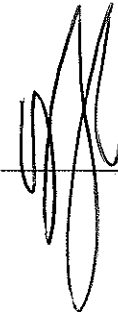


**Sutton Planning Board
Minutes
December 2, 2019**

Approved _____



12/14/19

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 member in the place of M. Sanderson.

General Business:

Minutes: To approve the minutes of 11/18/19, K. Bergeson
2nd: W. Baker
Vote: 5-0-0

Filings: None.

Form A plans:

25 Oakhurst Road – 1 new buildable lot – straddles town line with Northbridge. Access through Oakhurst Road frontage in Sutton. Additional illusory frontage on Main Street in Northbridge.
Motion: To endorse the Form A plan dated 12/2/19 showing one new buildable lot with notations requested by Northbridge about the illusory frontage added to the plans,
K. Bergeson
2nd: M. Gagan
Vote: 5-0-0

Covenant Release – Dudley Drive: J. Hager reminded the Board they had previously voted to release the covenant ensuring completion of Dudley Drive extension to a particular standard. The applicant lost the original release so the Board has been requested to re-vote the release so it can be recorded.

Motion: To endorse the Release of Covenant for Dudley Drive Extension, K. Bergeson
2nd: S. Paul
Vote: 5-0-0

Sutton Solar – Phase 2 Surety: J. Hager explained all large ground mounted solar installations are required to post surety to ensure the Town has the ability to remove panels and restore and surface should the installation cease to be utilized and should the developer just walk away. The surety estimate was provided by the applicant and verified by the Town's consulting engineer.

Motion: To endorse the surety agreement for Sutton Solar Phase 2 at 25 Oakhurst Road,
K. Bergeson
2nd: S. Paul
Vote: 5-0-0

Correspondence/Other:

Published Articles - J. Hager provided the Board with an article about the US Attorney's office looking into host community agreements for marijuana businesses as some towns are suspected of basically committing extortion.

2020 Meeting Schedule - The Board expressed no issues with the Draft schedule for 2020, so it will be posted this week.

Public Hearing (cont.) – Definitive subdivision Modification – LaPlante Way

Zachary Gless, Vice-President of Existing Grade of Douglas was present to review an adjustment to the cul-de-sac right of way that eliminated a small isolated piece of land by making it part of the right of way.

J. Hager stated that one additional waiver was advisable to address this modified cul-de-sac geometry. Section 4.A.5.b. requires a particular diameter and configuration for the cul-de-sac property lines, so she recommended the Board grant a waiver to allow the configuration per the plan.

Motion: To grant the waiver from Section 4.A.5.b. to allow a different geometry for cul-de-sac property lines per the plans, K. Bergeson

2nd: M. Gagan

Vote: 5-0-0

Motion: To approve the definitive subdivision modification to LaPlante Way per the plans dated 11/25/19 with the following conditions: K. Bergeson

1) All previously granted waivers and conditions remain in full force and effect.

2) All previous and new conditions of approval must be added to the plan before endorsement.

3) After endorsement and recording three full sized copies of the plan and one pdf copy shall be provided to the Planning Department as well as one electronic copy to the Assessor's Office in CAD or a form specified by them.

2nd: W. Baker

Vote: 5-0-0

Motion: To close the public hearing, K. Bergeson

2nd: W. Baker

Vote: 5-0-0

Public Hearing – Earth Removal Permit – Pyne Sand & Stone

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

John Federico, Project Engineer from Guerriere & Halnon was present with Andy Leonard of Pyne Sand & Stone to request a 2020 Earth Removal Permit. Mr. Federico reviewed the plans that showed the same two active areas totaling around 10 acres. It was noted approximately 30,000 c.y. were removed this year, some of which had been brought in processed and shipped back out and some which had been excavated directly from the site. Most excavation took place in the area, Area B, closest to Route 146. It is estimated there are still around 92,000 c.y. that can be removed from Area B.

J. Hager showed the Board photographs taken during the site visit which was attended by W. Talcott and K. Bergeson. Mr. Leonard showed the Board the location of the photographs on the earth removal plans. He noted they recently had polymer sprayed on much of the open excavations to keep down dust during the winter months so it doesn't blow onto Route 146.

The Board reviewed the locations of existing monitoring wells. Mr. Federico explained how the wells are established and what they are for as well as the location of existing wells. The Board discussed if additional wells should be installed closer to the current excavation areas as the closest one is over 300' away. Wells are narrow perforated casings that allow in groundwater but not much soil, they can be monitored using a water sensitive probe to ensure that groundwater is at least 10' below the lowest point of excavation so it is less likely to be contaminated. Mr. Leonard said it is likely Douglas will require a new well near the town line but closer to Area A in Sutton which sees minimal excavation. The Board requested a well closer to the more active excavation areas. Mr. Leonard said he has no problem installing an additional monitoring well.

Motion: To approve a 1 year earth removal permit for Pyne Sand & Stone on land of Bedoian in South Sutton with the following conditions: K. Bergeson

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 may result in a Cease and Desist Order and/or fines.
2. Approval 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. Maintain appropriate dust control measures to prevent blowing onto Route 146 and/or adjacent properties.
2. Bond for calendar year 2020 must be received prior to 12/31/2019.
3. An additional monitoring well shall be installed closer to active excavations.

2nd: S. Paul

Vote: 5-0-0

Motion: To close the public hearing, W. Baker

2nd: M. Gagan

Vote: 5-0-0

Public Hearing (cont.) – Accessory Apartment – 166 Eight Lots Road

J. Hager noted that strangely, the applicant has not provided revised floor and architectural plans nor responded to messages left by the department. R. Largess said he hoped nothing was wrong.

Motion: To continue the hearing to December 16, 2019 at 7:10 P.M., K. Bergeson

2nd: M. Gagan

Vote: 5-0-0

W. Talcott asked the Planning Director to explain why affordable unit tenants could be forced to pay market rate or be forced out of units at Cordis Mills in Millbury. J. Hager stated this development was financed and approved through a MassDevelopment program that only required affordable units be maintained for 15 years which is up in 2020. Affordable developments in Sutton were developed under Chapter 40B, where the minimum period of affordability is 30 years. What happened in Millbury is a good reminder to ensure the longest period of affordability possible both to serve residents and to ensure the Town doesn't go backward on its affordable housing obligations.

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Motion: To adjourn, K. Bergeson

2nd: M. Gagan

Vote: 5-0-0

8:00 P.M.