

Sutton Planning Board
Minutes
December 17, 2012

Approved _____

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

General Business:

Motion: To approve the minutes of 12/3/12 as corrected, D. Moroney
2nd: R. Largess
Vote: 4-0-1, T. Connors abstains as he was not present at this meeting

Form A Plans: None.

Correspondence/Other: None

530 Central Turnpike – common drive: Mr. Heney was not present at the Board meeting

J. Hager noted that pavement was removed and fill has been brought into the site, but it is not quite up to the level on the grade stakes. The main concern is that the drain pipes aren't in and there is not level area or swale where flow can collect to the east of the driveway so flow is sheeting across the drive. Mr. Murphy the resident off the common driveway noted that he thinks the water is coming up through the road base, but regardless, due to this flow, the new fill is very muddy and where the common drive meets his private drive there is a depression that is possibly in worse shape than prior. He also stated the contractor said the fill is crushed concrete from recycled buildings, not road gravel. There is still equipment on the site, but the contractor hasn't been there in a few days.

Chairman W. Whittier stated he had been contacted by the Building Commissioner who asked if he would waive the pavement requirement until spring to see if the everything performs as designed. He told the Building Commissioner he could not waive this requirement on his own, the Board would have to consider the question. In response to a question, J. Hager confirmed she has discussed the Building Inspector's reluctance to levy the fines requested by the Board and it is her understanding the Town Administrator and Building Commissioner have discussed the situation.

S. Paul said it unfortunately is not a big surprise that this still is not complete. It was noted the question of paving may be mute as the pavement plants may be closed by now, but also because this question should not be entertained unless the rest of the work has been completed in accordance with the plans, which is not the case.

The Board asked the Planning Director to re-assert their requests for fines for everyday the contactor isn't on site and to make it clear to both the Building Commissioner and Mr. Heney, in writing that the work must be done in accordance with the plans and the design engineer will need to be able to state the drive has been constructed substantially in accordance with the plans for the Planning Board to sign off on any future permitting. The Board asked Mr. Smith be copied on all correspondence.

The matter will be scheduled for the next Board meeting for an update.

Public Hearing(cont.) – Aggregate Earth Removal Permits

Steve Landry of Aggregate Industries and Dave Lavallee of Andrews Survey & Engineering were present with updated plans and a response to comments memo.

Mr. Lavallee explained there are three Aggregate permits as these were the three earth removal operations in this area from the beginning of operations in Sutton (previously owned and operated by different entities). When Aggregate took over the operations, the reference names were maintained to provide a sense of continuity and so there would be a clear and continuous record moving forward.

J. Hager noted an outstanding issue is groundwater monitoring which hasn't been done since 2009. Mr. Lavallee has asserted no excavation has taken place since then and that no excavation is currently proposed, only removal of materials that have been stockpiled on the site.

While discussing potential conditions, Mr. Lavallee stated the wash ponds on the site were determined in the past NOT to be statutory wetlands. There are also no riverfront buffers on the Aggregate parcels. He added that one area of the site under the power lines is relatively steep and has erosion issues, which they will work to re-vegetate in the spring.

Motion: To grant the earth removal permits for Aggregate Industries three work areas, Duzak, T&T and BNT, with the following conditions: R. Largess

General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith, will result in a Cease and Desist Order, and fines.
2. Approval/Permitting/Special Requirements of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

Special (or site/operation specific) Conditions:

1. Maintain current bonding in the amount of \$1,565,000 (covers all permits for Aggregate Industries) for the permit period of January 1, 2013 to December 31, 2013.
2. Maintain a 200-foot buffer along all residential areas and along Dudley Rd.
3. Current ground water readings must be performed prior to resumption of work on the site in 2013 and in no case later than April 30, 2013 at wells adjacent to active work area(s) defined on the plans. The Planning Board's Agent must observe site readings.
4. Maintain 4 foot metal stakes with red flags every 50 feet more or less apart on the property boundaries between the above listed parcels and those properties owned by the Wilkinsonville Water District.

2nd: D. Moroney
Vote: 5-0-0

Motion: To close the public hearing, D. Moroney
2nd: S. Paul
Vote: 5-0-0

Motion: To adjourn, D. Moroney
2nd: R. Largess
Vote: 4-0-0

Adjourned 7:45 PM