

SUTTON PLANNING BOARD

Meeting Minutes

March 13, 2023

Approved _____

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

Present in person: R. Largess Jr., S. Paul, W. Talcott, M. Gagan, E. McCallum (Associate)

Present remotely: W. Baker

Absent: None

Staff: J. Hager, Planning & Economic Development Director

Action Items

12 John Road – Site Plan Waiver – K & M Electrical Solutions

Mary Pho Star of K & M Electrical Solutions incorporated at 435 Camp Dixie Road, Pasco, RI was present to request waiver of site plan review to allow K & M Electrical Solutions to occupy Unit E at 12 John Road. The unit was previously occupied by Landry Mechanical. K & M is a residential solar photovoltaic installer. The number of vehicles will vary but will be approx. 3-4 employee vehicles on the site during the day and 2 overnight and a haul behind trailer. In response to a question from the Board Ms. Star stated company vehicles are already paying excise to Sutton as the owner lives in Sutton. There will be no chemicals in the building just racking, equipment and tools. The Chair asked if the Board has the ability to have an applicant return and even go through Site Plan Review if the use “explodes” and conditions substantially change. J. Hager stated that the Board has the ability if conditions substantially change from what was presented and approved to have the applicant return for amendments and even a public hearing process to comply with the Zoning Bylaw.

Motion: To waive Site Plan Review and approve the occupancy of Unit E by K&M Electrical Solutions with the approval of all applicable local permitting authorities especially the Building and Fire Departments, R. Largess Jr.

2nd: S. Paul

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

Administrative Items

Minutes:

Motion: To approve the minutes of 2/27/23 as amended to include discussion about the Earth Removal Bylaw revisions, R. Largess Jr.

2nd: M. Gagan

Vote: 5-0-1, R. Largess Jr.-aye, W. Talcott-aye, M. Gagan-aye, E. McCallum-aye, W. Baker-aye, S. Paul abstained as he wasn't present at this meeting.

Filings: The Board acknowledged the filing of a scenic roadway/public shade tree hearing at 11 Manchaug Road – Lots 4 & 5. The hearing will be held 3/27.

Site Visit Reports: The Board received site visit reports for Unified Parkway and Unified Building #3. The Chair asked if there have been any complaints. J. Hager noted there are concerns with visibility of Building #3. Although there is no requirement or a condition that the building will be invisible

Abutting Town Notices of Interest: None

Correspondence: J. Hager touched briefly on a recent case in Southborough. She noted the Planning Board only requires public discussion during public hearings. However, when you have a public comment section in your meeting agenda like the Select Board does or you allow public comment during a public hearing, you can limit time, but you cannot say in regulations that people remain “civil”. The Chair reviewed the background on how this ruling came about by the Board not just letting people vent. R. Largess Jr. noted the importance of letting people have their say despite how that occurs, and stressed the frustration experienced by both the Board and the public during this process.

Board Business:

- Annual Report – J. Hager noted the Annual Report has been written and submitted. If the Board wants any adjustments, they should let her know ASAP so she can make them before the report goes to print.
- Proposed bylaw Changes – The Planning Director provided the Board with a draft of the Flood Plan Bylaw as well as a proposed change to the sign bylaw requested through the Town Manager’s Office in response to frustration of various departments. This would allow State, Town, and non-profit signage to vary from base sign standards if they go through a public hearing process. In particular, this would potentially allow an electronic changeable message board at the school and Town Hall. This would address endless issues with changing the functionally obsolete manual change signage at various locations. She noted that an electronic sign provision could be added to the bylaw, but she doesn’t have enough time to craft a comprehensive and well thought out provision and frankly the entire bylaw needs to be revamped.
- Citizens Petition Bylaw Change – A citizen’s petition was received to reduce a provision adopted a few years ago that allows height to be up to 70’ by special permit in the Office Light Industrial (OLI) District. The proposed amendment reduces this special permit height to a maximum of 45’. The hearing on all proposed bylaw changes will be April 10th. She noted whether or not the Planning Board recommends that Town Meeting approve the petition article, it will still go to Town Meeting. In response to a question from M. Gagan J. Hager stated petitions only require ten signatures of registered voters for the annual May and October Town meetings.
- Cubes @ Pyne Environmental Notification Form (ENF) Review – J. Hager stated the Environmental Notification Form (ENF) is a “first pass” at a project which is large enough to trip various thresholds and needs a state permit, in this case various MassDOT permits. The Secretary of Executive Office of Energy & Environmental Affairs (EOEEA) is seeking initial input from interested parties about the impacts of the project. The Draft comment letter focuses on traffic and environmental impacts. She asked the Board to provide any comments/changes they would like ASAP and she will then formally submit the letter and send copies per the cc:s which include MassDOT. The Town has previously met with them to further discussions about the cumulative impacts from all the large projects along the Route 146 Corridor. The Chair will attend the site visit on behalf of the Board as the Planning Director is out of town.
- Other: The Chair noted the MIG site on John Road is larger than he anticipated. J. Hager noted it is her understanding that while they are proceeding with site construction, they will not be locating there. She recently received an inquiry from a potential party who wants to lease the site. And may need to come back through a review process. He also noted Holden and four other communities, are refusing to comply with the C. 40A Section 3A and will forego all related State funding. She reminded all that Sutton will start a public education and involvement campaign in July and ultimately voters will decide what happens in Sutton.

Motion: To adjourn, W. Baker

2nd: R. Largess Jr.

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

Adjourned 7:42 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: **820 7331 2925** Passcode: **221411**. 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.