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TOWN OF SUTTON PLANNING BOARD & DEPARTMENT

SITE PLAN APPROVAL AND USE SPECIAL PERMIT

August 4, 2022

Town Clerk, Town of Sutton

At a meeting held on July 25, 2022, the Sutton Planning Board, in accordance with the Sutton Zoning Bylaws Section III.A.F.6, IV.C. and VII.A.2, voted to approve the **Site Plan and Use Special Permit** applications. The applications were submitted by UGPG RE SUTTON LLC of Sutton, MA for property located at 40 & 42 Unified Parkway (formerly known as 39, 39R, 47, 49R, 51, and 63 Buttonwood Avenue; 7, 11, 14, 26, 34 and 39R Hatchery Drive; and 53, 71, and 105 Providence Road) – WDRD B64357 P317; B65304 P312; B63692 P50; B66277 P112. The applicant proposes development of two warehouse and distribution buildings; one at 42 Unified Parkway (lot #2) measuring 652,530 sf and the other at 40 Unified Parkway (lot #3) measuring 343,120 sf.

Public hearings concerning the application and associated project were held on the following evening(s): April 25, 2022, May 23, 2022, June 27, 2022, July 11, 2022 and July 25, 2022.

The Planning Board conducted deliberations on the following evening: July 25, 2022.

Hearing Attendance/Absence:

4/25/22	M. Gagan, W. Talcott, R. Largess, Jr., S. Paul (late – certificate of viewing), W. Baker (absent – certificate of viewing), E. McCallum (associate)
5/23/22	M. Gagan, W. Talcott, R. Largess, Jr., S. Paul, W. Baker, E. McCallum (associate)
6/27/22	M. Gagan, W. Talcott, R. Largess, Jr., S. Paul, W. Baker, E. McCallum (associate)
7/11/22	M. Gagan, W. Talcott, R. Largess, Jr., (absent – certificate of viewing), S. Paul, W. Baker, E. McCallum (associate)
7/25/22	M. Gagan, W. Talcott, R. Largess, Jr., S. Paul, W. Baker, E. McCallum (associate)

Eligible to vote: M. Gagan, W. Talcott, R. Largess, Jr., S. Paul, W. Baker, E. McCallum (associate)

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

The following individuals spoke in favor of the application: various per the public record

The following members voted in favor of granting the approval: M. Gagan, W. Talcott, R. Largess, Jr., S. Paul, W. Baker, E. McCallum (associate)

The following members voted in opposition to the approval: none

The Board granted the following waivers after findings in open meeting:

- IV.C.4 - To allow an alternate scale for the site plans noting the plans provided clearly show all required detail
- IV.B.2 - To allow some loading spaces to be 13' instead of 14'
- IV.B.3 Table 4 - To allow reduction in the amount of required parking while demonstrating through the land bank exhibit that the full amount of required parking can be provided if it is needed in the future
- IV.B.4.e - To allow driveways of 36' instead of 30' for safe truck turning movements
- IV.B.5.c #3 - To eliminate interior landscape islands within the truck parking areas with the addition of a tree for every 100' of truck parking perimeter to be located adjacent to truck parking with any extra trees to be located at park entrances at Boston and Providence Roads. See Condition #5 below.
- IV.B.1 - To allow driveways within the side setbacks off the common driveway between lots 2 & 3

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

Unified² Industrial Development – Unified Parkway

Proposed site plans (prepared by John A. Kucich, P.E., Bohler Engineering) 7/6/22

Cover sheet	C-101
General notes sheet	C-102
Zoning compliance plan	C-301
Overall layout plan	C-302
Layout plan (a - d)	C-303-306
Overall grading and drainage plan	C-401
Grading and drainage plan (a - d)	C-402-405
Drainage schedule	C-406
Overall utility plan	C-501
Utility plan (a - e)	C-502-506
Overall soil erosion and sediment control plan	C-601
Soil erosion and sediment control plan (a - e)	C-602-606
Erosion and sediment control notes and details	C-607
Overall landscape plan	C-701
Landscape plan (a - d)	C-702-705
Landscape notes and details	C-706
Proposed photometric light plan (a - c)	C-707-709
Detail sheets	C-901-905

Existing conditions plan of land (prepared by WSP USA, Inc.) 3/28/22 - 9 sheets

Unified building 2 partial floor plans and elevation plans (prepared by Gregory J. O'Connor Associates, Inc.) 3/21/22 - 11 sheets

Unified building 3 partial floor plans and elevation plans (prepared by Gregory J. O'Connor Associates, Inc.) 3/21/22 - 7 sheets

Unified building 2 & 3 renderings (prepared by Gregory J. O'Connor Associates, Inc.) 3/21/22 - 1 sheet

Unified pump house plans and elevations (prepared by Gregory J. O'Connor Associates, Inc.) 3/15/22 - 1 sheet

Findings:

1. The appropriateness of the specific site as a location for the use: The project is consistent with the spirit of the Bylaw and in conformity with the Master Plan for the Town of Sutton and the areas designation as an industrial area. The Town has identified this area of Sutton, including this area of Sutton, including the project lots as a prime location for the development of business and industry in order to increase the Town's tax base and drive job creation. While the use will be a change as the site has been dormant, the intent of the OLI Zoning was to encourage development of this type. This is where the Master Plan intended this type of development to be located.
2. The adequacy of public sewerage and water systems: The Project Lots will be adequately served by Unified Parkway in terms of frontage and utilities. Sutton Sewer Department & Wilkinsonville Water District have verified they have adequate capacity for the proposed use.
3. The effect of the developed use upon the neighborhood: The Project will maintain undisturbed, natural vegetated areas separating the Project Lots from abutting properties, essentially creating a natural buffer area in excess of applicable setback and buffer zone requirements. The site was previously a sand and gravel pit for well over 50 years. This use is consistent with, but an improvement on the historic use of the property. Effects of this use have been confirmed via the Towns consulting engineers to be compliant with State and local regulations. The Board will also impose conditions to help minimize impacts.
4. Whether there will be undue nuisance or serious hazard to vehicles or pedestrians: The project has been designed in a manner to provide safe site circulation for employees and loading and delivery vehicles servicing the buildings. 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.
5. Whether adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition. Appropriate facilities will be provided to ensure proper operation of the warehouse buildings and related improvements, including utilities, drainage basins, grading, landscaped areas, lighting and other features. 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.

Approval of the requested permits is subject to the following conditions:

General Conditions:

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. Unless a specific exception is approved by the Planning Director or Building Commissioner, construction shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. and Saturdays, 7:00 a.m. to 12:00 p.m., and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, after 12 PM on 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. unless a specific exception is granted as noted above.
3. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all trash and debris daily.
4. 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 noise during construction activities when directed by a duly appointed agent of the Board. No excessively loud activities are permitted prior to 7:00 AM or after 7:00 PM.

5. Prior to plan endorsement, the Applicant shall add one shade tree for every 100' in length of the perimeter of the parking areas dedicated to truck trailer parking. If the planting of such trees is not feasible or permitted around any portion of such perimeter, then the Applicant may add the remaining amount of required trees under this condition elsewhere on the site including at the industrial park entrances on Boston and/or Providence Roads.
6. The Board reserves the right to review landscaping for the purpose of requiring the addition of plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
7. The Board reserves the right to review lighting and require adjustments if they find it to be a danger or nuisance.
8. Materials intended for production and partially or fully assembled products shall not be stored outside except for temporary or occasional storage that is part of routine and customary loading and unloading operations of a warehouse and distribution center. Scrap being donated to the public may be located outside in a well-constructed and maintained enclosure similar to the existing one at 223 Worcester Providence Turnpike. If the applicant needs to establish a permanent outdoor storage area, they must seek approval of an amended site plan showing the location, size, and screening methods.
9. All construction equipment utilized to construct the Project shall be outfitted with manufacturer approved silencing equipment including mufflers and skirts.
10. The Applicant shall employ quiet building equipment and erection systems to minimize sound transmitted to nearby residences.
11. The Board reserves the right to review and assess noise complaints related to onsite operations. If the applicant/operator fails to cure or remedy a complaint the Board deems to be valid within a reasonable time as determined by the Board, the Board reserves the right to require the applicant and/or operator to provide adequate mitigation.
12. 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 Traffic Impact Evaluation from VHB dated March 30, 2022, as further modified and supplemented by the Applicant's Response to Comments dated June 8, 2022 and VHB's Response to Traffic Comments dated July 1, 2022 (collectively the "TIAS"), at 9, 18, and 30 months after initial occupancy of each building and again after full occupancy if this hasn't occurred before 30 months. The schedule of such monitoring may be adjusted with approval of the Board to coincide with any schedule for monitoring studies imposed by state permitting requirements for the Project (e.g. MEPA and MassDOT). In the event the monitoring study demonstrates 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) of a material nature (defined as more than 20% for trailer truck above the estimated peak hour site related traffic volumes as set forth in TIAS), Sutton may retain a qualified traffic engineer firm having an office in the Commonwealth of Massachusetts to conduct a peer review of owner's monitoring report and, if determined to be necessary, require additional traffic impact mitigation measures to be implemented by the Applicant or, where appropriate, by one or more of the identified communities with reimbursement from the Applicant. 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.

13. The Applicant shall submit to the town a copy of the Road Safety Audit (RSA) for the intersection of Route 146 and Boston Road that they will prepare for MassDOT. The report will identify short-term and long term safety improvements at the intersection. The timing of the RSA report preparation is subject to the MassDOT timeline for the RSA process to be completed.
14. If the employee parking spaces provided at either site do not provide adequate parking capacity for the operation of the warehouse with distribution use at such site, the Applicant or operator of such site agrees to assess the parking capacity and make any necessary changes to the site to increase parking capacity to adequately meet employee demand. Such improvements may include restriping portions of trailer parking areas to be used for employee parking spaces as approved in advance by the Planning Board or, if necessary, constructing portions of the land banked parking shown on the approved site plans for such site.
15. Per comment #4 of the 4/25/22 memo from Donald Provencher on behalf of Wilkinsonville Water District, only liquid brine, sand, or sand treated with liquid brine shall be stored or used within the Zone II areas and next to jurisdictional wetlands. Other forms of deicing agents may be applied outside these resource areas. All deicing materials shall be stored in containment to prevent precipitation and/or runoff to come into contact with these materials. No crystalized sodium chloride, crystalized calcium chloride or other crystalized salt shall be allowed to be stored or applied within drainage areas tributary to or through stormwater basins located within the Zone II and deicing practices within these areas shall be limited to liquid salt brine, sand, or sand treated with liquid brine. These areas are to be depicted on the Alternative Deicing Restriction Areas plan updated before site plan endorsement.
16. Per comment #5 of the 4/25/22 memo from Donald Provencher on behalf of Wilkinsonville Water District, application of fertilizer shall be prohibited within the Zone II areas and next to jurisdictional wetlands as well as within drainage areas tributary to or through stormwater basins located within the Zone II. These areas are to be depicted on the Fertilizer Use Restriction Areas plan to be updated before site plan endorsement.

Prior to Commencement of Construction:

17. 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.
18. All required approvals and/or permits shall be received from applicable permitting authorities. Notwithstanding the foregoing, the Applicant may continue any construction related to Unified Parkway and related roadway improvements. Site preparation and grading for Buildings 2 & 3 and related stormwater basins may proceed with receipt of all local approvals subject to all other applicable conditions.
19. 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.
20. The applicant will provide a minimum of one week's notice to review staked limits of clearing with a Planning Board representative.

Prior to Issuance of Building or Sign Permits:

21. 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 criteria.

Prior to Issuance of Occupancy Permits:

22. The Applicant shall submit an application to the Board to modify its definitive subdivision plan for Unified Parkway as well as a scenic road alteration application in order to seek approval of the redesigned Unified Parkway and Boston Road intersection proposed in conceptual form to the Board during the public hearing on this application. The application shall include a plan to construct a 5' wide sidewalk from Unified Parkway west adjacent to Boston Road along the Applicant's entire frontage separated from the roadway by a minimum 4' wide grass strip, to the extent feasible. Subject to and in accordance with the Board's approval of such applications, the Applicant shall construct said improvements, including an east bound, left turn lane from Boston Road into Unified Parkway, at their expense.
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. 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. Additionally, the Applicant shall provide an As-Built plan to the Town of Sutton Assessors in accordance with the requirements in their email dated 4/23/22.
25. Prior to issuance of occupancy on any structure a knox box with building access keys and/or codes, a building layout plan and emergency contact shall be installed to the satisfaction of the Fire Department.
26. 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.
27. The Fire Departments shall be given the opportunity to tour the building to orient themselves with the new structure.
28. The building occupant shall detail the method and location of snow removal from trucks.
29. The permit holder shall record such instruments, including a plan of the common driveway, as are necessary to establish easements providing for use of the common driveway and a restriction burdening all lots served by the common driveway that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snowplowing and rubbish collection shall be the land owners' responsibility. The Plan and instruments shall be in a form approved by the Planning Board, and shall be recorded, with proof of such recording provided to the Planning Board.

Site Maintenance:

30. 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.
31. The Applicant shall make minor clarifications to the O & M plan as requested by the Planning Director prior to site plan endorsement. Thereafter the applicant shall comply with the final 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 (14) business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.
32. The industrial wastewater (i.e., floor drain wastewater) holding tanks and ancillary components shall be designed, certified, operated and maintained in accordance with MassDEP WP56: Industrial Wastewater Holding Tank Compliance Certification and 314 CMR 18.00: Industrial Wastewater Holding Tank and Container Construction, Operation, and Record Keeping Requirements unless it is

demonstrated by the applicant that other regulations apply. The Applicant or holding tank operator shall provide the Town of Sutton with copies of records associated with the holding tanks within fourteen (14) days of the Town's request.

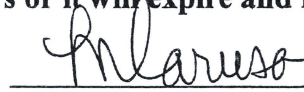

Michael Gagan, Chair

cc:	Town Manager	Building Commissioner	Board of Health	Conservation
	Board of Assessors	Fire Department	Police Department	Select Board
	Highway Department	Wilkinsonville Water	Sewer Department	Applicants
	Parties in Interest			

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

Filed in the Town Clerk's office

August 4, 2022


Laura J. Caruso, Town Clerk

This decision is subject to appeal in accordance with M.G.L. c. 40A § 17 within 20 days after this decision if filed with the Town Clerk.

I, Hereby certify that twenty-one days have lapsed since the filing of the above reference decision in the Town Clerk's office on _____ and that no appeal has been filed.

Laura J. Caruso, Town Clerk