

Sutton Planning Board  
Minutes  
May 21, 2012

Present: S. Paul, W. Whittier, R. Largess, D. Moroney, T. Connors, J. Anderson  
Staff: J. Hager, Planning Director

**General Business:**

Minutes:

Motion: To approve the minutes of 5/7/12, D. Moroney  
2<sup>nd</sup>: W. Whittier  
Vote: 5-0-0

Form A Plans: None.

(R. Largess arrives)

532 Central Pike Common Drive Violation

Mr. Heney was present to address the Board's concerns with the condition of the common driveway at this location. He noted there were no issues for the first three years and then water began to be a problem including abutting land owners dumping water in this direction. He has tried to maintain the way to be passable.

He stated they need to raise the driveway 18" and it is no small feat and will take significant funding in the range of \$45,000. He will not have this funding until the rear lot is under agreement. has done some repair and patching in the past but even though he said he would last year, he did not and has not done any work for a while.

The Board noted in accordance with the permit they issued back in 2000, this drive was supposed to be completed by 2002 at the latest. Every year that it is not complete in another year of violations. The Board agreed that while they have the ability to fine Mr. Heney for every day this drive is not fully constructed, they will waive these fines and revisit this issue in October, at which time if the work is not substantially complete, they will begin assessing fines.

Motion: To revisit this violation in October and start assessing fines at that time if necessary,  
D. Moroney  
2<sup>nd</sup>: W. Whittier  
Vote: 6-0-0

Forest Edge Update

The Board reviewed an e-mail from Jon Bruce, developer of Forest Edge asking the Board to authorize Jeff Walsh of Graves Engineering to adjust his previous bond estimate in accordance with the Tuttle report. The Board noted this e-mail does not update them on the status of work on the subdivision which is what they requested. Additionally, they agreed they do not want the active project engineering on the site being involved in an ongoing lawsuit in any way and therefore will not authorize Mr. Walsh to adjust the estimate. They suggested the parties involved hire an independent engineer to take the Graves Estimate and adjust it themselves.

The Board asked the Planning Director to notify Mr. Bruce of their decision with respect to Graves and to request Mr. Bruce be present at the Board's next meeting to provide the project update they requested. Bruce Akerley of 104 Ariel Drive noted no work has occurred on the site.

Correspondence/Other:

J. Hager noted the annual dinner for CMRPC is coming up and asked any members who want to attend to let her know.

**Bridle Path Covenant Extension**

Attorney John Burke was present representing the Funari's, developer of this site. He re-stated they are seeking an extension of the covenant until November 1<sup>st</sup>. He noted they continue negotiations with the owners, the O'Sheas, and feel they are very close to settling various issues. He noted their intent is to either resolve the title issues or perhaps submit an amended plan.

Attorney Burgoyne for the O'Sheas e-mailed the Board noting his clients have no objection to the limited extension.

J. Hager noted there were some dicey legal questions about whether the O'Sheas allegedly not having clear title to the land at the time of application negates the Board's approval, but these questions will take some time to answer.

Motion: To extend the performance date of the covenant to the first meeting in October,

R. Largess

2<sup>nd</sup>: D. Moroney

No one from the public commented.

S. Paul noted lots of time and effort was expended in the design and review of this subdivision and while there is a lingering potential benefit to the Town in terms of infrastructure being provided by the developer beyond up to his project that will also serve others and there certainly has been a bad economy stifling construction start, it's his opinion that if the project isn't moving forward by November he for one is not likely to grant any more performance extensions.

Vote: 6-0-0

**Public Hearing – Retreat Lot and Common Drive – Century Farm Road**

Engineer Mark Allen of Allen Engineering was present to provide the Board with a summary of his client's proposal. The Gilberts propose the creation of a retreat lot and a standard lot and a common driveway on the retreat lot to access both lots.

S. Paul asked if the resource areas on this land are the same ones affecting the Heney lot previously discussed. Mr. Allen noted they are from the same system just the northern extent.

The Board reviewed departmental comments from the Board of Health, Historic Commission, Conservation Commission, Police Department, Fire Department and Planning Director. The Board confirmed access is H-20 loaded to support safety vehicles.

Motion: To approve the common driveway application per the plans provided with the following conditions: D. Moroney

1. Approval of all other local, state and federal boards and commissions

2. The deed to the lots shall contain a restriction that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
3. The house numbers of the lots serviced by the common driveway shall be clearly posted at both Century Farm Road and the split in the common driveway.
4. The Highway, Fire and Police Departments must approve the private driveways that branch off the common driveway. Note – The private drive for the retreat lot has to be a minimum of 12' bituminous surface with a grade of no more than 12%.
5. The common driveway must be fully constructed and the Certificate of Compliance issued by the Conservation Commission prior to occupancy of either home served by this common driveway.

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

Vote: 6-0-0

Motion: To approve the retreat lot application per the plans provided with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions
2. The private driveway for the retreat lot that branches off the common driveway must not exceed 12% in grade and must have a paved width of 12' and cleared width of 15'.
3. Both the common driveway and the private driveway that serve this lot must be complete and any required Certificates of Compliance issued prior to occupancy being granted on this home.

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

Vote: 6-0-0

Motion: To close the public hearing, W. Whittier

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

**Board Business Continued** – (D. Moroney steps off the Board as he is a certified abutter)

Dusak Estates Field Changes and Waivers: Paul Hutnak, P.E. from Andrews Survey & Engineering was present to address his clients requests. He noted his client is looking for a waiver from having to provide sidewalks. This roadway will serve no more than three lots, is of adequate width without sidewalks and sidewalks are not regularly maintained by the Town and having to maintain them would place additional burden on the Town. Additionally, there are no sidewalks on Dudley Road for this sidewalk to attach to. They are also requesting the use of sloped granite as opposed to vertical granite for curbing. Lastly they were going to request the removal of a storm water unit, but after speaking with one of the Water Commissioners for the District, they are withdrawing this request.

J. Hager noted the Highway Superintendent had no objection to these requests as long as the granite curb is properly installed.

Motion: To grant the waiver from the requirement to provide sidewalks and to allow the use of sloped granite to be inspected and approved by the Highway Superintendent, R. Largess

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

Abutter, Paul Dauphinais of 12 Beechwood Drive stated Mr. Vera should have to provide sidewalks as he had to on the abutting subdivision Beechwood Drive. It was noted Beechwood is a narrower roadway.

Vote: 4, 1, 0 T. Connors was opposed noting the Board should be consistent in its sidewalk requirement

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(D. Moroney returns to the Board)

**Public Hearing – National Grid Site Plan and Special Permit Amendment – 1152 Main Street,  
Northbridge**

S. Paul read the hearing notice as it appeared in The Chronicle.

Attorney Bob Longden of Bowditch & Dewey was present representing National Grid with the following members of the development team:

Scott Gardner, Senior Project Manager, National Grid

John Racine, RGB, Project Architect

Jason Clough, Senior Project Engineer, DiPrete Engineering

Mr. Longden update the Board on the teams responses to various comments received.

It was stressed that the transformers being stored on the exterior of the site are filled with 8,000 gallons of mineral oil with additives that are not harmful, they have designed the sandwiched containment system with more than enough storage for multiple transformers letting go at the same time, but each transformer has a low level alarm and the site is monitored 24/7 making the need to utilize the containment extremely unlikely. Likewise the proposed diesel tank conforms to state containment standards via it's double walled design and alarm system.

The Town's Consulting engineers, James Jackson P.E. from Maguire Group and Steven Passafaro, EIT, LSP from Sovereign Consulting Inc. were present to answer any questions the Board may have. They both noted information they needed had been provided by the various team members and they were satisfied that the proposal as presented was designed in accordance with local and state law.

J. Hager reviewed several of her minor comments that will need to be addressed prior to the Board signing the site plans.

Motion: The Board finds that the portion of the building that is utilized for fleet maintenance is a specialized industrial structure and may be 45' in height, further they find an additional 3' waiver to 48' is appropriate noting the need and the ability of the Town's fire fighting equipment to reach this height, D. Moroney

2<sup>nd</sup>: R Largess

Robert Nunnemacher of 24 Singletary Avenue, retired Fire Department member, asked if the gravel area around the building will be plowed. S. Gardner of National Grid stated it will be plowed. He also confirmed this area has been designed with the proper loading capacity to handle large response vehicles.

Vote: 6-0-0

Motion: The Board finds the outdoor employee gathering/break area satisfied the area of unique visual interest criteria of the Route 146 Overlay Regulations, noting the nature of this use, D. Moroney

2<sup>nd</sup>: T. Connors

T. Connors noted this site is Grids now, but the Board needs to keep in mind when making findings and waivers that the site may be someone else's in the future.

W. Whittier agreed but noted any change in use will require a new review process that may require upgrades. He added this site is also not visible from a public way.

Vote: 5-1-0, T. Connor opposed

Motion: To grant the waiver from section V.D.4.c.1.b. to eliminate trees along the access drive because of the nature and size of the equipment using the access drive, T. Connors

2<sup>nd</sup>: D. Moroney

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.1.c. to eliminate pedestrian paths between the building and open space because of the nature of the use of the site and durability requirements, D. Moroney

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.1.e. to eliminate screening of outdoor storage because the site is remote and not visible from abutting roadway and the applicant needs adequate access to the materials stored in these areas, D. Moroney

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.2.d. to eliminate bus shelters and bike racks because of the site security and remote location. D. Moroney

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

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.3.d. to allow parking in front of the building as opposed to on the side or rear because of building and equipment access requirements, W. Whittier

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.3.f. to eliminate brick or block sidewalks and pedestrian paths because of the need for concrete surfaces for greater durability and noting this is an industrial use, D. Moroney

2<sup>nd</sup>: J. Anderson

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.3.g. to eliminate car and van pool spots because of the nature and use of the building and equipment at the site, D. Moroney

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

Motion: To grant the waiver from section V.D.4.c.11.a. to allow a height of 48' to allow the servicing of fleet vehicles with extended boom lifts, D. Moroney

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

Vote: 6-0-0

Motion: To grant Site Plan approval and special permit approval under the Route 146 Overlay Bylaw in accordance with the plans as submitted and the following conditions:

D. Moroney

1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments
2. Sodium chloride (rock salt) shall not be utilized on this site. Alternative deicing agents such as calcium magnesium acetate with sand shall be utilized.
3. Radio communication issues at the main building on this site shall be resolved immediately and compliant radio communications must be demonstrated for this new structure prior to occupancy being granted.
4. The square footage of the sign shall be adjusted to not exceed total square footage equal to the linear feet of the building face of the storage and docking portion of the building where the sign is mounted prior to the Board endorsing the approved site plan.

2<sup>nd</sup>: R. Largess

Vote: 6-0-0

Motion: To close the public hearing, W. Whittier

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

Motion: To Adjourn, D. Moroney

2<sup>nd</sup>: J. Anderson

Vote: 6-0-0

Adjourned 9:13 PM