

PLANNING BOARD MINUTES
January 24, 2018

Present: Chairmen Stephen Garvin, Vice-Chairman Peter Abair, John Hincks, Charlie Karustis, Nancy Kilcoyne, Meagen Donoghue (Director of Planning and Community Development), and Beth Suedmeyer (Environmental Planner)

At 7:30 p.m., Chairman Garvin called the meeting to order.

Meagen Donoghue introduced Debbie Takacs, the new recording secretary, to the Board members.

Continued Public Hearing – Stormwater Management Permit – 70 Indian Ridge Road, (Assessor’s Map J09-0312)

Present: Applicant’s Engineer, Robert M. DiBenedetto of Hancock Associates.

At 7:32 p.m., Chairman Garvin opened a Public Hearing regarding a Stormwater Management Permit application submitted by Gary Bennos, Owner and Applicant, to construct a single family dwelling and associated improvements which will disturb approximately 17,500 sq. ft. of land on slopes greater than 10% with a total impervious area of 2,841 sq. ft. on a 48,958 sq. ft. parcel located at 70 Indian Ridge Road (Assessor’s Map J09-03120).

Ms. Suedmeyer introduced Hancock Associates engineer, Robert M. DiBenedetto, to update the Board on additional information provided by his firm.

Applicant’s Project Engineer, Robert M. DiBenedetto of Hancock Associates, started the presentation by providing a general overview of the construction of a single family residential building atop a hill and the main stormwater management features as well as some of the finer points. He continued by saying that the proposed driveway will have a series of infiltration points and retention basins to keep water away from the dwelling and the roadway. He explained that there are a series of yard drains to collect any water from the upland side of the area behind the building with the first infiltration basin being at the top of the driveway and the final infiltration basin is proposed at the end of the driveway. Mr. DiBenedetto added that Janet Bernardo of Horsley Witten Group, the peer review for the project, had a few outstanding items to be addressed tonight.

Mr. Karustis informed Mr. DiBenedetto that it is best to make any submissions to the Board at least a week before the meeting, for adequate review time.

Mr. DiBenedetto then proceeded to address the items posed by per review as listed in the January 24, 2018 “Hancock Response to Third Peer Review of 70 Indian Ridge Road,

Sudbury, MA.” distributed to Board members earlier today. He started with the peer review recommendation that the ESHGW (estimated seasonally high ground water) depth be confirmed prior to installation of the individual infiltration systems. Mr. DiBenedetto agreed with this suggestion adding that Hancock Associates agree that the depth of the ESHGW be confirmed prior to installation of the infiltration system. Mr. DiBenedetto requested that the Sudbury inspector come to the site to witness and confirm this groundwater level as a condition before issuance of a building permit. He elaborated that this inspection would also serve to ensure that the ground water level is where Hancock Associates calculated.

The next item that Mr. DiBenedetto addressed was that “HW recommends that the Applicant include a defined contour of elevation 53 down-gradient of the proposed catch basin on the plan set.” Mr. DiBenedetto here focused on the displayed engineering design depicting the 53 contour at the end of the driveway. He stressed that the intent here is to create a ridge, including a weir at the low point of 52.9. He added that in an unusually severe storm, water would naturally collect or pond there and then be able to drain at the catch basin.

Chairman Garvin asked Mr. DiBenetto to define what really, really big storm meant. Mr. DiBenetto responded with the hundred year storm, and beyond the hundred year storm; the water would outflow to the street. Chairman Garvin made the point that he would like to see a rationale method for the 100 year storm for the particular grate used here as an assurance that the water will go into the grate. Mr. DiBenedetto stated that he believed that the calculation had been done, and added that there would also be 30 feet of travel distance before the water reaches that berm. Chairman Garvin added that with this calculation, the Board wants to be very sure that this is the right type of grate.

Mr. DiBenedetto resumed by addressing the next item and he stated that the catch basin and the invert to the piping that leads to the manhole on the other side of the driveway. He suggested that it might be easier for the contractor to adjust the invert down to a 10th or up to 4/10ths, and still maintain a positive pitch to the infiltration system. He stressed that there is some wiggle room and Janet concurred with this allowance as well. He continued to explain to the Board that the intent is to protect mature trees especially, and that trees along the work line will have snow fencing and wood slats. He continued that this type of protection helps to prevent potential damage to tree roots as well.

Mr. DiBenedetto spoke of the last item concerning the grade of the driveway and that Hancock Associates would follow the Sudbury rule of a maximum grade no greater than 10%. He suggested having the Hancock survey crew come out and stake to make sure that the 10% grade is not exceeded.

Chairman Garvin made two suggestions here; one being that the grade should go a bit below the specified 10%, and the second was to complete an “as built” as an assurance of measure.

Mr. Karustis agreed with the Chairman and asked if the slope could be modified or lessened. Mr. DiBenedetto replied that the adjustments could be made while the driveway

was being constructed and that it would not take much to grade under 10% and Hancock Associates would provide the “as built” to demonstrate this.

Mr. Hincks agreed that the “as built” would be a good idea. Chairman Garvin suggested further that the layout design be slightly under for survey; at 9.9%.

Mr. DiBenedetto asked if these suggestions could be written as stipulations for conditional approval at this meeting.

Chairmen Garvin then introduced abutting neighbor, Sudbury resident, Daniel Cinicola of 76 Indian Ridge Road. Mr. Cinicola told the group that he has lived in his home for more than 22 years and that his concerns with the project were focused on possible erosion and water problems on his property, especially at the end of the driveway. His other concern was that he did not want trees falling on his home, since the work line is very close to his house. As a consideration, Mr. Cinicola requested that some foliage be planted on the lot line between his property and the proposed work site.

Ms. Suedmeyer added that she received an e-mail from another neighbor at 75 Indian Ridge Road who had concerns about additional erosion and run-off. She and the town engineer met with this neighbor and discovered that the water incurred by that neighbor was coming from road run-off. She added that there are a few outstanding items that Sudbury engineering wants addressed: slope of the driveway – 10% threshold, and that the run-off will in fact reach the basins. Beth added that conditions as discussed at this evening’s meeting include: tree protection, infiltration device, driveway grading and the possibility that town engineering observe work.

Vice-Chairman Abair said that generally there are no issues after construction, but that issues might occur during construction, especially with erosion. Mr. DiBenedetto referred to preventative measures that would be taken; such as straw wattles, silt fencing as well as a construction exit/entrance which will be continually monitored and cleaned. He additionally pointed out there being berms all along Indian Ridge Road and in the middle of the site in order to minimize any effects of erosion.

Chairman Garvin asked at what point will the driveway catch basin be in service and the driveway completed. Mr. DiBenedetto explained that there will be rough grading in the driveway first, and then the installation of the catch basin, which will be monitored and cleaned as needed. After that the paving of the driveway will take place.

Mr. Karustis wanted to know how many trees would be removed. Mr. DiBenedetto explained that along the work line, many trees would have to be removed. He added that anything within the 2 feet of work line, would be protected. The intention being, to save as many large scale trees as possible.

At 8:05 p.m., Mr. Karustis asked if there would be anything put on the neighbor’s lot line. Mr. DiBenedetto responded that there would probably be new bushes and trees for increased erosion control, privacy and green space.

Mr. Hincks included that he would like to see this as a condition on the north side of the property. He also queried Mr. DiBenedetto about how damaged tree roots are addressed in the plan. Mr. DiBenedetto replied that much depends on the trees in question as to how much of the rooting gets damaged; and that will probably be a judgement call.

Ms. Kilcoyne asked who would maintain the system in the long-term. Mr. DiBenedetto said that there is a plan and that the long term maintenance is the responsibility of the owner. Ms. Kilcoyne then asked when construction could begin, and the engineer responded that construction could begin as soon as possible. Ms. Kilcoyne wanted to know if they had a landscape plan. Mr. DiBenedetto said that he hadn't seen one, but much would be added in the form of grasses, bushes and trees for stabilization.

Chairman Garvin suggested that there should be 18' wattles along the abutter's lot line. He also recommended that the property lot line be staked and would want the contours along the northern edge of the property be adjusted to avoid grading changes up to the property line. Chairman Garvin said that he would want one inspection port for each one of the systems. He asked them to check the grate and pipe for the catch basin design and added that they would like to ensure the driveway design is below the 10% rule.

Mr. Karustis agreed that there were still a few things hanging – and would rather see finalization, rather than many conditions.

Mr. Hincks verbally acknowledged that great progress and cooperation was made, but just a few things need to be finalized.

Mr. DiBenedetto requested a public hearing continuance.

On motion duly made and seconded, it was unanimously:

VOTED: To accept the applicant's request to continue Public Hearing regarding a Stormwater Management Permit application submitted by Gary Bennos, Owner and Applicant, to construct a single family dwelling and associated improvements which will disturb approximately 17,500 sq. ft. of land on slopes greater than 10% with a total impervious area of 2,841 sq. ft. on a 48,958 sq. ft. parcel located at 70 Indian Ridge Road (Assessor's Map J09-03120).

Continued Public Hearing – Scenic Road Application – 169 Marlboro Road (Assessor's Map E08-0642)

Present: Applicants Charles and MaryAnn Sherwood

At 8:15 p.m., Chairman Garvin introduced property owner and applicant, Charles Sherwood.

Sudbury Resident, Charles Sherwood, 169 Marlboro Road; stated that he really does not understand what he is doing here. He said that Sudbury DPW put stakes in the ground between his yard and the street. Mr. Sherwood proceeded to show the Board members

pictures of the staking and his property. He further stated that he now might have a bigger problem than originally thought, as he was following the plot plan.

Chairman Garvin said that the plot plan described might in fact be a mortgage plot plan – which is not an accurate measure. He explained to Mr. Sherwood that the Board looks for a registered survey with scenic road locations. He explained to Mr. Sherwood that once the survey is done, he will know exactly where the right of way is; and then can make a proposal for what the intention is going forward. Chairman Garvin noted that the survey will show exactly what the encroachment is and how it might be rectified.

Mr. Sherwood offered that he could get sworn statements from neighbors who remembered the property before the stone wall.

Mr. Hincks said that the original request states that permission is needed to clean and erect anything.

At 8:20 p.m., Vice-Chairmen Abair recused himself from the remainder of the public hearing regarding 169 Marlboro Rd.

Mr. Karustis inquired about the two posts erected with a chain to keep people from parking their cars. Mr. Sherwood thought the issue was about moving the stone, but now realized that it was a misunderstanding about interpreting the regulations.

Chairman Garvin stated that the Scenic Road Bylaw requires a plan to show what is being done in the public right of way and DPW was accommodating to stake that area for the owner. He stated again that the Board needs a site plan – survey; to determine the true line.

Mr. Karustis stressed that the owner really wants to hire a licensed surveyor for that front line; specifically the front line to determine what can be done and that any other plot plan is not necessarily accurate. Mr. Sherwood again stated that when he started, he never knew that he might be on town property, and that he is being open about that fact.

Chairman Garvin reiterated that the Board will try to work with the applicant on this matter.

Sudbury resident, MaryAnn Sherwood, 169 Marlboro Road stated that the matter was still confusing to her and that no serious changes were made without application, except that leaves and branches were cleaned and taken away. Chairman Garvin responded, saying that clearing really is the same issue because of the scenic road status and going forward, it will be very clear as to what you can clean or not clean.

Mr. Karustis suggested that after the survey is done, the application can get back on schedule.

Chairman Garvin suggested that the owners get back on the meeting schedule as soon as they are able to, and that having the survey done will be very valuable as the exactness by survey will go on in perpetuity. Mr. Sherwood said that he recognized the benefit of the survey and said that he would schedule a survey to be done.

Chairman Garvin asked Mr. Sherwood if he would like a continuance of this hearing and Mr. Sherwood said he would.

Ms. Donoghue added that the Sherwood's three month extension expires on February 21, 2018 and made mention of the fact that she knew that the Sherwoods' would be traveling. Chairman Garvin stated that the Board would grant continuance with a date to be determined.

Ms. Donoghue also requested that the applicant amend their application to include their recently built stone wall, and could be done so through written correspondence.

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

VOTED: To accept applicant's request to continue the public Hearing with a date for three months beyond the February 21, 2018 extension in regards to Scenic Road Application – 169 Marlboro Road, (Assessor's Map E08-0642)

Planning Board Associate Member Interview

At 8:32 p.m., Chairman Garvin introduced proposed Planning Board associate member, Justin Finnicum, 46 Singletary Lane, Sudbury.

Mr. Finnicum explained that he met Chairman Garvin when attending activities that their children are involved in. When Chairman Garvin told Mr. Finnicum of the Planning Board member vacancy – he was very interested and applied for the post. Previously, Mr. Finnicum and his family lived in Newton, MA. He outlined his current employment as Senior Architect at Sasaki Associates in Watertown, Ma. He informed the Board members that he primarily manages large projects, universities and colleges; such as Babson College, Colby College, Fordham University and Georgetown University. He added that he has also done residential architecture as well. Mr. Finnicum went on to say that he and his family have lived in Sudbury since 2012 and before that lived in Newton, MA. In 2005, he moved from CA to come to New England where his wife grew up. He emphasized that he is committed to Sudbury.

Mr. Hincks asked Mr. Finnicum what he would like to see in a Master Plan for Sudbury. Mr. Finnicum stated that he always starts with a holistic Master Plan no matter how small or large that project is. He went on to say that he has never been involved with a town Master Plan before, but knows there are many similarities when planning for municipalities or private or educational sites.

Vice-Chairmen Abair asked Mr. Finnicum if he had ever appeared before a town planning board. Mr. Finnicum replied that he had; especially in Fairfield, CT and for several residential projects. He added that he can well appreciate being on the other side of the table.

Mr. Karustis commented that he feels that Mr. Finnicum would make a good addition to the Board.

Ms. Donoghue stated that the Board could vote on this appointment tonight, and if any other member should leave the Board, then Mr. Finnicum would take that spot. She added that it is difficult to get volunteers.

Mr. Hincks added that qualified volunteers are out there, but posting on the web only, is not effective; referral is better. Mr. Finnicum made the comment that if he had not spoken to Chairman Garvin, he would not have known about the position on the Board.

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

VOTED: To Appoint Justin Finnicum, 46 Singletary Lane, Sudbury, MA; as the associate member of the Sudbury Planning Board.

Ms. Donoghue said that she would generate a letter to be sent to the Town Clerk and Mr. Finnicum would be sworn in. She informed Mr. Finnicum that he would have to take an Ethics test as well.

To Vote and Finalize Warrant Article for 2018 Annual Town Meeting

At 8:40 p.m., Chairman Garvin stated that the Board now must sign amended warrant for 2018 Annual Town Meeting regarding Article 7000 – Town’s Zoning Bylaw; Marijuana definitions.

Ms. Donoghue said that she made the adjustment by adding “Commonwealth of Massachusetts” to the article. She added that the vote was made at the last Planning Board Meeting.

Discussion of Landham Road – Letter of support to Board of Selectmen

Ms. Suedmeyer gave an update on the Landham Road intersection saying that the town is advocating to the Boston MPO (Metropolitan Planning Organization) and MassDOT, to include the Landham Road intersection project on this TIP (Transportation Improvement Program) schedule; which would be funding projects for the fiscal year 2019-2023. This project with a price tag of a million and a half dollars is one of the cheaper projects that would be considered. Ms. Suedmeyer informed the Board that sometimes a project like this can fit into the TIP schedule sooner rather than later, and she referred to the letter that she drafted for the Board to submit to MPO. She stated that MassDOT is the proponent for this project, and a letter like this can help the MPO recognize how much of a priority it is for Sudbury. Ms. Suedmeyer relayed to the Board that the letter can work to get MassDOT to indicate to MPO that this project is ready and is a priority for them as well.

Mr. Hincks said that he would like to proceed with finalizing and sending the letter rather than review it and discuss at the next meeting. Chairmen Garvin agreed. Vice-Chairmen Abair said that he is pleased that the Board can be a part of strongly supporting the project with this letter. He said that the letter could perhaps start with a very strong first line.

Chairmen Garvin suggested adding "enthusiastically support". Vice-Chairmen Abair also suggested the phrase: "no project in town is more important at this time." and "I would enthusiastically endorse as possible opening lines. Vice-Chairman Abair offered that he would be more than happy to help work on the letter. Chairmen Garvin shared with the Board that they might also want to consider mentioning the safety factor as an opening to the letter.

Vice-Chairmen Abair stated that this intersection is really very unsafe, especially in the morning with school buses and in the evening during rush hour.

Ms. Kilcoyne questioned if there was a deadline date for submission. Ms. Suedmeyer answered that the TIP process is just getting started and there will be a number of meetings. MPO will consider what projects they will program for this next round of projects, while examining budgets and determine what projects can fit into given schedules. Ms. Suedmeyer shared that she thinks that within the next 2 months the Board would have a good sense about this project and whether it will be included in the schedule. Ms. Suedmeyer said that she will amend the letter accordingly so that it can be signed by Chairmen Garvin.

Chairman Garvin said he plans to go with Ms. Donoghue to the Sudbury Foundation meeting next week, and could sign the endorsement letter there.

Administrative Report

At 8:50 pm, Ms. Donoghue introduced Vice-Chairman Abair and the distributed "Inclusionary Zoning Bylaw" document.

Vice-Chairman Abair presented an overview of the "Massachusetts Smart Growth/Smart Energy Toolkit," asserting that the Toolkit offers models for communities to sustain the 10% affordable housing status. He pointed out that the blue comments as outlined in the Toolkit would be of relevance to this Board, and potentially help the Board in drafting a bylaw that would go to Town Meeting at some point.

Mr. Hincks agreed with the need to draft a related bylaw, and the need to start this discussion.

Ms. Kilcoyne asked if there was a difference between assisted living and life care facilities when examining the affordable housing topic. Chairman Garvin answered that this is a good area to focus on; how we define affordability and where it falls in that category. He added that at one time Orchard Hill figured into the affordability stock, but not allowed anymore.

Ms. Donoghue stated that she thought Orchard Hill might have been grandfathered in. Chairman Garvin added that definitions have changed since then; Orchard Hill was a 1997 project.

Ms. Donoghue announced that she and Chairmen Garvin would be attending the Sudbury Foundation meeting on February 6. She added that they will be advocating for the grant she wrote.

Vote to Approve Planning Board Minutes – November 21, 2017; December 13, 2017 and January 10, 2018

At 8:55 p.m., Chairman Garvin started with the review of Minutes from November 21, 2017. Chairman Garvin noted that his name was spelled incorrectly on page 5.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of November 21, 2017; with edits stated.

Chairman Garvin noted that a change be made on page 4, paragraph 3. He dictated that the sentence should read: "Chairman Garvin stated it might be possible to cover Route 20 with a 20-year bond."

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of December 13, 2017, with edits stated.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of January 10, 2018.

At 8:59 p.m., Chairman Garvin made motion for the Board to go into Executive Session to discuss strategy with respect to potential litigation where an open meeting may have a detrimental effect on the litigating position of the public body and the Chairman so declares regarding 648 Boston Post Road.

On motion duly made and seconded, it was unanimously:

VOTED: To close open session and go into Executive Session and not return to open session.