

SUTTON PLANNING BOARD

Meeting Minutes

July 26, 2021

Approved 

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

Present in person: M. Gagan, R. Largess Jr., S. Paul, W. Baker, W. Talcott, Associate

Present remotely: K. Bergeson

Absent: None

Staff: J. Hager, Planning & Economic Development Director (present remotely)

Action Items

Proposed Bylaw Changes

The Board reviewed 4 proposed articles as well as a chart related to special permits. (attached)

Article A – Clean-up article fixing language in the marijuana bylaw stating marijuana businesses are also allowed in the Office Light Industrial (OLI) District now. The Board unanimously agreed the article should move forward.

Article B – Clean-up article noting, consistent with recent Charter changes, there may be more than one associate member of the Planning Board. The Board unanimously agreed the article should move forward.

Article D – Clean-up article deleting the use “trucking services and warehousing” and definition of “trucking services” now that this use has been clearly defined per the May Town Meeting articles. The Board unanimously agreed the article should move forward.

Article C –

M. Gagan stated changes in MGL now allow for Special Permits to be good up to three (3) years.

The Board needs to decide the following:

- Should Special Permits within Sutton have an initial time limit of three years so applicants have more time to utilize the permit, or should this stay at two years which might encourage people not to apply for a permit until they are ready to get going. It was confirmed the bylaws provide the ability to grant extensions for up to 1-2 years at a time with good cause.
- Should all Special Permits in Sutton have the same initial time limit?
- Should time limits be removed from the special permit bylaws where they are listed and just have the time limit for all special permits in the administrative section. As an aside there are also two bylaws that have requirements for when construction must start or the permit is invalid which is very confusing and unnecessary with an overall time limit to use the permit.

J. Hager noted that R. Nunnemacher had previously noted issues with the construction start requirement in the Subdivision Rules and Regulations. Mr. Nunnemacher of the Board of Assessors confirmed there have been subdivisions that took well over 2 years to obtain all other permits and get going, so extending the time period would be a good practice especially considering factors like Covid.

R. Largess Jr. preferred to keep the initial time limit to get started at two years to keep things moving as there's been projects that go on and on which isn't fair to anyone. S. Paul said in the interest of still having the same board members present at a project start, two years is preferable, especially as the Board has the ability to grant an extension if necessary. W. Talcott didn't have a preference but felt all time limits need to be consistent. W. Baker felt a sense of urgency should be conveyed at the start so he preferred two years and agreed they need to all be the same. K. Bergeson preferred two years to have people coming back to check in sooner and agreed time limits should be consistent. M. Gagan agreed two years was preferable and all should be consistent unless there is a reason why some were different.

While making the chart with the time limits, two other issues came up and the Planning Director asked for the Board's input as follows:

- The bylaws are also inconsistent on whether special permit bylaws have a waiver provision. She noted this may be because some special permits, like the retreat lot special permit, are very cut and dry, you either meet the criteria or you can't get a permit; while others, like the Route 146 Overlay special permit, which is a very large bylaw that may be applied to very different sites and projects where waivers may be appropriate. In any case, this appears to need review.
- The Flood Plain special permit doesn't have a waiver provision but has a "variance" section which is not the statutory variance procedure, which creates confusion. Additionally, there are other adjustments that need to be made to the bylaw to be up to date with State law.

K. Bergeson felt the Board needs more time to review all bylaw waiver provisions. S. Paul felt there wasn't time to tackle changes to the flood plain bylaw for the August deadlines. The majority of the Board concurred.

M. Gagan summarized the majority of the Board felt the two-year time limit to utilize special permits should remain, all special permits should have the same time limit, and the construction start deadlines within existing special permit provisions should be eliminated. Additionally, the majority of the Board felt there wasn't enough time to comprehensively address waiver provisions or changes to the flood plain bylaw.

M. Gagan also informed the Board that there is a citizen petition for Fall Town Meeting to allow retail marijuana stores in the Village District.

Administrative Items

Motion: To approve the minutes of 6/17/21, R. Largess Jr.
 2nd: W. Baker
 Vote: 5-0-1: M. Gagan-aye, R. Largess Jr., S. Paul-aye, W. Baker-aye, W. Talcott – aye, K. Bergeson – abstained as he wasn't present

Motion: To approve the minutes of 7/12/21 as corrected, R. Largess Jr.
 2nd: W. Talcott
 Vote: 4-0-2: M. Gagan-aye, S. Paul-aye, W. Baker-aye, W. Talcott – aye, K. Bergeson & R. Largess Jr. – abstained as they weren't present

Filing – The Board acknowledged a filing from Scannell Properties for the Blackstone Logistics Center on Lackey Dam Road for a Special Permit to allow a height of 49', 4' over the permitted height limit, in the truck docking areas. This hearing will take place on August 9, 2021.

WDRD Board signatures: J. Hager explained the Board technically needs to vote how many members and who is allowed to sign Form A lot division plans. This is required by the Registry of Deeds and is indicated on the form the Board endorses annually.

Motion: To allow only one member, the Chair or Acting Chair, to sign Form A plans on behalf of the majority of the Board, S. Paul
 2nd: W. Baker
 Vote: 5-0-0: M. Gagan – aye, K. Bergeson – aye, R. Largess Jr., S. Paul – aye, W. Baker - aye

Correspondence:

W. Baker summarized that he attended a CMRPC virtual forum about distribution facilities. He wasn't

very happy with the format where he felt like an observer rather than a participant, but he said it was still informative. He said his take away was that Sutton, and Jen Hager who was on the panel for this forum, are well ahead of other communities in terms of planning for impacts. He expressed concern that MassDOT doesn't seem to be projecting or planning for future traffic conditions. It was clear that the regional planning agencies will play a big role in monitoring traffic, project effects, and coordinating policies. This will be the first of several forums that discuss and strategize about the impact of distribution facilities across the state.

Motion: To adjourn, R. Largess Jr.

2nd: S. Paul

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

Adjourned 7:55 PM

Covid Meeting Statement:

Pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format with both in-person and Zoom component. To join the meeting visit www.zoom.us/join and enter Meeting ID: 827 1236 8041 Password: 156240. The meeting will be broadcast and recorded on local public access station (Verizon 31 & Charter/Spectrum 191) and live streamed on the Towns YouTube channel when available.