

SUTTON PLANNING BOARD

Meeting Minutes

January 4, 2021

Approved W. Baker

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

Present: W. Baker, M. Gagan, R. Largess Jr., S. Paul, K. Bergeson, W. Talcott (Associate)

Staff: J. Hager, Planning & Economic Development Director

Public Hearings

Worcester Sand & Gravel – Earth Removal Permit - Hatchery Road

Todd Kirton of Tighe & Bond was present to review the proposed permit. He noted Worcester Sand & Gravel is actually in the process of selling the property and has no plans to utilize the permit at present but prospective buyers expressed they would like WSG to maintain the permit. Adjustments have been made to the plans in response to comments received.

J. Hager elaborated that in her opinion, the process of renewing the WSG permit mainly serves to maintain the commercial earth removal use, so if a new owner wants to continue commercial earth removal they won't need to get this Special Permit. The operational permit authorizes WSG's specific operations with their crews and per their plan, so any new owner would in the least need to come back before the Board to detail their proposed excavation and operations.

Elaine & Peter Wilson of 7 Hatchery Road expressed that they hoped the Board would have another meeting if there is to be a new operator as they have some concerns with potential impacts.

The Board received a letter from Provencher Engineering on behalf of Wilkinsonville Water District requesting several conditions of safeguard to Hatchery Road public water supply wellhead. The Board had no objections.

The Board reviewed department comments including ones from the Assessors and Planning.

Motion: To approve a one-year earth removal permit for Worcester Sand & Gravel per the updated plans presented with the following conditions: S. Paul

General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith, will result in a Cease and Desist Order, and fines.
2. Approval of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board Special Requirements of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

Special (or site/operation specific) Conditions:

1. If a new owner takes title to this pit and intends to undertake commercial earth removal operations, they must appear before the Board to update operational information and perform mitigation if necessary.

2. The applicant shall ensure runoff does not encroach on the Wilkinsonville Hatchery Well Head - Zone

Additionally, earth removal operations shall not take place on the site until the following items are completed and approval by the Earth Removal Board:

3. Provide a bond compliant with Section 5.7
4. Provide a Spill Prevention Plan and Stormwater Pollution Prevention Plan
5. Provide proof of adequate liability insurance for the benefit of the Town of Sutton and Wilkinsonville Water District
6. Install an additional monitoring well at the narrowest point between the Zone 1 and the proposed excavation area boundary located to the east of the Hatchery Road well house.
7. Measure groundwater in the new monitoring well to confirm that the groundwater elevation is below the groundwater contours indicated on the Excavation & Reclamation Plan
8. Sample the new monitoring well for volatile organic compounds (VOCs) and for per/poly fluorinated alkyl substances (PFAS) once annually after this initial sampling and for the life of the earth removal operation.

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

Action Items

Form A Plans: None.

Endorse Plans: 161 Armsby Road – CTec Solar

Motion: To endorse the Approved Site Plans for CTec Solar at 161 Armsby Road dated Rev. 12/22/20, 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 extend the Phase 1 bond to June 1, 2021 and reduce the bond to \$13,680, S. Paul
 2nd: R. Largess Jr.
 Vote: 5-0-0: S. Paul – aye, M. Gagan – aye, R. Largess Jr. – aye, K. Bergeson – aye, W. Baker – aye

Eversource – Waiver Site Plan Review – 19 Oakhurst Road:

Tricia Foster of Epsilon Associates was present to review the request to waive Site Plan Review for the addition of two yard lights. The lights will be operated by switch and will only be on when crews need them to perform maintenance or repair work. The lights will be in the Northwest portion of the fenced facility. They are proposed to be 14' tall.

Motion: To waive Site Plan Review and approve the addition of two yard lights as shown on the plans dated 12/29/20, R. Largess Jr.

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

Wedgewood Farm Access & Plan Revisions – Discussion

Randy Waterman was present to discuss three potential site revisions with the Board. He noted he has reviewed them with the Fire Department who do not have any issues with the proposed changes.

Change B – Proposes to replace the fully paved roadway around the northernmost units off Wedgewood Drive with a length of grass pave on for the eastern side of this loop and reorient the 5 homes along this stretch of roadway. This will reduce impervious area and runoff adjacent to the wetlands and visually and physically open up this grouping of homes to the forest and wetlands to the east. J. Hager said she wants to check with the Fire Department to make sure they are satisfied with only 12' of grass pave as other grass pave connections are 16-18'.

Change C – At the request of the gas company, proposes to remove the roadway running parallel within the gas company easement for the eastern grouping of the southwest cluster of homes and reorient these 7 homes to Newell Drive including one shared driveway.

Change A – Proposed to add a curve to the very straight front portion of Wedgewood Drive pulling the first 6 homes away from the wetlands and splitting them into duplexes. This change requires the access to leave this site and utilize an easement on the Villas at PV property before reentering this site a few hundred feet north.

The Board discussed communication from Mr. Waterman discussing whether footnote 12 prohibits access to go off the parcel. He maintained as this access comes from his legal frontage satisfying the first clause of this footnote, he meets bylaw requirements. The problem is the Board has interpreted both this footnote and footnote 11 to mean that in order to be buildable, access from a lot's frontage to primary structures must be entirely within the subject lot unless it is via a legally approved common driveway. All agreed the bylaws do not specifically state this, but that this was the Board past interpretation and practice. The Board noted this should be clarified in upcoming bylaw changes.

The Board agreed as long as the Fire Department has no issues with the changes, they think they are all beneficial changes, but that Change A must be done via a common driveway approval.

Mr. Waterman noted he will have to revise plans and go through a hearing with Conservation to modify his Order of Conditions and asked if he could then just provide these plans to the Board for the record.

The Board agreed this was acceptable.

Motion: To approve modifications as illustrated in concepts B&C to be shown on future modified plans and to require a Common Driveway hearing process to allow modifications as shown in concept A, S. Paul

2nd: R. Largess Jr.

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

Singletary Arms – Burbank Road, Millbury: The Planning Director updated the Board that the Millbury Planning Board suggested Sutton be contacted about their concerns. Their Planning Director invited her to a meeting with the developer, their traffic consultant, and Millbury's peer review traffic consultant. In the meeting she advocated for traffic counts that would assist in understanding impacts in Sutton particularly at the constrained intersection of Burbank and Sibley Roads. The developer was resistant to performing such counts and stated he would agree to install a sign directing all traffic to Route 146 via a left hand turn which would eliminate impacts in Sutton. During this meeting the Planning Director was also informed that Millbury's peer review traffic engineer has asked that the percentage of traffic directed toward Sutton be reduced and this had been adjusted. Sutton's Planning Director objected as this adjustment by half appeared to be not be based on traffic engineering standards but a faulty assumption that traffic from this complex would act similarly to that from Stratford Village and entirely different type of development. The Board reviewed a draft letter to the town of Millbury and directed that it be sent.

The Board agreed of they can convince the Millbury and the developer to provide current traffic counts ideally at the intersection Sutton would be satisfied and would take this information and potential additional impacts from this proposed project and determine what improvements should be made to improve public safety at this intersection.

Administrative Items

Motion: To approve the minutes of 12/14/20, R. Largess Jr.
2nd: M. Gagan
Vote: 5-0-1: S. Paul – aye, M. Gagan – aye, R. Largess Jr. – aye, W. Baker – aye,
W. Talcott - aye, K. Bergeson - abstained as he wasn't present

Filings:

PV Crossing – Modification of Route 146 Overlay Permit and Site Plan. – Request to allow three signs including a free standing sign on the adjacent lot within the complex. J. Hager reminded the Board that Counsel agreed with the Building Commissioner that the Zoning Board could not grant a variance for this requested relief. The only way it can be achieved is via a waiver request from the Route 146 Overlay District bylaw.

68 Providence Road – Site Plan & Special Permit – Atlas box has a purchase and sales agreement on this former Mayfield Plastics complex. AS this was a former manufacturing site and Atlas intend to use if primarily for warehouse and distribution for the near future, the Building Commissioner has ruled they need to obtain this Special permit and will maintain the existing manufacturing permit.

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

Adjourned 9:00 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.