

## **SUTTON PLANNING BOARD**

### **Meeting Minutes**

**July 10, 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 – 350 West Sutton Road - Scenic Roadway Alteration**

M. Gagan read hearing notice as it appeared in The Millbury-Sutton Chronicle.

Applicant Norman Round explained they would like to remove an 18' section of stone wall to install a driveway for a proposed home. The Board viewed photographs and a map showing the proposed location.

The Chairman noted there is a large tree to the right of the driveway and asked if Mr. Round anticipated any issues with sight distance. Mr. Round said he didn't anticipate any issues. He was cautioned that he may be denied if he comes back to remove the tree instead of considering it now when the driveway location could potentially be moved to avoid impact to the tree. Mr. Round stated this location is still the best location to avoid additional stone wall and tree impacts.

There were no department or public comments, other than confirmation that taxes are paid.

Motion: To approve the scenic roadway alterations to create an 18' break in the stonewall for a driveway per the application conditioned on using the stone removed to replenish the remaining wall or to otherwise remain on this property, R. Largess Jr.

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

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

2<sup>nd</sup>: M. Gagan

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**

Applicant Dave Lavallee and Wayne Belec of LDC were present for the continued hearing on this open space residential subdivision. Wayne updated the Board stating they have closed the Conservation Commission hearing and had just received the latest review comments from Graves Engineering and R. Nunnemacher. They have re-run emergency vehicle access tracking and they are proposing a few alternatives to avoid crossing the centerline of Purgatory when exiting. The applicant provided three potential entrance configurations 1) a widened entrance with vertical granite curbing and a scored concrete island; 2) a widened entrance with vertical granite curbing and a painted island; and 3) a narrower entrance with mountable sloped granite curbing and no island but an available increased radius with adequate base and grass pave surfacing able to support the weight and swing of an emergency vehicle if necessary. The Fire Department prefers the wider entrance with concrete island. The Board indicated they would go with the request of the Fire Department.

They have also re-run the hydrology as there was a net increase in impervious with the last plan revision and his was provided to Graves Engineering. J. Hager note comment #4,14 32-35 from the Graves review will need to be addressed with plan changes.

The Board discussed whether they were comfortable taking action on this application with conditions and future plan revisions as opposed to clean review letters from the Town's Engineer and Planning Director. The Chairman said the Board had only recently received revised plans and some responses from the applicant as well as the latest letter from Graves Engineering and had little time to review these materials. The majority of the Board agreed they would prefer to wait to take action on the plans until they have had time to review the most recent materials and they receive clean review letters from the appropriate peer reviewers.

The Board agreed they could take action on the requested waivers:

4.A.2.f. - Minimum centerline radius drops to less than 270' at several locations. 100' at ST 16, 250' from ST 20-21, and 100' from ST 23 – 26.

Motion: To grant the waiver from section 4.A.2.f. allowing a minimum centerline radius of less than 270' at several locations having found adequate sight distance exists through these curves and emergency vehicles can navigate the turns staying on the roadway and within their lane,  
S. Paul

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

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

4.A.2.k. – Proposed road differs from the bylaw as follows: 22' and 20' as opposed to 26', bituminous instead of granite curbing except at Purgatory intersection and not curbed for significant lengths, 12" gravel base as opposed to 18", 1.5" top course and 2.5" binder as opposed to 1.5" and 1.5". This waiver also involves concurrent waivers from 4.A.3. – Roadway width, 4.G.1. Curbing, and 5.F.2.& 3 Roadways base and top courses.

Motion: To grant the waiver from section 4.A.2.k., 4.A.3., 4.G.1., 5.f. 2. & 3., to allow roadway widths of 20' and 22', elimination of some curbing and sloped granite in places, and a roadway base of 12" and top course of 1.5" and a base course of 2.5", having found these waivers are more consistent with Open Space Residential design and the Town's consulting engineer has reviewed and has no issues with these requests. S. Paul

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

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

4.B.2. & 5.A. – Stormdrains & Drainage - Traditional storm drains have been provided where absolutely necessary, but a waiver is necessary for open swales and other Low Impact Development (LID) stormwater infrastructure.

Motion: To grant the waiver from section 4.B.2. & 5.A allowing open drainage swales instead of underground piping, flared end sections instead of headwalls, and various other stormwater infrastructure adjustments having found proposed stormwater management is more consistent with open space residential development and the Towns peer review engineer has no remaining concerns with utilizing Low Impact Development (LID) standards/practices, S. Paul

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

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

4.D. – Fire protection – Individual house sprinklers are proposed as opposed to an underground cistern system.



**Motion:** To grant the waiver from section 4.D. allowing elimination of underground cisterns in lieu of sprinklers being provided in each house, having found individual sprinklers accomplish the same or better fire protection, S. Paul

**2<sup>nd</sup>:** W. Baker

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

**4.F.1. –** Several easements are not 30' wide.

**Motion:** To grant the waiver from Section 4.F.1. to allow easements of less than 30' in width, having found a wider width is not necessary and the town's consulting engineer has approved the configuration, S. Paul

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

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

**4.F.3. –** Temporary construction easements are not provided. They are required unless the same developer who builds the roadway will be building out the lots.

**Motion:** To grant the waiver from Section 4.F.3. to eliminate temporary construction easements, having found the road and lots will be owned by the same entity throughout construction so there is no need for construction easements, S. Paul

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

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

**4.J.4. –** Street Trees – This waiver is not necessary.

**Motion:** To continue the public hearing to July 24, 2023 at 7:00 PM, S. Paul

**2<sup>nd</sup>:** 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 – 38 Southwick Road – Retreat Lot & Common Driveway Special Permits**

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

The applicants Tom and Kathleen Palumbo and Margaret Bacon of Civil Site Engineering were present to explain the application. The Board viewed the site plan of the proposed retreat lot with a common driveway over the adjacent standard lot to access the retreat lot. The common driveway is being requested to avoid a second wetland crossing and impacts that may not be approved by the Conservation Commission.

R. Largess read commentary from the Conservation Commission and noted all taxes are paid. There were no public comments.

**Motion:** Having found the proposed retreat lot and common driveway are in compliance with the specific Special Permit standards of Sections VI.H. & I. of the Zoning Bylaw, motion to approve the retreat lot and common driveway applications per the plan dated Rev 6/15/23 and materials presented with the following conditions: S. Paul

1. A recorded copy of the decisions, retreat lot covenant and plan must be received by the Planning Department within 6 months.
2. Approval of all other applicable Boards, Departments and Commissions.

3. The retreat lot driveway extending past the common driveway shall have a maximum grade of 12% and minimum paved width of 12' width and 15' cleared width.
4. Underground utilities shall be provided on the common driveway and the retreat lot, unless the Planning Board makes findings in open meeting that above ground utilities pre-existed and/or underground utilities are not practical due to extreme topographical or environmental constraints and/or safety issues. Above ground utilities shall not be allowed solely for the convenience and/or preference of a petitioner.
5. Prior to commencement of construction on the common driveway or any house to be served by the common driveway, the permit holder shall record a plan for the common driveway and such instruments as are necessary to establish easements providing for use of the common driveway and a restriction burdening all lots served by the common driveway that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snow-plowing and rubbish collection shall be the land owners' responsibility. The plan and instruments shall be in form approved by the Planning Board, and shall be recorded, with proof of such recording provided to the Planning Board, prior to use of the common driveway to serve more than one lot.
6. Prior to commencement of construction of any house to be served by the common driveway, the private driveways branching off the common drive shall be reviewed and approved in each case by highway, fire and police to ensure emergency vehicle access.
7. An occupancy permit for any structure accessed via the common driveway shall not be granted until the street numbers of the lots serviced by the common driveway are clearly posted on a single permanent post at the street, in a form approved by the Planning Board, so as to be visible from both directions of travel, and are also posted on a permanent post at the point at which each private driveway splits from the common driveway. Said signage shall be purchased from the Sutton Highway Department and installed by the applicant in a location agreed upon with the Sutton Highway Department.
8. An occupancy permit for any structure accessed via the common driveway shall not be granted until the common driveway site work is 100% complete. In order to be considered complete, the design engineer must submit a stamped letter certifying the common driveway site work has been constructed as shown on the approved plans.
9. An occupancy permit for any structure on the retreat lot shall not be granted until all conditions of the approval and all bylaw requirements have been 100% satisfied.

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

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, S. Paul

2<sup>nd</sup>: W. Baker

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

### **Action Items**

#### Form A Plans (division of land on existing roadways)

- 123 Burbank Road – Lot reconfigured, one new unbuildable lot.

Motion: To approve the plan dated 6/20/23 showing a lot reconfiguration leaving one conforming built lot and one unbuildable residue parcel once the “non-buildable lot” label is adjusted to add “without further action by the Town”, S. Paul

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

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



- 35-39 Griggs Road – Dividing land to create one new buildable lot, convey land to abutter to make their lot bigger, leaving one smaller buildable lot.

Motion: To approve the Form A plan dated 6/21/23 showing a conveyance, a new buildable lot, and a reconfigured buildable lot, S. Paul

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

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

#### Wedgewood Farms – Extension Request

Randy Waterman of Compton Property Development, site owner and applicant, explained they were initially delayed due to Covid and then they had several entities interested in development that fell through. Most recently Campanelli wanted to revise plans to do a multi-unit affordable housing development but they have decided not to proceed as there isn't sufficient water supply at this time. He is currently considering a revised design to preserve the units as over 55 but add some smaller multi-unit structures so individuals can choose between cottages or single story apartments. They have a commitment for 12,500 gpd of water and this plan would need slightly more water, but nothing like Campanelli's proposal.

All of the permits for the Continued Care Community (over 55) Special Permit expire on 1/14/2024, except for the use permit which expires imminently. The Board discussed permit expiration dates and decided all dates should match and perhaps a little more time should be granted.

Motion: To grant an extension to the CCRC Special Permit to 7/1/24, S. Paul

2<sup>nd</sup>: 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 06/05/23, W. Baker

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

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

The Chairman suggested and Board agreed that the developer of 15 PV Road should be notified via letter that they need to make sure required sight distance is established prior to start of construction. This was not included as a condition, but is very important.

Filings: None

#### **Board Business:**

The Board discussed potential bylaw changes for Fall 2023. Subjects included housekeeping changes to the Earth Removal Bylaw, a request from James Stevenson to use farm or larger acreage parcels for events like weddings etc. for income so the owners can afford to keep the property as a farm or larger undeveloped parcel, and potential Low Impact Development bylaws to handle drainage in a more natural way. J. Hager also asked the Board for guidance on how they wish to pursue potential changes related to C.40A§3A/MBTA multi-family housing.

The Stevensons have asked the Board to consider whether they will sponsor the event bylaw change. The Board would like to discuss the bylaw with them before they decide, so they will be present at the meeting on July 24<sup>th</sup>.

The Board provided the Planning Director with some guidance in input and she will have initial drafts of bylaw changes for the meeting on the 24<sup>th</sup>. The Board discussed the process they would like to follow to educate the public and get some input about what Sutton wants to do on the subject. The Board agreed if there is funding out there to assist the Board in the process it should be pursued.

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

Abutting Town Notices of Interest: None

Correspondence: Comment letter relative to Unified' s latest MEPA filing.

Motion: To adjourn, R. Largess Jr.

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

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

Adjourned 9:55 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.