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Scott Paul, Vice-Chair
Robert S. Largess, Jr.
Walter A. Baker
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TOWN OF SUTTON PLANNING BOARD & DEPARTMENT

NOTICE OF DECISION

October 25, 2022

Town Clerk, Town of Sutton

At a meeting held on October 24, 2022, the Sutton Planning Board voted to approve the following applications: **Warehouse with Distribution Use Special Permit, Special Permit for Height of 45', Site Plan Review, and Earth Removal Permit Exemption**. The applications were submitted on May 23, 2022, by US MA Development, LLC for land owned by Mary Bedoian and Barbara Chaiko of Sutton, MA at 3 Lackey Dam Road (Book 58719 Page 38). The Applications propose to construct a 220,000 s.f. (reduced to 179,122 s.f.) warehouse with distribution facility.

Public hearings concerning the application and associated project were held on the following evening(s): 6/13/22, 7/11/22, 8/22/22, 9/12/22, 10/11/22, 10/24/22

The Planning Board conducted deliberations on the following evening: October 24, 2022.

Hearing Attendance: W. Talcott, S. Paul (absent certificate of viewing – 6/13/22), R. Largess (absent certificate of viewing – 7/11/22), W. Baker, M. Gagan, E. McCallum (absent – 8/22/22)

Eligible to vote: W. Talcott, S. Paul, R. Largess, W. Baker, M. Gagan

The following individuals raised questions and/or expressed concerns with the Application: various per public record

The following individuals spoke in favor of the application: The applicant, their attorney and engineers per public record

The following members voted in favor of granting the approval: W. Talcott, S. Paul, R. Largess, W. Baker, M. Gagan

The following members voted in opposition to the approval: none

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 Towns 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 Towns 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 Towns 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.

Approval was based on the following plans and record documents (list attached):

Site Plan for 3 Lackey Dam Logistics Center in Sutton & Uxbridge	9/6/2022
Cover Sheet	
C1.0	Notes, References and Legend Sheet
C1.1	Zoning Dimensional Compliance Plan
C1.2	Drainage Rim and Invert Schedule
TP-1 – TP-6	Topographic Plans
C2.0	Overall Development Index Plan
C3.0	Site Preparation Plan
C4.0 – C4.2	Layout and Materials & Landscape and Lighting Plans
C5.0 – C5.2	Grading Drainage and Utility Plans
C6.0 – C6.1	Tree Impact Plans
C7.0 – C7.4	Site Details
	Photometric Plan
	Building Elevations

Approval was based on the following conditions:

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 15th to April 1st 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:

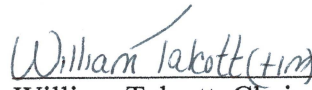
23. Prior to issuance of a certificate of occupancy, security systems and all necessary amplifiers shall be installed as required by the Police and Fire Chiefs.
24. The applicant shall reach out to residents across from the main driveway on Lackey Dam Road to inquire if they wish to be provided with 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 the 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 in an amount not the exceed \$400,000.


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

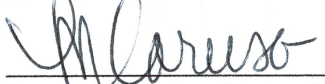
31. The Applicant shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased plantings unless it is winter or summer, in which case in the following planting season.
32. No sodium based de-icing agents shall be utilized on the Site. Agents such as potassium 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.


William Talcott, Chair

cc:	Town Administrator	Building Inspector	Board of Health
	Board of Assessors	Fire Department	Police Department
	Conservation	Highway Department	Board of Selectmen
	Applicant		

Filed in the Town Clerk's office November 2, 2022 
Laura J. Caruso, Town Clerk

I, hereby certify that twenty-one days have lapsed since the filing of the above referenced decision in the Town Clerk's office on December 6, 2022 and that no appeal has been filed.


Laura J. Caruso, Town Clerk

NOTE: This permit must be utilized within two (2) years or it will expire and no longer be valid.

Record Documents List 3 Lackey Road - 2022		
Document Name	Received from	Date
Public Hearing Notice	Town of Sutton Planning Board	5/25/22
Permit Set	Beals & Thomas	5/23/22 – officially filed
Elevations	Beals & Thomas	5/23/22 – officially filed
Sound Analysis	Cavanaugh Tocci	5/23/22 – officially filed
Stormwater Management Report	Beals & Thomas	5/23/22 – officially filed
Traffic Study	VHB	5/23/22 – officially filed
Department Comments	Various town departments	5/23/22 – officially filed
Resident Comments	Cohen	6/8/22
Proposed Stormwater Hydraulics Calculation Summary	Beals & Thomas	6/8/22
Rim & Invert Schedule	Beals & Thomas	6/8/22
Resident Comments	Azzarone	6/9/22
Powerpoint Presentation	Applicants' Team	6/13/22
Resident Comments	Hutnak	6/13/22
Planning Review	J. Hager, P & ED Director	6/13/22
Engineer Review	Jeff Walsh, P.E., Graves Engineering	7/7/22
Powerpoint Presentation	Applicants' Team	7/11/22
Revised Conceptual Site Plan	Beals & Thomas	7/11/22
Request to Continue	Fletcher Tilton	8/22/22
Response to Planning Comments	Beals & Thomas	8/8/22
Response to Resident Comments (Hutnak)	Beals & Thomas	8/8/22
Response to Graves Eng Comments	Beals & Thomas	8/8/22
Response to Traffic Comments	VHB	8/30/22
Revised Traffic Study	VHB	8/30/22
Sound Document	Cavanaugh Tocci	9/6/22
Sound Analysis	Cavanaugh Tocci	9/6/22
Revised Plan Set	Beals & Thomas	9/6/22
Auto Turn Exhibit	Ron Mueller & Associates	9/6/22
CR Plan	Beals & Thomas	9/6/22
Stormwater Management Report	Beals & Thomas	9/6/22
2 nd Traffic Peer Review	Ron Mueller & Associates	9/8/22
Sound Peer Review	Cerami	9/8/22
Applicant Presentation	Applicants	9/12/22
Peer Review	Graves Engineering	9/28/22
Town of Northbridge Letter	Gary Bechtholdt, Town Planner	10/4/22
Letter – response to Northbridge Planning	VHB	10/7/22
Applicant Presentation	Applicants	10/11/22
Minimum Conditions	J. Hager, P & ED Director	10/11/22
3 rd Traffic Peer Review	Ron Mueller & Associates	10/17/22
Final Review Letter	Graves Engineering	10/19/22
Action Memo – Conditions	J. Hager, P & ED Director	10/19/22