Associate Members Present: K. Bergeson, W. Talcott
Staff: Jen Hager, Planning & Economic Development Director

K. Bergeson acted as a full member in the place of M. Sanderson.

General Business:

M. Sanderson resignation – replacement recommendation: The Chairman read Merriam Sanderson’s resignation from the Board. He noted her positive contributions and that unfortunately health issues make her unable to continue. W. Talcott noted due to his upcoming commitments, he is good with the Board recommending Mr. Bergeson fill the full member position.

Motion: To recommend the Selectmen appoint K. Bergeson to fill the remainder of M. Sanderson’s term, W. Baker
2nd: S. Paul
Vote: 4-0-1, K. Bergeson abstained

The Chairman noted the Board will have an open associate member spot and they would encourage individuals without a particular personal agenda to apply, especially women and those from a part of Town not currently represented like the Village of Manchaug.

Minutes: To approve the minutes of 1/27/20, K. Bergeson
2nd: S. Paul
Vote: 5-0-0

Filings: None.

Form A plans:
23 Jones Road Revision - Byron Andrews, PLS from Andrews Survey & Engineering was present to review the revised plan. Lots 2 and 3 have been reconfigured to provide more contiguous upland area on Lot 2. Lot 3 will currently be unbuildable unless the Board approves it as a retreat lot via special permit in the future. J. Hager asked Mr. Andrews if he is confident of the wetland delineation on Lot 2 which shows upland access into this lot with no wetland crossing required. Mr. Andrews confirmed this plan reflects the revised professional wetland delineation. J. Hager noted this is important because when a large parcel of land is divided, no matter how many lots are formed, the Conservation Commission does not have to grant more than one wetland crossing. If a retreat lot permit is granted to Lot 3 in the future, it will need a crossing. The Board re-affirmed retreat lots do not need 3 times the required area of contiguous upland to meet the bylaw requirement, only the correct total upland.

Motion: To allow the Chairman to endorse the Form A plan dated 12/16/19 revising previously endorsed lots – one buildable lot and one non-buildable parcels once the lot widths are corrected and Lot 3 is changed to Parcel 3 as it is currently non-buildable, S. Paul
2nd: K. Bergeson
Vote: 5-0-0

219 Whitins Road – New Tenant:
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Chris Windle was present with a potential new tenant, Adam Rosario of Modern Standing Seam Metal Roofing. The business is approximately 2 ½ years old. It is both a Google and Home Advisor 5 star business. They produce and install standing seam metal roofing and also install metal shingle and asphalt roofing as well. They produce standing seam roofing on site and transport it to the installation location. Sometimes they fabricate the roofing directly on a job site. The maximum length of fabricated roofing is 50′ which would require flatbed transport, but this isn’t the usual roof. They will have 1-4 employees at the site. They will regularly house two company vehicles, a van and a pickup truck, on site and some employee vehicles may be parked on the site during the workday although most drive their vehicles to the job sites. Deliveries come in various vehicles including one to two flatbeds per week at the most. Regular hours would be 8-5 with an occasion 8-8 day for emergencies. Fabrication will take place with doors closed. Very little waste is produced and is disposed of on the installation site. There will be no exterior dumpster for this business at this site. The Chairman noted the town asks local businesses to domicile their company vehicles in Sutton so the town receives the excise taxes. Mr. Windle previously secured a Special Permit for various uses at this location including this “building contractor” use. The Board needs to decide is formal Site Plan review will be required.

Motion: To waive formal Site Plan Review and allow the use of a portion of the structure at 219 Whitins Road for this business conditioned on receipt of approvals from all other applicable permitting authorities especially the Fire Department and Building Department, S. Paul

2nd: W. Baker

Vote: 5-0-0

Correspondence/Other:
Regional Transportation Projects – J. Hager explained this memo from Central Mass Regional Planning as a member of the Central Massachusetts Metropolitan Planning Organization (CMMPO) explaining the procedure for and status of regional transportation projects funded by state and federal funds around Central Massachusetts.

Town meeting/election dates – Town Clerks calendar for the Spring Town Meeting and local Election. Warrant articles must be in nearly final format and submitted by March 13th.

**Aggregate Earth Removal Permit Close-out**

Jarrett Temple, the Regional Manager of Land & Environment for Aggregate Industries was present to follow-up on his request to waive certain elements of site restoration in order to close out this earth removal permit.

Five of seven members had visited the site with the Planning & Economic Development Director. The Board reviewed photos taken during the site visits. Only two portions of the site contain open excavation slopes. There are several stock piles around the site as well.

Members discussed why the Board would or should require stabilization of these areas. The primary concern is liability. Although any potential injury sustained on these slopes would likely be from someone who was trespassing, anyone can sue anyone. Aggregate would definitely be sued but it’s entirely possible the Town could also be sued particularly if they don’t require a safer condition through their authority as the Earth Removal Board. While it would seem unlikely anyone would prevail in this effort, the town would expend resources to defend themselves.
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Mr. Temple noted while the Town is working with Aggregate to take down the Town’s sand pit and steep slope onto Aggregates land, there will be eyes on the site every day.

The Board concluded that if the site was more secure, they would not have any significant concern. J. Hager will check into making sure the Hatchery Road gate gets re-locked and Mr. Temple will get the other un-official access blocked.

There was no comment from the public.

Motion: To close out the earth removal permit for Aggregate Industries conditioned on restricting aces within the next 60 days at which point the bond requirement will be released, K. Bergeoson

2nd: W. Baker
Vote: 5-0-0

Worcester Sand & Gravel – Earth Removal Permit Renewal

Mike Trotta, the immediate past owner and current pit manager of the site was present regarding the request for a one year renewal of the Worcester Sand & Gravel earth removal permit.

J. Hager had investigated the concern with language in the bond rider that the bond company can give 30 days’ notice and just cancel the bond. She found all three bonds for existing earth removal operations have the same clause even though they were issued by completely different insurance companies. When she spoke with an employee for one of the agents she was told this is standard language to protect the insurance provider. She noted the clause is rarely utilized but when it is, it is usually because an insurance company is getting out of the business of carrying this type of bond or they are restructuring the amounts of different types of bonds they hold to reduce their risk. She stated it was extremely unlikely the insurance company would allow the language to be adjusted. If the Town receives notice that a bond is being discontinued they can place a cease and desist on removal operations until a new bond is in place.

Motion: To grant a one year renewal of the earth removal permit for Worcester Sand & Gravel with the following conditions: M. Gagan

General Conditions:
1. Failure to comply with all Conditions of this Permit, and all sections of the Town of Sutton Earth Removal bylaw, which are a part of this permit, and are attached herewith, will result in a Cease and Desist Order, and fines.
2. Approval/Permitting/Special Requirements of all other applicable local, state and federal agencies, with a copy of said decisions/permits provided to the Planning Board.
3. No Drilling or Blasting allowed in any area of the pit.

Special (or site/operation specific) Conditions:
1. Metal processing machinery to be removed from the site within 6 weeks.

2nd: S. Paul

K. Bergeoson registered a concern with the large old rusty “tetanus on wheels” processing equipment that is still on the site. Mr. Trotta stated this was supposed to have been scrapped by now. The Board agreed a condition should be added ensuring this equipment is removed within 6 weeks. The motion was adjusted with the agreement of M. Gagan and S. Paul.

Vote: 5-0-0
Planning Board Initiatives 2020

The Board agreed the following initiatives should be pursued ideally for Spring Town Meeting, but if not possible as soon as possible thereafter, including the possibility of having a Special Town Meeting.

NEW Marijuana Business overlay District (MBOD) – As the old one is full, the Board acknowledged the Town needs to choose a new area right away or marijuana uses can go anywhere. The majority of the Board felt this use should not be an overlay district anymore, these should be allowed uses in the Office Light Industrial District (OLI). This was particularly appropriate as the trip generation for these uses is considerably lower than most manufacturers or distributors. The Board also felt while they were adding uses to the District they should carefully review, clarify, and adjust the entire slate of uses for the OLI District to ensure they are maximizing the potential benefit to the Town.

Multi-town Mixed Use District – The majority of the Board felt they needed to revisit establishing a different Multi-town Mixed Use Zoning District in South Sutton with different uses than the OLI District in northeast Sutton. They noted they may not include a 60’ height and would likely keep existing district setbacks.

J. Hager suggested the Board also review the existing Planned Business Development Bylaw, which allows design and development of a site with multiple uses and buildings as a whole within the OLI, I and B-2 Districts. She stated developers have been asking if the Town has this zoning tool, but when she read through the bylaw that was enacted back in the late 1990s, she does not see how it is beneficial in encouraging a well thought-out master planned development. This could be a great tool for all if properly written.

J. Hager added that she feels it is really important to discuss these potential zoning changes on a non-meeting night with more notice to the public. The Board agreed and suggested maybe a non-meeting Monday night.

The Open Space & Recreation Plan Update will also be proceeding as it needs to be complete by late Fall. This will require occasional participation from the Board.

Motion: To adjourn, K. Bergeson
2nd: S. Paul
Vote: 5-0-0

8:36 P.M.