

SUTTON PLANNING BOARD

Meeting Minutes

April 11, 2022

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, R. Largess, Jr., S. Paul, W. Baker, W. Talcott

Present remotely: None

Absent: None

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – 179 Mendon Road – Accessory Apartment

W. Talcott read the hearing notice as it appeared in The Chronicle.

Kevin and Lynne Coderre were present to review their application for a 910 s.f. accessory apartment which will be in the basement of their proposed new home.

Lynsey Biernacki of 183 Mendon Road asked if the unit would be a rental unit. The Coderres said the unit will not be for rent that it is for family. J. Hager noted the Town cannot restrict these units to family only and they can be rented. However, the Board has found the requirement that the owners continue to reside on the property appears to have eliminated issues with renters.

W. Talcott asked the applicants to explain access to the unit. Entry will be via the garage, the back door or patio slide or through the main home if necessary.

The Board review department comments including some confusion with alignment of the stairs.

Motion: To grant the Special Permit for this accessory apartment with the following conditions: S. Paul

1. Approval of all other required departments, boards and/or commissions, especially approval from the Building Department and Board of Health
2. Separate street numbers must be utilized and clearly posted, on the home and if necessary for visibility at the street, for the main home and the building entrance to accessory apartment so that emergency vehicles know where/how to gain access to the separate units.

IE: 179A and 179B

2nd: R. Largess, Jr.

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

Motion: To close the public hearing, R. Largess, Jr.

2nd: W. Baker

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

Public Hearing – Proposed Bylaw Changes

W. Baker read the hearing notice as it appeared in The Chronicle.

J. Hager explained the current bylaw has a typo in section a. and section h. forces applicants to construct detached accessory structures twice as big as the apartment they need in order to comply.

If an applicant wants a 1,200 s.f. accessory apartment, they must construct a garage or barn to house it that is at least 2,400 s.f., nearly as big as many homes. The affect is not as intended as the result is a home and an unusually large garage or barn on a lot. It also is contrary to the benefit of being able to provide an alternate affordable housing form if you have to build such a large structure.

W. Talcott felt the wording for Section 2 should be “a. An apartment shall only have one bedroom.” The majority of the Board agreed.

There was extensive discussion as to whether an accessory apartment should be allowed to be the entire detached structure as long as it looks like a garage or a barn. The majority of the Board agreed that the intent was that if an applicant had a garage or a barn or was building one they could make a portion of that structure an accessory apartment. The majority of the Board felt the language should be adjusted as follows: “h. An accessory apartment shall be a portion of the main dwelling or a portion of a detached structure, such as a garage or a barn.”

It was confirmed another provision of the bylaw requires the detached apartment to look like a garage or a barn.

Motion: To recommend that Town Meeting approve the bylaw change as amended, W. Talcott
2nd: S. Paul

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

Motion: To close the public hearing, W. Baker
2nd: W. Talcott

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

Public Hearing – Retreat Lot - 16 Carr Street

W. Baker read the hearing notice as it appeared in The Chronicle.

Applicant Andre Kozaczka of 12 Putnam Lane in Grafton, MA was present with the owner Steven Dzicek of 2024 Quaker Street, Northbridge, MA. Mr. Kozaczka explained he is applying to designate the lot as a retreat lot so they can build one single family home on the lot. J. Hager explained the lot had previously been an approved retreat lot but none of the required documents had been recorded at the Registry of Deeds so therefore the previous permit is null and void. She added she did not feel it was appropriate to ask the applicants to pay for a revised Form A plan unless they knew the Board would approve this Special Permit. Therefore, she has reviewed the plan for both retreat lot and Form A requirements and recommended any action be conditioned on submission of this plan with all required revisions after the appeal period is complete.

The Board reviewed Department comments.

Motion: To grant the retreat lot Special Permit with the following conditions, S. Paul

1. Prior to endorsement the applicant shall make all plan revisions per the Planning Director’s memo dated April 6, 2022.
2. A recorded copy of the decision, covenant and plan must be received by the Planning Department within 3 months.
3. Approval of all other applicable Boards, Departments and Commissions.

4. The Driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
5. The house number shall be clearly visible at the street in both directions of travel.
6. Underground utilities shall be provided on this 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.
7. No occupancy permit shall be granted until all conditions and requirements of this bylaw are 100% complete.

2nd: R. Largess, Jr.

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

Motion: To close the public hearing, W. Baker

2nd: R. Largess, Jr.

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

Public Hearing (Cont.) – Definitive Residential Subdivision Duval Road

Wayne Belec of LDC Design Group was present with Applicant and owner Tim Flynn.

W. Belec gave an update on the hearing process noting they met with the Douglas Conservation Commission on April 4th and have their next meeting on April 25th. Their next meeting with the Douglas Planning Board is April 28th.

The first round of civil engineering and traffic peer review is complete and LDC will provide written response to comments received for the next meeting.

Joe Campisi, Principal Hydrogeologist with Corporate Environmental Advisors (CEA) gave a summary of his hydrogeological study for the project per the attached presentation. His conclusion was that the wells and septic systems of the proposed homes would not affect the wells of existing homes. While he confirmed springs are present on the property, he was confident the proposed plans for stormwater runoff to comply with State standards would adequately safeguard abutting properties.

R. Largess, Jr. asked and the applicant confirmed that is anything goes wrong with abutting wells as a result of the construction of this project that they will address the issue. T. Flynn stressed they are not a “one and done applicant?” they hope to continue to work in the community/area. If there is an issue directly related to their project they will fix it, but they are confident in their engineering and hydrogeological evaluations.

James LaPlante of 26 Heritage Road had questions regarding the water usage data.

W. Talcott asked about perc tests. The applicant stated they had conducted 20 tests and soils were fairly consistent. He asked if the applicant would build the project himself or sell the project to someone else? The applicant stated it is his intention to build the project himself.

Courtney Sudak P.E., Senior Project Engineer for Tetra Tech, the traffic engineer, reviewed the traffic portion of the attached presentation.

Noting 80% of traffic is expected to travel north into Sutton, J. Hager asked if there was a reason they didn't evaluate the intersection of Mumford and Main Street and Manchaug and Torrey Roads which both have difficult sight distance issues. Ms. Sudak noted they are beyond the typical distance from the project which is evaluated. J. Hager asked if they would evaluate these intersections. She noted traffic counts did not take into account camp ground traffic which wasn't present when counts were conducted and campgrounds were closed due to Covid.

S. Paul noted while the actual number of vehicles being added isn't huge, when you look at the percentage increase it is a significant change.

W. Baker asked if trip generation numbers include delivery vehicle trips to homes Ms. Sudak stated that trip generation number DO account for typical vehicle trips of All types to a single family dwelling. The rate determined by the Institute of Traffic Engineers (ITE) for this land use type is nearly 10 trips per day per dwelling. W. Baker noted Covid may have increased these rates.

M. Gagan asked how trip distribution is determined. Ms. Sudak explained a number of factors go into this calculation including census data about home and work locations and evaluation of current travel patterns. He also asked about construction traffic. W. Belec acknowledged that for Phase 1 100% of traffic will come through Sutton via Duval Road with slightly less as construction moves farther into Douglas. He added they have/will have a construction management plan to limit the number of trips to and from the site and to provide detail on travel routes. Additionally, if there are "choke points" or sensitive sites like schools along these routes they will alter hours to keep construction vehicles off road or out of these areas during times of higher volumes.

Rochelle Forsythe of 33 Mumford Road expressed concerns with large construction vehicle at the intersection of Mumford and Duval Road. She also expressed concerns with the roadway constriction at Steven Pond Dam and the ability of various bridges to handle heavy construction vehicles.

W. Talcott asked for confirmation on the width of roads within the subdivision. W. Belec stated roads in Sutton will be 24' and within Douglas will be 22'. Duval Road is currently approximately 23.5' wide.

The Board considered various waiver requests that are integral to project design and will need to be adjusted now if waivers are not granted:

4.A.3. – Request to reduce road width to 24' in Sutton.

Motion: To approve the waiver from 26' to 24' paved width, S. Paul

2nd: R. Largess, Jr.

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

5.G.1. – Request for Type 3 bituminous berm

Motion: To approve to allow Cape Cod bituminous berm with vertical granite at all street intersection to 6' past the radii on both streets, S. Paul

2nd: R. Largess, Jr.

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

5.J.4. – Request to only plant street trees where there are gaps in natural vegetation along the roadway due to necessary clearing.

Motion: To approve the waiver to allow elimination of street trees where existing trees remain that are of adequate size and location to serve as public shade trees in the opinion of the Planning Board, R. Largess, Jr.

2nd: S. Paul

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

3.C.1.F. – Use of different scale on locus plan.

Motion: To approve the waiver to allow an alternate scale on the locus plan, R. Largess, Jr.

2nd: S. Paul

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

4.a.2.k. – Roadway cross section not like that in the appendix.

Motion: To approve the waiver to allow pavement at 24', 1.5" base and 2" top course pavement, W. Talcott

2nd: R. Largess, Jr.

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

4.D. – Fire Protection

There was a discussion noting a waiver for fire protection will be necessary as Sutton Fire does not want cisterns per the regulations, but Douglas does want cisterns. Therefore, the applicant intends to potentially individually sprinkler the homes. In response to a question about water demand from S. Paul, W. Belec stated the system draws water from the well over time and a portion goes to daily domestic use and a portion to a small cistern in the home and fire protection is boosted from this cistern if needed. T. Flynn stressed while most homes will be saved, the intent of a residential system is primarily to allow residents time to safely exit the home. Action on this waiver will be held until the Sutton Fire Department is satisfied with the proposed method of fire protection.

4.f.3. – Elimination of temporary construction easements – not necessary as the applicant owns all land adjacent to roadway layout

Motion: To approve the waiver to eliminate temporary construction easements adjacent to the roadway layout, W. Talcott

2nd: W. Baker

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

Motion: To continue the hearing to May 10, 2022 at 7 PM, S. Paul

2nd: W. Baker

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

Action Items

Form A Plans

241 Putnam Hill Road – Conveyance of land from one lot to another

Motion: To approve the Form A plan dated 4/1/22, S. Paul

2nd: R. Largess, Jr.

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

Endorse Site Plans

Motion: To endorse the Site Plans for Koopman Lumber at 29 Gilmore Drive, R. Largess, Jr.
 2nd: W. Talcott
 Vote: 5-0-0, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess, Jr. – aye,
 S. Paul – aye

Motion: To endorse the Site Plans for Lifesong Church at 65 Gilmore Drive, R. Largess, Jr.
 2nd: S. Paul
 Vote: 5-0-0, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess, Jr. – aye,
 S. Paul – aye

Administrative Items

Motion: To approve the minutes of 3/28/22, S. Paul
 2nd: R. Largess, Jr.
 Vote: 5-0-0, W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess, Jr. – aye,
 S. Paul – aye

Filing – The Board acknowledged the following filings:

- Site Plan & Special Permits - Unified Buildings #2 & #3 – Boston & Providence Roads – Hearing begins 4/25

Board Business:

Potential Associate Planning Board Members –The Board discussed potential members Dave Mason and Erica McCallum. J. Hager stated that she had confirmed with Town Counsel that the Planning Board can only have one Associate Member unless the Charter is changed. The provisions of the Charter that allow three Associate Members only apply to Boards/Commissions where all members are appointed. The Planning Board is partially elected and partially appointed. J. Hager noted D. Mason contacted her earlier in the day and asked that she let the Board know that he is an avid hockey player since age 3. He has games on Monday evenings later at night. He will likely need to leave for games between 9 and 9:30 PM. He stressed he will remain at the meetings and miss games if the Board needs him present. The Board truly felt each applicant had something to bring to the Board, and asked that their request for appointment include a request to begin the Charter amendment process to allow more than one Associate Planning Board Member and one who can act on ALL matters before the Board.

Motion: To recommend the Select Board appoint Erica McCallum as the Associate Planning Board member for the next year, S. Paul
 2nd: W. Baker
 Vote: 5-0-0: W. Talcott - aye, W. Baker – aye, M. Gagan – aye, R. Largess, Jr. - aye, S. Paul - aye

Correspondence: None.

Abutting town notices:

There were various zoning change hearing notices from abutting towns.

Motion: To adjourn, S. Paul

2nd: R. Largess, Jr.

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

Adjourned 10:15 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: 898 2926 8532 Password: 456198. 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.