

Sutton Planning Board  
Minutes  
June 16, 2014

Approved \_\_\_\_\_

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

**General Business:**

Minutes:

Motion: To approve the minutes of 6/2/14, W. Whittier  
2<sup>nd</sup>: T. Connors  
Vote: 4-0-0

Form A Plans:

Emery – 488 Boston Road – Mark LaPrad of LaPrad Land Survey was present to show the Board a Form A plan creating one new building lot from the 17 acre lot currently owned by the Emery family.

Motion: To endorse the Form A plan for Emery on Boston Road dated 6/10/14 showing one new buildable lot, T. Connors  
2<sup>nd</sup>: W. Whittier  
Vote: 4-0-0

Vaillancourt – 612 Central Turnpike – Gary Vaillancourt of 145 Central Turnpike was present with surveyor Michael Yerka to re-file and present the Form A plan for a lot on Old Common Road at Central Turnpike. The plan was previously withdraw due to questions with the viability of the legal frontage. Mr. Vaillancourt produced a legal position from his attorney asserting why the Board had the ability to sign the revised plan and he also noted he had an estimate to cross the wetlands to demonstrate it is actually possible. Noting the applicant has, in the Board’s opinion, exhibited the legal frontage on Old Common is not illusionary, and also that the finding the Board made to allow alternate access off Central Turnpike back in 2006 is still valid, the Board agreed the plan showing rear/side lot line adjustments only could be endorsed.

Motion: To endorse the Form A plan for Vaillancourt dated 5/9/14 showing no one amended buildable lot, W. Whittier  
2<sup>nd</sup>: T. Connor  
Vote: 4-0-0

SPR Waiver – 140 W/P Turnpike – computer shop:

Charles Hodgkins, Nicholas Rauer and Joshua Reilly of Clover Valley Technologies were present to request waiver of Site Plan Review to locate in the existing structure at 140 Worcester Providence Turnpike. The gentlemen stated their business is new startup they will offer in home setup of computers and related devices and in home and drop off repair of computers They will also offer a small amount of retail products accessory to their business. They will operate Monday through Friday from 10 AM to 6 PM and Saturday from 10 AM -2 PM. Deliveries will be limited to smaller FedEx and UPS type vehicles. They provided parking calculations in their request that show there is more than enough parking for the existing and proposed use.

The Planning Director provided a copy of the most recent Site Plan the Board had approved last fall confirming the amount of parking.

Motion: To waive Site Plan Review and allow the 750 S.F. of computer service and accessory retail at 140 Worcester Providence Turnpike, M. Sanderson

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

Vote: 4-0-0

Correspondence:

Recent Case Law Summary - The Planning Director reviewed a case law summary she brought back from the Mass Association of Planning Director's conference in Amherst and noted that most of the case law further defined or re-asserted previous findings on subjects, but that there was new material on medical marijuana.

National Grid Interstate Reliability Project – J. Hager also mentioned an informational packet from National Grid regarding the status of their tower and line additions/replacements to improve reliability in the region. Tree clearing has started in Sutton and work will now be ongoing for quite a while, the packet includes a contact number for any questions.

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

Normand Gamache of Guerriere & Halnon and AJ Robichaud, General Manager of Lorden Propane for 23 years, were present to review the final changes they had made based on input and meetings. The project now contains of only 2 - 60,000 gallon propane tanks and they have been mounded, or buried in soil, to basically eliminate the oxygen source and related combustion risks. There will also still be a 10,000 gallon cistern on the site in case of any minor incidents.

The Town's consulting engineer, Jeff Walsh was present and confirmed he has no remaining issues with the plan. J. Hager confirmed all of her comments have also been addressed.

There were no comments from the public.

In response to a question from the Board regarding construction timing, Mr. Robichaud stated they need to get the remainder of their permits including a curb cut from MassDOT, but they hope to begin within a month and be ready to operate by late fall or early winter.

Motion: To grant Site Plan approval for this propane distribution facility based on plans dated June 13, 2014, with the following conditions: T. Connors

1. Approval of all other applicable local, state and federal permitting authorities, especially the Board of Health.
2. Prior to endorsement all waivers and conditions of approval shall be listed on the plan set.
3. Prior to the commencement of construction the applicant shall attend a pre-construction meeting with the Planning Department, applicable department representatives, and other bodies that have responsibilities relative to the site, as well as the site contractor and other personnel the applicant feels are appropriate.
4. Construction shall be limited to Monday through Friday 7 AM to 6 PM and Saturday 8 to noon, no local, state, or federal holidays.
5. The Board reserves the right to review and adjust lighting within a year of installation and use if they find it to be a danger or unreasonable nuisance.

6. No exterior storage shall be allowed other than bobtails that must be parked in a secure enclosure.
7. Cistern must have a low level alarm.
8. The applicant must submit evidence of maintenance of cistern and propane tank inspections to the Fire Department.
9. Two monitors must be included in the final fire protection plans/schematics.
10. A knox box must be provided for both the building and the tank/bobtail enclosure.
11. Incident alarms must have automatic relay to the Fire Department.
12. All proposed signage shall be submitted to the Planning Office for approval prior to fabrication.
13. All landscaping will be maintained in a healthy condition any dead plants shall be replaced immediately or in the next planting season if it isn't possible to replace the plantings immediately.
14. Prior to occupancy, the Applicant shall provide to the Planning Board an As-Built Plan and written certification from the Applicant's project engineer that the site has been constructed in accordance with the approved plans
15. Prior to commencement of construction the Applicant/Engineer shall submit three (3) full size sets of the endorsed plan, one (1) 11" X 17" reduced set and one (1) electronic copy to the Sutton Planning Office.
16. Prior to occupancy 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.
17. Prior to commencement of construction the applicant shall provide the Planning Board with a copy of the curb cut approval from MassDOT.

2<sup>nd</sup>:

R. Largess

Vote:

4-0-0

### **Public Hearing – Retreat lot - Oliver**

Neither the applicant nor their representative was present. The Board expressed that they hoped nothing was wrong, but stressed the need for representation.

The Board had asked for an opinion from Town Counsel as to whether issuing the Special Permit would in effect "erase" the non-buildable notation that is on the plan of this lot that is recorded at the Registry. Town Counsel expressed that while the notion on the plan is not necessarily germane to whether the special permit can and should be issued, it is his opinion that ultimately before this lot can be built on a new plan without the notation should be recorded.

Christine and Donald Thurber of 130 Dodge Hill Road reasserted their concerns existing drainage issue on this section of roadway and also with screening and control of drainage north of their home. They asked if the Board could have the Highway Department visit the site and comment on the safety of a driveway at this location and to take a look at potential drainage issues while they are there. The Board said they would be happy to do this.

J. Hager stressed she believed that whether or not the "non-buildable" notation is on the plan has nothing to do with whether the lot shown on the plan meets the retreat lot requirements. She added as long as the Board places conditions to ensure concerns are addressed they can vote on this application. She added that if they wish they could even place a condition that prior to requesting a building permit the applicant must place a new plan on file without the notation.

She stated this isn't necessary because with Town Counsel's opinion in hand when a building permit application circulates she will not be able to sign it on the Board's behalf unless a new plan has been endorsed and placed on file at the Registry to supersede the old plan.

T. Connor stated he cannot rectify approving the special permit with the non-buildable notation on the plan that was submitted.

R. Largess said he was uncomfortable acting on a plan without the applicant or their representative present.

W. Whittier said he didn't think the Board should approve the retreat lot because the plan that is a part of this legal filing doesn't even show the current ownership.

Motion: To continue the hearing to July 7 at 7:05 P.M., W. Whittier  
2<sup>nd</sup>: T. Connors  
Vote: 4-0-0

(W. Whittier off the Board as an abutting landowner)

### **Public Hearing – Definitive Subdivision –Journey's Rest -34 Lackey Road**

Paul Hutnak of Andrews Survey & Engineering reviewed amendments to the plan based on comments and input received in writing and at the first night of public hearing. The applicant, Clara Kim, was also present.

J. Hager added that she had met with the Fire Chief and Steve O'Connell and now that the grade has been reduced from 10% to 6% and the grade of the levelling area at Lackey Road has been reduced and the length of this approach extended, and the hammerhead turn around has been enlarged, and the road straightened, the Chief considered the sum of these changes adequate to eliminate his safety concerns with the overall length and width of the roadway.

J. Walsh of Graves Engineering noted his comments have been addressed. J. Hager stated her comments have also been addressed.

T. Connor expressed concerns with the fact that the gravel road base, even though it has been improved to 12", still does not comply with the standard of 18".

P. Hutnak noted this road will cover far less traffic than most subdivision roadways.

R. Largess stated he is fine with 12".

J. Walsh of Graves Engineering stated the 12" is far better than the original proposal of 6". He noted they usually are concerned particularly with rutting on a road with substandard base. He noted there is nothing definitive that states you have to have any certain depth, but particularly in New England with freeze and thaw cycles you want to make sure you have an adequate layer of draining material below the road so moisture drains away and doesn't cause heaving and cracking during the freeze. He stated he personally does not have an issue with 12" in this particular application.

Applicant Clara Kim noted the likely buyer of one of the lots is an Army Corp employee that builds roads and he feels the 12” is more than adequate, so she is certain it will be.

T. Connors stressed this is not a common driveway, that it is a subdivision roadway that is creating legal frontage for new house lots. Numerous waivers are being requested and he is not in favor of waiving the gravel base requirements.

M. Sanderson said she can see where T. Connors is coming from regarding “dumbing down” the regulations, but also feels this is a good solution to this particular situation.

P. Hutnak and J. Walsh estimated a difference of roughly \$9,000 for 18” of gravel as opposed to 12”.

With it apparent that a successful vote may not be possible with one of three members dissenting, J. Hager asked the applicant if she would like to have the Board vote the remaining waivers and whether or not to approve the project, or if she would prefer to continue the hearing and have the two missing members view the meeting tape to make them eligible to vote at the next meeting in which case she would lose one existing member but gain two who are not currently present for the necessary voting. She said she would like to continue.

Motion: To continue the public hearing to 7:20 P.M. on July 7th, T. Connors  
2<sup>nd</sup>: M. Sanderson  
Vote: 3-0-0

(W. Whittier returns to the Board)

Motion: To close the Lorden Propane public hearing, W. Whittier  
2<sup>nd</sup>: T. Connors  
Vote: 4-0-0

J. Hager noted Tom Connors has decided not to seek re-appointment and therefore this will be his last meeting. She and the Board thanked him for his dedicated service, insightful input, and challenging the majority on many issues, resulting in more thorough discussion and better projects.

Motion: To adjourn, T. Connors  
2<sup>nd</sup>: W. Whittier  
Vote: 3-0-0

Adjourned 8:25 P.M.