

**Sutton Planning Board
Minutes
August 17, 2020**

Approved W. Baker

*** This meeting was held via Zoom teleconference due to the COVID-19 Crisis and related Executive Order issued by the Governor on March 12, 2020.**

Present: W. Baker, M. Gagan, R. Largess Jr., S. Paul
Associate Members Present: W. Talcott
Members Absent: K. Bergeson
Staff: Jen Hager, Planning & Economic Development Director

The Chairman read a statement about the current COVID-19 crisis and conducting meetings via teleconference (attached).

The Chairman noted that due to the absence of K. Bergeson W. Talcott is acting as a full member.

Public Hearings:

Continued-

126 Worcester Providence Turnpike – Special Permit & Site Plan Approval – Old Farm Woodworking

Mr. Leonard Zannotti the craftsman for the store who also lives at this address with Ms. Karns was present with revised plans and waiver requests.

J. Hager stated that the Building Commissioner had visited the location and consulted with Mr. Zannotti about the handicap parking spot which Mr. Zannotti has installed. The Commissioner stated bathrooms are not required for the store and that he was fairly confident a compliant parking spot and path of travel could be established for the store. Regardless, as the Commissioner has not inspected the spot yet, any action the Board takes should be conditioned on the Commissioners approval.

They Board reviewed the required findings for the retail store use that they were not able to confirm at the last meeting:

2. The Board found that as no bathroom is required for the store adequate provisions exist for water and sewer.
4. The Board found with appropriate signage to be approved by the Board and the updated plan showing the parking and circulation areas, that there will be no danger to vehicular or pedestrian traffic.
5. The Board found as the site/structure can comply with the Building Code particularly as it relates to handicapped access, that there are adequate and appropriate facilities for the intended operations.

Motion: To grant the Special Permit for a retail store that is by appointment only limited to 3 customers at a time at this location with the following conditions: R. Largess Jr.

1. Approval of all other applicable permitting authorities' especially the Building Department and Fire Department.
2. Site signage for advertising and traffic safety shall be approved by the Planning Department prior to fabrication and installation and before any sales can take place.

2nd. S. Paul

There was no public comment.

Vote: W. Baker – yes, M. Gagan – yes, R. Largess – yes, W. Talcott – yes, S. Paul – no
S. Paul was opposed as he felt the exceptions to be granted to allow this use were appropriate for a home business in a residential district not necessarily a retail store in a business district and he was concerned about any precedent the Board may be setting.

The Board reviewed requested waiver requests related to the fact that this is an existing site and structure with no changes proposed. Waivers were requested as follows:

IV.C. Site Plan Review:

- 4.b. The plan was not prepared by an engineer or other professional.
- 4.d. The lot line bearings, easements and lot area are shown on the deed that was submitted. No changes are proposed to these elements.
- 4.e. Height is not shown as the building already exists and no changes are proposed.
- 4.h. Proposed signage detail is not shown but we are happy to provide this prior to building it.
- 4.i. Utility locations are not shown but no changes are proposed.
- 4.j. Stormwater details are not provided but no changes are proposed.
- 4.k. Topography is not shown but no changes are proposed.
- 4.l. Landscaping is not shown but no changes are proposed.
- 4.p. Architecture is not shown as no changes are proposed.

IV.B. Parking, Loading and Landscaping Regulations

1. Three of the four parking spaces are located within the side yard setbacks. We wish to maintain them in these locations as they have caused no issues to abutters to date.
- 3.i. We request a waiver from having to provide a loading space as we will not be receiving deliveries of materials or products for sale as they will be made at the site in small quantities.

The Board discussed and agreed these waivers are appropriate considering the specific existing site/building and proposed limited operations.

Motion: To grant all requested waivers, R. Largess Jr.

2nd. M. Gagan

W. Talcott asked what happens to the permits if the land is sold. J. Hager stated the Special Permit runs with the land so any subsequent owner can use the permit as granted by the Board but only as specifically permitted, so a retail operation by appointment only with no more than 3 customers at a time.

There was no public comment.

Vote: W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye, S. Paul – neigh, W. Talcott – aye
S. Paul was opposed for the same reasons stated in the prior motion

Motion: To approve the site plan for a by appointment only retail operation at 126 Worcester Providence Turnpike with the following conditions: R. Largess Jr.

1. Approval of all other applicable permitting authorities' especially the Building Department and Fire Department.
2. Site signage for advertising and traffic safety shall be approved by the Planning

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Department prior to fabrication and installation and before any sales can take place.

3. All sales will be by appointment only and customers shall be limited to no more than 3 at a time on site.

2nd: M. Gagan

There was no public comment.

Vote: W. Baker – aye, M. Gagan – aye, R. Largess Jr. – aye, S. Paul – neigh, W. Talcott – aye
S. Paul was opposed for the same reasons stated in the prior motion

Motion: To close the public hearing, R. Largess Jr.

2nd: M. Gagan

Vote: W. Baker – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Talcott – yes, S. Paul – yes

Additional Action Items:

Form A Plans – None.

Chapter 61A Release – Leland Hill Road/Dodge Hill Road – The Board reviewed a memo from the Board of Selectmen and letter with an offer for purchase of the previously approved four lot open space subdivision on Leland Hill Road that backs up to Dodge Hill Road for \$275,000. W. Talcott asked about the grandfathering of the original subdivision approval. J. Hager noted the project was approved fairly recently. The open space residential development Special Permit is good for 3 years and the definitive subdivision plan is good for 8 years.

The property isn't on a priority list for Town purchase as it doesn't connect to other public open space and is fairly steep and wet in large part.

Motion: To recommend the Board of Selectmen pass over the Town's first right of refusal and not purchase the property, S. Paul

2nd: R. Largess Jr.

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

Primetals Visibility Concerns – Abutter Matthew Gautreau from 21 Barnett Road was present to discuss the visibility of the Primetals building from his home. He showed the Board a site plan indicating where he wants to plant coniferous trees to block the visibility of the Primetals building. He also provided the Board with the estimate for the work. J. Hager noted the owners stated if need be they might consider painting over the orange stripe in the back rather than potentially have all abutters request plantings from them. Mr. Gautreau said he is open to that as it wasn't until the orange stripe went on that the building became so obvious. R. Largess Jr. said he appreciated Primetals willingness to work with the abutter and address their concern. J. Hager stated she wanted to be clear that Scannell Properties that owns the building is to whom she has been talking. They do not want to do anything as they are business men who would rather not spend money on this type of issue especially as there is no regulation that an abutting business will be invisible to neighbors, but they are willing to abide by whatever the Board decides. M. Gagan noted the Board approved the color scheme and reviewed the site details in depth and approved them. Therefore, he felt it was appropriate to suggest the owners work with the abutter to resolve their concern, but the Board should not force this additional expenditure. S. Paul asked if there are any lights or proposed lights on or at the rear of the building. He added shielding abutters from lighting is a valid reason to require this additional expenditure. Mr. Gautreau said he hasn't noticed any lights. Mr. Paul agreed he would not require plantings or re-painting for approved color choices. The majority of the Board agreed with M. Gagan and Mr. Paul's position. J. Hager will send correspondence to the owner but also check the approved plans for lighting at the rear of the site.

Gilmore Drive – As-built approval /bond reduction – Tabled to next Board meeting.

219 Whitins Road – As-built approval /bond release – The Board reviewed correspondence from Graves Engineering including a site visit report that remaining site elements have been completed and the AsBuilt plan is complete.

Motion: To approve the AsBuilt plan for 219 Whitins Road and release the surety, R. Largess Jr.
2nd: S. Paul

S. Paul asked who is responsible for the continued maintenance of the infiltration pond. J. Hager stated the owner is responsible. As the pond is adjacent to a wetland, the Conservation Commission has required maintenance protocols. If the owner doesn't maintain the pond they can receive and enforcement order from the Commission.

Vote: W. Baker – yes, M. Gagan – yes, R. Largess Jr. – yes, W. Talcott – yes, S. Paul – yes

Administrative Items:

Minutes: To approve the minutes of 8/3/20, R. Largess Jr.

2nd: W. Talcott

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

Filings: The Board acknowledged the filing of a scenic roadway public shade tree application for expansion of an existing driveway break by 4-5' at 480 Boston Road. The hearing will be held on August 31st.

Correspondence: None.

Motion: To adjourn, R. Largess Jr.

2nd: S. Paul

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

Adjourned 8:13 P.M.

**STATEMENT REGARDING
REMOTELY CONDUCTED OPEN MEETING
Sutton Planning Board**

Good evening. This Open Meeting of the Sutton Planning Board is being conducted remotely consistent with Governor Baker's Executive Order of March 12, 2020, due to the current State of Emergency in the Commonwealth due to the outbreak of the "COVID-19 Virus." While still ensuring public access, this Order suspends the requirement of the Open Meeting Law to have all meetings in a publicly accessible *physical* location. Further, all members of public bodies are allowed and encouraged to participate remotely. You can find the Order posted on the Town's website.

Regardless of our inability to meet in person, it is our intent to ensure continued transparency and the ability of the public to at least view the actions of our Board. Ensuring public access does not ensure public participation unless such participation is required by law. Tonight's public meeting will feature public comment.

For this meeting, the Sutton Planning Board is convening by Zoom teleconference as specified on the legally posted agenda.

Please note that this meeting is being recorded. Accordingly, please be aware that others may be able to see you, and that you take care not to "screen share" your computer. Anything that you broadcast may be captured by the recording.