

SUTTON PLANNING BOARD

Meeting Minutes

January 8, 2023

Approved _____

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

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

Present remotely: None

Absent: E. McCallum

Staff: J. Hager, Community Development Director

7:00 81 Uxbridge Road – Retreat Lot Special Permit

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

Travis Brown of Turning Point Engineering was present as well as applicant Anthony McAvey (remotely). T. Brown presented the proposed project which consists of combining two existing lots and reconfiguring them into one standard lot with the remainder becoming a retreat lot. He noted the home on the retreat lot is proposed to be located behind the wetlands so a crossing with wetland fill and replication will be necessary

The Board noted department comments received revealed all taxes have been paid and the applicant will need to make a filing with the conservation commission if they are doing any work within 100 feet of wetlands.

There were no public question/comments.

J. Hager noted the applicant needs to stress with National Grid that this is a retreat lot that requires underground utilities. If National Grid wants to install above ground poles to span wetlands the applicant will need to return to the Board in open meeting with correspondence from National Grid explaining why utilities have to be above ground.

Motion: To grant the Special Permit for the 9.77 acre retreat lot with 237' of frontage at 81 Uxbridge Road with the following conditions: W. Talcott

1. A recorded copy of the decision, covenant and plan must be received by the Planning Department within 6 months.
2. Approval of all other applicable Boards, Departments and Commissions.
3. The driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
4. Underground utilities shall be provided on the retreat lots, unless the Planning Board makes findings in open meeting that underground utilities are not practical due to extreme 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.
5. The house number shall be clearly visible at the street in both directions of travel.
6. No occupancy permit shall be granted until all conditions and requirements of this bylaw and the Special Permit granted by the Board are 100% complete.

2nd: W. Baker

M. Gagan reasserted the applicant should be stressing to national grid that underground utilities are required on a retreat lot like this one, and if not possible a minimum number of poles.

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

Motion: To close the public hearing, M. Gagan

2nd: S. Paul

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

7:15 16 Carr Street – Accessory Apartment Special Permit

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

Applicant Andre Kozaczka was present to review the application which consists of constructing a new home with a 960 s.f. accessory apartment. Building elevations and floor plans were reviewed.

The Board noted department comments received revealed all taxes have been paid, there are no conservation issues, and the applicant will work with the Board of Assessors to remove the area of the home and the standard lot from chapter land status.

There were no public question/comments.

Motion: To grant the Special Permit for a 960 s.f. accessory apartment at 16 Carr St. with the following conditions: S. Paul

1. Approval of all other required departments, boards and/or commissions, especially from the Board of Health.
2. Separate street numbers must be utilized as assigned by the Board of Assessors. Said numbers shall be clearly posted on the home and accessory apartment and at the street if not visible from the street, to ensure emergency vehicles and response personnel know where/how to gain access to each dwelling unit.

2nd: W. Talcott

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

Motion: To close the public hearing, W. Talcott

2nd: S. Paul

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

7:30 47 Hough Road – Pyne - Earth Disturbance/Removal Permit

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

Murray Bristol of Pyne Sand & Stone was present with Engineer John Federico of Guerriere & Halnon (remote) to review the application for 2024 earth removal operations. The Board reviewed the site plan including operational areas, monitoring well locations, and site restoration as well as photographs of the site and the monitoring well readings.

In response to commentary from the Board, the applicant confirmed they will likely be done at the site in approximately 1 to 2 years. There is a purchase and sale agreement for the property that may actually render this the last permit year. J. Hager reminded the Board that this is part of the Cubes at Pyne site that recently submitted an environmental notification form with the state for approximately 2.8 million square feet of warehousing.

There were no departmental or public comments.

Motion: To grant the permit for Class 1 Commercial Earth Disturbance/Removal as shown on the plans dated 12/12/23 with the following conditions: M. Gagan

General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Disturbance & Removal bylaw, which are a part of this permit, 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.

2nd: W. Baker

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

Motion: To close the public hearing, M. Gagan

2nd: S. Paul

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

Action Items

- Form A Plans

120 Burbank Road – 3 Retreat & 2 standard lots

Motion: To endorse the Covenant and plan dated 12/29/23 conditioned on no appeal being filed (appeal period concludes on the 9th), W. Talcott

2nd: M. Gagan

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

- 15 Pleasant Valley Road - MassDOT revisions

Greg Dibona of Bohler Engineering was present with revised site plans mainly affecting the entrance at 15 Pleasant Valley Road. The revisions were required by MassDOT to provide a wider turning radius for larger vehicles including emergency response vehicles and to dissuade exiting vehicles from turning to the left crossing oncoming traffic that is exiting Route 146. After reviewing the previously approved plans and the revised plans, the Board agreed these changes amount to a field change that does not require a public hearing and may be shown on the AsBuilt set of plans. M. Gagan noted now that the site is in construction, it is more obvious that visibility and awareness of the site should be decent for those exiting Route 146.

- Additional Action Items - None

Administrative Items

Motion: To approve the minutes of 12/18/23, M. Gagan

2nd: W. Baker

Vote: 4-0-1, R. Largess Jr. – aye, W. Talcott – aye, S. Paul – abstained as he wasn't present at this meeting, M. Gagan – aye, W. Baker- aye,

Filings: The Board acknowledged the filing of the following applications. The hearing will be held January 22nd: 100 Worcester Providence Turnpike - Site Plan and Special Permits for Great Dane trailer repair

Site Visit Reports: None

Abutting Town Notices of Interest:

Grafton Planning Board approved a 120-unit apartment complex at 188 Providence Road.

Correspondence:

The Board has received notice of a potential sale of lot 5 of the Kuchinsky land on the north side of Central Turnpike. The parcel in question is 3.3 acres with significant wetlands. The bonafide offer is \$175,000. This land is currently chapter land and the Town has the first right of refusal to purchase the property. The Planning Board recommended that the select board pass over the town's first right of refusal.

Board Business:

Central Turnpike Study and Transportation Improvement Program (TIP) discussion – Wally Baker summarized a presentation by Central Massachusetts Regional Planning Commission (CMRPC) given to the Select Board last week. An in depth study had been essential done of Central Turnpike including traffic counts, speed observations, safety, and roadway conditions. Various recommendations resulted including the need to repair slash upgrade at least two culverts under the roadway. He noted various residents have concerns with trucks on the roadway. However, as a public roadway that connects I-395 to Route 146, trucks cannot be banned unless there is an alternative local route like Boston Rd. In response to a question from S. Paul, J. Hager stated that in 1836 when Central Turnpike was accepted as a public way it was adopted as a toll road free to the residents of the Town of Sutton. This vote combined with the fact that it is the only 60 foot right of way in Sutton, the only straight road end to end, and it is named a "Turnpike", is a very solid indication that from the beginning it was intended for efficient transportation/commerce purposes. She noted however that residence concerns can be addressed in part by well-studied traffic calming measures like sidewalks and crosswalks, roundabouts, and bike lanes that have been found to slow the movement of traffic, and the TIP process can be used to fund these improvements.

134 Leland Hill Road – In response to a question from W. Talcott, J. Hager stated a site visit had occurred with herself, the Building Commissioner, the Highway Superintendent, a member of the Conservation Commission and their consultant, with the landowner. They found that more than double the area had been disturbed then was permitted, and the detention pond is bigger and not constructed in accordance with approved plans to handle runoff on the site. However, a conversation also needs to occur with Foppema Farms which is up gradient of this site as there are at least three points where significant amounts of runoff are coming through the Stonewall from the farm on to this site which is part of the problem. Site stabilization has occurred but they need to submit revised engineering plans and construct what is recommended by their engineer to handle what they have actually disturbed. They are also before Conservation for the silt from the site that is made it across the street into wetlands.

Motion: To adjourn, W. Baker

2nd: W. Talcott

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

Adjourned 8:20 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.