

**Sutton Planning Board
Minutes
August 27, 2018**

Approved  _____

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

General Business

Minutes:

Motion: To approve the minutes of 7/30/18, W. Whittier
2nd: W. Baker
Vote: 4-0-1, M. Sanderson abstained as she wasn't present at this meeting

Motion: To approve the minutes of 8/13/18, W. Whittier
2nd: R. Largess Jr.
Vote: 5-0-0

Filings: The Board acknowledged the legal filing of the following applications:
25 Oakhurst Road – Phase 2 of the Sutton Solar LLC project
38 Horne Drive – Repetitive Petition – The applicant has changed their previous filing that was denied by the ZBA and seeks permission to go back before them
85 Gilmore Drive – Definitive Subdivision – Creating a private roadway for frontage of two buildable lots within South Sutton Commerce Park as discussed during the Primetals hearing.

Form A Plans: None

Covenant Release Bridle Path – The Board rescinded this approval at their last meeting and can now also release all surety related to the project.

Motion: To release the covenant for Bridle Path recorded at the Worcester District Registry of Deeds in Book 41619 Page 77, W. Whittier
2nd: R. Largess Jr.
Vote: 5-0-0

Correspondence/Other:

- J. Hager told the Board the Attorney General's Office has approved the zoning bylaw changes that went through Town Meeting in May of this year.
- J. Hager shared two hearing notices with the Board the first for a conversion of central business and professional districts in Oxford to Village Business Districts with design requirements similar to those enacted by Sutton last year for Sutton Center, and the second for cultivation of both medical and recreational marijuana on Latti Farm Road in Millbury.

Public Hearing (Cont.) – Primetals Manufacturing – 85 Gilmore Drive

The following people were present representing the applicant, King Rivera LLC:
Michael Dimenico, King Street Properties

Travis Brown, Andrews Survey & Engineering
Bill Wheeler, Director of Operations, Primetals

Michael Dimenico noted the major issue had been traffic concerns from the Town of Northbridge which have been reviewed and the Board is in receipt of correspondence that Northbridge's concerns have been satisfied.

Travis Brown of Andrews Survey & Engineering reviewed final plans and three remaining waiver requests.

IV.B.3 - The applicant requests a waiver to not construct 12.7 loading spaces required per the Bylaws as the 3 loading spaces proposed are adequate for the proposed manufacturing facility's needs.

Motion: To grant the waiver to allow 3 loading spaces as opposed to 12.7 having found testimony asserts this operation only requires this number of loading spaces, R. Largess Jr.

2nd: M. Sanderson

S. Paul noted loading spaces are a function of a specific businesses needs and Bill Wheeler of Primetals confirmed existing nearly identical operations only require this number of loading spaces. W. Whittier asked what would happen if a future business needed all 12-13 spaces? J Hager noted any future business would have to at least go through the Site Plan Waiver process and would have to address their parking and loading needs and provide what is necessary for the proper operation of their business. It was noted the building structure would allow more loading spaces if needed in the future.

Vote: 5-0-0

IV.C.4

The applicant requests a waiver to not show the metes and bounds of the proposed boundary lines. The Definitive Subdivision plans submitted in support of the proposed building project illustrates the identical boundary lines which are labeled with metes and bounds.

Motion: To grant the waiver to show any new metes and bounds not on this plan, but on the definitive plan that has already been submitted and is required for this project,
R. Largess Jr.

2nd: M. Sanderson

Vote: 5-0-0

IV.B.1

The applicant requests a waiver to allow the construction of parking spaces, maneuvering aisles, loading spaces, and driveways within the setbacks. Due to site constraints related to the 1:1 slope along the east side of the property and the wetland resource areas that exist on the west side of the property, the proposed building configuration results in parking, loading, and access within portions of the building setbacks. The intent of the bylaw is met by the existing vegetation between the site and Rt. 146 on the east, existing vegetation between the site and the remaining land on the north, and the existing and proposed landscaping between the site and the abutting NEDT Facility on the south.

Motion: To grant the waiver to allow parking and drives within setbacks as shown on the plans having found lot shape and topographical constraints require this and that the intent of the regulations has still been met via landscaping measures, R. Largess Jr.

2nd: M. Sanderson

W. Whittier confirmed there is a narrow island delineating between what will become the private way and the parking lot to the southeast of the building.

Vote: 5-0-0

Motion: To grant site plan approval for an 183,000 s.f. manufacturing facility with related design and office space based on record documents and plans dated 7/30/18 with the following conditions, R. Largess Jr.

Prior to Endorsement of Site Plans

1. Prior to endorsement all waivers and conditions of approval shall be listed on the plan set.

General Conditions:

1. Construction on the Site shall be limited to Monday through Friday, 7:00 a.m. to 5:00 p.m and Saturdays, 8:00 a.m. to 12:00 p.m., and shall exclude Sundays and all local, state and federally observed holidays.

2. 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.

3. The Board reserves the right to review and adjust lighting and require adjustments within a year of initial illumination if they find it to be a danger or nuisance.

4. The Board reserves the right to require mitigation for noise generated by operations on this site that is deemed a nuisance to abutters.

5. No exterior storage shall be allowed.

Prior to Commencement of Construction:

6. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities.

7. Prior to commencement of construction the applicant shall be granted a definitive subdivision approval for the private roadway that serves as frontage for this building lot.

8. Prior to commencement of construction a pre-construction meeting shall be held with the Planning Director and other Town staff as appropriate, the Town's consulting engineer, the applicant and/or his representative, the applicant's engineer, and the applicant's construction supervisor for this site. Minutes shall be drafted by the Town's consulting engineer and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.

9. Prior to commencement of construction the applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.

Prior to Issuance of Building or Sign Permits:

10. 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.

Prior to Issuance of Occupancy Permits:

11. Prior to issuance of a certificate of occupancy on any building, security systems and necessary communication amplifiers shall be installed as required by the Police and Fire Chiefs.

12. Prior to issuance of a certificate of occupancy, the Applicant shall submit to the Planning Board 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

13. Prior to issuance of occupancy on any structure a knox box with building access keys and/or codes, a building layout plan and emergency contact shall be installed at an exterior building location approved by the Fire Department.

14. All doors on structures within the project shall be identified with reflective numbers on both the interior and exterior of the door in a sequence (i.e. clockwise) acceptable to the Fire Department.

The overhead loading dock doors shall be similarly identified with a designation system acceptable to the Fire Chief. Doors leading to fire sprinkler rooms shall be labeled as such. All roof top air-handling units on all buildings shall be also identified inside and out in a manner similar to the door identifications. This numbering shall be reflected on the building layout plans in the Knox box.

15. Access ways to the roof shall be provided for each building and identified with yellow paint and reflective stripping for easy identification during power outages and under smoke conditions.

Site Maintenance

16. The Applicant shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased plantings unless it is winter or summer, in which case in the following planting season.

17. Inspection and maintenance of site drainage system and structures shall be performed in accordance with the recommended schedule but in no case less than once per year. A written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.

2nd: S. Paul
Vote: 5-0-0

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

Development Discussion – Solar – 161 Armsby Road

Bradley Parsons of All-Points Technology Corporation was present with a conceptual ground mounted 1.7 MW solar project for his client C-Tec Solar at 161 Armsby Road East of Route 146 adjacent to Unified (formerly Atlas Box). The site is approximately 12 acres located in the Business Highway District but adjacent to the Rural Residential District to the South. He noted he has an agreement with Unified that would allow access into this site over their entrance drive as well as necessary grading and storm-water management adjacent to their property lines.

Mr. Parsons noted the site sits substantially higher than the Unified site to the north and homes abutting the site along Route 146 to the west, but is only a little higher than homes abutting to the south and almost level with homes to the east. The existing vegetation is almost entirely white pine with little or no understory growth. He noted if he maintained the 100' buffer required to the residential zoning district line, not only would this push panels so far into the site that it would make the site nearly un-useable, but abutters would still see the panels due to the lack of understory growth. Instead he proposes 25' of untouched buffer and another 25' of new understory plantings with the panels located within 75' – 150' from property lines. He noted the definitions would imply that buffers and setbacks should remain untouched or be upgraded and he maintains this would be an upgrade that more effectively meets the screening purpose.

He came before the Board informally to see if the Board would be open to granting this waiver or if they maintain the strictest interpretation of the regulations that would require buffers/setbacks to remain untouched.

J. Hager noted this proposed installation is in the B-2 District and is an as of right permitted use at this location. Unless there is a life safety issue that can't be mitigated, the Board can't really deny this permit, only regulate/condition the proposal.

Robert Nunnemacher of 24 Singletary Avenue asked where the sites legal frontage lies. Mr. Parsons stated their frontage is on Armsby Road, but they will have access from the Unified driveway per the existing legal agreement. Mr. Nunnemacher questioned whether the Board could allow the application as the legal frontage lies in a different zoning district which doesn't allow this use. Mr. Parsons stated there is also a lot with a house to the west that is owned by this same owner providing frontage in the B-2 District off Route 146, but again they don't intend to use this for access. It was noted via the Doctrine of Merger the larger lot has merged with the house lot for zoning purposes. It was suggested the proponent needs to seek zoning land use counsel to discuss legal frontage and rights of alternate access. A common driveway maybe a viable option.

While the Chairman felt that the 100' buffer to the residential district should remain untouched, the majority of the Board felt changes could be made within the buffer and setbacks that would better meet the intent of the regulations, but the Board will rely heavily on the input of abutters and therefore suggested the proponents should next seek this input.

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

Adjourned 8:03 PM