

October 23, 2023
Revised October 31, 2023

Via Electronic & Overnight Mail

Planning Board
Sutton Town Hall
4 Uxbridge Road
Sutton, Massachusetts 01590

Attn: Jennifer Hager, Community Development Director

**Re: Response to Comments
Modification to Site Plan Review & Special Permits
Proposed High Speed Diesel Addition
27 Worcester Providence Turnpike, Sutton, MA**

Dear Members of the Board:

Bohler Engineering MA, LLC is in receipt of the comment letter from Jennifer Hager, Community Development Director, dated October 20, 2023. On behalf of the Applicant, Drake Petroleum Company, Inc., Bohler Engineering MA, LLC offers the following responses. For clarity, the original comments are in *italics*, while our responses are directly below in **bold type**, and updated responses per this revision in ***bold italics*** (if necessary).

General

Comment 1. While the site has the required 20 queuing spaces, the bylaws require an additional reserve of 50% of this requirement be indicted on the site if needed. These 10 spaced used to be located along the southern edge of the site. If the applicant feels this is not necessary, they must request a waiver and provide justification. With be retained in their current location and those that will be retained but relocated.

Response: This expansion does not affect the drive-thru queuing operations which appear to be functioning without issue since approximately 2009. Additional reserve queuing can be provided similar to the original approval (as shown on the attached Overall Site Exhibit provided), however, the reserve configuration has been adjusted for the proposed layout. If this layout is not acceptable, the applicant formally requests a waiver from the 50% reserve requirement.

Update: Waiver for the Reserve queue approved at Planning Board hearing on 10/23/23 to allow for four cars (instead of ten).

Comment 2. The 100' buffer between residential uses and commercial uses is intended to be a spatial and visual buffer. While the applicant has proposed additional landscaping, none of the landscaping proposed will help the visual or noise impacts to abutters from this expanded project. Landscaping to mitigate this particular bylaw requirement should include the maximum number of 3" dbh trees behind the fence from elevation 543' through 547' with most being evergreen.

Response: Landscaping and 6' high vinyl fencing is proposed as a substitute to taller plantings as allowed in Sec V.D.b.2. Given that the proposed improvements still provide over 300 feet of wooded/naturally vegetated buffer area from the nearest residential house, the proposed 6 foot high vinyl fence was designed to act as additional solid screening from the residents while also providing sound attenuation, a headlight barrier, and blockage from any trash or debris going into

the woods (see Aerial Overlay Exhibit). If preferred, the applicant is agreeable to providing taller plantings with evergreens in lieu of the proposed fence.

Update: *Six evergreens are proposed behind the proposed fence as discussed at the recent hearing. It was also requested that an evaluation of the proposed 6' high vinyl fence be given approximately one year after starting expanded operations to determine if further measures are necessary to mitigate potential noise impacts.*

Comment 3. *A sound wall, as opposed to a 6' vinyl fence, may still be necessary to mitigate the effect of tractor trailer maneuvering sounds. The Board should consider this in the conditions they place on the project.*

Response: *See response above. The expansion HSD bays are extending less than 50' towards the residential houses. With the proposed fence provided, and wooded area to remain between the facility and residents (over 300 feet) no tangible sound impacts are anticipated.*

Update: *See updated response to Comment 2 above.*

Comment 4. *The north arrow is wrong on sheet C-701.*

Response: *This will be revised on the final plan set.*

Comment 5. *The minimum impervious coverage in the Zoning Analysis Table on Sheet C-301 is incorrect, it should be 65%.*

Response: *This will be revised on the final plan set.*

IV.C. - Site Plan Review

Comment 4.e. *Photographs and a written response have been provided in lieu of canopy architectural elevations. Waiver requested.*

Response: *Comment acknowledge.*

Update: *Waiver approved at Planning Board hearing on 10/23/23.*

Comment 4.k. *A Class 2 earth removal/disturbance application has been provided and needs to be completed so the Board can assess if additional conditions are necessary.*

Response: *A cut/fill analysis has been provided (6,000 CY cut). Assuming a typical load is approximately 30 CY, this would yield approximately 200 loads. The remaining information necessary would be the location of the facility. We request this would be provided as a condition of approval, as the disposal facility will not be determined until the Applicant's environmental consultant can classify the soil and determine the best facility suited as a disposal location.*

Update: *Partially updated Abbreviated Earth Disturbance/Removal application is included with this letter per comment above.*

Comment 4.l. *While the proposed landscaping is responsive to Site Plan landscaping requirements, it does not provide an effective buffer or mitigation to abutting residential uses as noted above. Also, please use conservation/wildlife mix instead of grass behind the fence from elevation 544' running northeast.*

Response: See response to Comment 2 above. Conservation/wildlife mix will be proposed behind the fence as requested for the final plan set.

Update: See updated response to Comment 2 above. Conservation/wildlife mix is now proposed behind the fence as requested for the final plan set.

Comment 4.n. I have provided the plans and the traffic memorandum to MassDOT for their consideration. This location has a limited deceleration and acceleration lane and adding an additional 30 trucks to the evening peak hour is concerning.

Response: The evening peak hour has an estimated increase of 30 trips, which is the equivalent of 15 trucks entering/exiting. Additionally, the slight increase in trips would not be considered “new” traffic, as it is assumed these vehicles would already be traveling on Route 146 (i.e. pass-by traffic).

Also note that our office has reached out to the appropriate MassDOT contact to discuss/clarify but have not yet spoken directly. Although it is anticipated that no formal Access Permit will be required, the applicant requests any approval/correspondence from MassDOT be permitted as a condition of approval.

Update: We reviewed the proposed improvements with MassDOT staff on Monday (10/30/23) and provided updated trip counts (enclosed with this letter). They were in general agreement with the updated counts and will follow up after reviewing internally to determine what additional information/application may be required, indicating that it is unlikely this will be a significant change to the existing use. The applicant requests any approval/correspondence from MassDOT be required as a condition of approval.

Comment 4.p. Specific architectural block type and color for proposed retaining wall has not been provided. The Board should consider this in the conditions they place on the project.

Response: Final wall style (and spec/cut sheets) can be provided as a condition of approval.

V.D. - Route 146 Overlay District Bylaw

Comment 4.a.3. Work is proposed on slopes over 15%. Waiver requested.

Response: Comment acknowledged.

Update: Waiver approved at Planning Board hearing on 10/23/23.

Comment 4.b.1. Required Open Space to be permanently maintained must be clearly indicated on the plan set. This will likely require an additional sheet like sheet that shows the entire site.

Response: Please see Overall Site Exhibit for proposed plan.

Update: Draft 81X plan is included in this submittal to indicate Open Space and a 100' Residential Buffer Easement, as well as combine the existing lots (Parcels 18 & 159) for the Planning Board's consideration.

Comment 4.b.2. See above comments relative to buffers to residential districts being at least 50% evergreen plantings.

Response: See response to Comments 2 & 3 above.

Update: See updated responses to Comments 2, 3, and 4.b.1 above.

Comment 4.c.1. While the proposed landscaping is responsive to Site Plan landscaping requirements, it does not provide an effective buffer or mitigation to abutting residential uses as noted above.

Response: See response to Comments 2 & 3 above.

Update: See updated responses to Comments 2, 3, and 4.b.1 above.

Comment 4.c.10. Specific architectural block type and color for proposed retaining wall has not been provided. The Board should consider this in the conditions they place on the project.

Response: Final wall style (and spec/cut sheets) can be provided as a condition of approval.

Compliance with Previous Approvals

Route 146 Overlay District Special Permit:

Condition # 1 See the attached Open Space and buffer easement restriction and endorsed sheet from previous approved plans. Where does the open space sit in relation to what is currently proposed?

Response: Please see Overall Site Exhibit for proposed plan.

Update: Draft 81X plan is included in this submittal to indicate Open Space and a 100' Residential Buffer Easement, as well as combine the existing lots (Parcels 18 & 159) for the Planning Board's consideration.

Site Plan Approval:

Condition #2 See the attached Open Space and buffer easement restriction and endorsed sheet from previous approved plans. According to the endorsed plan, this easement was to "remain in a natural undisturbed state".

Response: The original approvals had allowances for future development. If developed, there was a condition to provide 50 additional feet of buffer to the rear of the residential lots. Please see the Overall Site Exhibit for a representation of this 80 foot wide Residential Buffer strip. A final plan for endorsement can be provided as a condition of approval (to also include Open Space).

Update: See response to Condition # 1 above.

Condition #8 Documentation relative to ongoing maintenance of the underground drainage and oil separation systems has never been submitted to the Town.

Response: An Operation and Maintenance Plan was a part of the original submittal, and included within the Drainage Report, including cut sheets for the water quality unit (WQU-1). Please let us know if more information is required.

Update: The Applicant will submit any ongoing maintenance records available to date and keep an ongoing record going forward.



We trust the above as well as the attached information are sufficient for your continued review of the project. Should you have any questions or require additional information, please do not hesitate to contact me at (508) 480-9900.

Sincerely,
BOHLER ENGINEERING MA, LLC

A handwritten signature in blue ink, appearing to read "Drew Garvin".

Drew Garvin
Project Manager