

Sutton Planning Board
Minutes
March 26, 2012

Approved _____

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

General Business:

Motion: To approve the minutes of March 5, 2012 as corrected, D. Moroney
2nd: J. Anderson
Vote: 4-0-2, S.P. and W.W. abstain as they were not present

Form A Plans:

Beaton – Waters Road – Tabled to end of meeting

Rapp/Marois Marsh Road

Motion: To allow the Chairman to endorse the Form A plan for Rapp and Marois on Marsh Road showing the conveyance of a strip of land from Marois to Rapp (no new building lots) dated 3/26/12 with corrections to note #6 & 7, R. Largess
2nd: D. Moroney
Vote: 6-0-0

Forest Edge Surety – The Board reviewed a memo from the Planning Director dated March 23, 2012 and other support materials. The memo stated that although the Board voted and increase in the bonding amount for this project based on an updated construction estimate by Graves Engineering and grant a performance extension until May 1, 2012, Mr. Bruce never executed this amendment. Therefore, the current \$64,000 +/- bond, calculated by Maguire Group is insufficient and the performance deadlines for both phases of the project have expired. She also noted that the condition of the roadway is very bad and there is construction related equipment and materials scattered throughout the site.

Project proponent, Jon Bruce was present to address the concerns. He stated is totally committed to finishing the project, but like many others isn't able to do so in the current economic condition. He stated to further complicate things he has brought suit against the paving company for Phase I and can not do any work or obtain any additional financing until the suit is settled. He made limited comments regarding his beliefs about the condition of the base course of pavement and Maguire Groups inspections, then noted the trial has been scheduled for August with a mediation session in April. He noted he has been responsive to resident and Town concerns and will continue to be responsive. Mr. Bruce acknowledged he cannot get any building permits without the proper surety in place.

Attorney Michael O'Brien for the defendant in Mr. Bruce's law suit, noted there are two sides to every story disagreeing with several statements Mr. Bruce made. He added based on his experience he does not think trial will actually commence this year.

On a question from W. Whittier, J. Hager stated although it appears both Mr. Bruce and the Bank violated the terms of the lenders agreement by not reporting changes in the status of funds being held, both parties executed this contract and she is fairly certain the bond is still enforceable. The problem is if the Board pulls the bond it won't provide enough money to get much anything done. She stated Mr.

Bruce should post an adequate bond for phase I, based on the Graves estimate. If he wants to have just a covenant in place for phase II, as no units are being transferred in this phase that is fine as long as the Phase I bond is increased to include a turn around after the last unit in Phase I and funds for grading and proper stabilization with loam and seed of phase II. Mr. Bruce stated he cannot post this bond at this time.

Several residents were present. Mr. Ed Roche of 140 Ariel Drive agreed Mr. Bruce has been very responsive, but residents would appreciate the site being cleaned up and Mr. Bruce completing as many bonded items as possible like stop signs, etc. Jon Bruce agreed he would show his commitment by cleaning up the site and trying to get some smaller items completed.

Jeff Walsh of Graves Engineering noted that his estimate from 2010 was based on what he could visually observe and that he did not test base thickness or other similar items.

Ross Express – Diesel skid tanks – This potential addition was withdrawn.

Commerce Park Bond Release – J. Hager noted as the Town has accepted Gilmore Drive in South Sutton Commerce Park and as all deeds have been recorded, it is appropriate for the Board to complete release of all bonding for the project.

Motion: To release the bonds for Phases I –III of South Sutton Commerce Park, R. Largess
2nd: D. Moroney
Vote: 6-0-0

Correspondence/Other:

Town Counsel Guidance – J. Hager noted two memorandums to clients from Town Counsel with general guidance on solar installations and telecommunications.

Public Hearing (Cont.) – New Village at Steven’s Pond

Norman Gamache of Guerriere & Halnon was present to discuss revised plans for New Village at Steven’s Pond. He reviewed changes made to the plans.

Jeff Walsh of Graves Engineering was present and noted all but a few very minor issues have been dealt with. He briefly discussed a recommendation that a centerline be painted on the beginning of Reservoir Ave. to keep vehicles exiting to the right both for safety reasons and to direct them over the loop detectors for the lights so the lights are activated to allow cars to leave Reservoir.

With no new departmental comments and no members of the public present with new comments, the Board began review of waiver requests for the project.

4.A.2.F.- Centerline radius reduced from 270’ to 235’ - J. Walsh stated he had no issues with this waiver. W. Whittier interjected and noted he still had concerns with dead end road length and if the Board can’t approve this waiver there’s no sense of considering others

W. Whittier expressed concerns with dead end road length, noting despite the looped road in the middle of the project, there is still only one way in and out of the project. The Planning Director noted that dead end road length is measured from the center line of the street the dead end road intersects with to the back of the curb of the cul-de-sac at the end of the dead end road. In this case the dead end road length would be measured from the centerline of Manchaug Road to the point on Reservoir Avenue

extension where the road splits and goes in two directions, which is approximately 716'. Then dead end road length would again be measured from the point the next cul-de-sac portion of this roadway begins, where Ivory Terrace splits off, to the curb at the back of this cul-de-sac which is 500'. The paved 18' emergency access section of roadway completes a full loop that makes the roadway comprised of Steven's Pond Road and Ivory Terrace a continuous loop, not dead end.

N. Gamache noted the development team has been working with the Town and the Board for years on this project. Prior to starting the last round of detailed engineering the plan was brought to the Board and it was the understanding that with the addition of the paved emergency access road to complete the loop road that the Board was basically comfortable with the remaining dead end road lengths. The team proceeded based on this input. The existing road has been extended by only approximately 160'.

W. Whittier stressed that the addition of 42 families to the narrow Reservoir Ave. makes a bad situation worse. N. Gamache noted that resident of reservoir stated in previous meetings that they did not want Reservoir widened as it just increases speed. He stressed he also met with department heads several times before the plan was submitted which resulted in the addition of the traffic light to address their safety concerns.

Motion: To approve the waiver from 4.A.5.a dead end road length, D. Moroney
2nd: W. Whittier (for discussion)

T. Connors felt that the addition of 42 homes creates additional safety issue and congestion.

J. Anderson felt this isn't consistent with past Board actions.

R. Largess said if the safety department heads feel this is safe he is too and the lights clearly make this a better situation.

S. Paul agreed this is a substantial improvement to the area despite the additional homes. He noted he felt the 500' length was left at 500' noting the Board retains the ability to waive this requirement when appropriate. He feels the completion of the loop and the addition of the lights allows the waiver in this specific case.

W. Whittier noted the Highway Superintendents comments on other projects about how there is nothing worse than a dead end roadway. The Town's part of this project is a longer dead end roadway and there is no resolution about where the Highway Department will turn around.

T. Connor felt if you are going to waive the dead end road length it should not be for a project that loads a road with this many more homes.

Vote: 3-3-0 – W. Whittier, J. Anderson and T. Connors opposed – motion fails.

N. Gamache requested a continuance to seek more specific input from the safety department heads relative to the road length and configurations. He will also ask about road widths and geometry.

Motion: To continue the public hearing to April 2 at 7:15 PM, D. Moroney
2nd: T. Connors
Vote: 6-0-0

Public Hearing (Cont.) – West Side Connector Road

Norman Gamache of Guerriere & Halnon reviewed minor changes including the addition of a turn around at the town line for maintenance vehicles. The plans have been approved by both the Town of Douglas and the Town of Northbridge.

The Board reviewed requested waivers:

Motion: To grant the waiver from section 2.C. – Filing fees, noting that as this is a Town project, it makes little sense to take fees from town accounts just to deposit them back in town accounts, R. Largess

2nd: D. Moroney

Vote: 6-0-0

Motion: To grant the waiver from section 3.c.1.e. – More Filing fees, noting that as this is a Town project, it makes little sense to take fees from town accounts just to deposit them back in town accounts, R. Largess

2nd: D. Moroney

Vote: 6-0-0

Motion: To grant the waiver from section 3.c.1.f. – Scale of the Index Sheet, noting that as this is a 385 acre project, the index sheet needs to be at a reduced scale in order to see the entire project, D. Moroney

2nd: R. Largess

Vote: 6-0-0

Motion: To grant the waiver from section 3.c.1.h. – Sketch Plan for Future Streets, noting that as significant work will be required to make the lots in this project developable, it is impossible to know at this time if there will be any addition roadways created off this main roadway, R. Largess

2nd: W. Whittier

Vote: 6-0-0

Motion: To grant the waiver from section 4.A.2.i.. – Cross sections at 8'+ cuts, noting a significant area adjacent to the roadway will require large cuts which are all shown on the plans. AS above significant work will be required to make the area of the lots developable outside the ROW and it is impossible to speculate what the final cross sections will look like approaching the ROW, other than that they will be reasonable for ease of development, R. Largess

2nd: T. Connors

Vote: 6-0-0

Motion: To grant the waiver from section 4.B.2.h. – Fencing around Detention Basin, noting that this is an industrial subdivision and the basins are much shallower than those in Commerce Park and therefore there is no real need for fencing, R. Largess

N. Gamache interjected that because of the elevation of the water table and the soils, these basins are unlikely to hold water regardless.

2nd: T. Connors

Vote: 6-0-0

Motion: To grant the waiver from section 5.K. – Slopes greater than 3:1, noting that in three different areas due to site constraints it is impossible to create a 3:1 slope and in these areas 18" deep rip rap stabilization is proposed R. Largess

2nd: T. Connors

Vote: 6-0-0

J. Anderson noted the Historic Commission wanted to make sure people were educated that the barn that is slated to be removed for construction of the roadway was built in 1852 and was originally a sleigh building/painting shop. Mark Bedoin of 1 Lackey Dam Road noted the barn is very old and was also used for an upholstery shop and a turkey farm for a while and isn't in great shape. However if someone wanted to move the barn or use the boards she would be open to that.

- Motion: To approve the definitive subdivision for the West Side Connector Road dated 3/22/12 with the following conditions: R. Largess
1. Approval of all other local, state and federal agencies, boards, commissions and departments, particularly Sutton Conservation, Sutton Earth Removal Board, Whitinsville Water District, MEPA and Mass Historic.
 2. Prior to endorsement of the definitive plans, guardrail locations shall be shown at all locations determined necessary by the Highway Superintendent.
 3. An electronic file of the roadway and parcel lines shall be provided to the Assessor's Office in a form determined by them.
 4. A water interconnection with the Town of Douglas shall be established for emergency purposes only.
 5. Prior to construction there shall be a pre-construction meeting with the Town's consulting engineer and other appropriate town officials as well as the applicant, his engineer and his contractor. Construction shall not commence until the minutes of the meeting have been received and acknowledged by all in attendance;
 6. Hours of construction operation are limited to Monday through Friday from 7AM to 5PM and Saturday from 8AM to 12PM. Work may not take place on Sundays and legal holidays;
 7. Prior to commencement of construction, soil testing must be done at all basin locations.
 8. Prior to roadway construction, all storm water facilities must be in place, stabilized and inspected and approved by the Town's consulting engineer.
- 2nd: T. Connors
Vote: 6-0-0

Public Meeting (Cont.) –191 Hartness Road

The Board reviewed a list of dead end road lengths provided by the Planning Director.

Project proponent Jim Ray reviewed the timeline for the project since its submittal, noting it has been six months since the project was submitted. He noted many adjustments have been made and that now the road is about 700' to the front of the cul-de-sac where the roadway splits and goes both directions around the cul-de-sac. He noted the 500' dead end restriction appears to be arbitrary and in the only objection he heard to an extension of length, Mr. Nunnemacher stated it should not be extended because the Board could not go backward and once you go to 900' people will ask for 1,200 and 1,500. He did not have any argument based on safety. Mr. Nunnemacher also highlighted the Board's ability to waive the length requirement on a case by case basis when it makes sense. He stressed he believes his project is a case where it makes sense. He is proposing only 7 lots on 14 acres and lot is funnel shaped so it is impossible to make economical use of it with a 500' cul-de-sac

- Motion: To approve the preliminary subdivision plan for 191 Hartness Road without a boulevard design, R. Largess
- 2nd: D. Moroney
- S. Paul reiterated the Board cannot consider the economics of a proposal, they must weight each proposal based on its compliance with the regulations and input from Town Departments relative to bylaw issues including safety.

J. Anderson stressed that his objection is also about more than safety. He noted the recent Master Plan survey indicates that residents value the rural, slow growth pattern Sutton has and that he additionally sees the 500' restriction as a reflection of the desire for less intense development. N. Hill stated that this type of restriction can backfire on the rate of development by forcing land owners to pursue more intense 40B developments. J. Hager noted water and sewer would likely be necessary for a 40B development.

Vote: 2-4-0, J. Anderson, T. Connors, W. Whittier and D. Moroney opposed – Motion Fails

Motion: To disapprove the preliminary subdivision plan for 191 Hartness Road as the plan does not comply with the dead end road length in section 4.A.5.a. as the Board does not see any factors that warrant an extension beyond 500'. No determinations have been made with respect to compliance with other regulation requirements not shown on this preliminary plan, D. Moroney

2nd: T. Connors

There was discussion regarding how to measure the actual length of a dead end road per the bylaw. R. Largess noted with the adjustments they've made and the addition of the cistern, if the safety departments are okay with the design, he is too.

Jim Ray asked if the wetlands on the lot might be a factor which influences the Board allowing an extension beyond 500'. J. Hager noted this is within the Board's discretion.

Vote: 4-2-0, R. Largess and S. Paul opposed

Beaton Form A – Waters Road – The Board discussed a proposed Form A plan for a lot prior to the last home on Waters Road. Creation of this lot would bump out the frontage on the existing home another approximately 30' along the private portion of the Waters Road layout which is still paved. The majority of the Board felt there would be no issue approving this potential filing as the proposed frontage still appears to be safe and adequate.

Motion: To Adjourn, T. Connors

2nd: D. Moroney

Vote: 6-0-0

Adjourned 9:36 PM