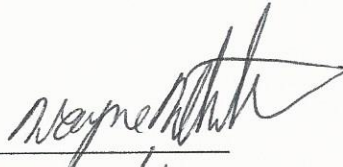


Sutton Planning Board
Minutes
June 3, 2013

Approved


7/1/13

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

General Business:

Motion: To approve the minutes of 5/13/13, R. Largess
2nd: S. Paul
Vote: 5-0-0

Form A Plans: None

Correspondence/Other:

Land Use Law Update – The Planning Director reviewed the quarterly land use law update from Barbara St. Andre of Petrini Associates.

Common Drive, 538 Central Pike - The Board asked for an update on the common drive at 538 Central Pike. The Planning Director stated she spoke with Scott Medeiros who is Dan Heney's engineer. He said they were trying to get an informal meeting with a Conservation member on site to discuss a minor amendment to the plan to install an additional small pipe at the beginning of the driveway to handle a small amount of flow that caused icing at this location over the winter. They are trying to avoid a full blown new Notice of Intent process. The Board stressed they want to make sure this driveway is complete well before winter this year.

Public Hearing (Cont.) - Lavallee Accessory Apartment – 16 Mumford Road

The Applicant requested a continuance of the hearing to finish converting the main dwelling at this location back into a single family home. The Board noted the Building Commissioner and Assessors will need to confirm the dwelling is officially on record as single family in order to allow the accessory apartment permit to be granted.

Motion: To continue the hearing to 6/17 at 7:10 P.M., S. Paul
2nd: J. Anderson
Vote: 5-0-0

Public Hearing (Cont.) – Pleasant Valley Crossing – 171 Worcester Providence Turnpike

Pat Doherty of Midpoint Engineering, Eric Bazette of Heritage Design, and Bill Scully of Green International updated the Board on adjustments to the on and off site plans consistent with commentary received.

S. Paul asked for clarification on the location of the pylon sign on Route 146. Pat Doherty noted the pylon sign will be moved from the small island in between entrance and exit lanes to the landscaped area just north of the exit drive, positioned back so as not to impede visibility for drivers.

Marc Bowden, abutting land owner, expressed concerns with erosion control measures related to proposed roadway work along Boston Road being shown on his property where there is no agreement for use of this area.

Todd Lornell of 31 Douglas Road expressed concerns with the traffic studies assumptions of where traffic would be coming from and going to (origin and destination study), which he did not feel was correct.

Martin Bowden, owner of 11 Pleasant Valley, had questions and concerns related to traffic from the Bank of America property.

Marc Bowden stressed their site on Pleasant Valley Road has historically maintained three access points. He was concerned that if they lose access, their property will be less valuable. The Chairman noted that access to Pleasant Valley Road has nothing to do with the project before the Board. He stressed the Board will be happy to speak with Mr. Bowden about his concerns after the Board finishes with their business. He requested Mr. Bowden hold his commentary and allow the applicants form PV Crossing to finish their presentation and fielding of questions without interruption.

J. Walsh from Graves Engineering, the Town's consulting engineer, updated the Board on his review of revised plans and documents.

S. Paul asked about the zone 2 groundwater protection area and how this is being dealt with in relation to this project. J. Hager noted this extensive zone of contribution to the two public water supply well heads in this area, requires special regulation to ensure that flow entering the stormwater systems throughout this area do not contain contaminants that will harm the viability of the well heads for which the zone 2 has been established. In addition to well head concerns, drainage from this site ultimately ends up in Cold Spring Brook which is a cold water fishery, therefore requiring even more care and mitigation. P. Doherty noted protection of the well heads and Cold Spring Brook has been dealt with extensively through the Notice of Intent process with the Conservation Commission.

With all issues thoroughly discussed and a draft set of minimum conditions to consider during action on the project in hand, the Board began deliberation on the requested permits.

Bank drive through window special permit:

The Board reviewed the five general special permit criteria in the bylaw and found the project to be in compliance with this criteria.

Motion: To grant the Special Permit for a drive thru window at the proposed Unibank at 171 Worcester Providence Turnpike conditioned on Receipt of required approvals from all other local, state and federal boards, committees, commissions and departments, S. Paul

2nd: R. Largess

Vote: 5-0-0

Groundwater Protection Special Permit:

It was noted an operations and maintenance plan for the site has been submitted that helps ensure proper maintenance of catch basins and stormwater systems that feed into the zone 2. This plan will be enforced by the Conservation Commission. P. Doherty noted his surprise at the extreme level of maintenance the Commission is requiring but noted his client intends to comply.

T. Connors expressed concerns with being unsure about the phase 2 use and granting this permit before the Board knows what potential impact this use may have on groundwater. The Board reviewed and proposed conditions that deal with permitting on uses that aren't known yet to mitigate these concerns. #13 was revised to include reference to the Groundwater Protection Bylaw as follows:

Prior to issuance of a building permit for the Home Improvement Store, the Applicant shall submit to the Planning Board detailed plans of the proposed building. The Planning Board shall review and act on such plans for consistency with the Site Plan Approval criteria, Groundwater Protection Bylaw criteria, and the Route 146 Overlay District Bylaw criteria.

Motion: To grant the Groundwater Special Permit for Pleasant Valley Crossing per the plans dated through 5/28/13 subject to the condition that All applicable state and local regulation must be applied as well as conditions 2,8,9,10,11,12,13(as revised),20-22,
S. Paul
2nd: R. Largess
Vote: 5-0-0

Route 146 Overlay District Bylaw:

Motion: To grant the Route 146 Overlay District Special Permit for Pleasant Valley Crossing per the plans dated through 5/28/13 subject to conditions 2,4-6,9,14,15,18,20, R. Largess
2nd: S. Paul
S. Paul asked what the Town could do if an issue arose with traffic in the future? P. Doherty noted MassDOT will issue a Section 60 Finding that requires monitoring for future issues over time and mitigation. The proponent expects an initial surge when the site first opens with decrease and stabilization over time. They are committed to hiring officers if necessary while they solve any issues that may arise, although they are confident there will be no long term issues.
Vote: 5-0-0

Site Plan Review:

The Board discussed traffic in more detail. P. Doherty explained the MEPA process. He noted via this process the proponent will likely be required to conduct traffic monitoring for a period of 5-8 years. He added while Boston Road between the light and just beyond their proposed entrance is not all state roadway, because of changes in the geometry at the light and their intersection project, this stretch of Boston Road as well as Pleasant Valley Road are now at least partially MADOT responsibility to monitor. T. Connors had continued concerns about a lack of on-site parking negatively effecting traffic on and of the site. P. Doherty stressed the differences between this site and Shoppes at Blackstone and Market Basket in Oxford. The Board discussed what is reasonable for a traffic monitoring schedule. J. Anderson stated he wanted an immediately reactive process. If an issue arises the Town can immediately call the proponent and they will start working on a solution, not wait for a monitoring period. #23 and #24 were revised to address monitoring and mitigation as follows:

23. The applicant will continue to work with the Town and MassDOT post construction to monitor the intersection of Boston Road and PV Road and if the parties determine traffic generated by this project requires further mitigation at this intersection, the applicant agrees to abide by this decision and provide further mitigation. Monitoring shall occur at three (3) months and at one (1) year after the grocery store opens, and at three (3) months and at one (1) year after the home improvement store opens. Said monitoring shall be conducted for a three (3) day period, Thursday through Saturday, once in the spring and once in the fall, specific dates to be mutually agreed upon by the applicant and the Planning Board.

24. *Traffic flows entering and exiting the facility must be managed. If ongoing issues arise, the applicant must implement additional mitigation to alleviate these issues.*

Motion: To approve the Site Plans for Pleasant Valley Crossing dated through 5/28/13 with condition #1-25 (13, 23 & 24 as revised and 26 omitted), R. Largess

2nd: S. Paul

Vote: 5-0-0

Motion: To close the public hearing for Pleasant Valley Crossing, R. Largess

2nd: J. Anderson

Vote: 5-0-0

The Board discussed Mrs. Bowden's concerns with access to their property at 11 Pleasant Valley Road. J. Hager noted although the State intended to take ownership of Pleasant Valley Road if the grade separated interchange is constructed, with the current round of proposed upgrades, Pleasant valley Road will remain a Town Road and access will be controlled by the Town. For this reason, other than access at the Northeast corner of Pleasant Valley Road and Boston Road which is not safe for regular use, the other two access points on this property can continue to be utilized. The Planning Director suggested formalizing the curb cuts through the Highway Department if the Bowden's need more assurance. A temporary construction easement is shown in the area where erosion control is shown on the off site roadway plans, any compensation for this temporary use needs to be negotiated by the Bowden's with the Right of Way Division of MassDOT.

Motion: To adjourn, R. Largess

2nd: J. Anderson

Vote: 5-0-0

Adjourned 10:15 PM

6/3/13 gth

Prior to Endorsement of the Site Plan:

1. The off-site roadway improvement plans and all architectural plans shall be formatted to match and be included as part of the final plan set with signature lines for the Planning Board.

General Conditions:

2. Any substantial modification to the Site Plan made by the applicant and/or required by another permitting authority shall cause the plan to be re-submitted to the Planning Board for its review and action pursuant to Section IV.C.7 of the By-Law. Modifications judged by the Board to be unsubstantial may be acted upon in an open meeting without a public hearing process.
3. Construction on the Site shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m and Saturdays, 8:00 a.m. to 12:00 p.m., and shall exclude all local, state and federally observed holidays.
4. The applicant may prepare the entire site to grade but must loam and seed all building pads and parking areas not to be constructed within 6 months.
5. 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.
6. The Board reserves the right to review and adjust lighting within a year of initial illumination if they find it to be a danger or nuisance.
7. Opticom shall be installed on any traffic signals installed relative to this project.

Prior to Commencement of Construction:

8. Prior to commencement of construction the applicant will provide final detailed off site roadway construction plans for review and approval by the Town. The detailed off-site roadway plans shall be prepared substantially in accordance with the off-site plans dated May 29, 2013 as prepared by MidPoint Engineering & Consulting and Green International Affiliates, Inc. and as coordinated with MADOT relative to MADOT's Route 146/Boston Road improvements. The off-site plans shall clearly delineate the work to be performed by the applicant and the work to be performed by MADOT. The plans shall show all necessary information, details, etc. sufficient for a contractor to construct said improvements.
9. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities.
10. 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, the applicants construction supervisor for this site, and a representative from MADOT (if possible). Minutes shall be drafted by the Town and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.

11. Prior to commencement of construction on the site, the Applicant shall provide to the Planning Board a method to ensure that the open space shown on the Site Plan shall remain open space.
12. Final hydrant locations shall be reviewed and approved by the Sutton Fire Department prior to installation.

Prior to Issuance of Building Permits:

13. Prior to issuance of a building permit for the Home Improvement Store, the Applicant shall submit to the Planning Board detailed plans of the proposed building. The Planning Board shall review and act on such plans for consistency with the Site Plan Approval criteria and the Route 146 Overlay District Bylaw criteria.
14. 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:

15. Prior to issuance of a certificate of occupancy on any building, any areas of the site that will not be constructed within 6 months shall be loamed and seeded.
16. Prior to issuance of a certificate of occupancy on any building, all off-site improvements shall be substantially complete as determined by the Planning Board.
17. Prior to issuance of a certificate of occupancy on any building, security systems and bi-directional amplifiers shall be installed per the Police Chief's review memo of 2/24/13 and Fire Chief's memo of 1/17/13. The security systems shall include cameras at store entrances/exits as well as cameras at entrance and exits to the development as approved by the Police Chief.
18. Prior to issuance of a certificate of occupancy for the bank, the central gathering area shall be completed.
19. Prior to issuance of a certificate of occupancy on any building, the Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project's engineer that this area of the site and all infrastructure to serve this area of the site has been constructed substantially in accordance with the Site Plan. Prior to issuance of the certificate of occupancy for the last building on the site, the Project's engineer shall submit 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

Site Maintenance

20. The Applicant shall ensure proper maintenance of plantings on the site, including replacement of dead or diseased plantings in the following planting season.
21. 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.
22. The owner of the Site shall arrange for semi-annual inspections of the Site drainage and oil separation systems. 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.

Off-site safety:

23. The applicant will continue to work with the Town and MassDOT post construction to monitor the intersection of Boston Road and PV Road and if the parties determine traffic generated by this project requires further mitigation at this intersection, the applicant agrees to abide by this decision and provide further mitigation. OR The Section 61 Finding from MADOT will reference the applicant's responsibility to monitor the intersection of Boston Road and Pleasant Valley Road and will acknowledge their responsibility to mitigate, through installation of a signal or other recommended measures, unacceptable level of service and/or safety issues that arise as a consequence of their project.
24. Traffic flows entering and exiting the facility must be managed without the use of police details or additional manpower. If ongoing issues arise, the applicant must implement additional mitigation to alleviate these issues.
25. The applicant will make every effort to coordinate off site work with MADOT so that affected local roadways are impacted once and for the shortest period of time.
26. **Mitigation for increased police and fire usage? New cruiser and/or cost of officer/fire fighter/ fire inspector every three years? The Board needs to decide, per the recommendation of the Police and Fire Chiefs, if the impact of the project calls for additional resources above and beyond those that can be provided via the tax dollars generated by this facility.**