


## **SUTTON PLANNING BOARD**

### **Meeting Minutes**

**January 25, 2021**

Approved



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

Present: W. Baker, M. Gagan, R. Largess Jr., S. Paul, K. Bergeson, W. Talcott (Associate)

Staff: J. Hager, Planning & Economic Development Director

### **Public Hearings**

#### **PV Crossing – Galaxy Pass – Modification of Route 146 Overlay Special Permit and Site Plan Review**

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

Patrick Doherty of Midpoint Engineering on behalf of site owner Galaxy Development was present with applicants Tammy and Kyle Bouraikis, owners of Mickey's Car Wash.

P. Doherty explained the applicants are requesting a modification of the approved site plan and Route 146 Overlay District Special Permit at the direction of Town Counsel who had stated that a variance from the Zoning Board of Appeals is not the appropriate relief mechanism. A waiver request from the provisions of the Route 146 Overlay District Bylaws is the appropriate modification mechanism. They are requesting three total advertising signs, as opposed to the allowed two, including a second free standing sign on a lot that is separate from the one on which the car wash is located, but is still within the three lots that make up the Pleasant Valley Crossing shopping center. The lot lines only exist for financing reasons.

Mr. Doherty showed photographs and site layouts demonstrating how this business has no visibility from Route 146 as a wedge of land owned by a different party splits the western portion of this site along Route 146 and Pleasant Valley Road. This wedge of land also sits higher in elevation than the adjacent car wash pad shielding it from view. Additionally, he showed signage locations of all businesses from Central Turnpike to about a mile north on both the north and southbound sides of Route 146. He demonstrated that the one additional sign they wish to place along Route 146 does not crowd spacing of signage along Route 146 and is in fact very consistent with the current sign spacing for businesses along the corridor. Bob Keane and Rob Campagna who own three car washes and have been in the industry for 30 years, were present at the request of the applicants. They spoke about the reliance of car wash businesses on drive-by customers who are out doing other things and/or commuting to work and see the car wash and decide at that moment to use the business. They stressed the business model does not work financially without visual exposure to draw drive-by customers.

Dan Robertson of 126 Boston Road asked if the signs will be internally illuminated and if granting these waivers would set a precedent. P. Doherty responded that both free standing signs will be internally illuminated. The size of the signs will be 49 s.f. for the singular stand-alone sign, 20 s.f. for the panel on the Boston Road pylon sign, and 24 s.f. for the projecting building sign. It was noted all three signs are smaller than they could be and smaller than many other signs on the corridor. Additionally, this request is fairly unique considering the type of use and the layout of the parcels and this particular business therefore they do not feel it presents a precedent risk.

The majority of the Board felt this is a unique situation and business type. Members noted having a more visible sign will make traffic to this use safer. Additionally, whether there was a sign panel on the Route 146 pylon sign or a free standing sign a waiver would have to be granted for a sign on a different lot, and not to grant signage along Route 146 would be a disservice to this business. S. Paul disagreed and was concerned businesses that will be in phase 2 may try to make the same visibility case and then Route 146 will look like Route 9 “Spags” signage. The Board noted S. Paul’s concerns and agreed they do expect future businesses in phase 2 will not try to seek similar relief.

Motion: To grant a waiver from section (D.4.c.6.a.) and modify the Route 146 Overlay District Special Permit to allow 3 signs including 2 free standing (49 s.f. and 20 s.f.) and 1 projecting building mounted 24 s.f. sign having found the location of this specific lot provides no visibility from Route 146 and this particular type of business, a car wash, relies heavily on drive-by/impulse customers to be financially feasible, K. Bergeson

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

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

Motion: To grant a waiver from section (D.4.c.6.a.) and modify the Route 146 Overlay District Special Permit to allow the 49 s.f. free standing sign to be located on a different lot from the business but on one of the three lots that comprises Pleasant Valley Crossing, having found if this waiver isn’t granted the business could not even have a panel on the pylon sign on Route 146. Additionally, although the sign and business will sit on separate lots, these lots and the third are clearly one cohesive development, K. Bergeson

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

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

Motion: To allow modification of the approved site plan to show the location and size of the 3 signs including two free standing (49 s.f. and 20 s.f.) and one 24 s.f. building mounted sign, K. Bergeson

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

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

Motion: To close the public hearing, K. Bergeson

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

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

### **Atlas Box – 68 Providence Road – Use Special Permit & Site Plan Approval**

W. Baker read the hearing notice as it appeared in The Chronicle.

Brian Milisci P.E. of Whitman & Bingham was present with Len McAleer, EVP /COO of Unified<sup>2</sup> Global Packaging Group (partnership between Atlas Box and the Kraft Group) and Frank Tavares, GPE Manager of Atlas Box & Crating as well as representatives of the Kraft Group including Ted Fire, Beth Weidman, and Matthew Piekarski.



Mr. Milisci stated Atlas Box has purchased the former site of Mayfield Plastics/S. Ralph Cross at 68 Providence Road. They intend to use the location for warehouse and distribution as well as manufacturing, although this will be a lesser component for the time being. No changes, other than signage are proposed to the building or site. The building will continue to have 4,000 s.f. of office space and the remainder of the building will contain 21,000 s.f. of light assembly/manufacturing and 35,000 s.f. of warehouse. Public sewer and water exist at this site. The manufacturing use Special Permit was acquired by S. Ralph Cross and as the use has not been abandoned and what is proposed is of similar intensity this permit remains in place.

Mr. Milisci stated they are asking for a waiver from the provisions of the parking bylaws (section IV.B.3.) because the calculation technically require 62 spaces and they only have 56. However, they anticipate they will only have about 15 employees at this site. They would agree to a condition requiring they show where these additional spaces can be constructed if any issues arise.

S. Paul asked if they will be moving employees over from their Route 146 site or if they will be hiring new employees. F. Tavares stated they will be moving over some employees to accommodate suggested spacing during Covid, but also intend to hire additional employees.

R. Largess Jr. noted the Building Commissioner requested a condition for written compliance with the Building Code.

Hours of operation which will be M-F 6 AM to 7 PM and a half day Saturday.

There were no public comments.

Motion: To grant the Special Permit for trucking service and warehousing at 68 Providence Road having made the following findings: S. Paul

1. The Board found this specific location was appropriate for the use because it is zoned for this use and surrounded by similar uses including the business that was previously at this site.
2. The Board found there is adequate public sewer and water at this site.
3. The Board found the effect of the developed use upon the neighborhood will be negligible as it is similar to the previous use.
4. The Board found there will be no nuisance or serious hazard to vehicles or pedestrians as traffic from the site will not be increased substantially.
5. The Board found that the building and site are adequately and appropriately designed to ensure the proper operation of the proposed use.

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

In response to a question from J. Hager the applicant responded there would be about 6-8 truck trips daily.

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

Motion: To grant the following waivers: R. Largess Jr.

1. IV.B.3. Waived the requirement to provide 62 parking spaces down to 56 and the applicant must show on the revised site plan where they can construct the 6 missing spaces if needed.

2. IV.C.4.o. Waived requirement to show the parking calculation table on the site plan because parking calculations were provided in the application narrative.
3. IV.C.4.p. Waived requirement to provide architecture elevations as the building already exists and no exterior changes are proposed

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

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

Motion: To grant Site Plan Approval with the following conditions: S. Paul

1. Approval of all other applicable permitting authorities' especially the Building Department and Fire Department.
2. Prior to occupying the structure, the applicant shall submit a building review by a registered design professional for compliance with the state building code to the Building Commissioner for review and approval.
3. The applicant shall ensure sufficient parking for operation of the use and if parking issues arise, they shall resolve the issue.
4. The applicant shall provide all plan revisions noted in the Planning Director's memo dated January 21, 2021 that have not otherwise been waived.

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

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

Motion: To close the public hearing, S. Paul

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

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

## Action Items

Form A Plans: None.

Endorse Plans: None.

Conceptual Plan – Form A – Wilderness Drive: Joe Deliso and his son were present to discuss the potential split of 372 Boston Road into two lots. Conceptual plans showed frontage along both Boston Road and Wilderness Drive for a lot with the existing home and a second lot for a future retirement home. Legal frontage and access for the existing home will remain off Boston Road. Discussion centered around legal frontage for the second lot. There are significant wetlands along the Boston Road frontage and while it is possible to provide access adjacent to the wetland from Boston Road, the intention is to access the second lot from Wilderness Drive. J. Hager noted the Board must find this frontage to be safe and adequate in their opinion. The Fire Department provided input that they are good with this access except that it has significant potholes that should be filled/smoothed out and the driveway into the lot should be wider. S. Paul asked who owned Wilderness Drive. It is a private roadway that is part of 72 Wilderness Drive owned by the Mackinnons with rights of access to the homes along it including the Delisos. In response to recollections by W. Talcott that the Board had seen this proposal previously, Mr. Deliso confirmed T.A. King had tried to divide the MacKinnons lot when it was previously in his ownership.



There was discussion about the condition of the roadway but the discussion was never completed as a recorded deed restriction prohibiting the lots division was unearthed. The majority of the Board agreed the road is wide enough, but they had concerns about the potholes re-occurring regularly and their effect on safe and adequate access. Mr. Deliso noted they fill the potholes and maintain the road regularly. S. Paul stated the legal frontage should be from Boston Road and the Board would then be able to consider if they will allow alternate access off Wilderness to avoid wetland impacts. This would allow the Delisos to pursue their split without immediate significant costs in permanent upgrades but also safeguard the Town from designating an unpaved private way as legal frontage when it may degrade over time.

Adoption of Electronic Endorsement: J. Hager noted various town bodies are adopting the right to utilize electronic signatures as another tool to efficiently process town business especially considering Covid. The Board does not have to use electronic signature if they prefer no to, but should they find themselves in a situation where they need a signature to meet a legal deadline or otherwise, this tool will be available should they chose to adopt this section of law and file the appropriate paperwork at the Registry of Deeds.

Motion: The Sutton Planning Board hereby recognizes and accepts the provisions of M.G.L. c.110G regarding electronic signatures and that its members will henceforth execute documents either with electronic signatures or with wet ink signatures and that both will carry the same legal weight and effect. R. Largess Jr.

2<sup>nd</sup>: S. Paul

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

Stockwell Farm Covenant Extension: J. Hager explained that this 4 lot open space subdivision off Leland Hill Road just north of Central Turnpike is now owned by the Romeos. The pre-construction meeting has been held and one open item is that the Covenant that prevents a lot from being sold until the roadway is complete or otherwise secured has expired and needs to be extended. She also recommended adding reference to the new owners and correction of a typo in the original covenant of the address of the project to 137 Dodge Hill Road.

Motion: To amend the covenant for Stockwell Farms off Leland Hill Road to extend the performance date to January 25, 2022 and reference the new owners and the correct address, S. Paul

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

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

#### Proposed Bylaw Changes:

J. Hager reviewed this years Spring Town Meeting schedule and quickly overviewed the last set of draft bylaw changes that had been scheduled to go to the Spring 2020 Town Meeting but which did not move forward due to Covid. The Board agreed all should move forward. Matt Piekarski, Director of Construction & Development for the Kraft Group, a sister company of Atlas Box, spoke briefly about materials they had provided the Board for their consideration including materials and articles relative to current industry heights for warehouse buildings. They asked the Board to consider increasing the height of structures to as much as 60' via some type of mechanism which would allow grant considering the specifics of a particular site. Ted Fire, Vice President of Construction & Development for the Kraft Group, noted they are considering a 500k to 1 million s.f. facility, and are willing to float balloons to mark proposed building corners or undertake other efforts to help the Board and the public understand any potential visual impact. W. Baker noted he had visited several of these height structures and saw the potential to effectively mitigate this height.

The existing and proposed zoning line shift along Boston Road has been marked in the field. Members of the Atlas/Kraft development team are willing to walk the line shift in the field as well. In response to a comment from S. Paul it was noted as much of this proposed new OLI area is under power line easements it will not add significant development area, but will provide vital access to Boston Road to mitigate traffic impacts on other constrained intersections and roadways. The team will calculate how much additional area will be added to the OLI District. Len McAleer thanked the Board for helping Atlas to grow in Sutton. S. Paul asked J. Hager to add back articles about the Multi-town Mixed Commerce District for south Sutton for the Board's reconsideration.

### **Administrative Items**

Motion: To approve the minutes of 1/4/21, R. Largess Jr.  
 2<sup>nd</sup>: M. Gagan  
 Vote: 5-0-0: S. Paul – aye, M. Gagan – aye, R. Largess Jr. – aye, W. Baker – aye,  
 K. Bergeson – aye

Correspondence: None of note.

Filing: The board acknowledges the legal filing of Blackstone Logistics a 640,000 s.f. warehouse and distribution center to be located at 4 & 100 Lackey Dam in Uxbridge but also sitting on adjacent land in Sutton and Douglas. This three town hearing process will begin on February 11<sup>th</sup>.

Motion: To adjourn, S. Paul  
 2<sup>nd</sup>: R. Largess Jr.  
 Vote: 5-0-0: S. Paul – aye, M. Gagan – aye, R. Largess Jr. – aye, K. Bergeson – aye,  
 W. Baker – aye

Adjourned 9:45 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.