

SUTTON PLANNING BOARD

Meeting Minutes

February 26, 2024

Approved _____

*Note- This meeting was held in person and remotely via Zoom in accordance with recently renewed legislation. E. McCallum read a notice regarding the hybrid meeting format. (see end of minutes)

Present in person: R. Largess Jr., W. Talcott, W. Baker, M. Gagan, E. McCallum, Associate

Present remotely: S. Paul

Absent: None

Staff: J. Hager, Community Development Director

7:00 100 Worcester Providence Turnpike - Great Dane Trailer Repair/Maintenance

Travis Brown, P.E. from Turning Point Engineering was present. He showed the Board plan revisions including the addition of a fire suppression tank and shifting of the public water supply well heads, as well as landscaping adjustments. He also reviewed earth disturbance and removal operations noting they are attempting to balance cuts and fills, but it's likely approximately 1,500 c.y. of earth will need to be removed from the site. A site walk took place with two Board members, one abutter and the Community Development Director. T. Brown noted several dead trees have been located within the State's layout that will be removed when other site clearing is done.

The Board reviewed waiver requests:

IV.B.4.e. – Maximum width of driveway 30'.

Motion: To grant the waiver from section IV.B.4.e. to allow a driveway width between 34 – 45' wide having found a greater width is necessary to provide enough room for safe maneuverability of large vehicles into and out of the site, W. Talcott

2nd: W. Baker

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

V.D.4.a.3.- No work shall occur on slopes over 15%.

Motion: To grant the waiver from section V.D.4.a.3. to allow work on slopes in excess of 15% having found these slopes were artificially created for the prior drive in operations and need to be adjusted accommodate adequate maneuvering on site. They will be made more gradual and proper erosion control measures will be employed during and after construction, M. Gagan

2nd: W. Talcott

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

V.D.4.c.2.d. – Provide facilities to enhance transit services /reduce automobile travel.

Motion: To grant the waiver from section V.D.4.c.2.d. eliminating transit facilities having found there are no transit routes currently within the Town, W. Talcott

2nd: W. Baker

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

V.D.4.c.3.d. – No more than 25% of parking in front of the building.

Motion: To grant the waiver from section V.D.4.c.3.d. allowing more than 25% of parking in front of the building having found that site configuration requires a larger percentage of the

parking be located in front of the building mitigated by topography and landscaping elements, W. Talcott

2nd: M. Gagan

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

V.D.4.c.3.f. – Sidewalks constructed with brick, pavers or similar.

Motion: To grant the waiver from section V.D.4.c.3.f. to allow broom finished sidewalks having found this is not a site open to the general public nor are the sidewalks visible from the public way and this particular use won't benefit from this extra expense, M. Gagan

2nd: W. Talcott

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

V.D.4.c.3.g. – Provide car and van pool parking spots.

Motion: To grant the waiver from section V.D.4.c.3.g. eliminating car/van pool spots having found the site is benefitted by less pavement and this particular business with minimal employees would be better served by an additional unrestricted parking spot W. Talcott

2nd: W. Baker

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

T. Brown noted remaining comments from Graves Engineering are minor and can be resolved prior to plan endorsement. J. Hager confirmed her remaining comments have been addressed or can be resolved prior to endorsement. She asked for confirmation that the applicant stated a “yard dog” will move trailers around on the site and this equipment will not have a back-up alarm. T. Brown confirmed this is what the applicant said. J. Hager noted a condition requiring the applicant return to the Board for potential mitigation if this changes should be added to minimum conditions.

William Pepka of 56 Sibley asked for proposed hours of operation. He noted hours of operation at several other sites were limited to 8AM - 5PM and some had no Saturdays. R. Largess Jr. said the ZBA limited hours to move trailers in the yard to 6AM to 8PM weekdays and 7 AM to 4 PM on Saturday. T. Brown added full hours of operation were to be 6AM -10PM weekdays and 7AM – 4PM on Saturdays. J. Hager stated the Planning Board should be consistent with any ZBA conditions. The Board agreed, but it was noted that a condition will be established that allows the Board to deal with any unusual or excessive noise issues should they arise.

Motion: To grant a Route 146 Overlay Special Permit, a Groundwater Protection Special Permit, and Site Plan Approval based on the materials and plans submitted with the following conditions:

M. Gagan

Prior to Plan Endorsement:

1. The Applicant shall submit an O & M plan approved by the Town's consulting engineer.
2. The Applicant shall revise landscape plans to address all related comments from the review memo dated 2/23/24 from the Community Development Director.
3. The Applicant shall address all comments from the Review Letter date 2.23.24 from Graves Engineering.

General Conditions:

4. Within a month of the appeal period concluding, the applicant shall provide a final set of plans with waivers granted and conditions of approval on the plan set for the Board's endorsement as the record set of plans upon which construction shall be based.
5. Unless a specific exception is approved by the Planning Director or Building Commissioner, construction shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 8:00 a.m. to 12:00 p.m., and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, after 12 PM on Christmas Eve, and Christmas. From November 15th to April 1st, equipment may be started at 6:30 a.m. but no construction may commence until 7:00 a.m. unless a specific exception is granted as noted above.
6. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all trash and debris daily.
7. The Applicant shall implement measures to ensure that noise during construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud noise during construction activities when directed by a duly appointed agent of the Board. No excessively loud activities are permitted prior to 8:00 AM or after 5:00 PM.
8. The Board reserves the right to review landscaping for the purpose of requiring the addition of plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
9. The Board reserves the right to review lighting and require adjustments if they find it to be a danger or nuisance.
10. The Board reserves the right to review and assess noise complaints related to onsite operations. If the applicant/operator fails to cure or remedy a complaint the Board deems to be valid within a reasonable time as determined by the Board, the Board reserves the right to require the applicant and/or operator to provide adequate mitigation.
11. Loaded earth removal trucks may not exit the site during peak hours of 6:30-8 AM and 5 to 6:30 PM.
12. The applicant must provide a minimum of 4 weeks' notice if they anticipate blasting will be necessary on the site in order for the Board to establish an education and notification process for abutters and to evaluate and require mitigation of any potential impacts, all to be funded and carried out by the applicant with oversight of the Planning Board.
13. The yard dogs used to move trailers on the site will not have backup alarms. If the Applicant intends to utilize back up alarms on this equipment, they must return to the Board for discussion about the noise impacts.

Prior to Commencement of Construction:

14. All required approvals and/or permits shall be received from applicable permitting authorities except MassDOT which shall be received prior to issuance of the building permit.
15. The applicant shall request permission from MassDOT to remove any compromised trees within their right of way while site tree removal is being undertaken. Evidence of this request and response from the State shall be provided to the Planning Board.
16. The applicant must maintain vegetation along Worcester Providence Turnpike to ensure clear sight lines for entering and exiting the site.
17. A pre-construction meeting shall be held with the Community Development Director and other Town staff as appropriate, the Town's consulting engineer, the applicant and/or his representative, the applicant's engineer, and the applicant's construction supervisor, and a representative from the blasting contractor if applicable.

Minutes shall be drafted by the Town's consulting engineer and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.

18. The applicant will provide a minimum of one week's notice to review staked limits of clearing with a Planning Board representative.

Prior to Issuance of Building or Sign Permits:

19. Prior to issuance of permits for signage, the applicant shall submit a compliant sign design and receive approval from the Planning Board.

Prior to Issuance of Occupancy Permits:

20. Once HVAC equipment is installed, it's visibility shall be reviewed by the Planning Board or their agent and a determination shall be made if screening is required. If it is required, it shall be installed prior to issuance of a certificate of occupancy.

21. Prior to issuance of a certificate of occupancy, security systems and all necessary amplifiers shall be installed as required by the Police and Fire Chiefs.

22. Prior to issuance of a certificate of occupancy on any building, the Applicant shall submit to the Planning Board and receive approval for an As-Built Plan and written certification from the Project's engineer that the site and all infrastructure to serve this area of the site has been constructed substantially in accordance with the Site Plan. Additionally, the Applicant shall provide an As-Built plan to the Town of Sutton Assessors in accordance with their requirements.

23. Prior to issuance of occupancy on any structure a lock box with building access keys and/or codes, a building layout plan and emergency contact shall be installed to the satisfaction of the Fire Department.

24. All exterior doors and roof access shall be marked on the interior and exterior with reflective, sequential numbering that is reflected on the building layout plans in the lock box.

25. The Fire Departments shall be given the opportunity to tour the building to orient themselves with the new structure.

26. The building occupant shall detail the method and location of snow removal from trailers before they leave the site.

Site Maintenance:

27. The Applicant shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased plantings unless it is winter or summer, in which case in the following planting season.

28. The applicant shall comply with the final O&M plan for the site drainage systems. Inspection and maintenance shall be performed in accordance with the recommended schedule and a written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen (14) business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.

2nd: W. Talcott

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

Motion: To grant a Class 2 Earth Disturbance & Removal Permit based on the materials and plans submitted with the following conditions: M. Gagan

1. Unless a specific exception is approved by the Planning Director or Building Commissioner, construction shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 8:00 a.m. to 12:00 p.m., and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, after 12 PM on Christmas Eve, and Christmas. From November 15th to April 1st equipment may be started

at 6:30 a.m. but no construction may commence until 7:00 a.m. unless a specific exception is granted as noted above.

2. Loaded earth removal trucks may not exit the site during peak hours of 6:30-8 AM and 5 to 6:30 PM.
3. The applicant must provide a minimum of 4 weeks' notice if they anticipate blasting will be necessary on the site in order for the Board to establish an education and notification process for abutters and to evaluate and require mitigation of any potential impacts, all to be funded and carried out by the applicant with oversight of the Planning Board.
4. During any earth disturbance activities, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all trash and debris daily.
5. The Applicant shall implement measures to ensure that noise during construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud noise during construction activities when directed by a duly appointed agent of the Board. No excessively loud activities are permitted prior to 8:00 AM or after 5:00 PM.
6. The Board reserves the right to review and assess noise complaints related to onsite operations. If the applicant/operator fails to cure or remedy a complaint the Board deems to be valid within a reasonable time as determined by the Board, the Board reserves the right to require the applicant and/or operator to provide adequate mitigation.

Prior to Commencement of Site Work:

7. The applicant shall provide the Planning Board with the receiving location of earth removed from the site and travel routes and receive the Boards approval of routes and receiving locations within Sutton.
8. All required approvals and/or permits shall be received from applicable permitting authorities except MassDOT which shall be received prior to issuance of the building permit.
9. The applicant shall request permission from MassDOT to remove any compromised trees within their right of way while site tree removal is being undertaken. Evidence of this request and response from the State shall be provided to the Planning Board.
10. A pre-construction meeting shall be held with the Community Development Director and other Town staff as appropriate, the Town's consulting engineer, the applicant and/or his representative, the applicant's engineer, and the applicant's construction supervisor, and a representative from the blasting contractor if applicable. Minutes shall be drafted by the Town's consulting engineer and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.
11. The applicant will provide a minimum of one week's notice to review staked limits of clearing with a Planning Board representative.

2nd: W. Talcott

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

Motion: To close the public hearing, W. Baker

2nd: E. McCallum

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

Action Items

- Form A Plans – None
- Additional Action Items - None

Administrative Items

- Motion: To approve the minutes of 2/5/24, W. Talcott
2nd: W. Baker
Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye
- Filings: The Board Acknowledged the filing of a Site Plan Application for a dance studio at 64 WP Turnpike. The hearing will be on March 11th.
- Site Visit Reports: None.
- Abutting Town Notices of Interest: The Board noted notice regarding approval of a wireless tower adjacent to Forest Edge condominiums off Blackstone Street. There was also a notice from Douglas relative to residential scale solar installations.
- Correspondence: None
- Other Board Business:
 - J. Hager noted the Board has been provided the FY23 Annual report. She asked the board to let her know if they want any adjustment ASAP as the Town Clerk need to print the Annual Town Report soon.
 - W. Baker noted there has been a significant increase in the amount of equipment being staged at Rock & Recycling on Route 146 north. He noted he's happy to see a business thriving, but that what is on the site is not what was approved by the Board. The Chairman asked the Community Development Director to have the owner appear at the Boards next meeting for an update and possible Site Plan Amendment.

Motion: To adjourn, S. Paul

2nd: W. Talcott

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – aye, M. Gagan – aye, W. Baker- aye

Adjourned 7:58 PM

Covid Meeting Statement:

Pursuant to Governor Healy's March 29, 2023 Order extending the temporary provisions pertaining to the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format and is being recorded. The recording will be available on the Town's website and YouTube channel.