

**Sutton Planning Board
Minutes
August 3, 2020**

Approved Walter Baker

*** This meeting was held via Zoom teleconference due to the COVID-19 Crisis and related Executive Order issued by the Governor on March 12, 2020.**

Present: W. Baker, M. Gagan, R. Largess Jr., S. Paul, K. Bergeson
Associate Members Present: W. Talcott
Staff: Jen Hager, Planning & Economic Development Director

The Chairman read a statement about the current COVID-19 crisis and conducting meetings via teleconference (attached).

Public Hearings:

192 Mendon Road – Scenic Roadway Alteration

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

Mr. Ron Spokis explained he wants to create a 15' break in the stone wall along the front of his property and close the existing break with stones he takes out of the new break. The Board viewed filing materials.

The Board reviewed comments from departments and staff.

M. Gagan noted there are not photographs or a drawing clearly showing the type of stone wall that is currently there so that the Board can confirm Mr. Spokis reconstructs the missing section of wall in the same manner. Mr. Spokis noted the wall is very overgrown and it will take some effort to cut back the brush and photograph the wall. S. Paul noted there are similar walls along Mendon Road that Mr. Spokis can photograph to demonstrate the type of wall that will be put back.

There were no comments from the general public.

Motion: To approve this scenic roadway alteration at 192 Mendon Road with the condition that prior to creating the new break Mr. Spokis will submit a photograph of the existing wall, or one similar along Mendon Road, so the Board can confirm what is reconstructed is consistent with what is there now, R. Largess

2nd: K. Bergeson

Vote: M. Gagan – aye, R. Largess – aye, K. Bergeson – Aye, S. Paul – aye, W. Baker – aye

Motion: To close the public hearing, M. Gagan

2nd: S. Paul

Vote: M. Gagan – aye, R. Largess – aye, K. Bergeson – Aye, S. Paul – aye, W. Baker – aye

126 Worcester Providence Turnpike – Special Permit & Site Plan Approval – Woodworking Shop

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

Ms. Karns explained her husband would like to utilize their existing barn closest to Route 146 to display and sell his wood working that he does for a hobby. As they both work outside the home, this would be by appointment only. The Board viewed filing materials.

J. Hager explained this use if conducted within the Residential Districts would likely be considered a home business and could apply for a special permit from the Zoning Board of Appeals. However, as this lot is located in the Business highway District, home businesses are not allowed. Therefore, the owner must apply for a special permit for a retail store and undergo site plan review.

The Board reviewed department and staff comments. The Building Commissioner had some potential concerns with ADA Code compliance.

The Board had questions and concerns about the safety of pulling onto Route 146 and whether or not a bathroom would be required for the use among other things.

They reviewed the required findings for the retail store use as follows:

1. The Board found that this proposed retail use within the business district along Route 146 was an appropriate use for this site.
2. The Board found that they needed to know whether Code requires a bathroom for this use. Ms. Karns noted the septic had just passed a Title V inspection last June.
3. The Board found as a business with limited customers at one time, there would likely be no detriment within the neighborhood from this use.
4. The Board found they were uncomfortable with flow of traffic into, on, and out of this property and they wanted to see a clearer plan with the traffic flow delineated. Ms. Karns noted they could put up some signage and since customers would be calling for an appointment she could caution them about entering and exiting the site.
5. The Board found they needed to know whether the site/structure could comply with Building Code particularly as it relates to handicapped access before they could find there are adequate and appropriate facilities for the intended operations.

Ms. Karns needs to meet with the Building Commissioner relative to ADA access and other Code compliance and then work with the Planning Director on a clearer site plan showing elements as discussed.

Motion: To continue the public hearing to August 17, 2020, S. Paul

2nd: R. Largess

Vote: M. Gagan – aye, R. Largess – aye, K. Bergeson – Aye, S. Paul – aye, W. Baker – aye

Additional Action Items:

Form A Plans – Putnam Hill Road/Manchaug Road: B. Andrews explained this plan makes the post office in Manchaug conforming, transfers the center section of the parcel to the Town, and maintains the northern portion of the lot as a buildable lot in accordance with a previous Town Meeting vote and a variance for frontage and width from the ZBA.

Motion: To approve the Form A plan dated Rev. 8/3/20, but hold the plan for recording with the other required transfer documents, R. Largess

2nd: K. Bergeson

Vote: M. Gagan – aye, R. Largess – aye, K. Bergeson – Aye, S. Paul – aye, W. Baker – aye

219 Whitins Road – Potential Tenants

Chris Windle, Owner of this building was present to ask the Board to waive site plan review and allow a tenant for one 1,875 s.f. unit. This tenant, Michael Fields of Sutton/Grafton, is not a building contractor but transports materials for the building and landscape industry. He was a trailer dump and a flatbed trailer. He is the owner operator with no employees. Hours would be M-F 7-4 and some Saturdays from 7-12.

Motion: To waive site plan review and allow the use of one unit at 219 Whitins Road for a building/landscape transportation company with the following conditions: R. Largess

2nd: K. Bergeson

Vote: M. Gagan – aye, R. Largess – aye, K. Bergeson – Aye, S. Paul – aye, W. Baker – aye

Villas Phase III Bond Reduction

J. hager updated the Board that the recorded easement is in hand for the emergency access for Phase III of the Villas at Pleasant Valley. The Board reviewed an email from Mr. Vanderlinden asking the Board to withhold release of the past contingency that was being held to ensure this easement was received because the Trustees have other concerns with grass not growing etc. for which they think this contingency should be held. The Board discussed and felt the specific items raised by Mr. Vanderlinden were not Planning Board issues, but issues between the Association and the developer. Additionally, it was noted the Board's previous motion on this issue specifically stated they would release all but the \$19,000 in funds required per the last bond estimate, which will still include some contingency. Mr. Burns, developer of the Villas, interjected that he has never been notified of the concerns expressed by Mr. Vanderlinden in this email and would appreciate the Board maintaining the position they took previously regarding release of the \$50,000 contingency being held for this item. The Board unanimously confirmed the Planning & Economic Development Director should comply with the Board's last motion on this subject and release all but \$19,000 of the Phase III bond.

Potential Bylaw Changes

The Board reviewed a letter from the Town Manger stating that the Board of Selectmen wish to limit Town Meeting to only non-controversial items to protect the health and safety of Town residents. There was also a letter from Mr. Fusaro who owns 229 Worcester Providence Turnpike asking the Board to reconsider eliminating large ground mounted solar from the Business Highway District. The Board discussed potential bylaw changes at length and agreed that there were some articles which needed more time and the benefit of significant in person public input and they would table those articles, namely those having to do with changes to the use table. However, they feel strongly the Town needs to proceed with four articles they feel should not be controversial and which will benefit and protect the Town as follows:

1. Allowing as recreational marijuana uses (except retail which is prohibited in Sutton) by Special Permit as well as medical marijuana uses in the OLI District, otherwise these uses may be able to apply to go anywhere as Sutton's Marijuana Overlay Business District is fully occupied.
2. Eliminating the 25' separation of structures to the Town Line within the OLI District. This will allow the more efficient and environmentally sensitive use of parcels that straddle the Town line which is important for potential development in both South Sutton and NE Sutton and has the ability to avoid having potential uses shifted closer to homes or moved just over the line from Sutton with all of the impacts still felt but little or no taxes received.
3. Allowing people with legally pre-existing non-conforming lots of at least 20,000 s.f. and 50' of road frontage to apply for a Special Permit to potentially find such lots buildable if they are similar in size to developed lots around them. This will potentially settle an existing law suit but also

settle an issue of equity with landowners who understandably have no idea what the Doctrine of Merger does and that one day they can have a parcel they bought as a buildable lot but that if a zoning change takes place making this lot non-conforming in some way and 5 years pass it is no longer buildable.

4. Shift OLI Zoning line from the east side of powerlines to west side of power lines north of Boston Road and East of Dudley Road to allow access to Boston Road but not add any significant amount of additional developable OLI land at this time. When the OLI portion of this lot is developed traffic can then exit onto Providence Road and Boston Road reducing impacts and traffic safety issues on the area road system by distributing flows to two points instead of one. Unless land adjacent to Boston Road is re-zoned, traffic from uses allowed in the OLI but not in the R-1 may not pass over the R-1 land out to Boston Road.

It was noted potential purchases are pending in both NE Sutton and South Sutton and filings are expected shortly thereafter.

Administrative Items:

Minutes: To approve the minutes of 7/20/20, S. Paul

2nd: R. Largess

Vote: R. Largess – yes, W. Baker, yes, M. Gagan - yes, S. Paul- yes, K. Bergeson- yes

Correspondence:

Northbridge & Douglas – The Board reviewed hearing notices for an additional recreational marijuana store in Northbridge and industrial zoning bylaw changes in Douglas.

34 Fuller Road – As required by the Board's approval the accessory apartment applicants filed a dimensioned plan showing their addition will be approximately 28' from their side lot line.

Primetals visibility – The Board reviewed emails from Mr. Gautreau of 21 Barnett Road with concerns about visibility from his home of the Primetals building in South Sutton Commerce Park. The emails showed Ms. Hager informed Mr. Gautreau that there is nothing in the bylaws that guarantees you will not see abutting development in adjacent zones, but that per the terms of the Board's approval of Primetals, Mr. Gautreau has the right to ask the Board to determine if the visual impact is unacceptable. Mr. Gautreau had suggested the company pay for some evergreen plantings at the back of his yard. The company considered whether they could remove the orange stripe on the back of the building. Mike Simons from Scannell Properties who owns the building noted that they did not think the plantings would grow fast enough to make any significant difference. He said they will abide by whatever the Board reasonably decides. The Board will make site visits to the location and this will be scheduled for the next meeting.

Motion: To adjourn, S. Paul

2nd: R. Largess

Vote: R. Largess – yes, W. Baker, yes, M. Gagan - yes, S. Paul- yes, K. Bergeson- yes

Adjourned 9:55 P.M.

**STATEMENT REGARDING
REMOTELY CONDUCTED OPEN MEETING
Sutton Planning Board**

Good evening. This Open Meeting of the Sutton Planning Board is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." While still ensuring public access, this Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely. You can find the Order posted on the Town's website.

Regardless of our inability to meet in person, it is our intent to ensure continued transparency and the ability of the public to at least view the actions of our Board. Ensuring public access does not ensure public participation unless such participation is required by law. Tonight's public meeting will not feature public comment.

For this meeting, the Sutton Planning Board is convening by Zoom teleconference as specified on the legally posted agenda.

Please note that this meeting is being recorded. Accordingly, please be aware that others may be able to see you, and that you take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.