

SUDBURY PLANNING BOARD

WEDNESDAY, APRIL 11, 2018

Present: Chairman Stephen Garvin, Vice-Chairman Peter Abair, John Hincks, Charles Karustis, Nancy Kilcoyne, Justin Finnicum, 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 opened the meeting.

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

Present: Owners, Charles Sherwood and Maryann Sherwood.

Vice-Chairman Abair was recused from the hearing.

Ms. Donoghue presented the summary information involved with this hearing and said that last fall the owners made application for two granite posts to be installed at the base of the driveway. She added that the granite post application was thrown out, but at a second presentation to the Board several months ago, the owners were concerned that the existing stone wall was on town property. At that time, the Board suggested that a surveyor draw up a plan, presented to the Board this evening. Ms. Donoghue stated that a bit of the stone wall was located outside the property line, onto Town property.

Owner, Charles Sherwood said that he was not requesting the installation of granite posts, but just wanted to know the disposition of the part of the wall that was on Town property. He added that he did not want to tear the wall down.

Ms. Donoghue explained a letter from the Town would be sent to the applicants stating the Board approved the Scenic Road Permit and recommended the letter be recorded, along with the updated plot plan at the Registry of Deeds.

Mr. Karustis asked if the original application included tree removal.

Mr. Sherwood stated within the original conversation, there was mention of trees being taken down, along with moving the original stone wall. He added that this was not the case since he and his wife bought the property in 1995 and nothing has been done in that time. He stated that some very trees did come down naturally and most recently, during the severe storm throughout this winter.

Mr. Karustis said he had no other questions.

Mr. Finnicum stated that he was pleased that the property was surveyed.

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Scenic Road Application for Charles and Maryanne Sherwood, 169 Marlboro Road, (Assessor's Map E08-0642).

Administrative Report

Chairman Garvin suggested that staff send out a reminder letter to Raymond Brady, owner of 648 Boston Post Road, to submit stormwater management application update, by the next Board meeting on April 25, 2018.

Ms. Suedmeyer stated that the abutter to 648 Boston Post Road, submitted a request for stormwater management permit, regarding drainage in the parking lot there, which affects Mr. Brady's application as well. The Board members agreed that this is a good step towards both properties achieving stormwater management compliance.

Ms. Donoghue described the Housing Choice Initiative Designation, a designation similar to the "green communities" designation, which would provide communities with the tools, rewards, and incentives needed to maintain managing housing production such as technical assistance. She added that communities that receive the Housing Choice Designation will be eligible for new financial resources, and could increase the chance to obtain other grants such as Mass Works and Complete Streets. She added she was working on the April 30 application deadline.

Ms. Donoghue stated that she will make the Marijuana presentation to the Board of Selectmen on April 24, at the Board of Selectmen's Meeting. She further said that the Marijuana Forum will be held on April 26, at 7:00 p.m. at Town Hall.

Master Plan Process

Ms. Donoghue stated that the RFP for the Master Plan had been posted earlier today on the State sites: COMMBUYS, Goods and Services, as well as several other posting sites. She said that RFP advertising was also put in two newspapers as well; The Metro West Daily News and The Sudbury Town Crier.

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

At 8:05 p.m., Chairman Garvin opened the hearing.

Present: Molly Obendorf, Engineer at Stamski and McNary, Inc.; Resident, Alan Corin.

Ms. Suedmeyer provided related updates. She stated that the applicant submitted a revised plan set which included the boundaries proposed for the greater conservation restricted area. She said the revisions also included shaded areas delineating slopes between 3:1 and a 2:1 ratio, and added there were no slopes that exceeded a 2:1 ratio. She further detailed the revised plan provided planting notes that indicated some deeper-rooted plants and shrubs that would help stabilize the steeper slopes. She said that a pump house near the base of the driveway was also added to the plans, showing a location of just outside the 100-foot wetland buffer. She stated that the pump house was installed to accommodate the pumping system that is

still in design to meet the requirements for water service, and fire protection standards. She added that the Conservation Commission closed their hearing a week ago, and the Board would have the opportunity to review the Conservation Restriction. She asked the Board if they had any comments regarding the draft decision as presented. She said that Town Counsel reviewed the draft, and thought everything looked good, with the exception of the Conservation Restriction boundary, where clearer language was recommended.

A discussion ensued.

Mr. Karustis spoke of the legend on the plan and recommended more detailed labeling. Chairman Garvin agreed.

Mr. Finnicum inquired about the pump house and wondered if it could be moved.

Ms. Obendorf stated that it could not due to necessary piping.

Chairman Garvin expressed concern about the 6" pipe around the pump house near the swale and its dimensions. He thought the 6" pipeline might not be enough to carry that amount of water in the case of a significant event. Chairman Garvin stated that multiple larger pipes would be better. Chairman Garvin asked for a hydraulic calculation and suggested that Ms. Obendorf match appropriate piping according to the calculation.

Ms. Obendorf agreed to make that revision.

Resident Janie Dretler, 286 Goodman's Hill Road thanked the Board for vetting the project closely. She added that she wanted to be sure that the Board received the videos the neighbors sent showing the water runoff after a previous storm. She also wanted clarification on possible recreation uses on the conservation restriction area.

Ms. Suedmeyer indicated those uses had not yet been determined and would be further discussed as the draft continues to be reviewed by the Board and the Conservation Commission. Ms. Suedmeyer stated that she thought possible usage might include recreation trails that would be further defined as the draft was reviewed.

Chairman Garvin confirmed that the Board had received and reviewed the videos submitted, and that one of the conditions included, was a construction monitor, so unchecked erosion cannot occur.

Resident Alan Corin, 64 Brewster Road, indicated the planting plan was unclear to him and in the event of severe weather, had concerns. Ms. Suedmeyer stated that ground cover and shrubs with deep roots should perform well, with the given ratio calculations performed. She reinforced that the Town has the ability to monitor the performance of those new plants and determine their adequacy, particularly at the time of the occupancy permit. She detailed that a performance bond would be retained for two years, following the occupancy permit being issued.

Mr. Corin said that he would prefer to see an actual planting schedule or plan.

Ms. Suedmeyer said that the Town, with the inspections performed, would have much jurisdiction here. She added that third party peer reviewers would be brought to these inspections, as well as the stormwater

experts. Mr. Corin asked if a geotechnical expert could be included. Chairman Garvin responded that if during the construction the monitoring feature presents conditions warranting services of a geotechnical expert, then the Board would request such an expert at that time.

A brief discussion took place regarding revisions suggested this evening.

On motion duly made and seconded, it was unanimously:

VOTED: To approve a stormwater management permit - 69 & 71 Brewster Road, (Assessor's Map H10-0100 & H10-0900), with additional conditions as described.

Request for Amendment to Stormwater Permit, Lot 12, 10 Kato Summit

Present: Vito Colonna, P.E. with Sullivan Connors & Associates, and Peter Karassik, Owner of Eligius Homes.

At 8:10 p.m., Chairman Garvin opened the hearing.

Ms. Suedmeyer provided a summary of the stormwater management project, which began in 2016; and stated that previously there were minor modifications with adequate stormwater management treatment. She added that in addition to the garage and the house, having been reviewed by the peer reviewer, the Chairman and the Board agreed that everything was being adequately treated, and could be handled as an administrative modification. She detailed that the current "as built" shows a significantly expanded circular driveway area, so the plan needed amendment if the driveway was to remain. Ms. Suedmeyer explained that she sent all of this information to Janet Bernardo for Peer Review, and Ms. Bernardo included her comments.

Ms. Suedmeyer stressed that the creation of the circular driveway resulted in a violation of SWMP (Stormwater Management Permit) and increased the impervious surface of the driveway from 2,805 square feet to 6,445 square feet with an area 2.2 times greater than what was permitted. Mr. Colonna said that the modification includes the "as built" conditions to make for an improved drainage system and to accommodate those changes. He stated that the rain garden was expanded to allow for more capacity in keeping with the treatment and discharge requirements. Mr. Colonna stated that Town Engineer Bill O'Rourke provided recommendations and asked that some inlets be included at the beginning of the driveway to prevent further runoff towards Kato Summit. In addition to added drains, Mr. Colonna said that Bill O'Rourke recommended additional swales as well, to direct water back to the rain garden. He explained the areas that Janet Bernardo suggested, including cleaning out the sumps once a year.

Mr. Karustis made strong recommendation that in the future, the applicant present to the Board before commencing with work involving changes or additions.

Vice-Chairman Abair stated that he could not believe that the contractor went ahead and did this major project without a stormwater permit. He questioned how the Town would hold this project accountable.

Mr. Karassik said that he has been building homes in Sudbury for 30 years; and built some 70 to 80 homes in Sudbury, and this was the first time he was ever involved in the stormwater permit process. He added that he was a bit naive about what the process involved and apologized.

Vice-Chairman Abair added that this work reflected more than twice the increase in impervious area.

Mr. Hincks said that this action was not just about a stormwater permit, it was also about the formal process that was worked out when the home was being constructed. He further stated that this event could promote a horrible precedent, and he asked if the Town has any recourse.

Ms. Suedmeyer stated that at the time the violation was recognized, the Board could have stopped work. She added that active-site work had not commenced during when this incident was recognized. So communication was not sent.

Ms. Kilcoyne stated that she agreed with Mr. Hincks and felt that this unpermitted action was very significant.

Mr. Finnicum suggested that this aspect of the project be decided upon before going into the more technical remediation aspects.

Chairman Garvin stated that he understood the concerns of the Board. He went on to say that there could be enforceable fines, as well as possible denial of modification plans as presented.

Ms. Donoghue suggested that the Board could confer with Town Counsel on this matter.

Vice-Chairman Abair spoke of the Town Walkway Fund, and stated that occasionally the Board asks developers to contribute to this Fund, as a community-wide benefit. Chairman Garvin added that such contribution has taken place before.

Mr. Karustis emphasized the Board may be setting a bad precedent. Chairman Garvin commented that the violation presents a significant change, and if it had been presented to the Board before completion, it might have been approved with appropriate remediation.

Chairman Garvin stated that the Board needed more time to consider this issue and suggested that the applicant think the issue over as well, as to possible mitigation solutions.

He added that the next Board meeting is April 25, and that the Planning Board must have applicant submission, a week prior to meeting.

Ms. Suedmeyer stated that she could check with the Conservation Commission as well, to see what they might suggest in this situation.

Review and Provide Comments to Mass DEP

Waterways License Application-82 Butler Road (pre-existing dock).

At 8:45 p.m., Chairman Garvin opened the discussion on the waterways license.

Ms. Donoghue summarized the scope of the license application, and stated that she received correspondence from Mass DEP for renewal of permit for a dock. She detailed what Massachusetts General Laws, Chapter 91 is and how it involves such areas as the public waterfront act and the governing of personal docks. Ms. Donoghue explained that the Board did not have to comment on this.

Chairman Garvin asked about the existing 18 x 18 dock, and agreed that the Board did not need to make comment or take action on this application. He reiterated that this application reflected a renewal of dock permitting, as required under Chapter 91.

Minutes for Review

On motion duly made and seconded, it was unanimously:

VOTED: To approve minutes of February 28, 2018.

Meeting Schedule

Ms. Donoghue stated that the May 9th Planning Board meeting would not take place, due to the Town Meeting schedule, but that the Board would meet on May 23.

At 9:00 p.m., Chairman Garvin motioned to adjourn the meeting.

On motion duly made and seconded, it was unanimously:

VOTED: To adjourn the meeting.