

## **SUTTON PLANNING BOARD**

### **Meeting Minutes**

**March 11, 2024**

Approved \_\_\_\_\_

\*Note- This meeting was held in person and remotely via Zoom in accordance with recently renewed legislation. E. McCallum read a notice regarding the hybrid meeting format. (see end of minutes)

Present in person: R. Largess Jr., W. Talcott, W. Baker, M. Gagan, E. McCallum, Associate

Present remotely: None

Absent: S. Paul

Staff: J. Hager, Community Development Director

### **7:00 64 Worcester Providence Turnpike - Alvah Dance Studio**

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

Studio owner Molly Quinn was present with land owner Perry Patramanis to request Site Plan Approval for this change of use from Concierge Physical therapy to a dance studio. M. Quinn explained the studio will serve ages 18 months to 18 years and will feature all styles of dance both recreational and competitive, including adaptive dance for youth with disabilities. She noted she has built in a 15-minute separation between classes and that parents cannot sit in on classes regularly, instead having a phone app that allows them to observe their child. She feels these measures will help to ensure parking does not become an issue.

The Board reviewed the site and floor plan, and the owner confirmed the only two tenants in the building will be Anytime Fitness and the dance studio. There are over 50 parking spaces on the site and staff park in the spaces behind the building.

No public comments.

Motion: To grant Site Plan Approval based on the materials and plans submitted with the following conditions: W. Baker

1. Approval of all other applicable permitting authorities, especially the Building and Fire Departments.
2. Compliance with the Board of Health review memo dated 2/15/24.
3. Prior to issuance of permits for signage the applicant shall submit a compliant sign design and receive approval from the Planning Board.

2<sup>nd</sup>: M. Gagan

The Board reviewed department comments noting Board of Health, no comments from conservation and taxes are paid.

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

Motion: To close the public hearing, W. Talcott

2<sup>nd</sup>: W. Baker

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

## Action Items

- Form A Plans – None
- 79 & 87 Worcester Providence Turnpike - Rock & Recycling Discussion – Owner Shane Flemming was present at the Board's request to detail the expansion of operations on 79 and into 87 Worcester Providence Turnpike. J. Hager summarized the Board approved a Site Plan and granted Special Permits for this business to operate on the north half of 79 WP Tpke. and later gave permission for Professional Tree to operate on 87 WP Tpke. Since that time Mr. Flemming has acquired 69R, 79 and 87 WP Tpke. and operations have expanded. Most recently a Board member observed what appeared to be clearing of vegetation on and between 87 and 91 WP Tpke so the Board requested Mr. Flemming come have a discussion with the Board. Mr. Flemming confirmed the information J. Hager provided and stated Professional Tree is no longer a tenant at 87 WP Tpke and their equipment and related materials/stockpiles should be off the property in the near future. He stated it is his intension to present the site well and make it look sharp but over time. They will surface the area south of the building with a level and uniform material but not pavement, as his machines have tracks that destroy pavement. He wants this area to be a neat organized equipment display area. He worked with the owner to the south to clean up dead and scraggly vegetation between their sites. He responded to a Board question that they only use the southern building for parts storage. J. Hager noted this site is within the Route 146 Overlay District which focuses on architecture and landscaping and asked the Board for guidance on what they want for compliance with these bylaws. W. Talcott felt the green area along Route 146 should be retained an enhanced and there should be a clear delineation between this area and the equipment display area. The majority of the Board agreed Mr. Flemming should be allowed to expand his business into the previously disturbed areas of 69R, 79 and 87 WP Tpke. He should return to the Board and/or provide the Planning Department with an update on the improvements to the site by Fall. The Board reminded Mr. Flemming if he wants to rent space any use needs to be approved in advance.
- 75 Worcester Providence Turnpike – ETS Equipment Discussion – Mr. Estavan Costa Business owner of ETS Equipment was before the Board at the request of the Building Commissioner as this business has not been approved to operate at this location. This site is approved for Stonegates Granite only. Mr. Costa gave the Board business brochures. He apologized stating he didn't think he needed any permits as he is not operating out of the site, he is just staging some equipment and signage at the site for visibility. Their operations are out of Hopedale and 95 % of transactions are online. J Hager stated there is not a use category that allows for just storing and advertising, this use was known as "commercial parking lot" which is no longer allowed, lastly to have a sign on a site you must be operating out of that site. Additionally, although it seems odd, you can sell construction equipment in the Industrial District, but you cannot rent construction equipment. The Board discussed the situation. E. McCallum noted an online search tied the term "construction equipment" to the movement of earth. After consideration, the Board stated Mr. Costa would need to rent office space at the site and have at least limited/ by appointment hours to be factually conducting business from the site and even then he couldn't rent construction related equipment or have any signage that list or shown such equipment. The Board noted they would be willing to potentially bring a bylaw change to allow rental of construction equipment in the Industrial District to Town Meeting, but not May Town meeting as that doesn't give them time for adequate consideration. Mr. Costa needs to show the Board he is renting space/operating out of the site or remove the signage and equipment from the site by April 11, 2024.

- Additional Action Items - None

### Administrative Items

- Motion: To approve the minutes of 2/26/24, W. Talcott  
2<sup>nd</sup>: W. Baker  
Vote: 5-0-0, R. Largess Jr. – aye, W. Talcott – aye, M. Gagan – aye, W. Baker- aye.  
E. McCallum - aye
- Filings: None
- Site Visit Reports: None
- Abutting Town Notices of Interest: None
- Correspondence: None
- Other Board Business:
  - J. Hager noted after the Board's files went out last week communication/materials were finalized regarding a request from Progeneration. She noted they are present to introduce themselves. Attorney Joshua Smith of Bowditch & Dewey introduced himself and Tiffany Russell Director of Operations for Progeneration Energy, and noted Anthony Shaw, President of Progeneration Energy is also present remotely. The land they would like to talk about is located at 48R Peach Tree Drive (17 a.) and 5R Leland Hill Road (22 a.) in the NE portion of Sutton against Grafton in the Rural Residential District (R-1). He noted right now large ground mounted solar is prohibited in the R-1 District. They will be requesting a bylaw/map change to create a solar photovoltaic overlay district (SPOD) and allow large ground mounted solar installations (over 250 kW) on the specific parcels mentioned. He noted they feel these parcels are different that past proposals that did not pass. He also noted they would propose the use be allowed by Special Permit only, not by right. He added large installation are only otherwise permitted in the Industrial District and they did not feel was appropriate to re-zone these parcels to Industrial. He added the facility will be unmanned with no noise, light or traffic impacts as opposed to residential development that would result in all of these impacts. T. Russell stated their only access to the property is through Grafton, and therefore they have met with the Grafton Building Commissioner who stated this in the only use he would likely allow. She also noted they will submit separate petitions for the two parcels. She stated the projects are of approximate \$14 million value with \$9 million sourced within the State. She stated the company is very experienced with projects in the US and Canada including in 2016 having the largest installation in the state of Texas. J. Hager said it was her recommendation the proponent meet with the Board before the public hearing in case residents ask them about the potential bylaw change and so they would have time to think about the proposed change before the public hearing. She also noted she suggested two different petitions as the parcels are in different ownership and are different in terms of physical characteristics and potential impacts. She briefly reviewed the topography to familiarize the Board/public. She added one of the parcels was part of the property that was to be part of the congregate care project to which Grafton blocked access. She stressed the required public hearing for the proposed change will be held on April 8<sup>th</sup> which is the appropriate time for detailed input, but asked if the Board has any general questions. In response to questions from the Board T. Russell responded the majority of the parcels would be covered with panels other than setbacks. She noted they are taking advantage of the MassSmart program to help stabilize the price of electricity longer-term. They intend to develop up to 5 MW of ground mounted solar on each parcel. J. Hager responded to questions stating overlay zoning is not spot zoning, it lays over static zoning districts.

Also this use was never allowed in R-1 and was removed from B-2 and OLI a few years ago. She stated there were three overlay attempts in the R-1 that were defeated several years ago. T. Russell responded they will sell the installations to National Grid to support their renewable energy portfolio/stabilize prices. R. Largess Jr. suggested they reach out to residents to let them know about the proposed project. J. Hager noted although they are not required by law, the Department will notify at least direct abutters of the proposed change. R. Nunnemacher of 24 Singletary Avenue noted prior proposals and cautioned that is not a guarantee that access will only be through Grafton, this is never cast in stone and cautioned abutting parcels could also be re-zoned if abutters also want to make money off their parcel. Mr. Smith noted this is all his client is asking for; any other access points would also have to be re-zoned. J. Smith asked the Board if they would sponsor the article. J. Hager stated the Board does not typically sponsor articles that are for the immediate benefit of one party. All members agreed they would not sponsor this article.

Motion: To adjourn, E. McCallum

2<sup>nd</sup>: W. Talcott

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

Adjourned 8:15 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.