

**Sutton Planning Board  
Minutes  
November 18, 2019**

Approved \_\_\_\_\_



12/21/19

Present: R. Largess Jr., W. Baker, S. Paul, M. Gagan  
Associate Members Present: K. Bergeson, W. Talcott  
Staff: Jen Hager, Planning & Economic Development Director

K. Bergeson acted as a full voting member in place of M. Sanderson.

General Business:

Minutes

Motion: To approve the minutes of 11/04/19, M. Gagan  
2<sup>nd</sup>: W. Baker  
Vote: 4-0-1, K. Bergeson abstained as he wasn't present at this meeting

Filings

The Board acknowledged the legal filing of the following application that will be heard on December 2<sup>nd</sup>:

Earth Removal Permit – Pyne Sand & Stone (Bedoian Land) – J. Hager noted the Board is not likely to see renewal requests from the only other two commercial earth removal operations that have existed in Sutton since the 1930s. Both Worcester Sand & Gravel and Aggregate industries are likely to close out their permits this year, selling their land for development.

Form A plans

Motion: To endorse the covenant for the retreat lot located at 57 Torrey Road, K. Bergeson  
2<sup>nd</sup>: S. Paul  
Vote: 5-0-0

Motion: To endorse the Form A plan showing an exact land swap between 53 and 57 Torrey Road per the plan dated 11/4/19, K. Bergeson  
2<sup>nd</sup>: M. Gagan  
Vote: 5-0-0

Byron Andrews, RPLS from Andrews Survey & Engineering asked the Board for their input relative to a potential retreat lot along Jones Road. He noted due to revised wetland locations, two lots along Jones Road are being reconfigured. He stated he believes the wording of the bylaw requires not only triple the required lot area, but also triple the upland BUT he maintains that the upland does not need to be contiguous per the wording of the bylaw and asked the Board to confirm. He stated the proposed lot has over 126,000 of contiguous upland that contains a 200' X 200' buildable area, but the remainder of the 144,000 s.f. of required upland is not contiguous. The majority of the Board agreed that the upland on retreat lots does not have to be contiguous as long as an accessible 200' X 200' buildable area exists. J. Hager said she will actually be requesting the Board reconsider the triple upland requirement as her conversations with septic engineers have confirmed there is no reason to require more than 48,000 s.f. (the standard upland requirement in the Rural Residential District) as retreat lots don't have more intensive use, they still only have a single family home on them, so there is no scientific justification for requiring 144,000 s.f. of upland other than slowing the creation of lots.

Primetals – Temporary Natural Gas Installation J. Hager reviewed plans for a temporary natural gas installation within the cul-de-sac at the end of the private portion of Gilmore Drive in front of Primetals. She noted although she worked to get a \$2.25 million grant to help fund extension of natural gas to the Park, this \$8 million dollar natural gas installation will not be complete until August of 2021. Regardless, Eversource has guaranteed that Primetals will have natural gas from this heating season until the permanent line is complete as not only do they heat with natural gas, but all of their equipment runs on natural gas. The Fire Department has approved the installation. She asked the Board if they feel this needs Site Plan Review, or a Site Plan Waiver, or if it does not need Planning Board approval as it is a temporary installation only. The majority of the Board felt this temporary installation only needs the approval of the appropriate department permitting authorities.

Correspondence/Other

Tabled until end of meeting.

**Public Hearing – Site Plan Review & Special Permit Amendments – 16 Galaxy Pass Carwash**

W. Talcott read the hearing notice as it appeared in The Chronicle.

Patrick Doherty, P.E. of Midpoint Engineering was present with Architect Jay Gallant and applicant Tammy Bourakis to present the proposed car wash project to the Board.

Mr. Doherty explained that Phase 3 of the Pleasant Valley Crossing development previously had a multitenant building and a separate pad for a 5,500 s.f. restaurant. This amendment proposes removing the restaurant pad and replacing it with a 4,800 s.f. full service car wash with two detail bays. It will feature a 110' long wash tunnel, queue lines that can hold 4 cars directly before the tunnel in addition to 6 cars stacked in each of two approach lanes. He noted there would usually only be one stacking lane open, but both will be utilized if it gets busy. The location will be fully staffed and features a system that reclaims 60% of the wash water using a series of filters, settling tanks and separators. This use requires 40 less parking spaces and will result in a minimal decrease in impervious area.

The Zoning Board of Appeals is hearing the Use Special Permit application which has been continued until December primarily because the ZBA wanted to make sure a written record of water and sewer approvals was in hand. Mr. Doherty noted they now have both these approvals in hand. He noted the water use will actually decrease from 7,000 gpd to 3,800 gpd.

Brian Fitzgerald asked if this will be a net zero facility including 100% recycled water. He noted this is the way the industry is currently going. Ms. Bourakis stated the equipment manufacturer said it will recycle 60-70% of water although she is open to looking into the system he's talking about.

W. Talcott confirmed that the site is losing a restaurant to provide for this car wash. He then confirmed that the Board really has no choice in this matter if uses that are proposed are otherwise allowed and the bylaws have been complied with, then the Board cannot deny a proposed change of use like this one, even if they really would like to have the restaurant.

Architect Jay Gallant presented the architecture. The building is designed to look barn like. Siding will be Hardie plank board and batten in a darker wood color with metal standing seam roof. The choice of colors is meant to tie into the coloring of the rest of the site.

The building will have an office on the second floor. R. Largess noted a cupola would really make it look like a barn. J. Hager noted she had asked for a stone water table like the other buildings.

J. Hager reviewed the action items for this amendment. It was noted a waiver for parking spaces and maneuvering drives had previously been granted for the restaurant use and although the configuration is a little different now, this waiver is also necessary for this use. Mr. Doherty noted buffer landscaping is being maintained and shifting the site and these features outside the setbacks would push them closer to the wetland resources to the north.

S. Paul said he would prefer to wait for the ZBA's vote before acting on these applications. P. Doherty noted the ZBA has no major issues and was just waiting for the water and sewer approvals that are in hand. He noted for financial reasons the applicant is trying to break ground ASAP even if it's in January.

Motion: To grant the waiver from Sections V.D.2.a. & IV.B.1. to allow parking spaces and circulation in setbacks having found that screening to adjacent ways and properties has been adequately designed and shifting these features into the setbacks allows greater protection of adjacent wetland resources to the north, K. Bergeson  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

J. Hager noted unlike Use Special Permits where the Board makes a series of five specific findings, Overlay Special Permits involve review of applications in accordance with pages of specific special permit requirements. Review and approval of an application with grant of particular waivers IS the actual "finding" process. Therefore, for Overlay Special Permits the Board just needs to acknowledge they have completed this review and found the project to be in compliance with the standards. She stated if the Board wanted to they could actually go through each requirement in the 10 page Route 146 Overlay Bylaw or 8 page Groundwater Protection Bylaw and make a separate finding for each criteria, but she felt a blanket finding was more reasonable.

Motion: To grant the Amendment to the Groundwater Special Permit having found during both the past and present approval processes that this application complies with the criteria of the Groundwater Protection District Bylaw conditioned on the owner of the Site shall arrange for semi-annual inspections of the Site drainage and oil separation systems. A written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense, K. Bergeson

2<sup>nd</sup>: S. Paul

Vote: 5-0-0

Motion: To grant the Amendment to the Route 146 Overlay Special Permit having found during both the past and present approval processes that this application complies with the criteria of the Route 146 Overlay District Bylaw, subject to the following conditions: K. Bergeson

1. 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.

2. The applicant shall ensure proper maintenance of the directional arrows and parking lot striping so they remain clearly visible.
3. The Board reserves the right to review landscaping and/or lighting post installation and require additions to achieve the intent of the bylaws.
4. Prior to issuance of sign permits the applicant shall submit any sign details not shown on the Site Plan to the Planning Department. Said submittal shall be reviewed and acted on in compliance with the Sign Bylaw and the Route 146 Overlay District Bylaw criteria. Signage must not obstruct sight distance, the bottom of the lowest part of the sign shall be at least 6' above the adjacent roadway.
5. All other conditions in previous approval for Pleasant Valley Crossing remain in full force and effect.

2<sup>nd</sup>:

W. Baker

Vote:

5-0-0

Motion:

To grant the Amendment to Site Plan Approval with the following conditions:

K. Bergeson

1. Prior to endorsement of the Site Plan, reference to any waivers granted and all conditions of approval shall be listed on the plans.
2. Within 10 days of endorsement the Applicant/Engineer shall submit three (3) complete prints of the endorsed site plans and one (1) electronic copy to the Sutton Planning Office.
3. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities.
4. Within a month of completion of construction, 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.
5. 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.
6. The applicant shall ensure proper maintenance of the directional arrows and parking lot striping so they remain clearly visible.
7. The Board reserves the right to review landscaping and/or lighting post installation and require additions to achieve the intent of the bylaws.
8. Prior to issuance of sign permits the applicant shall submit any sign details not shown on the Site Plan to the Planning Department. Said submittal shall be reviewed and acted on in compliance with the Sign Bylaw and the Route 146 Overlay District Bylaw criteria. Signage must not obstruct sight distance, the bottom of the lowest part of the sign shall be at least 6' above the adjacent roadway.
9. The owner of the Site shall arrange for semi-annual inspections of the Site drainage and oil separation systems. A written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.
10. All other conditions in previous approval for Pleasant Valley Crossing remain in full force and effect.

2<sup>nd</sup>:

M. Gagan

Vote: 5-0-0

Motion: To close the public hearing, K. Bergeson

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

Vote: 5-0-0

### **Public Hearing – Accessory apartment Special Permit – 166 Eight Lots Road**

M. Gagan read the hearing notice as it appeared in The Chronicle.

Applicant and land owner Jeff Comolli was present with his application to add a second floor to the existing barn to provide a roughly 800 s.f. accessory apartment in the building.

He began by stating since he made the application, he had spoken with others who indicated he may be able to request a waiver to allow him to just use the existing structure the way it is as an accessory apartment. He stated they really don't want to change anything about the building, but understood the apartment could be no more than half the structure and therefore, they submitted an application that basically doubled the size of the structure.

W. Talcott noted if he was granted a waiver he would lose his garage. He noted he has one attached to the main home already.

In response to a question by the Board J. Hager stated she didn't specifically recall why no more than 50% of the structure could be an apartment. She suspected it was because people were concerned with others popping up additional structures strictly as second homes on single family house lots. This requirement made them feel better, that a barn or garage would just be partially repurposed into an apartment.

J. Anderson of 165 Eight Lots Road said he fully supports this application with the concept of the building being re-used as it is now. He noted the original proposal really made it appear like two homes were sitting here. He encouraged the Board to re-think the intent of the provision that basically forces an applicant who wants to have a 1,200 s.f. accessory apartment to build or have an outbuilding that has to be 2,400 s.f. minimum, the size of many single family homes. He stated this is just too big.

The Board reviewed departmental comments and it was noted that the Board of Health needs to see the floor plan of the existing house because the septic system is only designed for 4 bedrooms. If the existing home already has 4 bedrooms a septic upgrade may be necessary.

Motion: To waive the requirement that no more than 50% of the detached structure can be an accessory apartment having found allowing the majority of this structure to be living space better maintains the intent of the bylaw that the structure look like a barn or garage clearly subordinate to the home and the unit will otherwise be compliant with the bylaw requirements, S. Paul

2<sup>nd</sup>: S. Paul

Vote: 5-0-0

J. Hager asked if Mr. Comolli was confident he could maintain the appearance of the structure as a garage converting the first floor to living area. He stated he was very confident this can be accomplished. He will return to a future meeting with revised architectural and floor plans.

Motion: To continue the public hearing to December 2, 2019, K. Bergeson  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

### **Public Hearing – Definitive Subdivision Modification – LaPlante Way**

M. Gagan read the hearing notice as it appeared in The Chronicle.

Applicant and owner Tom Tomkiewicz was present with an application to revise the right of way layout only for LaPlante Way. He explained he wants to relocate the right of to allow the placement of the future home within an existing clearing on the lot so it can have a decent backyard with little or no additional clearing. No physical changes are proposed to the existing roadway.

J. Hager noted that her most significant concerns were why the right of way intersection with McClellan Road hadn't been monumented and revising the right of way to include the small barely attached by less than 1.5' of land, nodule of land that would exist to the northeast of the cul-de-sac layout.

The Board reviewed departmental comments. Mr. Tomkiewicz confirmed the shed will be moved out of the front setback.

Motion: To waive the requirement for granite and allow concrete monuments at the intersection with McClellan Road, K. Bergeson  
2<sup>nd</sup>: S. Paul  
Vote: 5-0-0

The applicant will submit revised plans for the next meeting showing the nodule merged into the right of way and request any additional required waivers.

Motion: To continue the public hearing to December 2, 2019 at 7:10 P.M., S. Paul  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0

General Business Continued:

### Correspondence/Other

DRAFT 2020 Meeting Schedule – J. Hager noted due to how holidays fall this year it looks like there are two months with three meetings scheduled, but the months preceding or following only have one meeting. She asked the Board to review the schedule and see if they have any comments or major conflicts. The schedule will be adopted in December.

News & Published Articles – J. Hager noted she is catching up on back reading and will be sharing articles and news stories she feels will be of interest to the Board. She shared two articles about how marijuana regulation is handled nationally and one highlighting statistics about the Blackstone Valley and vocational education partnerships.

382 West Sutton Road – J. Hager reminded the Board they had previously approved a Scenic Roadway alteration to allow the dismantling, cleaning and rebuilding of a stone wall along the frontage at this location including creating a new driveway break and using stones to fill an existing bar way. She showed photos of the original stone wall and asked the Board members if they felt the wall that is being build there now is compliant with the Board's condition that the original construction style be maintained. R. Nunnemacher of 24 Singletary Avenue, a land surveyor asked where the property line is located noting if the wall is on private property, the Board has nothing to say. The majority of the Board noted the re-built wall is not bringing in any new stone and is using the old stones without splitting them or anything. They acknowledged it does look different, but is still attractive and not a wholly different construction type than the original. The majority agreed that no enforcement is necessary.

Motion: To adjourn, W. Baker  
2<sup>nd</sup>: M. Gagan  
Vote: 5-0-0

9:10 P.M.