

MINUTES OF THE PUBLIC HEARING
SUDBURY EARTH REMOVAL BOARD
NOVEMBER 2, 2006

The Board consisted of:

Stephen A. Garanin, Acting Chairman
Richard D. Vetstein, Acting Clerk
Nancy G. Rubenstein
Jonas D.L. McCray

Notice was published in the Sudbury Town Crier on October 12 and 19, 2006, posted, mailed and read at this hearing.

Martin Loiselle and William DiPietri, Capital Group Properties were present to represent a request for an Earth Removal Permit to remove approximately 9,000 cubic yards of gravel at the Grouse Hill development located at 42 Old Framingham Road.

Mr. DiPietri said the entire property is comprised of approximately 30 acres of which this development is approximately 10 acres. Although the application was for removal of 20,000 cubic yards, only 9,000 will actually be removed off-site. The remainder will be kept on site for cuts and fills.

From the plan Mr. DiPietri described those cuts and fills which range from 12 inches to 6-8 feet in some areas. Much of the 9,000 c.y. is from foundations and a large hill which was pointed out. First, the loam will be stripped and then what is needed to be put back on site will be stockpiled.

In addition, there is a 10-12 foot grade difference between Old Framingham Road and these foundations and the slope where the largest cut will be. Mr. DiPietri said the worst case cut is at Unit #46. Retaining walls will be built to hold up the hill and most of that cut will be pushed to the lower side of the project.

Mr. Loiselle said the project will consist of two construction phases and pointed out the phase lines as shown on the plan. Phase 2 is all fill. They will take what they need from Phase 1, stockpile what is needed, and use it to fill in the Phase 2 area.

Mr. DiPietri estimated work will begin some time in December/January, depending upon final Planning Board approval which is anticipated late November.

Mr. Garanin asked how much will be cut out of the wetland area. Mr. DiPietri said there is basically no cut in the wetland area. Mr. Loiselle added that they do have approval from the Conservation Commission and an Order of Conditions has also been approved by the Commission. The Erosion Control Plan has also been approved by the Commission and the areas where the material will be stockpiled were pointed out. Materials to be stockpiled for any length of time will be hydro seeded and stabilized.

Mr. Vetstein questioned the hours of operation noting that 7PM seems late. He said the Board generally would want to see hauling end by 3:30PM although site work could go on later.

Mr. DiPietri had no problem with this.

Mr. Loisel described the ingress and egress of the trucks. He said basically the trucks would be taking a left turn out of the development onto Old Framingham Road into Framingham. The second route would bring the trucks through the Mahoney Farms development's main entrance with a right turn onto Nobscot Road. There will be no right turn out of the project itself. Some trucks might go to Framingham – others to Cavicchio Farms in Sudbury. He said when the project is complete, there will be a restriction on right turns out of the development.

Mr. McCray asked how many construction vehicles would be on site for the duration of the project. Mr. DiPietri estimated three excavators and a couple of front-end loaders will be on site for close to a year.

Mr. Vetstein asked whether a ground water analysis was done.

Mr. DiPietri said a complete analysis was done for the Conservation Commission as well as the Planning board. None of the stock piles will be near high ground water areas.

Mr. Garanin said the Board would not want any hauling on Saturdays or Sundays. Mr. DiPietri had no problem with that.

Mr. Garanin asked whether there will be any signage to alert motorists of trucks entering or exiting.

Mr. DiPietri said there would be signs for the duration of the project. In addition, he said the streets will kept clean of debris. He said this is done nightly with the Bobcat and once a week with the sweeper, or more often if needed. Mr. Loisel added that there will be crushed stone at the entrance as well.

The Board reviewed the standard conditions for permits. The applicants had no problem with them.

There was no further input. The hearing was closed.

The following motion was placed and seconded:

MOTION: "To grant Capital Group Properties, applicant, Franklin and Judith Newell, owners of property, a Earth Removal Permit under Article V,A of the Town of Sudbury Bylaws, to remove approximately 9,000 cubic yards of gravel, property located at 42 Old Framingham Road, Residential Zone A-1, subject to the following conditions:

1. Hours of operation for hauling shall be 7AM-3:30PM, Monday through Friday; no Saturday or Sunday hauling.
2. All truck activity shall be limited to Old Framingham Road south, or through the Mahoney Farms project.
3. Appropriate measures shall be taken to prevent the tracking of material onto any public way. Any spills should be promptly cleaned up by the developer. Installation of a Construction access (a temporary driveway typically made of stone at the entrance to the construction area) may reduce the amount of material that leaves the site on the tires of the vehicles. The Applicant should install these at the access point to the construction site.
4. Appropriate measures shall be taken to stabilize the soil on outgoing trucks via the use of covers.
5. General precautionary measures shall be taken to prevent erosion on the site into the wetland areas.
6. Excavation on the site shall be conducted in such a manner so as to preserve at all times a 4-foot separation between earth removal and ground water on site. The permanent removal of soil shall not result in any depth of historical high ground water of less than 8 feet, excepting from this requirement the excavation in localized areas providing for the creation of a detention basin, wetland area, building foundation and other excavation permitted as shown on the approved Site Plan.
7. The signs which indicate trucks entering the site shall be maintained during the entire period for which truck traffic will exist.
8. The Applicant shall utilize the best methods in order to reduce the overall amount of traffic generated during construction.
9. Any stockpiled soil must be covered and surrounded by siltation fencing to minimize sedimentation during construction.
10. Erosion control barriers shall be in place before any excavation commences.
11. Prior to removal of any earth, the Applicant shall provide a surety bond in the amount of \$147,015.00 in a form acceptable to the Town Treasurer, to guarantee completion of the work and to ensure that appropriate measures are taken during and following completion of construction to provide for street sweeping and other appropriate measures to prevent tracking of material onto the public way. The term of this bond shall be not less than 60 days following completion of this earth removal.

12. The starting date for removal may begin after this Decision has been filed with the Town Clerk and after posting of the Surety Bond in accordance with Condition 11 above and subsequent notification to the Earth Removal Board of same.
13. A Certification, prepared by a Registered Civil Engineer or Land Surveyor, shall be submitted at the completion of the earth removal certifying that the earth removal has been completed by design and in accordance with this permit and conditions. Town Engineer shall certify acceptance of said Certification and shall notify the Earth Removal Board of same.
14. This Earth Removal Permit will expire in one (1) year on November 2, 2007, and may be renewed at the Board's discretion provided application for an extension is made thirty (30) days prior to expiration."

VOTED: In favor: 4 (unanimous) Opposed: 0

Stephen A. Garanin, Acting Chairman

Richard D. Vetstein, Acting Clerk

Nancy G. Rubenstein

Jonas D.L. McCray