

Jonathan Anderson, Chair person  
David Hall, Vice Chair  
Jesse Limanek, Clerk  
Jeffrey Bannon  
Normand Champigny



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James A. Smith, Town Manager

Town of Sutton  
Select Board

Meeting Minutes

**Minutes Accepted and filed with the Town Clerk 9/5/2023 with a roll call vote of 5-0**

6:00 p.m. – August 15, 2023

Roll Call vote taken:

Members in Attendance in person:

Chairperson Jonathan Anderson, Vice Chair David Hall, Clerk Jesse Limanek, Select members Jeffrey Bannon & Normand Champigny in person

Also attending in person: Town Manager James Smith, Town accountant Tim Harrison & Deb Jacques, secretary

Public Forum – N/A

Vice Chair Hall motions to accept as presented the August 1, 2023 Select Board meeting minutes Select Person Bannon seconds passes 5-0 with roll call vote

Public Hearing- Pole Hearing Burnap Rd/Central Tpk- Select person Limanek reads the notice as posted in the 7/20/2023 Millbury Sutton chronicle. Zooming in is Jay with NGRID. Town Manager Smith says this is for the new homes being built on Burnap/Central Tpk. Highway and Fire have signed off- Police Chief Towle has not signed off as he is frustrated with lack of response from NGrid regarding the Fiber project in town for public safety communications. The Select board at this time all voice their concerns with lack of speed on Ngrids side for public safety communications. Chairperson Anderson asks Jay with Ngrid if contact with Chief Towle could be expedited and resolved. Hearing no issues with the pole hearing- Select person Limanek motions to close Public Hearing Select person Bannon 2nds passes 5-0 with roll call vote. Select person Limanek motions to approve pole hearing #30757025 from NGrid & Verizon for Burnap Rd/Central Tpk. as advertised in the July 20, 2023 Millbury Sutton Chronicle, select person Bannon 2nds passes 5-0 with roll call vote.

Common Vic for The Little Coffee Bean- tabled to next meeting- Mr. Gianakis not present in person or by zoom.

Fire Dept. Promotions- present is Fire Chief Matt Belsito along with all the recently promoted staff. Fire Chief Belsito reviews the testing process for the Lieutenants positions which involved a 3 step process (written exam, practical exam and oral interviews with 3 outside Chiefs). Chief Belsito states he has 4-5 more years of service and these promotions will help with the transition when he retires. At this time Chief Belsito introduces the following promotions- FF Stephanie Briggs Station 2- to Lieutenant, FF Chris Smith, Station 2- to Lieutenant, FF Mike Holmes Station 1- to Lieutenant, FF Renee Patient Station 1- to Lieutenant, Lieutenant Tom Briggs Station 1- to Captain, Captain Jeff Briggs Station 1- to District Chief Special Operations Car-2 and Car 5 District Chief Robin Dresser to Deputy Chief Car 2. The Select Board at this time all offer their congratulations and appreciation for all promoted. Select person Champigny motions to ratify the promotions made within the Sutton Fire Dept Select person Limanek 2nds passes 5-0 with roll call vote.

40B MOA-Boston Rd. Elite Home Builders- present thru Zoom is Atty Amy Kwesell (KP LAW)- Town Manager Smith says this has been a process between Elite Homebuilders and this board. This 40B MOA proposal began 8 months ago- current Select board member Jeff Bannon was Chair at that time. Current Chair Anderson had Jeff continue working along with Jim Smith and Town Counsel to reach what is before the board tonight. Included in this MOA is maximum 100 units, sidewalks to galaxy, connection fee agreement, mitigation funds and local preference. When asked if the developers negotiated in good faith- Select person Bannon replied yes- there was good faith on both sides. Chairperson Anderson informs the residents- this is not voting for the project to move forward- this MOA will allow the town to sign on to a LIP agreement under 40B. Atty. Kwesell goes on to say if there is not an MOA in place-

the developer can still go forward with the project and the town has little input. The developer would file the application and go before the ZBA. Vice Chair Hall says this MOA was negotiated to give the town the best options we can get as a friendly 40B which allows us at the Zoning Board level to direct the project. If we do not sign this MOA we lose some planning and control and the state normally sides with the developer. The biggest thing is the density- if there is a signed MOA we are agreeing on the number of units- if no MOA the developer could add more units. Vice Chair Hall states this site is less impactful and the mitigation funds will be helpful- Dave will sign the MOA. Select person Limanek walked the site and has done a little research on the developer. At this time Jesse reads his response- a copy will be attached to final minutes along with the deed to the said property showing this parcel owns Millers Pond. Jesse says in regards to the water- Wilks water is a private owned company – if there is not adequate quantity for this project can the state force them to still supply water? Atty. Kwesell replies the state could order them to go to the state and apply for more capacity. Select person Limanek at this time says he will not vote for this. Select person Champigny says we do have to abide by 40B's. Normand feels this would be a good location and says we will be facing more of these challenges in the future- we will have 40B's before us- we have to be smart with this. This is a learning exercise- the new governor wants to increase housing- an MOA would be in the best interest of the town and our only tool of leverage. Normand asks if the Select board will have access to see the building plans- Atty. Kwesell replies the ZBA will have the plans- the developer has to follow the state building codes- state regulations cannot be waived. Chairperson Anderson states again we are not voting approval of project –the project can go forward- this MOA is the only piece we will have to deal with this. If we as a town push back on 40B projects, we would have to bring the state to court. Jonathan asks Atty. Kwesell- have any cities or towns challenged this 40B law- Atty. Kwesell replies a few- the chances of success are low. After continued discussion and questions to Atty. Kwesell- hearing no further questions- Vice Chair Hall motions to approve and sign the Memorandum of Agreement (MOA) between the Town of Sutton and Elite Homebuilders LLC for the proposed Local Initiative Program development (LIP) at 99 Boston Road (Map 11, Parcel 35), Select person Bannon 2nds passes 4-1 with roll call vote- (Select person Limanek no)

Intention to lay out Boston Road- Jen Hager- Community Development Director is present- Jen says this is what was reviewed at the last meeting- there are two items- the first is adjusting the layout of Boston Rd. to widen/restripe Boston Rd. at the area of Unified Parkway and the second is to discontinue the portion of the old town layout that the town does not want to retain for public use. Both abutters have been notified and are in agreement of receiving into their ownership the small amount of land. They want to be part of the solution. Jen did have Assessor Knick Nunnemacher look to see how this would impact future tax bills- Jen reports it would not be more than \$35.00 a year in additional property tax per abutter. Vice Chair Hall says there is a lot of site work going on there- and it ends abruptly at the property line. Jen states what you see is what you get. Select person Limanek asks for clarification on the sidewalks. Select person Bannon is pleased with the agreement from the 2 abutters- will there be any type of legal document to protect them as well as the town. Jen replies the town meeting vote will be all that we need. Select person Champigny thanks Jen for her due diligence. Select person Limanek motions that the Select Board vote its intention to alter the layout of a portion of Boston Road, a public way, as shown on a plan entitled "Right of Way Plan – Boston Road, Sutton, MA" by WSP USA Inc., dated May 12, 2023, to include within said layout the parcels of land shown as T-1, T-2 and T-3 containing a total of 21,756 square feet, and that the Select Board forward said plan to the Planning Board for its report pursuant to G.L. c. 41, §81I Vice Chair Hall 2nds passes 5-0 with roll call vote.

Select person Limanek motions that the Select Board vote its intention to alter the layout of a portion of Boston Road, a public way, to include within said layout the parcel of land depicted more or less as "Area = 7,617 SF ±" on a sketch plan entitled: "Town of Sutton, Boston Road Layout, Parcel Areas" dated July 2023, and to discontinue as a public way the remaining portions of an old Town road depicted more or less on said plan as "Area = 6,620 SF ±" and "Area = 4,168 SF ±", and that the Select Board forward said plan to the Planning Board for its report pursuant to G.L. c. 41, §81I Select person Champigny 2nds passes 5-0 with roll call vote.

#### Town Manager Update:

- Transfer Station job posting- David Arsenault is retiring from the Transfer Station on 8/24/23. The job has been posted and will remain posted until filled. Dave has worked for the town for the past 10 years and has made the transfer station the well run facility it is now. We thank Dave for his outstanding service to the town.
- Muncibid Postings from the Police Dept.- The Police Dept has listed items that were seized from individuals and the court has authorized the sale of this property. The receipts deposited from these items will be deposited into the municipal forfeiture account within the Police Dept.
- Repaving Manchaug Pond boat ramp- out to bid at this time due back Sept. 7<sup>th</sup>. The town is working with Manchaug Pond Foundation that received a 319 Grant from DEP. The town will match \$25,000.00 which will come out of the Manchaug Boat ramp receipts.
- Midstate Massive Ultra Trail event- Oct. 7 & 8- the route is the same as last year- 250-300 runners over an eight-hour period. There will be a police detail on Central Tpk. from 5am-1pm on Oct. 8<sup>th</sup>.
- Fall Town Meeting schedule – Oct. 16 @ 7pm. Articles for the warrant were due on Wed. Aug. 9<sup>th</sup> the draft warrant will be before the Select board on Sept 5<sup>th</sup> with final review on Sept 19<sup>th</sup>. The Select board is sponsoring an engine break bylaw.

Announcement's / Round Table:

Select person Limanek announces there will be a Ranger Walkabout to begin at 9 Main St. on 8/17 @ 6:30PM- there will also be a New England Swing Band concert at the Sr. Center on 8/17 at 7pm. Jesse reads the list of items needed for the Sutton Food Pantry.

Select person Limanek motions to adjourn, Vice Chair Hall 2nds- Roll Call vote taken- passes 5-0 Meeting adjourned 8:30pm