

SUTTON PLANNING BOARD

Meeting Minutes

April 24, 2023

Approved _____

*Note- This meeting was held in person and remotely via Zoom in accordance with recently renewed 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 – 41 Burbank Road – Scenic Road stone wall alteration

M. Gagan read the hearing notice as it appeared in The Chronicle.

The Chair read the letter from Robert and Barbara Daigneault stating they recently found their driveway was not wide enough to allow access for public safety vehicles. They requested they be allowed to increase the size of their driveway opening at the street by restructuring the stone wall that flanks the driveway to a curved radius from Burbank Road into the lot. The Board viewed photographs they provided.

R. Largess Jr. read department comments from the Tax Collector, Fire Department, Police Department and Conservation Commission, who had no comment or were in support of the application.

Motion: To approve the request to widen the driveway of 41 Burbank Road at the street by restructuring the stone wall into a radius, provided all stones remain in the newly configured wall or on the property, and that the wall retain the same look as the existing wall, 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

Motion: To close the public hearing, 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

Public Hearing – 57-81R Purgatory Road – Open Space Residential Subdivision (30 lot)

M. Gagan read the hearing notice as it appeared in The Chronicle.

The Chair noted the Board is familiar with this proposed subdivision having acted on the Preliminary Plan last Fall. Therefore, he noted the applicant did not need to cover basic elements in detail unless they saw a particular need.

Wayne Belec of Land Design Collaborative was present with David Lavallee, representing the property owner/applicant 81 Purgatory LLC.

Mr. Belec and Mr. Lavallee reviewed the attached presentation and summary regarding the proposed 30 lot Open Space Subdivision located approximately a half mile south of Central Turnpike. The project extends from 57 Purgatory Road behind existing homes to 81 Purgatory Roadz.

The project contains approximately 90 acres of which approximately 57 acres, or 63%, will be permanently protected from future development. The total number of proposed homes is 30 with most lots around 30,000 – 50,000 s.f.

The amount of test pits and hydrological evaluation done on the project area was stressed as well as the attention to detail given to producing a Low Impact Development (LID) which minimizes land clearing and disturbance, protects environmental resources, and minimizes hidden impactful infrastructure. A hydrogeologist evaluated the proposed development and found no likely impacts to area wells. The applicant's traffic engineer demonstrated the projected traffic flow and driveway locations will not create safety or operational issues.

The project has been before the Conservation Commission with positive feedback.

Department comments were reviewed. The Fire Department in conjunction with the Building Commissioner requested a full loop road in lieu of the reduced width Emergency Vehicle Access (EVA) section of roadway. J. Hager noted the competing interests of public safety versus environmental planning. She will meet with these officials to see if a reduction in impervious area can be maintained without creating safety issues. These departments have also adjusted their request for fire bag lay-down areas to individual sprinkler systems. The Planning Director's most substantial comments focused on converting the road layout with two cul-de-sacs to a single road with minor adjustments to the lots to provide frontage on the linear right of way, the need to review the conceptual standard subdivision plan and verify the yield of this project (total number of lots that may be built), and her commentary that although trails are LID preferable, sidewalks maybe preferable for a number of reasons, so the Board will need to decide if trails are an workable substitute for sidewalks.

D. Lavallee read the purpose section of the Open Space Residential Development (OSRD) Subdivision Regulations. He felt the project as designed is the most responsive to this purpose. He felt 1,000 + feet of sidewalks were not in keeping with these standards, especially as their maintenance is not assured. He stated there will also be a flat walkable shelf adjacent to the roadside swales that is more in keeping with the OSRD design standards. He noted if a sidewalk were to be required adjacent to the back of swale on one side, they would request the road width be reduced to 22'.

M. Gagan asked if there was a downside to eliminating the two cul-de-sac layouts and just having one loop road. D. Lavallee stated the roadway would segment the open space.

J. Hager explained how the maximum number of lots is derived for and OSRD and also explained that the Board may reduce required lot setbacks to up to one half if they make appropriate findings.

Paul Zarembo of 90 Purgatory Road stated Purgatory Chasm State Park has approximately 150,000 visitors annually. Additionally, he noted there are 31 homes along Purgatory Road between Route 146 and the project site if accessed from the south, while only 11 homes lie along Purgatory Road between the site and Central Turnpike to the north. He stated all construction traffic, especially large trucks, should be routed from the north.

Nancy Lesperance of 69 Purgatory Road noted parking at Purgatory requires payment. It's her understanding parking for open space access in this project will be free. She expressed concerns with strangers walking behind her home and the increased possibility of thieves having access to existing and future homes from the woods. It was noted there will only be 6 parking spaces within the development.

John Danelius of 101 Purgatory stated he didn't like the design of the development comparing it to the Partridge Hill Road 40B development. He also asked about enforcement for construction issues. He stated the single family home construction at 81 Purgatory Road that has deposited runoff and debris onto the Roadway making it unsafe for motorcycles. Mr. Belec stated although the contractor on this lot is not affiliated with their project, he will speak to this crew and get this issue resolved. It was noted the subdivision approval process allows the Planning Board to place conditions regarding construction conditions.

Ron SanSoucy of 93 Purgatory Road expressed concerns with stormwater run-off and maintenance of drainage swales noting the ones along Central Turnpike are not maintained. He also agreed with concerns about strangers walking in behind homes. The Chair asked, and the applicant representative verified, the amount and rate of run-off to adjoining land prior to construction cannot be increased as a result of construction.

Sam Qudsieh of 59 Purgatory Road was unhappy that the conceptual traditional subdivision design showed significant open space between his property and the roadway and now it shows nothing but a sliver of land. He asked the Board not to consider variances from the regulations. The Chair clarified that the Planning Board cannot grant variances. This can only be done by the Zoning Board of Appeals. The Subdivision Regulations DO allow the Planning Board to waive requirements of the Subdivision Regulation with the appropriate findings. Mr. Qudsieh noted the area of this project doesn't have a lot of coniferous trees. Coniferous trees should be planted for screening. Additionally, the hours of operation should be regular work hours on weekdays and no weekends.

Jesse Gantt of 65 Purgatory Road has concerns with the location of the projects entrances along a bad turn. He also encouraged the applicants to put back in the buffer to Mr. Qudsieh that was in the standard subdivision plan. He stated one of the only good things that could come of the project is sidewalks that neighbors could use as Purgatory isn't safe for foot traffic, so he felt these should be installed.

Eden Qudsieh of 59 Purgatory Road expressed concerns with what large construction vehicles will do to the condition of neighborhood roadways.

Andre Rega of 65 Purgatory Road asked if there would be any blasting. The applicant noted they performed over 80 test pits and only a few suggested there may be rock. If they encounter material they need to blast, they will follow all State regulations. J. Hager noted bylaws were amended last fall that will require better advance notification of blasting operations to neighborhood residents and other interested parties. The Board and local safety officials may also feel it is appropriate to require a larger distance of pre-blast survey.

Al Lesperance of 69 Purgatory asked if the safety officials request to widen the emergency access connection will cause issues with the Conservation Commission. The applicant noted the subject had been broached with the Commission on a recent site walk and the applicant thought any concerns could be resolved. He also asked what would stop parking on the EVA. J. Hager stated signage and enforcement would help limit/eliminate parking on the street.

Rob Venincasa of 97 Purgatory Road asked if the State will be deeded the open space as he hasn't had good experiences with the officials at Purgatory Chasm. J. Hager stated the land would not be deeded to the State. It will hopefully have a State approved conservation restriction which can only be reversed through legislation. Likely the open space would be transferred to a land trust.

Phil Gallo of 8 Christina Lane asked if it is possible to have an agreement in place before construction begins relative to construction trip routes including police details if necessary. J. Hager stated there will at least be a condition that construction procedures will be thoroughly reviewed and if necessary police details and other necessary measures will be required. J. Hager noted the goal is to have most equipment mobilized to the site once. The equipment would then remain on the site until the majority of construction is completed, in order to keep large vehicle traffic to and from the site to a minimum.

In response to a question from the Board, D. Lavallee stated the hydrogeological study showed the water resources available/being infiltrated to the site exceed the typical Title V withdrawal by a factor of 450.

R. Largess Jr. suggested the applicant to work with Mr. Qudsieh to provide an appropriate setback and/or screening.

The Board reviewed the conceptual conventional subdivision and confirmed the applicant likely could have 26 lots approved. With a 15% bonus for public access to the open space being preserved, the maximum number of allowed lots to 30.

Motion: To set the yield for this OSRD to 26 base lots plus 4 bonus lots for public access to open space, 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

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 Item:

- Waiver of Site Plan Review – Tattoo Studio – 3 Boston Road – Jared Brunelle of Millbury was present to request waiver of site plan review to relocate his tattoo studio from Rhode Island. He has already consulted with the Board of Health. Tattoo artists must be licensed in Massachusetts. He likely won't take walk ins, only appointments. He will have one other artist at the studio. The Board reviewed his hours of operation. They also considered parking needs for the existing businesses in the plaza and found parking was adequate for this additional use. The prior use in this unit was a restaurant, which has more traffic and required parking spaces than the proposed use.

Motion: To waive Site Plan Review and allow a tattoo studio at 3 Boston Road with the approval of all other required permitting authorities, 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

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

Attorney Mark Donahue reviewed the status of the application stating they before the Zoning Board of Appeals (ZBA) for a use special permit and variances related to signage. He confirmed the Building Commissioner will not challenge the Planning Board's decision on the frontage being compliant. He would like to proceed to discussion about the requested waivers.

In response to questions, Greg DiBona of Bohler Engineering stated they will need an access permit from MassDOT for the driveway location close to Route 146. The State and the ZBA are requiring that the exit be right turn only. As a consequence, they will be installing a 4" high concrete rumble island which will

be mountable for safety vehicles, but will let those who try to turn left know they shouldn't be making this movement. The State will not issue their permit until local approvals have been secured.

J. Hager expressed concern with people coming from the north, turning onto Boston Road, and then turning right on Pleasant Valley Road and not seeing where the building/entrance is as there is no signage proposed in this direction. She asked if the pylon sign will be visible from this approach. G. Dibona stated the directional "entrance" signage will also say "Urgent Care". This is acceptable.

The Towns traffic engineering peer reviewer has issued a letter with no remaining traffic concerns. They have however suggested the Fire Department take a look at the vehicle movement plan with a fire truck path shown navigating on the site to confirm they feel it is adequate.

J. Carmody, Traffic P.E. of Vanasse & Associates reviewed how required sight distance is determined. He stated the design speed is 36 mph, this is the speed at which 85% or less of vehicles exiting the highway were traveling. This speed results in the need for a minimum of 261' of travel distance to allow a vehicle time to react. They have around 300' of distance.

The Chair noted he drove the route over and over and felt that he just wouldn't have time to react. He noted with fog or inclement weather the sight distance will be further impaired. He asked what speed the other 15% of vehicles were traveling? The average speed was 32 mph and the 95th percentile speed was 38 mph. M. Donahue stated once the building and signage are in place people will automatically go slower. Now they are just turning onto a country road with no activity. J. Carmody added the sight has horrible sight lines now. Once the area is clear of vegetation, and considering the slope drops away from Route 146 so topography won't be impair sight even with snow, it won't feel like the driveway creeps up on you. He added people are generally driving slower in bad weather and the speeds they recorded were on a clear sunny day.

Attorney Donahue asked the Board to consider the waivers requested. The Chair stated he prefers not to consider the waivers until the Zoning Board of Appeals makes a decision relative to the Use Special Permit. He does not want the Planning Board's actions to influence the ZBA in any way and/or imply the Board's acceptance of this project.

The Chair summarized the Board will be looking for final commentary from the Fire Department, Graves Engineering, and Wilkinsonville Water relative to providing water and the use being acceptable within their Zone 2. J. Hager will also speak with the Highway Superintendent about installation and resurfacing standards for water and sewer lines.

Motion: To continue the public hearing to June 5, 2023 @ 7 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 – None
- Waiver of Site Plan Review – Tattoo Studio – 3 Boston Road (Handled earlier in meeting.)

Administrative Items

Motion: To approve the minutes of 04/10/23, R. Largess Jr.

2nd: W. Baker

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

Filings:

450 Central Turnpike- Retreat Lot Special Permit

126 Boston Road & I Unified Parkway – Public Shade Tree/Scenic Roadway – tree removal

Site Visit Reports:

Unified Building #3

Abutting Town Notices of Interest:

Douglas Bylaw Changes – Flood Plain Bylaw Update

Grafton Bylaw Changes -

Correspondence: The Chair reminded the Board about the Central Massachusetts Regional Planning Commission Annual Dinner on June 8th at Southwick Zoo. Several members and the Planning Director will likely attend.

Board Business: R. Largess asked what the Fin Com voted on the citizen's petition. They voted unanimously against the petition.

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 10:23 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.