

SUTTON PLANNING BOARD

**Meeting Minutes
November 16, 2020**

Approved Walter Baker

*Note- This meeting was held remotely via Zoom in accordance with Executive Orders from Governor Baker. The Acting Chair read a notice regarding the remote meeting format. (attached)

W. Baker asked the Vice Chair to run the meeting as he is recovery from surgery. W. Baker still participated as a full member otherwise.

Present: W. Baker, M. Gagan, R. Largess Jr., S. Paul, K. Bergeson, W. Talcott (Associate)
Staff: J. Hager, Planning & Economic Dev. Director

Public Hearing – Site Plan Review & Special Permits – 190 & 192 Worcester Providence Turnpike

The Board reviewed a request to withdraw this application.

Motion: To allow the withdrawal of the application without prejudice, R. Largess Jr.
2nd: K. Bergeson
Vote: 5-0-0: S. Paul – aye, M. Gagan – aye, R. Largess Jr. – aye, K. Bergeson – aye,
W. Baker – aye

Motion: To close the public hearing, R. Largess Jr.
2nd: W. Baker
Vote: 5-0-0: S. Paul – aye, M. Gagan – aye, R. Largess Jr. – aye, K. Bergeson – aye,
W. Baker – aye

Public Hearing – Site Plan Review – Eversource Energy – Natural Gas Gate Station

(W. Talcott acted as a full member as K. Bergeson was not present at the first night of public hearing.)

The following development team members were present: Samuel Ijioma, P.E., Eversource, Tricia Foster, Senior Consultant, Epsilon Associates, Brendan Kearns, P.E. Tri-Mont Engineering Co., Mark Lamping, P.E. Eversource, Jennifer Buttarro, Senior Environmental Specialist – Licensing and Permitting Eversource, and Chase Bernier, CWB, PWS & CERP SWCA Environmental Consultants.

Tricia Foster overviewed the updates to the plans and response to comments received

The Board discussed the hours of operation the applicant has requested: M-F 7 AM – 7 PM, Sat 7 AM – 5 PM and Sundays if at all possible. Mr. Ijioma stressed they would like to have these hours so the project can get done on schedule before he end of 2021. He noted they would still be very cognizant of the comfort of abutters. It was noted this site is not adjacent to any residences except for the owner who sold the land to the applicant. R. Largess Jr. said he didn't have an objection as long as there is a mechanism for the abutters to have any concerns addressed.

There were no public comments.

S. Paul asked for a response to an email from R. Nunnemacher regarding a previous fire on the Tennessee Gas Pipeline (TGP). S. Ijioma responded that this pipeline isn't Eversource infrastructure. He noted pressure in the TGP is approximately 900 psi and it is being reduced to 60 psi at the gate station. He restated comments from the last meeting that there are a myriad of remote detector/sensors which are monitored 24/7 from Southborough and other failsafe features that are designed to shut off the supply of natural gas and or sources of ignition immediately in the case of equipment failure or damage or any other system issue. The type of situation, with a fire erupting as a result of maintenance work on a high pressure line, would not happen in this location. He confirmed there is a manual backup system for shutting down the gas if need be. The team confirmed there have been no fire issues at Grafton or Worcester in over 40 years and they were also not aware of any at any of the 20 similar gate stations in Massachusetts.

Motion: To grant Site Plan Approval with the following conditions, S. Paul
General Conditions:

1. Approval of all other applicable local, state and federal permitting authorities.
2. Construction on the Site shall be limited to Monday through Saturday, 7:00 a.m. to 7:00 p.m. and shall exclude Sundays and all local, state and federally observed holidays. The Board shall reserve the right to adjust hours if issues arise.
3. The Board reserves the right to review site landscaping within a year of installation for the purpose of adding plants which may be reasonably necessary to complete the intended aesthetics and screening.
4. The Board reserves the right to review and adjust lighting and require adjustments within a year of initial illumination if they find it to be a danger or nuisance.
5. The Board reserves the right to require mitigation for noise generated by operations on this site if they find it to be a nuisance.

Prior to Endorsement of Plans:

6. All waivers and conditions of approval shall be listed on the plan set.

Prior to Commencement of Construction:

7. The Applicant/Engineer shall submit four (4) complete prints of the endorsed site development plan, one (1) fifty-percent (50%) reduced print and one (1) electronic copy to the Sutton Planning Office.
8. Prior to commencement of construction 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.
9. Prior to commencement of construction the applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.

Prior to Start Up of the Facility:

10. Any building security systems and fire prevention measures shall be installed and functioning as required by the Police and Fire Chiefs.
11. The Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project's engineer that the entire site has been constructed substantially in accordance with the Site Plan.
12. The Applicant shall also submit to the Board of Assessors the As-Built Plan with supplemented with any additional information required by this Board.

Site Maintenance

13. 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 immediately in the following planting season.
14. Inspection and maintenance of site drainage system and structures shall be performed in accordance with the recommended schedule but in no case less than once per year.

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

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

Public Hearing – Site Plan Review & Special Permits Large Scale Solar & Common Driveway 161 Armsby Road

(W. Talcott acted as a full member as K. Bergeson was not present at the first night of public hearing.)

B. Parsons of All Points updated the Board on plan revisions and response to comments. He noted the fence has been increased to 7' and is black vinyl coated with privacy slats along a portion. They have confirmed more than 5 acres of open space outside the fence not counting the access roadway, so their open space is approximately 45%.

J. Hager confirmed the application for the common driveway has been endorsed by Atlas Box.

It was noted the updated plans and response to comments were just submitted on Friday so there wasn't time for Graves to respond in a formal review follow up letter. However, they have no issues other than making sure the Fire Department is aware of and okay with the equipment location and the grade between the access road and the equipment. The applicant agreed they would relocate equipment pads if necessary to satisfy the Fire Department.

There were no public comments.

Motion: To grant Site Plan Approval and the Common Driveway Special Permit with the following conditions: R. Largess Jr.

General Conditions:

1. Approval of all other applicable local, state and federal permitting authorities.
2. Construction on the Site shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m. and Saturdays, 8:00 a.m. to 12:00 p.m., and shall exclude Sundays and all local, state and federally observed holidays.
3. The Board reserves the right to review site landscaping within a year of installation for the purpose of adding plants which may be reasonably necessary to complete the intended aesthetics and screening.
4. The Board reserves the right to review and adjust lighting and require adjustments within a year of initial illumination if they find it to be a danger or nuisance.
5. The Board reserves the right to require mitigation for noise generated by operations on this site if they find it to be a nuisance.

6. The Applicant must comply with comments from the Graves Engineering review letter dated October 30, 2020 to the satisfaction of the Board.

Prior to Endorsement of Plans:

7. All waivers and conditions of approval shall be listed on the plan set.
8. The Applicant must verify the preferred placement of the inverter pad with the Fire Department and relocate it if required.

Prior to Commencement of Construction:

9. The Owner/Applicant (Operator) agrees to provide Financial Surety as approved by the Board to cover the cost of removal of the installation in the event the Town must remove it and remediate the landscape. Said surety agreement shall stipulate that the Board reserves the right to review the total amount of surety in years 5, 10, and 15 (approximately) and require additional funds should variables such as inflation, salvage value, etc. require an increase.
10. The Owner/Applicant (Operator) shall supply the Planning Board with copies of the following:
 - a. Site Control – documentation of control of the project site, sufficient to allow for construction and operation of the solar photovoltaic installations;
 - b. Utility Notification – evidence that the utility company that operates the electrical grid has been informed of and approves the planned solar photovoltaic installation; copy of interconnected customer-owned generator agreement shall be provided.
 - c. The stormwater SWPPP shall be completed and filed with the EPA and a copy of the NPDES permit shall be provided to the Planning Board.
11. The Applicant/Engineer shall submit four (4) complete prints of the endorsed site development plan, one (1) fifty-percent (50%) reduced print and one (1) electronic copy to the Sutton Planning Office.
12. Prior to commencement of construction 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.
13. Prior to commencement of construction the Applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.

Prior to Start Up of the Facility:

14. Any security systems shall be installed and functioning as required by the Police and Fire Chiefs.
15. The Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project's engineer that the entire site has been constructed substantially in accordance with the Site Plan.
16. The Applicant shall also submit to the Board of Assessors the As-Built Plan with supplemented with any additional information required by this Board.

Site Maintenance

17. 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 immediately in the following planting season.
18. Inspection and maintenance of site drainage system and structures shall be performed in accordance with the recommended schedule but in no case less than once per year.

S. Paul asked if the power generated by this site can actually be taken b National Grid. B. Parsons stated it is under review but they believe there will be no issue with bringing this installation into the system.

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

Motion: To close the public hearing, R. Largess Jr.
2nd: S. Paul

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

Additional Action Items

Form A Plans: None.

Release Primetals Bond – 93 Gilmore Drive – J. Hager stated she had inspected the outstanding landscaping work and J. Walsh verified the catch basin hoods an AsBuilt plans were completed.

Motion: To release the Primetals bond of \$58,500, S. Paul
2nd: R. Largess Jr.

Vote: 5-0-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Baker – yes,
K. Bergeson - yes

Administrative Items

Motion: To approve the minutes of 11/02/20, R. Largess Jr.
2nd: W. Baker

Vote: 4-0-1: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Baker – yes, K. Bergeson
– Abstained as he wasn't present.

Filings:

Pyne Sand & Stone – Earth Removal Permit Renewal – The Board acknowledged the legal filing of this renewal application. The renewal will be discussed at the 11/30/20 meeting.

Correspondence:

Singletary Arms - Letter #2 – Based on discussion t the last meeting, the Chairman authorized a second letter be sent to the Town of Millbury regarding traffic impacts of this project on Sutton roadways and intersections.

Motion: To adjourn, R. Largess Jr.
2nd: S. Paul

Vote: 5-0-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, K. Bergeson – yes,
W. Baker – yes

Adjourned 8:05 PM

**STATEMENT REGARDING
REMOTELY CONDUCTED OPEN MEETING**

Good evening. This Open Meeting of the Sutton Planning Board is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." While still ensuring public access, this Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely. You can find the Order posted on the Town's website.

Regardless of our inability to meet in person, it is our intent to ensure continued transparency and the ability of the public to at least view the actions of our Board. Ensuring public access does not ensure public participation unless such participation is required by law. Tonight's public meeting will not feature public comment.

For this meeting, the Sutton Planning Board is convening by Zoom teleconference as specified on the legally posted agenda.

Please note that this meeting is being recorded. Accordingly, please be aware that others may be able to see you, and that you take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.