

Sutton Planning Board  
Minutes  
February 24, 2014

Approved \_\_\_\_\_

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

**General Business:**

J. Hager noted a Sutton Eagle Scout candidate, Derek Wood, who had done some very good work at Tri-Centennial Park, was observing the Board's meeting as "government in action" this evening.

Minutes:

Motion: To approve the minutes of 2/10/14, R. Largess

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

Vote: 3-0-2, M. Sanderson and J. Anderson abstain as they were not present at this meeting.

**Surety Extension - Villas at Pleasant Valley:**

J. Hager gave an explanation of the surety process that is meant to secure the construction of water, sewer, roadways, and any other infrastructure for a project. There are various forms of surety in place at the Villas. Phase 3 off Armsby Road is secured with a covenant that simply states the developer won't transfer any units until they finish the infrastructure. The Board pulled bonds for Phase 1 when Jon Leclair defaulted and is nearly complete with all remaining work on this phase. Phase 2 is secured in part by a lenders, or tri-party agreement between the Town, John Burns and Middlesex Savings, and in part by a cash deposit in the Town's name with reference to the project. A surety agreement with a date by which infrastructure must be completed is or goes along with any method of surety provided. The performance dates for the cash and lenders agreements for Phase 2 expire this month. Jon Burns requested a three year extension of the performance deadlines noting he will not finish top course until nearly all remaining units are built out.

Motion: To grant a three year extension for the cash bond and lenders agreements to March 1, 2017, R. Largess

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

Vote: 5-0-0

**Filing:**

The Board acknowledged the legal filing of the following applications:

Lorden Propane – 163 Worcester/Providence Turnpike – 7,500 s.f. office and warehouse, 3 – 60,000 gallon above-ground propane tanks, just to the north of Stonegates Granite and to south of the former Sonya's Auto on Route 146 northbound.

Scenic Road Alteration -157 Burbank Road – 20' break in stone wall with no tree removal to provide access over a deeded right of way to land the applicant owns behind 157 Burbank at 189R.

Chapter 61A Release – Smith – Putnam Hill Road and Central Turnpike: The Board reviewed the bonafide offer of \$450,000 for this 20.7 +/- acre conglomeration of parcels of Putnam Hill and Central Pike which is adjacent to the cedar swamp portion of Shaw Farm The Chairman polled the Board on their opinion of whether the Town should exercise their right of first refusal and purchase this land.

M. Sanderson noted the property would appear to be of only marginal benefit in exchange for the significant amount being requested. T. Connors noted the land is not a priority in the Master Plan.

Motion: To recommend that the Town not exercise its first right of refusal to purchase this land,  
W. Whittier  
2<sup>nd</sup>: T. Connors  
Vote: 5-0-0

**Correspondence/Other:**

JD BiRyder Signage – The Board reviewed proposed signage for JD BiRyder on Route 146 that showed a long sign with the logo derby in the middle as well as the gobot logo on the tower element. They are looking for input on whether the Board considers the gobot an additional advertising sign, which would not be allowed as they are already proposing a free standing sign and the long sign on the building and advertising signage is limited to two signs. The Board unanimously felt the gobot was an additional advertising sign and the Board also noted they feel the “jdbiryder.com” across the awning is another advertising sign. There was also some discussion as to whether the long sign was truly one, two or three signs! The Board asked the Planning Director to let the applicant know their thoughts and how the proposed signage is far too busy, and also remind them about the Route 146 overlay intent that was discussed during their site plan hearing.

**Public Hearing – Minardi Landscaping – Architecture**

J. Anderson read the hearing notice as it appeared in The Chronicle.

The Board reviewed the architecture of the proposed building. On a question from T. Connors, Mr. Minardi confirmed the building will use a well and septic system and will be set back from the road approximately 210’ from Route 146 so only the front of the building will likely be visible if at all as there will be two landscaped burns with a wrought iron type gate along the frontage of the lot.

Motion: To approve the architecture for Minardi Landscaping per the plans presented, T. Connors  
2<sup>nd</sup>: R. Largess  
Vote: 5-0-0

Motion: To close the public hearing, W. Whittier  
2<sup>nd</sup>: M. Sanderson  
Vote: 5-0-0

**Public Hearing – Retreat Lot Revision & Common Driveway 33 & 39 West Millbury Road**

J. Anderson read the hearing notice as it appeared in The Chronicle.

Brian McEwen from Graz Engineering was before the Board to present revisions to two previously approved retreat lots. The lots both have Natural Heritage restricted areas for endangered species. Because of the location of the restrictions in addition to power line easements, the lots need to be revised to provide more buildable area on one of the lots to accommodate the house, well and septic.

Motion: To approve the revisions to the retreat lots located at 33 and 39 West Millbury Road with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.
2. Driveway shall be of bituminous surface, no greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet.
3. The house number shall be clearly visible from the street and/or posted at the street.
4. The Highway, Fire and Police Departments must approve the driveways.

2<sup>nd</sup>: W. Whittier  
 Vote: 5-0-0

Next, B. McEwen presented plans for a common driveway to serve these lots. The common drive will eliminate multiple impacts on wetland resources and species habitat. The drive will cross a buffer area as opposed to a stream and will eliminate one crossing over Natural Heritage area. The common portion of the driveway is approximately 350' long and then the private driveways branch off.

J. Anderson reviewed departmental comments. There was also written commentary from abutter Walter Koza at 37 West Millbury Road asking for screening along any potential driveways.

Scott Dunster of 29 Welsh Road was concerned with where the run off from the lot development and driveway construction will end up, he's worried about flooding on his lot. B. McEwen explained the topography and drainage in this area showing that the majority of run off from development of these lots, will actually run back into the lots.

Bonnie Scott of 29 West Millbury Road asked for confirmation on the areas of the lots that will be restricted from development. B. McEwen reviewed the plan, showing that very little of the lots are open for development.

Motion: To grant the common drive special permit for 33 and 39 West Millbury Road with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.
2. The deed to the lots shall contain a restriction that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
3. The house numbers of the lots serviced by the common driveway shall be clearly posted at both West Millbury Road and the split in the common driveway as well as clearly on each home.
4. The Highway, Fire and Police Departments must approve the private driveways that branch off the common driveway.
5. The Board reserves the right to review the vegetative screening between 37 & 39 West Millbury Road and may require more plantings if necessary.

2<sup>nd</sup>: W. Whittier  
 Vote: 5-0-0

Motion: To close the public hearing, W. Whittier  
 2<sup>nd</sup>: R. Largess  
 Vote: 5-0-0

Other: T. Connors noted the concerns brought up by Mr. Dunster about run off from the common drive. He said he thought that all common drives should have a drainage evaluation noting they are basically the same as a small subdivision roadway. The majority of the Board agreed and asked the Planning Director to draft a potential bylaw change for Spring Town Meeting.

Motion: To adjourn, R. Largess  
2<sup>nd</sup>: W. Whittier  
Vote: 4-0-0

Adjourned 8:30 PM