


SUTTON PLANNING BOARD

Meeting Minutes

June 5, 2023

Approved 

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

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

Present remotely: None

Absent: None

Staff: J. Hager, Planning & Economic Development Director

Public Hearing – 15 Pleasant Valley Road – Convenient MD Urgent Care (con.t from 4/24/23)

Attorney Mark Donahue was present along with the following other representatives of the applicant: Peter Doucet of Torrington Properties; Greg DiBona, Bohler Engineering; and Jake Carmody, Vanasse & Assoc.

The applicant's team reviewed new developments since the last night of public hearing which included grant of the Use Special Permit and several sign related variances from the Zoning Board of Appeals. In response to a question about a potential condition to re-pave Pleasant Valley Road, J. Carmody stated they are hopeful utilities can go in the shoulder or just off the roadway. J. Hager noted the Town will not require Pleasant Valley Road to be fully repaved if it isn't significantly affected by the project.

The Board reviewed waiver requests:

IV.B.5.a. – No landscaping has been provided in the front setbacks along roadways.

Motion: To allow a waiver to eliminate most landscaping from the front setbacks having found shifting landscaping away from these areas is necessary to preserving sight distance for traffic safety,
S. Paul

2nd: R. Largess Jr.

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

IV.B.1. – Parking is shown in the setbacks.

Motion: To allow a waiver to allow parking in the setbacks having found on this undersized lot with large setbacks shifting parking into the rear setbacks is necessary to maintain sight distance in front of the building, S. Paul

2nd: R. Largess Jr.

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

IV.B.5.b.1. – Some landscaping areas are less than 10' wide.

Motion: To allow landscaping islands of less than 10' having found adding additional landscaping, in addition to these narrower islands, meets the overall intent of a well-landscaped site, S. Paul

2nd: R. Largess Jr.

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

IV.B.5.c.3. – Rows of parking extend longer than 100' without landscaping breaks.

Motion: To allow a waiver to allow rows of parking longer than 100' having found on this compact site eliminating islands/obstruction is appropriate and additional landscaping provided meets the overall intent of a well-landscaped site, S. Paul

2nd: R. Largess Jr.

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

Route 146 Overlay Bylaw Waiver Requests:

V.D.4.a.3. – Work is proposed on slopes over 15%

Motion: To allow a waiver to allow work on slopes over 15% having found on this compact site this cannot be avoided and erosion control and permanent stabilization has been addressed,

S. Paul

2nd: R. Largess Jr.

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

V.D.4.b.1. - Less than 35% of the site is open space . It was noted 12.33% of the site meets the literal bylaw requirement, but 49% of the site is open when setbacks are allowed to be included.

Motion: To allow less than 35% having found on this compact corner lot excluding the setbacks from being counted in the open space is a significant hindrance noting with them 49% of the site is open space, S. Paul

2nd: R. Largess Jr.

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

V.D.4.c.1.c. - Connections between buildings. This provision is not applicable, no waiver is necessary.

V.D.4.c.1.d. - A central gathering place has not been provided.

Motion: To allow elimination of the central gathering area having found as this is a very compact site with little free space, and a medical site where staff are serving sick clientele, a central gathering place may not be appropriate, S. Paul

2nd: R. Largess Jr.

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

V.D.4.c.2.d. - Transit facilities have not been provided.

Motion: To allow elimination of transit provisions having found there is no public transit in Sutton and adequate space has been provided for safe patient drop off via ride share/van services, S. Paul

2nd: R. Largess Jr.

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

V.D.4.c.3.f. - Sidewalks are concrete as opposed to decorative pavers, etc

Motion: To allow smooth concrete sidewalks as opposed to block having found as this is a medical clinic where clients may be compromised, having uneven surfaces may not be appropriate, S. Paul

2nd: R. Largess Jr.

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

III.B. Table 2 - Footnote 12 – Alternate access from road that isn't the lot's legal frontage.

Motion: To allow access from Pleasant Valley Road as opposed to Route 146 having found access off Route 146 is not safe and likely would not be approved, and traffic engineers have determined access from PV Road meets traffic safety standards, R. Largess Jr.

2nd: S. Paul

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

The Board reviewed requested permits.

Groundwater Protection District Special Permit

The Chairman reviewed necessary findings in advance of taking action on this application.

- 6.c.6 - Through peer review and hearing submissions and testimony, the Board found the system for groundwater recharge has been provided which does not degrade groundwater quality, recharge is via stormwater infiltration basins covered with natural vegetation and underground infiltration, all of which is to be preceded by oil, grease, and sediment traps to facilitate removal of contamination. Additionally, any and all recharge areas shall be permanently maintained in full working order by the owner per the operation and maintenance plan submitted by the applicant.
- 7.c. – Through peer review and hearing submission and testimony, the Board found that the proposed use will not adversely affect the existing or potential quality or quantity of water that is available in the Groundwater Protection District, and the proposed use has been designed as much as possible to avoid substantial disturbance of the soils, topography, drainage, vegetation, and other water-related characteristics of the site to be developed.

Motion: To grant the Groundwater Protection District Special Permit for Convenient MD to be located at 15 Pleasant Valley Road having made the above findings, with the following conditions: S. Paul

1. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control and shall collect all trash and debris daily.
2. Prior to Commencement of Construction 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.
3. 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.
4. The applicant shall comply with the final 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 and Wilkinsonville Water District within fourteen (14) business days of owner's receipt of the report for the life of the project. Any required correction actions shall be promptly implemented by the owner at its expense.
5. The applicant shall ensure any remaining comments from the May 4, 2023 review letter from Graves Engineering are resolved.

2nd: W. Baker

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

Route 146 Overlay District Special Permit

J. Hager noted the Special Permit decision and/or plans need to have a sheet specifically showing the 49% open space areas to be preserved.

Motion: To grant the Route 146 Overlay District Special Permit for Convenient MD to be located at 15 Pleasant Valley Road having found the project as proposed is in compliance with the specific standards of this bylaw with the following conditions: M. Gagan

1. 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.
2. The Board reserves the right to review lighting and require adjustments if they find it to be a danger or nuisance.

3. The Applicant shall include the plan of the open space on the recorded Route 146 Special Permit with the intent of ensuring that the open space shown on the Site Plan shall remain undeveloped open space in accordance with the Sutton Zoning Bylaw.
4. 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.

2nd: S. Paul

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

Site Plan Approval

Motion: To approve the Site Plan for Convenient MD to be located at 15 Pleasant Valley Road per the most recent set of plans dated 5/12/23 and per the filing materials and other documents that are part of the pubic record with the following conditions: M. Gagan

1. All required approvals and/or permits shall be received from applicable permitting authorities, including final approval from Graves Engineering relative to the comments in their May 4, 20223 review.
2. 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.
3. 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.
4. The owner shall ensure that National Grid or other utilities shall not be allowed to place any structure in a location on the site that will in any way limit sight distance.
5. Unless a specific exception is approved by the Planning Director or Building Commissioner, construction shall be limited to Monday through Friday, 7:00 a.m. to 7:00 p.m. and Saturdays, 7:00 a.m. to 3:00 p.m., and shall exclude Sundays and the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, after 12 PM on 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. unless a specific exception is granted as noted above.
6. During any construction, the Applicant shall maintain all feasible and reasonable means of dust control, limit material tracking onto adjacent roadways, and shall clear all material from abutting roadway and collect all trash/debris at the end of each work day.
7. During any construction the Applicant shall install and maintain advanced warning signage along Route 146 and Pleasant Valley Road about construction traffic and conditions.
8. The Board reserves the right to review landscaping for the purpose of requiring the addition of plants or screening materials which may be reasonably necessary to complete the intended aesthetics and screening.
9. The Board reserves the right to review lighting and require adjustments if they find it to be a danger or nuisance.
10. 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 this site has been constructed substantially in accordance with the Site Plan. Additionally, the Applicant shall provide an As-Built plan to the Town of Sutton Assessors in accordance with their requirements.

11. Prior to occupancy of the building by the applicant, any security and fire protection systems shall be reviewed and approved by the Police and Fire Chiefs.
12. Prior to issuance of occupancy on any structure a knox box with building access keys and/or codes, a building layout plan and emergency contact shall be installed to the satisfaction of the Fire Department.
13. 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.
14. The Fire Departments shall be given the opportunity to tour the building to orient themselves with the new structure.
15. 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.
16. The applicant shall comply with the final 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 and Wilkinsonville Water District within fourteen (14) business days of owner's receipt of the report for the life of the project. Any required correction actions shall be promptly implemented by the owner at its expense.
17. A road opening permit shall be secured for installation of water and sewer service lines within Boston and Pleasant Valley Roads with the appropriate bond placed. The roadways will be repaired and resurfaced in accordance with any and all requirements of the Sutton Highway Superintendent.
18. Full sight distance as demonstrated on the record plans and in meeting materials will be maintained by the owner and/or operator of the site at all times.

2nd: S. Paul

Vote: 4-1-0, R. Largess Jr. – aye, S. Paul – aye, W. Talcott – opposed primarily due to safety concerns with entrance so close to Route 146, M. Gagan – aye, W. Baker- aye

Motion: To close the public hearing, S. Paul

2nd: R. Largess Jr.

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

Public Hearing – 358 West Sutton Road – Accessory Apartment & Scenic Roadway Alteration

The Chair read the hearing notice as it appeared in The Chronicle.

An email from the applicants was received stating they were not proceeding with the application due to salamanders found on the property. They requested withdrawal of their application.

Motion: To allow the withdrawal without prejudice of the application for an accessory apartment and scenic roadway alteration and close the public hearing, W. Baker

2nd: S. Paul

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

Public Hearing – Compass Rock - 57-81R Purgatory Road – Open Space Residential Subdivision

The Chairman read a June 3rd email from the applicant requesting a continuance of the public hearing.

D. Lavallee was confident they would wrap things up with the Conservation Commission by June 21st, and requested a special meeting with the Board at the end of June, rather than having to wait over a month for a continuance. Due to conflicting events and quorums, the Board maintained the hearing couldn't be continued to an earlier date.

Motion: To continue the public hearing to July 10, 2023 at 7:15 PM, W. Talcott

2nd: S. Paul

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

Public Hearing - Unified Parkway & Boston Road (right of way) - UGPG Modifications to Scenic Roadway/Public Shade Tree

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

Matt Piekarski, Director of Development for the Kraft Group was present on behalf of the applicant along with Attorney David Liberdoni of Nutter, McClennen & Fish LLP, Vinod Kalikiri of Vanasse, Hangen & Brustlin, and Keith Curran of Bohler Engineering.

M. Piekarski provided an update of site progress, noting they had a recent community meeting on May 11th which was attended by 18 people and ran about 90 minutes. This was a building #3 update as well as notice of restarting the Mass Environmental Policy Act (MEPA) process. A Project Commencement Notice (PCN) was filed with MEPA relative to this process which relates to the remainder of the project which includes Building 2, the rest of Unified Parkway out to Providence Road, and Building 1.

Approximately a year ago the applicant began the process with the Board to redesign of Boston Road, he overviewed what has happened over this year. He explained because the sycamore adjacent to Unified Parkway ultimately ordered to be removed due to public safety issues related to its declining health, they intend to return to the original design of Boston Road improvements that involve holding the current southern pavement line of Boston Road and performing all widening to the north, into their property which they will deed to the Town. This will eliminate impacts directly adjacent to the property to the south of Boston Road. This will also allow them to construct an additional westbound lane now, as well as wider lanes, and a shared use bike path. As a result, there are a few more trees that will need to be removed. Additionally, they would like to incorporate the stone wall that was at the base of the tree into their entrance signage/landscaping.

There were no comments from Town Departments.

V. Kalikiri reviewed plans and M. Piekarski showed graphic representations of the required widening over photographs of the existing area. confirmed the modified sweeping design of Unified Parkway at this intersection will be maintained. Infrastructure for a potential future light will be incorporated into the intersection with these improvements. V. Kalikiri stated the shared use path will be 10' wide which will accommodate bicycles and pedestrians. The reason a dotted portion of pathway is shown approaching the light at Galaxy Pass is that there isn't a current crosswalk/signal to cross Boston Road at the light so they don't want to encourage people to travel all the way to this location. M. Piekarski stated they are committed to building this last section when there is a means to actually cross. The sidewalk along Unified Parkway and the 5' shoulder accommodate both pedestrians and bicycles from Boston Road to Providence Road.

Robert Nunnemacher of 24 Singletary Avenue, expressed his appreciation for the “future” looking roadway design. He asked about location/ownership of the multiuse path and widening. This work will be in the existing right of way or on Unified land that will be conveyed to the Town. There was also brief discussion regarding the placement of entrance signage so as not to block sight distance.

Mario Giamei of 86 Boston Road asked for a more scenic/aesthetic upper sign. R. Largess Jr. expressed he agreed the applicants can do better with the sign design. There will also be a sign at Providence Road closer to the ground within the existing wall.

Motion: To approve the request for alterations to the scenic roadway and removal of public shade trees as requested in the application subject to the following conditions: S. Paul

1. Approval of all other applicable Town authorities.
2. Sight lines involving proposed signage shall be reviewed and approved by the Town’s consulting engineer.

2nd: W. Baker

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

Motion: To close the public hearing, W. Baker

2nd: R. Largess Jr.

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

Unified Update & Discussion regarding Unified Parkway modifications and employee recreational courts: M. Piekarski stated National Grid has approached UGPG again with additional requests to shift portions of the roadway and site features ideally 50 feet from the towers for their high tension power lines. The roadway width has been reduced to pull it away from the tower by eliminating the center island along this a stretch of roadway and the radius has been adjusted, the basin at Boston Road has been shifted, as well

as grading, drainage, and access around structures 18 & 19 adjacent to building #3. Beyond NGrid requests they are also requesting a grading adjustment southeast of Building 3 to eliminate ponding that is occurring, and they would like to provide a basketball and tennis court for employee use that would be accessed by keycard. The courts will be lit, fenced with black vinyl chain link, and a new landscaped mound will be added to the west. A small basin will be provided for this new impervious area. Graves Engineering reviewed these changes and had no major comments. The Board agreed these changes on lot 3 would be considered field changes that can be addressed on the AsBuilt plans. They also agreed the applicant can address these minor changes to the roadway, and others that may occur, as one final modification to the definitive subdivision plan in the near future.

Action Items

Form A Plans (division of land on existing roadways)

44 Griggs Road – Tabled to future meeting.

11 & 11.5 Marsh Road - Exact land swap

Motion: To approve the plan dated 5/18/23 showing an exact land swap that does not affect frontage, S. Paul

2nd: R. Largess Jr.

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

65 Gilmore Drive – Lifesong Church Storage Units – Waiver of Site Plan Review

Pastor Dave Payne of Lifesong Church was present virtually to discuss storage containers that have been present on the site on Gilmore Drive. He noted of the seven (7) containers shown on the plan he previously submitted to the Board, three (3) have already been removed.

The remaining large container in the fire truck turn around near the street contains the contents of his home. The three large units at the rear of the property parallel to and just off the western edge of the southern parking lot contain church operational items, temporary storage from the expansion project at the site, and items such as seasonal child care items like pools and chairs that are used for larger events but otherwise need to be stored. He requested additional time to resolve the container issue. It is anticipated construction of the addition will be completed in October. He is fairly confident once the expansion and interior renovations are complete, they will still need one and won't need three, but he isn't certain beyond that.

In response to a question from the Chair, Pastor Payne stated they don't own any other properties where items can be stored. They do rent some storage space.

R. Largess Jr. stressed the Board always needs to consider the "ripple effects" of what they allow and treat sites equally.

W. Baker noted they have granted temporary use of these types of containers, but they need an end date.

Pastor Payne agreed to set a timeline to address the final outcome/revisiting. He wondered if one container behind the building not visible from the road was an issue.

J. Hager noted one difference with this particular site is that religious uses have some protections under MGL. Municipalities are generally not allowed to prohibit church related uses. The Board does however have the right to "reasonably regulate" and request some accommodations for bylaw compliance. Personal items would not be protected. She noted there are several other use categories like educational and day care that also have some protections.

W. Baker noted storage units are prohibited in Sutton via bylaw, but is willing to be accommodating to some degree.

The Chair noted perhaps there is a means other than a storage container, like a shed, that would be more attractive.

Motion: To revisit the container issue by March 1, 2024 if the units have not otherwise been removed,
S. Paul

2nd: R. Largess Jr.

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

224 Central Turnpike – Remnant Wall Disturbance

J. Smith of Green Homes was present to explain he had reached out to the Town when planning this home on Central Turnpike. He had been directed to the Highway Superintendent he thought to determine if any scenic roadway permitting was necessary. The Highway Superintendent stated he had no issues, so Mr. Smith proceeded with creating an 18' driveway opening which required relocating several large boulders that were in the brush along the frontage of the lot. When he applied for a Building Permit, the Building Commissioner stated he should contact the Planning Department related to the relocation of the boulders, which could be considered part of a boundary wall, before he could move forward.

The Board viewed images of the driveway that was created and agreed that the boulders were likely at least remnants of a boundary wall. It was stated a second nearby opening is on another lot at the location of an existing bar-way. Due to confusion, and the observation that the Board likely would have approved what currently exists, the Board was willing to give some leniency.

Motion: To allow the 18' driveway opening to remain provided all stones/boulders that were relocated remain on the property roughly as they currently are arranged, consistent with the remainder of the stone wall/border remnants in the area, S. Paul

2nd: R. Largess Jr.

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

450 Central Turnpike – Retreat Lot Covenant & Plan

Motion: To approve the covenant and plan dated Rev. 6/1/23 showing one approved retreat lot, S. Paul

2nd: R. Largess Jr.

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

Administrative Items

Motion: To approve the minutes of 05/15/23, W. Baker

2nd: S. Paul

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

Filings:

The Board acknowledged the following legal filings:

- 350 West Sutton Road – Scenic Roadway Alteration – Hearing July 10th.

Site Visit Reports: The Board acknowledged reports from the following sites: Unified Building #3

Abutting Town Notices of Interest: None

Correspondence: None.

Board Business: J. Hager noted she will be submitting a comment letter relative to Unified's latest MEPA filing. It will largely feature similar commentary as was provided on the prior filing regarding traffic, renewable energy, etc.

Motion: To adjourn, M. Gagan

2nd: W. Baker

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

Adjourned 10:22 PM

Covid Meeting Statement:

Pursuant to Governor Healy's March 29, 2023 Order extending the temporary provisions pertaining to the Open Meeting Law, this meeting of the Sutton Planning Board is in a hybrid format and is being recorded. The recording will be available on the Town's website and YouTube channel.