

Sutton Planning Board

Minutes

October 6, 2008

Approved \_\_\_\_\_

Present: R. Largess, Chairman, S. Hughes, S. Paul, T. Connors, D. Moroney, W. Whittier  
Staff: J. Hager, Planning Director

**General Business:**

Filing – Scenic Roadway – LeBeau – 36 Boston Road – The Board acknowledged the legal filing of this scenic road request to remove a tree that obstructs vision when exiting the driveway at this location.

Form A Plans - None

Minutes

Motion: To approve the minutes of 9/22/08 as amended, D. Moroney  
2<sup>nd</sup>: S. Paul  
Vote: 5-0-0

(R. Largess arrives)

Correspondence - The Board reviewed a request for a zoning determination on whether they agreed that a septic cleaning business with trucks, equipment and items like portable restrooms would be considered a contractors yard. The majority of the Board agreed with the Building Commissioner that this would be considered a contractors yard and would be a permitted use in the Industrial District. As a new use, it would however, require a Site Plan Review hearing.

**Public Hearing (Cont.) – Dileo Gas – Providence Road**

The Board conducted deliberation regarding Dileo Gas. Dave Lavalley was present with the applicant, Paul Dileo, as well as the Fire Department Review Team in case the Board requested their input during deliberation.

The Board discussed, and requested input on, the water cannon system and hydrant locations. Concerns were expressed about making sure Millbury has input on this site as it abuts their town line.

The applicant's surveyor indicated the site is not in the flood plain. The applicant noted he drives the delivery vehicles himself. Mr. Dileo also indicated he would be willing to provide portable water cannons for both Millbury and Sutton if requested.

Motion: To approve the site plan for Dileo Gas on Providence Road with the following conditions, having found that with conditions, the project is consistent with the Site Plan review criteria of the Zoning Bylaw, S. Paul

1. Prior to commencement of construction, the applicant must receive all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, including Fire Department and State Fire Marshall approvals, and copy them to the Planning Department.
2. Prior to endorsement, the plans shall be adjusted and corrected information submitted to satisfy the remaining issues noted by Graves Engineering in their letter dated September 8, 2008.
3. Prior to endorsement, a letter shall be submitted from Wilkinsonville Water acknowledging that they have reviewed the water and fire suppression systems for the site and agree with their configuration, and that they can supply water for said systems.

4. Prior to endorsement, the security fencing shall be adjusted so that the largest vehicle to deliver to the site will be entirely on this property, not within the Providence Road right of way while the driver unlocks the fence.
5. Prior to endorsement all waivers and conditions of approval shall be listed on the plan set
6. Prior to commencement of endorsement, the applicant will satisfy the concerns of the Millbury and Sutton Fire Departments, and the State Fire Marshalls Office.
7. Prior to commencement of construction, the applicant shall provide a recorded plan showing the newly created lot for this project.
8. Prior to the commencement of construction the applicant shall attend a pre-construction meeting with the Planning Department and any department or staff that have inspection responsibilities relative to the site, as well as the site contractor and other personnel the applicant feels are appropriate.
9. Prior to commencement of use the applicant shall provide written certification from the project engineer that the site has been constructed in accordance with the approved site plan
10. Prior to commencement of use information on security systems shall be provided to the Police Department.
11. The Board will require an upgrade to the driveway surface if the proposed gravel driveway is not properly maintained in good repair and free of weeds/growth.

2<sup>nd</sup>: W. Whittier  
Vote: 6-0-0

(S. Hughes leaves the Board due to potential conflict)

### **Atlas Box – 221–225 Route 146 – Deliberation and Decision**

The Board conducted deliberation on Atlas Box. The applicant's engineer was present as well as the Fire Department Review Team in case the Board requested input during deliberations.

The Board discussed the water system at length and made revisions to conditions to satisfy concerns of the Fire department.

- Motion: To grant the Route 146 and Groundwater Special Permits and approve the Site Plan having found, with conditions listed below, that the project as presented complies with the criteria of these regulations: D. Moroney
1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, including and exemption or permit from the Earth Removal Board and a Section 61 Finding from MassHighway
  2. Prior to endorsement, a letter shall be submitted from Wilkinsonville Water District acknowledging that they have reviewed the water and fire suppression systems for the site and agree with their configuration, and that they can supply water for said systems.
  3. Prior to endorsement all waivers and conditions of approval shall be listed on the plan set.
  4. Prior to endorsement the applicant will make any plan revisions and submit any required information to satisfy remaining issues identified by Graves Engineering in their letter dated September 8, 2008 and The Planning Department dated August 28, 2008
  5. Prior to endorsement the water supply system outside the building shall be reconfigured and approved by the Fire Department
  6. Prior to commencement of construction, the applicant shall submit, and have approved, a Form A plan showing the merger of the subject lots
  7. Prior to commencement of construction copies of the all necessary recorded easements for construction on abutting parcels shall be provided to the Planning Department, as well as documentation that New England Power Company is in agreement with adjustments within their right of way
  8. Prior to the commencement of construction the applicant shall attend a pre-construction meeting with the Planning Department and any department or staff that have inspection responsibilities relative to the site, as well as the site contractor and other personnel the applicant feels are appropriate
  9. Prior to commencement of construction the applicant shall present a method to permanently protect the Open Space on said lot
  10. Prior to installation, signage shall be approved by the Planning Board
  11. Building construction, site construction, site operations, 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
12. Construction shall be limited to Monday through Friday 7 AM to 6 PM and Saturday 8 to noon, no local, state, or federal holidays
  13. 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
  14. Once the building is weather tight, the Fire Department will test for radio communications within each building and the tenants will supplement equipment per Fire Department recommendations as reasonably necessary
  15. Prior to occupancy, a "hazmat plan", if required, shall be approved by the Town of Sutton Fire Chief
  16. Prior to occupancy the applicant shall provide written certification from the project engineer that the site has been constructed in accordance with the approved site plan
  17. Prior to issuance of a certificate of occupancy information on security systems shall be provided to the Police Department
  18. 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
  19. 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.
  20. A standpipe shall be located, one per side, adjacent to a man door at locations mutually agreed upon by the applicant and the Fire Department.
  21. When the perimeter plantings are nearly completed, they shall be reviewed with a representative of the Town for the purpose of adding trees and plants which may be reasonably necessary to complete the intended screening
  22. 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
  23. KNOX boxes for entry keys and facility plans shall be provided for all buildings. 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
  24. 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
  25. The applicant will attempt to configure the air handling / air conditioning system so that it can be manually operated to assist with smoke removal in the building or provide another method to assist in clearing smoke from 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
  26. 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
  27. The site address shall be identified at all entrances to the site during construction and permanently thereafter
  28. 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
  29. The applicant shall regularly provide the Fire Department with an up to date MSDS sheet for all materials stored on the site including their locations and quantities.
  30. The applicant will ensure that all plantings are properly maintained including replacement of dead or diseased plantings in the next planting season, semi annual inspection will be allowed by the applicant by a qualified agent of the Town as determined by the Planning Board
  31. The site drainage and oil separation system shall be inspected semi-annually to determine, as a minimum, the depth of sedimentation in the sumps and the depth of the oil layer within the structures. If the inspections indicate corrective action is required, the Applicant shall immediately implement the required action. Notice of the inspection shall be provided to the Town's consulting engineer at least forty-eight (48) hours prior to the inspection. In addition, a written report of the inspection findings and any corrective actions taken shall be submitted to the Planning Board within fourteen (14) business days from the date of the inspection
  32. No vehicle repairs shall take place outside the building, other than minor emergency repairs

- 33. No vehicles shall be washed outside of the building
- 34. 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
- 35. 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

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

Vote: 5-0-0

Motion: To close the Public Hearing, D. Moroney

2<sup>nd</sup>: S. Paul

Vote: 5-0-0

(S. Hughes returns to the Board)

### **National Grid – Deliberation and Decision**

The Board conducted deliberation on National Grid. The applicant's engineer and attorney were present as well as the Fire Department Review Team in case the Board requested input during deliberations.

The Board discussed waivers that were requested and noted it was late in the process to be requesting action on waivers.

Motion: To grant a waiver from Section IV.P.4.a.3. to allow work on slopes over 15% with appropriate erosion control measures, having found as a former gravel pit that not working on slopes over 15%, particularly piles left from the former operation, is impossible, S. Paul

2<sup>nd</sup>: D. Moroney

Vote: 6-0-0

Motion: To grant waivers from various sections as follows: S. Hughes  
IV.P.4.b.1 - to allow use of land under power easements and in the setback as open space, having found there is an unusually high amount of easements on this lot and these areas as well as the setbacks will remain in an unaltered condition meeting the intent of open space.  
IV.P. 4.c.1.b, c., d., e., f. – to allow landscaping as shown, having found this site is not the typical site that the regulations were designed to address.  
IV.P.4.c.2.d. – to omit transit oriented facilities like bike racks, having found the site is not likely to utilize these facilities.  
IV.P.4.c.3.d.,e.,f.,g. – to allow parking arrangements as shown, having found the parking adequately addresses the unique uses and siting of this facility.

2<sup>nd</sup>: T. Connors

Vote: 6-0-0

As the representative from National Grid was unable to make it in from Syracuse, Attorney Beaton was unsure if National Grid would concur with all proposed conditions, therefore the Board tabled decision on the project until their next meeting.

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

The Board reviewed a request for continuance to complete response to review comments.

Motion: To continue the Public Hearing to 11/3/08 at 7:50 P.M., S. Hughes

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

Vote: 6-0-0

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Motion: To Adjourn, W. Whittier  
2<sup>nd</sup>: S. Paul  
Vote: 6-0-0

Adjourned 8:50 P.M.