

SUTTON PLANNING BOARD

Meeting Minutes September 26, 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: W. Talcott, M. Gagan, Erica McCallum (Associate)

Present remotely: W. Baker

Absent: S. Paul, R. Largess Jr.

Staff: J. Hager, Planning & Economic Development Director

E. McCallum was acting as a full member in place of R. Largess Jr.

Action Items

Compass Rock – Preliminary Subdivision – 57-81 Purgatory Road

The Chair noted, and the Planning Director elaborated that the main purpose of a preliminary subdivision plan is to seek input from the Board and the public in advance of detailed an expensive definitive design. For this reason, although not required by law, if the applicant assents, Sutton prefers to send out abutters notice on these preliminary applications. Although the Board has to act on the application, they typically approve these applications with suggested area of focus for definitive design. If they disapprove the application, they must state in detail why and there is case law that suggests the applicant may have an argument that their definitive filing should be automatically approved if they cure the items the Board lists in the preliminary disapproval. In any case, the Board's action on the Preliminary Plan is not binding on their action on the definitive, they may approve one and still find cause to disapprove another. The other purpose of a Preliminary Plan is to grandfather

The applicant Dave Lavalley and Wayne Belec of Land Design Collaborative (LDC) presented a proposed Open Space Residential Development (OSRD) Subdivision on land located at 57, 77, 77R, 81 and 81R Purgatory Road. The land totals 89.5 acres. They have conducted percolation tests and have also completed a Phase 1 environmental site assessment which removed 63 tons of waste from the sites. They have an Order of Resource Area Delineation confirming the wetland boundaries on the site.

In accordance with Sutton regulations they have designed a viable standard subdivision which would yield 26 house lots and occupy all of the 89.5 acres. Using this total number of lots, they calculated a 15% bonus as they intend to provide access to the open space for the public, so they added 4 more lots for a total of 30 lots. Their preferred OSRD plan contains these 30 lots as well as the existing home to remain on a reconfigured lot. There will be two entrances at 57 and 81 Purgatory with two cul-de-sacs of 1,600 and 1,400 with 600' of 18" wide emergency vehicle access (EVA) connecting the two roads. They are proposing 22' of pavement instead of 26'. Purgatory Road is approximately 24' wide. Proposed roadways are curved to naturally slow traffic. The OSRD regulations require a minimum of 40% of the site be permanently preserved open space. They are proposing 62% of the site be preserved. They would like to employ Low Impact Development (LID) techniques with this project by reducing lot sizes to 30-50,000 s.f and thereby reducing impervious roadway area, preserving significant open space, using swales for drainage instead of all underground piping and catch basins, and similar measures.

The Chair asked for J. Hager to go through her initial review comments including providing sidewalks, indicating all structures that will be removed, ensuring proposed roadway grades are compliant. She also overviewed the Open Space Residential Development bylaw approved by residents over 20 years ago.

M. Gagan asked if the emergency vehicle access (EVA) will be gated and if so there must be an area for vehicles to turn around. In response to a question from W. Talcott it was noted these roadways are proposed to become public in which case plowing may also be complicated by gates.

W. Baker noted with the lack of affordable housing if there was a reason the applicant didn't choose to take advantage of the affordable housing density bonus as opposed to the open space density bonus. He added every time standard housing is added in Sutton the Town goes backward with respect to its affordable housing responsibilities. D. Lavallee stated he didn't think this affordable housing was a good fit for this site, although he noted these smaller lot sizes may effectively make these units more affordable in the market.

In response to concerns about providing sidewalks, W. Belec wondered if an extensive trail system and perhaps some more off-road connections might serve the same purpose as formal sidewalks. The Board was not immediately opposed.

W. Belec noted fire cisterns are not proposed as the Fire Chief is opposed to these units for maintenance and reliability other reasons and they have provided locations for fire bag laydown per his request instead.

Paul Zaremba of 90 Purgatory Road expressed concerns with traffic and water run-off. Responses noted State law requires whatever is running-off the property for water now must remain the same in quantity and rate of run-off from pre to post development. This must be demonstrated in materials filed with the definitive filing. Both traffic and stormwater is reviewed by the consulting engineers working for the Towns.

Ron SanSouci of 93 Purgatory Road expressed concerns with the effect of water withdrawal for these units on neighboring wells.

John Danelius of 101 Purgatory Road expressed concerns with flooding as well as power supply and their being enough power in the area for existing and these additional homes. The applicant confirmed power will be underground.

Julie Downer of 87 Purgatory Road Has concerns with perc tests and other water related testing being done in a draught year. She also expressed concerns with the amount of ledge and potential contamination. and asked if a traffic study will be done. The applicant confirmed some tests were done this year and some in others as well as testing after significant rain storms. Additionally, they also have to evaluate soil mottling which indicates historic water levels as opposed to temporary conditions. They stressed a licensed soil evaluator did a full 21E study and gave the property a clean bill of health. A traffic study will be done and reviewed by the Towns consultant.

Aimee Marcello of 65 Purgatory asked questions about stormwater basins. W. Belec noted basins are earthen and will have plantings along their sides for additional screening. Typically, the basins are designed to drain within 72 hours. Stormwater behind Purgatory Road homes will be captured in swales and drain to a basin that will attenuate flow. W. Belec confirmed there will be a 50-100' open space buffer strip between most lots and existing lots. Clearing will also be minimized.

James LaPlante of 26 Heritage Drive expressed concerns with Open Meeting Law compliance. J. Hager explained all Board meetings are open meetings and this meeting is being conducted in full compliance with Open Meeting Law.

She further clarified that in an open meeting the public has to be afforded the opportunity to observe the goings on, whereas during a public hearing the public has to be afforded the opportunity to participate. The Board may choose to allow public input outside a public hearing, but they do not have to allow this. For this filing, the Board chose to ask for and receive public input even though this is not a public hearing. Mr. LaPlante asked if the Board should expand their abutters list and notify more people. J. Hager noted the staff and the Board have a responsibility to uphold and carry out business in accordance with local and State law. She noted when a Board veers off what the law requires the Town becomes susceptible to lawsuits. If the Board treats one applicant different than another by notifying more people than on another project they open to Town to negative financial consequences, so the Board must carefully consider consequences even of something that seems beneficial on the surface. She noted the Town has one of the best websites allowing access to all types of public information with ease, not to mention the ability to get information by just calling and asking for information. Mr. LaPlante asked what year storms were evaluated. W. Belec stated per State regulations, the 2, 10 and 100 year storms were evaluated.

Chris Bjork of 65 Purgatory Road had concerns with blasting. M. Gagan noted there has been no indication that blasting will take place here, but this will be thoroughly covered during any future hearings. He further asked what could be done to change, alter or effect the project. J. Hager explained how uses are allowed in the town through bylaw established by voters who choose to participate in the process, and the process by which residents through the public hearing process can effect a proposed project.

The Board reviewed potential waivers the applicant may request stating they may be open to narrower roads, elimination of cisterns, and variations in curbing materials. A waiver may not be required for dead end road lengths if the Board agrees the EVA makes this a continuous roadway loop.

Motion: To approve the preliminary subdivision plan with consideration given to the following areas of concern at a minimum when finalizing the definitive subdivision filing: M. Gagan

- Traffic Impacts
- Storm Water runoff Impacts
- Hydrogeological Impacts
- Effects of land alterations
- Adequacy of Power Supply

2nd: W. Talcott

W. Talcott noted no one appears to be begging for a standard subdivision that eats up all of this land.

Vote: 4-0-0: M. Gagan – aye, W. Talcott, aye, W. Baker – aye, E. McCallum - aye

Form A Plans

190-194 Whitins Road – Tabled to next meeting.

Administrative Items

Motion: To approve the minutes of 9/12/22, M. Gagan

2nd: E. McCallum

Vote: 4-0-0: M. Gagan – aye, W. Talcott, aye, W. Baker – aye, E. McCallum - aye

Filing: None.

Other Board Business: None.

Site Visit Reports

The Board received a copy of the latest Site Visit report from Blackstone Logistics and Unified Parkway.

Correspondence:

MEPA Letter – J. Hager noted she had submitted a comment letter relative to the Unified project to the State as part of the request of Unified to allow the review and action on Building #3 under the Massachusetts Environmental Protection Act policy with subsequent review of building 2 and/or 1 combined with the impacts of Building 3 for a cumulative impact review as these building move forward in the future.

Motion: To adjourn, M. Gagan

2nd: E. McCallum

Vote: 4-0-0: M. Gagan – aye, W. Talcott, aye, W. Baker – aye, E. McCallum – aye

Adjourned 10:00 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: **829-6240-692** Passcode: **952202**. 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.