

Sutton Planning Board
Minutes
June 19, 2017

Approved _____

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

Walter Baker acting as full member in place of Wayne Whittier.

General Business

Minutes:

Motion: To approve the minutes of 6/5/17 as amended, R. Largess

2nd: J. Anderson

Vote: 4-0-1, W. Whittier abstains as he was not participating

Filings: None

Form A Plans:

Pigeon Hill Cemetery – Tabled to future meeting.

Correspondence/Other:

- W. Baker updated the Board on the National Register Nomination of the Village of Manchaug. He told the Board about a recent presentation before the Mass Historic Commission where the Commission voted unanimously to approve and forward this nomination to the National Park Service. The Town will know if the nomination is successful by the end of the year at the latest.
- J. Hager noted she recently attended the annual Mass Association of Planning Director's meeting in Pittsfield, MA where she obtained some useful information like the land use law update.

Forest Edge Land Discussion – Jon Bruce

Jon and Michael Bruce, P.E. were present to discuss use of a portion of the open space for the Forest Edge condominium project located on Ariel Drive off Blackstone Street in Northeast Sutton.

Michael Bruce reviewed the background of the project including that they had obtained a variance to allow the development to exist on a 35 acre parcel with the open space on separate parcels being transferred to the appropriate Towns or non-profit entities with development restrictions. Mr. Bruce explained that there were issues with transferring land in one Town to the ownership of another town which caused complications and then the ball just got dropped.

Currently Verizon has approached Jon Bruce, who still owns all the open space. They want to use about 1.25 acres of the Grafton open space for a cell tower and access thereto. There is well over the requirement for open space even if this area is removed. Mr. Bruce acknowledged that they may need to lose a unit from their development as removing this acreage would potentially affect the density calculations.

J. Hager reviewed her email to Mr. Bruce noting that Mr. Bruce's own application to the ZBA stated that the open space would never be developed except for a potential water source and the variance notes a development restriction. She stated that she feels a public process must occur with notification to abutters and condominium residents to amend or reissue a revised variance if the ZBA will entertain this application. The Site Plan will also need to be amended as it would appear the unit number will have to be reduced. Additionally Grafton may have other thoughts on requirements.

J. Bruce confirmed Sutton LLC would continue to own the cell tower site.

J. Anderson expressed discomfort with the proposal noting that Mr. Bruce didn't do what he was supposed to do in terms of transferring out the open space and now he may benefit from this, He acknowledged there is plenty of open space but still wasn't sure how he feels about this proposal.

W. Whittier felt this is doable with the right public process and adjustments, but likely not easy.

W. Baker asked how many units are currently occupied. Mr. Bruce stated 38 are built or nearly so and 35 are occupied. These people must be notified of potential changes.

R. Largess stated he is open to consideration, but will be mindful of setting precedents.

Both S. Paul and M. Sanderson said they feel this can go through a public process for potential changes.

(W. Whittier steps off the Board and W. Baker steps in as a full member in his place)

Public Hearing- Site Plan Review – 122 Town Farm Road - Whittier

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

W. Whittier explained he wants to barter with Hurley Logging to stump about 20 acres they previously cleared in return for allowing Hurley to temporarily store log length wood and wood chips in a field that is not visible from the road at this location. He noted this is Agricultural Protection Land (APR) so no construction will be happening. The overall intent of this arrangement, consistent with the APR goals, is to make additional acreage available for productive agriculture. He stated he met with all but one abutter and they all had no issues.

Mike Roach of 115 Town Farm Road, the one abutter Mr. Whittier did not meet with, was present with questions. He asked for the meaning of temporary. Mr. Whittier stated they would allow this use until no later than December of 2019. Mr. Roach stated this seems commercial in nature and asked how many trucks and how much product would be on the road and on the site. Mr. Whittier stated once the majority of the product is on the site he doesn't anticipate more than 2 large truck trips to and from the site daily. He stated up to 250 cords of wood and 3000 yards of wood chips will be stored on the site. He noted the Fire Department had some concerns with the amount of chips which they will address. Mr. Whittier confirmed there will be no processing of this product on this site. Stumps removed from the previously cleared 20 acres will be ground on site as part of this deal but this should take no more than a week and is an allowed operation with no permitting as its part of the existing agriculture on this site.

J. Hager stressed the Building Commissioner, who is also the Town's Zoning Enforcement Officer, has already ruled that the proposed use is an agricultural operation, not a commercial one. As such it is allowed at this location, but because the product being stockpiled is on less than 5 acres and was not produced on site, he felt it should go through the site plan review process.

R. Largess noted it's important to hold everyone to the same standards. He felt this is an acceptable agricultural bartering operation.

It was noted the Board feels it is too dangerous to have large trucks enter and exit from West Sutton Road. W. Whittier said he agreed and was confident this father and son operation would comply with a condition to only exit and enter via Central Turnpike.

Motion: To grant Site Plan Approval for stockpiling of log length wood and wood chips until December of 2019 with the following conditions: R. Largess

1. Approval of all other local, state and federal authorities and bodies, particularly the Fire Department.
2. Chip and log hauling trucks are to enter and exit the site from Central Turnpike.

2nd: W. Baker
Vote: 5-0-0

Motion: To close the public hearing, R. Largess
2nd: W. Baker
Vote: 5-0-0

(W. Whittier return to the Board and W. Baker returns to Associate status.)

Public Hearing – Site Plan – 12 John Road – Corey Simpson – Atlas Tuning & Performance

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

Corey Simpson was present asking the Board for approval to locate in Unit E of 12 John Road. He stated he adds items like superchargers, pulleys and belts to expensive sports cars to enhance their performance. He stressed they do not deal with fluids like transmission or oil, etc. They will also sell parts and accessories on the side (accessory use).

They anticipate regular hours will be Monday through Friday 9-5 with occasional weekends for car club performance testing. He said there will be very few large truck trips, generally only FedEx and UPS sized delivery vehicles. Signage will consist of a building mounted sign and a panel on the multi-tenant sign on Route 146. No cars will be stored outside and while they have a 10 car capacity there will likely only be about 5-6 vehicles in the shop on average. There will be no nitro on site. Most vehicles are on site no more than 2 weeks.

R. Nunnemacher asked about noise and exhaust. Mr. Simpson stated during horse power testing he will open doors during but this testing is only seconds long each time. He added his house is actually the closest one to the shop but is still over 500' away through the woods.

Motion: To grant Site Plan Approval use of Unit E as an automobile performance enhancement shop with the following conditions: R. Largess

1. Approval of all other local, state and federal authorities and bodies, particularly the Fire Department and Building Department
2. Proposed signage submitted to the Planning Department for approval prior to fabrication.

2nd: J. Anderson
Vote: 5-0-0

Motion: To close the public hearing, M. Sanderson
2nd: J. Anderson

Vote: 5-0-0

Public Hearing – Site Plan - 263 Purgatory Road – Borrego – 2MW ground mounted solar generating facility

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

Zack Farkes, Dean Smith, P.E., and John Dupont, Director of Technology were all present from Borrego Solar.

Mr. Farkes noted this project was facilitated by creation of the Solar Photovoltaic Overlay District voted at Fall Town Meeting. He acknowledged they know this bylaw still hasn't been approved by the Attorney General and they are proceeding at their own risk.

D. Smith reviewed the location across from WestEnd Creamery in Northbridge. The installation will be to the north of the existing firewood operation on the Vandenakker property. It will be bounded on the south by the Town line, on the west by the gas line easement, on the north by vacant private property, and on the east by other land of the Vandenakker family. It will not be visible from any roadway. He reviewed the site plan showing access over the gas line access but noted they may move it to the northeast. They have filed a Notice of Intent in both Northbridge and Sutton due to proximity of wetlands. The installation will be about 2 MW on 9 acres. When you include clearing to prevent shading 15.3 acres will be altered. They will clear and grub inside the fenced solar panel enclosure and replant with native grasses. They will cut trees and leave stumps and growth outside the fencing. They will be using ground screws for panel racking based on full geotechnical investigations which helps in limiting rock issues. While the transformers make some noise, it cannot be heard past 175'. The nearest structure to the installation will be 56' and the equipment which transmits noise will be over 1,000' from the nearest home. They will have one pole mounted full cutoff LED motion activated light.

Issues with rocks on a recent site were noted. The proponents stated they are confident their installation method will minimize rock issues but will include a plan to deal with excavated rocks.

J. Hager review concerns including the viability of access through Northbridge where this use is not allowed. She also questioned frontage for this parcel noting Route 146 may not be used as frontage as it is a no access highway. She stated it is unlikely these complicated issues along with plan adjustments can be rectified for the Board's next meeting on July 10th, and therefore she suggested a continuance to July 24th. Mr. Farkes noted they are on an aggressive time schedule from National Grid and requested a continuance to July 10th stating he felt they could resolve issues by then.

R. Nunnemacher of 24 Singletary Avenue, also a member of the Board of Assessors, asked the distance of the installation to the Town Line. The installation is about 50' from the town line which was located via the town line monuments. Mr. Nunnemacher noted this land is in chapter 61A classification and can take 3 months plus to withdraw. It was noted the applicant is aware of this and would suggest that full withdrawal from chapter 61A be a condition prior to clearing. Mr. Nunnemacher asked if this will be leased. It will be leased. What form of taxation? The proponent is open to either a PILOT agreement or personal property tax structure.

Motion: To continue the hearing until 7:05 P.M. On July 10th, R. Largess
2nd: W. Whitter

June 5, 2017

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Vote: 5-0-0

Motion: To adjourn, W. Whittier

2nd: R. Largess

Vote: 5-0-0

Adjourned 8:41 PM