

BRIAN JADUL & PETER GIVEN  
90 & 96 Lincoln Lane  
ERB 03-2 & 03-3

MINUTES  
SUDBURY BOARD OF APPEALS  
THURSDAY, MAY 15, 2003

The Board consisted of:

Richard L. Burpee, Acting Chairman  
Stephen A. Garanin, Acting Clerk  
Jeffrey P. Klofft  
Thomas W.H. Phelps, Alternate  
Patrick J. Delaney III, Alternate

The meeting was convened by the Acting Chairman, Mr. Burpee in order to continue deliberations and review a draft decision prepared by Mr. Burpee.

Discussion followed on a recommendation by Mr. Delaney to add a condition to the decision requiring a report from a professional hydrologist certifying that the proposed earth removal will not cause or exacerbate water quality issues. The majority were in favor of adding this condition.

Other minor additions for clarification were also added.

A motion was made, seconded and unanimously voted to approve ERB Case Numbers 03-2 and 03-3 subject to the conditions in the Decision. The Decisions, as voted, are two separate Decisions for each property; the wording contained in those Decisions is incorporated and made a part of these Minutes.

REASONS: The applicants seek an Earth Removal Permit to remove approximately 2,956 cubic yards (Jadul 03-2) and 2,359 cubic yards (Given 03-3) of earth from the site. The petitioners have demonstrated that this removal, as shown in the revised Topographical Plan revised April 28, 2003, will improve the existing conditions in terms of safety, water runoff and appearance. The petitioners have also demonstrated that adequate and appropriate steps will be taken to minimize truck traffic on local roads and to ensure minimal disruption from construction equipment and hours of operation. Therefore, the Earth Removal Board finds that the proposed earth removal, under the conditions imposed, will not be detrimental to the neighborhood.

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Richard L. Burpee, Acting Chairman

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Stephen A. Garanin, Acting Clerk

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Jeffrey P. Klofft

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Thomas W.H. Phelps, Alternate

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Patrick J. Delaney III, Alternate

Case Number: ERB 03-2  
Filing Date: May 29, 2003

EARTH REMOVAL PERMIT

Location of Property: 96 Lincoln Lane

Name and Address of Applicant:

Name and Address of Owner:

Brian & Dawnmarie Jadul  
96 Lincoln Lane  
Sudbury, MA 01776

same  
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After a hearing convened on March 11, 2003, continued to April 22, 2003, and further continued to May 7, 2003, the Earth Removal Board of the Town of Sudbury continued its deliberations and on May 15, 2003 voted

MOTION: "To grant Brian & Dawnmarie Jadul, owners of property, an Earth Removal Permit under Article V,A of the Town of Sudbury Bylaws, to remove up to 2,956 cubic yards of sand from property located at 96 Lincoln Lane, Residential Zone A-1, in accordance with the Topographical Plan prepared by Thomas Land Surveyors as revised April 28, 2003, which is incorporated herein as part of this Decision subject to the following conditions:

1. The applicants shall install a retention basin at the base of the slope to capture runoff from the slope. It will be of a size and configuration so as to enable it to capture, without overflowing, the amount of runoff generated from a rain event of 1 inch.
2. The applicants shall cover the slope with 9-12 inches of loam and then cover the loam with mulch and/or vegetation so as to prevent erosion and loss of soil.
3. The applicants shall landscape the slope with 10% large boulders, 25% junipers (spaced approximately 6-8 feet apart), 15% forsythia (spaced approximately 12 feet apart), 20% spirea (spaced approximately 5-6 feet apart), 20% burnish bushes (spaced approximately 10-12 feet apart), and 10% with day lilies or other perennials.
4. Tree saplings, consisting of native species common to the area, shall be planted at the top of the ridge at spacings similar to the mature trees in the undisturbed areas.

5. Hours of operation for earth removal shall be 8AM-4PM, Monday through Friday, with no Saturday or Sunday hauling.

6. All trucking companies involved in the removal of earth from the site shall keep and maintain logs (for at least one year) recording the actual amounts of earth trucked from the site. Such logs

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Brian & Dawnmarie Jadul  
96 Lincoln Lane  
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shall be made available to the Town Engineer and the Earth Removal Board upon written request.

7. The truck route from the site shall be via Lincoln Lane to Lincoln Road, and all truck activity shall be limited to the following major streets of the Town of Sudbury: Nobscot Road, Route 20, Union Avenue, Concord Road, Route 27, Route 117, Hudson Road and Landham Road.

8. Truck activity shall not impede traffic on Lincoln Lane or Lincoln Road.

9. Appropriate measures shall be taken to prevent the tracking of material onto any public way. Such measures shall include the installation of a stone apron at the intersection of Lincoln Lane to the site. Any material tracked onto a public way will be swept up and removed on a daily basis.

10. The applicants shall be responsible for walking Lincoln Lane on a daily basis and removing accumulated trash during the excavation period.

11. The applicants shall be responsible for any damage to Lincoln Lane or Lincoln Road resulting from the trucking activity.

12. Appropriate measures shall be taken to stabilize the soil on outgoing trucks via the use of covers.

13. All efforts shall be made to reduce the amount of dust generated due to truck traffic. This shall include, but not be limited to the sprinkling of the roadway with water, spreading of calcium chloride or any other means to minimize the dust as approved by the Town Engineer.

14. Prior to any removal of earth, the applicants shall supply to the Earth Removal Board for their review and acceptance a report from a professional hydrologist or person determined by the Earth Removal Board to possess equivalent credentials, certifying that the proposed earth removal will not cause or exacerbate water quality issues, including but not limited to elevated levels of sodium, lead, silt, reduced flow or corrosion, with drinking water wells on adjacent properties.

15. Prior to removal of any earth, the applicants shall provide a Surety Bond in the amount of

\$42,375.00, in a form acceptable to the Town Treasurer, to guarantee completion of the work, to ensure that appropriate measures are taken during and following completion of the work, to provide for street sweeping and other appropriate measures to prevent tracking of material onto the public ways, and to repair any damage to public ways caused by the trucking activity.

16. The starting date for removal shall begin after this Decision has been filed with the Town Clerk and after the posting of the Surety Bond in accordance with Condition 15 above and subsequent notification to the Earth Removal Board of same.

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Brian & Dawnmarie Jadul  
96 Lincoln Lane  
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17. The applicants shall complete all earth removal within three months after the starting date as defined in Paragraph 16 above.

18. An As-Built plan, prepared by a Registered Civil Engineer or Land Surveyor, shall be submitted at the completion of the project and accompanied by a certification that the work has been completed by design. Town Engineer shall certify acceptance of said plan and shall notify the Earth Removal Board of same.

19. This Earth Removal Permit will expire in one (1) year on May 15, 2003, and may be renewed at the Board's discretion provided application for extension is made thirty (30) days prior to expiration.

VOTED: In favor: 5 (unanimous) Opposed: 0

Members present and voting: Richard L. Burpee, Acting Chairman, Stephen A. Garanin, Acting Clerk, Jeffrey P. Klofft; Thomas W.H. Phelps, Patrick J. Delaney III, Alternates

Any appeal shall be made pursuant to Massachusetts General Laws, Chapter 249, Section 4, a copy of which shall be filed in the Office of the Town Clerk.

EARTH REMOVAL BOARD

By \_\_\_\_\_ Clerk

Case Number: ERB 03-3  
Filing Date: May 29, 2003

EARTH REMOVAL PERMIT

Location of Property: 90 Lincoln Lane

Name and Address of Applicant:

Name and Address of Owner:

Peter & Annette Given  
90 Lincoln Lane  
Sudbury, MA 01776

same  
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After a hearing convened on March 11, 2003, continued to April 22, 2003, and further continued to May 7, 2003, the Earth Removal Board of the Town of Sudbury continued its deliberations and on May 15, 2003 voted

MOTION: "To grant Peter & Annette Given, owners of property, an Earth Removal Permit under Article V,A of the Town of Sudbury Bylaws, to remove up to 2,359 cubic yards of sand from property located at 96 Lincoln Lane, Residential Zone A-1, in accordance with the Topographical Plan prepared by Thomas Land Surveyors as revised April 28, 2003, which is incorporated herein as part of this Decision subject to the following conditions:

1. The applicants shall install a retention basin at the base of the slope to capture runoff from the slope. It will be of a size and configuration so as to enable it to capture, without overflowing, the amount of runoff generated from a rain event of one inch.
2. The applicants shall cover the slope with 9-12 inches of loam and then cover the loam with mulch and/or vegetation so as to prevent erosion and loss of soil.
3. The applicants shall landscape the slope with 10% large boulders, 25% junipers (spaced approximately 6-8 feet apart), 15% forsythia (spaced approximately 12 feet apart), 20% spirea (spaced approximately 5-6 feet apart), 20% burnish bushes (spaced approximately 10-12 feet apart), and 10% with day lilies or other perennials.
4. The top of the ridge (above the contour line at 168 feet as shown on the Plan) shall be planted with trees (native species) at spacing sufficient to provide screening for neighbors when the trees mature.
5. Hours of operation for earth removal shall be 8AM-4PM, Monday through Friday, with no Saturday or Sunday hauling.
6. All trucking companies involved in the removal of earth from the site shall keep and maintain logs (for at least one year) recording the actual amounts of earth trucked from the site. Such logs

Case Number: 03-3  
Peter & Annette Given

shall be made available to the Town Engineer and the Earth Removal Board upon written request.

7. The truck route from the site shall be via Lincoln Lane to Lincoln Road, and all truck activity shall be limited to the following major streets of the Town of Sudbury: Nobscot Road, Route 20, Union Avenue, Concord Road, Route 27, Route 117, Hudson Road and Landham Road.

8. Truck activity shall not impede traffic on Lincoln Lane or Lincoln Road.

9. Appropriate measures shall be taken to prevent the tracking of material onto any public way. Such measures shall include the installation of a stone apron at the intersection of Lincoln Lane to the site. Any material tracked onto a public way will be swept up and removed on a daily basis.

10. The applicants shall be responsible for walking Lincoln Lane on a daily basis and removing accumulated trash during the excavation period.

11. The applicants shall be responsible for any damage to Lincoln Lane or Lincoln Road resulting from the trucking activity.

12. Appropriate measures shall be taken to stabilize the soil on outgoing trucks via the use of covers.

13. All efforts shall be made to reduce the amount of dust generated due to truck traffic. This shall include, but not be limited to the sprinkling of the roadway with water, spreading of calcium chloride or any other means to minimize the dust as approved by the Town Engineer.

14. Prior to any removal of earth, the applicants shall supply to the Earth Removal Board for their review and acceptance a report from a professional hydrologist or person determined by the Earth Removal Board to possess equivalent credentials, certifying that the proposed earth removal will not cause or exacerbate water quality issues, including but not limited to elevated levels of sodium, lead, silt, reduced flow or corrosion, with drinking water wells on adjacent properties.

15. Prior to removal of any earth, the applicants shall provide a Surety Bond in the amount of \$36,037.00, in a form acceptable to the Town Treasurer, to guarantee completion of the work, to ensure that appropriate measures are taken during and following completion of the work, to provide for street sweeping and other appropriate measures to prevent tracking of material onto the public ways, and to repair any damage to public ways caused by the trucking activity.

16. The starting date for removal shall begin after this Decision has been filed with the Town Clerk and after the posting of the Surety Bond in accordance with Condition 15 above and subsequent notification to the Earth Removal Board of same.

17. The applicants shall complete all earth removal within three months after the starting date as defined in Paragraph 16 above.

18. An As-Built plan, prepared by a Registered Civil Engineer or Land Surveyor, shall be submitted at the completion of the project and accompanied by a certification that the work has been completed by design. Town Engineer shall certify acceptance of said plan and shall notify the Earth Removal Board of same.

19. This Earth Removal Permit will expire in one (1) year on May 15, 2003, and may be renewed at the Board's discretion provided application for extension is made thirty (30) days prior to expiration.

VOTED: In favor: 5 (unanimous) Opposed: 0

Members present and voting: Richard L. Burpee, Acting Chairman, Stephen A. Garanin, Acting Clerk, Jeffrey P. Klofft; Thomas W.H. Phelps, Patrick J. Delaney III, Alternates

Any appeal shall be made pursuant to Massachusetts General Laws, Chapter 249, Section 4, a copy of which shall be filed in the Office of the Town Clerk.

EARTH REMOVAL BOARD

By \_\_\_\_\_ Clerk