

## **SUTTON PLANNING BOARD**

### **Meeting Minutes December 20, 2021**

Approved \_\_\_\_\_

\*Note- This meeting was held in person and via Zoom in accordance with recently enacted legislation. The Chair read a notice regarding the hybrid meeting format. (see end of minutes)

Present: M. Gagan, R. Largess Jr., S. Paul, W. Baker, W. Talcott

Present via Zoom: None

Absent: None

Staff: Jen Hager, Planning & Economic Development Director

### **Public Hearings**

#### 176 Worcester Providence Turnpike – Retail Gun Shop

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

Ron Tetreau of Webster, a former Woonsocket, RI SWAT team member, and a member of the military for over 37 years, was present to discuss his application for a retail firearms shop with training. He brought several individuals with him to support his application as follows: Ray Marquis, Range Master for the Blackstone Valley Beagle Club in Douglas where they conduct trainings, Chris Cowan, owner of this site and a training instructor for the applicant, Lieutenant Mark Cabral of the Woonsocket Police and training instructor for the applicant, and Josh Tetreau an NRA trainer and owner of Wicked Holsters, who will also be involved with the company.

They intend to occupy a 1,050 s.f. portion of the first floor of this location. Mr. Tetreau has operated Asymmetric Training in Manchaug Mills for 10 years and does security consulting, including on several town projects.

He stated Sutton has a rich firearms and military history and they want to continue this with The Founding Fathers Tactical & Shooting Supplies. They propose to have a 600 s.f. retail shop and 450 s.f. of training space. The site has more than adequate parking and very good highway access. He added they will be applying to the ATF for designation that will also allow them to manufacture flint lock rifles like those produces in Sutton/Millbury in the past. He stated there will be seven responsible parties on his license, but likely only 1-2 employees will regularly be in the building. Typical hours would be 4 hours Monday through Friday and 4-5 hours on Saturdays and Sundays.

W. Baker confirmed there will be no live fire training at this location.

W. Talcott asked who the prior tenant was. The prior tenant was Reflexology that moved to another unit in the building.

Ray Marquis of Douglas, stated he first met Mr. Tetreau when he was a Douglas police officer. He spoke in favor of the application noting what a safe training operation Mr. Tetreau runs at his range.

In response to a question from J. Hager about the current tenants of the building, Chris Cowan, owner of the building, stated 8,800 s.f. of the building is occupied with the following uses:

Vape Shop 900 s.f., Elderwood Care 1,600 s.f., High 5 (autism advocacy) 4,000 s.f., Reflexology 1,600 s.f. This combination of uses needs 33 parking space plus another 5 for the proposed use for a total of 38 spaces. Mr. Cowan stated the lot was just re-paved and hasn't been restriped but will be shortly and will have close to 100 spaces.

The Chairman read department comments including fire department, tax collector, and Conservation that had no concerns.

The Board reviewed Special Permit criteria and made the following findings:

1. The site is appropriate for this use as it is properly zoned with adequate parking and highway access.
2. The site has private sewer and water adequate for the proposed use with no existing issues.
3. No undue nuisances will be created in the area as there will be no noise or people behaving other than typical for a business district.
4. Safe and adequate access exists on the site and to the site for safe vehicle and pedestrian movement.
5. Appropriate facilities are being provided to safely and appropriately operate the proposed use.

Motion: To grant the Special Permit for a retail gun shop with training in Suite 1B conditioned on receipt of all required approvals, permits and licensing from Federal, State and local authorities, S. Paul

2<sup>nd</sup>: W. Baker

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

J. Hager explained she recommended the applicant apply for waiver of site plan review because the building is existing and the proposed use isn't really more intensive than the prior use. Additionally, they will be covering all elements required in Site Plan review in the Special Permit process.

Motion: To waive Site Plan Review, S. Paul

2<sup>nd</sup>: W. Baker

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. Talcott

2<sup>nd</sup>: W. Baker

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

### Unified – Definitive Subdivision – Boston and Providence Roads

The Chairman read a request to continue this hearing to allow the Board and peer review engineer to time to go over the response to comments that were submitted on Friday.

Motion: To continue the public hearing to December 20, 2021 at 7:15 PM,

2<sup>nd</sup>: W. Baker

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye

## Action Items

### Form A Plan – 372 Boston Road

Margaret Bacon of Civil Site Engineering briefly reviewed the plan showing one additional lot with frontage along Boston Road but alternate access intended along Wilderness Drive.

She noted although there are wetlands across the entire length of the frontage that is possible to cross the wetland adjacent to the stone wall in compliance with state and local conservation regulations. The crossing would be approximately 4,500 s.f. and the wetland would have to be replicated nearby at 2:1.

W. Talcott asked if wetland could be replicated in the gas line easement. Ms. Bacon stated possibly, but she was confident there was enough room to accomplish the replication on the site outside the easement.

J. Hager reviewed the plan and summarized the Board's past discussion on this conceptual plan, which showed a small strip of dry land to the west of the wetlands on the proposed lot. Unfortunately, now that Ms. Bacon has officially flagged the wetlands, it is apparent the wetlands occupy a greater area than the conceptual plan. Previously the applicant was considering legal frontage along Wilderness Drive but the condition of the private way was questionable due to significant pot holes. As the Board was uncomfortable creating a questionable precedent by ruling this dirt private roadway was safe and adequate to be considered legal frontage, they suggested creating legal frontage along Boston Road and possibly being granted alternate access off Wilderness.

Joe Deliso, owner of the land, confirmed they have deeded right to access over Wilderness Drive. He noted the way has been improved recently and that they grade it every year in the spring. He stressed there are full time residents much farther down the way. J. Hager guessed these lots were likely pre-existing non-conforming lots and a previous building official allowed a permit to be pulled.

R. Largess Jr. was more comfortable with a driveway on Wilderness than on Boston Road so close to the Putnam Hill intersection.

S. Paul felt putting a driveway in on Boston Road would be safety and environmental problem. He felt the frontage should be on Boston, but the actual access should be from Wilderness.

W. Talcott worried about setting a precedent by allowing frontage on Boston Road that appears unlikely, but he felt it would be foolish to actually install a driveway over the wetlands with a ¼ acre of impervious area with a total length of over 1,500'.

The Board discussed shifting the lot line from the stone wall which Ms. Bacon confirmed is the edge of the wetlands, into the main house lot just enough to provide a high and dry driveway, so there would be no question that the legal frontage isn't entirely illusory. The majority of the Board indicated at that point they would be comfortable granting alternate access from Wilderness due primarily to safety concerns, but also considering the negative aesthetics of a really long driveway slicing across this horse farm landscape.

J. Deliso asked what would be necessary to consider Wilderness safe and adequate access. J. Hager responded really decent access 365 days a year. Typically, there had to be a bituminous surface and a minimum width of around 18'. W. Talcott wondered if the Board might also require seeing a plowing agreement to ensure safety vehicle access. W. Baker noted he lives on a private road and has never had to show such an agreement.

J. Hager stated the Board either had to deny endorsement of the plan, or the applicant will need to formally agree to extend the 21-day review period out until they have time to generate a plan that the Board can sign. M. Bacon asked if they could withdraw the application instead. R. Largess Jr. stated this could be done and withdrawing without prejudice would allow them to bring the plan back at any time and with or without changes. The applicant asked for a withdrawal.

**Motion:** To allow the withdrawal of the plan for an additional lot at 372 Boston Road without prejudice, R. Largess Jr.

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

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

### **Open Space Recreation Plan Presentation**

J. Hager presented six slides summarizing what an Open Space Recreation Plan is, why the Town has one and what the process is to keep it up to date. She reviewed the process undertaken over the last year by the Open Space Advisory Committee to seek input from all residents of the Town through a survey mailed to all households and through two forums at Marion's Camp and how this input and information from other sources was formulated into the latest draft of the plan. She reviewed the five overarching aspirations of the plan as follows, and showed the Board how these aspirations break down into goals and the targeted objectives/strategies to achieve the overarching aspirations.

1. Aspirations for the 2021-2028 Open Space and Recreation Plan are proposed to be:  
Sutton will be a community that understands, appreciates, preserves, and grows its open space resources
2. Sutton will be a community that understands, appreciates, and preserves its historic/cultural resources
3. Sutton will be a community that provides recreational opportunities for residents and visitors of all ages and abilities
4. Sutton will be a community where residents and visitors will be able to easily access information about Sutton's open space & recreation offerings
5. Sutton will be a community that acknowledges climate change and incorporates climate resilience into its open space, recreational, and historic/cultural initiatives

She asked the Board to review the detailed aspirations, goals and objectives/strategies and provide any commentary and/or additions. She also noted a full draft of the entire plan will be on the Town's website this week, so if the Board would take a look at that and make any commentary that would be appreciated. She noted she will need a letter from the Planning Board for submission of the Plan to the State for approval. She also noted many of the goals will be the objectives/strategies will be the responsibility of the Planning department and/or Board to undertake.

### **FreeGrace Marble Farm – Traffic Safety – Burbank & Sibley Roads**

The Chairman thanked Mr. Marran for providing a lot of background information that is also posted on the Board's website. He briefly summarized that the agenda item tonight is to discuss potentially requesting funding from the Select Board for an impartial traffic study of the traffic safety issues and recommendation of potential alternatives.

J. Hager reviewed aerial mapping of the general area and a close up of the Burbank/Sibley intersection. She noted the Police Chief has repeatedly expressed concerns with public safety at this intersection. These concerns, combined with overall concerns about potential increases in traffic in general and specific to future development on the Millbury end of Burbank Road, led the Board to request assistance from Central Mass Regional Planning Commission (CMRPC) to conduct traffic counts. These counts have been completed and have been provided to the Board.

James Marran, owner of the Freegrace Marble Farm that abuts all sides of the Burbank/Sibley intersection spoke to the Board about issues he has been dealing with for a long time. He noted he has a passion for this incredible property but is currently considering if he wants to stay. He stated the property damage is constant, with walls being struck 4 times in just the last three months. He reviewed that the property is a National Register Historic District and also holds an Historic New England (formerly SPNEA) restriction. This restriction requires annual inspections to show the property is being maintained in accordance with the restriction. He noted some of the improvements made to the farm and summarized that all of this justifies that the protection of this property deserves special consideration when formulating potential alternatives for dealing with the traffic safety issues. He also added his concerns about pedestrian safety as many people from the Villas and the immediate neighborhood regularly walk to and through this intersection. With respect to property damage incidents he stated Chief Towle and his department have been tremendous assets to the Town. He shared an email between him and Chief Towle. The Board viewed a video of a bus getting stuck in the intersection and hitting the walls over a dozen times. He invited the Board to come out to the site and view the situation. In response to a question from S. Paul, he confirmed the only damages to date have been to the walls.

R. Nunnemacher of 24 Singletary Avenue stated he totally agrees the geometry and traffic safety situation is bad but he added that it is important to understand how it came to be. He noted several owners ago, Leona Donna was a bus driver who parked her bus in the nob of the roadway and at some point the Town decided it was inappropriate and there was a lawsuit. He recalled Wally Johnson, then Chair of the Board of Selectmen told him that the attorney representing the Town has recommended the matter be settled so the Town wouldn't look bad harassing an old woman. Thereafter stones gradually began to accumulate along the edge of this intersection and got higher until we have what we have today. He added you can see this in the inconsistent constriction at this point. He stressed the nob that constricts the intersection isn't part of the original farm, it's part of the layout of these roadways and it should not have been recorded as part of the SPNEA restricted property description. Mr. Marran suggested it doesn't matter now as its recorded and can't be changed.

Bill Pepka of 36 Sibley Road noted the width of the roadway is only 18.5' in front of his house, the size of vehicles is getting wider, people speed, and despite some signage with restriction on use of the road there is little enforcement and something needs to be done.

Keith Downer of 334 Boston Road, also Chairman of the Historic Commission, stated that no matter what happens the various town boards/departments/officials have to collaborate. He stressed there is a need to support both public safety as well as the preservation of historic and cultural assets like this property per the directives of the Open Space & Recreation Plan. This property offers a lot as an historic and cultural asset and we need to be sensitive to that. He also noted historic impact studies may also be needed in the future.

R. Largess Jr. noted things aren't going to get better and this need to be dealt with. W. Baker asked why we don't just dead end Sibley Road.

J. Hager cautioned that for every action there is an equal and opposite reaction. Without study, if you just make a knee-jerk decision, you can trigger unintended consequences. This is why she is recommending the Board ask the Select Board for funding for an impartial traffic study of this issue. The study would result in a range of alternatives. These alternatives can be presented at a public meeting where anyone could attend, but impacted parties like the owner of Freegrace Marble Farm, the town's safety departments and resident of Burbank and Sibley Roads would be invited to discuss and provide input. Ultimately it will be the Select Board that decides which alternative(s) are pursued.

Mr. Marran noted he was told by a Town official that he should be careful what he wished for with respect to resolution of the situation, but he has faith the Board realizes the historic relevance of the Farm.

S. Paul said this is in the Planning Board's wheel house and it should be spearheaded by Planning Board.

W. Talcott suggested formulating specs, getting estimates, and presenting these to the Select Board along with a recommendation of who will look at the results and next steps.

The Board requested J. Hager reach out to get several estimates and a spec and bring those back to the Board for review and to move forward.

J. Hager cautioned that as she is charged with protecting the Board and the Town she will have to check into the legality of site visits and/or in what numbers. She stressed the importance of the process being impartial and not tainted in any way. She cautioned all parties about ex-parte communications, conversations outside an open meeting!!

### **Administrative Items**

Motion: To approve the minutes of 12/6/21, R. Largess Jr.

2<sup>nd</sup>: W. Baker

Vote: 4-0-1: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye, S. Paul – abstained as he wasn't present

Filings:

Pyne Sand & Stone Earth Removal Permit – This commercial earth removal permit application of Lackey Dam Road will be heard on January 31, 2022.

Board Business: None

Correspondence: None

Motion: To adjourn, R. Largess Jr.

2<sup>nd</sup>: W. Baker

Vote: 4-0-0: W. Talcott – aye, W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye, S. Paul - aye

Adjourned 9:40 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: 829 3816 5026**  
**Passcode: 191563**. 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.