

Present: Chairman Michael Hunter, Christopher Morely, Craig Lizotte, Pat Brown, Peter Abair, Martin Long (Associate Member) and Jody Kablack (Director of Planning and Development)

At 7:38 p.m., Chairman Hunter called the meeting to order.

**Public Hearing: Mahoney Farms Senior Residential Community (SRC) and Stormwater Management Permit – Request for Modification**

Present: Applicant's Engineer Vito Colonna, Permitting/Development Manager Martin Loiselle, Jr., and Sudbury's Stormwater Management Peer Reviewer John Boardman

At 7:32 p.m., Chairman Hunter opened the Public Hearing regarding the application of Mahoney Farms, LLC for a modification to an approved Senior Residential Community Special Permit Modification dated May 23, 2013, originally granted on June 22, 2005, and a Stormwater Management Permit dated May 23, 2013, which was continued from November 13, 2013. The Board was previously in receipt of a letter dated December 29, 2013 from Mahoney Farms resident Charlene Welch, and a letter dated November 20, 2013 from Hancock Associates Stormwater Management Peer Reviewer John Boardman. In addition, copies of an email from the applicant's development manager Martin Loiselle dated January 2, 2014, and comments from the applicant's engineer Vito Colonna addressing the November 20, 2013 letter from Sudbury's Stormwater Management Peer Reviewer were distributed tonight.

Ms. Kablack summarized the Board's discussion at its last meeting regarding the requested modifications. The Board had requested specific solutions be presented to address directing water away from foundations and to improve the functionality of the roof drains.

Mr. Loiselle circulated photographs of the proposed option to add roof drain extensions. He stated a sample was installed at Unit 1 and residents were asked for feedback.

Mr. Loiselle received some email responses from residents stating that, although not preferred, they understood they might be necessary. He emphasized there have been no reported water problems in basements. Mr. Loiselle stated the applicant does not believe a problem exists, but it offers the extension as a solution if the Board wants a remedy.

Mr. Colonna reviewed his January 2, 2014 email responses addressing outstanding concerns. With the use of a plan exhibit, he showed the location of the problematic units #21- #25. Mr. Colonna stated other LID options were considered, but the necessary requirements could not be met. He stated the foundation drains are working, noting there has been no flooding in units. Mr. Colonna also stated the grass strips which were not installed between the driveways would have no impact on the drainage collection system.

Sudbury's Stormwater Management Peer Reviewer John Boardman stated he had reviewed Mr. Colonna's email. However, he believes the proposed option still does not provide a solution to the initial drainage standards imposed by the Board.

Ms. Kablack expressed concern regarding the stormwater management failures observed. She stated it is not incumbent on the Board to ensure construction matches the approved designs. She referenced a notation on the original signed plan which was not installed properly. Ms. Kablack questioned whether the breakdown is occurring at the design or construction phase.

Mr. Lizotte stated that he believes the roof drainage overflows onto grass, and thus it does not greatly impact the “big picture” of the development. However, he believes there is a question of the Board’s credibility when a signed design is constructed differently from what was approved. Mr. Lizotte stated there is probably not an elegant fix to the problem, but he believes there is an issue from a permitting standpoint.

Ms. Kablack asked if a construction monitor should be required to be paid for by applicants. Mr. Lizotte stated this is done in Marlboro. Mr. Boardman described how this process could work, stating it is a service he could also provide.

Sudbury resident Mike Coutu, 30 Nobscot Road, Unit 6, stated he is very concerned with what the residents will take ownership of and be responsible for in the future, since the approved standards were not met. He agreed that there have been no wet basements to date. Mr. Coutu believes the proposed rain headers are not attractive and will likely not improve the functionality of the drains.

Sudbury resident Scott Thompson, 30 Nobscot Road, Unit 27, expressed his dissatisfaction with the proposed rain headers, and would like a more attractive option to be presented.

Mr. Loisel stated the perimeter drains handle the water along the foundation. Mr. Lizotte asked if the downspouts could be connected to the perimeter drain system. Mr. Colonna showed on the exhibit where the water will go.

Mr. Lizotte stated the Board requested a solution, and what has been proposed is not the best option and it is unacceptable to some residents. He suggested that the applicant should further research what can be done to comply with the existing Permit.

Mr. Coutu asked if the entire site should be required to be brought up to standards. He also questioned if the proposals will work for what has been built in Phase 2.

Mr. Lizotte stated the Board is urging the developer to fix what is wrong. He and Ms. Kablack explained that Phase 2 construction falls under the Town’s new regulations which were not in effect for Phase 1.

Mr. Abair asked what is the actual impact and/or harm being done from what is not functioning properly, since all have agreed there have been no reports of water in basements.

Mr. Loisel opined there is no evidence of any harm being done. Mr. Colonna concurred, stating there is no significant impact because the drainage was planned to flow over land anyway.

Mr. Lizotte stated the homeowners are concerned about the long-term consequences.

Mr. Morely stated it is good that no one has experienced water problems in units, but the overflowing gutters is a problem. Mr. Loisel stated he would contact the development’s property manager to determine whether the gutters are clogged.

As a partial solution, Mr. Morely suggested the developers consider allocating money to the homeowners to use if future problems arise.

Mr. Lizotte asked what the applicant's team proposes for a better solution. Mr. Loiselle stated he would need to consult with the property owner to determine how much money he is willing to spend to rectify the problems. Mr. Lizotte emphasized the Board does not want the applicant to spend money unnecessarily, but it does want the developer to think more about a solution which addresses potential safety concerns and future problems, and is acceptable to residents.

Mr. Loiselle stated there are pending real estate closings for units on February 17 and February 28, 2014.

On motion duly made and seconded, it was unanimously:

VOTED: To continue the Public Hearing regarding the application of Mahoney Farms, LLC for a modification to an approved Senior Residential Community Special Permit and a Stormwater Management Permit to February 12, 2014 at 7:30 p.m.

**Public Hearing: Stormwater Management Permit & Water Resource Protection District Special Permit – Northern Bank & Trust Co. – 430 Boston Post Road**

Present: Applicant's attorney Shaun Briere, engineer Brian Fairbanks and Sudbury Stormwater Management Peer Reviewer John Boardman

At 8:27 p.m., Chairman Hunter opened the Public Hearing regarding a Stormwater Management Permit application and a Water Resource Protection District Special Permit application submitted by Northern Bank and Trust Company, Applicant, to construct a new 2,500 square-foot retail bank building and associated improvements, including stormwater management facilities, utility improvements, parking areas, two-lane remote drive-through facility, landscaping, and lighting at 430 Boston Post Road (Assessor's Map K08-0077), which was continued from December 11, 2013. The Board was previously in receipt of copies of a Draft Decision and Water Resource Special Permit Northern Bank & Trust Company – 430 Boston Post Road dated January 8, 2014 and a Draft Decision Stormwater Management Permit Northern Bank & Trust Company – 430 Boston Post Road dated January 8, 2014. In addition copies of an email from the applicant's engineer Brian Fairbanks dated January 3, 2014 and accompanying plans for the alternative drainage design and letter from EBI Consulting dated November 1, 2013 were distributed tonight.

Ms. Kablack reviewed new materials received to the file since the last meeting. She noted Sudbury Stormwater Management Peer Reviewer John Boardman and Department of Public Works Director Bill Place have worked with the project engineer and have concluded that direct discharge to the drainage ditch is not feasible. She also noted that the Town Engineer has stated that the requirement to analyze the existing pipe in Union Avenue was not completed.

Engineer Brian Fairbanks explained why it is too difficult for the applicant to complete an analysis of what goes into the pipe, as had been suggested. He further explained that what was presented is based on information received during his telephone conversations with Mr. Place, and that it addresses the current system on Union Avenue being directed farther downstream. Mr. Fairbank stated the problem is the ditch itself, and this proposal presents less water going to the ditch, and it will now be treated.

Mr. Boardman stated he believes the proposal is the best solution short of a direct connection to the ditch, and he discussed this opinion with Mr. Place today. Ms. Kablack read aloud to the Board the last email

sent to Mr. Briere from Mr. Place, noting his comments have been added as a condition to the draft decision.

Attorney Shaun Briere stated the applicant does not have the right to run utilities through the adjacent property, noting he had also researched an easement, but it would not accomplish the necessary result. In response to questions from the Board, Mr. Briere explained the ownership of the ditch and he clarified riverfront issues.

Mr. Lizotte asked if the applicant's team has confirmed that the addition of a 12 inch pipe to the existing 18-inch pipe in Union Avenue will not cause a back-up when water exits the 18 inch pipe. Mr. Fairbank stated they did consider the 18-inch pipe, and it is believed that the pipe never surcharges when running full. Mr. Boardman suggested the Board requests a memo be drafted by the project engineer and added to the file noting the calculations for this net result of a 100-year storm. This will be added as a condition of approval.

Mr. Lizotte asked if there would be any benefit to running a new outlet. Mr. Fairbanks stated it is not believed that capacity is the issue, and this might introduce additional conservation-related issues.

Mr. Abair mentioned the ponding on the adjacent property's site map.

Mr. Morely stated he visited the site following the Board's last meeting, and remains convinced the adjacent property's water problems are not the applicant's.

Ms. Kablack reviewed the comments received from Mr. Briere and the revisions which will be made to the final Decisions.

Chairman Hunter asked that the first sentence of the Water Resource Special Permit Decision be revised on page 2, Section I. B to replace the word "increase" with the word "decrease."

On motion duly made and seconded, it was unanimously:

VOTED: To approve the Stormwater Management Permit and Water Resource Protection District Special Permit Decisions as reviewed and amended tonight, and adding a condition to the Stormwater Management Permit Decision requiring written documentation from the project manager for the calculation demonstrating the impacts on the manhole from Union Avenue in a 100-year storm event.

**Public Hearing: Livermore Estates – Definitive Subdivision/Flexible Development Special Permit and Stormwater Management Permit, Assessor's Map #E06-0150, 0352 and 0353**

Present: Applicant's engineer Vito Colonna and Sudbury Stormwater Management Peer Reviewer John Boardman

At 8:52 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by SF Holdings LLC, for approval of a Definitive Subdivision Flexible Development Special Permit and Stormwater Management Permit, which was continued from December 11, 2013. The Board was previously in receipt of copies of a letter from the applicant's engineer Vito Colonna dated December 20, 2013, and accompanying revised plans, a Draft Definitive Subdivision Flexible Development Special Permit Livermore Estates Maynard Road dated January 8, 2014, and a Draft Decision Stormwater Management Permit Livermore Estates, Maynard Road, Sudbury, MA dated January 8, 2014.

Ms. Kablack stated the draft Decisions do not reflect the most recent plan changes.

Sudbury Stormwater Management Peer Reviewer John Boardman stated all outstanding issues have been resolved since the Board's last meeting.

Mr. Lizotte asked how this application ties into the problems observed by the Board this week in photographs of the slope on Lots E & F. It was noted the owner has not yet contacted the Town regarding the reported problems.

Mr. Colonna stated he visited the site yesterday, and conditions remain similar to what was in the photographs. Ms. Kablack asked what Mr. Colonna thinks the problem is. He stated it could be the fabric used and/or a compaction problem, but it is too difficult to assess until the area thaws.

Mr. Lizotte noted the work was completed late and it did not stabilize. He believes the grade of the slope is a significant problem.

Chairman Hunter stated the Town should send the owner a clear message as soon as possible that a temporary fix is required immediately.

In response to a question from Mr. Lizotte, Mr. Colonna stated it is hoped a berm can be built before the weekend since rain is forecast.

Mr. Morely asked what the Town's policy is for daily fines to be imposed for violations. Mr. Boardman stated the Town has a \$200/day fine noted in its regulations.

Mr. Lizotte stated the property owner is in violation of the Stormwater Management Permit, and none of the required reports have been submitted to the Town.

Ms. Kablack stated she would work with Town Counsel to draft a violation letter to be sent to the owner tomorrow.

Ms. Brown asked if the breach should also be reported to the Environmental Protection Agency (EPA). Mr. Colonna explained how the process is typically handled with the contractor.

Mr. Abair asked what happens next, given this system has failed on the slope.

Ms. Kablack explained what the subsequent process would be, noting a new system would need to be approved by the Board.

Ms. Kablack stated she would further research imposing fines, a violation letter will be issued tomorrow, and the issue will be added to the Board's January 22, 2013 agenda.

Ms. Kablack highlighted that the site under discussion tonight is vastly different than the problematic slope on Lots E&F.

Mr. Lizotte asked if the Board should consider appointing a construction monitor for both properties. Ms. Kablack stated she would add this as a condition to the Permit.

On motion duly made and seconded, it was unanimously

VOTED: To continue the Public Hearing regarding an application submitted by SF Holdings LLC, for approval of a Definitive Subdivision Flexible Development Special Permit and Stormwater Management Permit, proposing a subdivision of approximately 10.0 acres into two lots and construction of improvements to January 22, 2014 at 8:35 p.m.

#### **Annual 2014 Town Meeting – Discussion**

Ms. Kablack stated she will have draft Warrant articles for the Board to review at its next meeting.

#### **Public Hearing: Definitive Subdivision – 82 Maynard Road – Assessor’s Map #G08-0026**

At 9:20 p.m., Chairman Hunter opened the Public Hearing regarding an application submitted by 82 Maynard Rd. LLC for approval of a Definitive Subdivision, as shown on a plan entitled “Definitive Plan of Land, 82 Maynard Road in Sudbury, Mass.,” prepared by R. Wilson and Associates dated October 23, 2013, proposing a subdivision of approximately 3.17 acres into two lots and construction of improvements thereon, which was continued from December 11, 2013, and

On motion duly made and seconded, it was unanimously:

VOTED: To immediately continue, without discussion, the Public Hearing for 82 Maynard Road to January 22, 2014 at 7:45 p.m.

#### **Adoption of 2014 Bonding Policy**

The Board was previously in receipt of copies of a letter from Town Engineer/DPW Director I. William Place, dated December 17, 2013, which updated the 2013 Bonding Policy to reflect 2014 unit prices and a copy of the current 2013 unit prices as presented in a letter from Mr. Place dated December 18, 2012.

On motion duly made and seconded, it was unanimously:

VOTED: To adopt the 2014 Bonding Policy unit prices as presented by Department of Public Works Director/Town Engineer I. William Place, in a letter dated December 17, 2013.

#### **Minutes**

On motion duly made and seconded, it was unanimously:

VOTED: To approve the meeting minutes of December 11, 2013.

#### **Application Not Required Application –Sudbury Water District – 63 Brewster Road**

The Board was previously in receipt of copies of the Town of Sudbury Form A Application For Endorsement of Plan Believed Not To Require Subdivision Approval and 2 plans submitted by the

Sudbury Water District for Thomas W. Pullen and Sally W. Breckenridge, 63 Brewster Road, Sudbury, MA 01776 dated December 18, 2013.  
Ms. Kablack summarized the proposal.

On motion duly made and seconded, it was unanimously:

VOTED: To endorse and sign the plans submitted by the Sudbury Water District for Thomas W. Pullen and Sally W. Breckenridge, 63 Brewster Road, Sudbury, MA 01776.

The meeting was adjourned by Chairman Hunter at 9:35 p.m.