

Present: Chairman Michael Hunter, Christopher Morely, Craig Lizotte (arrived at 8:50 p.m.), Pat Brown, Martin Long (Associate Member) and Jody Kablack (Director of Planning and Development)

Absent: Peter Abair

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

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

Present: Developer Bill DiPietri

At 7:36 p.m., Chairman Hunter opened the Public Hearing regarding the application of Mahoney Farms, LLC for a modification to an approved Senior Residential Community Special Permit dated May 23, 2013, originally granted on June 22, 2005, and a Stormwater Management Permit dated May 23, 2013, which was continued from January 8, 2014.

Ms. Kablack stated nothing new has been received to the file.

Developer Bill DiPietri addressed the Board. He stated there has been some confusion regarding the purpose of the underground recharge systems used in Phases 1 and 2.

Mr. DiPietri stated these systems were not intended to function as infiltration and/or detention basins. He emphasized they were designed as groundwater recharge systems, and thus, he believes they are functioning properly, as designed for a half inch of rain.

Mr. DiPietri stated the development has experienced no foundation leaks in seven years. He described why the overflow occurs when the soils are too saturated to accept more water. Mr. DiPietri stated a solution was offered to put pipes over ground to handle the overflow, but this option is not aesthetically pleasing. He reiterated the systems are working as designed.

Ms. Kablack stated the meeting is being taped for the benefit of Mr. Lizotte and Mr. Abair. She referred to the relief waiver requested by the applicant, and she noted the Board has discovered through its deliberations issues of concern regarding the construction of the recharge/infiltrator units not being two feet above groundwater.

Mr. Morely stated that to solve the problem through excavation would be costly, and it might not achieve a significantly different result. He emphasized the residents are concerned about what the future maintenance issues might be.

Ms. Brown stated there had been some reports regarding water overflowing from the gutters. Mr. DiPietri and Ms. Kablack stated this is by design.

Sudbury resident Mike Couto, 30 Nobscot Road, stated there have not been any leaks in the past five years he has lived there. He has thought about what might be a good solution for the long-term concerns expressed by Sudbury's Stormwater Management Peer Reviewer John Boardman to move the overflows

at the bottom of the drain farther away from the foundation. Mr. Couto agreed that excavation would be too costly and would be too disruptive to the residents and the already mature landscape.

Mr. Couto stated the residents are concerned about the long-term consequences. He stated the infiltration units are constantly full due to the soil conditions and the covers for the inspection ports are consistently blown off. Mr. Couto suggested running a line out of the downspouts along the lawn which would lead to pop-up emitters. He believes this option might cost a little more, but it could alleviate the problem and be more attractive than the previously proposed solution.

Mr. Morely stated the suggestion sounds logical.

Mr. DiPietri stated the suggested solution would be acceptable to him if written in the Decision.

Ms. Kablack stated she will discuss Mr. Couto's suggested solution with Mr. Lizotte and Mr. Boardman. She asked Mr. DiPietri to have the engineer Vito Colonna provide her with details specifying materials and the locations for installation.

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 and Stormwater Management Permit dated May 23, 2013, to modify the Senior Residential Community Special Permit to March 12, 2014 at 8:00 p.m., and to instruct Ms. Kablack to prepare a draft Decision for the Board's review.

**Public Hearing: Definitive Subdivision and Stormwater Management Permit – North Ridge Farm – 338 North Road - Assessor's Map #C09-0031**

Present: Applicant's civil engineer Scott Hayes

At 8:00 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by Distinctive Acton Homes, Inc. (applicant) and Cavooto Sudbury Realty Trust (Owner) for approval of a Definitive Subdivision and Stormwater Management Permit, as shown on a plan entitled "North Ridge Farm Definitive Subdivision Plan," prepared by FORESITE Engineering dated November 1, 2013, proposing a subdivision of approximately 7.46 acres into six lots and construction of improvements thereon, which was continued from January 22, 2014. Said property is located at 338 North Road (Assessor's Map C09, Parcel 31), and will involve the disturbance of approximately 220,000 square feet of land area. The Board was previously in receipt of copies of a letter from Hancock Associates dated February 3, 2014.

Ms. Kablack stated Peer Reviewer John Boardman's letter dated February 3, 2014 on the stormwater management permit has been received since the last hearing. She also stated that she, Mr. Boardman and Bill Place met with the applicant's engineer Scott Hayes this week to discuss the project.

Mr. Hayes stated he received Mr. Boardman's stormwater management review letter. He reviewed several topics the group discussed regarding drainage. Mr. Hayes stated he is working to incorporate feedback received into revised plans and a revised drainage design. He also stated he has been in contact with the Fire Chief regarding selection of a new street name.

Chairman Hunter asked if the porous pavement would be eliminated. Mr. Hayes stated it would be eliminated.

In response to a question from Mr. Morely, Ms. Kablack stated the street width has been requested to be reduced from 24 feet to 22 feet, which is acceptable to Mr. Place. She further noted the Board has never conducted a site visit to this property, which she thinks could be beneficial.

Mr. Long asked if there has been consideration given to reducing the number of lots. Mr. Hayes stated six lots are still proposed.

In response to a question from Mr. Morely, Mr. Hayes stated the Conservation Commission delineated the wetlands.

Sudbury resident Syrie Fried, 330 North Road, stated she is a direct abutter. She asked what is proposed for her property line boundary, which in some locations is within 25 feet of her home. Ms. Fried asked what it will look like and whether there will be drainage issues. Mr. Hayes stated it is likely that evergreens will be planted along the property line, and no drainage issues are anticipated.

Ms. Kablack urged Mr. Hayes to encourage his client to contact the neighbors. She reiterated a site visit by the Board could be helpful to evaluate landscaping needs.

Mr. Morely stated vegetative screening should be discussed throughout the subdivision. Ms. Kablack requested any proposed landscaping be noted on the plans.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing for approval of a Definitive Subdivision and Stormwater Management Permit for North Ridge Farm to March 12, 2014 at 8:15 p.m.

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

Present: Co-developers Robert Roth and Robert McGinty, and their attorney Michael Fee

At 8:15 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision which was continued from January 22, 2014. Said property is located at 82 Maynard Road (Assessor’s Map G08-0026). The Board was previously in receipt of copies of an email from Russ Wilson, PLS, CSE dated December 31, 2013, a memorandum from

Ms. Kablack dated February 11, 2014 and a letter from the applicant’s attorney Michael Fee dated February 7, 2014. In addition, copies of two letters from Co-Developer Robert Roth respectively dated February 5 and February 11, 2014 were distributed tonight.

Ms. Kablack stated she and Town Counsel reviewed Mr. Fee’s letter, which they believe illuminates inconsistencies within Sudbury’s subdivision regulations. In particular regarding this application, they concur with Mr. Fee’s conclusions related to the rounding/radius issue based on the current Town regulations. Ms. Kablack stated the plan provided proposes no rounding in the right-of way, but rather it is handled within an easement. It was noted this eliminates the need for the waiver regarding the 50-foot requirement. Ms. Kablack also stated the applicant has reviewed her February 11, 2014 memo, and is

willing to address all items noted. It was suggested the applicant has a few weeks to revise plans to be presented to the Board at its March 12, 2014 meeting.

The applicant's attorney Michael Fee made himself available to the Board to address any questions regarding waivers.

Mr. Morely stated this developer is known well by the Board and has worked cooperatively with the Town for a long time. He suggested this is not the type of applicant with which the Town is likely to be inflexible.

Ms. Brown suggested, and the Board concurred, that a written opinion from Town Counsel be requested for the file.

Ms. Kablack informed Mr. Roth she has not received the requisite soil test results for Lot 2. She also requested site distances be noted on the plans.

It was noted that the Conservation Commission Coordinator has opined the wetlands boundaries are accurately reflected, and thus there are no pending conservation-related issues.

Ms. Kablack stated the decision deadline expires on February 21, 2014, and the applicant has agreed to an extension.

Chairman Hunter suggested, and the Board concurred that the area along Maynard Road on parcel B be considered by the developer as a no-plant zone in order to preserve safe sight distance for the abutting property.

Sudbury resident Jay Cushing, 34 Minebrook Road, asked for clarification regarding the proposed number of homes and where trees will be planted for screening, which Mr. Roth provided. Mr. Morely suggested Mr. Roth should contact neighbors to address any questions they might have.

On motion duly made and seconded, it was unanimously:

VOTED: To extend the deadline for a decision an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision, as shown on a plan entitled "Definitive Plan of Land, 82 Maynard Road in Sudbury, Mass," proposing a subdivision of approximately 3.17 acres into two lots and construction of improvements thereon to April 18, 2014.

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

VOTED: To continue the Public Hearing for approval of the Definitive Subdivision of 82 Maynard Road to March 12, 2014 at 8:30 p.m.

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

At 8:40 p.m., Chairman Hunter opened a discussion regarding the Stormwater Management Permit violation issued to SF Holdings LLC for Lots E & F, Maynard Road (Assessor's Map E06, Parcels 0303 & 0304). The Board was previously in receipt of copies of an email from Sudbury's Stormwater

Management Peer Reviewer John Boardman dated January 28, 2014 and a Stormwater Construction Site Inspection Report dated January 29, 2014.

Ms. Kablack reported the applicant has recently been submitting inspection reports. However, due to the current frozen conditions, the applicant does not believe anything can be remedied. She stated Mr. Boardman has requested the applicant revise the topographical plan to include existing grades so that is completed when conditions are conducive for work to commence. Ms. Kablack stated the applicant has not submitted any long-term restoration plans to date.

### **Minutes**

Chairman Hunter noted the property noted in the third paragraph from the bottom of Page 5 should be corrected to “Pullen” instead of Pulman.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of January 22, 2014, as amended.

### **Annual 2014 Town Meeting Articles – Discussion**

At 8:50 p.m., Chairman Hunter opened a discussion regarding the four proposed articles for the Annual 2014 Town Meeting. The Board was previously in receipt of copies of an email from Building Inspector Mark Herweck dated January 28, 2014 regarding a revision to the Shed Warrant Article.

Ms. Kablack stated the Board’s next meeting will include a Public Hearing regarding the four zoning-related Town Meeting articles. She noted she has had ongoing discussions with the Department of Environmental Protection (DEP) regarding the wastewater bylaw. Ms. Kablack will share her feedback at the next meeting.

In response to a question from the Board, Ms. Kablack will confirm setback requirements regarding the Shed Warrant Article.

### **Miscellaneous**

Ms. Kablack announced the Sudbury Housing Trust has re-advertised for a builder for its project at 278 Maynard Road, proposing the construction of 3 affordable units.

The meeting was adjourned by Chairman Hunter at 9:00 p.m.