

Sutton Planning Board
Minutes
February 23, 2015

Approved _____

Present: R. Largess, S. Paul, W. Whittier, J. Anderson
Staff: Jen Hager, Planning Director

General Business:

Minutes:

Motion: To approve the minutes of January 5, 2015, W. Whittier

2nd: S. Paul

Vote: 4-0-0

Minutes: To approve the minutes of February 9, 2015, J. Anderson

2nd: R. Largess

Vote: 3-0-1, W. Whittier abstained as he wasn't present at this meeting

Form A Plans:

Motion: To approve the Form A Plan for Towle/Prunier at 7 Morse Road dated 11/19/14 showing one new retreat lot, W. Whittier

2nd: J. Anderson

Vote: 4-0-0

Dudley Drive/Form A Discussion:

- Gianni Romeo was present to discuss required upgrades necessary for the Board to sign a Form A plan for one addition potentially buildable lot off Dudley Drive, a private road. The Board had previously referred the matter to the Fire Chief who stated he was fine with the 18' gravel drive with turnaround in order for the Board to sign the plan, but would re-inspect the road at the time the building permit was requested to make sure it was still in good repair and capable of supporting emergency vehicles. Since that time a question has arisen as to why the Board would allow anything less than common drive standards on what is essentially a common driveway? Mr. Romeo expressed concerns with spending a significant amount of money before he even knows if this proposed lot will perc and therefore be buildable. He can't do the perc until summer. Additionally, he expressed it isn't really fair for him to upgrade the entire road when it will also benefit the existing neighbor who was allowed to build off the road in the past and has been using the road for decades.

The Board stated the applicant needs to upgrade the unpaved portion of roadway up to the driveway of the existing home and where his driveway will branch off to common drive standards as this is the shared "common" portion of this private way, at which point it becomes his private drive and can be of a lesser standard. To the question of whether the required frontage beyond the proposed paved turnaround is complaint, the Board noted the gravel drive Mr. Romeo has already installed along the required frontage provides for practical access at any point and is therefore adequate to be considered compliant frontage.

- On a separate issue the Board was asked if there was a series of three separately owned lots on an existing public way and the two outer lots were both pre-existing non-conforming lots and the

interior lot was fully compliant other than lot width, would the Board sign a Form A plan that showed a land swap giving the inner lot conforming lot width (of about 3 additional feet) if it made one of the non-conforming lots width slightly narrower but increased this lots frontage and area? The Board said this would make this non-conforming lot more confirming and agreed they would sign this plan.

As the meeting was running behind schedule, the Board tabled remaining General Business until the end of the meeting.

Public Hearing – Pleasant Valley Crossing Revisions – 171 Worcester Providence Turnpike

R. Largess read the hearing notice as it appeared in The Chronicle.

Patrick Doherty of Midpoint Engineering was present to review proposed changes to the previously approved Site Plan and Route 146 Overlay District Special Permit for this retail project along Route 146 North.

He stated they haven't had any interest in the proposed 7,000 s.f. sit down restaurant along the road frontage, but have had interest from small retailers and quick serve restaurants. Therefore, they are proposing removal of the sit down restaurant and replacement of this structure with two smaller building. One will be 4,800 s.f. and contain the quick serve (not fast food) restaurant and one retailer, and the second building will be 6,600 s.f. and contain up to four retailers. Parking for this area has been reduced from 101 spaces to 76.

Mr. Doherty reviewed departmental comments and those from the Town's consulting engineer regarding architecture, lighting, and landscaping. Other than varying tree species along the frontage and committing to increased plantings behind Retail C at this point, all comments have been addressed.

W. Whittier noted that considering the winter in progress, he was concerned with any reduction in parking especially with the amount of parking that has been used for snow storage this season. Mr. Doherty stated he was confident that the proposed parking would be adequate as it meets the Town's standards and is above industry standards. He noted Galaxy has many similar retail projects they've been operating for some time and if need be they will remove the snow from the site as the tenants will have lease agreement that ensure them ample customer parking.

The Board reviewed the parking calculations that showed 70 spaces are required for the proposed buildings and 76 have been provided. A waiver for reduced parking is still in place for the home improvement portion of the site should that move forward.

Dan Robertson of 126 Boston Road asked if the trash locations are dumpsters or compactors and when they will be emptied. He was concerned with potential noise. Mr. Doherty stated they are dumpsters and will be emptied during the typical work day.

Motion: To close the public hearing, W. Whittier
2nd: J. Anderson
Vote: 4-0-0

- Motion: To approve amendments to the Site Plan and Route 146 Overlay Special Permit for Pleasant Valley Crossing dated 1/29/15 with the following conditions:
1. The Board reserves the right to review site landscaping within a year of installation for the purpose of adding plants which may be reasonably necessary to complete the intended aesthetics and screening.
 2. The Board reserves the right to review and adjust lighting within a year of initial illumination if they find it to be a danger or nuisance.
 3. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities.
 4. Prior to issuance of sign permits the applicant shall submit any signage not shown on the Site Plan to the Planning Board. The Board shall review and act on the signage for compliance with the Sign Bylaw and the Route 146 Overlay District Bylaw criteria.
 5. Prior to issuance of a building permit permanent lighting for the outdoor seating area at the quick serve restaurant will be approved by the Planning Department.
 6. Prior to issuance of a certificate of occupancy on any building, security systems and bi-directional amplifiers shall be installed per the Police Chief's review memo of 2/24/13 and Fire Chief's memo of 1/17/13. The security systems shall include cameras at store entrances/exits as well as cameras at entrance and exits to the development as approved by the Police Chief.
 7. Prior to issuance of a certificate of occupancy on any building, the Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project's engineer that this area of the site and all infrastructure to serve this area of the site has been constructed substantially in accordance with the Site Plan. Prior to issuance of the certificate of occupancy for the last building on the site, the Project's engineer shall submit 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
 8. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season.
 9. Dumpster at the site will be emptied only during the hours of 7 AM to 6 PM.
- 2nd: W. Whittier
Vote: 4-0-0

Chase Road Discussion

Land owner Mark Mariner was present with Attorney Henry Lane and land surveyor Dave Lavallee to continue discussion on the status of Chase Road and the ability of the Board to sign a Form A plan creating two additional buildable lots off this roadway.

Mr. Lavallee asserted that via a 1733 Town Meeting vote the entirety of Chase Road from Singing Dam to the Grafton Town line was accepted as a public way. He showed the Board the acceptance of the continuation of this way in the Town of Grafton out to Fitzpatrick Road. He further asserted that a Town Meeting vote over 100 years later in 1844 did not extinguish rights in the full layout, but in effect limited maintenance of this public way to that portion of Chase Road through the Bedrosian home. He unequivocally stated there is "No Doubt" in his mind that all of Chase Road to the Grafton line remains a public way.

The matter before the Board is twofold 1) does the Board agree the entirety of Chase Road is public, and 2) if the Board agrees the public way layout is intact, what upgrades will the Board require in order to sign a form a plan for the new lots?

Robert Nunnemacher of the Board of Assessors, also a land surveyor, disputes Mr. Lavallee's claims and feels the 1733 article does not refer to Chase Road. He cites Town history as conflicting this assertion.

Three of the four members present tended toward a belief that the entire way is public. W. Whittier asserted regardless, if the 1844 vote in effect served to cease maintenance of the balance of this road, then there should be some town meeting action necessary to put this additional responsibility of maintaining the proposed upgraded length back on the Town.

Still running behind, the Board tabled discussion until the end of the meeting noting they may need some additional input including legal evaluation.

Public Hearing – Renewable Generation LLC Solar PV Installation – 49 Worcester Providence Turnpike

J. Hager noted the Board had opened this hearing as scheduled at their meeting of February 9th, but considering weather conditions that evening they immediately continued the hearing until this evening and sent out courtesy notice to abutters notifying them of this continuance.

Amelia Tracey of NextSun Energy was present with Travis Brown, PRLS of Andrews Survey & Engineering to present a site plan for 650 kW of ground mounted solar photovoltaics at 49 Worcester Providence Turnpike. This is also the site of the J.D. ByRider car sales lot.

Ms. Tracey noted most of the area they intend to use was cleared 20-25 years ago and much of the current coverage is low-value trees and scrub brush. She noted the height of solar panels will be 6' tall.

Travis Brown reviewed site details noting the site is about ten feet higher than the elevation of Route 146 and drops from north to south toward existing forested wetland on the south side of the site.

Ricco Betti of 107 Dudley Road asked about treatment of the setbacks. Mr. Brown noted they will be maintaining all 50' of the vegetated setbacks except for planting of supplement red cedars along the northern setback line outside the security fence. The plans need to be adjusted as they show the fence and grading in the setbacks. Mr. Betti felt there should be a sound study to determine impact of tree removal and to suggest mitigation.

Gina Betti of 107 Dudley Road asked about environmental impacts including use of chemicals to combat weeds as well as erosion from removal of so much vegetation. The applicant intends to plant a clover mix on the entire site which features a tight root system which will prevent erosion and actually improve the ground cover and infiltration. Because they are using clover as ground cover which is very low growing they will not be using in chemicals for weeds. Mrs. Betti asked if they are addressing the loss of trees and their impact on carbon dioxide processing by planting trees elsewhere in town? The applicant stated they only control this property and therefore are not planning to plant trees elsewhere, however Ms. Tracey noted that this installation will replace other "dirtier" carbon dioxide producing power generation.

John Fallavollita Sr. of 20 Colonial Road expressed concerns with removal of these trees which will open up the neighborhood to more noise and air pollution from Route 146. He noted they have "suffered enough" with the Xtra Mart and Lorden Propane. He stated his property will be devalued and he is not in favor of this project.

John Fallavollita Jr. of 16 Colonial Road noted he recently bought the property running along the eastern line of this proposed project so his kids could play in the woods and now they will be exposed to Route 146. It was noted the elevation of his lot line is consistent with the elevation of the entire installation until it drops to Route 146 making the highway clearly visible. T. Brown noted they are proposing to leave 50' of existing vegetation which is a significant buffer. Mr. Fallavollita countered as most of this vegetation is deciduous, it won't provide buffering much of the year.

Al Carlson of 12 Colonial Road stated the existing woods aren't scrub brush they are 12-16" mature tree about 60' tall. He noted several natural berms exist in the property that provide some sound attenuation and this proposal will flatten them. He also asserted his property value would drop. Mr. Brown noted they intend to plant a staggered row of red cedars all along the northern property line to block visibility of the installation and impact to the south.

Gina Betti asked about glare from the panels. Ms. Tracey noted solar panels are designed to absorb sunlight not reflect it like a mirror or face of a watch. She added there are often solar installation at airports and therefore the panels have been designed to meet FAA standards.

Al Carlson asked what the applicant will do about construction debris and dust? He felt the applicant should commit to power washing homes and replacing pool filters for abutters. Ms. Tracey noted, unlike other solar companies, NextSun is not only the applicant, they will operate and maintain this site for its life, and therefore it behooves them to make sure neighbors are happy. She stated she would prefer to deal directly with any issues in real time as opposed to putting in place mitigation that may be unnecessary via conditions. It was suggested that the applicant consider an earthen berm along the western edge of the project to more effectively attenuate sound.

It was noted this project in the business district and that Colonial Road is one of the only residential roads the intersects Route 146, an interstate highway, which increases the potential conflicts between residential and business development. However, the proposed use is quiet and much lower impact than other uses allowed in the business district. There will be no lighting for this project. Ms. Tracey added the project will provide tax revenue and potentially reduced the price power for the Town and that for these and previously noted reasons, the neighbors should consider supporting this project.

Motion: To continue the hearing to March 9, 2015 at 7:30 PM, S. Paul
 2nd: J. Anderson
 Vote: 4-0-0

General Business (Cont.)

Filings: Clean Energy Collective (Carey) – 1.3 MW solar at 80 Worcester Providence Turnpike. The Board acknowledged the legal filing of this application for land behind the former Great Canadian plaza, TLC Pet Haven, Minardi Landscaping and the Clark residence southbound on Route 146.

Fall 2014 articles- Approved by the Attorney General.

Proposed Spring 2015 Articles:

- Priority Development Area in and around the Burnap Industrial Park on Route 146 adjacent to acreage in Millbury already designated as a PDA. This designation gives the Town priority in State funding for infrastructure improvements that encourage business development and re-development.

- Hillside Drive Acceptance – This road was built in the 1990s and everyone thought it was accepted as a public way but when the Highway Foreman began submitting roadways to Mass Highway to add to our Chapter 90 funding list, he found there was no Town Meeting action accepting Hillside Drive!
- FPA TIF – 9 Harback Road – This article will likely be sponsored by the Board of Selectmen if they accept the proposal. Mike Zorena of Z LLC has started a new business Field Protection Agency (FPA) and they are currently renting space at a 21E contaminated site at 9 Harback Road. He has applied for a \$500,000 brownfield grant from the State to purchase and clean up this contaminated site and is requesting Tax Increment Financing relief from the Town on the increased value of the property once he cleans it up to help him recoup some of this cost. The property is in tax title, so this potential project would bring taxes current, establish a tax paying business and owner, and clean up a contaminated site. The Town would never lose taxes but would gain taxed on the improved value at a slower rate for the first 5-10 years depending on the TIF negotiated by the Selectmen.

Chase Road Discussion (Cont.)

The Board decided this is too big an issue to decide in a vacuum. They requested a meeting with the Town Administrator, Assessor, Highway Super and Fire Chief. This meeting may lead to a request for legal counsel, but they did not want to jump to spending money or make a decision which may be precedent setting and could have impacts on the work and budget of town departments and without consulting appropriate personnel.

Motion: To adjourn, W. Whittier
2nd: J. Anderson
Vote: 3-0-0

Adjourned 9:45 P.M.