

Sutton Planning Board  
Minutes  
November 18, 2013

Approved \_\_\_\_\_

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

General Business

Minutes:

Motion: To approve the minutes of 10/21/2013, R. Largess  
2<sup>nd</sup>: S. Paul  
Vote: 5-0-1, W. Whittier abstained as he was not present at this meeting

Motion: To approve the minutes of 11/4/2013, W. Whittier  
2<sup>nd</sup>: R. Largess  
Vote: 6-0-0

Form A Plans: None.

Correspondence /Other:

Filing 223 & 231 Manchaug Road Common Driveways – The Board acknowledged a filing of two permits for common driveways to serve four lots on land formerly of Helgesen, now owned by McGovern.

Heney Update – 538 Central Turnpike: The Building Commissioner provided his position relative to ticketing on the Heney Common Drive violations. He forwarded his position to Town Counsel and received a reply. Based on information provided to him, Town Counsel agrees that if the Board requests ticketing, that both parties should be ticketed. The Planning Director noted she has some questions for Town Counsel but has not reached them yet. W. Whittier noted the pipes Mr. Heney said would be in weeks ago have still not been installed. The Board told her to make sure Town Counsel has complete information and still agrees with the Building Commissioner, and if so, to notify Mr. Murphy.

Oakhurst Road – Proposed Use – The Board reviewed a request from Paul Tonry who owns a tent rental business in Northbridge. Mr. Tonry stated he would like to relocate his business to the Office Light Industrial District on Oakhurst Road, but needs confirmation from the Board that his use is allowed. It was stated he rents tents, warehouses them on his site, trucks them to sites and installs them himself, and also sells various party supplies at his location. While the majority of the Board felt the use would be fine at this location, 3 of 5 full members felt the bylaw does not allow the core use of this business which is clearly rental. Mr. David Lavalley of Purgatory Road asked what is the difference between this business and the staging company on Harback Road? That use was categorized as a staging contractor. No customers come to the site, everything is warehoused there, they execute contracts remotely, haul the staging to a site like Fenway Park, set it up, take it down, and truck it back in the warehouse. The zoning on Harback Road is also Industrial which allows a wider array of contractors. Mr. Tonry may appear before the Board himself if he has any questions.

Site Plan Review Waiver Request – Restaurant 4 W/P Turnpike – Tabled to future meeting.

Villas at Pleasant Valley Screening – Mr. and Mrs. Valade of 12 Lanes End were present to discuss concerns with the level of screening between their home and the new units being constructed inside the Villas. Mr. Valade noted Mr. Burns has been very responsive to their concerns and in fact installed 7 or 8 arborvitaes, but this has done little to address their concerns. Mrs. Valade noted they moved to Sutton

for the rural nature and stated the bylaws for condominiums require a visual separation from surrounding areas and she feels that was never accomplished in this case. The Valdes felt perhaps a more comprehensive landscaping plan should be required that also takes into account the remainder of the units to be built in this area. Mr. Burns stated he responded to the Valade's concerns very quickly buying oversized, deer proof arborvitae, and installing them right away. Until the Planning Director called him to attend the meeting last week, he thought everything was fine. He is willing to continue to work with the Valades as he expressed in several meetings with them, but doesn't feel a landscape plan is necessary. He also noted they will not be clearing any additional trees in this area. J. Hager noted the arborvitae are very healthy and of a really good size, but their placement perhaps should have been closer to the lot line to be more effective. Mrs. Valade wondered about the Board's definition of the term "buffer"? Several members of the Board noted there is no screening on the Valades' lot and perhaps they should consider some. Mrs. Valade asserted it is the developer's duty to provide enough screening so there is an effective buffer, not theirs. Mr. Valade noted that perhaps they were naïve in thinking the plantings that Mr. Burns put in would be sufficient, but they are not developers. They do appreciate his responsiveness, but don't think what he's done complies with the bylaws. The majority of the Board agreed a buffer is a natural area that hasn't been cut more than the plans show and that if this buffer isn't entirely effective they have some ability to require supplemental plantings within reason. Mr. Burns stated he is willing to install some more plantings if the Board feels that is necessary and continue to work with the Valades as he had already offered. The Board told the parties to return to the Board if they reach an impasse.

### **Public Hearing (Cont.) – Minardi Landscaping – 72 Worcester/Providence Turnpike**

Paul Hutnak of Andrews Survey & Engineering noted the Zoning Board of Appeals and the Conservation Commission have approved the project.

On a question from the Board, Mr. Minardi stated he would like to construct his building within the year. He also told the Board he buys fertilizers and the like as he needs them and will only keep natural materials including salt, stored per State regulations, on the site until there is a building on the lot.

The Board discussed the waivers that have been requested. J. Hager noted six of the eight waivers that are being requested are only being waived until such time as Mr. Minardi is ready to permit his building, at which time he will return to the Board for review of these items. T. Connors suggested the Board might want to put a deadline on building construction, but what teeth would the Board have if no building ever went up? J. Hager noted the bylaws do not require a building be a part of a "landscape contractor's yard" which is the use category Mr. Minardi has applied under. She stressed this is why the screening against Route 146 and the abutters is very important. Mr. Hutnak interjected that they could have said nothing about timing and just started working without a building and put one up when they got around to it, but they wanted to be forthcoming. He noted this is no different than original Cold Spring Brook approvals where the Board approved the spaces for unknown uses without architectural plan subject to returning to the Board for review pre-construction.

Motion: To grant the waivers from sections IV.C.4.e, 4.g., 4.p., and V.D.4.C.1.a., 4.a., and C.10 until such time as Mr. Minardi is ready to begin the building process, S. Paul  
 2<sup>nd</sup>: R. Largess  
 Vote: 5-0-1, T. Connors was opposed because what is shown on the plans represents what will not be built

Motion: To grant the waivers from sections V.D.4.a.3. and V.D. 4. C.3.d. having found the minimal amount of parking in front of the structure will be adequately screened and the Town's engineer is comfortable with the work as proposed on slopes over 15%,  
R. Largess

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

W. Whittier confirmed all storm water management shown on the plans will be constructed before use of the site begins.

Vote: 5-0-1, T. Connor was opposed because the plans don't represent what will be done in the short term and the Town's engineer hasn't reviewed plans without the building.

Motion: To grant Site Plan Approval and the Route 146 Overlay Special Permit with the following conditions: S. Paul

1. Approval of all other applicable local and state bodies.
2. Architectural plans/elevations must be approved by the Board prior to issuance of a building permit via a public hearing process.
3. Signage must be approved by the Board prior to fabrication and installation.
4. The Board reserves the right to review screening post construction and require additional plantings and/or fencing to achieve the intended buffer.
5. Dead or diseased planting shall be replaced immediately and if not possible, in the next planting season at the latest.
6. If abutters submit a well test to the Board within 6 months of start of construction, the applicant will pay for one identical test after the start of operations.
7. The applicant will design, get approved, and construct the building on the site by 12/31/15.

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

Vote: 5-1-0, T. Connors was opposed because if a building is not required to be constructed it should be removed from the plans and reviewed separately when the proponent is ready

Motion: To close the public hearing, R. Largess

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

Vote: 6-0-0

Motion: To Adjourn, W. Whittier

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

Vote: 6-0-0

Adjourned 8:55 P.M.