

## SUTTON PLANNING BOARD

### Meeting Minutes

February 22, 2021

Approved \_\_\_\_\_

*Walter Baker*

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

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

Absent: W. Baker, K. Bergeson (W. Talcott acted as a full member their absence)

Staff: J. Hager, Planning & Economic Development Director

### Public Hearing

#### Public Hearing – Retreat Lot – 372 Central Turnpike

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

Norman Hill of Land Planning was present with applicants Brad and Linda Small and landowner Henri Leduc Jr. He explained the land which they are asking to have designated as a retreat lot is an existing parcel of land. It is approximately 22 acres and has two stretches of frontage on Central Turnpike 119' to the west and 200' to the east. Significant wetlands directly abut the frontage to the east and a wetland also runs across the lot access to the west once you are into the lot. On the west however there is an existing cart path over these narrower wetlands which they intend to enlarge and utilize for a driveway for a single family home.

Morgan Barbato who lives at 380 Central Turnpike, surrounded on three sides by this proposed retreat lot, confirmed the location of the proposed home and that the likely location of the septic system was a good distance, well over 200', away from her well and septic.

J. Hager reviewed her comments noting that the applicant has addressed her main concern by submitting filing materials for their Notice of Intent showing that access over the wetlands is reasonable. She noted however to ensure a lot that has no actual access is not endorsed as buildable, the Board should impose a condition requiring that prior to recording the Board's decision and submitting a new lot plan for the Board's signature, an Order of Conditions should be issued by the Conservation Commission allowing the access to cross the wetlands.

R. Largess Jr. read comments from the Assessors, Fire Department, Conservation, and Tax Collector.

There were no additional public comments.

- Motion: To grant the Special Permit for a 22 a. +/- retreat lot with 119' frontage at 372 Central Turnpike with the following conditions: R. Largess Jr.
1. A recorded copy of the decision, covenant and plan must be received by the Planning Department within 3 months.
  2. Approval of all other applicable Boards, Departments and Commissions, especially the Conservation Commission.
  3. The Driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
  4. The house number shall be clearly visible at the street in both directions of travel.

5. No occupancy permit shall be granted until all conditions and requirements of this bylaw are 100% complete.
6. The applicant will complete revisions to the plan per the review form from the Assessor's office dated 1/30/21
7. The applicant will not file the decision and will not submit the Form A plan for approval and endorsement until an Order of Conditions has been issued by the Conservation Commission

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

Vote: M. Gagan – aye, R. Largess Jr.- aye, S. Paul – aye, W. Talcott- aye

Motion: To close the public hearing, R. Largess Jr.

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

Vote: M. Gagan – aye, R. Largess Jr. - aye, S. Paul – aye, W. Talcott- aye

### **Action Items**

#### Proposed Bylaw Changes

The Board discussed proposed bylaw changes (attached). They had received comments from The Kraft Group as well as R. Nunnemacher of 24 Singletary Ave. (also an Assessor, land surveyor, and former fireman) which they considered as they discussed each applicable article.

- A. The Board feels the Selectmen should sponsor this article and residents should decide if they feel it is important to rename the Board of Selectmen.
- B. No changes
- C. No changes
- D. Discussed at length. 100' frontage should be on cul-de-sac "bulb" (round part), eliminate "majority" language.
- E. Revise to allow private water and sewer but private sewer only with maintenance plan, etc. to protect ground water and aquifers.
- F. No changes
- G. No changes
- H. Fix text so it's clear uses that area being prohibited will have a "--" in the table. Make potential changes/additions to allowed trucking/warehouse type uses depending on additional research on definitions. Check PDB bylaw to see if language requires a Special Permit.
- I. No change
- J. No change
- K. No change
- L. Add any additional prohibited manufacturing uses.
- M. Work on definitions considering likely users like UPS and Fed Ex, etc.
- N. Simplify location of proposed zoning line adjustment to run along edge, not center of power line easement.
- O. Keep 70' as 10' will not make a visual difference on a large building. Use existing Special Permit criteria, Planning Board will be Special Permit Granting Authority. The Board asked for the input of the Fire Department.

### **Administrative Items**

Motion: To approve the minutes of 1/25/21, S. Paul

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

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

Motion: To adjourn, R. Largess Jr.

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

Vote: 4-0-0: M. Gagan – aye, S. Paul – aye, R. Largess Jr. – aye, W. Talcott – aye,

Adjourned 9:23 PM

Covid Meeting Statement: Due to the current COVID-19 Crisis (pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law) this meeting is being held remotely via Zoom. To join the meeting visit [www.zoom.us/join](https://www.zoom.us/join) and Meeting ID: 862 4960 2382 Password: 507949. The meeting will be broadcast and recorded on local access stations and live streamed when available. Pursuant to MGL Chapter 30A Section 20, no person shall address a meeting of a public body without permission of the chair. Individuals who would like to participate should state their name and address after being recognized by the chairperson. In an effort to ensure transparency to our viewers at home, the chat function is not available.



**ARTICLE A**

To see if the Town will vote to amend the Zoning Bylaws by changing the title of “Board of Selectmen” to “Select Board”, as set forth in a document on file with the Town Clerk with strike-through text to be deleted and italicized text to be inserted, or to take any other action relative thereto.

**ARTICLE B**

To see if the town will vote to amend the Zoning Bylaw Section III.A.4. Table of Use adding the following uses to the Office Light Industrial (OLI) District by adding the underlined text and deleting the strike-through text as shown below, or take any action in relation thereto.

<b>I. REGISTERED MARIJUANA BUSINESSES (RMB)</b>	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>
1. Registered Marijuana Dispensaries (RMD) – Medical <sup>1</sup>	-	-	-	-	-	<u>P</u>
2. Marijuana Cultivators – Non-medicinal <sup>1</sup>	-	-	-	-	-	<u>S*</u>
3. Marijuana Product Manufacturers Non-medicinal <sup>1</sup>	-	-	-	-	-	<u>S*</u>
4. Marijuana Testing Facilities Non-medicinal <sup>1</sup>	-	-	-	-	-	<u>S*</u>
5. Marijuana Retailer Non-medicinal	-	-	-	-	-	<u>S*</u>
<b>J. OTHER</b>						
1. Use, Accessory	P	P	P	P	P	P

Footnotes:

<sup>1</sup>This use is also allowed by Special Permit in the Marijuana Business Overlay District (MBOD) ~~only~~.

**ARTICLE C**

To see if the Town will vote to amend the Zoning Bylaw, Section III.B.3, Table 2 – Table of Area Regulations – Footnotes by adding the underlined text as shown below, or take any action in relation thereto.

- No building except a boathouse shall be within ten (10) feet of any watercourse or wetland area or, if subject to flooding, within ten (10) feet beyond its flood line. No building shall be within twenty-five (25) feet of any town boundary line, except within the Office Light Industrial (OLI) District. Said town boundary line is the actual line between town corner bounds.

## ARTICLE D

To see if the Town will vote to amend the Zoning By-Laws, Section III.B.3. Table 2 - Table of Area Regulations - Footnotes by deleting the strikethrough text and adding the underlined text in the following footnotes and all other footnotes remain the same, or act or do anything in relation thereto.

6. All lots in the OLI and I districts shall have a lot frontage of at least two hundred (200) feet except when the majority of frontage of the lot is completely situated on a cul-de-sac, in which case the minimum lot frontage shall be one hundred (100) feet and the minimum width shall be one hundred and twenty five (125) feet.

## ARTICLE E

7. All lots in the OLI districts shall be serviced by public water and sewer or a private sewage treatment facility as approved by the Town. If a lot or lots is serviced by a private sewage treatment facility, the owner shall furnish an operation and maintenance plan, provide written permission for the Town to enter upon such facility for inspections, and post adequate bonding related to the construction and maintenance of the facility. Such private sewage treatment facility shall remain privately owned and maintained in perpetuity. *Why is this a requirement? Should we delete this provision entirely?*

## ARTICLE F

To see if the Town will vote to amend the Zoning Bylaw, Section I.C.3. Non-Conforming Lots by adding the following provision and re-letter accordingly, or take any action in relation thereto.

- c. Any lawful pre-existing non-conforming unimproved lot within the R-1, R-2 or V Districts with a minimum of 20,000 s.f. of area and 50' of frontage that is/was held in common ownership with an adjacent legally developed lot and for which the 5 year zoning change exemption period of G.L. C. 40A §6 has expired, may be determined to be buildable pursuant to a Special Permit granted by the Zoning Board of Appeals in accordance with the provisions of Section VII.A. The Zoning Board of Appeals must additionally find that said vacant lot is substantially consistent in size and frontage with other developed lots in the immediate area. Said special permit shall only apply to one such vacant lot held in common ownership.

## ARTICLE G

To see if the Town will vote to amend the Zoning Bylaw Section VI.H.2.c. by deleting the strike through text and inserting the underscored text, or take any action in relation thereto.

- a. The area of said lot shall be at least three (3) times the minimum required lot area in the applicable residential zoning district. ~~Said lot shall also have at least three (3) times the required upland area.~~  
Required upland area shall not be tripled.



**ARTICLE H**

To see if the Town will vote to amend Section III.A.4. – Table of Use – Sections B. – G. by adding the underlined text and removing the strike-through text as shown below and renumber accordingly, or take any action in relation thereto.

**Table 1- Table of Use Regulations**

	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>
<b>B. COMMUNITY FACILITIES &amp; INSTITUTIONAL USES:</b>						
1. Church or other religious purpose, nonprofit educational facility, Town building except equipment garage	P	P	P	P	P	P
2. Country, hunting, fishing, tennis, or health clubs, golf courses, day camps or other camps or outdoor athletic fields. Structures used for, or in relation to these uses shall not exceed a 10,000 s.f. footprint	S	S	S	S	S	S*
3. Cemetery	S	S	S	S	S	S*
4. Town equipment garage	S	-	-	S	P	P
5. Public utility except power plant or refuse facility	S	S	S	S	S	P
6. Power plant and refuse facility	-	-	-	-	S	S*
<b>C. AGRICULTURAL AND OPEN LAND USES:</b>						
1. Agriculture, horticulture, floriculture, or viticulture, provided at <u>least five acres</u> are so used. A farm stand may be maintained provided that the majority of products for sale, measured based on either gross sales dollars or volume, have been produced on the land.	P	P	P	P	P	P
2. When <u>less than five acres</u> are used for agriculture, horticulture, floriculture, or viticulture:						
a. Agriculture, horticulture, and floriculture, or viticulture	P	S	S	S	S	S*
b. Temporary stand maintained during the harvest season of the primary crop for retail sale of agriculture or farm products produced primarily on the same premises	P	P	P	S	S	S*
c. Year round stand for retail sale of agriculture or farm products produced primarily on the same premises	S	S	P	S	S	S*
d. Raising and for keeping of livestock, horses and poultry, not including the raising of fur animals for commercial use	P	S	S	S	S	S*
e. Raising of fur animals	S	-	-	-	S	-

	R-1	R-2	V	B-2	I	OLI
f. Commercial stables, provided all animals are enclosed within pens or other enclosures	S	-	-	-	S	-
3. Year round or temporary stands for retail sale of agriculture or farm products not produced primarily on the same premises.	S	S	P	S	S	S*
4. Veterinary office in which all animals are completely enclosed in pens or other structures	S	S	S	-	-	-
<b>D. OFFICE USES:</b>						
1. Business and professional offices, including banks and monetary institutions	-	-	P	P	P	S* P
2. Drive-through windows at banks and monetary institutions and other offices	-	-	-	S*	S*	S*
3. <del>Free-standing automatic teller machines</del>	-	-	S	P	P	P
4. Planned Business Development (PBD)	-	-	-	S*	S*	S* P
5. <u>Research Offices or establishments devoted to research and development activities and Development</u>	-	-	S	S	P	S* P
<b>E. RETAIL, TRADE AND SERVICE USES:</b>						
1. Stores selling goods to the public	-	-	S*	S*	-	S*
2. Drive-through window for a pharmacy whether located in a free-standing pharmacy building or as part of a multi-use retail building	-	-	-	S*	-	S*
3. Sales by vending machines located outside of a building or structure	-	-	S	S	S	-
4. Restaurants	-	-	P	S	-	S* P
5. Restaurant, cafeteria, tea room or catering accessory to permitted or allowed main use	S	S	P	P	P	P
6. Drive-through window for a restaurant, but only when a minimum of 1,000 s.f. is dedicated to the restaurant use.	-	-	-	S*	-	-
7. Hotels and motels	-	-	S	P	S	S*
8. Personal service establishments	-	-	P	P	-	P
9. Funeral home or mortuary establishment	S	S	P	-	-	-
10. Hospital or medical clinic	-	-	S	S	S	S*
11. Convalescent or nursing home	S	S	S	S	-	S*
12. Repair services for appliances, furniture, and other goods, except for vehicular and automotive repairs	-	-	P	S	-	S*



	R-1	R-2	V	B-2	I	OLI
13. Motion picture establishment, amusement facilities, or sports complexes	-	-	S	S	-	<u>P-S*</u>
14. For profit educational establishments	-	-	P	S	S	S*
15. Communications and television towers (does NOT include wireless communication facilities)	S	-	-	-	S	S
16. Wireless communications facility (refer to Section V.C. of this Bylaw)	-	-	-	S	S	S
17. Antique Shop (retail sale of antique furniture, artwork, collectible merchandise to the general public in a premises occupying less than 1,000 square feet)	S*	-	-	-	-	-
18. Commercial Kennels	S	-	-	S	S	S*
<del>19. Self Storage Facility</del>	-	-	-	-	-	S*
<u>19. Rental of goods, not including vehicles or construction equipment</u>	=	=	<u>S*</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>20. Wholesale Trade</u>	-	-	S	S	P	S*
<u>21. Brewery, Distillery, Winery</u>	=	=	<u>S*</u>	<u>S*</u>	<u>S*</u>	<u>S*</u>
<u>22. Service Companies</u>	=	=	<u>S</u>	<u>S</u>	<u>P</u>	<u>S*</u>
<b>F. VEHICULAR AND AUTOMOTIVE USES:</b>						
1. Establishments selling new and/or used automobiles, trucks, motorcycles, trailers, construction equipment, or boats	-	-	-	-	-	-
2. Establishments selling new and/or used automobiles at or over 26,000 gvwt, including but not limited to trucks, construction equipment, municipal equipment.	-	-	-	-	S*	-
3. Automotive repair, automobile services (not including a junk yard or open storage of abandoned automobiles and other vehicles)	-	-	S	S	P	-
4. Railroad and railway express service	-	-	S	P	P	P
5. Trucking services <del>and warehousing</del>	-	-	-	S	P	S*
6. Commercial Gas Station primarily for passenger vehicles	-	-	S	S	S	-
7. <u>Warehouse with Distribution</u>	=	=	=	=	<u>S*</u>	<u>S*</u>
<b>G. MANUFACTURING, PROCESSING, AND EARTH REMOVAL USES:</b>						
1. Processing	-	-	-	-	P	S*
2. Manufacturing, <del>wholesale trade, wholesale sales of construction material</del>	-	-	S	S	P	S*
	R-1	R-2	V	B-2	I	OLI



3. Landscape contractors, arborists, and building contractors	-	-	S*	S	P	S*
4. Research and development facilities	-	-	S	S	P	<del>S*</del> P
5. Accessory (whether or not on the same parcel) scientific research and development	-	-	-	S	S	S*
6. Earth removal	-	S	-	S	P	S
7. Earth removal incidental to an approved subdivision, site plan, or duly issued building permit	P	P	P	P	P	P
8. <del>Paving and</del> Other contractors' yards, <u>not including paving</u>	-	-	-	-	P	<u>S*</u>
9. <del>Accessory uses</del>	-	-	-	-	-	<del>S*</del>
<b>H. RENEWABLE ENERGY RESOURCES</b>						
1. Small Hydropower Installations	S*	S*	S*	S*	S*	S*
2. Small Wind Turbines	S*	S*	-	S*	S*	S*
3. Small Solar Photovoltaic Installations (less than 250 kW)	P	P	P	P	P	P
4. Large Ground-Mounted Solar Photovoltaic Installations (250 kW+)	-	-	-	P	P	P

**ARTICLE I**

To see if the town will vote to amend the Zoning Bylaw, Section I.B. – Definitions by deleting the definition of “Self-storage Facility”, or take any action in relation thereto.

**ARTICLE J**

To see if the town will vote to amend the Zoning Bylaw, Section I.B. – Definitions by adding the definition of “Brewery, Distillery, Winery”, or act to do anything in relation thereto.

**Brewery, Distillery, Winery** - A business where the primary use is the production and distribution of malt, spirituous, or vinous beverages with a tasting room and which holds the required State and Local licenses for the activities occurring on site, which may also include food, music, indoor and outdoor seating.

**ARTICLE K**

To see if the Town will vote to amend the Zoning Bylaw, Section I.B. – Definitions by adding the following definition, or take any action in relation thereto.

**Service Companies** – A service company is a business that generates income by providing services (primarily off-site) instead of selling physical products.

## ARTICLE L

To see if the Town will vote to amend the Zoning Bylaw, Section I.B. - Definitions, by adding the following definitions, or act or do anything in relation thereto.

**Manufacturing:** A building and related facilities where goods and products are assembled and/or fabricated. Such facilities may include office space and warehousing of the raw materials/components and distribution of finished products. The following are expressly prohibited: petroleum production/refining, smelting, explosives/fireworks production, tanneries and slaughterhouses, *OTHERS?*

## ARTICLE M

To see if the Town will vote to amend the Zoning Bylaw, Section I.B. - Definitions, by adding the following definitions, or act or do anything in relation thereto.

**Warehouse with Distribution:** A building and related facilities where goods, products or materials are received, stored on site for short or longer terms and primarily distributed to a single or narrow group of retailers and/or wholesalers and/or pool of clients. The facility typically serves a single user. Shall not include Fullfillment Center. IE: Home Depot, Champion Container,

**Fullfillment Center:** A building and related facilities where goods or products are received and stored on-site temporarily for the purpose of delivery to retailers or direct to consumer destination. Such facilities may include automated systems, office space and a pick and pack area to be used for sorting and packaging goods and products for delivery from available, on-site inventory. The facility may serve one user or multiple users. IE: Amazon, ShipBob,

## ARTICLE N

To see if the Town will vote to amend the Zoning Map by revising the Office Light Industrial (OLI) Zoning District line located north of Boston Road and East of Dudley as shown on a map entitled “Proposed Zoning Line Revision for Property off Boston Road by Whitman & Bingham, dated 2/11/21”, or take any action in relation thereto.

**ARTICLE O**

To see if the Town will vote to amend the Zoning Bylaw, Section III.B.3. Table 3 - Table of Height and Bulk Regulations by deleting the strikethrough text and adding the underlined text as follows, or act or do anything in relation thereto.

	<b>R-1</b>	<b>R-2</b>	<b>V</b>	<b>B-2</b>	<b>I</b>	<b>OLI</b>
Max bldg. height (ft.)	35	35	30	35	35	<u>35/70</u> **
Max bldg. coverage of lot (covered area as % of total lot area)	10	20	50	50	50	*
Min habitable floor area per dwelling unit (sq. ft.)	768	768	768	NP	NP	--
Min open space (%)	--	--	10	25	40	--

(NP) = not permitted use)

\* Maximum coverage of lots in the OLI District by impervious surfaces including principal and accessory buildings and structures, parking and loading areas, and roadways and drives shall not exceed sixty percent (60%) of the lot.

\*\* Structures in the OLI District may exceed 35' only with a Special Permit granted in accordance with the provisions of XXXXXXXX.