

SUTTON PLANNING BOARD

Meeting Minutes

August 8, 2022

Approved _____

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

Present in person: R. Largess Jr., S. Paul (Acting Chair), W. Baker, E. McCallum (Associate)

Present remotely: W. Talcott

Absent: None

Staff: J. Hager, Planning & Economic Development Director

S. Paul Acted as Chair for this meeting. It was noted E. McCallum was acting as a full member in place of M. Gagan.

Public Hearing – Accessory Apartment Special Permit – 12 Town Farm Road

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

Michael McGovern of 234 Manchaug Road was present on behalf of the applicant along with Karen Keegan of Allen Engineering.

The property presently has two main structures, a single family home and a large indoor riding arena with attached barn. Mr. McGovern stated the septic system has been designed for up to 8 bedrooms.
(W. Talcott present)

They are constructing a three car garage with a workshop that will have storage space on the second level and they are requesting a 1,200 s.f. accessory apartment be approved for the second floor. The Board reviewed proposed floor and architectural plans.

R. Largess, Jr. read department comments. J. Hager reviewed her comments and recommended minimum conditions.

S. Paul noted, and all Board members agreed, that clear signage will be very important and should be installed for all structures on the property so emergency response personnel know exactly where they are going should they ever have to respond to the property.

There were no public comments.

Motion: To grant the special permit for a 1,200 s.f. accessory apartment with the following conditions, R. Largess, Jr.

1. Approval of all other required departments, boards and/or commissions, especially from the Building Department and Board of Health.
2. Separate street numbers must be utilized as assigned by the Board of Assessors. Said numbers shall be clearly posted on the home and accessory apartment and at the street if not visible from the street. In addition, signage to the home, accessory apartment and any addition structures needs to be placed near the access driveway to ensure emergency vehicles and response personnel know where/how to gain access.

2nd: W. Baker

Vote: 4-0-1, W. Baker, S. Paul – aye, R. Largess, Jr. – aye, E. McCallum – aye, W. Talcott – abstained as he didn't hear the entire hearing.

Motion: To close the public hearing, R. Largess, Jr.
2nd: W. Baker

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

Action Items

Form A Plans – None.

Chapter 61A Land – 16 Carr Street – The Board reviewed a letter requesting the Board's input on a potential release of land from c 61A. The parcel is approximately 13 acres and the offer the Town would have to match is \$575,000. J. Hager noted the potential buyer may be keeping all of the land except for a house lot in chapter land status in which case the Town may not get first right of refusal, but the Board can provide their recommendation regardless. In response to a question from R. Largess Jr. Robert Nunnemacher of the Board of Assessors stated when a party takes land out of chapter land status, they have to pay at least 5 years' worth of roll-back taxes (the amount taxes were reduced from full rate) on the land. In this case, the potential owner would have to pay roll-back on just the house lot.

Motion: To recommend that Town meeting pass over its first right of refusal as there would appear to be no pressing use for this property, R. Largess Jr.

2nd: E. McCallum

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

Eversource – Oakhurst Road Gate Station – This issue will be continued to a future meeting.

Proposed Bylaw Changes – J. Hager reviewed proposed changes to the Earth Removal Bylaw that are directed at closing the functional gap in the existing bylaws that allowed significant earth alterations on the Unified site at 105 Providence Road without a public process. Proposed amendments include but aren't limited to, making it clear that earth removal includes earth disturbance whether or not earth is removed from a site. Ensuring there is a category for earth removal over 300 cubic yards that is not effectively associated with otherwise permitted projects, specifically stating that there will be minimum procedures on earth removal of any amount that involves blasting. She stressed the amount of frustration not only experienced by those directly affected, but also by the board and the staff who had no clear cut local regulations to lean on to require different actions. R. Nunnemacher of 24 Singletary Avenue asked what could/should have been differently with the Unified site work? J. Hager noted she asked the Unified team multiple times, as far back as February, to have a neighborhood meeting in advance of major work starting on the site to at least answer questions and provide basic information including contacts. The team did not feel this was necessary and unfortunately it wasn't until the area/neighborhood was disturbed to the extent that they were calling nearly every town department and asking the Planning Board for answers they truly did not have answers to, that the applicant decided they would put up a website and host a community meeting. It isn't acceptable for people to find out about blasting by their house beginning to shake and dust going everywhere. He asked if the Town would be exempt and J. Hager said the Town is technically exempted, but the current staff/administration would not do blasting or any other major project without notification to and consideration of abutters. She is happy to adjust bylaw language to require the Town to follow the same standards as everyone else. W. Talcott asked what would happen if the bylaw is in conflict with State law. J. Hager noted this is a major purpose of review by Town Counsel, they review proposed bylaw for just this sort of conflict, so changes aren't ultimately disapproved by the Attorney General who has final approval on bylaw changes.

The Board agreed this bylaw change should move forward. Members will provide any feedback as they review the draft and residents were encouraged to take a look at the proposed changes on the Town's website. Although a hearing is not required for a General bylaw change, one will be scheduled.

Administrative Items

Motion: To approve the minutes of 7/25/22, R. Largess Jr.
2nd: W. Baker
Vote: 5-0-0, W. Baker, S. Paul – aye, R. Largess Jr. – aye, E. McCallum – aye, W. Talcott – aye

Filings: None.

Other Board Business:

J. Hager asked for input from the Board on two issues:

1. Mickey's Car Wash has asked for a bond release for their screening landscaping along their southern property line. She noted they have installed the full number of plantings they promised and they are nearly at the size promised. However, the original request did not take into account the plan scale and scaling planting correctly, so if plants were installed with two thirds in two stacked rows for more effective screening more nearly half the property line would have no plantings. Therefore, the applicant plated everything single file. J. Hager asked the Board if they were absolutely unwilling to approve this, and if they are willing to consider it, she asked them to visit the site before the next meeting. The Board will consider the request at their next meeting.

2. She showed the Board a sign application for the new gym at 64 Worcester Providence Turnpike. Anytime Fitness will take the space once occupied by 146 CrossFit. She noted the total length of the space that the gym will occupy is 118' long. However, the length of the bump-out wall on which the sign will be located is only about 44' long. If the Board says the strict language of the bylaw must be complied with, the sign will be limited to 33 s.f. and not be effective. The sign they are proposing is more than double this size based on the length of the space they occupy. As this bump out isn't very deep, the building reads as a continuous façade, in which case the Board felt the intent of the bylaw would be to utilize the full length of the occupied space.

Site Visit Reports: None.

Correspondence:

W. Baker provided the Board an article about the housing divide and related divides like income that are particularly timely.

Motion: To adjourn, R. Largess Jr.
2nd: E. McCallum
Vote: 5-0-0, W. Baker, S. Paul – aye, R. Largess Jr. – aye, E. McCallum – aye, W. Talcott – aye

Adjourned 8:22 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: **812 6221 8014** Passcode: **609023**. 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.