

**SUTTON PLANNING BOARD**  
**Meeting Minutes**  
**September 27, 2021**

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. Talcott, Associate (acting as full member)

Present remotely: None

Absent: W. Baker

Staff: J. Hager, Planning & Economic Development Director

**Public Hearing – 48 Hartness Road – Accessory Apartments**

K. Bergeson read the hearing notice as it appeared in The Chronicle.

Mr. Michael Collins explained they want to add an 880 s.f. accessory apartment to their existing home. One access will be through the house and one will be around the back of the house. The board reviewed site layout and the elevations with the proposed addition.

K. Bergeson read comments from town departments and boards including Fire Dept, Highway Dept, Board of Health, and Conservation Commission.

W. Talcott noted this apartment isn't like a typical one with a clear separate exterior entrance which might need some careful consideration.

S. Paul said he feels the home still looks like a single family home with the addition. The rest of the Board agreed.

R. Largess Jr. stressed how important it is that emergency personnel understand exactly how to get into the apartment especially in the event they are called and no one is home in the main house.

There were no public comments.

Motion: To grant an accessory apartment special permit with the following conditions, K. Bergeson

- Approval of all other required departments, boards and/or commissions, especially approval from the Board of Health and Building Department.
- The applicant shall work with the Building and Fire Departments to determine if the accessory apartment needs a separate address number and where that should be posted for emergency response purposes.

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

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

Motion: To close the public hearing, K. Bergeson

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

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

## Action Items

### Preliminary Subdivision Plan - 61 Duval Road

The Chairman explained a preliminary subdivision plan is intended to solicit input about a project in advance of a definitive subdivision filing. The Board's decision isn't binding. J. Hager added a preliminary plan can also grandfather land from upcoming zoning changes which isn't the case here. She noted the Board has 45 days to make a decision. Whether the Board approves, conditions, or denies a preliminary the applicant can proceed to the definitive plan filing.

Wayne Belec of Land Design Collaborative was present with Tim Flynn of Flynn Build and Develop and Flynn Group Consulting on behalf of Sutton Douglas Development.

W. Belec explained the proposed project covering the following information:

- The site is at 61 Duval Road and straddles the Sutton/Douglas town line
- Total acreage is 131 acres with 5.5 acres in Sutton
- Spine road 2,721', Loop road B 1,322', cul de sac 679' and access to Forest 853'
- 31 house lots, 2 homes in Sutton
- Private septic and well
- Two access points Duval Road in Sutton and Forest Street, Douglas, new roads meant to be public ways

Norman Lebel of 34 Mumford Road expressed concerns with water and icing, ability of roads to handle amount of traffic, and visibility at Duval and Mumford road width particularly during the winter with snow banks. W. Belec responded they will comply with state stormwater regulations which requires no increase in runoff at the property lines. He noted the problems mentioned are existing issues, but they will also submit a traffic evaluation and management study at the definitive stage. He added concerns about the availability of water for existing homes if more homes are withdrawing water for their use.

Rochelle Forsythe of 33 Mumford Road expressed concerns with safety and icing and the increase in traffic volume on narrow roads. She also reminded everyone that traffic increases significantly seasonally due to the campgrounds in the area.

Steve Kroll of 78 Torrey Road stressed there are issues with adjacent wetlands and road structure on Torrey Road and he wondered if the road will disintegrate with large vehicle use. Mumford Road is very narrow and noted due to the topography of the lots on the east side of the road dropping off these residents park along the street making it even more narrow. He noted traffic that exits to Forest Drive will end up on Torrey Road. He expressed concerns with safety at Steven's Pond Dam and said any construction traffic should not be allowed over the Steven's Pond or Manchaug Dams, but should have to come through Douglas. He added that construction and new traffic loads will wear out area Sutton roads faster.

W. Belec stated they will be processing a lot of construction materials on site which will significantly reduce construction traffic. Regardless they will be undertaking a full traffic assessment for their definitive plan filing. They are not using sewer but he noted this is positive in terms of maintaining recharge in the immediate area. He confirmed they will provide a detailed stormwater study that will include recharge including the effect of increased impervious.

R. Nunnemacher of 24 Singletary Avenue asked Mr. Belec for his credentials. Mr. Nunnemacher stressed nearly all traffic impact from the project will be on Sutton roadways. He stated the financial impact should be evaluated including increased road maintenance and improvements while there will only be one additional homes worth of revenue in Sutton.

Mr. Belec stated he is the owner of Land Design Collaborative and the project manager for this project. He is not a professional engineer or registered land surveyor. He stressed LDC consists of a fully credentialed professional staff managed by himself.

Norman Lebel of 34 Mumford Road asked that 61 Duval Road be used only for a fire road, not the main access.

Diane David of 49 Duval Road briefly reiterated concerns expressed by others and in an email to the Board about traffic safety and water issues. She asked if the draught would affect wetland delineation. Mr. Belec explained it would only effect the delineation if it was a significant and sustained drought which isn't the case. She also asked about quality and volume of water supply going forward for existing residents.

In response to various questions about stormwater J. Hager provided an explanation of stormwater regulation stating that right now rain falls on the project site, the forest cover absorbs some of the rain and what isn't absorbed runs where the terrain directs it. The applicant is required to prepare a report showing where the rain goes now and how fast and in what quantity. During definitive plan review the applicant must provide an evaluation of where, how much and how fast water will go once the forest is replaced with roadways, lawns and homes. The study must show that whatever ran off the property before is what continues to run off post construction to the same areas, in the same amounts and at the same velocity. The quality of the water must also be the same.

David Lapan of 34 Mumford Road stated there are natural springs on the property and he is concerned construction will disturb them and create more water issues. He noted they are not disturbing and wetland for the project and these areas are likely where most springs are located.

Bobby Gavin of 102 Curry Street, Douglas and she owns 65 Duval Road she also expressed concerns about the springs they are not aware of outside of wetlands and the effect of disturbing them.

Courtney Webber of 10 Forest Street, Douglas echoed concerns already expressed. She noted she had just bought her home and wished she knew about this project before she bought. She added Forest is more narrow than Duval Road and there are blind drives on Birch Street. She said it was her understanding an original proposal only had 15 homes she asked why the number of homes has doubled especially when there had been open space discussion. W. Belec stated they never produced a 15 lot subdivision plan.

Norman Lebel of 34 Mumford Road also added concerns about non-functioning storm drains in the area particularly on Mumford Road at the Douglas town line.

W. Talcott confirmed homes will have individual wells and septic systems and that roads are intended to become public. He also confirmed the Douglas lot size here is 90,000 s.f. and 200' frontage and dead end roads can be a maximum of 1,000'. He asked if the applicant would upgrade existing roads in the general vicinity. The applicant replied they would look into the possibility.

R. Largess Jr. asked if water can be reduced or eliminated since there seems to be too much in this area. J. Hager stated there is a limit to what can be done.

W. Talcott stated perhaps they shouldn't use Duval Road at all. R. Largess Jr. added as Sutton Roads will still be impacted even if all traffic goes to Forest so the Town should take this opportunity to require some upgrades.

J. Hager noted the applicant stated they intend to request several waivers including 24' roadways, bituminous curbing, and no formal planting strips in lieu of retaining as many trees as possible and just supplementing where necessary. She asked if the Board wants to indicate how they might act on these so the development team can consider this in the definitive design. S. Paul said he doesn't want to talk about waivers and expressed his intent to disapprove the preliminary plan noting extreme financial burden in terms of road repair and maintenance, stormwater, and other impacts as expressed in exchange for less than 3% of development.

J. Hager summarized the Boards options. She stated she would recommend, as the Preliminary plan action has no bearing on what actions the Board may take during definitive plan review, that the Board should not disapprove the preliminary plan. If the Board disapproved the plan they must state in detail why they are disapproving. When the definitive plan is filed the Board risks conflicts that can be created if the applicant fixes what the Board disliked about the preliminary but the Planning Board finds additional issues have come to light with the more detailed definitive filing. She recommended a conditional approval where the Board clearly states the main issues and concerns and states what they expect to see from the applicant when they file the definitive plan.

W. Talcott stressed he felt the developer should just not exit onto Duval Road. R. largess Jr. noted the developer could reduce the homes to 29, none in Sutton, but the impacts still won't be avoided, this is an opportunity to perhaps address existing issues.

- Motion: To approve the preliminary subdivision for 61 Duval Road dated 8/31/21 with the following conditions, K. Bergeson
- Upon definitive filing the applicants shall provide a detailed traffic study that shows at a minimum volumes and volume to capacity evaluation on Duval, Mumford and Torrey Roads and level of service and safety evaluations at their intersection with each other and Mumford/Main Street as well as along the lengths of Mumford, Duval and Torrey Roads.
  - Upon definitive filing the applicants shall provide a detailed stormwater assessment that demonstrates construction shall not impact the surrounding areas. Additionally, the applicant shall evaluate and mitigate the presence of springs within the development area.

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

S. Paul asked how issues get addressed? J. Hager stated they must propose mitigation and if they don't the Board will then have grounds to disapprove. W. Talcott asked about what the Board can ask the developer can do? J. Hager stated when there is pre-existing issues the Board usually tries to strike a balance of responsibility but the Board can ask them to do it all. All of this should depend on the actual definitive filing materials. The Board discussed this at some length do to burden versus benefit for Sutton.

Vote: 3-2-0: W. Talcott – no (for Scott's reasons), K. Bergeson – aye, M. Gagan – aye, R. Largess Jr.- no (to indicate the plans need work), S. Paul – aye

## Administrative Items

Motion: To approve the minutes of 9/13/21, S. Paul  
2<sup>nd</sup>: K. Bergeson  
Vote: 3-0-2: W. Talcott – aye, K. Bergeson – aye, S. Paul – aye, M. Gagan – aye, R. Largess Jr. & W. Talcott abstained (not present at this meeting)

Motion: To approve the minutes of 9/14/21, S. Paul  
2<sup>nd</sup>: K. Bergeson  
Vote: 3-0-2: W. Talcott – aye, K. Bergeson – aye, M. Gagan – aye, R. Largess Jr.- no, S. Paul – aye

M. Gagan thanked everyone for attending tonight's meeting.

Motion: To adjourn, R. Largess Jr.  
2<sup>nd</sup>: K. Bergeson  
Vote: 5-0-0: W. Talcott – aye, R. Largess Jr. - aye, K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

Adjourned 9:12 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](https://www.zoom.us/join) and enter Meeting ID: 841 0854 8160 Password: 238867. 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.