

Sutton Planning Board
Minutes
May 5, 2014

Approved _____

Present: J. Anderson, R. Largess, S. Paul, T. Connors, W. Whittier, M. Sanderson
Staff: T. Mahoney, Secretary

General Business:

Minutes:

Motion: To approve the minutes of 4/7/14, W. Whittier

2nd: S. Paul

Vote: 6-0-0

Form A Plans:

Vaillancourt – 612 Central Turnpike - letter dated 1/11/06 showing approval of access off of Central Turnpike – legal frontage is Old Common Road but cannot access due to wetlands. Board believes that this parcel was already approved. The Board had concerns with acting relative to this plan showing no functional access from Old Common Road and insufficient frontage on Central Pike which could be cured through shifting over the existing roadway seven feet.

Motion: To pass over review to subsequent meeting, S. Paul

2nd: M. Sanderson

Vote: 6-0-0

Lavoie – The Board endorsed the covenant and plan for the Retreat Lot at 62 Putnam Hill Road owned by Lavoie.

Correspondence – The Chairman called attention to a copy of correspondence regarding a required subdivision filing for a potential new lot at the end of Spring Hill Drive that the Board discussed at their last meeting.

(W. Whittier recuses himself and steps off the Board as an abutter)

Public Hearing – 34 Lackey Road Retreat Lots - Duff (cont'd)

Steve O'Connell from Andrews Survey & Engineering was present to review the new plan showing the wetlands. Mr. O'Connell stated this plan shows that physical access is available to both lots shown on the plan.

Motion: To approve a special permit for two retreat lots located at Lackey Road, lot 2 is a 16.42 acre retreat lot with 51 ± of frontage and lot 3 is a 15.02 acre retreat lot with 200.82 ± of frontage with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.
2. Driveways 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 numbers shall be clearly visible from the street and/or posted at the street.

4. The Highway, Fire and Police Departments must approve the driveways.
 2nd: S. Paul
 Vote: 5-0-0

Motion: To close public hearing, R. Largess
 2nd: S. Paul
 Vote: 5-0-0

(W. Whittier returns to the Board)

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

J. Anderson stated that the Board received a letter from Ted Lorden of Lorden Propane requesting an automatic continuance. They are still working out safety details with the Fire Department. There were no comments from the public.

Motion: To continue the public hearing to June 2 at 7:15, W. Whittier
 2nd: R. Largess
 Vote: 6-0-0

Informal discussion – 34 Lackey Road

Steve O'Connell of Andrews Survey was present regarding a potential project on remaining land of Duff on Lackey Road. The prospective buyers were also present. Mr. O'Connell discussed a proposed private subdivision and requested general Planning Board guidance. It was noted there's enough frontage and area for another retreat lot but there isn't enough separation from the previously approved lots. S. O'Connell compared this project to LaPlante Way on McClellan Road. Mr. O'Connell is proposing an 18' wide roadway with hammerhead and will remain private in perpetuity and will be the responsibility of the landowners collectively. Straight forward process and waivers would be requested for all of the items that normally go into a normal subdivision with pavement, curbing and all other aspects. S. O'Connell states that this is virtually identical to McClellan Road. The prospective buyers have a closing on the land prior to the next public meeting so they are requesting some input from the Planning Board. Site distance is more than adequate, structure of roadway would be built to standard conditions other than road width to maintain rural character. The proposed road would access a two acre lot and 4.5 acre lot then 16 acre lot.

R. Largess states that this could have been done at the same time

M. Sanderson states that she is not familiar with subdivision rules and chooses to listen through the process.

W. Whittier questions (informal discuss will recuse for any formal hearing) Does the applicant intend to cut another lot out of the retreat lot that was just approved? S. O'Connell states that NO, the lot is not going to be cut from retreat lot. They may request alternative access for this retreat lot from the proposed subdivision road to cut down on the number of driveway son Lackey Road.

T. Connors – Reluctant to give waivers on this project.

J. Anderson – Agrees with Tomm. Cannot consider cost as a factor to allow alternate access for the already approved lot. S. O'Connell stressed access for the existing retreat lot does not have to be off the potential new roadway. The subdivision roadway can just serve the two lots.

S. Paul questions frontage of each lot – S. O’Connell says they all conform. S. Paul questions the waivers they may request. Unusual approached but considering the area, this is a minimal impact considering the number of lots that could come from this land.

Sutton Solar, LLC – Public Hearing (cont’d)

S. O’Connell of Andrews Survey presented revisions to the Board. Alan Clapp of Sutton Solar, LLC and Attorney Henry Lane were also present. This project has been approved by the Northbridge Planning Board. Plan revisions include access relocated to the east side, utility poles reduced to 5 and relocation against the slope on the east side, reduced spacing to 12’ spacing between plantings and adding additional vegetation, moved equipment staging and stocking area and specified black vinyl fence along southern and west side. Noted were also added regarding drainage and elimination of ponding.

J. Anderson verifies that town line has been accurately located. S. O’Connell states this has been located between bounds on each side and GPS survey.

S. Paul asked about the drainage basin on west side. S. O’Connell stated the sediment basin would collect run off during construction. The contractor once selected will responsible for the stormwater controls via a NPDES plan. S. Paul verified this will address unexpected run off to the street and the like.

Northbridge voted to accept the bond. The bond is a 10 year period to fulfill that bond amount for the Sutton portion of the project. The amount is \$13,000 to each town with a \$3,000 down payment, and future adjustments for inflation. The value had been calculated by three demolition contractors. The Board discussed that the site is abandoned and panels removed for their recycled value, will only have drill holes in the existing soil from anchoring panels and an improved clover ground cover.

R. Largess states that he is happy with the change regarding the screening and confirmed they will be okay planted closer. S. ‘Connell noted they are also deer resistant.

J. Sardnola from the Board of Assessors asked if Northbridge gets 1.3 and Sutton 1.3? Yes and will each town have a separate PILOT agreement? Yes. She noted she still needs a copy of the land leases and will be reviewing the values that have been estimated.

- Motion: To approve the site plan with the following conditions R. Largess
1. Approval of all other local, state and federal authorities and bodies.
 2. Prior to endorsement of the Site Plan reference to this Site Plan approval shall be entered upon the plans.
 3. Prior to issuance of a building permit the Owner/Applicant (Operator) agrees to the following Financial Surety provisions and conditions to cover the cost of removal of the installation in the event the Town must remove it and remediate the landscape:
 - a. Prior to, and as a condition of, the issuance of a building permit the Owner/Applicant and/or Operator (the “Owner”) shall provide the Town of Sutton with an initial deposit of money in the amount of \$3,000.00; such funds shall be deposited into a special escrow account established to cover the cost of removal of the solar installation and/or remediation of the landscape; proceeds shall not become available to the Town unless and until the Owner/Applicant (Operator) is found in default.

- b. An additional deposit of money in the amount of \$1,000.00 shall be provided by the Owner each successive year on or before April 1st for a period of ten (10) years; and
- c. To account for inflation, for each year after the tenth year a deposit of money equal to 2 ½ percent of the balance held in the Financial Surety account on March 15 of that year shall be provided to the Town by the Owner on or before April 1st.
4. Prior to issuance of a building permit the Owner/Applicant (Operator) shall supply the Planning Board with copies of the following:
 - a. Site Control –documentation of control of the project site, sufficient to allow for construction and operation of the solar photovoltaic installations;
 - b. Utility Notification –evidence that the utility company that operates the electrical grid has been informed of and approves the planned solar photovoltaic installation; copy of interconnected customer–owned generator agreement shall be provided.
 - c. Stormwater and Wastewater Infrastructure Permit (SWIP) –copy of Mass DEP Stormwater Permit shall be provided to the Building Inspector and Planning Board.
5. Prior to issuance of a building permit the Applicant/Engineer shall submit five (5) complete prints of the endorsed site development plan, two (2) fifty-percent (50%) reduced prints and one (1) electronic copy to the Sutton Planning Office.
6. A Knox box shall be installed at the gate keyed with a Sutton fire lock with all necessary keys and a fully knowledgeable contact list for the site.
7. The Planning Board reserves the right to review any lighting and screening post construction and to require redirection or relocation of lights and supplemental screening if necessary.
8. Prior to start up of the facility the site engineer shall submit and As Built plan and written certification that the site has been constructed substantially in accordance with the plans approved by the Planning Board.
9. Prior to start up of the facility the Owner/Applicant (operator) shall provide the Fire Department with training and knowledge necessary for first responders to this location including a walk-through of the entire site, in consultation with the Fire Chief.

Attorney Lane states that he has an issue with #7 – he noted they aren't proposing lighting and they have supplemental screening. He feels that the screening condition is financially open ended an unacceptable to banks and investors. J. Anderson reads #7 as if lights were added after and Attorney Lane suggests a change in the wording to deal with lighting if any is proposed, not a condition allowing the Board to require that lighting be added. R. Largess suggests that we review the screening once a year to make sure screening is doing what it's supposed to do. S. Paul and T. Connors stated that this is a standard clause (for lighting). W. Whittier we will not ask you to add lighting and if you put in 8' high cypress trees per the plan you will not hear from the Board. T. Connor said the Board is just trying to reserve the right to deal with unexpected nuisances with minor tweaks, not anything huge in case the Board misses anything.

7. Any illumination, including security lighting shall be arranged so as to reflect away from abutting properties and be directed in a manner to limit light trespass.
8. Landscaping shall be properly maintained, any dead or diseased plantings shall be replaced in the next immediate spring or fall planting season and the Board reserves the right to review landscaping annually to ensure it is being properly maintained.

Motion (continued): To approve as above with two changes to conditions, R. Largess
2nd: W. Whittier

S. Paul asked what happens to the surety money after 10 years? There wasn't a clear answer to this question!

Vote: 5-0-1, T. Connors opposed because he feels the Board should be consistent in their conditions especially relating to screening

Motion: To close public hearing, S. Paul

2nd: T. Connors

Vote: 6-0-0

Motion: To adjourn, R. Largess

2nd: W. Whittier

Vote: 6-0-0

Adjourned 8:36 P.M.