

**SUTTON PLANNING BOARD**  
**Meeting Minutes**  
**November 30, 2020**

Approved Walter Baker

\*Note- This meeting was held remotely via Zoom in accordance with Executive Orders from Governor Baker. The Acting Chair read a notice regarding the remote meeting format. (attached)

Present: W. Baker, M. Gagan, R. Largess Jr., S. Paul, K. Bergeson, W. Talcott (Associate)  
Staff: J. Hager, Planning & Economic Dev. Director

**Action Items**

PV Crossing – Carwash Signage Discussion Patrick Doherty of Midpoint Engineering representing Galaxy Development and Tammy Bouraikis permit holder for a car wash at PC Crossing were present with Kyle Bouraikis a partner in the carwash to discuss potential signage and request a waiver from the Route 146 Overlay Bylaw Section V.D.4.c.6.a. -Signage. V.D.4.c.6.a. - “Unless specifically stated below, the sign requirements contained elsewhere in this Zoning By-Law shall determine the number, size, and location of signs for buildings and uses within the development.”

They maintained under the waiver provision in Section V.D.3.b. the Board has the authority to waive the underlying sign bylaw requirements. V.D.3.b. - “The Board may modify or waive any requirement of the overlay district upon finding that due to topography, location or other unusual conditions affecting the property, the requirements of this section would unreasonably restrict the use of the property or would be detrimental to the orderly development of the area. In granting such modification or waiver, the Board may impose conditions it deems necessary to protect the public interest and to insure that the development will be consistent with the purpose of this section”

They requested the Board waive the requirement of Section IV.A.3.b.5. - “All signs shall be erected on the same lot as the premises, person or activity they are intended to advertise, call attention to or identify except for agricultural signs and directional signs.”

PV Crossing is a shopping plaza which was approved and is being constructed in three phases. When originally approved, the project was two phases located on one large lot with frontage on Route 146 and Boston Road. In March of 2017 an additional phase 3 parcel was added to the project and in August of 2017 the phase two parcel was split from the Phase one parcel for financing reasons. The Board reviewed the resulting lot configuration.

The requested waiver would allow a sign for Mickey’s Car Wash to be located on the Phase one parcel. They noted although three lots exist, this is clearly one project under the same financial control (slightly different names). They added that any signage erected on the phase 3 parcel would not be visible from Route 146 and that this visibility is key to their success. They noted under the current language of the bylaws they could not put a sign on the Route 146 pylon or erect a stand-alone sign or even have a sign on the Boston Road pylon as all are technically on different lots.

Mr. Doherty also informed the Board if they were able to get this waiver they would then apply to the ZBA for more than the two permitted business signs. They will likely apply for three signs and would request a standalone sign as opposed to being on the main pylon sign where they would get visually lost. They will be asking the ZBA to vary the number of signs they are otherwise permitted to have just as was done for Unibank within the plaza (who now has their own standalone sign).

Motion: To waive the requirements of section IV.A.3.b.5. and allow signage for Mickey's Car wash to be located on any of the lots that are a part of this single retail plaza having found that "unusual conditions exist that effect this property" namely due to the configuration of the lots/plaza which will not allow signage on the phase three lot to be visible from Route 146 and the fact that this is clearly one project despite the interior lot lines, K. Bergeson

Both S. Paul and R. Largess Jr. expressed concerns with encouraging the kind of sign pollution visible on Route 9 in Shrewsbury. There was much discussion about whether a standalone sign was appropriate or precedent setting, etc. It was noted there is nothing in the sign bylaw prohibiting every business in the plaza from applying for their own standalone sign. The Board has just convinced businesses on multi-tenant sites that their free standing sign must be on a pylon with the other tenants and this hasn't been challenged. R. Largess Jr. wondered if a temporary sign could be erected to let pass by traffic know about this new business for a few months.

Vote: 4-1-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – no, W. Baker – yes, K. Bergeson – yes

### Pyne Sand & Stone – Earth Removal Permit Renewal

Murray Bristol, Operations Manager from Pyne Sand & Stone was present to request a one year renewal of the earth removal permit for the Bedoian land adjacent to the Sutton/Douglas Town line west of Route 146. They will continue to operate in the same area they are currently permitted to excavate.

J. Hager showed the Board photos from the site visit two weeks ago as well as the current earth removal plan showing the location and results of the monitoring well tests.

Motion: To grant a one year renewal of the Pyne Sand & Stone earth removal permit with the following conditions: S. Paul

#### General Conditions:

1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith may result in a Cease and Desist Order and/or fines.
2. Approval of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

#### Special (or site/operation specific) Conditions:

4. Maintain appropriate dust control measures to prevent blowing onto Route 146 and/or adjacent properties.
5. Bond for calendar year 2021 must be received prior to 12/31/2020.
6. Monitoring well #2020-1 shall be excavated to an elevation of 365' or lower to verify required separation to groundwater.

2<sup>nd</sup>: R. Largess Jr.

Vote: 5-0-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Baker – yes, K. Bergeson – yes



Forest Edge Bond Reduction and Extension – J. Bruce was present to request a one year extension of the performance period for Phase 2 which had approximately 22 units left to be built. He was also requesting a reduction in the bond to account for the Phase 1 work that has been completed as well as the 675' of base and top course and sidewalks that were just completed once Graves Engineering confirms the work has been completed sufficiently. Mr. Bruce was asking for the Board to vote at least the extension now as it needs to go on file at the Registry before the Planning Director will sign off on two building permits he needs to get started before the weather turns.

Motion: To grant an extension of the bond to 12/1/21 and reduce the bond by \$60,000 with confirmation of satisfactory and complete performance by Graves, S. Paul

2<sup>nd</sup>: R. Largess Jr.

Vote: 5-0-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Baker – yes, K. Bergeson – yes

### **Administrative Items**

Motion: To approve the minutes of 11/16/20, R. Largess Jr.

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

Vote: 5-0-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Baker – yes, K. Bergeson – yes

### **Correspondence:**

Planning Board 2021 Draft Meeting Agenda – J. Hager asked the members to review the proposed schedule for 2021 and let Tammy Mahoney, the Department Secretary, know if they see any issues or have any conflicts.

Permit Tolling Deadline – J. Hager reviewed this update from Town Counsel. The gist is the Governor's State of Emergency declaration was previously tied to tolling deadlines for permitting. For instance: a permit expired after declaration of the SOE the deadline was automatically extended to 45 days after the SOE ends. This Update states the Governors previous order has been revised so that permit tolling will start again as of December first and 45 days will be available from this date to finish work under permits, request extensions, or take other allowed actions to avoid expirations or enforcement on permits and approvals that expired over the past 9 months. Various Board such as Planning, Zoning Board of Appeals, and Conservation will have permits that may be affected.

Motion: To adjourn, R. Largess Jr.

2<sup>nd</sup>: K. Bergeson

Vote: 5-0-0: S. Paul – yes, M. Gagan – yes, R. Largess Jr. – yes, K. Bergeson – yes, W. Baker – yes

Adjourned 8:18 PM

**STATEMENT REGARDING  
REMOTELY CONDUCTED OPEN MEETING**

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.