

## **SUTTON PLANNING BOARD**

### **Meeting Minutes**

**October 24, 2022**

Approved \_\_\_\_\_

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

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

Present remotely: None

Absent: None

Staff: J. Hager, Planning & Economic Development Director

### **Public Hearing – Unified Parkway – Definitive Subdivision Modification & Scenic Roadway/Public Shade Tree Alterations**

M. Gagan read the hearing notice as it appeared in The Chronicle.

Matt Piekarski, Director of Construction & Development with the Kraft Group introduced the members of the development team who were present including Attorney David Liberdoni of Nutter McClellan & Fish, LLC, John Kucich, P.E. of Bohler Engineering, and Vinod Kalikiri, P.E. & Christine Champeau, P.E., of Vanasse Hangen Brustlin (VHB).

M. Piekarski overviewed changes to the approved layout of Unified Parkway and changes to Boston Road per the attached presentation. Several hundred feet of Unified Parkway at its intersection with Boston Road will shift east to eliminate impact to an historic sycamore tree and small length of stone wall adjacent to the base of the tree. A sidewalk will also be installed on the north side of Boston Road for the length of the Unified property.

V. Kalikiri continued the presentation stating they will hold the north edge of Boston Road and instead the road will be widened to the south to install an east bound left turn lane that will allow through traffic to continue past this intersection. Westbound a flush, scored, concrete island will be installed to channelize traffic through the intersection. A new retaining wall will be installed at the limit of the right of way in front of 107 Boston Road.

Robert Nunnemacher of 24 Singletary Avenue noted the Planning Board is supposed to look to the future and not removing the sycamore and providing for expansion width for Boston Road is contrary. He added the required retaining wall will create snow removal issues. He said it would be better to remove the tree and require the applicant to replant multiple replacements at a safe distance off the roadway. He added the arborists report stating the tree was in good shape/healthy did not include core samples for the tree. He felt strongly the disruptions in and around the tree will cause its demise regardless.

W. Talcott read into the record the remainder of Mr. Nunnemacher's comments submitted as a member of the Board of Assessors including a suggestion to require a widening easement for Dudley Road. James LaPlante of 26 Heritage Road expressed concerns about this widening suggestion.

In response to questions, John Kucich stated approximately 450' of Unified Parkway is being shifted east and he confirmed the basin immediately to the east of the roadway would also be shifted east therefore additional clearing and grading will be necessary. He stated there will be approximately 2' between the Boston Road pavement and the retaining wall south of the roadway. The proposed wall is approximately 3-5 ½' high will a fence on top.

S. Paul noted it appears vehicles, especially trucks, can make a wider smoother right hand turn onto Boston Road with the modified design. J. Kucich confirmed this sweep has been adjusted. He also confirmed there will be a sign restricting left hand turns for trucks exiting Unified Parkway to Boston Road.

M. Piekarski noted they are requesting removal of several trees north of Boston Road for installation of the sidewalk. There will also be utility pole movement. He added the wall being removed is 49' long and about 24" high. They have met with the owner of 107 Boston Road who is supportive of the changes. The wall will be constructed of stone as opposed to concrete and will have a granite cap with a 42" high black aluminum fence on top. R. Largess Jr. asked how snow removal will be handled along the wall. The new wall will be about 90' long and then it opens up, the tightest separation to the wall is 2', so snow can be picked up and pushed past the end of the wall.

Phillis Nault of 25 Heritage Road asked the Board to continue to protect the historic sycamore. She expressed concerns with trucks having room to enter Boston Road without crossing into the oncoming lane. V. Kalikiri stated the lanes have been designed for the largest likely turning movements. M. Gagan added the Towns consultant has reviewed the design to ensure safety.

J. LaPlante of 26 Heritage Road expressed concerns with environmental impacts of the project.

Motion: To continue the public hearing to November 28, 2022 at 7:00 PM, R. Largess Jr.

2<sup>nd</sup>: S. Paul

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

### **Public Hearing (Cont. from /22) – 3 Lackey Dam Logistics Center – Use & Height Special Permits & Site Plan Review**

Attorney Todd Brodeur of Fletcher Tilton Updated the Board on the status of the approvals for the project stating they are nearly finished with permitting through both Sutton and Uxbridge Conservation. He noted they have assented to permanent restriction of the remainder of the site not currently proposed for development as requested by Sutton Conservation. The Uxbridge Planning Board has some concerns about traffic routing that they are trying to resolve.

The Board has received final approvals from both their civil and traffic consulting engineers.

The applicant reviewed proposed minimum conditions with the Board (attached) and the Board made modifications to conditions 4, 6, 14, 15, 24 & 30 related to hours of operations, noise, blasting notifications, traffic monitoring and limits on mitigation, signage and striping near Route 146 in Uxbridge, and earth removal operations.

The Board made the following findings in open meeting with respect to the Use Special Permit:

1. The appropriateness of the specific site as a location for the use;  
Town Meeting designated the area as the Office Light Industrial District  
Zoned for Industry since 1955.
2. The adequacy of public sewerage and water systems;  
Sewer – Title V on-site system.  
Whitinsville Water District – Adequate capacity. Will pay for any lines to tie into system.

3. The effect of the developed use upon the neighborhood;  
 Applicant has provided information related to various effects, including but not limited to lighting, sound, aesthetics, drainage, and traffic.  
 Applicant has gone to considerable lengths to mitigate effects.  
 Effects of this use have been confirmed via the Town's consulting engineers to be adequately mitigated.  
 The Board intends to enact and enforce certain conditions to ensure continued compliance with these regulations.
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians; and,  
 Applicant has assessed and provided information related to vehicular and pedestrian traffic.  
 Provisions to ensure no undue nuisance and hazard to vehicles and pedestrians have been evaluated and provided.  
 Through the Town's consulting engineers these studies and proposed measures have been found to be consistent with proven industry standards and compliant with State and local regulations.  
 The Board intends to enact and enforce certain conditions to ensure continued compliance with these standards and regulations.
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition.  
 The applicant had provided detailed site plans showing building, parking, loading away from residents, circulation and operational components for this use.  
 The Town's staff and consulting engineers have found these provisions to be compliant with State and local regulations and adequate for the proper operation of this use.  
 The Board intends to enact and enforce certain conditions to ensure continued compliance with these standards and regulations.

The Board made the following findings in open meeting with respect to the Height Increase Special Permit:

1. The appropriateness of the specific site as a location for the use at the increased height;  
 Town Meeting approved a possible height exceedance to 70'.  
 The closest home to this structure is hundreds of feet away with ample vegetation in between.  
 The Board intends to enact and enforce certain conditions to ensure continued compliance with these regulations.
2. The adequacy of public sewerage and water systems as it pertains to increased height;  
 There is adequate water and sewer capacity that will not be effected by the increased height.
3. The effect of the developed use upon the neighborhood at the increased height;  
 The closest home to this structure is hundreds of feet away with ample vegetation in between.  
 The Board intends to enact and enforce certain conditions to ensure continued compliance with these regulations.  
 The increased height will also not be across the entire structure.
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians as it pertains to increased height;  
 The minor increase in height will not have any effect on vehicular or pedestrian traffic or safety.
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition at the increased height;  
 The applicant had provided detailed site plans showing building, parking, loading, circulation and operational components for this use, the increased height does not affect the flow of operations.

Motion: To grant the Special Permits for warehouse with distribution use and increase in height to 45', earth removal exemption, and Site Plan approval with the following conditions: S. Paul

1. Those components of the project within the Town of Uxbridge must be approved by the Uxbridge Planning Board and any other applicable Uxbridge permitting authorities.
2. This site plan approval authorizes only the Project as described in the record plans and documents and hearing testimony. Any proposed material change to the use, intensity, size, configuration or footprint of the Project and/or site improvements serving the Project shall require an amendment of this decision subject to the same submittal, review, and hearing procedures as was the original filing.
3. 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.
4. Construction shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 7:00 a.m. to 12 p.m. and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas. From November 15<sup>th</sup> to April 1<sup>st</sup> equipment may be started at 6:30 a.m. but no construction may commence until 7:00 a.m. In the occasional circumstances where construction activities require additional time to complete outside the above hours, the applicant must give notice to Sutton Planning and/or Police Department.
5. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all debris daily.
6. 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 during construction activities when directed by a duly appointed agent of the Board. No excessively loud activities are permitted prior to 7:00 a.m. or after 5:00 p.m. Indoor activities that will not generate excessively loud noises can be performed up until 7 p.m. weekdays and 5 p.m. on Saturdays.
7. The Board reserves the right to review Sutton landscaping within a year of installation for the purpose of adding plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
8. The Board reserves the right to review lighting located within Sutton or effecting Sutton and require adjustments if they find it to be a danger or nuisance.
9. There will be no outdoor storage of any kind except temporarily within trailer backs in a manner consistent with distribution facility operations.
10. All construction equipment utilized to construct the Project shall be outfitted with manufacturer approved silencing equipment including mufflers and skirts.
11. The Applicant shall employ quiet building equipment and erection systems to minimize sound transmitted to nearby residences.
12. If issues arise with sound emanating from the site, the Board reserves the right to require additional mitigation.
13. The Applicant, shall provide the Sutton Planning Board and Chief of Police with appropriate contact information for local and regional operations staff of any tenant, and shall update the information as necessary.
14. Any blasting on the site will require a minimum one-week advance notification of the certified abutters and the Planning and Police Departments, in addition to all required coordination with the local Fire Departments. Notification shall include at a minimum expected duration of operations, number of blasts per day with approximate times, and contact names for the appropriate individuals on the applicant's team and information should abutters have any questions.

15. The Applicant shall provide post-occupancy traffic monitoring studies for the Project. The monitoring shall be annual reviews of the traffic counts and conditions at the intersections identified in the record traffic study, commencing six (6) months after initial occupancy and terminating three (3) years after full occupancy. Among other things, the monitoring study shall determine if there is an increase in peak hour traffic volumes that is directly and predominately identified as being generated from this Project (as opposed to other significant developments in the area or background traffic growth). Increases must be of a material nature, defined as more than 25% for trailer trucks above the estimated peak hour site related traffic volumes as set forth in TIAS. If there is a material increase, the Town of Sutton may retain a qualified traffic engineer firm to conduct a peer review of Tenant's monitoring report and recommend additional and mutually agreeable traffic impact mitigation measures, not to exceed \$400,000, to be implemented by the Applicant or, where appropriate, by the communities with reimbursement from the Applicant. The Applicant shall be required to implement or reimburse the community for such costs within thirty (30) days of the accounting provided by the community of the detailed costs expended by the community. Where necessary, the Applicant agrees to make applications to appropriate agencies and boards to obtain necessary approvals, and/or to cooperate with such applications, if such permits or permissions are necessary to construct or implement the recommendations of the peer reviewer. The Board and the Applicant acknowledge that some recommendations may exceed the Board's authority to permit or impose as a condition, such as signalization or other infrastructure improvements. Notwithstanding, the Applicant agrees to pursue such measures, if recommended, with reasonable diligence and subject to the limitations set forth herein.
16. Once a building occupant and/or subsequent tenant (s) are known, a written statement of the proposed user and their operational characteristics shall be submitted to the Planning Board. In the event that the characteristics demonstrates additional truck or employee parking is necessary, an amended Site Plan shall be submitted and approved and this parking and any related landscaping shall be constructed prior to this tenants' occupancy.
17. Earth removal activities as required and completely incidental to construction shall be allowed. However, all related trucks will be directed directly to Route 146 and material removed will be routed to a site outside Sutton.

Prior to Commencement of Construction:

18. The Applicant shall prepare and submit for the Board's approval a construction traffic management plan which, at a minimum, shall address construction truck routes, contractor parking, staging areas, hours of operation, determination of need for police details during each identified construction phase.
19. All required approvals and/or permits shall be received from applicable permitting authorities.
20. A pre-construction meeting shall be held with the Planning 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 for this site. 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.
21. The applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.

Prior to Issuance of Building or Sign Permits:

22. Prior to issuance of permits for signage within the Town of Sutton the applicant shall submit any signage not shown on the Site Plan to the Planning Board. The Board shall review and act on the signage for compliance with the Sign Bylaw.

Prior to Issuance of Occupancy Permits:

23. 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.
24. The applicant shall reach out to residents across from the main driveway on Lackey Dam Road to inquire if they wish to be provided with a reasonable means to limit headlight trespass.
25. Not less than thirty (30) days prior to commencement of occupation by any tenant, a written statement shall be submitted detailing the tenants use and their traffic operational characteristics. The Planning Board shall review the statement to determine if it shows characteristics that may result in a material increase in estimated peak hour site related traffic volumes (more than 25% for trailer trucks) greater than projected in the TIAS. If so, the Board may retain a traffic engineer firm to conduct a peer review of the statement to determine if the additional traffic, attributable to the site, is likely to result in additional traffic impacts. If additional impacts are identified, the peer reviewer will recommend additional traffic impact mitigation measures, not to exceed \$400,000, to be implemented by the Applicant or, where appropriate, by the community with reimbursement from the Applicant. The Applicant shall be required to reimburse the community for such costs within twelve (12) months of the issuance of a certificate of occupancy for such tenant. The completion of the traffic peer review shall not be deemed a condition to the tenant taking occupancy or commencing its use at the Project. Where necessary, the Applicant agrees to make applications to appropriate agencies and boards to obtain necessary approvals, and/or to cooperate with such applications, if such permits or permissions are necessary to construct or implement the recommendations of the peer reviewer. The Board and the Applicant acknowledge that some recommendations may exceed the Board's authority to permit or impose as a condition, such as signalization or other infrastructure improvements. Notwithstanding, the Applicant agrees to pursue such measures, if recommended, with reasonable diligence and subject to the limitations set forth herein.
26. 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.
27. Prior to issuance of occupancy on any structure a knox box with building access keys and/or codes, a building layout plan and emergency contract shall be installed to the satisfaction of the Fire Department.
28. 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 knox box.
29. The Fire Departments shall be given the opportunity to tour the building to orient themselves with the new structure.
30. The building occupant shall detail the method and location of snow removal from trucks.

Site Maintenance

31. 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.
32. No sodium based de-icing agents shall be utilized on the Site. Agents such as potassium chloride or calcium chloride are deemed acceptable for usage at the Site.
33. The applicant shall submit and 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 business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.

2<sup>nd</sup>: M. Gagan

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

Motion: To close the public hearing, M. Gagan

2<sup>nd</sup>: W. Baker

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

### Action Items

25 Providence Road – Site Plan Waiver – Martial Arts Studio – Nathan Lovejoy of Plainville, MA was present to request waiver if Site Plan Review to relocate his martial arts studio from Millbury to Sutton. He typically has 12-15 students per class and most parents drop off and return for pickup. He stated there are 12 lined parking space with additional space for the owners of the businesses in the building. The hot dog cart is only open seasonally, and the only overlap in hours with the retail store is Saturday morning. The Board discussed the need to manage the pickup queue to ensure safety within the parking lot and along this stretch of Providence Road.

Motion: To waive Site Plan review and allow martial arts studio to occupy a portion of the existing building at 25 Providence Road with the following conditions, M. Gagan

- Approval of all other applicable permitting authorities especially the Building and Fire Departments.
- If traffic issues arise, the Board reserves the right to require mitigation.
- Proposed signage shall be approved by the Planning Department in advance of fabrication.
- Notify the Planning Department of any change to the hours of operation.

2<sup>nd</sup>: W. Baker

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

15 Dewitt Road – Recommendation Chapter Land Release – J. Hager shared proposed layouts from the 2007 Environmental Impact Report (EIR) for a 54-59 lot residential subdivision at this location, The purpose was to make it clear that while the Town may not have an immediate need or determined use for this 130+ acre parcel, if the land is ultimately sold privately there is likely to be related impacts that people should anticipate.

This parcel isn't mentioned in any local planning document, likely as no one foresaw its possible sale and release from Chapter land status.

It was noted unfortunately 50 typical new Sutton single family homes would be a net financial loss to the Town. M. Gagan stressed it was important to consider potential impacts from potential development.

Motion: As there is no immediate use for this parcel, the decision about whether or not to exercise the Town's first right of refusal should be left to the Select Board as policy makers for the Town, however, the Board will share the EIR information and a memo cautioning that everyone should be aware if the land stays in private ownership there will likely be development of the land and related impacts, M. Gagan

2<sup>nd</sup>: W. Baker

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

### Administrative Items

Motion: To approve the minutes of 10/11/22, W. Baker

2<sup>nd</sup>: M. Gagan

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

Filings: None.

Board Business:

The Chair reminded members that all ethics and policy forms have to be turned in together, so the each members ethics training has to be finished.

Site Visit Reports:

Blackstone Logistics 9/21/22

Unified Parkway 10/6/22

Correspondence:

- Unified Building #3 Shift – Graves Engineering has approved final plan revisions.
- LPA Hours – The Town earns 12 hours of planning assistance from Central Massachusetts Regional Planning Commission (CMRPC) every year and Wally Baker earns the Town another 12 hours annually by serving on their executive committee. Therefore, the Town has 24 hours of assistance available. Hours can't be rolled into the new fiscal year and have to be used or are lost as of June 30<sup>th</sup> each year. She asked the Board if they have ideas and reminded them they can't ask for assistance at the last minute.
- A Traffic Safety Audit for Route 146 and Boston Road will be conducted by Vanesse Hangen Brustlin (VHB) with the first meeting with town and State safety and other officials on 10/25/22.
- S. Paul noted the flashing light at Boston Road is missing. J. Hager stated it was knocked down during a traffic accident over the summer and the Highway Superintendent currently intends to leave it down.

Abutting Town Notices of Interest: None.

Motion: To adjourn, W. Baker

2<sup>nd</sup>: S. Paul

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

Adjourned 9:58 PM

Covid Meeting Statement:

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format with both in-person and Zoom component. To join the meeting visit [www.zoom.us/join](https://www.zoom.us/join) and enter Meeting ID: **831 4916 2966** Passcode: 784317. The meeting will be broadcast and recorded on local public access station (Verizon 31 & Charter/Spectrum 191) and live streamed on the Towns YouTube channel when available.