

Sutton Planning Board
Minutes
February 6, 2017

Approved _____

Present: W, Whittier, R. Largess, M. Sanderson, W. Baker
Staff: None

Wayne Whittier noted he was acting as Chairman in the absence of Scott Paul and due to Mr. Paul's absence as well as the absence of Jon Anderson, Associate Member Wally Baker would be acting as a full member. He also noted the Planning Director was ill as well.

Minutes:

Motion: To approve the minutes of 1/23/16, R. Largess
2nd: M. Sanderson
Vote: 4-0-0

Filings - None
Form A Plans – None
Endorse Site Plan – None

Correspondence/Other

80 Worc/Prov Tpk – Clean Energy Collective

The Planning Director left notes stating the contractor has cleared understory bush and/or stacked excavated stone on top of understory growth that was supposed to remain within the 50' buffer so there is absolutely no buffer/screening for this 1.3 MW ground mounted solar facility.

Doug Carton from Clean Energy Collective was present to address this concern. He agreed they had excavated a lot of stone on the site and placed it along the edges of the site. He said there wasn't much understory in the buffer and much of the buffer had to be cleared for installation of storm water systems. He stated they are happy to provide mitigation in areas where the Board feels it is necessary.

James Marran of 80 Burbank Road noted it was clear in the public hearing process that only trees were to be cleared in the western buffer and stumps left and that all understory growth of less than 5" was to be left in place. He stated other than filling and regrading around a chasm that was previously created there is no storm water features on the west and south of the property and no reason to clear the entirety of this buffer.

The Board directed Mr. Carton to contact the Planning Director review approval conditions and proposed appropriate mitigation for the Board's approval.

Public Hearing - Retreat Lot - 82 Eight Lots Rd

R Largess read the hearing notice as it appeared in The Chronicle.

Perry King was present on behalf of the applicants, his daughters, to request the Board re-issue a special permit for this retreat lot subject to the Planning Directors concerns being addressed. The Board had approved this originally special permit back in 2004 but unfortunately due to some unfortunate personal issues none of the documents were recorded. The Planning Director informed the owners the permit expired after 2 years and a new permit must be secured. Mr. King noted nothing has changed since 2004, including the abutters.

Zdzislaw (Josh) Madziar of 84 Eight Lots Road asked for clarification on the proposed driveway location and expressed concerns with this use of this lot increasing the amount of water on his lot. Mr. King stated plans would handle any additional flow.

Jeff Cole of 96 Eight Lots Road, owner of Silver Mine Farm, had numerous corners with development adjacent to his farm. He noted Sutton is a Right to Farm town and stated if the Board chooses to approve this application he would request the following:

Acknowledgement of the following sections of MGL be cited in any deed on this transfer: c.111 §125A, c. 243§6, and c. 128 §1A; that a buffer zone be required from any development to his property lines; that no tall planting be allowed that would shade his property; and that noise abatement be considered. He also noted there is not only a marker for the first town meeting on or near this property there is a rubble foundation and if the driveway will disturb this area the Board should require an historic survey of some sort.

Dave Pizzi of 19 Westview Drive, Vice President of the Historic Society stressed that an historic marker exists on this property that must be protected. P. King noted the previous decision required a minimum separation of the driveway from the marker. Mr. Pizzi expressed concerns with whose property the marker is located on and who is responsible to maintain the marker.

The Board reviewed departmental comments from Conservation commission who noted there are endangered species concerns and verification of the 60% upland. The Assessors, Police, and Board of Health also had additional comments. Mr. King stated the endangered species was found beyond the gas lines far from the construction area. He also explained what portion of the lot had been surveyed noting they saw no need to survey all 20+ acres. He noted it would take months to do the survey and they have a willing buyer, if they can just get a conditional approval they are happy to do the survey before the Board signs any plans.

Members felt it would be useful to have the previously approved plans and documents and that there were many issues raised tonight that should be addressed. The Chairman noted that in order for the permit to be approved tonight all four members would need to vote in favor, if the application is denied it cannot be brought back for a period of time. In the alternative the hearing can be continued until the next meeting at which time there will be more members who once they watch this meeting tape can vote on this application giving the applicant a better chance of approval. Mr. King assented to a continuance.

Motion: To continue until next meeting on 2/27 at 7:10 PM,
R. Largess
2nd: W. Baker
Vote: 4-0-0

On a question from an abutter, the Chairman stressed there would be NO additional mail notice, but the agenda is posted at the Town Hall and likely on the Town's website.

(M. Sanderson steps off the Board as she is an abutter to this property)

7:15 Public Hearing - Special permit/Site Plan - 79 Worc/Prov Tpk – Rock & Recycling Equipment Sales

R. Largess read the hearing notice as it appeared in The Chronicle.

The Acting Chairman apologized to the applicant Mr. Fleming and explained the Board does not have a voting quorum as this is a Special Permit application that needs at least four affirmative votes. The applicant can choose to have an automatic continuance without commentary, or he can explain his proposal and the Board can go over commentary and take comments and then the missing members can view the meeting tape and be eligible to vote at the Board's next meeting. This should make the next meeting shorter. Mr. Fleming opted to make his presentation.

Mr. Shane Fleming explained he and his partner Brendon Fox were present to request the Board approval for them to open a retail business selling McClosky International construction equipment, This is crushing equipment and the like and not road legal registered vehicles.

The Board reviewed departmental comments. They noted Mr. Flemming should make sure the land owner pays his taxes or the Board cannot issued him a permit.

James Marran of Burbank Road asked if they would test or demonstrate this equipment at this site? Mr. Fleming said they would not.

M: To continue the hearing to February 27 at 7:20 PM, R. Largess
2nd: W. Baker
Vote: 3-0-0

M. Sanderson returns to the Board.

7:30 Public Hearing - Site Plan & Route 146 Special Permit - 214 Worc/Prov Tpk – South County Chiropractic

Kevin Quinn from Quinn Engineering was present with Architect Jay Gallant and applicant Anthony Rainka to request Site Plan Approval and a Route 146 Overlay Special Permit to relocate South County Chiropractic to this location. This business has been in operation since 2001. They would utilize the upper floor of the building and perhaps seek a tenant for the basement. Parking has been designed accounting for the full square footage of the building. The parking and access to the building are ADA compliant. Mr. Gallant reviewed the architectural elevations and floor plans with the Board, detailing changes and upgrades.

It was noted the ZBA issued the special permit for use of the site for a medical office on February 2nd.

The Board reviewed departmental comments. The applicant must also address all comment from the Graves Engineering review prior to plan endorsement.

M. Sanderson asked about the right of way shown on the plans. Mr. Quinn stated they had researched this and while there wasn't much information available they felt it must have been done a long time ago to access Pleasant Valley.

While nothing they have done further inhibits access over the right of way, he noted access would likely be impossible in today permitting climate due to the substantial wetlands.

The applicant is requesting several waivers:

M: To grant the waiver from section V.D.4.a.3. to allow work on slopes in excess of 15% having found that the existing site has slopes over 15% that must be manipulated to achieve compliant parking and access for the new use while keeping this work outside riparian buffers, R. Largess

2nd: W. Baker

Vote: 4-0-0

Motion: To grant the waiver from section V.D.4.C.1.a. to allow landscape plans to be done by and environmental professional having found it is reasonable to allow these individuals to work with the Planning Director to finalize complaint landscaping prior to the Board endorsing the final plans, M. Sanderson

2nd: R. Largess

Mike McGovern of Putnam Hill Road, also a member of the Zoning Board of Appeals, stated he feels this business will be a big plus and this applicant can be trusted to do a good job with landscaping.

Vote: 3-1-0, R. Largess opposed as he feels all applicants should fulfill the same requirements

Motion: To grant the waiver from section IV.B. to allow parking and maneuvering in setbacks having found that the existing building and parking is already in the setbacks and allowing a little more activity in the setbacks will allow this use to function safely while keeping required parking out to the riparian zone, R. Largess

2nd: M. Sanderson

Vote: 4-0-0

Motion: To grant the Route 146 Overlay District Special Permit and Site Plan Approval for South County Chiropractic at 214 Worcester Providence Turnpike with the following conditions: R. Largess

1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, especially the Board of Health septic system approval.
2. Prior to fabrication and installation, any signage should be designated in accordance with the Zoning Bylaw standards and approved by the Planning Department.
3. Prior to plan endorsement, chose a different plant type as white pine trees cannot be utilized in landscaping.
4. Prior to plan endorsement, cut sheets and/or detail for type of retaining wall block should be provided and/or added to the plans.
5. Board reserves the right to review lighting and landscaping post installation and require additions and/or adjustments if necessary.

2nd: W. Baker

Vote: 4-0-0

Motion: To close the public hearing, R. Largess
 2nd: W. Baker
 Vote: 4-0-0

7:45 Public Hearing - Accessory Apartment - 27 Lincoln Rd

R. Largess read the hearing notice as it appeared in The Chronicle.

Mike McGovern of McGovern Builders was present on behalf of applicants Scott & Kristen Richards. He explained the applicants wish to add a 956 s.f. accessory apartment for their parents. He reviewed the standards for an accessory apartment to show the Board they have met the standards.

The Board reviewed departmental comments. Mr. McGovern stated they have a fully approved septic system plan to accommodate this additional unit.

The Board discussed access to this unit. Mr. McGovern stated the applicants would like to put in an innocuous drive off Judith Circle for access, they are even willing to screen it to maintain the single family appearance of this structure. Robert Nunnemacher, Board of Assessors said this unit should be given a number of Judith Circle. Mr. McGovern was worried having one structure with two addresses would create confusion. The Board discussed what would happen in the case of a 911 call from the accessory apartment and decided they feel a separate address off Judith Circle is necessary.

M: To grant the Special Permit for the accessory apartment with the following conditions:
 R. Largess

- Approval of all other required departments, boards and/or commissions with special attention to comments received.
- 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 (main home 27 Lincoln Road; accessory apartment (off Judith Circle).

2nd: M. Sanderson
 Vote: 4-0-0

Motion: To close the public hearing, R. Largess
 2nd: W. Baker
 Vote: 4-0-0

8:00 Public Hearing - Special Permit/Site Plan - 140 Worc/Prov Tpk – RI Hydroponics

Tommy John Foxx was present to request a special permit for a retail store and site plan approval to utilize 3,300 s.f. of the existing building at 140 WP Turnpike for his store selling indoor and outdoor gardening supplies. He currently has three existing locations in Rhode Island. He noted his business is nearly identical to Worm's Way.

The Board had some concerns with the plan having been updated to show accurate parking with respect to right of way taking from the lot. They also wanted additional screening shown on the updated plan.

The Board reviewed department comments. The applicant contacted the Board of Health and they will be confirming the septic system is adequate for this use.

M: To grant the Special Permit for this retail use and Site Plan Approval with the following conditions: R. Largess

1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, especially the Board of Health septic system approval.
2. Rear screening plantings need to be supplemented and/or replaced with a low maintenance fence.

2nd: W. Baker

Vote: 4-0-0

Motion: To close the public hearing, R. Largess

2nd: W. Baker

Vote: 4-0-0

8:15 Site Plan Waiver Request – Villas at PV – Unit Shift

John Burns was present to request the Board allow him to shift the position of unit 63. He noted that many changes have been made to units throughout this entire project. He wants to move this unit to be farther from unit 64 and so that it won't be looking into the bedrooms of units 46 & 47 Clubhouse Way. He chose the angle to try to avoid underground utility conflicts. He added that statements by the owner of #47 Clubhouse are inaccurate. He added the unit is proposed to mover further away from #47.

Charlotte Newton of 26 Tournament Way, Board of Trustees member, was present to let the Board know while the Association has no issues with this proposed change, they are requesting the Board require a heavily planted buffer of evergreen trees, etc. adjacent to this unit to eliminate the sea of windows residents will see coming down Clubhouse Way, and to block headlights from shining into this unit. These planting will also serve to assuage some of the anxiety from #47 that she can also appreciate.

W. Baker read correspondence from the Levitts who own unit 47 into the public record. They requested the Board require unit 63 be left where previously approved, and shown to them at their closing, and hoped Mr. Burns would install a landscaped buffer as previously promised.

The Board reviewed their choices:

- 1: Allow revision as requested with Board revisions
2. Allow the revision as requested
3. Deny the revision as requested with reasoning why denied
4. Continue to a future meeting and go look at it or seek further info with the consent of Mr. Burns for this additional time. (otherwise it will be approved after 21 days by default)

The Acting Chairman asked Mr. Burns if he would be willing to stake the position of this proposed unit so the Board could view the location. Mr. Burns stated he would not prefer to do so. He added the unit was staked for the owners of #47 to see and unfortunately two of the stakes disappeared. He currently had no desire to accommodate these owners.

On a questions from the Board, Mr. Burns stated not only does he not desire to shift landscaping to appease #47, he also feels it would conflict with underground structures and therefore asked it be required only from the point on the plans where the #63 is shown then running towards Clubhouse Way.

Motion: To allow the revision to the site plan with the condition that a heavily plated landscape island be installed as discussed, R. Largess

2nd: W. Baker

Vote: 4-0-0

Motion: To adjourn, R. Largess

2nd: w. Baker

Vote: 4-0-0

9:20 PM