

Sutton Planning Board
Minutes
March 23, 2015

Approved _____

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

General Business:

Minutes:

Motion: To approve the minutes of March 9, 2015, W. Whittier
2nd: J. Anderson
Vote: 4-0-1, S. Paul abstained as she wasn't present at this meeting

Form A Plans:

Dudley Lane Construction Covenant and Form A Plan - The Board reviewed the covenant provided for surety that has been endorsed by both the applicant/land owner and the bank who holds the mortgage on the property. The covenant restricts sale or building permits for Lot 2 until Dudley Lane is upgraded in accordance with the Form A plan that details construction standards. The required upgrades are based on the common driveway requirements.

Motion: To endorse the covenant dated 3/9/15 restricting sale or building on Lot 2 until Dudley Lane upgrades are complete, M. Sanderson
2nd: W. Whittier
Vote: 5-0-0

Motion: To enter reference to the covenant on the plan and endorse the Form A plan dated 3/19/15 showing one new lot on Dudley Drive, W. Whittier
2nd: S. Paul
Vote: 5-0-0

56 & 58 Main Street – Finacom - Tabled to next regular meeting.

Bridle Path Covenant Extension – Lori Funari was present to ask for an extension of the covenant noting title issues have taken years to resolve. They are at the point where only one family is left to deal with and they hope to resolve this final release and clear up any remaining details by the end of the year.

Jack Sheehan of 26 Jones Road had questions and concerns regarding the excessive length of time the project is taking, ownership/title of the property and the validity of initial permits, the status of the sewer extension permit, and making sure if the project is built it complies with important updated regulations like storm water management.

J. Hager noted the project is grandfathered until 2020 and the covenant is just a means of securing performance for construction of water, sewer and roadway infrastructure. The Board either has to extend this covenant so valid surety is in place to protect the Town, or they have to rescind the subdivision. AS the subdivision is grandfathered until 2020, rescission would be tenuous.

Lori Funari stated the sewer permit was issued in 2009 or 2010 and agreed it has taken quite a while to deal with the title issues which weren't apparent until after the project was approved during closing.

It was noted at preconstruction the applicant will be required to provide a copy of all required permits and approvals, but in the meantime if the sewer permit has been issued and is up to date it should be copied to the Planning Board.

Motion: To extend the covenant for Bridle Path to April 1, 2016, J. Anderson
2nd: S. Paul
Vote: 5-0-0

Discussion – Worm's Way Farmer's Market – Tabled until next regular meeting.

Open Space Conference – The Planning Director called the Board's attention to an upcoming Open space Conference on at.

Filings: None

Chase Road Discussion

Tabled until April 27th.

(M. Sanderson steps off the Board as an abutter)

Public Hearing – Clean Energy Collective LLC Solar PV Installation – 80 Worcester Providence Turnpike

Norm Gamache from Guerriere & Halnon reviewed the site plan again and detailed changes made to the plans in response to comments received and the Conservation Commission process. The project has been approved by Conservation Commission and they are awaiting the Order of Conditions. Revisions to the plan included additional plantings along the south west fence line and restrictions on parking along the access drive among other things.

S. Paul asked questions related to grade of the site, erosion control, and vegetation in the buffers. It was also confirmed the developer will be negotiating a Payment in Lieu of Taxes (PILOT) that Town Meeting will have to approve.

There was general discussion about the lack of availability of water and sewer along Route 146 north of Boston Road, the excessive slope of this lot, and how even though there was an industrial subdivision previously approved for this location, the site development costs would be too extreme for likely development of buildings. Norm Gamache also pointed out that the Route 146 Overlay District regulation actually prohibits development of this site for buildings as you can't work on slopes over 15% and the site is in excess of 20% slope. So unless someone is willing to invest millions to pull water and sewer up Route 146 it is unlikely marginal sites like this one will ever contain "higher and better" uses that would provide broader local services and/or more jobs.

James Marran of 80 Burbank Road expressed continuing concerns with the amount of buffering proposed for the south west corner of the project in line with his property.

The sister of Arline Stratford of 120 Burbank Road, who was also present, spoke for Arline and asked if she wanted to develop her abutting property in the future would this project devalue the property? R. Largess noted anytime the property next to you changes it affects the number of people who may be interested in your property. The only way to prevent any changes on abutting property is to buy the property.

J. Anderson noted this is an as of right permitted use throughout Massachusetts. The Board took steps to limit larger installations like this one to business and industrial areas so there wouldn't be a widespread impact on residential neighborhoods, unfortunately the Marran and Stratford land backs up to the business district.

J. Marran noted there is no understory coverage presently so if trees are cut down there will in effect be little or no screening in the setbacks. He requested more plantings be done in the disturbed areas of the setback to provide better screening. It was noted this installation is approximately one football field wide by three football fields long and there really isn't a type of planting that will ever fully block the installation from view, the regulations are meant to soften the effect not fully conceal. N. Gamache noted that coping the trees and vegetation to 5' as planned will help the understory vegetation grow. Right now the larger trees are blocking the sunlight.

Motion: To approve the Site Plan for the 1.3MW ground mounted solar installation at 80 W/P Turnpike with the following conditions:

1. Approval of all other local, state and federal authorities and bodies.
2. Prior to endorsement of the Site Plan, reference to this Site Plan approval shall be entered upon the plans.
3. Prior to endorsement of the Site Plan, the landscaping notes shall include a provision for replacement of dead or diseased plantings within a month of discovery and if not in a planting season they will be replaced at the start of the next planting season.
4. Prior to endorsement of the Site Plan, the general notes shall include provisions to maintain the access driveway year round to provide safety vehicle access and all site amenities such as fencing, etc. in good and working condition.
5. Prior to any clearing, the limit of clearing shall be staked and a representative of the Planning board shall verify the limits with a representative of the applicant and the clearing contractor.
6. Prior to issuance of a building permit, soil testing will be performed and witnessed by Graves Engineering who will verify that related storm water and drainage calculations and mitigation is adequate. If not, the applicant shall submit revised calculations and plans for approval by the Board before a Permit can be issued.
7. Prior to issuance of a building permit, the Owner/Applicant (Operator) agrees to the following Financial Surety provisions and conditions to cover the cost of removal of the installation in the event the Town must remove it and remediate the landscape:
 - a. Prior to, and as a condition of, the issuance of a building permit the Owner/Applicant and/or Operator (the "Owner") shall provide the Town of Sutton with an initial deposit of money in the amount of \$9,687.50; such funds shall be deposited into a special escrow account established to cover the cost of removal of the solar installation and/or remediation of the landscape; proceeds shall not become available to the Town unless and until the Owner/Applicant (Operator) is found in default.
 - b. An additional deposit of money in the amount of \$2,906.25 shall be provided by the Owner each successive year on or before April 1st for a period of ten (10) years.
 - c. The Board reserves the right to review the total amount of surety in years 5, 10, and 15 (approximately) and require additional funds should variables such as inflation, salvage value, etc. require an increase.
8. Prior to issuance of a building permit, the Owner/Applicant (Operator) shall supply the Planning Board with copies of the following:
 - a. Site Control –documentation of control of the project site, sufficient to allow for construction and operation of the solar photovoltaic installations;

- b. Utility Notification –evidence that the utility company that operates the electrical grid has been informed of and approves the planned solar photovoltaic installation; copy of interconnected customer–owned generator agreement shall be provided.
 - c. The storm water SWPPP shall be completed and filed with the EPA and a copy of the NPDES permit shall be provided to the Planning Board.
9. Prior to issuance of a building permit, the Applicant/Engineer shall submit five (5) complete prints of the endorsed site development plan, two (2) fifty-percent (50%) reduced prints and one (1) electronic copy to the Sutton Planning Office.
 10. A Knox box shall be installed at the gate keyed with a Sutton fire lock with all necessary keys and a fully knowledgeable contact list for the site.
 11. Any illumination, including security lighting shall be arranged so as to reflect away from abutting properties and be directed in a manner to limit light trespass.
 12. Prior to endorsement, the developer will supplement screening plantings in the southwest corner of the project in accordance with commentary from the public hearing.
 13. Prior to start-up of the facility, the site engineer shall submit and As Built plan and written certification that the site has been constructed substantially in accordance with the plans approved by the Planning Board.
 14. Prior to start-up of the facility, the Owner/Applicant (operator) shall provide the Fire Department with training and knowledge necessary for first responders to this location including a walk-through of the entire site, in consultation with the Fire Chief.
 15. Prior to start-up of the facility, the Owner/Operator shall provide the Police Department with security information and keys, etc. for site access.
 16. The Board reserves the right to review site landscaping and require additional plantings to achieve intended screening.

J. Anderson

2nd: S. Paul

Vote: 4-0-0

Motion: To close the hearing, J. Anderson

2nd: W. Whittier

Vote: 4-0-0

(M. Sanderson returns to the Board)

Motion: To adjourn, M. Sanderson

2nd: W. Whittier

Vote: 5-0-0

Adjourned 8:37 P.M.