

Planning Board Minutes

February 28, 2018

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

The statutory requirements as to notice having been complied with, the meeting was convened at 7:30 p.m. in the Lower Town Hall.

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

Public Hearing – Stormwater Management Permit; 69 & 71 Brewster Road, (Assessor’s Map H10-0100 & H10-0900)

Present: Molly Obendorf, Engineer with Stamski and McNary, Inc. and Attorney Matt Watsky, representing applicants: Agustina Sumito and Yuchan Lee.

Ms. Obendorf started the presentation by saying that a stormwater management application was originally submitted just under a year ago, and due to a change in Board members, the application was withdrawn without prejudice and was again submitted at the beginning of this year. She continued stating the proposed details the development are of two lots with the construction of two single-family homes; one on each lot. Both homes will share a common driveway and a private on-site septic system. Ms. Obendorf said that the plan has gone through extensive peer reviews where revisions and modifications were made to the plan and that, her firm is continuing to work with the Conservation Commission, the Engineering Department and the Fire Department.

Mr. Hincks stated that the Board would like further clarification on next steps to take tonight. Chairman Garvin said that this is a stormwater management discussion only this evening. Mr. Hincks said he had reviewed the peer review comments and believes that Horsley Witten was generally satisfied, but saw some reference to the Town wanting further modification of a swale.

Ms. Suedmeyer referred to a memo from the Town’s peer reviewer from Horsley Witten, which indicated after their involvement with the previous application, they are relatively satisfied with what has been submitted. Ms. Suedmeyer further noted there was one modification of interest for stormwater management, which relates to a newly proposed bump out for a fire truck to be able to pull off and allow other vehicles to pass; therefore; impervious surface was added. Ms. Suedmeyer added that it was her understanding that while the stormwater management bylaw is being met by the proposal, the Conservation Commission felt that some runoff would reach the wetlands so an additional revision to the swale was requested at their last meeting.

Ms. Obendorf addressed this issue and said that the firm proposed to extend that trench, so any additional runoff within the 50 feet of the wetlands will be caught in that treatment trench, and not travel into the wetlands. Ms. Suedmeyer said that the Board does not have that revision on record.

Ms. Obendorf stated the revision will be submitted.

Mr. Finnicum inquired about the retaining walls. Chairman Garvin asked if some drainage piping is going under retaining walls and if there is a back drain to those retaining walls. Ms. Obendorf said that

the sub-drain in reference, is directing any water around the stone wall. She added that the piping is not going through or under; but that it will be going around.

Ms. Suedmeyer said the staff at the Sudbury Water District discussed the project and said they would allow a tie-in to the water system, and anything that is constructed on the common driveway area would be privately owned and maintained. She added that documentation about the deed restrictions were recently received, and the addition of including A and B restrictions was just received this afternoon, with little chance for Board review. Ms. Suedmeyer said that the Conservation Commission will likely be considering this at their March 14 meeting. Ms. Suedmeyer maintained that the Board has required a limit of work be staked in the field for some other projects, and because Horsley Wittten has deferred the limit of clearing issue to the Planning Board, she thought it preferable to have a line on the plan and survey in the field indicate the extent of alteration/clearing that is going to take place.

Chairman Garvin questioned the contours and green lines. Ms. Obendorf clarified by stating the green is showing the proposed tree line and the demarcation is showing the limit of clearing. Ms. Suedmeyer said that the limit of work was not illustrated on the plans and the peer reviewer had requested that be included on several occasions, so she then deferred to the Planning Board. Ms. Suedmeyer went on to say the issue is two-fold: one to be delineated on the plans and the other is to be clearly delineated on the field and the Board could consider this as a condition. Chairman Gavin suggested that it would make sense to stake out the limit of clearing and assume that is the limit of work, and have it clearly drawn on the plan.

Attorney Watsky asked if the Board is suggesting that this be a condition for receiving the stormwater management permit. Chairman Garvin answered affirmatively. Attorney Watsky agreed that the condition made sense and would be completed. Mr. Hincks said that he recalled that there were some questions about the grading of the driveway and if the plan consistently would get in under 10%, which is the standard. Ms. Obendorf said that the max slope that she was proposing on the driveway is at 9½%, which leaves a little wiggle room, so that when constructed; it will be kept under that 10%.

Abutter Alan Corin of 64 Brewster Road asked if the Board received the pictures taken after a rainstorm several years ago displaying the flooding effects on and from the said property, his property, and Brewster Road. He added that the effects of that storm were so severe because the property owner in question had cleared the land and numerous trees were fallen. He stressed he was most concerned about that driveway, as some of it was in his backyard after the storms in April 2010. He stated he wanted assurance and understanding of what the flow is going will be, and questioned what might get through indirectly going into the conservation lands.

Chairman Garvin said the standard indicates that peak rates and volumes are met or reduced. He questioned if the driveway was paved in 2010.

Mr. Corin said that it was not a paved drive but scraped, and large trees were cut. He added then there was a substantial storm, and that he would like to share these pictures with the property owner. Chairman Garvin suggested that it might be preferred to share those pictures with the developer.

Chairman Garvin thanked Mr. Corin for sharing and asked if he had that type of erosion lately. Mr. Corin replied not. Chairman Garvin explained that the site is most vulnerable during construction and that adequate controls must be put in place during construction and that is why the Board suggests limit of work, hay bales or silt fencing. He added that Conservation will be especially looking at this with utmost care during the construction period. Mr. Corin said that the pictures that he gave Conservation should be shared, to show what happens if you don't do a good job, and he requested that the Board does make sure that those pictures get in the right hands. Chairman Garvin said that the Board familiar with these types of issues and would be vigilant.

Ms. Obendorf said that she appreciates the concern, and noted the entire driveway is an infiltration trench and any water will go into it. Mr. Corin said that for this reason it matters as to what the water is carrying with it. Ms. Obendorf said that the firm is proposing a plastic diaphragm that treats the water, and then there is a three-foot grass strip to get all of the solids out, so the treated water can then infiltrate into the groundwater and recharge. Mr. Corbin asked if the pitch is such that the water will not go into Brewster Road. Ms. Obendorf said that was correct, and her firm ensured that any additional runoff would not go onto Brewster Road.

Resident Janie Dretler of 286 Goodman's Hill Road, said her home is at the corner of Brewster Road and she was also concerned about the runoff, direct or indirect. She stated that she would like to better understand, or have someone explain the runoff or how the wetlands connect to the brook which is part of her backyard. Chairman Garvin said after construction, the runoff to the brook is going to be equal or less to what it currently is and that all the wetlands downstream should have a similar or slightly less of a flow rate from a flooding perspective. He maintained that this is the standard that applicants are held to under the Wetlands Protection Act, and the Board is committed to that standard as well. He mentioned that the Conservation Commission will have their own peer reviewer looking at that also and will do their own drainage calculations.

Resident Bridget Hanson of 19 Brewster Road said that she completely agreed and commended the Board for requiring that the applicant stake the properties before construction. She asked how is the deed restriction enforced.

Attorney Watsky said he is anticipating the deed restriction be recorded in the line of title, lasting in perpetuity rather than expiring in 30 years and would be granted, at least in part, through the Conservation Commission under its authority.

Resident Morton Birnbaum of 22 Brewster Road asked for clarification about the deed restriction; specifically if it meant there are limits to the owner's ability to do future clearing of the land and not be able to subdivide the land further. Ms. Obendorf summarized elements of the deed restriction.

Attorney Watsky detailed when his group met with the neighbors over a year ago, a repeated concern was the common driveway. He elaborated stating there was concern of the driveway starting the process and then extending it later to connect to Old Sudbury Road and a larger project may be proposed. He went on to say the applicant is going forward with deed restrictions that would prevent that from happening. In addition to limiting access to Old Sudbury Road, he stated the proposed deed restrictions would limit the amount of clearing so that the houses that are built here will have defined areas and will not get cleared all the way up to the property. He detailed that two deed restrictions proposed: Area A prohibits any construction of a road that connects from the remainder of the property on to Old Sudbury Road. Area B reflects everything else that is not shown inside of the proposed limit of clearing, which is a significant area of the property. Attorney Watsky added this would prohibit further construction of structures within that area, or clearcutting of that area. Chairman Garvin ended the conversation on easements and the stormwater permitting discussion continued.

Attorney Watsky said that he would agree to continue the hearing. Chairman Garvin stated that the Board proposed a surety bond for dealing with the construction and possible erosion. Vice-Chairman Abair stated should something go wrong with this project mid-construction, the bond would give the Town the ability to mitigate the issue. Chairman Garvin said this procedure reflects instances where we have seen a significant amount of earth work on a slope; and has become the Board's standard in recent years.

It was on duly motioned unanimously:

VOTED: To continue Public Hearing – Stormwater Management Permit – 69 & 71 Brewster Road, (Assessor’s Map H10-0100 & H10-0900)

Immediately Continued* Public Hearing – Site Plan Modification – Willow Hill School, 98 Haynes Road, (Assessor’s Map D09-0400).

It was on duly motioned unanimously:

VOTED: To continue Public Hearing – Site Plan Modification for Willow Hill School, 98 Haynes Road (Assessor’s Map D09-0400) to March 14, 2018.

Joint Meeting with the Design Review Board – Meadow Walk discussion & approval of Architecture of the Irrigation Shed – 536 Boston Post Road, (Assessor’s Map K07-0005)

Present: Applicant Steven Senna of National Development, Inc.; Design Review Board Members: Daniel Martin, Chairman; Jennifer Koffel, Deborah Kruskal, and Susan Vollaro.

Ms. Donoghue said that last summer it was decided that the proposed shed had no impact on zoning, and that the applicant would not have to go for a Variance. She added that tonight the Board was looking at the architecture of the irrigation shed and discussing any possible features around the shed.

Mr. Senna described the proposed shed and noted the placement would be right behind the Fire Station and in front of the Whole Foods building, on the southwest corner of the site. He said that the siding would match the siding of Whole Foods, using Hardie Board Plank material. He further included some optional architectural accessories from Walpole Woodworkers.

Mr. Karustis expressed he was pleased with the appearance of the shed. Vice Chairman Abair said he thought the weathervanes could cause needless attention to the shed, but stated that he liked the trellis idea. Chairman Garvin stated that a trellis with growing vegetation might help to conceal the shed. Mr. Hincks said he felt the same way and would defer to the Design Board about accessorizing. Ms. Kilcoyne asked which side of the shed would have doors. Mr. Senna pointed out the right side of the structure. Mr. Finnicum asked if the shed was right up against the sidewalk. Mr. Senna replied that it was. Mr. Finnicum suggested that something to soften that 24-foot long stretch, but otherwise seemed fine. Mr. Hincks mentioned that none of the plantings are in yet, but there are some great species noted on the list. Mr. Senna agreed and said he looking forward to the planting stage.

Jen Koffel said that she agreed with the Planning Board’s assessment that less is more in regards to the shed. Deborah Kruskal opined that there were too many plantings proposed for the shed and added that certain species needed more space than the shed area could provide. She noted that planting less and smaller would be better, and she thought that the shed itself was very attractive.

Mr. Senna said that he did not mind pulling back on the plantings or following the Board’s recommendations. Ms. Kruskal said that smaller plantings would be more appropriate.

Susan Vollaro said the trellis idea might work very well against the building and would break up the side with greater exposure. She suggested using a very simple trellis with some appropriate planting growing on it, and added that otherwise, it looked good to her. Daniel Martin thought that Susan’s suggestion was good, and further stated that the focus should be on the side of the building, taking attention away from that span. He noted the color choices were good and agreed with Deborah’s suggestion to minimize the plantings.

Mr. Senna indicated he would refer to the Design Review Board in regards to the clapboard siding particulars, and would update the planting program. He stated there was a case prior to this where he worked directly with Ms. Kruskal. He asked if the Board would grant the approval of the shed with the

condition that it would be landscaped in consultation with Ms. Kruskal. Chairman Garvin stated that from the Planning Board perspective, that was acceptable.

Discussion of Stormwater Management Permit – 648 Boston Post Road (Assessor’s Map K06-0040)

Present: Property Owner, Raymond Brady

At 8:45 p.m., Chairman Garvin introduced property owner, Raymond Brady, to the Board and informed Mr. Brady that the Board and the staff were here to assist him with this process.

Mr. Brady explained he bought the house in July of 2016 and moved in October 2016. He stated he exposed the backyard and installed a permitted fence. Mr. Brady said the catch basin is on the lot line between his property and the Duckett Funeral Home property. He continued stating he has asked the Town for copies of any related permits on the Duckett property, but was told that there are no such permits. He stated the catch basin is in poor condition and not capturing overflow so his property gets flooded from Mr. Duckett’s parking lot and the stormwater running off from Route 20. He detailed that there is no curb because it was taken away when the parking lot went in, and that there is no appropriate pitch or grade in the parking lot. He said he wants to build a retention wall but cannot put the money and effort into a structure which would be built on water, and therefore would fail. He maintained that the neighbor’s catch basin must be rectified before he can install a retention wall on his property.

Chairman Garvin told Mr. Brady that the Board heard his frustration, but that the Board had to stay within the confines of regulations. He also told Mr. Brady that he thought that a professional engineer and surveyor, could research what was existing or proposed, and determine how things could be controlled and perhaps could facilitate a useful discussion with the neighbor. Chairman Garvin assured Mr. Brady that contracting with these professionals is typical for this kind of project, and that they can be very helpful in this unique circumstance.

Vice-Chairman Abair stated that these stormwater applications can get bulky, and he told Mr. Brady that his application should not be as complicated as the one just heard earlier this evening. He added that the reason that there is a stormwater bylaw in Sudbury, is because Sudbury is in a low-lying area, and any project could create a potential issue of worsening stormwater for the Town as a whole. He stated that there are certain triggers that prompt the necessity for this permit and emphasized, that with the help of professionals, the correction can be expedited. He stressed to Mr. Brady that he would help his own cause by providing a good and thorough stormwater management application.

Mr. Karustis said that he appreciated Mr. Brady coming in, and describing the situation. He further asked Mr. Brady if his intent was to build a retention wall, and if that was the reason for the excavation. Mr. Brady indicated he leveled out the backyard to expose the fact that the catch basin is not working and water is coming to his backyard and basement. He reiterated that the effected neighbors agree with him but that his property is incurring most of the flooding.

Mr. Karustis asked Mr. Brady if he did the excavating in an attempt to try to control stormwater. Mr. Brady said he did not, but rather he exposed the land to show the effect from the faulty catch basin. Chairman Garvin said that Mr. Karustis’ question was a good one and demonstrated that this is where an engineer could provide information regarding what is contributing to the property, both onsite and offsite; and could help to mitigate problems.

Vice-Chairman Abair indicated the process of working with an engineer and filing a stormwater application is standard practice for the Planning Board. Chairman Garvin told Mr. Brady that with a completed application, the Board would be happy to go forward with this and would be able to grant a permit for the work.

Mr. Brady said that there are at least three different types of soil on his property including stony, sandy, and a “pins and needles” type. Chairman Garvin told Mr. Brady that the “pins and needles” type surface is silt, which holds more water and added that if the soil is disturbed by removal of vegetation and leveling; that will encourage more runoff. He stressed to Mr. Brady, that in his case, he has done something that triggers a permit under the bylaw, and must be compliant with the Town in this regard.

Discussion of Master Plan Process

At 8:46 p.m., Chairman Garvin begun the discussion regarding the Master Plan Process.

Ms. Donoghue said that at the last Planning Board meeting, a subcommittee was formed to review the RFP Master Plan process.

Vice-Chairman Abair said that the Master Plan Subcommittee met before this evening’s meeting and reviewed the RFP draft, suggesting some additional changes. He added that the Committee reviewed specific areas such as number of meetings that the consultant was to attend and decided to be more flexible in the approach. Mr. Finnicum agreed with that approach, and said that it was best to flexible to allow for negotiation. Mr. Karustis said that the Committee decided that it might be best for the contracted professional to tell us what they need, and that the RFP timeline is usually more lengthy than expected. He continued by saying that the Committee discussed the timeline for getting the RFP out, and that the Subcommittee now needs input from the Board. Mr. Karustis went on to say that once the RFP is approved by the Board, and Ms. Donoghue goes through the proper channels in Town, the date for getting the RFP out for bid must be determined; and he said that three weeks out to bid would be sufficient. Chairman Garvin agreed and said that if the bidding period goes longer than three weeks, no one is going to spend any time on it.

Mr. Karustis commented that interviewing should be targeted for the end of April. Chairman Garvin suggested that the question and answer period could be included within the three-week period. Mr. Finnicum asked about procedures involved with an RFP and suggested defining a date by when all questions have to be answered. Chairman Gavin added that the Board might provide about a week for answering of questions, and that all the questions and answers go to everyone on the Board.

Vice-Chairman Abair said that the Committee spoke about getting recommendations from Ms. Donoghue regarding the preferred proposals. From there, the Board could decide whether all Board members interview the referred proposal applicants, or would there be another process such as interviewing only the top three or the top two. Ms. Kilcoyne suggested that staff review all of the submitted proposals and have Ms. Donoghue present the top three proposals to the Board. Mr. Finnicum said that he like the idea of reading all of the proposals, because the Board could get some good questions out of viewing more. Chairman Garvin said that he saw the value with both approaches, unless the Board received more numerous responses. He added that if the Board gets five or six, then he thought that there would be value in reading all with recommendations, background checks and references to be done by staff.

Mr. Hincks asked if there would be some objective scoring criteria. Vice-Chairman Abair said that there was scoring criteria within the RFP. Mr. Hincks said that if that is the case, maybe it is useful that everybody read them, but the Board would ask staff to do the scoring and make recommendation based on the scoring. Mr. Karustis said that staff would read all the proposals, score them, and give the Board their recommendation, as to which applicants came out on top.

Vice-Chairman Abair suggested the term of “target date completion.” Ms. Kilcoyne agreed with that term. Mr. Hincks said that the best thing to do is to work on the RFP, and get it out the door as soon as possible. Vice-Chairman Abair asked about the timing of both the Compact Funding and the Sudbury Foundation Funding. Ms. Donoghue informed the Board that the Sudbury Foundation check was

received several days ago. Chairman Gavin mentioned that the Community Compact Funding was dependent on a completed Master Plan by June 30, 2019, but an extension could be requested, if needed.

Administrative Report

Mr. Hincks said that the Board has at least three agenda topics for the next meeting: the continued stormwater application hearing for Willow Hill School, the continued hearing for 69 & 71 Brewster Road, possibly 648 Boston Post Road and further Master Plan discussion.

Ms. Suedmeyer stated that the applicant for 648 Post Road said that he would be following up with her as soon as possible.

Minutes for Review – February 14, 2018

It was on motion 3 for and 2 abstained. Aye – Abair, Aye – Hincks, Aye – Karustis. Garvin – Abstained and Kilcoyne – Abstained.

VOTED: To approve the minutes of February 14, 2018

Meeting Schedule – March 14, 2018; March 28, 2018, and April 11, 2018.

Chairman Garvin stated that the next meeting is March 14, 2018.

At 9:40 p.m., Chairman Garvin motioned to adjourn the meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To adjourn meeting.