

Present: Chairman Peter Abair, Christopher Morely, Stephen Garvin, Dan Carty, John Hincks, Meagen Donoghue (Director of Planning and Community Development), and Beth Suedmeyer (Environmental Planner)

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

**Public Hearing: Proposed Zoning Articles for 2017 Annual Town Meeting**

At 7:35p.m., Chairman Abair opened the Public Hearing regarding the proposed zoning articles for the May 2017 Town Meeting, to 1) Amend Article 1230, by replacing the words “six months” with the words “one year” to read as follows: “1230. Conformance. Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of one year after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible,” and 2) to Amend Zoning Bylaw, by adding a new Section 4700 TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 4700, “Temporary Moratorium on Marijuana Establishments.” The Board was previously in receipt of copies of the Public Hearing Notice and copies of the Warrant articles.

Ms. Donoghue explained the first proposed amendment regarding “Conformance” (which she read aloud) is being changed to correspond with the requirement change from six months to one year made by the State. She noted Town Counsel prepared the article language.

There were no questions from the Board or the public.

Ms. Donoghue stated the second proposed amended bylaw regarding a temporary moratorium on marijuana establishments has been sponsored by the Board of Selectmen. She noted Town Counsel prepared this article language.

Mr. Morely noted the proposed moratorium is short in that it goes until June 30, 2018. Ms. Donoghue stated this seems to be the standard which is being proposed across the State.

Mr. Hincks referenced the proposed article Section 4720 Definition paragraph. He suggested, and the Board concurred, that the word “cultivator” be further clarified to

reflect whether it is intended only for retail cultivators and whether home cultivation is allowed. Mr. Carty noted this might be better defined within the Mass. General Law referred to in the article language. The Board requested that Mr. Hincks' question be presented to Town Counsel.

Mr. Garvin suggested, and the Board concurred, that the last line of the proposed article should include language to reflect that individual/personal use is exempted, as legally protected by law.

There were no further questions or comments from the Board or the public.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the proposed zoning article for the May 2017 Town Meeting to 1) Amend Article 1230, by replacing the words "six months" with the words "one year" to read as follows: "1230. Conformance. Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of one year after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible.", as presented tonight.

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

VOTED: To approve the proposed zoning article for the May 2017 Town Meeting to Amend Zoning Bylaw, by adding a new Section 4700 TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 4700, "Temporary Moratorium on Marijuana Establishments.", subject to Town Counsel adding language to reflect that individual/personal use is exempted, as legally protected by law.

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

VOTED: To close the Public Hearing regarding the proposed zoning articles for the May 2017 Town Meeting to 1) Amend Article 1230, by replacing the words "six months" with the words "one year" to read as follows: "1230. Conformance. Construction or operations under a building permit or special permit shall conform to any subsequent amendment of this Bylaw unless the use or construction is commenced within a period of one year after the issuance of the permit, and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as possible," and 2) to Amend Zoning Bylaw, by adding a new Section 4700 TEMPORARY MORATORIUM ON MARIJUANA ESTABLISHMENTS, that would provide as follows, and further to amend the Table of Contents to add Section 4700, "Temporary Moratorium on Marijuana Establishments."

## Minutes

On motion duly made and seconded, it was

VOTED: To approve the meeting minutes of March 8, 2017.

Mr. Garvin abstained from the vote.

## Planning Board Projects and Priorities – Review, Discuss and Update

At 7:50 p.m., Chairman Abair opened a discussion regarding updating the projects and priorities of the Planning Board. He stated he is working on an updated draft to circulate to the Board for review and discussion.

Chairman Abair mentioned he has thought about what role the Board might play in helping the Town to achieve a sustainable affordable housing safe harbor from the State-mandated quota. He also suggested that the Board could possibly review the production of second-level housing above retail establishments.

Mr. Morely stated he has heard the mix of retail with housing above is not a desirable model for developers. Mr. Garvin stated it is possible to do this type of development successfully, and he referenced a recent project completed in Wayland. However, he also stated it is not always an ideal model on a large scale.

Chairman Abair stated he has also thought it might be a good idea for the Board to have a discussion with the Sudbury Housing Trust regarding zoning improvement incentives.

Mr. Morely opined the Town will likely need a fair number of affordable units around 2030 and beyond. He suggested there should be a group in Town which is thinking about this issue in a large way.

Board members noted recreation, Route 20 development, Route 20 sewer, stormwater management and a Master Plan have been previously mentioned as potential priorities.

Chairman Abair stated the Meadow Walk development will have an impact on the Route 20 corridor, and he has thought about whether a Board subcommittee should evaluate what worked with this project to help encourage more redevelopment in the corridor. He questioned whether the Route 20 study should be reviewed.

Mr. Morely stated there had been an idea broached a few years ago about possibly doing a Route 20 Master Plan before doing one for the entire Town.

At 8:00 p.m., Chairman Abair stated this agenda item will be discussed again at a later date, and he closed the discussion.

**Public Hearing: Definitive Flexible Subdivision Special Permit and Stormwater Management Permit – Livermore Estates, Maynard Road (Assessor’s Map E06-0352, E06-0353 & E07-0150)**

Present: Applicant and developer Vin Gately and his engineer Vito Colonna and Sudbury’s Stormwater Management Peer Reviewer Janet Carter Bernardo

At 8:00 p.m., Chairman Abair opened the Public Hearing regarding an application submitted by Maynard Road – HP, LLC, for approval of a Definitive Flexible Subdivision Development Special Permit and Stormwater Management Permit as shown on a plan entitled “Definitive Flexible Subdivision, “Livermore Estates” Locus Plan in Sudbury, MA” prepared by Connorstone Engineering Inc., dated January 9, 2017, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements thereon, which was continued from February 22, 2017. Said property is located on Maynard Road (Assessor’s Map E06-0352, E06-0353 & E07-0150) and will involve the disturbance of approximately 59,000 sq. ft. of land area and contains slopes greater than 20% and results in a net increase in impervious surface of approximately 9,640 sq. ft., which was continued from March 8, 2017. The Board was previously in receipt of copies of a letter from Connorstone Engineering, Inc. dated March 10, 2017 and accompanying revised plans, and the “Stormwater Report “Livermore Estates” Maynard Road Sudbury, Massachusetts July 25, 2013, Revised May 5, 2014 (NOI Submittal) and Revised March 10, 2017” prepared by Connorstone Engineering Inc. In addition, copies of a letter from Horsley Witten Group’s Peer Reviewer Janet Bernardo dated March 20, 2017, an email from Deputy Director of Public Works William O’Rourke dated March 22, 2017 and an email from Conservation Coordinator Debbie Dineen dated March 20, 2017 were distributed tonight.

Ms. Donoghue stated the Hearing was opened on February 22, 2017 and it was continued two times. She summarized the history of the Special Permit approved in 2014, noting it was not acted upon and it has expired. Thus, the applicant is submitting a new filing.

Property owner and developer Vin Gately stated he has owned the two Livermore lots referenced since September 2016, and he also owns Lots E & F to be discussed in tonight’s next agenda item.

The applicant’s engineer Vito Colonna stated he worked on the original development plans approved in 2014. He described the 10-acre parcel on Maynard Road as flat and cleared, with a steep slope in the back which is not buildable. Mr. Colonna stated he first submitted a two-lot conventional subdivision plan to show the proposed project was feasible. He further stated it was determined that a two-lot flexible development plan was preferred. With the use of exhibit boards, Mr. Colonna showed where the septic system would be in the front, and he noted some stormwater management improvements,

including drywells for roof runoff and rain gardens. He also stated the development will have public utilities, noting private wells were originally considered, but the Sudbury Water District (SWD) has since decided to bring public water up to Wyman Road. Mr. Colonna stated the septic system was previously approved, but he will submit a renewal application.

Mr. Colonna also mentioned the stormwater management system is a bit different than what was previously approved. He explained it was originally to be connected to the Town drainage system, but some Town Department Heads asked for the Maynard Road capacity to be further studied. Mr. Colonna stated it was determined that there is no excess capacity for Maynard Road, and thus the Town Engineer asked for the development's system to be disconnected from the Town's.

Mr. Colonna stated he believes the Peer Review comments received and the comments received today from Ms. Dineen and Mr. O'Rourke should be able to be addressed.

Ms. Donoghue distributed copies to the Board of the relevant section 5200 of the Town Bylaw regarding Flexible Development. She also noted she had consulted with former Planning Director Jody Kablack regarding the purpose of the bylaw and the original submission.

Mr. Morely asked if connecting the driveways into one would help the stormwater issues. Mr. Colonna stated he reviewed this, but he determined there was not much to be gained by combining the driveways. He also stated that, from a marketing standpoint, they would rather avoid a shared driveway.

Mr. Carty asked how much frontage there is, and Mr. Colonna estimated approximately 321 feet. It was noted a regular subdivision plan would call for 180 feet of frontage per lot, however, the flexible bylaw allows a minimum of 120 feet.

Mr. Garvin asked what is being proposed to comply with the requirement to preserve the visual buffer. Mr. Colonna described street trees are planned along the frontage, and screening is being added between the units and around three sides of the lots.

Mr. Garvin referenced Ms. Dineen's suggestion that a perpetuity conservation restriction be placed on all areas of the lot outside the house construction limits as shown on the plans to prevent an unstable hillside situation from arising. Mr. Gately stated he understands the suggestion so that nothing more on the hillside could be cut and cleared.

Sudbury resident Raymond Schmidt-Gross, 298 Maynard Road, stated he is an abutter. He expressed his concern that preventions be taken, before, during and after construction for the sake of the neighbors and to conserve what is left.

Sudbury resident John Cutting, 381 Maynard Road, asked if the Board is satisfied with the amount of screening proposed. Mr. Garvin stated he and the Board would like to see a more specific landscape plan which would identify the species to be planted as part of any Permit conditions. Mr. Colonna stated he could provide this.

At 8:27 p.m., the Board broached the Stormwater Management Permit review. Ms. Suedmeyer stated comments from Ms. Dineen and Mr. O'Rourke were distributed to the Board tonight.

Sudbury's Peer Reviewer Janet Bernardo stated she prepared two comment letters dated February 22, 2017 and March 20, 2017. Ms. Bernardo stated most of her original concerns have been addressed. However, she stated the sheet flow off of the hill concerns her, and she would like further evidence that there will not be a lot of water travelling down to the street.

Mr. Garvin referenced the drainage from the driveway for the lot on the left going to the drywell. He stated it appears as if the flow goes to a trench drain which seems to be an outlet versus an inlet. Mr. Garvin expressed his concern regarding capacity and the flow coming off of the driveway.

Ms. Bernardo requested more information regarding the runoff from the hill before it gets to the houses. She also thinks Mr. Garvin's observation regarding the trench drain outlet should be addressed. She further mentioned the foundation drain issue as noted by Mr. O'Rourke could become an erosion problem. Mr. Colonna provided a brief explanation as to why problems are not anticipated from the foundation drain, and he explained the test pits versus the foundation elevations. He also addressed the trench drain, noting a 12" wide drain was used for planning purposes. He also stated the trench drain could handle up to a 50-year storm, but, in the 100-year storm, it would run off. Mr. Garvin asked for flow data to be provided to the Board. Mr. Garvin suggested having a separate outlet. Mr. Colonna stated he could put an area drain on the side and he stated he could provide more leeway from the 10% driveway grade. He also stated he does not anticipate problems with the slope flow because there are not large amounts of runoff. Mr. Colonna stated he would provide Ms. Bernardo with his calculations for three different areas.

Mr. Garvin suggested Mr. Colonna might want to add a French drain to help break up the flow before it hits the street. Mr. Colonna stated he asked the DPW if there were prior issues with this and he was told none were known.

Ms. Suedmeyer read aloud Ms. Dineen's comment regarding the grass overflow swale proposed in Lot 2, which will channel the flow directly to a catch basin in the street, noting a wetland filing will be required.

Mr. Colonna stated there is a valid Order of Conditions on the site which he will need to renew in June.

Mr. Schmidt-Gross stated a few times a year the water flows very heavy like a river. He urged the Board to consider the conditions he and his neighbors have encountered.

Mr. Morely highlighted the applicant is proposing a plan, as required, which will reduce the problems with the current conditions.

Chairman Abair reviewed the information requested tonight regarding stormwater management and that a landscape plan has been requested regarding the Flexible Subdivision Special Permit.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding an application submitted by Maynard Road – HP, LLC, for approval of a Definitive Flexible Subdivision Development Special Permit and Stormwater Management Permit as shown on a plan entitled “Definitive Flexible Subdivision, “Livermore Estates” Locus Plan in Sudbury, MA” prepared by Cornnorstone Engineering Inc., dated January 9, 2017, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements thereon, to April 12, 2017. Said property is located on Maynard Road (Assessor’s Map E06-0352, E06-0353 & E07-0150) and will involve the disturbance of approximately 59,000 sq. ft. of land area and contains slopes greater than 20% and results in a net increase in impervious surface of approximately 9,640 sq. ft.

**Public Hearing – Stormwater Management Permit - Lots E & F – Maynard Road (Assessor’s Map E06-0352, E06-0353 and E07-0150)**

Present: Applicant and developer Vin Gately and his engineers Vito Colonna and Desheng Wang and Sudbury’s Stormwater Management Peer Reviewer Janet Carter Bernardo

At 8:50 p.m., Chairman Abair opened a Public Hearing regarding a Stormwater Management Permit application submitted by Maynard Road-HP, LLC (Owner and Applicant), to construct one (1) new single family dwelling on Lots E&F, Maynard Road, which will involve the disturbance of approximately 52,000 sq.ft. of land area, which contains areas with slopes greater than 20%, resulting in a net increase in impervious surface of approximately 4,000 sq. ft. on a 2.41 acre parcel located at Lots E&F, Maynard Road zoned Residential-A (Assessor’s Map E-06, Parcels 0304 & 0305), which was continued from March 8, 2017. The Board was previously in receipt of copies of a letter from Connorstone Engineering Inc. dated March 10, 2017, a “Stormwater Report “Lots E&F Maynard Road, Sudbury, Massachusetts July 25, 2013, Revised October 31, 2016 and Revised March 9, 2017” and accompanying map, and a letter from Creative Land & Water Engineering, LLC dated March 13, 2017. In addition, copies of a letter from Horsley Witten Group’s Peer Reviewer Janet Bernardo dated March 22, 2017, a handout entitled “A 20 year Chronology of Stormwater Flooding – Lots E & F & Maynard Road

and photos provided by Sudbury resident Rebecca Cutting, an email from Deputy Director of Public Works William O'Rourke dated March 22, 2017 and an email from Conservation Coordinator Debbie Dineen dated March 20, 2017 were distributed tonight.

Ms. Donoghue stated there is an expired Permit for these lots, and the applicant has submitted a new filing.

Ms. Suedmeyer stated the lots include a challenging slope which has failed in the past. She further stated Sudbury's Peer Reviewer Janet Bernardo has provided two letters of comments.

The applicant's engineer Desheng Wang explained he worked on the slope stabilization plan for the worst conditions in 2014. Mr. Wang stated the plan was approved. He summarized the past failures and he explained how his proposal and design will intercept the water and that a retaining wall will be added.

Mr. Garvin stated the installation of a retaining wall will require tiebacks to a geogrid and that this could be challenging. He asked Mr. Wang to explain how it would be installed, which Mr. Wang did.

In response to a question from Chairman Abair, Mr. Wang stated he has modified the plan a bit from the one done for the previous owner.

Sudbury's Peer Reviewer Janet Bernardo stated she is not a structural or geotechnical engineer, but she is concerned about the lack of details and dimensions provided. She suggested the Town might want to hire a geotechnical engineer to review the plans. Ms. Bernardo stated that, based on the information provided, she does not believe the plan could be constructed. She also believes more details should be reviewed by the Town. Mr. Wang referenced his plan exhibits and he explained where some of the details were noted.

Mr. Garvin stated it would be helpful for the Board to be provided with cross sections showing what will be built at intervals to provide more clarification. He requested that this information be clarified on the plan. Mr. Wang emphasized he would be on site supervising construction of the plan.

Ms. Bernardo stated the majority of her concerns related to insufficient details. She stated the slope work should be done and the slope stabilized before any work commences for the houses.

Mr. Carty stated he is pleased something is being done to improve a bad situation, and he will be interested to learn more about the sequencing of events. Mr. Wang stated he has prepared a simple construction sequence which he could provide.



Mr. Hincks asked if there is a waiting period from the slope stabilization work to the time construction of the houses begins. Mr. Wang stated this will not be necessary due to the retaining wall which will be built.

Mr. Morely stated that the majority of the slope has already been stabilized.

Mr. Garvin recommended that a geotechnical engineer be contracted for a peer review. Mr. Morley stated this is a good idea because it is a very unusual parcel.

Ms. Suedmeyer referenced comments from Ms. Dineen requesting clarification and questions from Mr. O'Rourke regarding vegetation and other items which should be addressed by the applicant. Mr. Wang stated he just received these comments today and he will prepare a written response.

The applicant's engineer Vito Colonna stated the design is similar to the one discussed earlier tonight for Livermore. Mr. Colonna stated the DPW had similar questions regarding the capacity of the drainage system. He stated he was asked to disconnect the proposed system from the Town system. Mr. Colonna showed exhibits and explained the drainage system, noting he may put an area drain off to the side. He further stated an on-site septic system was previously approved, and he will file for an extension. Mr. Colonna also stated a well was originally proposed, but it has now been determined that the development will use the Town's water connection.

At 9:25 p.m., Ms. Bernardo referenced her February 24, 2017 and March 22, 2017 review letters. She stated that, in general, the applicant is in compliance with recharge, water quality and other items. Ms. Bernardo asked for clarification regarding whether the foundation drain would be connected to the catch basin. She suggested the hay bales be brought closer to the street. Ms. Bernardo requested she be provided with a hard copy report, wherein calculations can clearly be read.

In response to questions, Mr. Colonna explained the anticipated swale velocity.

Mr. Morely asked for clarification regarding where some of the water heading to the sidewalk goes. Mr. Colonna stated he could try to recharge the sheet flow. He also stated he would discuss this with DPW.

Mr. Garvin asked that it be checked that drains be 50 feet from leaching fields.

Mr. Colonna stated he would check to see if the drywell could be put where the spreader is.

Mr. Garvin suggested doing a test pit on the high side of the location of the foundation to better understand the flow.

Mr. Morely asked if the two lots had been formally merged. Mr. Garvin stated this might not be needed since there is common ownership.

Sudbury resident Rebecca Cutting, 381 Maynard Road, stated she has been an abutter to this property for approximately 20 years. Ms. Cutting provided the Board with several photographs from 2004-2017 as evidence of the flooding she and her neighbors have experienced on their lots since Mr. Quirk clear-cutted the slope in 1995. She stated the catch basin and storm drains have not been cleaned. Ms. Cutting summarized the drainage and flooding problems experienced by neighbors, some of whom were in attendance tonight.

Sudbury resident Russ Nichols, 371 Maynard Road, stated he is concerned because the applicant's proposed driveway runoff will lead to his driveway. Mr. Nichols stated there are two large failed areas on the parcel.

Ms. Cutting stated the problem is the breakout from the slope, noting there are cattails which only survive where there is perennial water. She emphasized that she and her neighbors want the groundwater contained. Ms. Cutting stated she does not believe the Town's capacity can handle additional flow from this site. She also emphasized that containing all the stormwater onto the site is critically important. Ms. Cutting stated she shares the Board's concern regarding the tiebacks needed for the retaining wall, and she warned it may come at a price.

Sudbury resident Maria Cincotta, 363 Maynard Road, stated her house is across the street from the proposed lots. Ms. Cincotta stated the entire front of her yard is mud. She stated she shovels the drain in front of her house, but streams of water come into her driveway. Ms. Cincotta also stated she finds the sidewalks not usable.

Property owner Vin Gately stated he lives in the vicinity and frequently jogs on the sidewalks, which he does not view as a problem.

Chairman Abair stated a previous performance bond was used by the Town to mitigate site conditions. He further stated the burden will be on the applicant to provide the Board with sufficient evidence that the plan will work.

Mr. Morely stated it appears from tonight's discussion that there are other problems with the Maynard Road area, such as drainage capacity, which have nothing to do with this applicant's proposal. He also suggested the neighbors should organize themselves to request more relief from the Town for the problems which exist. Ms. Cutting stated she and her neighbors are here tonight asking the Board to help them as well.

Mr. Nichols stated the situation has gotten a bit better over the years. He further stated there were no water problems until Mr. Quirk cut the trees on the hill.

Sudbury resident Beth Cosgrove, 441 Maynard Road, stated she is the manager for the Arboretum subdivision. Ms. Cosgrove referenced a drain pipe and underground street drain, and she urged that these be cleared and protected before, during and after construction.

Sudbury resident Hannah Pentz, 19 Widow Rite's Lane, stated she is an abutter who is concerned that there is no further erosion on the hill. Ms. Pentz asked if access will be needed through her property to work on the slope. Mr. Gately stated this was originally proposed, but it now may not be needed.

Chairman Abair thanked the residents for attending tonight's meeting. He summarized that the Board needs more information on the slope work and the stormwater management plan. Chairman Abair informed the applicant there will be strong project scrutiny, given the history of the lots.

Mr. Gately stated he will talk to DPW about any improvements that can be made as part of the project to help mitigate the Maynard Road problems.

Mr. Morely suggested consideration of a trench with a grate by the sidewalk.

Chairman Abair stated the Board requests that a geotechnical engineering review be coordinated.

Mr. Garvin highlighted that the erosion plan should address and clarify the comments and questions posed by DPW Deputy Director O'Rourke.

On motion duly made and seconded, it was unanimously:

**VOTED:** To continue the Public Hearing regarding a Stormwater Management Permit application submitted by Maynard Road-HP, LLC (Owner and Applicant), to construct one (1) new single family dwelling on Lots E&F, Maynard Road, which will involve the disturbance of approximately 52,000 sq.ft. of land area, which contains areas with slopes greater than 20%, resulting in a net increase in impervious surface of approximately 4,000 sq. ft. on a 2.41 acre parcel located at Lots E&F, Maynard Road zoned Residential-A (Assessor's Map E-06, Parcels 0304 & 0305) to April 26, 2017.

Given the continuation of the Hearing, Ms. Suedmeyer stated the applicant will need to provide the Town with an extension for a decision on the application.

### **Upcoming Meeting Schedule**

The next meetings are scheduled for April 12, 2017 at April 26, 2017 at 7:30 p.m.

### **Miscellaneous**

**Associate Member Candidate**

Mr. Hincks introduced Sudbury resident Charles Karustis, 5 Candlewood Circle, noting Mr. Karustis has expressed interest in the Associate Member Board position.

Mr. Karustis stated he is an environmental consultant, who is familiar with both the Town and resident sides of issues. He stated he would like to contribute his time and expertise to the Town.

Board members thanked him for his interest and encouraged him to submit an application for the position and to be interviewed at a later date.

The meeting was adjourned by Chairman Abair at 10:13 p.m.