

SUTTON PLANNING BOARD

Meeting Minutes

January 31, 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, K. Bergeson, R. Largess, Jr., S. Paul, W. Baker, W. Talcott

Present remotely: None

Absent: None

Staff: J. Hager, Planning & Economic Development Director

Public Hearing - Earth Removal Permit – Pyne Sand & Stone - 47 Hough Road

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

The following individuals were present on behalf of the applicant: John Federico, P.E., Guerriere & Halnon; Andy Leonard and Murray Bristol of Pyne Sand & Stone.

J. Federico explained they will be continuing excavation in portions of two previous permit areas and re-opening an area that was previously reclaimed. The plan was reviewed along with photos of the site.

Monitoring wells were briefly discussed with the Planning Director recommending deeper excavation of the well closest to new excavations to ensure separation to groundwater can be accurately monitored. J. Federico noted ground water tends to be consistent with area wetlands due to the soil types.

Chris Walsh of Hough Road asked if houses along Hough Road will be able to see Route 146 when the earth removal is complete. He was concerned about this potential and its effect on home values. J. Federico noted this year's excavation will be within areas already cleared for earth removal. Therefore, the existing tree line closest to Hough Road will be maintained other than a few trees so no change will be made to the buffer to Route 146. Future excavation can come within 200' of residential lot lines. However, Mr. Federico noted the elevation at this setback is 450' sloping down into the pit, and then elevations drop down twenty feet toward where homes actually sit along Hough Road at 430', so it's still unlikely Route 146 will be visible.

J. Hager noted this is a grandfathered use and the land on which it sits is industrially zoned and has been for some time.

Motion: To grant the Earth Removal Permit with the following conditions, S. Paul

General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith may result in a Cease and Desist Order and/or fines.
2. Approval of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

Special (or site/operation specific) Conditions:

4. Maintain appropriate dust control measures to prevent blowing onto Route 146 and/or adjacent properties.

5. The next bond for calendar year 2023 must be adjusted to cover the calendar year consistent with the permit times frames of January 1st to December 31st.
6. Before the next monitoring well reading, the operator must excavate well "A" to a depth of at least 384' which is 10' below the proposed finish elevation in this area. This must be done in order for the Board to be able to verify excavation is maintaining a minimum of 10' separation to groundwater.

2nd: R. Largess, Jr.

M. Gagan noted comments had been received from the Fire Department, Tax Collector and Conservation Commission. There were no concerns.

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, S. Paul

2nd: R. Largess, Jr.

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

Public Hearing – Special Permit Retail Use & Site Plan Waiver – 25 Providence Road

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

Michelle Brown was present remotely to explain she wants to rent a portion of the existing building for a retail store with various gift items including upcycled furniture

S. Paul verified there's room for cars to turn on site and not back into Providence Road.

W. Talcott said he felt waiver of Site Plan Review was appropriate as this use is less intense than the dance studio.

There were no public comments.

The Board made the following findings:

1. The site is appropriate for the use as it is zoned for retail use.
2. Adequate water and sewer and water exists at the site
3. There will not be a negative impact from this minimal use
4. There will not be a nuisance or hazard to vehicles or pedestrians as there is adequate room exists to maneuver on the site and exit without backing onto Providence Road.
5. Adequate and appropriate facilities exist for proper operations of the use with approval of the building and fire departments.

Motion: To grant the Retail Use Special Permit and Waiver of Site Plan Review with the following conditions, W. Talcott

1. Approval of all other applicable permitting authorities prior to occupancy.
2. Any signage proposed for the site must be approved by the Planning Department in advance of fabrication and installation.
3. If any additional uses are intended to occupy this structure, they must come to the Board for approval to ensure they comply with the Bylaws and to verify there is adequate parking on site for the combination of uses that are occupying the structure.

2nd: S. Paul

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

Public Hearing – Special Permit Warehouse & Distribution Use & Site Plan Review – 29 Gilmore Drive – Koopman Lumber

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

Michael Dryden P.E. of Allen Engineering Associates was present with Tony Brookhouse of Koopman Lumber to present these applications to the Board.

M. Dryden stated the existing facility is 60,000 s.f. and they are proposing a 30,000 s.f. addition. The addition was anticipated with the original building and therefore a building pad was established behind the original building where the addition will be located. They have shown propane additions as well as a natural gas line location as they haven't decided which heat source they will be using with the addition. They are adding an underground drainage system that will receive roof run off from the addition only. A few parking spaces are being eliminated, but they will still have 90 spaces, far exceeding the bylaw requirement.

J. Hager asked the Board to consider the drainage system in the setbacks. The entire system is underground and will have grass on the surface. She asked the Board to decide if they felt the intent of the setback has been maintained. If not, the applicant will have to apply for a variance. The Board felt since the system is underground with vegetation on the surface, the intent has been maintained.

The Board reviewed two waiver requests.

IV.B.5.b. Request to eliminate a landscaped buffer to the abutting property

Motion: To grant the waiver from section IV.B.5.b. to eliminate the 10' landscape strip to the north to allow the underground drainage recharge, S. Paul

2nd: R. Largess, Jr.

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

IV.C.4.g. Request to not show lighting on plans, noting there will only be additional man lights with none on the west side of the building.

Motion: To grant the waiver from Section IV.C.4.g., S. Paul

2nd: R. Largess, Jr.

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

The Board made the following findings:

1. The site is appropriate for the use as it is properly zoned.
2. There is adequate water and sewer at this site
3. With an existing tenant leaving, and the owner occupying their space and adding a storage addition with little increase in traffic, the use will have little effect on the neighborhood.
4. There is adequate parking and maneuvering area on the site to ensure there will be no nuisance or hazard to vehicles or pedestrians.
5. The applicant has provided adequate and appropriate facilities to ensure the proper operation of this use.

- Motion: To grant the Special Permit for warehouse and distribution and Site Plan Approval for the 30,000 s.f. addition to the building with the following conditions, W. Baker
1. Prior to endorsement of the Site Plan, reference to any waivers granted and all conditions of approval shall be listed on the plans.
 2. Within 10 days of endorsement the Applicant/Engineer shall submit three (3) complete prints of the endorsed site plans and one (1) electronic copy to the Sutton Planning Office.
 3. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities.
 4. Within a month of completion of construction, the Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project's engineer that the entire site has been constructed substantially in accordance with the Site Plan.
 5. The Board reserves the right to review lighting post installation and require adjustments to achieve the intent of the bylaws.
 6. Prior to issuance of sign permits the applicant shall submit any sign details not shown on the Site Plan to the Planning Department. Said submittal shall be reviewed and acted on in compliance with the Sign Bylaw.

2nd: S. Paul

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

Site Plan Waiver – Market 32 – 20 (17) Galaxy Pass

Patrick Doherty P.E. of Midpoint Engineering and Thomas Lee of Golub Corp. (Market 32 parent company) explained that with the increase in use of online ordering the current order pickup method at this location is no longer working. Therefore, they need to add an 800 s.f. addition to the southeast corner of the building exclusively for online order pickup. S. Paul asked how many online transactions are currently served at the site and R. Largess Jr. asked if liquor can be ordered online and if so, cautioned about compliance issues. Mr. Golub could not answer either question, although he promised to get the Board these answers. He added, as is typical of such services, time slots will be assigned to ensure parking is adequate and there is limited additional traffic in this area. The Fire Department noted a Conex container at the rear of the building must be moved to provide 24' of clear travel space behind the building. Mr. Golub said they will absolutely work with the Fire Department to resolve this issue.

Motion: To waive Site Plan Review and allow an 800 s.f online order pickup addition with the following conditions: S. Paul

- Approvals of all other applicable permitting authorities. departments, boards, and especially the Sutton Fire and Building Departments.
- Per the Fire Department requirements, the Conex box must be relocated.

2nd: R. Largess Jr.

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

Form A – 372 Boston Road

Motion: To endorse the form A plan dated 1/7/22 showing one new buildable lot with frontage on Boston Road, but to allow alternate access to Wilderness Drive to avoid environmental impacts and traffic conflicts on Boston Road, S. Paul

2nd: R. Largess Jr.

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

Sibley/Burbank Roads – Freegrace Marble Farm

J. Hager explained she had obtained a scope of work and cost estimate for evaluation of this intersection as requested by the Board. The Board reviewed the scope. W. Talcott observed that considering traffic impacts of approved but not built projects like Singletary Arms isn't specifically noted. J. Hager noted that this is likely included in the first item in the scope but that the wording can be adjusted to specifically call this out. She added that she had checked to see if funds might be available for an emergency fund transfer to get going on the evaluation. There are limited funds available and a cushion is typically held until at least the storm season is done. Therefore, this work may need to wait until May Town Meeting.

J. Marran of 80 Burbank Road, owner of Freegrace Marble Farm, expressed concerns about the scope perhaps being too comprehensive, noting he felt there are two solutions that could be implemented for less than \$30,000. He added however, that he understood the need to consider all variables to not make more problems. He suggested perhaps the engineer could provide as built plan of the intersection and a list of deficiencies first and then potential solutions could be discussed and limited to save money. He reasserted a site visit would be appropriate with in house evaluation to save money. S. Paul didn't like the thought of not asking for all funding needed to bring a solution forward. J. Hager noted the evaluation is the majority of the proposed fee. J. Marran also noted understanding the history of the property isn't in the scope and its crucial. J. Hager stated history isn't the engineer's expertise and isn't germane to his job of purely assessing the physical conditions in the area along with the traffic data. It's his job to evaluate/observe and lay out traffic safety solution alternatives and at that point those assessing the potential solutions will take into consideration the history and avoiding/minimizing impacts as well as other stake holder input to hopefully arrive at a solution everyone can live with.

J. Marran reiterated concerns that he would be limited from having direct access to and collaboration with the engineer. He felt he should be allowed to provide his observations of the traffic mechanics and hidden elements around the intersection. J. Hager stated the traffic engineer will be doing their own observations of the traffic so likely won't need any assistance there. There may be a need and/or opportunity to provide input about other elements that constrict the intersection/area. She added this is why the consultant will be provided the video Mr. Marran obtained and traffic incident reports, etc. so they can understand these incidents and related constraints. If after reviewing all this base information, the consultant wants to talk to the person who lives at the intersection, the Town is not likely to object. Mr. Marran asserted if he's going to have to live with the results he should have access to the consultant. J. Hager noted nothing will take place in a vacuum, there will be public discussions and time for ample input. There needs to be a balance between ensuring the consultant gets all the info they need to conduct the evaluation, but not having the appearance or an actual squew in the process. Mr. Marran had concerns that we land in the wrong place because there wasn't enough collaboration. J. Hager noted Mr. Marran has provided the Town with a ton of information and input all of which the consultant will be provided. She stressed this isn't about one person, one property and one issue, it's about a special property and a safety issue that involves a lot of stake holders. There will be an opportunity for anyone who has information germane to the consultant's tasks to provide that information, but from a budgetary and impartiality perspective, there will not be carte blanche for any consultant to go off and take in things that have nothing to do with their task.

W. Talcott asked that traffic impacts of approved but not built projects and understanding of historic impacts be added to the specs. R. Largess Jr. said a new set of eyes needs to look at the issues, as opposed

to local departments with their own areas of concern. W. Baker added local departments don't have this kind of time or expertise in some matters.

Jennifer Robinson of Historic New England noted they have held a restriction since 2000. The outcome they would want would have the least impact on protected features. They would like to stay involved in the conversation at whatever stage is appropriate.

The Board restated they would like to be the project lead. There was some concern that Town Meeting may not approve a full \$30,000 for the project, so S. Paul asked that the consultant break the project into phases or tasks with an estimate for each. He also asked for their qualifications working on historically sensitive locations.

K. Downer of 334 Boston Road and Chair of the Historic Commission suggested that perhaps the Commission be able to partner so they can bring their expertise to the evaluation after the solutions are presented.

P. Nichols of 167 Burbank Road asked who will decide which of the potential mitigation measures will be selected. J. Hager stated a public process is an important part of the process and ultimately the Select Board or the Planning Board could also present a related article to Town Meeting. Town Meeting will ultimately decide what gets funding or changed, if anything,

Administrative Items

Motion: To approve the minutes of 1/10/22, W. Baker
2nd: R. Largess, Jr.
Vote: 5-0-0, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess, Jr. – aye,
S. Paul - aye

Filing – The Board acknowledged the following filings:

- Lifesong Church – 65 Gilmore Drive – Addition – hearing 2/28

Board Business: None.

Correspondence: None.

Motion: To adjourn, 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

Adjourned 9:24 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: 880 3817 6787
Password: 215551. 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.

