

Sutton Planning Board
Minutes
September 22, 2008

Approved _____

Present: R. Largess, Chairman, S. Hughes, S. Paul, T. Connors, D. Moroney, W. Whittier
Staff: J. Hager, Planning Director, J. Howland, Graves Engineering, S. Baker, Maguire Group

General Business:

Sutton Park Easements/Basin Ownership – The Board discussed who will own and be responsible for drainage basins at South Sutton Commerce Park once the Town takes over the roadway within the Park. After discussion it was decided that, consistent with recent residential subdivisions, that the Park Association will own and maintain anything outside the public right of way. The Town will require a blanket easement for these facilities in case they need to maintain them, in which case they will bill the Park Association. The Town is not likely to take over the roadway until the Park Association is legally established.

Forest Edge Unit Size Adjustment – The Board discussed allowing Jon Bruce, owner of the Forest Edge Condominium project, to market a reduced sized unit along with his two larger units. The reduced sized unit would be approximately 1700 s.f. compared to the 2100 s.f. units currently on the site. The Board viewed architectural drawings of the smaller units.

Motion: To allow Jon Bruce to offer smaller sized units at Forest Edge, D. Moroney
2nd: T.Connors
Vote: 5-0-1, S. Paul abstains

Form A Plans - None.

Minutes

Motion: To approve the minutes of 9/8/08, S. Hughes
2nd: D. Moroney
Vote: 4-0-2, S. Paul and S. Hughes abstain as they were not present

Motion: To approve the minutes of 9/15/08, D. Moroney
2nd: S. Hughes
Vote: 5-0-1, S. Paul abstains as he was not present

Correspondence

Website - The Planning Director noted that the Town's new website will launch the first week of October. She reminded the Board to take a look at the draft site and let her know if they want anything added or adjusted.

Quest Racing – The Board reviewed a letter from Paul Tee of CRV Development stating Quest Racing has decided not to locate in their building on John Road. The Planning Director will attempt to speak with Quest to see why they chose not to come to Sutton.

Public Hearing - Repetitive Petition – Fox - 48 Griggs Road

The Chairman read the hearing notice as it appeared in The Chronicle.

The Planning Director explained that during this hearing the Planning Board is being asked to determine whether Mr. Fox, the petitioner, has made material and substantial changes to an application for variances that was previously denied by the Zoning Board of Appeals.

In effect the Planning Board serves the role of “gate keeper” via the provisions of G.L. C. 40A section. Their job is to make sure the application has changed enough to warrant a return to the Zoning Board, in order to not waste anyone’s time.

Attorney Brodeur was present representing Mr. Fox. He explained changes to the application and provided the Board with various plans showing the changes. The original application requested three setback variances and a fourth variance for 41% lot coverage, featuring a three car garage and a second story over the garage. The new application requests one setback variance and a 33% lot coverage variance, and a reduction to a two car garage with no second story. Reductions total 1,600 square feet.

The Board noted concerns from the Board of Health regarding the septic system. The Planning Director noted the hearing process requires commentary from the Board of Health, and the applicant has been made aware the Board of Health has concerns with their project. However, these particular concerns are not germane to the Planning Board’s decision on this application.

Motion: The Board finds that material and significant changes have been made to this application that will allow the petitioner to return to the Zoning Board of Appeals for further consideration,
D. Moroney
2nd: S. Hughes
Vote: 6-0-0

Motion: To close the public hearing, S. Hughes
2nd: D. Moroney
Vote: 6-0-0

Public Hearing (Cont.) – Hair Inc. – Boston Road

The Board reviewed a request to continue this hearing in order to allow more time to address review comments.

Motion: To continue this hearing to 10/06/08 at 8 PM, S. Hughes
2nd: W. Whittier
Vote: 6-0-0

(S. Hughes leaves the Board)

Public Hearing – Atlas Box – 221–225 Route 146

Brian Milisci and Bill Babin reviewed changes made to the plans since the last night of public hearing. The Conservation Commission has issued an Order for the project.

The Chief and members of the Fire Department Review Team were present to discuss their remaining concerns. The applicant will meet with the Planning Director and the Team on Thursday the 2nd to resolve these issues.

Having determined all issues were “on the table” the Board discussed closing the hearing. Once the hearing closes they will have 90 days to render a decision.

Motion: To close the hearing, W. Whittier
2nd: D. Moroney
Vote: 5-0-0

(S. Hughes returns to the Board)

Public Hearing(Cont.) – National Grid

The following people were present representing National Grid: Mark Anderson, Heritage Design Group, Jamie Veitch, National Grid, and Attorney Robert Longden, Bowditch & Dewey.

M. Anderson reviewed progress since the last night of public hearing. He noted that they have received Conservation Commission approval in both Northbridge and Sutton, and completed the Planning Board hearing in Northbridge. They also have confirmation from Whitinsville Water that their expansion can be fully serviced.

With members of the Fire Department Review Team present their concerns were discussed. Mr. Anderson noted they have flow and pressure data from the existing site that will be provided to the Fire Department. A sign will be installed now on the access road to Walmart, which will eventually provide access to this site. The Sutton Fire Chief is working with the Northbridge Fire Chief to establish a response protocol for this site as it straddles town lines. The applicant will meet with the Planning Director and the Team on Thursday the 7th to resolve remaining issues.

S. Baker from Maguire Group reviewed their minor remaining plan change issues.

Having determined all issues were “on the table” the Board discussed closing the hearing. Once the hearing closes they will have 90 days to render a decision.

Motion: To close the public hearing, D. Moroney
2nd: W. Whittier
Vote: 6-0-0

Cold Spring Brook Place Deliberation and Decision

The Board reviewed, adjusted, and added to proposed minimum conditions for approval for this project.

With members of the Fire Department Review Team present, the Board discussed any remaining concerns and various conditions. Ken Smith, Deputy Chief of the Fire Department, explained his desire for stand pipes inside man doors on larger buildings like Lowes. He explained that being able to hook a hose up just inside the building extends the hose lay inside these large buildings by as much as 50 feet, which can be critical to a fire fighting operation. Without the stand pipes the hose has to come from the fire truck or hydrant which can be as much as 50 feet or more away from the building.

Both Jeff Howland and Steve Baker reviewed the final plan set with the Planning Director to ensure changes previously requested had been made. With the exception of two detail sheets, the plans had been adjusted.

Motion: To Grant a Route 146 Overlay District Special Permit, a Groundwater Protection Special Permit and Site Plan Approval with the following conditions, having made findings and confirmed or granted waivers in public meetings, that the project as presented is consistent with these regulations, D. Moroney

1. Any material modifications to the Site Plan required by another permitting authority shall be submitted to the Planning Board for its review and action pursuant to Section IV.D.7 of the By-Law.
2. All conditions shall be added to the plans prior to endorsement.
3. Prior to commencement of construction on the site, the Applicant shall provide to the Planning Board a method to ensure that the open space to be set forth on the Site Plan shall remain open space.

4. Prior to commencement of construction there shall be a pre-construction meeting, that shall be attended at a minimum by the owner/applicant, site contractor, applicant's site engineer, water and sewer representatives, town's consulting engineer, Planning Department, Building Commissioner. Minutes will be distributed immediately thereafter and shall be acknowledged prior to commencement.
5. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities and shall be copied to the Sutton Planning Board. In regards to MassHighway, prior to commencement of construction on the site, the Section 61 Finding shall be signed by MassHighway and submitted to the Sutton Planning Board. Also, the 25% design plans will have been submitted to and a written review issued by MassHighway prior to commencement of construction on the site.
6. Construction on the Site shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m. and Saturday from 7:00 a.m. to noon and shall exclude all local, state and federally observed holidays.
7. Prior to issuance of a building permit for each of the Retail "A" and Retail "B" pad sites, they will each undergo the following approvals: Site Plan Review, Groundwater Protection, and Route 146 Overlay District Bylaw.
8. Prior to issuance of a 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 Route 146 Overlay District Bylaw criteria.
9. Following the implementation of the Project's planting plan, the applicant's landscape architect and a representative of the Planning Board shall review the plantings for the purpose of adding plants which may be reasonably necessary to complete the intended screening, including adjacent to land of Hastings.
10. Prior to issuance of a certificate of occupancy for the Project, all off-site improvements including roadway widening, as may be modified by the Massachusetts Highway Department, shall be substantially complete. Right-of-way adjustments must be complete within a year of occupancy.
11. Prior to issuance of a certificate of occupancy information on security systems shall be provided to the Police Department.
12. As soon as possible, but no later than prior to issuance of a certificate of occupancy for the Project, an Opticom Pre-emptor system shall be operational at the intersection of Route 146 and Boston Road.
13. Prior to issuance of a certificate of occupancy for the Project, the Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project's engineer that the Project has been constructed substantially in accordance with the Site Plan.
14. The applicant may prepare the entire site to grade. However, prior to issuance of a certificate of occupancy on any structure all building pads and related parking areas for which site plan approval has not been granted, a lease has not been signed, and that are not ready to commence construction within 6 months shall be loamed and seeded.
15. Temporary occupancy may be granted for a structure if the applicant secures uncompleted site work through a bond acceptable to the Planning Board.
16. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season. .
17. No sodium based de-icing agents shall be utilized on the site. Agents such as potassium chloride or calcium chloride are deemed acceptable for usage at the Site.
18. The owner of the site shall arrange for semi-annual inspections of the Site drainage and oil separation systems. Forty-eight hours notice shall be provided to the Planning Board prior to inspection. 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. The owner at its expense shall promptly implement any required correction actions.
19. The Fire Department reserves the right to require "Fire Department Connections" at both the front and rear of the proposed home improvement building.
20. The Fire Department will test for radio communications within each building once the building is weather tight, and the tenants will supplement equipment per Fire Department recommendations as reasonably necessary.
21. Snow will be removed, and kept clear, from around hydrants as well as removing snow and ice from walks and paths leading to access doors within two hours of the conclusion of snow/ice fall events.

22. Building construction, site construction and fire suppression systems will be designed in accordance with the applicable provisions of law, which may include, but is not limited to: M.G.L. c. 148 Section 26G, Conduct blasting 527 CMR 13.04(2) and 13.04(11), Cutting and/or welding 527 CMR 39.04, Dust explosion hazards (sawdust) 527 CMR 10.16, Installation of a fire protection system 527 CMR 10.03(15), Storage/use of flammable/combustible liquids 527 CMR 14.03, Storage/use of flammable gases 527CMR 14.03, Storage/use of propane 527 CMR 6.08, Rubbish containers 527 CMR 34.03, Combustible material storage 527 CMR 10.03(5), NFPA-13, 14, 20, 24, 25, & 72.
23. Any product to be stored at the rear of the building will be stored within the staging areas and arranged so as to maintain Fire Department access to the building for firefighting operations as well to prevent extension of fire from the stored products to the building. Combustibles can be no closer than 10' to the building wall.
24. All doors on all proposed building 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.
25. KNOX boxes for entry keys and facility plans shall be provided for all buildings. The Fire Department reserves the right to require additional KNOX boxes to be provided for the rear of the home improvement building. A legible reduced scale plan of the building and surrounding area shall be provided showing the building access doors, utility shut offs and where hazardous or flammable substances are located shall be provided to the Fire Department for review. Said plan shall be located in a secured box at all Fire Alarm Enunciator Panels. Up-to-date emergency contact information shall be provided to the Fire and Police prior to, during and after construction.
26. For all blasting operations, pre-blast surveys shall be performed to limits approved by the Fire Chief. All blasting, if allowed, shall be performed using perchlorate-free blasting agents. Blasting will be conducted in accordance with all applicable local and state regulations and will only be allowed during normal business hours (8am to 4pm, M-F) and only with prior notification to the Fire Department.
27. The air handling / air conditioning system be configured so that it can be manually operated to assist with smoke removal in the building. All rooftop and through the wall mounted air-handling units shall be also identified in a similar manner as the access doors with appropriately sized reflective lettering on both the interior and exterior.
28. 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.
29. The site address shall be identified at all entrances to the site during construction and permanently thereafter.
30. On the site in a clearly identified location, there shall be at least one (1) portable spill control center(s) that contain absorbent, spill pads, booms, catch basin covers, spill pools, barrels, etc. that would be used to control a release. The exact list of contents of the spill equipment will be provided by the Fire Department.
31. Prior to occupancy and beginning operations of any of the facilities located at this site, the respective owners shall provide up to 8 hours of orientation to Fire Department personnel of the building's orientation, operations, safety features, utility controls, etc. Said orientation shall be after hours during the Department's usual evening training sessions.
32. The Board reserves the right to review and adjust lighting within a year of installation and use if they find it to be a danger or unreasonable nuisance.
33. The Board reserves the right to review internal traffic patterns and drive thru window queuing, and require modifications if they find these elements to create a dangerous condition.
34. Prior to construction in the area along the Bowden lot lines, a representative of the Planning Board will meet on site with Mr. Bowden, the Town's consulting engineer, the site contractor and a representative of Cold Spring ownership to discuss grading in this area in an attempt to minimize impact on the root zones of trees along the property line on land of Bowden.
35. Post construction, if an issue develops with safety and delivery vehicles, truck delivery routes will be posted.
36. All emergency access gates with their KNOX locking systems, including the gates behind Lowes, will be kept in good working order at all times.

37. During water system installation, the owner and his contractor shall coordinate with the Fire Department and work to locate/adjust hydrants so they are sited in the most appropriate locations for fire protection.
38. The emergency access gates located between Lowe's and Waterview Commons will be slide gates with KNOX locking systems. When the Waterview parcel is developed, these gates will be electrified and controlled with an Opticom system or similar remote access system as approved by the Fire Department.
39. No underground storage tanks of any type shall be permitted on the site without the proper permitting, including but not limited to, Groundwater Protection Permitting.

2nd: T. Connors

Vote: 6-0-0

Public Hearing (Cont.) – Bylaw Changes

The Board discussed all articles tabled on the 8th:

Article 8 – Extending existing non-conforming use throughout a structure.

Motion: To recommend that Town Meeting approve this article, W. Whittier

2nd: T. Connors

Vote: 6-0-0

Article 12 – Remove kennels from Agriculture and place in Retail as a Special Permit.

Motion: To recommend that Town Meeting approve this article, S. Paul

2nd: W. Whittier

Vote: 6-0-0

Article 13 – Eliminate reference to commercial automobile garages as an allowed use.

Motion: To recommend that Town Meeting approve this article, S. Hughes

2nd: S. Paul

Vote: 6-0-0

Article 16 – Add commercial gas stations as separate use. Discussed and adjusted specific wording.

Motion: To recommend that Town Meeting approve this article as amended, D. Moroney

2nd: T. Connors

Vote: 6-0-0

Article 19 – Eliminate references to pavement edge for locating signs. Addressed Counsel's suggestions.

Motion: To recommend that Town Meeting approve this article as amended, S. Paul

2nd: S Hughes

Vote: 6-0-0

Article 22 – Clarify wording in CCRC bylaws. Addressed Counsel's suggestions.

Motion: To recommend that Town Meeting approve this article as amended, T. Connors

2nd: W. Whittier

Vote: 6-0-0

Article 23 – Clarify wording and add massing/design guidelines to CCRC bylaw. Addressed Counsel's suggestions.

Motion: To recommend that Town Meeting approve this article as amended, S. Hughes

2nd: S. Paul

Vote: 6-0-0

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Article 25 – Establish Expedited Permitting Process for Priority Development Sites (PDS) in accordance with G.L. c. 43D. Addressed Counsel’s suggestions.

Motion: To recommend that Town Meeting approve this article as amended, S. Hughes

2nd: W. Whittier

Vote: 6-0-0

Motion: To close the Public Hearing, S. Hughes

2nd: S. Paul

Vote: 6-0-0

Motion: To Adjourn, W. Whittier

2nd: S. Paul

Vote: 6-0-0

Adjourned 9:40 P.M.