

SUTTON PLANNING BOARD

Meeting Minutes

May 15, 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

Present remotely: None

Absent: E. McCallum (Associate)

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – 450 Central Turnpike – Retreat Lot Special Permit

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

Mark Elbag was present for the applicant. He noted this is an existing lot of about 7.5 acres with 50' of road frontage.

The Board reviewed department comments including taxes are paid and any work within 100' of wetlands will need to file with the Conservation Commission. J. Hager confirmed the lot meets the retreat lot requirements, although the covenant note will need to be added to the plan and the "non-buildable" note will need to be removed. M. Elbag asked if they can just record the decision, not a revised plan. J. Hager said the plan must be revised.

Mindy Green of 442 Central Turnpike and the Douvilles of 438 Central Turnpike asked about the proposed home location in relation to the wetlands. M. Elbag stated the home will be located within the 200' X 200' square shown on the plans near the "Lot 6R" label, in front of the wetlands. The Chair noted typically homes on retreat lots are located well back from the road, but this lot will be an exception because of the wetlands in the middle of the lot.

Motion: To Approve the Special Permit for a Retreat Lot at 450 Central Turnpike having found it meets all Special Permit criteria subject to the following conditions: S. Paul

1. A recorded copy of the decision, covenant and plan must be received by the Planning Department within 6 months.
2. Approval of all other applicable Boards, Departments and Commissions.
3. The driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
4. The house number shall be clearly visible at the street in both directions of travel.
5. Underground utilities shall be provided on the retreat lots, unless the Planning Board makes findings in open meeting that underground utilities are not practical due to extreme topographical or environmental constraints and/or safety issues. Above ground utilities shall not be allowed solely for the convenience and/or preference of a petitioner.
6. No occupancy permit shall be granted until all conditions and requirements of this bylaw and the Special Permit granted by the Board are 100% complete.

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, W, Baker

2nd: S. Paul

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

Public Hearing – Scenic Roadway /Public Shade Tree hearing – Tree Removal Adjacent to 1 Unified Parkway and 126 Boston Road

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

Matt Stencel, Sutton Highway Superintendent and Tree Warden stated as one of the sycamores in front of 126 Boston Road failed crushing two cars, evaluations were done of the two remaining sycamores. Unified had a level 1 and level 3 assessment done of the one near their site. Subsequently the Town hired a different arborist company, Bartlett Tree, do a level 3 assessment of both this tree and the remaining undamaged sycamore in front of 126 Boston Road. A level 1 is a thorough visual assessment which yielded no concerns on the sycamore closest to Unified Parkway. A level 3 involves climbing the tree for a more thorough examination and performing core drilling. The level 3 assessments done by Unified's contractor as well as the one done by Bartlett Tree and the assessment on the undamaged tree adjacent to 126 Boston Road done by Bartlett, deemed these trees are an imminent risk to public safety. Therefore, he is requiring their removal.

Dan Brooks and Tim Armstrong of Bartlett Tree went into some detail about the level 3 assessment. They stated both trees showed significant voids above the main trunk of the trees. Basal decay in the 126B tree left as little as 2.5" of wood supporting the main stem and as little as 5.5" supports the main stem of the tree adjacent to Unified Parkway and this tree also has a significant cavity at 30'.

Dan Robertson of 126 Boston Road asked if the Town will plant more trees or add a sound barrier at this location. M. Stencel said they would be happy to coordinate a replacement planting. Jen Hager stated it may not be appropriate to plant another large shade tree this close to Boston Road, but perhaps a smaller ornamental type tree.

In response to comments by Me. Robertson that he felt the trees in front of his home were not the Towns, J. Hager stated the Town had recently learned the layout along Boston Road is likely wrong. It appears the previous layout of Boston Road that curved north in toward Mr. Robertson and Mr. Dorion's properties is still in place and these three trees or on or within the right of way. In any case the Town will be clearing up this matter and working to only hold title to what they absolutely need for right of way, likely transferring any additional land to abutters.

D. Lavallee of 57 Purgatory Road stated he thinks the trees were planted for the Town's bicentennial and there should maybe be a memento made from them, perhaps wood could be donated to a shop class and they could make plaques or benches or the like.

Keith Downer, 334 Boston Road noted it would have been much better to have the level 3 assessments earlier in the process, and going forward there should be a process established to make sure these evaluations are done up front. That being said he is aware the Tree Warden could've immediately had the trees cut down, but the decision was made to come back to a public process which he feels is very respectful. He suggested as semi hard wood of significant size that is used for veneer and instruments, the wood may have some value that can be recouped to offset removal costs.

M. Gagan noted he is grateful no injuries resulted from the first sycamore failing. The Chair noted a copy of the article regarding the Central Turnpike fatality from a falling tree was provided as a stark reminder of why this type of removal is an unfortunate necessity.

Motion: To approve the public shade tree scenic roadway application to remove three sycamore trees adjacent to 126 Boston Road and 1 Unified Parkway conditioned on the Town researching if the trees have any monetary value to offset removal costs and/or if wood can be donated to vocational programs and/or used to create a lasting memento S. Paul

2nd: R. Largess Jr. (sadly)

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

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 – Compass Rock - 57-81R Purgatory Road – Open Space Residential Subdivision

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

Mr. Belec and Mr. Lavallee reviewed the attached presentation and summary providing an update of actions since the last night of public hearing. They have negotiated fence and vegetated screening with the abutter at 59 Purgatory Road. They have removed trail connections other than ones from the proposed parking to the main trails. Additionally, they have investigated the centerline radius requirement of 270' and consulted directly with the Town's consulting engineer, Jeff Walsh. Sutton's requirement is more than double Millbury and Grafton's requirement of 100'. J. Walsh has confirmed in this particular situation, low speed road, not a through street, he feels the distance they are providing is adequate. J. Hager noted the minimum centerline radius is also to ensure safety vehicles can easily maneuver within the site. Therefore, a plan must be provided to the Fire Department demonstrating wheel tracking movements for their largest wheel base vehicle stays within the roadway and doesn't cross the centerline.

J. Hager summarized a meeting she held with the Fire Chief, District Fire Chief, Highway Super and Building Commissioner regarding road widths and sidewalks. She stated the meeting was intended to strike a balance between the goals of the Open Space Subdivision Bylaw and emergency response needs. The result was a compromise to allow 22' of pavement throughout the project, narrowing down to 20' through the wetland where there are no homes, but with no bumps, or rumble strip etc., just continuous uninterrupted roadway. Sidewalks must also be installed on one side of the roadway so people are less likely to be walking in this narrower roadway. W. Belec said they are in agreement with these requests and will likely super elevate one side of the roadway, sloping to a swale on one side and put sidewalks on the other side to avoid needing to widen the roadway right of way or put easements on lots for the sidewalk.

The Board discussed whether reducing setbacks to half the normal setbacks is appropriate. J. Hager stated her only concern is with the larger lot adjacent to 59 Purgatory Road as this lot doesn't have an open space buffer around it like every other edge of the project. Therefore, in theory whoever purchases this lot could clear cut it right up to the abutter and then the reduced distance to structures would matter. D. Lavallee said they would like to keep the lot at its current size, but will be happy to put an easement/restriction that prohibits any vegetation removal 50' from the abutting lot line.

S. Paul asked if one developer will build the whole project or if lots will be sold individually and built by different builders. D. Lavallee said that will be up to whoever buys the project.

The last issue the Board addressed was whether phasing would be appropriate for this project. J. Hager stated while its normal for a larger project to build homes in phases, the roadway is typically installed through base course throughout so there are always two ways in, and so the project is not in violation of the Town's dead end road length, especially as its possible a developer could go bankrupt leaving a non-compliant road. D. Lavallee stated there is an existing system of access roads on the property already that can provide access from either end of the project. The Board stated the safety department heads must approve any alternative access request other than full paving through base course.

The Chair summarized the Board needs a clean Graves Engineering Review and a clean review from the Planning Director as well as the Fire Department about the radii.

There were no public comments.

Motion: To continue the public hearing to June 5, 2023 at 8 PM, 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

Action Items

None

Administrative Items

Motion: To approve the minutes of 04/24/23, 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

Filings:

Public Shade Tree/Scenic Roadway Modification - UGPG – Adjacent to 1& 40 Unified Parkway

Site Visit Reports: Unified Building #3, Unified Parkway & Blackstone Logistics

Abutting Town Notices of Interest: None

Correspondence: None

Board Business: The Chair read a statement regarding the Annual Town Meeting - Article 19, the citizen's petition. (at the end of the minutes)

Motion: To adjourn, S. Paul

2nd: M. Gagan

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

Adjourned 8:52 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.

Town Meeting Statement:

The Planning Board and staff want to clarify what transpired on Article 19 at the recently held town meeting held on May 8, 2023. The Article was a citizen's petition to reduce building height in the Office Light Industrial district to from 70' to 35'.

Resident Andrea Mattei stated (or implied) a compromised height of 55 feet had been reached via negotiations which included the Finance and Warrant Advisory Committee, Planning Board, and the Planning Director, but in fact, none of these parties had been contacted prior to a few minutes before the Town Meeting.

In fact, none of the aforementioned parties along with the Town Manager was aware the citizens proposing the petition had met with the Town Moderator and discussed such a compromise.

Just minutes prior to the start of the Town Meeting, the Planning Director was asked if she would have any objection to 55'. She indicated as a Planner she didn't have an issue with 55', but she could not speak for the Planning Board. Having not had discussion in a public meeting on such a change, the Planning Board could not and did not offer any recommendation on this change of motion at Town Meeting.

Although it was entirely legal for the Planning Board to discuss making their own amended motion at their meeting on April 27, the Chair and staff felt it was not appropriate, as a public hearing had already been held on April 10 and the Planning Board discussed the petition and had taken their vote.

The Planning Board did not and certainly would not participate in any non-public negotiations or discussions relative to a petitioned by law change outside the public meeting process.

This Planning Board and staff feel it is important to make this very clear to the residents who entrust them.