

## **SUTTON PLANNING BOARD**

### **Meeting Minutes September 12, 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

The new Chair Bill Talcott thanked outgoing Chair Mike Gagan for his service noting the additional time he served to provide continuity through the Unified hearing process.

#### **Public Hearing – Earth Removal Bylaw – Proposed Amendments**

M. Gagan read the hearing notice as it appeared in The Chronicle. It was noted a public hearing is not required for General Bylaw changes, however it is the practice of the Board to seek public input regardless.

R. Largess Jr. noted and J. Hager confirmed the Planning Board only took over Earth Removal a few years back when the Earth Removal Board was dissolved and their role transferred to the Planning Board as a result of diminishing commercial earth removal operations. She noted only one such operation remains, Pyne Sand & Stone in South Sutton.

J. Hager explained this bylaw change is in response to issues that arose with substantial site work for a large future development site. Existing bylaws do not appear to regulate earth removed within a site that stays on the site. Additionally, the regulations do not appear to cover earth disturbance operations that aren't specifically tied to a permitted agricultural, building permit, subdivision, special permit, site plan, or commercial earth removal site no matter the extent of the operations.

Proposed changes were shared to the screen and were reviewed. Substantive changes include defining earth removal as disturbance of earth whether or not it is removed from a lot, re-naming the three types of earth removal and including earth removal not directly related to formal permits, adding specific reference to review of proposed blasting, and adding a purpose section.

M. Gagan noted it would be helpful if the section about exemptions appeared earlier in the bylaw. J. Hager noted the term "exempt" was a little misleading as these uses may just be allowed to go through an abbreviated process, not be fully exempt in most cases. She stated it was the recommendation of the Building Commissioner, per the proposed bylaw revision, that only certain agricultural or single family earth work be fully exempt from review under this bylaw.

W. Talcott noted the abutter notification should be consistent with other permit notifications, likely 300'.

In response to a comment, J. Hager stressed that input from Town Counsel included cautionary that the Board may not prohibit any activity approved by a State agency nor can they propose bylaws that directly conflict with the purpose of State law and regulations. The primary focus of NFPA regulations with respect to blasting is safety, therefore the Board may adopt regulations that serve this purpose, like requiring notifications, safeguards and mitigation, etc.

There were no public comments.

J. Hager will make further revisions in accordance with tonight's discussion and will forward the final version to the Town Clerk and Select Board for inclusion on the Town Meeting Warrant.

Motion: To recommend that Town Meeting approve the Earth Removal bylaw change with amendments, R. Largess Jr.

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

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

Motion: To close the public hearing, M Gagan

2<sup>nd</sup>: R. Largess Jr.

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

### **Public Hearing – Lackey Dam Logistics Center – 3 Lackey Dam Road**

Attorney Todd Brodeur was present with Dan Feeney, P.E. Beals & Thomas and various other members of the 3 Lackey Dam Distribution Center project team.

T. Brodeur and Daniel Feeney, P.E. updated the Board on the progress following the presentation (attached). They had been before the Conservation Commission several times since. They had removed approximately 40,000 s.f. from the building to avoid wetland filling and are maintaining a 50' buffer to the wetlands. They have also agreed to permanently protect approximately 22 acres of wetland on their site within Sutton. Parking spaces have been reduced from 180 to 135 employee spaces and from 48 to 44 truck spaces.

In response to a question he stated the building is 38' tall on three sides and includes a 4' depression for loading docks on the fourth side making the structure here technically 42' high, this combined with a slight slope on the roof makes the height approximately 43.5 feet, so they will reduce their height request.

Greg Tocci reviewed updates to the sound study noting wall locations had been adjusted and some wall heights were made taller. He stressed walls 2 & 3 are not attached but only because there is a retaining wall between them that serves the same purpose as the walls. The site now contains 1,993' of walls. He reviewed the difference between stationary and mobile sounds and regulatory differences. He stressed exceedances of recommended sound levels are short seconds long exceedances.

In response to questions from W. Talcott, Mr. Tocci showed the two receptor locations that seem most effected are R5 and R19, both of which are opposite the two entrances (one emergency and one main). Mr. Tocci note with respect to the main entrance a signed prohibition on the use of jake breaks may help noise for this receptor. The height of the R5 up gradient of the site and close to it makes it more susceptible. However, he stated raising the walls would not significantly decrease these occasional very brief sounds. In example he stated a 5' increase to wall 4a may only reduce decibel levels by 2db which would be hardly perceptible.

Michael Santos, P.E., from VHB provided background and re-submission of the study to address the revised building plan and review comments. He felt confident the latest review comments are minimal and easily addressed.

S. Paul noted employee trips are 216 trips and there are only 109 parking spaces. Mr. Santos noted the trips are in and out, so 108 round trips. T. Brodeur stated operations will be 24 hours. Mr. Feeney stated there are now 135 employee parking spaces.

M. Gagan asked if a truck goes wayward and ends up on Lackey Dam north of the driveway and needs to take a right into the site can they? Mr. Santos stated the geometry will accommodate a right into the site. W. Talcott asked what happens if he ends up on Oakhurst Road if the road and its intersection with Lackey Dam will be safe to navigate to the site. Vinod Kalikiri of VHB stated the truck may need to use part of the road shoulder but it could get to the site and likely would not use Oakhurst Road again.

Paul Hutnak of 12 Lackey Dam Road reviewed some of his previous concerns and requests. He asked to see the sight distance clearing. He stated nothing much relative to his concerns had changed in the response to comments or on the revised plans. He noted as a Special Permit request, he felt the Board could make some requests that go above and beyond. His main concerns remain lighting, sound and screening. He stressed the building sits 20-40' higher than abutting residents and with mostly deciduous trees in between so there should be some coniferous trees planted to shield headlights from the employee parking area. He stressed if instead additional sound walls were added along portions of the employee parking area this would serve as both screening and sound mitigation. He suggested some terracing near the southeast retaining wall with coniferous trees. D. Feeney said he will see if it is possible to make some of these suggested changes. Mr. Hutnak asked if there was an ability to limit operations during certain hours.

W. Talcott asked if the headlights from exiting the driveway have been dealt with. The applicant will work with abutters across from the entrance if they feel they need mitigation.

T. Brodeur reviewed next steps stating they Conservation on September 21<sup>st</sup> and before Uxbridge in the near future, as well as confirming the septic system location with the Board of Health.

The Board reviewed waiver requests. The parking calculation table that was added shows they have 10 excess spaces. However, they agreed action on parking lot landscaping should be held to see potential adjustments to landscaping.

Motion: To waive the requirements of Section IV.B.4.c. and allow a driveway width in excess of 30' for safe movement of vehicles on the site, R. Largess Jr.

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

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

Motion: To continue the public hearing to TUESDAY October 11, 2022 at 7:00 PM, W. Baker

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

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

## **Action Items**

### **AsBuilt Plan – National Grid Solar Canopies – 1152 Main Street, Northbridge**

Solar canopies have been constructed over the National Grid equipment yard that straddles the Sutton/Northbridge line. They have been in for some time, but are just now wrapping up their loose permitting ends.

The Board received a letter from the site engineer certifying they were constructed in substantial compliance with the approved plans.

Motion: To approve the AsBuilt plan dated 7/28/22 for the solar canopies at 1152 Main Street,  
R. Largess Jr.  
2<sup>nd</sup>: S. Paul  
Vote: 5-0-0, M. Gagan – aye, S. Paul – aye, W. Talcott –aye, R. Largess, Jr. – aye,  
W. Baker – aye

### **Administrative Items**

Motion: To approve the minutes of 8/22/22, R. Largess Jr.  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0, M. Gagan – aye, S. Paul – aye, W. Talcott –aye, R. Largess, Jr. – aye,  
W. Baker – aye  
Filings: None.

Other Board Business: None.

Site Visit Reports: J. Hager noted there are Site Visit reports for Blackstone Logistics and Unified Parkway, but she will include the highlights in next meetings materials.

### **Correspondence:**

The Chair noted they had received a hearing notice for a cannabis store at 11 McCracken Road in Millbury.

Motion: To adjourn, R. Largess Jr.  
2<sup>nd</sup>: S. Paul  
Vote: 5-0-0, M. Gagan – aye, S. Paul – aye, W. Talcott –aye, R. Largess, Jr. – aye,  
W. Baker – aye

Adjourned 9:40 P.M.

### **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: **823 3189 6811** Passcode: **341030**. 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.