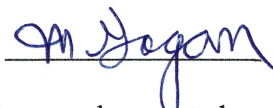


SUTTON PLANNING BOARD

Meeting Minutes

August 9, 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: S. Paul (Acting Chairman), K. Bergeson, R. Largess Jr., W. Baker, W. Talcott, Associate (acting as full member)

Present remotely: None

Absent: M. Gagan

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – Blackstone Logistics – Special Permit for Height – 1 & 3 Lackey Dam Road/20R & 30R Oakhurst Road

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

Todd Brodeur of Fletcher Tilton explained his client has filed an application for a Special Permit to allow the maximum height of 45' at this site to be exceeded by 4' along the eastern and western sides of the building as truck docs are to be constructed along both sides which have to be recessed 4' down to allow the truck beds to dock as the finished floor of the building. This technically means the building height along these sides is 49'. In accordance with the bylaw the Town approved in May his client can now apply for this relief. He also noted only a portion of the west side of the building in in Sutton, the remainder of the sides that exceed 45' are in Douglas and Uxbridge which allows a height greater than 45'.

J. Hager confirmed the architecture that was approved in June is identical, nothing about the approved building has been changed.

S. Paul read comments received which included Fire Department that had no concerns with the additional 4' and the Tax Collector that no taxes are due.

Tim Ryan of 20 Oakhurst Road had no concerns about the 4' but wants to be sure lighting and alarms are controlled. J. Hager reviewed measures to block sound and light including conditions.

There were no other public comments specific to this application.

The Board reviewed the general Special Permit criteria as it related to exceeding the height by 4'. They made the following findings:

1. The Board found this specific location was appropriate for the 4' increase in height because it is zoned for large industrial structures. The site is large enough that the building can be positioned in a way that the increase will be unnoticeable. The 49' height is not a usual measurement from the main site elevation. The additional 4' feet is actually being added by going lower than the main site elevation along the entire east and west sides of the building to accommodate loading docks, which results in the height along both sides technically being 49' when measured from the adjacent ground elevation.
2. The Board found the 4' increase in height does not affect sewer and water at this site.

3. The Board found the 4' increase in height will not negatively affect the neighborhood due to the distance and elevation of homes compared to building location on the site as well as site features that have been or will be imposed.
4. The Board found the 4' height increase will not negatively affect vehicles or pedestrians in any way.
5. The Board found the site and building are adequately and appropriately designed to mitigate the 4' height increase of the building.

Motion: Having made the above findings, the Board grants the Special Permit to exceed the allowed height of 45' by 4' for a total height of 49', R. Largess Jr.

2nd: W. Baker

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

Motion: To close the public hearing, K. bergeson

2nd: W. Talcott

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

Action Items

Recommendation on c. 61A Release – 44 Old Mill Road

Motion: To recommend that the Select Board pass over the Town's first right of refusal and not purchase this property, K. Bergeson

2nd: W. Baker

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

Proposed Bylaw Changes

The Board reviewed revised proposed articles (lettering changed) as well as discussion materials. (attached)

Article A – Per last meeting, this article will be moving forward.

Article B – Per last meeting, this article will be moving forward.

OLD Article B – Clean-up article noting, consistent with recent Charter changes, there may be more than one associate member of the Planning Board. J. Hager explained that Town Counsel does not feel this Charter provision applies to Boards, like Planning, where some members are elected. Additionally, MGL states a Planning Board of 5 may have 1 associate. Therefore, this article will not be moving forward.

Article C – Removes provision that appear to conflict with the overall provision for utilization to start within 2 years by imposing a construction start within 6 month or 12 months. This article will be moving forward.

Article D – Removes provisions stating Special Permits must be utilized within 2 years from these specific use provisions and now all special permits lapses will be as stated in Section VI.A.2. which lists all general Special Permit provisions.

While discussing the difference between Special permits lapsing within 2 years and provisions that state a permit is only good for three years, as is the case for Adult Uses and Home Businesses. The Board agreed these permit limits should remain but the Home Business bylaw should be changed to match the language of the Adult Use bylaw to allow automatic renewal. J. Hager will draft this bylaw change.

Administrative Items

Motion: To approve the minutes of 7/26/21, K. Bergeson
2nd: R. Largess Jr.
Vote: 5-0-0: W. Talcott – aye, W. Baker – aye, R. Largess Jr. – aye, K. Bergeson – aye,
S. Paul – aye

Filing – The Board acknowledged the following filings:

- MIG Acton – Site Plan and Special Permit – 16R WP Turnpike – 40,500 s.f. contractors building
- Retreat Lot special Permit - 23 Jones Road

CMRPC Delegate/Alternate Appointment 2022

Motion: To appoint W. Baker as the Planning Board Delegate to CMRPC, K. Bergeson
2nd: R. Largess Jr.
Vote: 5-0-0: W. Talcott – aye, W. Baker – aye, R. Largess Jr. – aye, K. Bergeson – aye,
S. Paul – aye

Correspondence:

Stockwell Hollow Site Visit Report – J. Hager explained she included this most recent site visit report in correspondence to make the Board aware that this 4 lot open space subdivision is under construction in case they wanted to go take a look at the site.

CMRPC – LPA Assistance – J. Hager asked the Board to think about what they would like to use this year's Local Planning Assistance (LPA) hours for this year. Last year they were primarily used for mapping and other assistance on the Open Space & Recreation Plan process. A few hours will be used to wrap this up this fiscal year, but there will be quite a few hours left in addition to the additional 12 the Town may earn by attending select CMRPC meetings.

Motion: To adjourn, K. Bergeson
2nd: W. Baker
Vote: 5-0-0: W. Talcott – aye, W. Baker – aye, R. Largess Jr. – aye, K. Bergeson – aye,
S. Paul – aye

Adjourned 7:42 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: 836 8257 8579
Password: 109190. 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.