

SUTTON PLANNING BOARD

Meeting Minutes

July 24, 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, E. McCallum (Associate)

Present remotely: None

Absent: None

Staff: J. Hager, Community Development Director (CDD)

Public Hearing – Compass Rock - 57-81R Purgatory Road – Open Space Residential Subdivision

Applicant Dave Lavalley and Wayne Belec of LDC were present for the continued hearing on this open space residential subdivision. Wayne updated the Board stating they had addressed all open items. The Chair confirmed a clean letter was received from Graves Engineering, the Community Development Director's comments have been addressed, and the most recent comments from the Board of Assessors have also been addressed. J. Hager noted in discussion with the Highway Superintendent regarding his thoughts on maintaining the proposed very wide entrances with concrete islands and vertical granite curbs, he was not in favor of this design should it become a public way as it would be difficult to plow and require additional maintenance. The width was also reviewed and the CDD felt strongly that an entrance over 100' wide with concrete and harsh vertical granite edges just is not appropriate off Purgatory Road nor for the design of an Open Space Subdivision. Therefore, she is recommending the design with the narrower entrance and sloped granite curbing adjoining grass pave surfacing that will accommodate the concerns of the Fire Department in terms of having an adequate radius that can also support significant weight for their large vehicles to enter the site. She added lighting will only be installed at entrances as lighting the trail heads may encourage their use at night, and lighting is generally considered a detriment to the nearby wetland habitat.

There were no additional public comments.

The Board discussed potential conditions that were in the Community Development Director's review dated 7/20/23 that are posted on the Planning Board website and available next to the sign in sheet. Hours of operation were extended to 5 PM on weekdays and early starting hours were clarified. The type of construction vehicles that must come and go only via Central Turnpike was clarified.

The Board reviewed the required findings for approval of an Open Space Residential Subdivision (OSRD). It was noted the open space will likely be held by a land trust. Additionally, lots are approximately 30-50,000 s.f. in excess of the minimum 15,000 s.f. allowed.

Motion: The Board finds that this project is compliant with the OSRD standards as makes the following required findings: S. Paul

- a. The open space as required by the bylaw has been exceeded with nearly 60% of the site, or 56 acres, to be permanently preserved.
- b. Approximate building sites have been identified and only 1 is closer than 100' to wetlands. This site is being restored and has been approved by the Conservation Commission.
- c. Proposed streets have been designed for adequate access for all homes and feature narrower width and curves that reduce speeds and allow the enjoyment of the surrounding site.
- d. The lots meet applicable dimensional requirements.

2nd: 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 30 lot definitive OSRD subdivision to be located at 57-81 Purgatory Road per the most recent set of plans dated 7.14.23 and per the filing materials and other documents that are part of the public record with the conditions listed in the Community Development Director's memo dated 7/20/23 that were posted on the Planning Board website and available next to the sign in sheet, as amended (conditions detailed below): R. Largess Jr.

Prior to endorsement of the definitive plans:

1. Prior to plan endorsement in accordance with MGL, the applicant shall provide a covenant that states the lot(s) shall not be transferred, nor occupancy granted for any structure with frontage on the roadway, until that phase of construction of the roadway and any related site restoration is 100% complete.
2. Prior to plan endorsement all waivers and conditions of approval shall be noted on the plan sheets to be recorded.

Prior to commencement of construction:

3. Approval of all other required local and state departments, boards, and commissions.
4. As soon as the subdivision plan is recorded, an electronic file of the roadway and parcel lines shall be provided to the Assessor's Office in a form determined by them.
5. As soon as the subdivision plan is recorded, the applicant shall provide the Planning Department with three (3) full size sets of the endorsed and recorded plans, one (1) 11" X 17" reduced set, and one (1) electronic copy in pdf format.
6. The developer shall attend a preconstruction meeting with the Planning Department, applicable department representatives, and other bodies that have responsibilities relative to the site, as well as the site contractor and other personnel the applicant feels are appropriate.
7. The developer shall post a road opening bond as they are impacting Purgatory Road.
8. Prior to removal of any trees along Purgatory Road, the developer shall flag the subject trees, and will meet on site with the Tree Warden and Board staff to determine the condition of these trees. With this information in hand the Board can decide if they must be replaced/if a donation must be made to the public shade tree account or if the trees are not considered in good health/of value.
9. The developer will provide a minimum of one week's notice and review staked limits of clearing/tree removal plan for the roadway and for each building lot with Planning Board representative.
10. All erosion control measures must be in place, and inspected by the Town's consulting engineer, and maintained throughout the duration of the project. Twenty-four hours to rectify erosion problem, fine of \$200 per day each day after notice of violation of this condition is served in writing via hand delivery or mail to owner, owner's attorney or lead contractor.
11. Prior to commencement of roadway construction, all storm water facilities necessary to control, receive, and contain runoff, (I.E. detention basins, infiltration basins, etc.,) not including the closed drainage system, must be in place, stabilized, and inspected by the Town's consulting engineer.
12. The developer shall modify plantings or features that may inhibit sight distance at both entrances on Purgatory Road, with a follow-up evaluation and approval of sight lines by the Town's consulting engineer after the modifications are implemented.
13. All appropriate off-site construction warning methods, as determined by the Highway and Police Departments, shall be installed including "Trucks Entering" signage along Purgatory Road.
14. Final retaining wall design must be approved by the Town's consulting engineer.

During construction:

15. Construction shall be limited to Monday through Friday 7:00 AM to 5 PM and Saturday 8 AM to noon, and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas. From November 15th to April 1st equipment may be started at 6:30 a.m. but no construction may commence until 7:00 a.m, the rest of the year vehicles may not start until 7:00 a.m.
16. Construction related vehicles shall only access and egress the site from the north off Central Turnpike as opposed to from the south.
17. All construction equipment utilized to construct the project shall be outfitted with manufacturer approved silencing equipment including mufflers and skirts.
18. The developer shall ensure run off, dirt, and other construction materials are contained to the construction area and shall clean up anything tracked onto Purgatory at the end of every work day.
19. The developer shall coordinate required subdivision inspections with the Towns consulting engineer in a timely manner.

General:

20. A mechanism must be established to ensure that Parcel C screening 59 Purgatory Road shall remain as a screening parcel in perpetuity.
21. The developer must follow the General Phasing Construction Sequence detailed on Sheet C-221.
22. At the conclusion of each phase of roadway construction, and prior to release of surety for the project, the developer shall provide to the Planning Board an As-Built Plan and written certification from the developer's project engineer that the roadway and all related infrastructure has been constructed in accordance with the approved plans.
23. If at any point the roadway is to be held in different ownership than the majority of lots in the subdivision, prior to transfer of any lot which constitutes this majority, the roadway owner must establish a legal mechanism approved by the Town to be recorded in order to ensure the perpetual maintenance and upkeep of the roadway and storm water management facilities to include all detention and infiltration basins, all drainage swales, all outlet structures and all water quality inlets.
24. The developer shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased trees/plantings unless it is winter or summer, in which case in the following planting season. The developer shall also ensure the perpetual maintenance and upkeep of the roadway and storm water management facilities to include all catch basins, detention and infiltration basins, all drainage swales, all outlet structures and all water quality inlets unless the Town accepts the roadway as public, at which point the Town will assume these duties.
25. The applicant shall submit and O&M plan for the site drainage systems. Inspection and maintenance shall be performed by the developer in accordance with the recommended schedule and a written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the developer at its expense, unless the Town accepts the roadway as public, at which point the Town will assume these duties.
26. Any material modifications to the Subdivision required by another permitting authority shall be submitted to the Planning Board for its review and action as an amendment.

2nd: W. Baker

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

Motion: To close the hearing, M. Gagan

2nd: S. Paul

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 (division of land on existing roadways)

- 32/32 Burnap Road – Lot line adjustment between two lots

Motion: To approve the plan dated 7/5/23 showing a lot line adjustment, S. Paul

2nd: R. Largess Jr.

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

Proposed Bylaw Discussion

J. Hager explained per discussion at the last meeting she has prepared three groups of articles for Fall Town Meeting.

Earth Removal Bylaw Housekeeping – Two articles - The first fixes format issues and section references, and the second corrects the name of the use in the Table of Use Regulations.

Low Impact Development (LID) Bylaws – J. Hager explained the Town received funding from Central Massachusetts Regional Planning Commission (CMRPC) to do a review of the Town's Zoning Bylaw, Stormwater Bylaws, and Subdivision Rules and Regulations to see how the bylaws utilized LID standards. Sarah Plutnicki was present from CMRPC to do a presentation about LID and this process. (attached) Two articles were proposed for changes to Site Plan Review and the parking bylaws. More Bylaw changes will be proposed in the future, and this year the Subdivision Rules & Regulations will also be updated to include LID standards, but this is a start. The first article features minimum LID standards for new development or re-development/expansion that disturbs more than 5,000 s.f. of earth. The second article incorporates LID standards into interior lot landscaping and eliminates a bylaw provision that is consistently waived.

Special Event Facilities – J. Hager explained James Stevens of 212 Putnam Hill Road, which is 47 acres, has requested the Board consider, and perhaps sponsor, an article to allow special events on large parcels. This use could help retain this land as agricultural or open land as taxes and upkeep can be expensive. He had provided some sample bylaws and the Board asked the Community Development Director to craft a bylaw that might be appropriate for Sutton. Mr. Stevenson was present to answer any questions. He stated he and his wife liked the bylaw that was drafted. The Board discussed various aspects of potential uses including additional licensing that maybe required from other Boards and/or the State. The Chair pointed out that it appeared events would only be allowed Friday through Sunday, this will be amended to include all days in the updated draft. The Board unanimously agreed they will sponsor the article. They requested the CDD further investigate other towns bylaws and speak with these towns if possible, and also produce a map showing all parcels that meet the proposed acreage. An updated draft will be shared with various Town departments for comment and be forwarded to Town Counsel for review.

Administrative Items

Motion: To approve the minutes of 07/10/23, 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

Filings: None

Board Business:

Site Plan Review Waiver Request – The Little Coffee Bean - Sutton Plaza, Unit 18 – Mr. Nicolas Gianakis, owner of The Little Coffee bean in Upton, was present to answer any questions from the Board

regarding his request to locate a second restaurant in Unit #18 at Sutton Plaza, 160 Worcester Providence Turnpike. The shop will have 24 seats. The Board reviewed a plan of the site and the tenant layout for the Plaza. They discussed adequacy of parking on the site, which is more than adequate. They hope to open in September.

Motion: To grant waiver of Site Plan Review and approve the Coffee Bean for unit 18 at Sutton Plaza,
S. Paul

2nd: R. Largess Jr.

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

Site Visit Reports: The Board acknowledged receipt of site visit reports from Unified Parkway and the Unified Building 2/3 sites.

Abutting Town Notices of Interest: None

Correspondence: The Chair briefly discussed the article regarding zoning being at the heart of the housing crisis, and the opinion that these bylaws are essentially “economically exclusionary housing” policies, meant to prevent poorer people from living in a wealthier community.

Motion: To adjourn, S. Paul

2nd: W. Baker

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

Adjourned 9:18 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.