

SUTTON PLANNING BOARD

Meeting Minutes

April 10, 2023

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: W. Talcott, R. Largess Jr., S. Paul, W. Baker, M. Gagan, E. McCallum (Associate)

Present remotely: None

Absent: None

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – Proposed Bylaw Changes

R. Largess Jr. read the hearing notice as it appeared in The Chronicle.

Flood Plain Bylaw – The Planning Director explained this proposal is to replace the existing Flood Plain Bylaw with the State's updated model. The most significant change is appointment of Flood Plain Administrator (FPA) which will be the Planning Director. If a bylaw is not adopted that is consistent with current law, Sutton residents with National Flood Insurance Program (NFIP) insurance will lose their protection as soon as the new flood maps come into effect in June and the Town will also become ineligible for certain forms of disaster assistance.

C. Watkins of 65 McClellan Road asked where she can see a copy of the State's bylaw. J. Hager stated perhaps on the State's website, she added she was working with the Department of Conservation and Recreation Flood Hazard Management Program.

Motion: To recommend that Town Meeting approve the replacement of the Flood Plain Bylaw with the State's Model with minor amendments, 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

Sign Bylaw - In response to frustration of various departments, this proposal would allow State, Town, and non-profit signage to vary from base sign standards as long as they go through a Special Permit public hearing process and are approved. At a minimum the Board must make the required five Special Permit findings as well as a finding that the signage serves a public purpose. In particular, this would potentially allow an electronic changeable message board at the school and Town Hall. This would address endless issues with changing the functionally obsolete manual signage at various locations. She noted that an electronic sign provision could be added to the bylaw, but there wasn't enough time to craft a comprehensive and well thought out provision.

Motion: To recommend that Town meeting approve the amendment to allow a Special Permit process to vary from base sign standards for public purpose signage, 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

Height Special Permit – As this is a citizen's petition, the sponsor James Marran of 80 Burbank Road presented the petition. He noted the Spring 2021 Town Meeting where the Special Permit for a maximum of 70' height in the Office Light Industrial (OLI) District was adopted was only attended by 93 voters. Since that time the Planning Board has permitted over 1 million s.f. of buildings and they are below the

70' and not more than 45'. He expressed concerns about impacts from approved and planned developments including the conceptual Unified Building #1, at which point he read the vision statement from the 2012 Master Plan and asserted it is hard to see how a 70', 20 acre building meets this vision. He stressed the Town will be a victim of its success. He said the proposed article may help prevent certain types of projects from happening and preempt effects that can't be mitigated.

James LaPlante of 26 Heritage Road supported the petition. He stressed current development plans deviate from the Master Plan.

Andrea Mattei of 21 Golf Ridge Drive spoke in support of the petition. She stated when the bylaw was changed it was common to have taller buildings. Post pandemic she noted the dominant user of these structures is Amazon and they are no longer interested in this model. She stated if this isn't the most efficient use model then Sutton should drop the height down as it is no longer needed.

Dan Petrelli of 3 Jamieson Court spoke in support of the petition. He stated 45' seemed like a reasonable increase.

J. Hager noted three Special Permits for height have been granted two were 45', but Blackstone Logistics is 55'. In response to a question from the Chair, she confirmed the remaining OLI parcels are Lot 1 at Unified, the 100 +/- acre Bedoin property in South Sutton, and a small parcel along Oakhurst Road. She noted the OLI district amounts to less than 4% of the total land in Sutton. It was noted that the adjacent Douglas height limits is 60'.

Christine Watkins of 65 McClellan Road noted other land could be re-zoned to OLI in the future like the strip that was changed to allow Unified to be built. The Chair confirmed this is correct but not done "willy-nilly" and anything is possible but only with a 2/3rds vote at Town Meeting. J. Marran noted underutilized buildings can be raised and replaced as well.

M. Gagan stated he would be more comfortable with 50-55', 45' is too tight.

The Chair noted whatever action the Board makes is just a recommendation, Town Meeting will ultimately decide.

S. Paul noted a good point was made that the Town won't see this kind of pressure again. J. Hager clarified that the "***" allows the base height of 35' with a Special Permit to a maximum of 45' as opposed to 70'.

R. Largess Jr. noted it would be unfortunate to get the negative stuff from other towns and none of the positive stuff for Sutton.

W. Baker noted with 80% of new traffic coming north from these developments, a traffic solution is to build a grade separated flyover at Boston Road instead of the traffic light. He noted that this is already happening in Rhode Island.

A. Mattei noted perhaps Sutton can be the model for other communities to follow to re-write bylaws to not allow these larger regional impact structures.

J. Hager noted Uxbridge adjacent permitted height is also 60'. They adopted this Multi-town mixed commerce district only three years ago replacing agricultural zoning.

J. Marran stated he doesn't understand the value of large warehouses. He referenced the Tax Increment Financing (TIF) deal given to Unified and how this doesn't seem like a good deal for the Town. He stated 70' can't be mitigated. He felt there is an obligation to the residents of Sutton that development doesn't destroy their quality of life. He said once you get one of these things the impacts are irreversible.

M. Gagan asked how 45' was chosen. The group who came up with the height felt 45' wasn't a limitation on warehousing as Unified was at this height. W. Baker noted on warehouses 4-5' of height isn't actually additional height, it's a depression below grade, so distance into the ground, not above the ground.

W. Talcott noted Sutton is a hub for this use because of the I-90 interchange.

Robert Nunnemacher 24 Singletary Avenue noted Sutton is not "rural", the Town is suburban. He suggested the Town should understand the height of surrounding communities before a vote is taken.

Gary Verrill 86 Wheelock Road expressed concerns about overall impacts on the community of large buildings which also include light pollution, etc. like you see with the huge Amazon in Charlton. He expressed support for 45'. W. Baker noted both the Select Board and Planning Board voted against the Charlton height increase, but residents voted for the height increase.

J. LaPlante noted height can also translate to additional traffic.

Motion: To recommend that Town Meeting approve the Special Permit height reduction from 70' to 45' in the OLI District, S. Paul

2nd: W. Baker

Vote: 3-2-0, R. Largess Jr. – aye, S. Paul – aye, W. Talcott – no, M. Gagan – no more comfortable with 50-55', W. Baker- aye to bring the article to the floor and let voters decide.

The Chair noted a good compromise may be an amendment on the floor to something higher.

Motion: To close the public hearing, M. Gagan

2nd: W. Baker

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

Public Hearing(Cont.) – 15 Pleasant Valley Road – Convenient MD

R. Largess Jr. read the hearing notice as it appeared in The Chronicle.

Attorney Mark Donahue from Fletcher Tilton introduced the applicant's team:

Greg DiBona, L.L.A., Associate & Branch Manager, Bohler Engineering

Jake Carmody, P.E., Vanasse & Associates Inc. (traffic engineers)

Kevin R. Correia, RA, NCARB, Principal Architect & Owner KCA Architecture

Dave Sanderson, Director of Real Estate, ConvenientMD Urgent Care

Attorney Donahue stated this application is for a 5,150 s.f., single story medical clinic/urgent care facility. He noted the use requires a Special Permit from the Zoning Board of Appeal (ZBA) as well as signage and parking relief. They have been before the ZBA for a while and their hearing continues this week. He noted they are seeking a Special Permit under the Route 146 Overlay and Groundwater Protection District as well as Site Plan Review from the Planning Board. In addition, they will be requesting various waivers that largely come from the reduced 1.3acre size of the lot which is also technically a corner lot.

G. DiBona reviewed the color rendering showing the site with Pleasant Valley Road and Route 146 to the west and the building, parking, and green space delineated. It was noted the facility will have about 13 patient rooms/operational spaces and a maximum of 13 employees on a shift. They are only required to provide 22 parking spaces, but need 30 spaces based on their current operations at other locations. The facility will be open 7 days per week from 8 AM to 8 PM including holidays. He noted they have been in contact with MassDOT as they need an indirect access permit from the State Department of Transportation since Route 146 is a State Highway and this site is adjacent to the highway. They are close to getting this permit, but it is likely this will require traffic movements leaving the site are right turn only. He summarized approximately 9.5% of the site is occupied by the building and that more than 50% of the site will be vegetated. He reviewed how the site is constrained by the setbacks leaving only 12.3% of the site that technically meets the definition of open space as setbacks can't be counted toward open space. They are also requesting various waivers including portions of the front setback being reduced from 50' to 20' and side setbacks from 20' to 5' adjacent to similar parking/drive lane uses. He stressed that although landscaping is shown around a proposed pylon sign, the sign will be pole mounted with 15' clearance and the landscaping will be a max of 30" high to maintain the line of sight. They will also consider decorative lighting as long as it doesn't create glare.

M. Gagan asked if they would be installing an island to force right turns only, noting the Bank of America site where people manage to evade the island and still make this unsafe movement. Mr. DiBona noted the driveway is only 24' wide so they don't have enough width to put in such an island and they want to be sure there is clear access for emergency services.

J. Carmody, P.E., from Vanasse & Associates presented the traffic study. He stated the 85th percentile speed just off the Pleasant Valley Road exit is 36 mph with an average speed of 32 mph. Required sight distance is 261'. He noted there is a proposed pylon sign within the sight line envelope, but it will not significantly impede sight distance, being similar to a utility pole. It was noted the Town had a peer review engineer review the study and as of 1/31/23 the peer review engineer acknowledged the traffic comments have been addressed, leaving a few site plan comments outstanding.

W. Baker expressed concerns with the adequacy of parking. D. Sanderson of ConvenientMD stated the clinics have been operating for 11 years and they have 40 locations. He confirmed 30 parking spaces is sufficient for their operations.

The Board noted they received comments from the Tax Collector that taxes are fully paid, the Fire Department with concerns with sight line and driveway grading, and Conservation Commission noting the site is not within their jurisdiction.

The Board discussed the March 1 letter from Fletcher Tilton regarding the frontage issue. It was noted of the three arguments provided by Mr. Donahue, Town Counsel has discounted the third. With respect to the other two, J. Hager provided logic as to why the argument that the frontage provided is over the 200' requirement is feasible, which negates the need to get into the second argument at least as it relates to frontage. The Board reviewed the applicants 1st argument in their March 1st letter and related bylaw definitions and agreed that the lot appears to have 205' of legal frontage on Route 146. R. Nunnemacher of 24 Singletary avenue, also a professional registered land surveyor explained how they use the term "horizontal" in the industry and stated it was his professional opinion that the lot frontage includes all 5 segments making this frontage compliant. Attorney Donahue stressed that the Building Commissioner could determine otherwise.

Having provided a unanimous opinion that the frontage meets legal requirements, J. Hager stated the Board could focus on the request for a waiver from the open space requirement without discussion regarding Floor Area Ratio (FAR) and the related section 11.b. of the Bylaws.

James LaPlante of 26 Heritage Drive asked when traffic counts were taken, if the standards used were based on other locations owned by this company, and if roads like Dudley Road were studied. J. Carmody overviewed the data gathering process and intersections studied which did not include Dudley Road.

Wilkinsonville Water district was reported to have approved the use. Graves Engineering and Jen Hager have yet to provide their follow-up review. It was confirmed the site will be served by public sewer.

Attorney Donahue again reviewed the colored rendering with the Board and stressed they have maximized the open space on this 1.3-acre lot. They are only proposing a 5,150 s.f. building, the minimum prototype. The green space amounts to over 50% of the site and he again stressed these areas are and always will be open, especially as required to maintain sight distance, which they are happy to have the Board condition.

The Planning Director noted this use would be a benefit to the area. However, she stated the regulations only call for 22 parking spaces, but they prefer to maintain 30 spaces and not eliminate this extra impervious area. She added there are numerous other uses, like an attorney or dentist office, that are permitted within this District which would likely meet or come far closer to the open space standards. She continued stating the Board has granted waivers from the Open Space requirement of 35%, but never to as low as 12.3%. This, combined with the multiple addition waiver requests including parking and circulation within the setbacks which are normally green space, feels like the applicant is trying to get far too much on such a small site. Attorney Donahue stated the seminal question is will this site look denser in terms of impervious area than other immediate sites. He asserted it will not, the site will not appear too dense. J. Hager clarified the base zoning requires 25% open space.

Motion: To continue the public hearing to April 24, 2023 @ 8 PM, 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

Action Items

- Form A Plan – Lot line adjustment 110 & 116 Manchaug Road

Motion: To approve the lot line adjustment between Lots 4 & 5 per the plan dated 4/6/23,
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

- Waiver of Site Plan Review – 65 Gilmore Drive – Lifesong Church

The Board discussed the request regarding six storage containers currently on the Lifesong Church site and the request to retain two until June, one up to a year until Pastor Payne moves to a new home, and the remaining three up to a year until the new addition is 100% complete and they determine if they will still need these containers for storage. The Board noted they expect the two June units to be taken care of ASAP, that the Pastor should perhaps rent a storage unit for his personal belongings, and that they were confused why additional external storage would be necessary after just having done a new addition. They asked that Pastor Payne come to their May 15th meeting for discussion.

Administrative Items

Motion: To approve the minutes of 03/27/23, R. Largess Jr.

2nd: W. Baker

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

Filings: None

Site Visit Reports: The Board acknowledged the receipt of Site Visit Reports on the following projects:
Blackstone Logistics

Abutting Town Notices of Interest:

Town of Oxford – Approved 450k s.f. Warehouse – 75 Depot Road

Correspondence: The Board acknowledged and in some cases briefly discussed the following correspondence:

Article - Balance between road safety and speed

Letter - AG letter approving Fall 2022 bylaw changes

Mass. high court expansively interprets zoning exemption for solar energy

Article - Lackey Dam Logistics Center permitted for construction in Blackstone Valley

Board Business: None

Motion: To adjourn, 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

Adjourned 9:56 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.