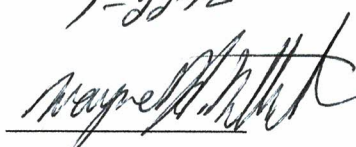


Sutton Planning Board  
Minutes  
December 11, 2017

1-22-18  
Approved 

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

W. Baker acting as a full member in place of S. Paul.

**General Business**

Minutes:

Motion: To approve the minutes of 11/27/17, J. Anderson  
2<sup>nd</sup>: R. Largess  
Vote: 3-0-1, J. Anderson abstained as he wasn't present at this meeting

Filings: None.

Form A Plans:

211/219 Whitins Road: Conveyance of a portion of 211 Whitins Road to 219 Whitins Road, no new building lots.

Motion: To endorse the Form A plan dated 12/11/17, R. Largess  
2<sup>nd</sup>: J. Anderson  
Vote: 4-0-0

325-335 Central Turnpike: Conveyance of a portion of 335 Central Turnpike to 325 Central Turnpike.

Motion: To endorse the Form A plan dated 2/6/17, R. Largess  
2<sup>nd</sup>: J. Anderson  
Vote: 4-0-0

Chapter 61A Release – 159 Dodge Hill Road – Lot 1: J. Hager told the Board the Form A lot they recently signed at the intersection of Dodge Hill and Leland Hill Roads is the subject of this release. The bonafide offer is \$150,000 which the town would have to match if they wish to acquire this 3.62 acre lot. The land is not a priority parcel in the Open Space and Recreation Plan or the Master Plan.

Motion: To recommend that the Selectmen pass over the Town's First Right of Refusal and not purchase this lot, R. Largess  
2<sup>nd</sup>: J. Anderson  
Vote: 4-0-0

Earth Removal Permit Extension – Aggregate Industries: J. Hager reminded the Board operators of commercial earth removal operations may apply every other year for a one year extension without the need for a public hearing. Byron Andrews of Andrews Survey & Engineering was present to review the 2018 earth removal plan with the Board. He noted the main activity his client will work on in 2018 is re-seeding of a restoration area closest to Boston Road that did not take properly last year. They maintain several stockpiles on the more than 300 acre site from which they will pull materials if there is a market for them, but do not intend to do any new excavation.

The Board reviewed departmental comments. There were no comments from the public.

Motion: To grant a one year extension of the earth removal permit for Aggregate Industries off Providence and Boston Roads per the plan as presented and with the following conditions: J. Anderson

General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith may result in a Cease and Desist Order and/or fines.
2. Approval of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

Special (or site/operation specific) Conditions:

1. Provide bond for the permit period of January 1, 2018 to December 31, 2018 before December 31, 2017.

2<sup>nd</sup>: R. Largess  
Vote: 4-0-0

Waiver of Site Plan Review – Professional Tree – 79 Worcester Providence Turnpike: Steve Lavoie was present to request the Board waive the formal site plan process and allow him to utilize a portion of this site for an arborist contractors yard to store three pieces of equipment as well as an equipment storage trailer with a sign mounted on top. He stated there would likely only be approximately 3 employees entering the site in the morning and leaving with equipment, and returning at the end of the day. Equipment would be tucked into the southeast corner of the site fairly concealed from the road. The sign will be 3’ X 20’ and is not illuminated. No structures will be built and existing structures will not be utilized for this use.

Motion: To waive site plan review and allow the use of this site for an arborists yard to store three pieces of equipment and a trailer for smaller equipment as well as signage with the condition that the Board reserves the right to review the site after the trailer with sign and equipment have been moved in to make sure it complies with the Route 146 Overlay Bylaw and to require adjustments if it does not, R. Largess

2<sup>nd</sup>: W. Baker  
Vote: 4-0-0

Correspondence/Other:

The Board forgot to close the King retreat lot hearing at the last meeting.

Motion: To close the King Retreat lot hearing, R. Largess

2<sup>nd</sup>: W. Baker  
Vote: 4-0-0

**Public Hearing – Earth Removal Permit – Pyne Sand & Stone**

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

Craig Holmberg from Guerriere & Halnon was present to review earth removal plans for the Bedoian pit in Sutton which has access off Lackey Road in Douglas. The pit has 5 acres in restoration from last year,

5 acres from a 2008 permit in continued excavation, and another 5 acres from a 2010 permit adjacent to Route 146 also in continued excavation. J. Hager noted she visited the site last week to observe operations which are very well managed and in accordance with approved plans.

As one of the excavation areas is right against Route 146 south, dust monitoring and mitigation of blowing material is key on this site. It was noted the proposed finish floor of this excavation is proposed substantially above the water table and that monitoring wells have consistently been measuring nearly the same elevation as the adjacent wetland as well as levels in monitoring wells at the Town's adjacent sewer treatment plant.

The Board reviewed departmental comments. There were no comments from the public.

Motion: To grant a one year earth removal permit for Pyne Sand & Stone on land of Bedoian with the following conditions: J. Anderson

General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith may result in a Cease and Desist Order and/or fines.
2. Approval of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

Special (or site/operation specific) Conditions:

1. Maintain appropriate dust control measures.

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

Vote: 4-0-0

Motion: To close the public hearing, J. Anderson

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

Vote: 4-0-0

### **Public Hearing – Earth Removal Permit – Worcester Sand & Gravel**

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

Chuck Scott of CFS Engineering was present to review earth removal plans for the Worcester Sand & Gravel pit off Hatchery Road. The pit has many acres in restoration as well as 5 acres available for continued excavation. J. Hager noted she visited the site with Chuck Scott to observe monitoring well readings and to make sure asphalt and construction debris that were on the site have been removed. She noted restored areas of this site are well vegetated. It was noted this site has not been excavated for some time, but as the market is improving it may be possible active excavation will resume this year.

The Board reviewed departmental comments.

Motion: To grant a one year earth removal permit for Worcester Sand & Gravel with the following conditions: R. Largess

## General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith, will result in a Cease and Desist Order, and fines.
2. Approval/Permitting/Special Requirements of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

## Special (or site/operation specific) Conditions:

1. Should the pit owner intend to resume active excavation, an additional monitoring well must be installed within 50' of the excavation area. This well must be inspected by an agent of the Town prior to initiating any new excavation.
2. Provide bond for the permit period of January 1, 2018 to December 31, 2018 before December 31, 2017.

Robert Nunnemacher of 24 Singletary Avenue said he thought there was an area of exposed ledge at this pit and was concerned that no blasting take place due to its proximity to the Wilkinsonville hatchery wellhead. Both Chuck Scott and Jen Hager did not recall an area of exposed ledge on the site. W. Whittier said he will make himself available to walk the site to see if there is exposed ledge and if there is, this area will be removed from the permitted area as current conditions do not allow blasting or drilling so close to the wells.

Vote: 4-0-0

Motion: To close the public hearing, J. Anderson

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

Vote: 4-0-0

**Public Hearing (Cont.) – Pleasant Valley Crossing – Galaxy Pass ( off Route 146 and Boston Roads) – Retail Special Permit, Groundwater Protection Special permit, Route 146 Overlay Special permit and Modification to Site Plan Approval**

Patrick Doherty, P.E. of Midpoint Engineering was present to update the Board of the status of adjustment to the plan based on comments received to date. He noted the project hearing before the Conservation Commission had to be re-scheduled until December 20<sup>th</sup>. He noted they are maintaining a 25' no disturb from the intermittent stream on this site. They have had preliminary discussion with the Commission agent and feel they have been responsive to wetland regulations, but will not know until they are before the Commission in an open hearing. Mr. Doherty has provided his responses to the Planning Director's comments and is working with Jeff Walsh from Graves Engineering to address his concerns relative to storm water management and potential ponding during large storms. The Architect is also working on significant changes based on the comments from J. Hager.

W. Baker asked if Midpoint has addressed concerns from Mr. Dorion about his driveway. Mr. Doherty will complete the agreement to improvements on Mr. Dorion's land. J. Hager noted Mr. Robinson expressed concerns with blowing trash which was found the day after the hearing to have originated at the Starbucks dumpster. These issue were immediately rectified and will continued to be monitored.

Motion: To continue the public hearing until January 22, 2018 at 7:10 PM, W. Baker  
2<sup>nd</sup>: R. Largess  
Vote: 4-0-0

**Public Hearing – Environmental Equipment – 11 John Road - Special Permit Large Vehicle Sales**

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

Owner Dan Cowher was present to ask the Board for a special permit to allow large vehicle sales, in his case chassis for trash compactor bodies. He stated the main reason he needs the Special Permit is so he can get a dealer plate which will allow him to demonstrate his compactor units. He may rarely sell a full unit but his intent is to maintain an excellent relationship with area chassis dealers by not competing with them and just selling them the compactor units and servicing their assembled vehicles. He reminded the Board the existing business operates 7:30 AM to 4 PM with no weekends. They have 5 employees.

The Board reviewed departmental comments.

The Board found the proposed use complies with the five special permit criteria as the site is located in an industrial district with similar uses, all operations will be conducted fully on site which has ample area in the building and on the site to house, display and service vehicles. The existing septic system and well can adequately support the use. No significant traffic increases will result from this additional use, although the site and access thereto are adequate in size and design to maintain vehicle and pedestrian safety even with modest traffic increases.

Motion: To grant the Special Permit for sale of vehicles in excess of 26,000 lbs gvw the following condition that the applicant obtain any additional permits that may be necessary to operate this use. R. Largess

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

R. Nunnemacher noted there are trash vehicles in this same industrial park.

Vote: 4-0-0

Motion: To close the public hearing, W. Baker

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

Vote: 4-0-0

**Public Hearing (Cont.) – Forest Edge – Ariel Drive (off Blackstone Street) – Amend Special Permit**

The application before the Board relative to Forest Edge this evening is to amend the Special Permit to change four-plex units to duplex units. The application to amend the Special Permit to remove area from the open space for a commercial use was previously continued until January 8, 2018.

The Board received correspondence from various abutters since the last night of public hearing. Cara Alderucchi of 105 Ariel Circle addressed a petition from 20 of 38 families at Forest Edge who signed a petition expressing opposition to changing all remaining four-plexes to duplexes and urging a combination of unit types. Concerns included the financial impact on existing units in four-plexes as

well as concerns with the aesthetics and disparity created with a completely different housing type for half the neighborhood.

Mrs. Mahoney of 132 Ariel Circle reiterated some of these concerns and expressed her support for a combination of unit types for phase 2 of this project.

W. Whittier read an email from Joyce Sandvick of 103 Ariel circle in to the record noting concerns with how she was portrayed at the last meeting stating she was going to buy a duplex and did provide some design commentary to the Bruces, but this has nothing to do with whether she supported a change to all duplexes for phase 2 and that she indeed does not support all duplex units.

W. Baker noted there are serious communication issues between the condo trustees and condo residents and was curious why. He noted he hoped there would have been some "off line" discussion between the association and the Bruces since the last meeting in order to come to a compromise position everyone could live with.

J. Anderson said the situation is a conundrum. He agreed the proposal complies with the regulations but that he too felt a compromise should be worked out between the developer and the condo owners and that he didn't appreciate being put in the middle.

R. Largess stated he just wants the project finished for everyone's best interest. He noted a stalemate serves no one.

W. Whittier noted the Board really isn't allowed to consider economics in this situation and what is proposed appears to be allowed but he had concerns with the fact that this is not the project that was sold to the current residents. He noted he was elected to the Board to represent Sutton residents as is therefore conflicted.

Michael Bruce, P.E. noted the Planning Director has stated there is no conflict with the proposal and the bylaw. He expressed frustration with the residents, first saying the new units were too desirable and would hurt the value of their units and now that this isn't grounds for denial, they are changing their concern to a more vague aesthetic argument. He stated the proposal before the Board is just the fastest way to finish the project for everyone's benefit.

C. Alderucchi noted she doesn't disagree with Mr. Bruce and she acknowledged the new units are a nice product, but it is a fact that changing the remaining units to duplexes makes the proportion of inside units to end units 25% to 75%. She noted the condo management company and the trustee did the other condo owners a disservice by not communicating this potential change when it was originally proposed months ago and as a consequence these owners haven't been given an opportunity to work with Mr. Bruce to try to reach a more palatable proposal.

W. Whittier added the fact that Mr. Bruce did not place restrictions on the open space and is now also trying to change the open space part of this project weighs on his mind.

J. Bruce stated he will absolutely get this restriction in place before anything can happen with phase 2.

J. Anderson shared Mr. Whitter frustration and noted the neighborhood has been patient through numerous issues with this project and he really feels Mr. Bruce should clean up existing loose ends like the open space restriction and meet with the condo owners to negotiate an acceptable plan for phase 2.

Mr. Bruce said he has presented what he feels is the best course of action for everyone and that he feels it is compliant with the bylaws. He noted he was getting the impression he cannot get the votes he needs for the proposed change and therefore he requested his application be withdrawn and he will re-group and decide how to proceed. Dates for a continuance were discussed.

The Board continued discussion on their options. Mr. Bruce stressed he felt this hearing is the appropriate place for discussion to take place between parties and it is the Board's role to determine if what is request is allowed. He withdrew his request for a withdrawal and asked the Board to vote on the proposal before them.

Motion: To grant the waiver to allow as little as a 25' separation between structures in accordance with the plans as presented, R. Largess

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

Ron Seberg of 97 Ariel Circle noted he owns one of the new duplexes and he just wants the project built out as rapidly as possible. He stated once a unit is bought from Mr. Bruce he no longer has a responsibility to a unit owner.

Scott Alderucchi of 105 Ariel Circle stressed continuing concerns about only constructing duplexes in phase II

Vote: 4-0-0

Motion: To amend the Special Permit for Forest Edge to allow phase 2 to be comprised of duplex units in accordance with the plans dated 10/18/2017, R. Largess

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

Vote: 4-0-0

Motion: To close the hearing for Forest Edge relative to amending the special permit to change four-plexes to duplexes, W. Baker

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

Vote: 4-0-0

Motion: To adjourn, R. Largess

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

Vote: 5-0-0

Adjourned 9:07 PM