

Sutton Planning Board  
Minutes  
August 8, 2016

Approved \_\_\_\_\_

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

W. Baker acting in place of M. Sanderson.

**General Business:**

Minutes:

M: To approve the minutes of 7/25/16, J. Anderson

2<sup>nd</sup>: W. Whittier

Vote: 4-0-0

Filings:

145 Armsby Road – The Board acknowledged the filing of an application for Site Plan Review for use of the existing structure at this location for a bookstore and tea room.

Form A Plans:

81 West Millbury Road - The Planning Director confirmed all taxes have been paid on this property.

Motion: To endorse the Form A plan f dated 7/21/16 for Kelly showing 5 new buildable lots plus the remaining land. The plan will be held until it is confirmed the filing fee was received,

R. Largess

2<sup>nd</sup>: W. Whittier

Vote: 5-0-0

Correspondence/Other:

The Chairman reminded members that ethics test certificates were due on July 31<sup>st</sup> and asked them to make sure they get the test done soon. This is an annual requirement.

**Public Hearing - 289 & 290 Putnam Hill Road – Common Driveways**

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

Jeff Howland of JH Engineering was present to overview the proposed project with the Board. He explained the applicant will be dividing two large parcels of land on either side of Putnam Hill Road into four lots on one side and five on the other side. Three lots on each side of the road will share a common driveway to reduce wetland impacts. The common driveway on 290 Putnam Hill Road will be 220' long and involves not wetland fill. They will be cleaning roadside drainage swales and the overflow pipe as part of this project. The common driveway on 289 Putnam Hill Road will be 430' long. It involves 2,400 sq. ft. of wetland fill and replication. The meadow/field wetlands on this side of the road must also be maintained in perpetuity. It was noted the applicant wanted to avoid wetland filling on this side of the road and put the houses in front of the wetlands, but the Conservation Commission would not allow septic systems in the buffer area, so they had to propose the common drive to serve relocated homes in the rear of the lots.

R. Nunnemacher of 24 Singletary Avenue, also a Town Assessor, noted that recent E911 guidance recommends that common driveways have their own name and numbers and not carry numbers from the road from which they derive frontage as this has caused emergency response delays.

C. Clark of 303 Putnam Hill Road had questions and concerns about the effects of this new impervious area on abutting wetland levels. J. Howland reiterated they will be cleaning out the existing roadway drainage system so that drainage that is currently bypassing the system and inundating the wetlands will now be properly channeled and disbursed. It was also noted the applicant must file drainage calculations and mitigation for the effects of these proposed common driveways. Ms. Clark also asked if the grades shown on the plans will change significantly during construction? J. Howland said they cannot change significantly as the septic systems were approved at specific grades that must be maintained. He added roof runoff will be directed to drywells. In response to a question about who will maintain the roadside drainage in the future, it was noted this is a State roadway and they should be contacted. Alternatively, the local highway department or planning department can be contacted and these departments will notify the State that maintenance needs to be done.

As comments were just received today from the Town's consulting engineer, and the applicant also needs to address comments from the Planning Director, a continuance was requested.

Motion: To continue the hearing to August 22<sup>nd</sup> at 7:30 P.M., W. Whittier  
 2<sup>nd</sup>: W. Baker  
 Vote: 5-0-0

### **Public Hearing (Cont.) – Retreat Lot Amendment – 49 Putnam Hill Road**

The Board reviewed correspondence from Town Counsel that says (in summary) that because this was a stand-alone retreat lot that was created on its own and with no benefit to adjacent land, and because the permit was not "exercised" by building on the lot, the Board may waive the condition of their previous approval that stipulates the lot may not be further divided and allow this division granting an amended special permit with the reduced area.

The majority of the Board was apprehensive. As expressed by R. Largess a condition like "Shall not be further divided" should mean just that. However, the majority of the Board also agreed the law in Massachusetts evolves on a daily basis and Town Counsel is paid for their expertise in the subject for a reason.

Motion: To waive the previous condition prohibiting division of the retreat lot and grant an amended special permit for a 10.51 acre retreat lot with 58' of frontage with the following conditions: W. Whittier

1. Approval of all other local, state and federal departments, boards and commissions
2. The access from the frontage of said lot to the principal structure (driveway) shall be of bituminous surface, no greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet.
3. The house number shall be visible at the street.
4. Underground utilities shall be required.

2<sup>nd</sup>: J. Anderson  
 Vote: 4-1-0, R. Largess was opposed noting that he still feels "shall never be divided" should consistently mean just what it says.

Motion: To close the public hearing, W. Whittier  
2<sup>nd</sup>: J. Anderson  
Vote: 5-0-0

**Public Hearing – Site Plan Amendment - 80 WP Turnpike – Clean Energy Collective**

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

Greg Carey was present on behalf of CEC Solar LLC to request the Board allow the option of providing and insurance bond in the full amount of the restoration cost for this site up front in lieu of cash payment in increments over a period of eleven years. They have 10-15 projects in process and they need the cash to pay contractors, etc.

The Board reviewed the amount of surety which is around \$35,000 to remove all structures and scrap, or recycle the roughly 8 acres of panels and supports. Ted Brown representative of 86 WP Turnpike asked questions about the dismantling process and how costs were estimated. It was noted that it wasn't certain if labor costs in the removal estimates were at the prevailing wage the Town must utilize if they have to do the work. Mr. Carey noted that their 25 year lease agreement with the landowner also includes the requirements to dismantle and clean up the whole site.

J. Hager reviewed the various forms of surety available to the Board. It was noted there have been issues mainly with tri-party agreements. Cash bonds are always easiest as the Town holds the surety. In any case she stated the condition requiring periodic review and potential increase of the surety to account for inflation, increased labor costs and/or decreases in scrap and recycling values, etc should remain in place.

Motion: To amend the previous site plan approval to allow the option of posting an insurance bond to cover the entire prevailing wage cost of removal and site clean-up with periodic reviews at 5, 10 and 15 years to increase the surety if necessary to reflect current costs,  
R. Largess  
2<sup>nd</sup>: W. Whittier  
Vote: 4-1-0. S. Paul was opposed as he was not comfortable with insurance bond surety.

Motion: To close the public hearing, W. Whittier  
2<sup>nd</sup>: J. Anderson  
Vote: 5-0-0

J. Hager noted the applicant would like to get their building permit as soon as possible but cannot until the surety is posted. They would like to post the cash bond for the time being and potentially change to an insurance bond in the future.

Motion: To endorse the cash bond agreement, W. Whittier  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

**Bylaw Discussion**

The Board reviewed over a dozen potential bylaw changes for Fall Town Meeting and directed the Planning Director on revisions and possible additions.

R. Nunnemacher of 24 Singletary Avenue participated in the discussion particularly with respect to the definition of Lot Width and Shape.

Motion: To adjourn,  
2<sup>nd</sup>: W. Whittier  
Vote: 4-0-0

Adjourned 8:20 P.M.