

SUTTON PLANNING BOARD

Meeting Minutes

August 22, 2022

Approved _____

*Note- This meeting was held in person and remotely via Zoom in accordance with recently enacted legislation. The Acting 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: E. McCallum

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – Lackey Dam Logistics Center – 3 Lackey Dam Road

The Board reviewed a request from the applicant's attorney to continue the hearing to the Board's next meeting.

Motion: To continue the public hearing to September 12, 2022 at 7:20 PM, W. Talcott

2nd: W. Baker

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

Action Items

Mickey's Car Wash Bond Reduction Request

The owner of Mickey's, Tammy Bourakis, has asked for a bond release for their screening landscaping along the southern property line. They have installed the full number of plantings they promised and they are nearly at the size promised. However, the original request did not take into account the plan scale and scaling planting correctly, so if plants were installed with two thirds in two stacked rows for more effective screening more nearly half the property line would have no plantings. The applicant's landscaper from Perreault's Nursery has provided correspondence explaining why plantings were done single file including the long term health of the plantings. The Board considered the fencing and plantings originally approved to achieve the buffering intent of the bylaws. They also noted this property line will be shared with another business not a residential property. The majority of the Board agreed plants were preferable to a fence, but noted if the plants don't grow to actually create the intended buffering they will have to be replaced/reconsidered.

Motion: To grant a bond reduction in the amount of \$7,600, R. Largess Jr.

2nd: S. Paul

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

Duval Road Subdivision – Covenant & Plan Endorsement

Wayne Belec and Tim Flynn were present with the covenant and final plan for endorsement by the Board. The appeal period has completed with no appeals filed. Graves Engineering has reviewed the final plans to ensure any final adjustments have been made, and J. Hager reviewed the plans to make sure conditions and waivers are on the plans as well as any remaining comments have been addressed. The covenant ensures no lots can be transferred until the roadway is complete or another form of surety has been placed.

Motion: To endorse the covenant with a performance deadline of 8/22/2025 and plans dated 8/19/22, R. Largess Jr.

2nd: W. Baker

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

Unified Buildings 2 & 3 – Potential Plan Endorsement

J. Hager explained the applicant has requested the Board take a conditional vote to endorse the plans once the appeal period concludes with no appeals having been filed. They are trying to keep a construction schedule and are asking not to wait until the Boards next meeting. The appeal period closes this Wednesday evening. In response to a question from the Board, J. Hager confirmed the Board has made a conditional endorsement vote before and she is not concerned as long as the wording is clear that the Board is not granting endorsement unless there is no appeal. These plans have also been reviewed by Graves Engineering and Jen Hager to ensure all final comments, conditions, and waivers have been incorporated.

Motion: To endorse the approved Site Plans dated 8/10/22 at the conclusion of the appeal period, only if no appeals have been filed, R. Largess Jr.

2nd: S. Paul

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

Administrative Items

Motion: To approve the minutes of 8/8/22, W. Talcott

2nd: R. Largess Jr.

Vote: 5-0-0, W. Talcott –aye, W. Baker, R. Largess, Jr. – aye, S. Paul – aye, M. Gagan – abstained as he wasn't present (but has viewed the meeting and filed a Certificate of Viewing)

Filings: None.

Site Visit Reports: None.

Correspondence:

34 Providence Road - Peter Amorello wrote to suggest some possible solutions to the non-compliance on his site at 34 Providence Road. J. Hager has received some complaints, but also checks sites for compliance with approved plans. This site is out of compliance as it has no designated parking, two very large storage containers have been placed against the front of the building where parking was approved, and otherwise the site is in general disarray. Fencing that was installed is also not fully effective in shielding the view of the site from the public. The Board decided as Mr. Amorello quickly responded to the concerns, that they will give him a month to clean up the site and if he needs to maintain aspects of the site that are not in compliance with the approved plan, he can come speak with the Board at that time. The Board also discussed non-compliance at Rock & Recycling and Professional Tree that she will be trying to resolve for a second time.

Zoning Act c40A §3a - Multifamily Housing Requirements – The Board briefly discussed the final compliance deadlines for multifamily housing in MBTA communities. J. Hager noted Sutton has been deemed an “adjacent small town” MBTA community. As such, the base amount of housing bylaws must provide for has dropped from 750 units to 181 units, or 5% of the towns 2020 housing stock. She will need to work with the Board to formulate a plan to create as of right multifamily housing by late this year and file the plan with the State to remain in compliance. Part of this plan will be to host numerous public meetings to inform, received input, and formulate responsive bylaw changes to bring to Town Meeting in October 2023. She noted the Planning Office alone has filed one \$3.5 million grant and three others in the last five months that would not have been available or would have been negatively affected by

non-compliance. Ultimately it will be up to Sutton voters if they wish to forego the funding that is otherwise available to compliant communities. J. Hager will be putting all information about these changes on the Planning Board and department website this week so people can start to take a look at them.

The Attorney General has approved bylaw changes from the May Town Meeting. In response to a question from W. Talcott, J. Hager explained while the Attorney General's Office has ultimate approval of bylaw changes, they typically only disapprove proposed changes if they are in direct conflict with State law and decided case law. Otherwise, they "caution", when appropriate, that a bylaw may be challenged and otherwise defer to the will of Town Meeting and Home Rule.

J. Hager provided the Board an article about the unaffordability of housing in greater Worcester County. G. Betti of Colonial Road provided the Board articles about heat islands and the beneficial effect of trees and technologies like light colored road sealants that are being used to mitigate the effects.

Board Business:

Board Reorganization – It was noted the Planning Board rotates Chairs annually to give all members a chance at running the meeting and appreciating the role. The Chair noted the term ran a little longer this year for continuity during the review of large projects.

Motion: To appoint William Talcott as Chair and Scott Paul as Vice Chair for the upcoming year,
R. Largess Jr.

2nd: W. Baker

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

Motion: To adjourn, W. Talcott

2nd: S. Paul

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

Adjourned 8:08 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: **828 9154 4223** Passcode: **548898**. 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.