

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

Absent: Craig Lizotte

At 7:17 p.m., Chairman Hunter called the meeting to order.

Minutes

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of October 9, 2013.

FEMA Flood Map Changes

At 7:19 p.m., Chairman Hunter opened a discussion regarding the FEMA Flood Map Changes. The Board was previously in receipt of copies of an email from Chairman Hunter dated October 1, 2013 and a summary of a FEMA Meeting dated February 27, 2013, prepared by Debbie Dineen.

Ms. Kablack stated the Department of Public Works keeps abreast of these maps and changes. If there are revisions which need to be approved by Town Meeting, an article will be submitted, and a Public Hearing will be held prior to Town Meeting.

Ms. Brown noted contours have been changed, and homeowners may only become aware of this when they try to sell their home.

Mahoney Farms – Stormwater Management Permit – Request for Minor Modification

At 7:22 p.m., Chairman Hunter opened the discussion regarding the request to modify several conditions of the Senior Residential Community Special Permit and Stormwater Management Permit received from Capital Group Properties Manager Martin Loiselle, Jr. in a letter dated September 27, 2013. The Board was also in receipt of a letter from Mr. Loiselle, Jr. dated July 22, 2013.

Ms. Kablack stated the applicant has asked for a site visit to be scheduled with her and DPW Director Bill Place (and anyone else who would like to attend). Ms. Kablack provided a brief history regarding occupancy permit approvals for Phase II last spring for two units. She stated the applicant is seeking relief from two conditions. Ms. Kablack asked for the Board's guidance as to whether a Public Hearing should be scheduled.

Mr. Morely stated, and the Board concurred, there was significant interest from neighbors regarding this development. Thus, he believes a Public Hearing should be scheduled.

Ms. Kablack will coordinate a Public Hearing date for the Board.

Public Hearing: Draft Planning Board Procedures

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, which was continued from October 9, 2013. The Board was previously in receipt of copies of a draft Town of Sudbury Planning Board Procedures Version 4.

Ms. Kablack highlighted revisions made since the Board's last meeting. In response to a question from Chairman Hunter, she stated the advice of the Town's IT Manager for Section 13.2 is that a PDF can be searchable, although he is concerned "drop box" is a proprietary term. It was suggested it be referred to as a central cloud depository. Chairman Hunter also suggested references to DVDs be replaced with portable/removable storage devices.

Ms. Brown emphasized that people will need to be made aware of the procedures and expectations. Ms. Kablack stated that, once the procedures are adopted, they will be advertised and attached to all application packets. Ms. Kablack will continue to work with IT staff on implementation of the technological aspects.

In response to a question from Ms. Brown regarding Section 7.4, Ms. Kablack stated anyone who requests a copy of a decision can receive it.

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the 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, a Stormwater Management Permit and to accept the Town of Sudbury Planning Board Procedures Version 4, as reviewed and amended tonight, subject to final review by Town Counsel.

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.

The Board was previously in receipt of copies of a letter from Stamski and McNary, Inc. dated October 15, 2013 and accompanying required DRAFT As-Built Stormwater Management Plan. In addition, copies of a letter from Department of Public Works Director I. William Place dated October 23, 2013 were distributed tonight.

Mr. Morely opened the discussion regarding release of the bond for the Stormwater Management Permit for Lot B Brewster Road, requested by developer Stan Hargus.

Mr. Hargus stated he would like to meet with Mr. Place to clarify what is needed to complete.

Ms. Kablack stated she and Mr. Place were unable to locate any existing inspection ports. Mr. Hargus stated they are identified with three stakes. Ms. Kablack stated they saw the stakes, but when they dug down a bit, they saw no PVC or ports.

Mr. Hargus stated he is unclear what action steps are needed for most of Mr. Place's highlighted comments. Regarding the fifth item noted, Mr. Hargus stated there is an easement not shown on the plan, but it was delineated on the plot plan. He will have the surveyor follow-up on this.

Ms. Kablack stated the swale needs to be shown. She also noted the entire right side has no vegetation. She recommended all areas be stabilized as soon as possible.

The Board recommended that Mr. Hargus addresses the items noted by Mr. Place and Ms. Kablack before its next meeting, when it will again entertain the request to release the bond.

On motion duly made and seconded, it was unanimously

VOTED: To re-set the performance bond held for Brewster Road Lot B as recommended by Department of Public Works Director I. William Place in his letter dated October 23, 2013 to \$12,893.

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

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

At 7:50 p.m., Chairman Hunter returned to the meeting, and 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. Said property will involve the disturbance of approximately 59,000 sq. ft. of land area and it contains areas with slopes greater than 15%. Chairman Hunter read aloud the Public Hearing Notice.

Chairman Hunter appointed Associate Planning Board Member Marty Long to be eligible to vote regarding this Special Permit application due to the absence of Board member Craig Lizotte.

The Board was previously in receipt of copies of a letter from Cornerstone Engineering, Inc. dated August 12, 2012 and accompanying Town of Sudbury Form C Application for Approval of Definitive Cluster Development Special Permit dated August 20, 2013 and accompanying Locus, Erosion Control, Plan of Land, Construction Details and Topographical Plans, and the Town of Sudbury Application for Stormwater Management Permit dated August 1, 2013 and accompanying Stormwater Report "Livermore Estates" Maynard Road, Sudbury Massachusetts dated July 25, 2013 prepared by Cornerstone Engineering, Inc., the Stormwater Pollution Prevention Plan, the Town of Sudbury Evaluation form for Subdivisions dated October 9, 2013, a letter from stormwater management peer reviewer Hancock Associates dated October 4, 2013, a letter from DPW Director I. William Place dated September 29, 2013, a memorandum from Health Director Robert Leupold dated October 8, 2013, and a memorandum from Conservation Agent Debbie Dineen dated September 23, 2013.

Mr. Colonna described the proposed subdivision for two single-family lots on Maynard Road. With the use of plan exhibits, he reviewed the location, stating the site is overall a ten-acre parcel, which is mostly wooded and undeveloped. He stated the slope is relatively flat by Maynard Road, and it gets steeper as it climbs towards the water tank.

Mr. Colonna stated the lots would be serviced by on-site wells and individual septic systems. He further stated the soils have been tested for the septic plans, which were witnessed by the Board of Health. Mr. Colonna stated each house would have its own driveway, and an open-space buffer has been planned on one side, and additional landscaping would be added to the other side. Chairman Hunter stated he would like to see the plantings shown on the plans.

Mr. Colonna described where water will drain for both lots and how it will be handled. In response to comments received from DPW Director Bill Place, he stated test pits were performed, and the sub-drains were relocated. Mr. Colonna stated comments received from Ms. Kablack will also be addressed to be sure plans are in full compliance.

Mr. Colonna stated the applicant is proposing to revise the application from a cluster to a flexible development, and he displayed a possible revised plan. Ms. Kablack and Chairman Hunter stated they are inclined to make it a flexible development. Ms. Kablack explained that for a cluster development, the applicant would need a waiver and could not meet perimeter buffer requirements. Mr. Colonna emphasized only the lot lines would need to be changed.

Chairman Hunter asked why the subdivision will not be connected to Town water. Mr. Colonna stated it would be too costly to do so. Ms. Kablack stated Mr. Place is researching whether Lots E & F could be connected to Town water. It was suggested the applicant considers making a contribution to the Town to create a connection from Wyman Drive to Fairbank Road.

Ms. Kablack opined the Board might best have leverage by approving the subdivision, subject to certain conditions.

Chairman Hunter noted there are no fire hydrants on Maynard Road. He asked why a common driveway was not considered. Mr. Colonna explained the proposed layouts of the houses worked better with separate driveways, as well as the drainage, and a common driveway would have required obtaining easements and permits.

Mr. Morely asked for clarification of the lot line for Lot 1, which Mr. Colonna provided.

Ms. Brown noted there are discrepancies on the parcel identifications on the Town GIS maps. She also suggested correcting a few confusing correspondence dates so they accurately reflect submissions in either 2012 or 2013.

Chairman Hunter asked for clarification of the lot areas. Mr. Colonna stated 50,000 sq. ft. was used because it is required for a five-bedroom home. Thus, it is a selling feature to prospective buyers that they have the potential to increase the size of the home.

Ms. Kablack stated she will meet with the applicant next week to review the three pending applications.

Mr. Colonna stated he did not receive copies of the comment letters from Hancock Associates and the Conservation Commission. Ms. Kablack provided him with copies tonight, and Mr. Colonna stated he will review the information and provide responses to the comments.

Ms. Brown highlighted item #4 from Ms. Dineen's September 23, 2013 memo, and Mr. Colonna stated he will further review the drain easements.

Sudbury Stormwater Management Peer Reviewer John Boardman from Hancock Associates stated the biggest concerns he noted were related to ensuring the drywells and infiltration will work in relation to the ground water. Mr. Boardman also recommended crowning for the grading of the driveway.

Mr. Long asked if the applicant has considered a contribution to the Town's Walkway fund. Mr. Colonna stated he will discuss this with the applicant and have more information for the Board at the next meeting. Chairman Hunter reminded Mr. Colonna to also discuss a contribution in lieu of hooking up to Town water.

In response to a question from Mr. Morely, it was noted the existing walkway would remain.

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 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 November 13, 2013 at 8:00 p.m.

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

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

At 8:22 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 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 August 1, 2013 and accompanying Stormwater Report "Lots 47A, 48A, 54B & 55B" Widow Rite's Lane, Sudbury Massachusetts dated July 25, 2013 prepared by Cornerstone Engineering, Inc., and accompanying Stormwater Plan, a Stormwater Operations and Management Plan Lots 47A, 48A, 54B and 55B Widow Rite's Lane, Sudbury, MA, the Stormwater Pollution Prevention Plan, and a letter from stormwater management peer reviewer Hancock Associates dated October 7, 2013.

Mr. Colonna described the site, noting it is currently wooded, with fairly steep slopes. The Stormwater Management Permit application is for four lots, with two lots each sharing a common driveway. He

explained a different engineering firm prepared four septic plans, which were previously approved by the Board of Health. These plans were revised to satisfy the Town's current stormwater requirements.

Ms. Kablack questioned who the engineer of record would be, stating this is an unusual circumstance she has not previously encountered. Mr. Colonna stated the engineer of design does not have to be the engineer of record. He emphasized the original plans are not being amended, and they were already approved by the Board of Health.

Mr. Colonna stated the plan proposes a swale and sub-drains, with most of the stormwater being directed to the existing detention basin behind Michael Drive constructed for the Willis Hill subdivision. He has reviewed the existing detention basin for volume. Mr. Colonna stated the peak rate is not increased beyond pre-existing conditions, and he explained how the water would be piped down into the drainage system.

Chairman Hunter asked for clarification of the disturbed area and where the 164,000 square feet is greater than 20%. Mr. Colonna indicated on the plans the locations of both.

Chairman Hunter stated that, if the intention is to clear the area all at once, piles of dirt must be covered to stabilize the area. Ms. Kablack stated this would be a condition of the decision.

Chairman Hunter asked what the plan is for disturbance along the street. Mr. Colonna stated the intention is to first construct the swale, with check dams positioned every 50 feet.

Mr. Abair stated there are a lot of concerns expressed by Ms. Kablack and Mr. Place that have not yet been addressed. He stated the steepness of this slope will be of particular concern to the Board, to ensure neighbors are not negatively impacted.

Sudbury Stormwater Management Peer Reviewer John Boardman from Hancock Associates stated there should be one comprehensive set of plans created rather than relying on two sets of plans as suggested by Mr. Colonna. Mr. Boardman stated one set of plans is recommended to ensure the systems are constructed correctly so that water does not run down to the street or onto other properties. He referenced the history of prior water and erosion problems associated with this area, which he believes must be taken into consideration. Chairman Hunter and Mr. Long concurred, stating they would want to see a consolidated plan.

Mr. Colonna stated there would need to be a separate septic plan. Ms. Kablack stated this is customary. However all grading for the lots needs to be shown on the stormwater plans.

Mr. Boardman also stated there needs to be soil testing done for elevations.

Sudbury resident Ed Dearias, 40 Widow Rite's Lane, lives directly across the street from the site. He asked for additional details regarding the swale, which Mr. Colonna provided. Mr. Dearias stated he has concerns regarding drainage, the septic system, and whether the water tanks will be sufficiently screened to improve his view. Chairman Hunter stated the applicant's objective would be similar to that of Mr. Dearias' so buyers will also have an attractive view, however screening of the tanks is not within the jurisdiction of this application, which is to review stormwater concerns.

Sudbury resident Glenn Migliozi, 32 Widow Rite's Lane, asked where the proposed 100-foot wall would be located and how high it would be. Mr. Colonna stated the wall would be four-feet tall in some areas, and six-feet tall in other areas. Mr. Dearias opined that the wall could enhance the area.

Mr. Migliozi shared photographs with the Board to illustrate that, in his opinion, the amount of rain which comes down the slope is massive. He believes hay bales are unable to work in this location. Mr. Morely stated the applicant intends to first install the swale, and then install the hay bales.

Mr. Migliozi requested a performance bond be required to ensure there are no run-off problems. He emphasized the neighbors have been tortured with runoff and erosion problems for years. Mr. Migliozi believes it is unnatural to build houses in this location, which he views as barren land, on too steep of a slope. He mentioned neighbors may have to hire a lawyer to closely monitor the situation.

Ms. Kablack stated the Board will closely monitor the situation against the Town's regulations and any conditions required, and it will be guided by its stormwater management consultant. She stated the project is challenging. Ms. Kablack reviewed the rights of the abutters, noting the process will be difficult and messy. She further stated it is highly unlikely the Board will deny the application because it has no valid reason to do so, noting a Permit would likely be granted. Ms. Kablack stated there is a lot more work to be done and a lot more engineering plans to be submitted.

Sudbury resident Laura Rippy, 61 Cudworth Lane, stated she would like to establish accountability for the originally approved plan which the applicant intends to use, and she asked what scrutiny there will be for the new consolidated plan.

Mr. Migliozi asked where else in Town there is a 100-foot swale. Mr. Morely referenced the left side of Union Avenue. Mr. Migliozi stated he does not consider Union Avenue to be similar to the residential area under discussion.

Mr. Dearias asked again what rights the neighbors have to ensure the project will look attractive, and he asked if landscaping can be mandated. Chairman Hunter stated the Board wants the neighbors to be part of the Stormwater Public Hearing process, and he encouraged them to let Town staff and the Board know what is occurring.

In response to a question from Mr. Migliozi, Ms. Kablack stated the Planning Board is the permit granting authority for this type of project.

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) to November 13, 2013 at 8:15 p.m.

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

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

At 9:08 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 9, 2013. The Board was previously in receipt of a letter from Cornerstone Engineering, Inc. dated October 7, 2013 responding to comments from Department of Public Works Director/Town Engineer I. William Place in a letter dated September 27, 2013 and to those noted in a letter from peer reviewer Hancock Associates dated September 26, 2013, and accompanying revised plans, including the Stormwater Operations and Management Plan Lots E & F Maynard Road, Sudbury, MA dated October 1, 2013, acknowledgement of a complete Notice of Intent form under the Environmental Protection Agency's (EPA) Construction General Permit is active, a Septic System Design Plan, and a letter from Cornerstone Engineering, Inc. dated October 15, 2013, with accompanying revised plans, incorporating comments from the Board's last meeting. In addition, copies of a letter from DPW Director I. William Place dated October 23, 2013 and a letter from Sudbury Stormwater Management Peer Reviewer John Boardman from Hancock Associates dated October 18, 2013 were distributed tonight.

Mr. Colonna stated the two outstanding items from the last meeting have been addressed. He explained the plans were revised to crown the driveway and to note the inspections in #9 on the plan as had been requested. Mr. Colonna also stated all concerns presented by Hancock Associates have been addressed.

Chairman Hunter stated he drove by the site and he was pleased to see some grass growing. He asked Mr. Colonna to address the stabilization comments from Mr. Place's October 23, 2013 letter. Ms. Kablack stated the new southern lot line has not yet been stabilized. Mr. Colonna stated he would walk the area with Mr. Place to review any further work to be completed.

Chairman Hunter asked if the swale was moved back near where the stone wall had been. Mr. Colonna stated it had been moved. It was noted the stone wall has been removed, and this area needs to be covered with jute netting along the roadway.

Chairman Hunter stated he is inclined to agree with Mr. Place's recommendation to hold a bond until all work is completed to the Town's satisfaction.

Sudbury Stormwater Management Peer Reviewer John Boardman stated all his concerns have been addressed. Mr. Boardman stated stabilization is the priority remaining.

Ms. Kablack recommended, and the Board concurred, that the Public Hearing remain open, until Mr. Place's concerns have been addressed.

Mr. Colonna stated most of Mr. Place's comments are construction items, and not permit-related, with the exception of the bond.

On motion duly made and seconded, it was 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 0303 & 0304) to November 13, 2013 at 8:30 p.m., and to instruct Ms. Kablack to prepare a draft decision for review at the next meeting.

Miscellaneous
Route 20 Sewer Steering Committee

The Board was previously in receipt of copies of the Route 20 Sewer Steering Committee memorandum dated October 16, 2013. Mr. Abair provided some background for the memo. The memo suggests the Board meets with the Sudbury Public School (SPS) Committee to discuss how the sewer project could impact re-districting for schools.

Chairman Hunter cautioned against entering into this type of discussion from a legal standpoint. He questioned whether it could be construed as red-lining and/or spot-zoning. Chairman Hunter requested Town Counsel be consulted on this matter.

Ms. Kablack stated she met with SPS Business Director Mary Will to provide Ms. Will with an overview of the Town's current and future housing plans. Ms. Will stated enrollments are projected to decline, and projected housing projects are beneficial to keeping staffing and operations at current levels.

Ms. Kablack stated she has nine individuals who have expressed interest in participating in a 10% affordable housing group, including Chairman Hunter and Mr. Abair. She will coordinate the first meeting soon.

Ms. Brown opined the Town is clearly making progress on its housing goals, and it is important to continue working to reach safe harbor regarding affordable housing quotas.

Upcoming Meeting Schedule

Ms. Kablack stated the next meeting will be held Wednesday, November 13, 2013, at 7:30 p.m. at Town Hall.

The meeting was adjourned by Chairman Hunter at 9:35 p.m.