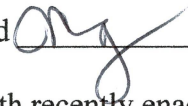


SUTTON PLANNING BOARD

Meeting Minutes September 14, 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, K. Bergeson, R. Largess Jr., S. Paul, W. Baker, W. Talcott, Associate

Present remotely: None

Absent: None

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

Public Hearing (cont.) – Retreat Lot – 23 Jones Road

The applicant Peter Schotanus was present to explain he is looking to have his lot at 23 Jones Road designated as a buildable retreat lot.

Byron Andrews of Andrews Engineering & Survey reviewed the plan with the Board noting the lot is approximately 5.51 acres with 51' of frontage on Jones Road.

R. Largess Jr. read department comments including that taxes have been paid and the Conservation Commission is in agreement with the wetland lines shown on the plan.

J. Hager reviewed her commentary stating several notations need to be added to the plans. She stated the most significant thing that needs to be determined is whether the Board feels that the contiguous upland needing to the "directly" accessible from the frontage of the lot includes a situation where the upland can only be accessed via a wetland crossing as is the case here.

The Board discussed the issue, which applies to all buildable lots, not just retreat lots, and agreed that an approved wetland crossing is acceptable for providing direct access to the required upland on a buildable lot.

In response to questions from the Board, B. Andrews stated he was confident a wetland crossing was feasible. He stated it is understood any proposed driveway will have to be at or under 12% although he could not speak to the likely grade.

Underground utilities were briefly discussed, and the Board stressed cost could not be the only reason underground utilities are not utilized. If the need arises, the Board must approve the use of above ground utilities in an open meeting and only for serious topographic reasons.

There were no public comments.

Motion: To grant a retreat lot special permit with the following conditions, K. Bergeson

1. Approval of all other applicable Boards, Departments and Commissions.
2. The Driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
3. The house number shall be clearly visible at the street.
4. No occupancy permit shall be granted until all conditions and requirements of this bylaw are 100% complete.
5. Underground utilities shall be installed.
6. Before transfer of this lot and/or commencement of any construction on the site an ANRAD shall be filed and approved by the Conservation Commission relative to wetlands closest to the southwest corner of 19 Jones Road.

2nd: R. Largess, Jr.
Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

Motion: To close the public hearing, R. Largess Jr.
2nd: K. Bergeson
Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

Public Hearing (cont.) – Proposed Bylaw Changes

The Chair asked the Planning Director to summarize each proposed change.

ARTICLE A

To amend the Zoning Bylaw to indicate Registered Marijuana Businesses (RMBs) are now allowed in the Office Light Industrial (OLI) District per the May 2021 Town Meeting vote.

J. Hager explained this change should have been made in tandem with the Spring vote but it was missed. The article just cleans this up.

Motion: To recommend that Town Meeting vote to approve this article, K. Bergeson
2nd: S. Paul
Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

ARTICLE B

To amend the Zoning Bylaw to eliminate the use “Trucking Services and warehousing” from the Use Table and eliminate the definition of “Trucking Service”.

J. Hager explained this use was replaced by several other more defined uses at the May Town Meeting, and now it can be removed as it has caused confusion in the past.

Motion: To recommend that Town Meeting vote to approve this article, K. Bergeson
2nd: W Baker
Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

ARTICLE C

To eliminate the provision that states condominium special permits will be revoked if construction doesn't commence within 6 months.

J. Hager explained there is already a bylaw and law provision that states the permit shall expire if not used within 2 years. This additional shorter performance time frame is not appropriate or necessary.

Motion: To recommend that Town Meeting vote to approve this article, K. Bergeson
2nd: S. Paul
Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

ARTICLE D

To eliminate the two-year performance deadline language from the Open Space Residential development and Traditional Neighborhood Development Bylaws.

J. Hager explained the two-year performance deadline is already stated in Section VII.A.2. of the Bylaws where provisions that apply to ALL Special Permits are stipulated. This bylaw change is a formatting article intended to move all Special Permit bylaws toward a similar structure.

Motion: To recommend that Town Meeting vote to approve this article, K. Bergeson
 2nd: W. Baker
 Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

ARTICLE E

To permit Home Business Special Permits to be automatically renewed as long as those are no issues.

J. Hager explained that while reviewing Special Permit provisions, the Board found this type of Special Permit had a more restrictive permit term and renewal process. They propose this change as they feel a Home Business Special Permit is appropriate to be automatically renewed unless here are/have been reported issues.

Motion: To recommend that Town Meeting vote to approve this article, S. Paul
 2nd: R. Largess Jr.
 Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

Citizen's Petition

To eliminate the prohibition of adult use/recreational retail establishments in Sutton and allow this use by Special Permit within the Village (V) Districts.

J. Hager explained that the sponsor Neil McLaughlin has decided not to move forward with this article. It cannot be removed from the Warrant unless everyone who signed the petition agrees in writing to withdraw their signature. While Mr. McLaughlin isn't present here and will likely not be present at Town Meeting to make this motion, someone else could make the motion. Considering this, J. Hager recommended the Board still discuss and provide a recommendation on whether they recommend Town Meeting vote to approve this article.

Motion: To recommend that Town Meeting NOT support this article, S. Paul
 2nd: R. Largess Jr.
 Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

J. Hebert of 23 Singletary Ave. stated he is opposed to allowing retail marijuana uses in Sutton. He noted the Valley is saturated with this use including at least one in every abutting town and several in Worcester. He noted the revenue generated of only 3% is not worth the negative cast such a facility can produce.

R. Largess Jr. agreed the adult use retail marijuana market is crowded and there is no need to promote this as there's likely little good in the change for the Town.

W. Baker noted the Town is working hard to reinvigorate the Villages with new playgrounds and other improvements and this use would appear to not be consistent with these efforts.

M. Gagan felt it was appropriate to continue to support the Town's past vote to prohibit this use.

K. Bergeson stated he felt there may be locations where the use might be a good fit and there are numerous safeguards, so he was not totally against introducing this use.

Motion: To recommend that Town Meeting NOT support this article, S. Paul
 2nd: R. Largess Jr.
 Vote: 4-1-0: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul - aye, M. Gagan – aye

Motion: To close the public hearing, K. Bergeson
 2nd: W. Baker
 Vote: 5-0-0: W. Baker – aye, R. Largess Jr. – aye, K. Bergeson – aye, S. Paul - aye, M. Gagan – aye

Public Hearing(cont.) – MIG Acton, LLC – Site Plan & Special Permit – 16R WP Turnpike

Matt Bombaci or Bohler Engineering was present as well as is client Don Voghel, President of MIG Acton (remotely).

Mr. Bombaci reviewed changes that have been made to the plans in response to review comments received from Graves Engineering and Jen Hager as well as Board comments at the last meeting. These changes included landscaping to shield the southern laydown area as well as the back of the building where dumpsters will be located, moving the retaining wall out of the setback, and numerous adjustments to stormwater details,

W. Talcott asked if company vehicles will be domiciled in Sutton. Mr. Voghel stated they have about 60-70 vehicles that are already being registered in Sutton as the registrations come due. They currently pay over \$10,000 to Acton for excise taxes annually on these vehicles.

In response to questions from S. Paul, M. Bombaci reviewed architectural plans noting the actual color has been added to the plans. He also noted that of the five bays in the building MIG will likely occupy one to two and the rest will be rented out.

There were no public comments.

Motion: To grant the Ground Water Protection District Special permit and Site Plan Approval with the following conditions, R. Largess Jr.

1. Within a month of the appeal period concluding, the applicant shall provide a final set of plans with waivers granted and conditions of approval on the plan set for the Board's endorsement as the record set of plans upon which construction shall be based.
2. Prior to endorsement of the final plans, the applicant shall indicate the south western turning area as required by the Fire Department on the plans.
3. Construction shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. and Saturdays, 7:00 a.m. to 4:00 p.m., and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, Christmas Eve, and Christmas. From November 15th to April 1st equipment may be started at 6:30 a.m. but no construction may commence until 7:00 a.m.
4. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all debris daily.
5. The Applicant shall implement measures to ensure that noise during construction activities does not exceed acceptable levels, as set forth by Federal and State regulatory agencies. The Applicant shall cease any excessively loud construction activities when directed by a duly appointed agent of the Board. No excessively loud activities are permitted prior to 7:00 AM or after 7:00 PM.

6. The Board reserves the right to review landscaping within a year of installation for the purpose of adding plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
7. The Board reserves the right to review lighting and require adjustments if they find it to be a danger or nuisance.
8. Should earth need to be removed from this site in excess of the minimum allowed, the applicant shall apply for and receive the appropriate waiver and or permit.
9. Once subsequent tenant (s) are known, a written statement of the proposed users and their operational characteristics shall be submitted to the Planning Board to determine if site plan review is necessary.

Prior to Commencement of Construction:

10. All required approvals and/or permits shall be received from applicable permitting authorities.
11. A pre-construction meeting shall be held with the Planning Director and other Town staff as appropriate, the Town's consulting engineer, the applicant and/or his representative, the applicant's engineer, and the applicant's construction supervisor for this site. Minutes shall be drafted by the Town's consulting engineer and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.
12. The applicant will provide a minimum of one week's notice and review staked limits of clearing with Planning Board representative.

Prior to Issuance of Building or Sign Permits:

13. Prior to issuance of permits for signage within the Town of Sutton the applicant shall submit any signage not shown on the Site Plan to the Planning Board.

Prior to Issuance of Occupancy Permits:

14. Prior to issuance of a certificate of occupancy, security systems and all necessary amplifiers shall be installed as required by the Police and Fire Chiefs.
15. Prior to issuance of a certificate of occupancy on any building, the Applicant shall submit to the Planning Board and receive approval for an As-Built Plan and written certification from the Project's engineer that the site and all infrastructure to serve the site has been constructed substantially in accordance with the Site Plan.
16. Prior to issuance of occupancy on any structure a knox box with building access keys and/or codes, a building layout plan and emergency contract shall be installed to the satisfaction of the Fire Department.
17. All exterior doors and roof access shall be marked on the interior and exterior with reflective, sequential numbering that is reflected on the building layout plans in the knox box.

Site Maintenance

18. The Applicant shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased plantings unless it is winter or summer, in which case in the following planting season.
19. No sodium based de-icing agents shall be utilized on the Site. Agents such as potassium chloride or calcium chloride are deemed acceptable for usage at the Site.
20. The applicant shall submit and O&M plan for the site drainage systems. Inspection and maintenance shall be performed in accordance with the recommended schedule and a written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner's receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.

2nd: W. Baker

Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul - aye, M. Gagan – aye

Motion: To close the public hearing, W. Baker
 2nd: K. Bergeson
 Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul - aye, M. Gagan – aye

Action Items

Blackstone Logistics Center - Lackey Dam Road - Plan Endorsement

Motion: To endorse the Blackstone Logistics Center Plans with the most recent date of 6/10/21, R. Largess Jr.
 2nd: K. Bergeson
 Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul - aye, M. Gagan – aye

Burnap Road (portion) – Public Road Acceptance Recommendation

J. Hager explained there are questions about the layout and public road acceptance of the intersection of Burnap Road and Central Turnpike. It appears Abutting land owner Deb Kuchinski still holds title to the triangle and west leg of this intersection. She is willing to gift this land area to the Town to clear up existing questions about title and layout as she is preparing to divide off lots along this side of Central Turnpike one of which also abuts the west leg of the Burnap intersection. Dave Lavallee did a plan of the intersection in 1992 which noted a public road acceptance back in the 1800s, but apparently this action may have never been completed. Therefore, the Select Board are putting forth this article to clean up the entire issue. With Town ownership of the entire intersection there is also a possibility of restructuring the intersection to a safer geometry in the future. The Planning Board is required by law to provide a recommendation on road acceptance articles.

Motion: To recommend that the Select Board layout this portion of Burnap Road as a public way and that Town Meeting vote to accept it as such, K. Bergeson
 2nd: W. Baker
 Vote: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul - aye, M. Gagan – aye

Administrative Items

Motion: To approve the minutes of 8/23/21 as amended, R. Largess Jr.
 2nd: K. Bergeson
 Vote: 4-0-1: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul – abstained (not present at this meeting), M. Gagan – aye

Filing – The Board acknowledged the following filings:
 Accessory Apartment - 48 Hartness Road

Meeting Schedule, Type and Room: The Board discussed that they weren't comfortable in the small meeting room as it's just too tight with little separation or ventilation. They prefer to hold hybrid meetings for maximum participation and will adjust their schedule if necessary to avoid conflicts with the School Committee to be able to utilize the larger meeting room with hybrid ability. K. Bergeson cautioned that changing meeting nights may confuse people and he felt this should be avoided if possible.

Correspondence:

CMRPC Quarterly Meeting – W. Baker attended the quarterly meeting of Central Mass Regional Planning Commission on Sept 9th. While he will give a more thorough review at the next meeting, he noted it was a very interesting meeting focusing on formulation of the next 20-year regional plan. It will take approximately 4 years to complete.

Motion: To adjourn, K. Bergeson
2nd: S. Paul
Vote: 5-0-0: W. Baker – aye, R. Largess Jr., K. Bergeson – no, S. Paul - aye, M. Gagan – aye

Adjourned 8:48 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: 852 8940 0585 Password: 725232. 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.