

## **SUTTON PLANNING BOARD**

### **Meeting Minutes**

**October 23, 2023**

Approved \_\_\_\_\_

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

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

Present remotely: E. McCallum (Associate)

Absent: None

Staff: J. Hager, Community Development Director

### **Public Hearing (cont. from 9/25) –27 Worcester Providence Turnpike – Drake Petroleum – Sie Plan Review & Route 146 Special Permit – High Speed Diesel Expansion**

Drew Garvin from Bohler Engineering was present with Kevin Doyle of Global Petroleum on behalf of the applicant. Bohler provided response to comments from the Town's consulting engineer and the Community Development Director earlier in the day.

The Board discussed work within the required 100' buffer from residential zoning district line. They agreed the active part of the permitted use appears to be at least 100' away though this should be verified. However, there were concerns with whether a sound wall may be necessary in lieu of the 6' vinyl fence that is proposed. At the original hearing residents were concerned about the potential noise from truck queuing for gas on the south side of the site so these islands were moved to the north side of the site, now truck pumps on greater numbers are proposed on the south side of the site. There was additional discussion about substituting evergreen trees behind the fence in lieu of a portion of the landscaping in front of the fence.

The Board also discussed emails from MassDOT that suggested the applicant may need some type of approval from MassDOT for the increase in use/traffic. Concerns were expressed with the length of the acceleration and deceleration lanes to and from the site.

The Chair stated the Board needs a "clean" letter from Graves Engineering, the Community Development Director, and MassDOT.

Motion: To approve the waiver from the Drive through bylaw IV.K.a. to allow backup queuing of 4 spaces having noted there have been limited or no issues with queuing exceeding the base of 20 spaces, S. Paul

2<sup>nd</sup>: R. Largess Jr.

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

Motion: To approve the waiver from Section IV.C.4.e. to allow submittal of photographs and written description of the canopy over the proposed diesel pumps in lieu of architectural drawings, S. Paul

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

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

Motion: To approve the waiver from Section IV.C.4.e. to allow work on slopes in excess of 15% to remove a limited/isolated section of earthen berm adjacent to the existing site that is not anticipated to cause any run-off/drainage issues, S. Paul

2<sup>nd</sup>: R. Largess Jr.

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

Motion: To continue the hearing to 11/6/23 at 7 PM, M. Gagan

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

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

### **Public Hearing – 358 West Sutton Road – Scenic Road stone wall alteration**

M. Gagan read the hearing notice as it appeared in The Chronicle.

Margaret Bacon of Civil Site/Allen Engineering was present on behalf of the applicant to review proposed plans with the Board. In response to a question from the Board she stated previous potential buyers wanted to locate a home farther back on the lot closer to the wetlands. The owner has decided to seek Conservation approval for a home site much closer to the front of the lot and away from the wetlands and their buffer.

There were no public comments.

Motion: To approve the request to create a break of up to 18’ to construct a driveway for a new single family home, provided 1) all stones remain in the reconstructed wall or on the property, and 2) that the wall retains the same look as the existing wall or those in the area, R. Largess Jr.

2<sup>nd</sup>: M. Gagan

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

Motion: To close the public hearing, W. Baker

2<sup>nd</sup>: R. Largess Jr.

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

### **Action Items**

- Form A Plans

#### **125 Burbank Road – Retreat Lot**

Motion: To endorse the retreat lot plan dated 08/23/2023, showing a retreat lot at 125 Burbank Road and the balance of land at 91 Burbank Road with the “not buildable” note removed and the balance of the remaining land show as one combined lot with 271’ +/- frontage on Burbank Road, R. Largess Jr.

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

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

- Stockwell Farm - Release of Covenant: J. Hager explained the cul-de-sac for this four lot subdivision has been completed. The AsBuilt plan was reviewed and approved by both Graves Engineering and the Highway Superintendent also inspected the road in case the Town ends up taking it as a public way. The roadway has been completed in accordance with the approved plans.

Motion: To release the covenant for Stockwell farm dated 06/04/2018, R. Largess Jr.

2<sup>nd</sup>: S. Paul

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

**BLC Tenant Traffic Validation:** Attorney Todd Brodeur of Fletcher Tilton was present on behalf of Scannell Properties owner of Blackstone Logistics Center. The Planning Board placed a condition which required once a tenant was identified a pre-occupancy traffic document would be submitted to ensure the projected traffic of the actual tenant would not exceed the traffic anticipated in the original filing and approval. A tenant has been secured that will occupy approximately 70% of the building. The required document was submitted by Vanesse Hangen Brustlin. The document was reviewed by the tri-town traffic peer reviewer GPI. GPI agreed with the assessment of VHB that the proposed healthcare/pharmaceutical tenant will not exceed the generation that was anticipated. J. Hager verified that if a tenant is identified to occupy the remaining 30% of the building that a combined traffic impact assessment will need to be submitted at that time.

**Motion:** The Board agrees that the documents submitted represent compliance with the pre-occupancy traffic assessment condition of the Board's original approval, R. Largess Jr.

**2<sup>nd</sup>:** S. Paul

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

**Forest Edge Release of Covenant:** J. Hager explained back in 2006 the Board put surety in place for the Forest Edge project in the form of a Covenant that restricted sale of units until the infrastructure to serve the units was completed. This surety was released for Phase 1 of the project and alternate surety was placed. Years later a covenant was established and then released for Phase 2 with a cash bond remaining to secure this phase. Presumably everyone forgot the original covenant was still out there and hadn't been released with respect to Phase 2. Although numerous unit in phase 2 have sold, the title examiner for the most recent sale found the original covenant that was not released fully. This is a housekeeping item as a cash surety and agreement is in place to secure remaining infrastructure items on Phase 2.

**Motion:** To release the original covenant dated 04/22/2005 in full, S. Paul

**2<sup>nd</sup>:** R. Largess Jr.

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

**Board Re-organization:** Although it is S. Paul's turn to be Chair he has previously stated he doesn't have the time to commit to the role right now. R. Largess Jr. is next in line. He has agreed to serve until next July at which time S. Paul can decide if he wishes to take the helm at that point and if not W. Baker will be in line for the position.

**Motion:** To nominate R. Largess Jr. for Chair and S. Paul for Vice-Chair until July 2024, R. Largess Jr.

**2<sup>nd</sup>:** W. Baker

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

### **Administrative Items**

**Motion:** To approve the minutes of 09/25/23, R. Largess Jr.

**2<sup>nd</sup>:** S. Paul

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

**Filings:** None.

**Site Visit Reports:** The Board acknowledged Site Visit Reports for Unified Parkway.

**Abutting Town Notices of Interest:** None.

Correspondence: J. Hager noted the Planning Department has received a Mass Housing Partnership grant worth nearly \$22,000 to have Central Massachusetts Regional Planning Commission assist a housing sub group on education and outreach regarding housing needs in Sutton. The process will include surveys, community meetings, etc. She asked the Board to consider who they would like on the core team that will work with CMRPC to craft and carry out the process.

Board Business: None.

Motion: To adjourn, S. Paul

2<sup>nd</sup>: M. Gagan

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

Adjourned 9:03 PM

Covid Meeting Statement:

Pursuant to Governor Healy's March 29, 2023 Order extending the temporary provisions pertaining to the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format and is being recorded. The recording will be available on the Town's website and YouTube channel.