

Sutton Planning Board  
Minutes  
August 21, 2017

Approved \_\_\_\_\_

Present: J. Anderson, R. Largess, S. Paul, M. Sanderson, W. Baker  
Staff: Jen Hager, Planning Director

W. Baker acted as a full member in place of W. Whittier who was absent. J. Anderson was Acting Chairman in W. Whittier's absence.

**General Business**

Minutes:

Motion: To approve the minutes of 7/24/17, M. Sanderson  
2<sup>nd</sup>: W. Baker  
Vote: 3-0-1, S. Paul abstained as he wasn't present at this meeting.

(R. Largess arrives)

Form A Plans:

Winn/Marois – Marsh Road – Tabled until end of meeting.

Kowszik – 156 Mendon Road

Motion: To endorse the Form A plan dated 8/21/17 showing the conveyance of land from 156 to 178R Mendon Road with typo fixed, S. Paul  
2<sup>nd</sup>: R. Largess  
Vote: 5-0-0

Bond Releases: J. Hager explained she is working with the Town treasurer to clean up outstanding bond accounts, some of which have been held since the 1990s. In order to return funds or use them for any other purpose that is legal, like payment of back taxes, the Board must first vote to release the bond funds. The Planning Director has verified that where a bond relates to a known project it is has been completed. Three of the bonds are for subdivisions, one is an earth removal bond, and several are un-named accounts where funds will go back to the Town's general fund.

Motion: To release the following bonds and allow their return or use in consultation with the Treasurer and Town Counsel if necessary, S. Paul  
#3- Noel Development #4 – BJM Nominee Trust  
#7 – Ed Renaud, Jr. #30 – Capobianco  
#34 – Un-named Planning Board Account  
2<sup>nd</sup>: R. Largess  
Vote: 5-0-0

Development Discussion – 219 Whitins Road: Chris Windle was present to seek the Board’s opinion on his potential purchase of this site and use of it in a manner similar to a previously approved project by Ed Renaud which was never built. The approved project was a multi-tenant industrial building with multiple use types allowed in the Office Light Industrial District. Mr. Windle wishes to have the same type of structure with perhaps a different size or layout. He provided the Board with a list of potential uses he was considering. The majority of the Board felt the uses he was thinking about, other than processing and commercial earth removal, would likely be acceptable at this site. It was noted uses that are not listed are not allowed so any use Mr. Windle wishes to establish must fit into one of the existing use categories or be added via Town Meeting approval. S. Paul noted he feels this type of development in the appropriate district adjacent to Route 146 is very appropriate. R. Largess stressed that Mr. Windle needs to be aware of and responsive to possible abutter concerns.

#### Correspondence/Other

Proposed Bylaw Update – J. Hager briefly reviewed a few additional articles that will proceed to Town Meeting relative to the West Sutton VCOD. She noted the map she included is currently the maximum area and will likely be reduced by the working committee.

Spring Bylaw Changes – Attorney General Approval – J. Hager stated the Municipal Law Unit of the Attorney General’s Office has approved the remaining articles from the Spring Town Meeting including the solar photovoltaic overlay, sale of vehicles over 26,000 gvw in the Industrial District, and the Village Center Overlay District (VCOD) bylaw and area in Sutton Center.

#### **Public Hearing (Cont.) – 263 Purgatory Road – Borrego**

The Board received another request to continue this public hearing stating wetlands had been discovered in the solar panel field and the applicants must make adjustments. J. Hager recommended no less than a month extension as she is not aware of the ability to access the project through Northbridge having been resolved to date either. As the hearing has been continued numerous times with no action, the application should be withdrawn if it isn’t ready to go forward in September and be refiled when these issues have been resolved.

Motion: To continue the hearing to September 25, 2017 at 7:05 P.M., M. Sanderson  
2<sup>nd</sup>: R. Largess

It was noted if the applicant is not ready to proceed at this time the Board will request a withdrawal.

Vote: 5-0-0

#### **Public Hearing – 14 Old Tavern Lane – Accessory Apartment**

J. Anderson read the hearing notice as it appeared in The Chronicle.

The application is for a 1,000 s.f. attached accessory apartment on a new home at 14 Old Tavern Lane.

Robert Cook of 175 Putnam Hill Road asked for a general explanation of these regulations. J. Hager summarized that attached and detached accessory apartments are allowed in Sutton with a Special Permit if the applicant can meet all the specific requirements that voters established. These requirements were reviewed.

The Board reviewed departmental comments including concerns from the Conservation Commission about resource area impacts, and the Board of Health about the size of the septic system.

Motion: To grant the Special Permit for this proposed accessory apartment with the following conditions: R. Largess

- Approval of all other required departments, boards and/or commissions, especially Conservation Commission and Board of Health.
- Separate street numbers must be utilized and clearly posted, on the home and if necessary at the street, for the main home and apartment so that emergency vehicles know where/how to gain access to the separate units.

2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

Motion: To close the public hearing, R. Largess  
2<sup>nd</sup>: M. Sanderson  
Vote: 5-0-0

### **Public Hearing – 176 W/P Turnpike – Vapors Paradise**

J. Anderson read the hearing notice as it appeared in The Chronicle.

Mark O’Connor and Matthew Marcoux were present to discuss their application for a retail vape store in the multi-tenant building at 176 Worcester Providence Turnpike. They have provided written permission from the site owner to file this application.

Mr. Marcoux explained vaping is a method of nicotine delivery that eliminates the thousands of chemicals that are present in commercial cigarettes. It also eliminates the combustion process that occurs when lighting a tobacco cigarette thus eliminating the harmful products including tar and smoke. The only ingredients in vape liquid are nicotine and the suspension agent propylene glycol and/or vegetable glycerine (similar to Nyquil but doesn’t make you drowsy) and food grade flavorings. He showed those present a typical vape device.

Many people use the devices as a means to stop smoking. You must be at least 18 to buy this product which is kept behind a counter. No sampling is allowed at the location.

They anticipate about 25 customers daily. Their hours will be M-S 10 AM to 9PM and Sunday 12-4PM. The employees will be the four owners working no more than two at a time.

Their unit will be on the first floor of this structure. A site plan already exists for the building and the parking is adequate based on the amount of leasable space in the entire building.

The Board reviewed the criteria for grant of a Special Permit for the retail store use and found the following:

1. The site is appropriate for the specific use as it is zoned for retail businesses.
2. Adequate private water and sewer capacity exist to serve this use.
3. The effect of the use upon the neighborhood will be minimal as the site is already zoned commercial and is surrounded by other commercial uses.
4. No nuisance or hazard will be created to vehicles and/or pedestrians as parking, circulation and access to the site is adequately designed.

5. Adequate and appropriate facilities will be provided to ensure the proper operation of the proposed use, structure, or condition.

The Board reviewed departmental comments. Mr. Marcoux stated they have applied to the Board of Health for necessary permits.

Motion: To grant the special Permit for the retail vape store having found the proposed use meets the special permit criteria of the zoning bylaw, S. Paul  
2<sup>nd</sup>: W. Whittier  
Vote: 5-0-0

Motion: To grant Site Plan Approval to locate this 1,200 s.f. retail vape store at 176 Worcester Providence Turnpike with the following condition: S. Paul  
1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, especially obtaining and complying with a tobacco license from the Board of Health.  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

Motion: To close the public hearing, R. Largess  
2<sup>nd</sup>: M. Sanderson  
Vote: 5-0-0

**Public Hearing (Cont.) – 489 Central Turnpike – Sutton Police Station**

The following individuals were present to continue discussion relative to the application for a new police station at 489 Central Turnpike:

- Jeff Howland, P.E., President, JH Engineering Group, LLC
- Matt Salad, AIA, NCARB, Project Architect, Tecton Architects
- Jeff McElravy, Principal, Tecton Architects
- Neil Joyce, Owners Project Manager, Construction Monitoring Services Inc. Police Chief
- Denis Towle

Jeff Howland summarized changes to the plan based on hearing commentary before the Planning Board and Conservation Commission as well as other comments received.

- Building has been rotated 10° to pull impacts further from the wetland while maintaining the over 50' setback to roadways.
- Eliminated walkway to crosswalks.
- Extended sidewalk near front door and shifted location of handicapped parking.
- Reconfigured rear parking entirely and eliminated all but 6 covered parking spaces.
- Narrowed a portion of the access to Central Turnpike to 14' one way exit only to maintain 25' separation from the wetlands.
- Shifted site access to be outside of the gas line easement
- Relocated the dumpster for easier access.
- Impervious area has been further reduced with these revisions.
- Lighting has been adjusted to provide more light at the entrances.

Cross sections of the cisterns have been provided.  
A swale has been added along the lot line with the abutter to contain and infiltrate flow.

The following will also be completed:  
Relocating transformer, propane and generator.

The Fire Chief is good with the proposed parking and circulation configuration. This was requested in writing by Mr. Linder of Putnam Hill Road.

Robert Cook of 175 Putnam Hill Road asked for the number of space in the staff lot. There are 26 spaces and the Chief stated here are 11 police vehicles.

The building has been raised another 2' and the grade off Central Turnpike has been adjusted to 3% from Central Pike to the visitor parking area and then increasing to 9% down to the rear of the site. The grade off Putnam Hill Road has been adjusted to 2-3% for the first 20'+ then increasing to 5% into the parking lot. The public versus staff entrance will be appropriately signed.

Although there is a myriad of soil testing data in the area of the proposed septic system, due to concerns expressed, another official soil test will be done in an area not previously tested. It was noted that similar to the neighbor's septic system if you look at the elevations and configuration of the proposed system, it is also a raised system.

R. Cook asked about documents available for review. J. Hager explained all plans have been available on the Town's website and the full filing package is available in the Planning and Town Clerk offices.

In response to a question about whether a traffic study had been performed. J. Hager stated anticipated volumes did not warrant a study. R. Largess elaborated there are usually no more than three cruisers active on a shift and they are out and about patrolling, there will not be significant traffic coming and going from the site at once.

Marty Linder of 512 Central Turnpike asked about the fire protection cisterns. There will be six 10,000 gallon tanks they will all be at about the same elevation with no more than a 1" elevation difference. They will have access ports.

It was noted the heat source is propane in five buried tanks and there will be a diesel generator. Other items discussed included but were not limited to snow storage, the drain line coming from Central Turnpike, the carport, fire suppression, and signage.

Motion: To continue the hearing to 9/11/17 at 7:15 PM, R. Largess  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

Winn/Marois – Marsh Road – J. Hager explained when the Winn lot was created the requirement that easements could not be counted toward required lot area was not in place. Therefore, the Winn lot is currently pre-existing non-conforming due to the fact that the easement for a portion of Marsh Road is contained within the lot. This conveyance plan adds additional area to the Winn lot but it is still not fully conforming with current standards although it is less non-conforming. She further noted she has informed the applicants through their surveyor of this fact and pointed out the Marois lot has more than

enough acreage to give to the Winn lot to make this lot fully conforming, but the applicants responded they do not wish to add more area.

Motion: To endorse the Form A plan dated 8/9/17 showing a conveyance of land from 20 Marsh Road to 29 Marsh Road, S. Paul

2<sup>nd</sup>: M. Sanderson

Vote: 5-0-0

Motion: To adjourn, R. Largess

2<sup>nd</sup>: M. Sanderson

Vote: 5-0-0

Adjourned 8:56 PM