

**SUTTON, LLC  
P.O. Box 428  
Milford, Massachusetts 01757  
(508) 473-9148**

November 27, 2023

Ms. Jennifer Hager  
Planning & Economic Development Director  
Town of Sutton – Town Hall  
4 Uxbridge Road  
Sutton, MA 01590

RE: Forest Edge Runoff Concerns

  
Dear ~~Ms. Hager~~:

I am writing to respond to the comments made by three Forest Edge trustees at the Planning Board meeting on November 20, 2023. Although I understand their concern, the causation and resolution of their problem is with the Forest Edge Board of Trustees and not Sutton, LLC.

The three trustees present at the board meeting were not trustees in 2021 when a prior Board of Trustees made significant drainage changes against the advice of the developer. That former Board expressly accepted responsibility for any issues caused by their drainage changes. Furthermore, the association's professional managing company has also changed since then, so there may be little institutional knowledge of the facts I outline below.

There are five units near the area being discussed:

- 1 90 Ariel Circle (Unit 72) - completed and conveyed in October 2019
- 2 88 Ariel Circle (Unit 73) - completed and conveyed in May 2020
- 3 86 Ariel Circle (Unit 74) - completed and conveyed in June 2020
- 4 84 Ariel Circle (Unit 75) - completed and conveyed in December 2020
- 5 82 Ariel Circle (Unit 76) - completed and conveyed in December 2020

When those units were delivered all nearby grading was completed and the disturbed areas were then permanently stabilized with loam and seed. The drainage functioned properly with minimal to no puddling, and certainly no major ponding of water.

As Michael mentioned at the Planning Board meeting on November 20, 2023, the areas near these units, including the roadway in front of those units were completely finished, inspected by the Town, and found to be in compliance with the approved design. Accordingly, in April of 2021 the cash bond for this portion of the development was released by the Planning Board.

In June of 2021, some of the residents of the above five units complained to the management company that a few areas behind 90, 88, 86, and 84 Ariel Circle remained soft and damp for a while after a rain storm. In response to those complaints, Sutton, LLC expanded the drainage swales and added riprap to prevent erosion. This immediately drained the previously-damp areas, however, some of these same residents then complained to the Board of Trustees that they did not like the appearance of the swales and riprap.

Although the area was draining properly, the trustees, under pressure from some residents, and despite the strong opposition of Sutton, LLC, decided to alter the functioning drainage by removing the riprap, installing underground piping, and filling in the swales. The final design of these changes was formulated by some of the trustees, in consultation with, and then implemented by their landscaping contractor. As far as I know, they made their design changes without the services of a professional engineer.

There was some nearby landscaping work (i.e., erosion repairs) to be done by Sutton, LLC, and the trustee/landscaper scheme overlapped that work. Sutton, LLC and the trustees agreed that the value of the developer's work would be paid to the association to offset the cost of their revisions. Crucially, the association agreed that Sutton, LLC would no longer be involved and the association took full responsibility for any issues that arose.

Regrettably, the torrential downpours in the summer of 2023 (for example, 11.29 inches of rain per hour measured at Rhodes Farm in Sutton on September 8) proved the trustee's redesign of the drainage patterns to be inadequate. It is clear that the trustees made ill-advised changes, without professional engineering input, and accepted sole responsibility for those changes. Sutton, LLC cannot and will not be held responsible for issues caused by the trustees against the good judgment of the original design engineer, the Town's consulting engineers, and the developer.

Regarding cellar water issues: all foundations have perimeter drains that are installed during construction, inspected by the building department, and drain away by gravity. Any cellar water issues are caused by a lack of maintenance of the grading around the buildings, allowing surface water to collect along the foundation, seeping down against the foundation, and finding a way in.



When the homes were delivered, there was positive drainage away from every foundation in accordance with the building code. Casual observation shows that over time, settling has occurred and the positive drainage has not been maintained by the association as is their responsibility. Further aggravating the lack of positive slope is that many residents have altered the grading by creating depressed gardens and landscaping along the foundations. Not only does that alter the positive slope drainage away from the buildings, it can also cause puddling along the foundation.

It is clear that Sutton, LLC was not responsible for the design and drainage changes implemented by the Board of Trustees and certainly not responsible for resolving the problems they caused. Sutton, LLC is also not responsible for perpetual maintenance of the common areas of the association – the association exists for this very purpose. Further investigation and resolution are clearly internal association matters to be made at their sole expense.

As always, you may reach me at [jbruce@armidainc.com](mailto:jbruce@armidainc.com) or at (508) 473-9148 with any questions or comments.

Very Truly Yours,  
Sutton, LLC  
by its manager  
Armida, Inc.

A handwritten signature in blue ink, appearing to read 'Jonathan M. Bruce', is written over a large, stylized blue oval. The signature is fluid and cursive.

Jonathan M. Bruce  
President

Cc Mr. John Couture, Sutton Building Commissioner