

SUTTON PLANNING BOARD

Meeting Minutes

March 28, 2022

Approved _____

*Note- This meeting was held in person and remotely via Zoom in accordance with recently enacted legislation. The Chair read a notice regarding the hybrid meeting format. (see end of minutes)

Present in person: M. Gagan, R. Largess Jr., S. Paul, W. Baker, W. Talcott

Present remotely: None

Absent: None

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – 435 Boston Road – Retreat Lot

W. Talcott read the hearing notice as it appeared in The Chronicle.

Frank (John) Mahlert of 155 Leicester Street, auburn, MA was present representing the applicant Dorothy Page.

J. Hager explained this is the same lot the Board recently approved as a non-buildable lot without further action by the Town. She noted they are now applying for the Special Permit that will designate the lot as a buildable retreat lot.

S. Modig of 9 Freedom Way asked questions relative to the wetlands on this lot and the remaining land including the process to locate them, determine if they can be impacted, and what the process will be to make sure anything that's done to them doesn't negatively affect anything on neighboring land. J. Hager explained that at this point the surveyor just had to certify that they believe the proposed lot has 60% of the required lot area in contiguous upland, in this case the amount would be 48,000 s.f. At the point when they are ready to apply for building related permits for the house, well, or septic, if any activity is likely within 100' of a possible wetland area, they must file a Notice of Intent (NOI) with the Conservation Commission. Mr. Mahlert stated the wetland is confined to the stream that bisects the property which dries up each summer. J. Hager cautioned that wetlands aren't just defined by obviously wet area, they can be defined by certain types of plants and/or just hydric soil which is determined by taking auger samples. In any case, a wetland scientist will have to walk the lot, flag any wetlands and then file a NOI if any disturbance is within 100' at which point any abutters within 300' will be notified of that public hearing and have an opportunity to comment/ask questions. He also asked if they can divide more lots out of the remaining land. J. Hager noted this is unlikely unless they buy more land that gives them a way out to another roadway. She also answered questions about common driveways and that they can't be used as legal frontage for new lots, only to avoid environmental or safety impacts on lots that already legally exist.

Comments were received from the Fire Department – no concerns at this time; Conservation Commission – the applicant may need to file with the Commission; and Tax Collector – all taxes are paid.

Motion: To grant the Special Permit for this retreat lot with the following conditions: S. Paul

1. A recorded copy of the decision, covenant and plan must be received by the Planning Department within 3 months.
2. Approval of all other applicable Boards, Departments and Commissions, especially the Conservation Commission.

3. The Driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
4. The house number shall be clearly visible at the street in both directions of travel.
5. Underground utilities shall be provided on this retreat lot, unless the Planning Board makes topographical or environmental constraints and/or safety issues. Above ground utilities shall not be allowed solely for the convenience and/or preference of a petitioner.
6. No occupancy permit shall be granted until all conditions and requirements of this bylaw are 100% complete.

2nd: R. Largess Jr.

Vote: 5-0-0, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye, S. Paul – aye

Motion: To close the public hearing, W. Baker

2nd: S. Paul

Vote: 5-0-0, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye, S. Paul – aye

Action Items

Form A Plans – None.

Wedgewood Farms (Armsby Road) – Possible Adjustments – Randy Waterman of WDA Development in Westborough was present with Michael Kent of Greenwich, RI and Jim Haynes of Boylston, MA, potential builders for Wedgewood Farms off Armsby Road.

R. Waterman summarized they have been working on adjustments to the design to reduce roadway construction costs and make the units more marketable based on Mr. Kent and Mr. Haynes' experience. They have built over 800 55+ age units in MA, RI and CT. They are proposing reducing the number of units from 93 to 79 and making all units singles except for two duplexes which would be affordable units. Roadway lengths have been reduced by a total of 800' +/- and while originally 12 affordable units were proposed, and 8 would be required based on the proposed number of units, Mr. Kent stressed they cannot make the finances work with more than 4 duplexes. He stated costs n risen substantially and the price you can sell an affordable unit for has not. Pre-Covid he could build a house for \$110/s.f. and now the cost has risen to \$170/s.f. They used to lose \$52K on an affordable unit, now they lose \$100k.

The Board asked J. Hager if she had comments. She noted she had absolutely no issues with attached units being split into singles as long as they maintain the cottage size/appearance. However, as a planner she had significant concerns with the only affordable units being duplexes that are obvious compared to the market rate units, violating the bylaws and making these owners potential feel "less than". She also had significant issues with the project not only not providing additional affordable units as originally approved, but now only offering half the base requirement.

W. Talcott noted that perhaps the Board should make sure builders are involved in the design and approval process so you don't end up with an approved project that can't be built. Mr. Kent noted when the project was approved it was likely buildable, but times have changed.

R. Largess Jr. noted the Board has to do what's best for the Town and not worry about construction costs. Mr. Kent noted there are towns like Shrewsbury where you can donate funds to a housing fund in lieu of constructing affordable units or transfer development rights(TDR) to a different parcel. The Board agreed they should look at these potential provisions that might help development of affordable housing.

W. Baker stated unfortunately the proposal is going backward with respect to the Towns affordable housing requirements and goals.

M. Gagan expressed concerns with the only affordable units being clearly distinguishable from the market rate units. He noted if the team could address the concerns expressed the Board would be happy to see this project move forward. M. Kent said it may be possible especially if the Town moves forward with helpful bylaw changes.

Administrative Items

Motion: To approve the minutes of 3/14/22, R. Largess Jr.
 2nd: W. Talcott
 Vote: 4-0-1, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye,
 S. Paul – abstained as he wasn't present at the meeting

Filing – The Board acknowledged the following filings:

- 179 Mendon Road – Accessory Apartment – Hearing April 11th
- 16 Carr Street – Retreat Lot – Hearing April 11th
- Proposed Bylaw Change hearing – Accessory Apartments – Hearing April 11th

Board Business:

Planning Board Interviews – There were two individuals present who applied for the open Associate Member positions on the Board, Dave Mason of Dean Farm Road and Erica McCallum of Carrier Lane. In response to questions from the Board Mr. Mason stated he'd like to join the Board as his kids are on their own now and as a builder he understands subdivision control and bylaws and when he lived in Grafton he served on various committees. Ms. McCallum stated she also has more time available now that her children are older and as a third generation Sutton resident she'd like to have a say in what happens in her town.

The Chairman was thankful to have two enthusiastic applicants. He stressed although these are Associate Positions whose votes wouldn't count unless a full member was missing, as members with the full right to participate, the Board prefers the Associates attend all meetings. He explained the typical homework members do reading applications and information and visiting sites. R. Largess Jr. Stressed the need to take off your personal hat when you enter a meeting and uphold bylaws enacted by residents and do what is best for the Town, not yourself.

The Board expressed dismay that Town Counsel had stated the Planning Board can only have one Associate Member and they asked the Planning Director to look into this again. In the meantime, the applicants should think about the commitment required and the Board will consider their statements and will recommend action to the Select Board as at meeting in the near future. R. Largess Jr. stressed if the Board can only choose one individual that the other applicant should seriously consider applying for another Board or Commission.

Correspondence:

Article – Public Meetings Thwart Housing Reform Where it is Needed Most – obstacles brought about by disproportionally affluent residents with “not in my backyard” attitudes.

Abutting town notices:

Oxford – 450k industrial building at Millbury and Willington Road

Northbridge – Phase 3 Osterman Commerce Park – two new buildings totaling 25K s.f.

Motion: To adjourn, R. Largess Jr.
 2nd: S. Paul
 Vote: 5-0-0: W. Talcott - aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. - aye, S. Paul - aye

Adjourned 8:30 PM

Covid Meeting Statement:

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format with both in-person and Zoom component. To join the meeting visit www.zoom.us/join and enter Meeting ID: 873 1188 2393 Password: 133038. The meeting will be broadcast and recorded on local public access station (Verizon 31 & Charter/Spectrum 191) and live streamed on the Towns YouTube channel when available.