436. The Board was previously in receipt of copies of a letter from Schofield Brothers of New England, Inc. Senior Vice-President Bruce Ey dated July 19, 2013 and accompanying plan, and an email from the Sudbury Water District dated September 12, 2013 indicating that the proposed subdivision layout will afford the SWD better access to its facilities on Goodman's Hill Road.

Ms. Kablack summarized the proposal. She noted two waivers will be required – road grade and length of dead end street. The slope of the road will be 11.5% at its steepest, and the length of Puritan Road will be increased from 760 feet to 1255 feet at its intersection with Nashoba Road. The proposed extension is intended as a private way serving three additional house lots and the Sudbury Water District property.

Mr. Ey displayed a plan, and he emphasized the benefit to the Town is significant because the road will provide access to the existing Water District's Goodman's Hill water tank and the proposed site of a new water tank. He described the proposal would construct a 20-foot paved road which would allow three new lots to be created. Mr. Ey also summarized the waivers required.

Mr. Lizotte stated his concern is that a very long dead-end and steep road would be created, which would present challenges to the Town's public safety departments. He further questioned who would plow and maintain the road, noting the road would be consistently steep for its entire length.

Mr. Ey cited a few examples of other steep roads in Town, stating he does not get concerned until 15%. He believes the proposed 11.5% is doable. Mr. Ey reiterated the significant benefit the proposal provides the Town and the Sudbury Water District (SWD).

Mr. Morely stated he perceives there is a benefit, but he is not sure it is significant because the SWD would still be able to access its water tanks independent of this proposal.

In response to a question from Mr. Lizotte, Mr. Ey stated he would prefer to have an inclination from the Board as to its position regarding the waivers before more work and money is spent on a definitive plan and design of a stormwater management plan.

Mr. Morely suggested alternative plans be considered to create only two lots, with much less road.

Mr. Abair questioned what the proposed grading for the lots would be. Mr. Ey responded with the use of exhibits.

Mr. Lizotte stated it will be a challenge to build on this slope. He recommended more thought is given to an alternative plan, noting this one is not "clean." Mr. Lizotte stated it would be a challenge for the Board to approve the plan as presented tonight.

Ms. Kablack stated the applicant will need to demonstrate it can keep the grade within the right of way. She suggested the proposed plan be reviewed to minimize the number of waivers required.

Ms. Brown stated she would have public safety concerns regarding the current proposal.

Mr. Abair stated that just because something can be done from an engineering standpoint, does not mean it should be done.

Mr. Lizotte encouraged Board members to visit the site, and he closed tonight's discussion.

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

Ms. Kablack stated the applicant submitted correspondence withdrawing the preliminary subdivision application without prejudice. The Board accepted the withdrawal.

**Brewster Road Lot B – Stormwater Management Permit – Update and Discussion of Performance Bond**

Present: Developer Stan Hargus

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

At 9:30 p.m., Mr. Lizotte opened the discussion regarding the performance bond for Brewster Road Lot B –Stormwater Management Permit. The Board was previously in receipt of the latest inspection report dated October 4, 2013 and photos provided by engineer Benjamin Ewing, an email from Stan Hargus dated October 8, 2013, requesting a partial release of bond and noting site stability compliance, and accompanying documentation, and an email from Ms. Kablack dated October 8, 2013.

Ms. Kablack stated the new material was just received yesterday and there has not been adequate time for review by DPW Director Bill Place or herself.

Mr. Lizotte asked if he is correct in assuming that previous concerns for taking the bond have been addressed. Ms. Kablack reviewed the conditions with which the developer needed to comply by September 15, 2013 and October 15, 2013, and for those conditions which were bonded. She stated she does not believe sod is now required as the grass appears to be growing.

Ms. Kablack recommended, and the Board concurred, that this request is discussed at the Board's next meeting on October 23, 2013 at 7:15 p.m., when a recommendation should be available from Mr. Place for consideration.

Mr. Morely and Mr. Lizotte also suggested an engineer's report and an as-built certification be made available to the Board prior to its next meeting.

Mr. Long stated a partial release of the bond seems as if it would be in order two weeks from now.

Developer Stan Hargus stated he has completed everything requested. He also noted a change was made to reflect 25-year storm data vs. 10-year data. Mr. Lizotte reiterated a certified as-built plan reflecting it was built in compliance should be provided.

**Maple Meadows SRC Phase 2 – Landscaping Discussion**

At 9:40 p.m., Chairman Hunter re-joined the meeting. He opened a discussion regarding landscaping for Phase 2 of Maple Meadows SRC. The Board was previously in receipt of copies of an email from Ms. Kablack to developer Robert Roth dated September 16, 2013.

Ms. Kablack stated she asked Mr. Roth to verify the landscape berm installed is compliance with the approved plan, specifically the length and location of the western edge and its slope. She explained the intended purpose of the berm was to provide adequate screening of the new units from the units built in Phase 1. Upon Ms. Kablack's inspection, she questioned whether there is adequate screening, and noted the Board has the authority to request more screening. She stated Mr. Roth has reached out today to a neighboring unit.

The consensus of the Board was that the developer should be held to the original conditions requiring adequate screening.

**Delegate Stormwater Management Permit Review to Conservation Commission – NStar Substation #342, Boston post Road, Assessor's Map #K11-402 and K10-14**

On motion duly made and seconded, it was unanimously:

VOTED: To delegate the Stormwater Management Permit Review for the NStar Substation #342, Boston Post Road, Assessor's Map #K11-402 and K10-14 application to the Conservation Commission.

**Public Hearing: Draft Planning Board Procedures**

At 9:50 p.m., Chairman Hunter opened the Public Hearing regarding the adoption of Procedures and amendments to the Stormwater Management Bylaw Regulations, Regulations Governing the Subdivision of Land, Rules and Regulations for Senior Residential Communities, Rules and Regulations for Incentive Senior Developments, and Rules and Regulations for Special Permits in the Water Resource Protection Districts, and he read aloud the Public Hearing Notice. The Board was previously in receipt of copies of a draft Town of Sudbury Planning Board Procedures Version 3 and an email exchange between Sudbury resident Ralph Tyler, 1 Deacon Lane, and Ms. Kablack dated September 16, 2013 regarding documents being submitted electronically.

Mr. Morely suggested, and the Board concurred, the procedures be reviewed by Town Counsel.

Chairman Hunter presented revisions to the document, which he will provide in a red-line version to Ms. Kablack. Board members suggested a few revisions, and Ms. Kablack stated she will incorporate their suggestions and hers and re-circulate another red-line version to the Board for further review at a later time.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the public hearing to October 23, 2013 at 9:00 pm.

**Minutes**

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of August 21, 2013 and September 4, 2013.

The meeting was adjourned by Chairman Hunter at 10:05 p.m.