

Sutton Planning Board
Minutes
April 6, 2015

Approved _____

Present: R. Largess, S. Paul, W. Whittier, J. Anderson, M. Sanderson
Staff: None

General Business:

Minutes:

Motion: To approve the minutes of March 23, 2015, W. Whittier
2nd: S. Paul
Vote: 5-0-0

Form A Plans:

56 & 58 Main Street – Finacom: Mr. Finacom was present to seek the Board’s endorsement of a Form A plan showing revisions to previously approved lot lines at this location. He reminded the Board he has been going through a process to have a common driveway and condominiums approved on these lots and then the Conservation Commission agreed they would act on the Notice of Intent for the common driveway, which was approved, and then Mr. Finacom could return to the Planning Board once he had established fully approved access for both of the lots. The lots lines need to be shifted slightly to achieve the required upland area on both lots. Although these lots has been created in 1988, the Board at the time was likely unaware of case law that requires non-illusory frontage, that is the petitioner has to demonstrate that access from the roadway where the lot has legal frontage can actually be achieved via reasonable means. In this case there is a very deep swath of wetland across the entire frontage of one of the lots that would normally prevent the Planning Board from signing this Form A, so Mr. Finacom had to demonstrate he could achieve access in this case, via a common driveway.

He stressed he wasn’t moving lot lines to get another lot, simply to meet the Town’s upland requirements. The lots are located in the Village District and they have both water and sewer service. All comments on the Form A Checklist have been fully addressed.

Motion: To endorse the Form A plan dated 2/18/14, J. Anderson
2nd: W. Whittier
Vote: 5-0-0

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

Endorse Site Plan – Clean Energy Collective - 80 Worcester/Providence Turnpike

The Board reviewed supplemental landscaping, 2 hemlock trees and 7 mountain laurel, which were added to the plans after commentary at the last meeting. Normand Gamache of Guerriere & Halnon also noted a sheet had been added to the Plan set with all of the conditions the Board has imposed.

R. Largess noted that in discussion with the Planning Director, she pointed out that in the southwest corner of the project there is as much as 160' of vegetation from the edge of the installation that is proposed to be cut to 5' high. She wondered if this is truly necessary or if some smaller depth of trees can be cut in order to maintain a more sufficient buffer from the project.

James Marran of 80 Burbank Road concurred asking if there was a shade study that shows it is really necessary to cut all of these trees down. He confirmed he wasn't happy with the additional screening proposed because 2 hemlock and 7 mountain laurel in a ½ acre area, that will be maintained at only 5' will not provide buffering.

Mr. Gamache noted they aren't removing the trees and vegetation, only cutting it down to 5' high. The Conservation Commission doesn't even consider this an alteration under their regulations.

Mr. Marran confirmed while he can't see the installation from his home, he is the owner of this historically protected farm and wants to ensure the views from the farm are protected.

Greg Carey of CEC said they did a shade study and due to the topography, the land rises up behind the panels, there is a significant shadow created from the south. He noted they would have put a lot more panels in the SW corner if they could have done that, but shading would not allow them to do this. He stressed that there are two property owners, a distance of about 330' between the installation and Mr. Marran's property.

W. Whittier noted he owns his own large ground mounted system and was surprised at how much the angle of the sun and nearby vegetation can shadow an installation. He said it appears there is more separation between these panels than usual probably also to deal with the placement on the slope and the potential for shadowing.

Mr. Marran stressed that a 5' tree really isn't much of a tree. W. Whittier noted that this use is allowed as of right. The Board's hands are tied to some degree in that they can't prohibit these installations. J. Anderson added they enacted regulations so larger installations like this one can't go in the residential districts, the problem is Mr. Marran's property abuts the business district.

Mr. Marran said he likes the use and supports solar, he is simply looking for a meaningful screen from the installation.

R. Largess suggested that if CEC gets out in the field and they find they really don't need to do all this clearing they should save some money and leave whatever they can. S. Paul noted the Board still reserves the right to add more screening if necessary post construction. J. Anderson agreed once the installation is in if the Board feels it's obtrusive, they will add more screening.

While Mr. Marran appreciated this sentiment he said he was uncomfortable with this vague assurance and didn't know why the developer just can't say he will allow trees toward the property line to grow back taller and or he will add a row of Christmas trees at the stone wall. Greg Carey stated he will gladly do a site visit after the installation and add plantings as necessary, he just doesn't want to take a guess and show something on a plan that may not be effective.

J. Marran stated he just want the developer to re-crate the effective screening that would have existed had the developer not cut all vegetation in the buffer areas.

Motion: To endorse the site plans for Renewable Generation LLC at 49 Worcester Providence Turnpike dated 3/30/15, by W. Whittier
 2nd: J. Anderson
 Vote: 4-0-1, M. Sanderson abstains due to potential conflict as an abutter

It was noted they hope to build out the installation his summer. A marketing team will be making contact with residents and non-profits so they can potentially take advantage of electricity discounts. (M. Sanderson returns to the Board)

Discussion Worm's Way – proposed farmers market

Ken Helinski, Store Manager at Worm's Way at 121 Worcester Providence Turnpike was present to ask the Board about the process to establish a farmer's market at the store site on Route 146 north. He stated he and his wife own First Leaves Family Farm in Whitinsville. They are currently involved with the Kelly Square and Shrewsbury farmer's markets and felt Sutton would be a great location for another market. They intend to operate seasonally on Sundays from 10-1 and start out with about 10 vendors, growing to a maximum of 20. The store will also be open during the farmers market.

The Chairman referred to the bylaw and noted this use requires a special permit from the Zoning Board of Appeals who will decide if the use is appropriate at this location. Then the applicant will return to the Planning Board for site plan review to review operational details and things like parking and traffic flow, etc.

The majority of the Board felt the use may be beneficial but cautioned they will be looking at parking and site circulation to make sure it's safe and adequate. W. Whittier added his experience with farmers markets from a farmer perspective hasn't been all good and stressed that they need to pay close attention to the permitting through the State.

Mr. Helinski noted they've been studying and participating in various farmers markets so they can make sure they utilize an effective model that works for all involved.

Correspondence/Other - None

Public Hearing – Proposed Bylaw Changes

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

The petitioner could not be present this evening on short notice.

Motion: To continue the public hearing to April 13 at 7:00 P.M., S. Paul
2nd: W. Whittier
Vote: 5-0-0

Motion: To adjourn, W. Whittier
2nd: S. Paul
Vote: 5-0-0

Adjourned 8:24 P.M.