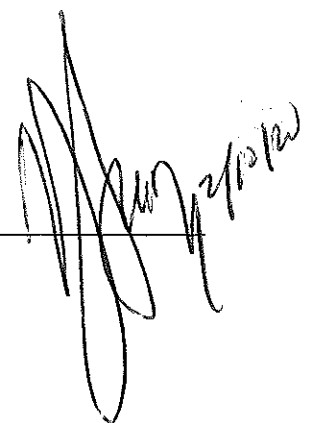


**Sutton Planning Board
Minutes
January 27, 2020**

Approved _____



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 1/6/20, S. Paul
2nd: W. Baker
Vote: 4-0-1, R. Largess abstained as he was not present at this meeting

Filings: None.

Form A plans:

101 Central Turnpike Revision – Revisions to previously endorsed lots.

Motion: To endorse the Form A plan dated 1/22/20 revising previously endorsed lots - two buildable lots and two non-buildable parcels, K. Bergeson
2nd: M. Gagan
Vote: 5-0-0

219 Whitins Road Windle Surety Reduction:

Chris Windle has requested a reduction to \$3,000 as all site work is done except for cleaning silt out of the infiltration basin. J. Walsh from Graves Engineering agreed \$3,000 was enough surety for this item as long as the rest of the site work is complete.

Motion: To reduce surety for 219 Whitins Road to \$3,000 and extend the performance date to 6/1/20 as long as all other site work is complete, K. Bergeson
2nd: K. Bergeson
Vote: 5-0-0

Endorse LaPlante Way:

Motion: To endorse the definitive Plan dated Rev. 12/18/19, W. Baker
2nd: K. Bergeson
Vote: 5-0-0

Correspondence/Other:

Pyne Earth Removal Plan Update – A new plan was submitted showing the two new monitoring wells on land of Bedom in South Sutton as required in the one year permit for 2020.

Conservation Commission - Invite to bylaw discussion.

219 Whitins Road – New tenant discussion. The Board agreed that a potential roofing business was an allowed use at this location, but they need to speak with the owner about the details of his business to ensure there is enough parking and operational space on the site.

Published Articles:

Cleaning Up You Mess (WBJ) – Article about New England Disposal Technologies on Gilmore Drive

Framingham Development (WBJ) – Example of attractive development type multifamily housing
Staying Active (WBJ) – Article about over 55 development in Central Massachusetts

Public Hearing – Snow Road – Definitive Subdivision

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

Michael Dryden of Allen Engineering & Associates was present representing the applicant Bevilaqua Homes. He explained the sole purpose of the application was to gain permission to build out Snow Street within the existing right-of-way to provide safe and adequate access for the one building lot owned by Bevilaqua that currently only has paper frontage.

The existing right of way is 20' consistent with other streets in this area that were created back in the late 1800/early 1900s. They are proposing 18' of pavement which is also consistent with the paved width of similar areas roadways. Mr. Dryden noted that proposed road grade has been added to the plans with topography to demonstrate the road will be nearly flat at 1.5% grade. The road is proposed to be sloped from north to south at approximately 2% so that any runoff will drain to the building lot although little is anticipated. Approximately 145' of new pavement will be added and a 30' length of compacted gravel for snow storage that will also support safety vehicles if need be.

W. Talcott asked about the history of the way. J. Hager noted the roadway was laid out as part of the overall development of Manchaug Village back in the late 1800s. It is not clear if the entirety of Snow road is public which is why the applicant is following the procedure for buildout of the way that is most onerous, a definitive subdivision public hearing process, to obtain permission. Regardless of whether the road is public or private or if the roadway is built out or not at this time, whatever rights the abutting landowners have or do not have to access their land via Snow Street, does not change. These rights are what they are regardless of whether the build out is approved or not.

Denis Laforce of 27 Whitins Road, the abutter to the East, was present to make sure nothing would affect rights he has to pass and repass over Snow Street layout to access his land.

Anna Grotevant of 2 ½ Ledge Street asked how many homes are being built. Mr. Dryden verified they are only building one home.

The Board reviewed the waiver requests:

III.C.1.e. – Reduce filing fee to \$200 as there is no new roadway layout or lots lines, just build out details.

Motion: To grant a waiver from III.C.1.e. to reduce the filing fee after the above findings,
K. Bergeson
2nd: W. Baker
Vote: 5-0-0

III C.1.i. - Eliminate formal drainage improvements as there will be no changes to the existing flat grade and any minor runoff is being directed toward the building lot. Additionally, a condition to mitigate any unexpected drainage issue will be placed.

Motion: To grant a waiver from III.C.1.i. to eliminate formal drainage after the above findings,
S. Paul

2nd: K. Bergeson
Vote: 5-0-0

III.C. 2.f. - Eliminate bench marks as no topographic changes are proposed and benchmarks can be set during construction if needed or desired by the Board.

Motion: To grant a waiver from III.C.2.f. to eliminate bench marks after the above findings,
S. Paul

2nd: K. Bergeson
Vote: 5-0-0

III.C.2.l. – Eliminate road profile drawings as no topographic changes are proposed and construction contractors will not need these drawings due to the simplistic nature of the proposed paving.

Motion: To grant a waiver from III.C.2.l. to eliminate road profiles after the above findings,
K. Bergeson

2nd: M. Gagan
Vote: 5-0-0

III.C.2.m. – Eliminate the relative error of closure disclosure as no new right-of-way or property lines are being established. Those shown are based on record drawings.

Motion: To grant a waiver from III.C.2.m. to eliminate the error of closing notation after the
above findings, S. Paul

2nd: M. Gagan
Vote: 5-0-0

III.C.2.n. – Eliminate showing utilities on the plans as no new public utilities, only individual private service connections to the one new potential home.

Motion: To grant a waiver from III.C.2.n. to not show the utilities on the plan after the above
findings, K. Bergeson

2nd: W. Baker
Vote: 5-0-0

IV.A.2.k. – Allow a roadway cross-section without sidewalks or street tree/planting strip and at a narrower width per the record plans to fit within the existing narrow right-of-way.

Motion: To grant a waiver from IV.A.2.k. to eliminate or reduce various roadway cross section
elements after the above findings, K. Bergeson

2nd: M. Gagan
Vote: 5-0-0

IV.A.3. – Allow a narrower right of way of 20' and paved width of 18' as the Snow Street right-of-way has existing for over 100 years and there is no need to modify it as it will only provide access to one home.

Motion: To grant a waiver from IV.A.3. to allow a narrow right of way and pavement width
after the above findings, W. Baker

2nd: S. Paul
Vote: 5-0-0

IV.A.5.b. – Eliminate cul-de-sac turn-around as the existing right-of-way has no room for one. Additionally, the National Fire Protection Associates (NFPA) requests turn-around provisions only if

dead-ends exceed 150 feet in length, which is not the case here. Finally, the driveway to the home has been designed and located to effectively allow for turn around of safety vehicles.

Motion: To grant a waiver from IV.A.5.b. to eliminate the cul-de-sac bulb after the above findings, K. Bergeson

2nd: S. Paul

Vote: 5-0-0

IV.A.8. – Eliminate the need for subsurface data as no topographic changes are proposed and any unfavorable soils encountered during this minor construction project can be mitigated at that time.

Motion: To grant a waiver from IV.A.8. to eliminate the submission of subsurface data after the above findings, S. Paul

2nd: W. Baker

Vote: 5-0-0

IV.B. & III.C. 2.p. - Eliminate formal drainage improvements as there will be no changes to the existing flat grade and any minor runoff is being directed toward the building lot. Additionally, a condition to mitigate any unexpected drainage issue will be placed.

Motion: To grant a waiver from IV.B. & III.C.2.p.to eliminate formal drainage improvements after the above findings, S. Paul

2nd: W. Baker

Vote: 5-0-0

IV.C. & IV.E. – Eliminate showing a water and sewer main extension as none is proposed. A water and sewer service connection for the single family dwelling can be achieved at the existing water and sewer mains.

Motion: To grant a waiver from IV.C. & IV.E. to not show water or sewer mains after the above findings, S. Paul

2nd: K. Bergeson

Vote: 5-0-0

IV.F. 3 – Eliminate temporary easements on adjacent lots as the applicant owns the land on both adjacent lots.

Motion: To grant a waiver from IV.F.3. to Eliminate temporary easements after the above findings, S. Paul

2nd: M. Gagan

Vote: 5-0-0

V.F.2. – Allow 12” of compacted gravel base as only one home is proposed to access off this section of roadway.

Motion: To grant a waiver from V.F.2. to allow 12” compacted gravel base after the above findings, K. Bergeson

2nd: M. Gagan

Vote: 5-0-0

V.G., V.I., & V.J. – Eliminate curbing, sidewalk and grass strip/street trees consistent with the adjacent roadways and as there is no space in the right-of-way.

Motion: To grant a waiver from V.G., V.I., & V.J. to eliminate various street elements after the above findings, S. Paul

2nd: W. Baker

Vote: 5-0-0

V.M.2. – Allow iron pins in lieu of granite monuments along right-of-way and at lot corners.

Motion: To grant a waiver from V.M.2. to allow iron pins instead of granite monuments after the above findings, S. Paul

2nd: K. Bergeson

Vote: 5-0-0

Motion: To approve the definitive subdivision for Snow Street Extension per the plans dated Rev. 1/24/20 with the following conditions: K. Bergeson

1. Approval of all other applicable local, state and federal departments, boards and commissions.
2. Prior to plan endorsement all waivers and conditions of approval shall be noted on the plan sheets to be recorded.
3. Prior to plan endorsement in accordance with MGL, the applicant shall provide a covenant that states the lot shall not be transferred until the construction of the roadway and any related site restoration is complete.
4. As soon as the subdivision plan is recorded, an electronic file of the roadway and parcel lines shall be provided to the Assessor's Office in a form determined by them.
5. Prior to commencement of construction the Applicant/Engineer shall submit three (3) full size sets of the endorsed plans, one (1) 11" X 17" reduced set, and one (1) electronic copy in pdf format to the Sutton Planning Office.
6. Prior to commencement of construction the applicant shall attend a preconstruction meeting with the Planning Department, applicable department representatives, and other bodies that have responsibilities relative to the site, as well as the site contractor and other personnel the applicant feels are appropriate.
7. Prior to commencement of construction the applicant shall post a road opening bond as they are impacting an existing public roadway.
8. Construction shall be limited to Monday through Friday 7:00 AM to 5 PM and Saturday 8 AM to noon, no local, state or federal holidays.
9. The applicant shall provide a minimum of two days' notice for a representative of the Planning Board to inspect sub-base, base-course, and each top course layer as well as the gravel section of the roadway. If there are costs involved, the applicant shall pay for the cost of these inspections.
10. During construction the applicant shall ensure run off, dirt, and other construction materials are contained to the construction area and shall clean up anything tracked onto adjacent roadways at the end of every work day.
11. At the conclusion of roadway construction and prior to release of surety for the project, the Applicant shall provide to the Planning Board an As-Built Plan and written certification from the Applicant's project engineer that the road has been constructed in accordance with the approved plans.
12. Should new drainage issues arise during or after the roadway construction that effect the roadways in this area or the adjacent lots, the applicant shall correct them at their expense to the satisfaction of the Planning Board.

2nd:

W. Baker

Vote: 5-0-0

Motion: To close the public hearing, S. Paul

2nd: M. Gagan

Vote: 5-0-0

Aggregate Earth Removal Permit Close-out

Jarrett Temple, the Regional Manager of Land & Environment for Aggregate Industries was present to discuss close-out of the 388 acre Aggregate earth removal site. This land is on the market and they have multiple offers. The site will most likely become a multi-use development.

The Board had correspondence from the Town's consulting engineer that suggested stabilization of any exposed slopes prior to closing out the permit and releasing the restoration bond.

Mr. Temple said he was hoping the Board would waive this requirement as a sale is imminent and any stabilization work that is done will just be torn up.

Members discussed why the Board would or should require stabilization of these areas. The primary concern is liability. Although any potential injury sustained on these slopes would likely be from someone who was trespassing, anyone can sue anyone. Aggregate would definitely be sued but it's entirely possible the Town could also be sued particularly if they don't require a safer condition through their authority as the Earth Removal Board. While it would seem unlikely anyone would prevail in this effort, the town would expend resources to defend themselves.

It was suggested it would be a good idea if the members saw the exposed areas for themselves. Discussion on the close-out will continue at the next meeting.

In response to a comment about the neighboring Town owned sand pit also being very steep, J. Hager informed the Board J. Smith is working with Aggregate on plans to take down this hill in the near future.

Worcester Sand & Gravel – Earth Removal Permit Renewal

Todd Kirton and Mike Trovato of Tighe & Bond, new engineers on this site, were present with a request for a one year renewal of the Worcester Sand & Gravel earth removal permit. While they don't anticipate any operations occurring on the site, and this parcel is also for sale, the owners wanted to keep the permit active just in case.

It was noted previous debris and non-earth removal items on the site have been cleaned up, only logs and granite remain.

S. Paul expressed concern with language in the bond rider that the bond company can give 30 days notice and just cancel the bond. J. Hager will check into this bond provision.

The renewal was continued to 7:25 on February 10th.

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Motion: To adjourn, K. Bergeson

2nd: M. Gagan

Vote: 5-0-0

9:04 P.M.