

SUTTON PLANNING BOARD

Meeting Minutes November 20, 2023

Approved _____

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

Present in person: R. Largess Jr., S. Paul, W. Talcott, W. Baker, M. Gagan

Present remotely: E. McCallum (Associate)

Absent: None

Staff: J. Hager, Community Development Director

Public Hearing (cont. from 11/06) –27 Worcester Providence Turnpike – Drake Petroleum – Site Plan Review & Route 146 Special Permit – High Speed Diesel Expansion

Drew Garvin from Bohler Engineering was present with Kevin Doyle of Global Petroleum on behalf of the applicant. D. Garvin provided an update on actions since the last meeting. Buffering for the residents to the south has been improved again with a small berm and basically copying the previous landscape plan but shifting evergreen trees to the stretch most directly blocking the view from homes.

J. Hager read an email from MassDOT from earlier in the day stating they do not anticipate disapproval or reduction of the proposal, and would be fine with a condition restricting use of the additional pumps until a MassDOT permit is received.

No public comments.

Motion: To approve the modification to the Route 146 Special Permit and Site Plan to allow the addition of three high speed diesel fueling islands and associated infrastructure with the following conditions: S. Paul

1. 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.
2. Prior to commencement of construction, receipt of all other required approvals from all other permitting authorities and receipt of MassDOT permit(s) prior to operation of the additional pumps.
3. Prior to commencement of construction, the type and color of retaining wall block shall be provided to and approved by the Planning Board.
4. Prior to commencement of construction, the Open Space Plan and Revised Buffer Easement must be recorded and submitted to the Planning Board.
5. Prior to any clearing, the applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.
6. Prior to removing any earth from the site, the applicant must provide the location of disposal and the travel route for the Board's approval.
7. Construction shall be limited to Monday through Friday from 7:00 a.m. to 5 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.

8. The applicant shall install the berm, stockade fence, and plantings as soon as possible to provide visual and sound mitigation during both construction and use as well as to provide maximum growing time.
9. Prior to use, the applicant shall provide written certification from the project engineer that the site has been constructed in accordance with the approved site plan in addition to an AsBuilt plan for the Board's approval.
10. The site drainage and oil separation system shall be inspected semi-annually to determine, as a minimum, the depth of sedimentation in the sumps and the depth of the oil layer within the structures. If the inspections indicate corrective action is required, the Applicant shall immediately implement the required action. Notice of the inspection shall be provided to the Town's consulting engineer at least forty-eight (48) hours prior to the inspection. In addition, a written report of the inspection findings and any corrective actions taken shall be submitted to the Planning Board within fourteen (14) business days from the date of the inspection.
11. The site operator shall use its best efforts, including (i) monitoring the site; (ii) posting of appropriately worded signs at various locations on the site; and (iii) notifying the appropriate enforcement personnel, to ensure that all vehicles using the site comply with the requirements of Massachusetts Regulations regarding no idling of vehicles over five (5) minutes
12. The applicant will ensure that all plantings and fencing is properly maintained including replacement of dead or diseased plantings in the next planting season, semiannual inspection will be allowed by the applicant by a qualified agent of the Town as determined by the Planning Board
13. The Board reserves the right to review landscaping for the purpose of adding plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
14. The Board reserves the right to review lighting and require adjustments if they find it to be a danger or nuisance.
15. If issues arise with sound emanating from the site, the Board reserves the right to require additional mitigation which may include sound walls.
16. No overnight parking except for in designated parking spaces.

2nd: W. Baker

There was brief discussion about the length of truck queueing.

Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, M. Gagan – aye, W. Baker- aye,
E. McCallum – aye (S. Paul not eligible to vote)

In response to a question from the Board, K. Doyle stated they hope to be able to work through much of the winter and be operating the additional pumps by May 2024.

Motion: To close the public hearing, S. Paul

2nd: S. Paul

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

Action Items

- Form A Plans – None
- Forest Edge (Ariel Circle off Blackstone Street) Project Update and Surety Extension
Michael Bruce P.E. was present remotely to give an update on the project. He reviewed the general state of the project and noted duplex units that have been recently completed. He requested a one-year extension of performance agreements although he noted they do not expect to be done with the remaining 19 units within that year. He stated sales are steady but weather has been a challenge as

well as finding laborers. Frank McCabe of 146 Ariel Circle and Karin Foltz of 136 Ariel Circle, both Trustees of the condominium association, and Annmarie Buckley 83 Ariel Circle were present to express concerns with stormwater issues at the site that are flooding out units in the area of # 82-84. The Association has spent considerable sums to try to address the situation. They noted Jon Bruce is generally hands on with concerns and that he has tried to assist in some ways, but the issue remains. M. Bruce noted the previous trustees wanted to make changes related to landscaping above this area and they were advised not to do so. They made these changes regardless and the current issue has resulted. J. Hager noted perhaps the issue isn't entirely these changes. There have been circumstances where plans as designed don't actually function as design when built and on site adjustments need to be made. In any case she suggested that perhaps the Town could assist these residents in some way. The Association members stressed changes were initially made because things weren't functioning as planned, the changes weren't made without cause. M. Bruce maintained that a swale was filled in and this flow piped under where it should be. The Town will look into the situation and see if they can provide any assistance. In any case it is to everyone's benefit to extend the surety agreements to make sure there is a valid cash bond in place to secure uncompleted infrastructure. M. Bruce stated the only thing the phase 1 bond secured was a flared end section that was cleaned by the Association and the AsBuilt plan. They intend to address the AsBuilt comments when they do the Phase 2 AsBuilt work as they see no down side waiting to complete this plan.

Motion: To extend the performance date in the surety agreement for Phase 1 and Phase 2 to November 15, 2024 and for the applicant to return in June 2024 for a project update,
W. Talcott

2nd: W. Baker

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

- 69/71 Dudley Road – AsBuilt approval – The Board discussed if they need an actual AsBuilt plan on this small site revision or if the letter provided with reference to the record approved plan is sufficient. The majority of the Board felt as this was a condition of this approval and, as stated by S. Paul, the owner should want an accurate representation of where site elements like the relocated water storage tank are, that a one page AsBuilt plan must be submitted. They added there may be future cases were they might not require a plan but just certification.
- Blackstone Logistics Tenant Discussion – The current tenant will occupy only about 440,000 s.f. of this 650,000 s.f. building. The Board discussed the fact that only a portion of this building is proposed to be occupied and what approval will be necessary when a second tenant wants to occupy the building. To answer this question, the Board looked at past practices with multi-tenant buildings. During the hearing process a picture of likely impacts was presented. If the second tenant is the same use as permitted during the hearing process and maintains a level of impact at or below the total impact projected the Board sees no need for an additional hearing process, but the owner and/or applicant must provide a written summary describing the business and overview of additional impacts and total impacts from a fully occupied site in an open meeting of the Board. If the use is different from the one approved a hearing maybe necessary if the bylaw requires a special permit for this use, but in the least an application for waiver of site plan review will be necessary (open meeting process not a hearing) to provide information and confirm there is no additional impact
- Boston Road Layout Alteration and Lot Revisions – Listed as “UGPG (Unified Parkway)” – As part of the paperwork to complete these layout changes, the Planning Board needs to sign these plans indicating their approval of the layout alterations shown and the modified lots shown.

Motion: To endorse the Boston Road layout alteration and lot revision plans dated 9/5/23,
M. Gagan
2nd: W. Talcott
Vote: 5-0-0, R. Largess Jr. – aye, S. Paul. W. Talcott – aye, M. Gagan – aye, W. Baker- aye

In order for the Town to establish rights over the parcels that are part of the Boston Road alterations, these areas must be released from the Covenant that secures this roadway construction.

Motion: To release the Definitive Subdivision covenant for Unified Parkway with respect to parcels
T-1 through T-3 as shown on the layout alteration plan dated 9/5/23, M. Gagan
2nd: W. Talcott
Vote: 5-0-0, R. Largess Jr. – aye, S. Paul. W. Talcott – aye, M. Gagan – aye, W. Baker- aye

Administrative Items

Motion: To approve the minutes of 10/23/23, W. Talcott
2nd: W. Baker
Vote: 4-0-1, R. Largess Jr. – aye, S. Paul – abstained as he was not present at this meeting)
W. Talcott – aye, M. Gagan – aye, W. Baker- aye

Filings: The Board acknowledged the filing of an application for three retreat lots and a common driveway to serve two of these lots at 120 Burbank Road.

Site Visit Reports: The Board acknowledged Site Visit Reports for Unified Parkway and Unified Lots/Building 2 & 3.

Abutting Town Notices of Interest: None.

Board Business:

- 2024 Meeting Schedule - J. Hager asked the Board to review the draft 2024 meeting schedule and let her know by next meeting if they see any issues. She pointed out at this time two Board meetings are scheduled in Town Meeting months instead of the typical one meeting.
- The Chair noted there will be no December 4, 2023 meeting.

Correspondence:

- Citizen Planner Training Collaborative (CPTC) Half day training 12/2/23. J. Hager reminded Board members the Town will pay for the training fee and mileage if they chose to attend.

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

Adjourned 8:25 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.