

Sutton Planning Board
Minutes
April 7, 2014

Approved _____

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

General Business:

Minutes:

Motion: To approve the minutes of 3/24/14, W. Whittier

2nd: T. Connors

Vote: 5-0-0

Motion: To approve the executive session minutes of 3/24/14, W. Whittier

2nd: T. Connors

Vote: 5-0-0

Form A Plans: None

Inquiry – 67 Barnett Road – Accessory Apartment – tabled to future meeting

(R. Largess arrives)

(W. Whittier steps off the Board due to potential conflict as an abutter)

Public Hearing – 34 Lackey Road Retreat Lots

J. Anderson reads the notice as it appeared in The Chronicle.

Byron Andrews from Andrews Survey & Engineering was present to review the application with the Board. He stated the applicant wants to establish two retreat lots off Lackey Road, one with 200' of frontage and 15.02 acres and one with 51' of frontage and 16.42 acres. The creation of these lots will leave one additional parcel that is not buildable unless a subdivision roadway is created.

The Board reviewed departmental comments. One of the reviews mentions wetlands. J. Hager asked the surveyor if he could verify that the lots have wetlands that would affect the buildability of the lots. Ed Leonard of North Grafton, one of the owners, stated there are wetlands on the lots well back from the frontage but there may also be a small area to the south side of the frontage on Lot 3.

Norman Wenglin of 6 Dodge Lane asked what is the difference between these proposed lots and an as-of-right buildable lot? J. Hager explained that retreat lots were created to allow an alternative to two and three lot subdivisions. This bylaw allows land owners with less than the standard 250' of road frontage but that have at least 5.51 acres to utilize the land for a single family house lot instead of selling it for a subdivision of more than one lot. It was confirmed in its current state, this land is not a buildable lot as it doesn't have enough contiguous frontage.

The remaining unbuildable land is separated for potential future use but only with a new roadway which would go through a separate public hearing process. In response to additional questions from Mr. Wenglin, J. Hager stated that this is Rural Residential land which is the most restrictive zoning in Sutton allowing mainly single family homes and agriculture and not much else. Setbacks are 5' front and rear setbacks and 20' side setbacks. R. Largess added that the bylaw results in the preservation of more open space on these larger lots and less roads to maintain

Bob Matukaitus of 30 Lackey Road asked for clarification on the proposed driveway locations. B. Andrews reviewed the likely driveway locations.

In response to a question from S. Paul B. Andrews confirmed the remaining land would have been a retreat lot but cannot meet the minimum 250' separation from another retreat lot as measured at the road frontage.

The Board had few concerns with the proposal, but felt as the potential wetlands that may affect the frontage on Lot 3, this needs to be shown on the plan before the Board will approve the lots.

It was noted that the Board's next meeting was actually scheduled for April 21, or Patriots Day, so the Board either needed to schedule an alternative meeting night or just continue to the next successive meeting scheduled for May 5th.

Motion: To continue the public hearing to May 5, at 7:05 P.M., T. Connors
2nd: M. Sanderson
Vote: 5-0-0

(W. Whittier returns to the Board)

Public Hearing – Retreat Lot Amendment - 62 Putnam Hill Road

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

M. McGovern of 64 Putnam Hill Road was present with land owner Allyssa Lavoie to explain they need to correct plans and ensure a correct permit and covenant was recorded for a previously approved retreat lot.

J. Hager explained that back in 2004 the Board approved a retreat lot at this location with 5.6 acres and 150' of frontage. When the plan was taken to the Registry to record several bearings were missing from metes and bounds so the Registry could not record the plan. The surveyor added the metes and bounds, but in the process of surveying for these bounds, the size of the lot decreased to 5.4 acres and the frontage to 147', tis acreage is not adequate for a retreat lot. Somehow this land was recorded at the Registry without the Board's signature. Additionally, the original permit and covenant were never recorded. So the applicant is here to correct the plan and have a consistent permit issued and covenant endorsed, so the lot will be fully buildable in the future.

The Board reviewed departmental comments. T. Connor confirmed that the Assessors are satisfied with the current plan. J. Hager stated there were several drafts of the plan, but that the Assessors are happy with the plan before the Board this evening.

The Board touched on the fact that the current driveway to the barn actually partially sits on this lot. If this driveway remains and the ownership of the retreat lot changes hands, the owner will need to apply for a common drive special permit or this driveway will have to be shifted fully onto the barn lot and a second driveway established for the retreat lot.

Dianne Jacques of 60 Putnam Hill Road who's lot sits just to the north east of this lot against Putnam Hill Road, noted her backyard is very wet, so much so, that she had to install perimeter drains to ensure her pool, etc. will not be undermined. She was concerned with development of this lot creating more water in this area. She also questioned the placement of the home. M. McGovern responded that they are actually not planning on building on the lot anytime soon, but the bylaws would require a structure to be at least 50' from the lot line. He stated there are a minimum of 4 acres of dry land on the lot, that most of the lot slopes away from Mrs. Jacques property, and Conservation is very careful with storm water management, so he was confident Mrs. Jacques would not be negatively affected.

R. Largess confirmed that if and when a house is scheduled to be built on the lot if what is proposed is within Conservation jurisdiction very careful engineering will have to be done to make sure all water that is falling and flowing now continues to go to the same place it does now.

M. Sanderson confirmed where a new home might go. Mr. McGovern stated he can't promise where a home will end up. The current plan is to do nothing and sometime in the future perhaps transfer the lot to children or even sell it, but the gravel parking lot, that wouldn't require removal of even one tree, would be the least expensive, easiest placement.

D. Jacques asked who she should notify if any issues arise with an increase in water that appears to be related to construction on the retreat lot. J. Hager stated if future work is within 200' of the wetlands the Conservation Commission will review and oversee work and the effect on wetlands, if work is not within 200' of the wetlands the Building Commissioner has jurisdiction. Regardless of how work is permitted, the Building Commissioner should be contacted immediately.

Mrs. Jacques also asked for clarification on the location of a potential future common driveway. Mr. McGovern stated another driveway might be installed closer to the Jacques property, but he has no idea what will happen in the future. J. Hager noted there can be up to 2 driveways on each lot.

In response to an inquiry from W. Whittier Mr. McGovern explained utilities are currently above ground but to 64 Putnam Hill Road, any future lot would need its own power and the retreat lot regulation would require underground utilities and a paved surface.

Motion: To amend the special permit for a retreat lot at 62 Putnam Hill Road to 5.5 acres and 147' of road frontage as shown on the plan dated 3/20/14 with the following conditions:

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. Underground utilities shall be provided.

R. Largess

2nd: W. Whittier

Vote: 6-0-0

Motion: To close the public hearing, W. Whittier
2nd: R. Largess
Vote: 6-0-0

Public Hearing (Cont.) – Lorden Propane – 63 Worcester Providence Turnpike

Ted Lorden was present to let the Board know that they have addressed all issues except for the concerns of the Fire Chief which center around the lack of public water at the site. The Chief has requested a meeting with the State Fire Marshalls Office and they are in the process of getting this scheduled.

R. Largess asked if there are other similar types of facilities out there without public water? Mr. Lorden stated there are.

There were no public comments.

Motion: To continue the public hearing to May 5th at 7:15 P.M., S. Paul
2nd: W. Whittier
Vote: 6-0-0

Public Hearing – Sutton Solar, LLC – 25 Oakhurst Road

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

Attorney Henry Lane of Lane & Hamer was present representing the applicant Nexamp. Also present were Alan Clapp, P.E., Nexamp Director of Development Projects, Charlie Roberts, Nexamp Project Manager, and Steve O’Connell, P.E. from Andrews Survey & Engineering.

Mr. Lane explained the applicant has submitted identical applications in Northbridge and Sutton for this 2.6 megawatt project that straddles the town line. Northbridge’s hearing process is nearly complete. Two related articles will also be heard at Sutton’s town meeting, one to extinguish gravel rights and one for a payment in lieu of taxes (pilot) agreement.

S. O’Connell reviewed the site plan showing the 13.2 acre +/- field of ground mounted panels located to the east side of the 31.72 acre site. Access for maintenance is off Oakhurst Road. The installation is nestled against the existing toe of slope on the east and north and a portion of the western edge of the site. Besides panels, the site will also house combiner boxes, converters and switching gear to convert the power from DC to AC, as well as 5 power poles, reduced from 10, that are necessary to transmit the power off site, security fencing, a maintenance drive and landscaping. Clover will be planted under the panels to provide low growing, relatively maintenance free, surface stabilization. Panels will be no taller than 12’. There will be a temporary sediment basin along the western edge of the project until the site is fully stabilized, only minor micro grading will take place on the site. All work is outside Sutton Conservation Commission jurisdiction. No pesticides will be used to control vegetation at the site.

Jeff Howland of JH Engineering, both Northbridge and Sutton’s consulting engineer for the project had only minor commentary. S. O’Connell confirmed that the stand pipe Mr. Howland observed outside the construction area was an observation pit from former earth removal operation. Additionally, sediment and erosion control should be carefully attended to during and immediately after construction.

Joyce Sardagnola of 62 Purgatory Road, also an Assessor, asked who would own the property? The Ryan's will continue to own the property it will be leased by Nexamp. She asked for a copy of the lease which will be provided to her as well as a proforma. It was confirmed taxes will be paid via a pilot agreement and she noted a little wiggle room would be helpful to the Assessors in the agreement, to which Mr. Lane responded they are negotiating the agreement with the Town Administrator and will be happy to consider all requests through that process.

Jen Graham of 48 Jenna Lane noted she was happy to see this type of use instead of a truck stop, but had a few questions. Will the project produce noise? The panels are fixed in place at a set angle and the system effectively shuts down once the sun goes down. The only noise is from the inverters which are located away from Jared Drive and Jenna Lane. For reference normal ambient sound is 64 db, sound is 71 db right next to the inverter and 65 db at only 10' away, it is unlikely that anything will be heard at neighboring homes. She also asked if any health concerns have arisen from this type of installation. The team noted they are not aware of any health concerns. There will also be no lighting and only 12 to 15 traffic trips per year for maintenance.

Construction will last about 4 months and hours of operation will be limited by any decision the Board issues.

J. Anderson asked about proposed surety. Alan Clapp explained that they estimate a removal cost of no more than \$26,000. They want to fund \$6,000 up front and then add \$2,000 per year for the next ten years with an additional deposit of 2% until the useful end of the project. S. Paul asked if this considered prevailing wage as the Town would be the one contracting removal work. It was noted that two of three bids actually said there would be no cost due to the scrap value of the panels that would fully cover removal charges.

The Board reviewed departmental comments and discussed the aesthetics. Photos of installations in Uxbridge and Grafton were viewed. It was noted this site will have half the power poles shown on the Uxbridge photos and they will be sliding them to the far east side of the project against the slope with the access drive. Fencing in visible areas needs to be black vinyl coated and coniferous plantings will need to be installed along both the south and west edge of the project to effectively buffer the installation.

On the requirement of the bylaws that a utility must acknowledge knowledge of the proposed installation and plan to utilize the installation, the proponent noted they would not be spending money for engineering and permitting without assurances that the project will be utilized.

It was noted taxes on the project are not paid up to date. Mr. Lane stated they are working with the Tax Collectors Office to establish a payment schedule that will require payment in full prior to a building permit issuing.

The Board concurred with the Planning Director that the visible sections of the fence must be black vinyl coated and a condition about the adequacy of landscaping should be included. There was a discussion about the power poles. A. Clapp noted that NGrid will rarely allow the power to be placed underground, but they have worked to reduce the impact of the above ground poles.

Margaret Stevens of 47 Oakhurst Road was concerned about property values. S. O'Connell noted he is probably not fully qualified to say, but there are no studies that show a well screened and maintained facility such as this one has any kind of negative effect on abutting property value.

J. Graham asked if closing Oakhurst Road was still being proposed. Possible closure of the road was only proposed with the prior truck stop proposal or in the future with more intensive development along a potential east side connector road through this area.

Motion: To continue the public hearing to May 5th at 7:30 P.M., T. Connors
2nd: W. Whittier
Vote: 6-0-0

Correspondence/Other:

Spring Hill Drive subdivision – J. Hager asked for the Board's input on a request to divide off a home and two acres from a larger parcel located on Spring Hill Drive which only appears to legally exist in Grafton, not Sutton. Access physically exists into Sutton for the home and newly re-built barn/garage, but appears to have no legal status and is not shown on the official Assessors and roadway mapping. W. Whittier asked if safe and adequate access exists for the lot? J. Hager stated she is not familiar with the condition of this way. She noted Robert Nunnemacher from the Board of Assessors suggested a subdivision to establish the right of way in Sutton as well as the accurate location of the town line should be submitted and standards waived as appropriate to allow the new lot. The Board concurred.

(W. Whittier steps off the Board due to conflict as land owner)

Solar PV at Whittier Farms – Ethan Desoto of EthoSolar was present asking for ruling on required permitting for 150,000 kW of solar at Whittier Farm. The bylaw specifies that large ground mounted solar PV systems are only allowed in certain districts and they must undergo site plan review. The Table of Use shows small ground mounted solar PV systems as an as of right use, and the bylaws appear to indicate that if the power generated by the system is consumptive, used on this agricultural site, that site plan review is not necessary. The Board discussed the issue and intent of the regulations and the majority concluded that the solar installation is accessory to the farm and as the power is use entirely to support farming operations, that no site plan permitting is necessary. The Board noted the Whittier's should be sensitive to the same aesthetic issues discussed during the previous commercial solar installation hearing and secure and screen their installation properly.

(W. Whittier returns to the Board)

Motion: To adjourn, W. Whittier
2nd: T. Connors
Vote: 6-0-0

Adjourned 9:52 PM