

Sutton Planning Board

Minutes

April 13, 2009

Approved _____

Present: R. Largess, Chairman, S. Hughes, S. Paul, T. Connors, D. Moroney, W. Whittier
Staff: J. Hager, Planning Director

General Business

Form A Plans – Stevenson/84 Mendon Road – Tabled to next meeting.

(D. Moroney off the Board possible conflict)

Accord Building Systems AsBuilt – 80 Providence Road

The Board reviewed correspondence from Graves Engineering, the applicant, and his Civil Engineer.

Motion: To approve and endorse the AsBuilt plan for Accord Building Systems at 80 Providence Road,
T. Connors

2nd: W. Whittier

Vote: 5-0-0

The Board noted the site, particularly the stone wall, looks really nice. Owner, D. Triola, thanked the Board.
(D. Moroney returns to the Board)

Miller Sign Review – 5 Harback Road

The Board reviewed correspondence and plans from B. Miller for replacement of the sign at 5 Harback Road that is currently located in the State Right of Way. The Board asked the Planning Director to ask Mr. Miller the following 1) When does he intend to fix the sign? They asked her to remind him of his May 1 deadline; 2) Please confirm the highest point of the sign will be no more than 14' from the elevation of the catch basin shown on the plan; and 3) please submit exact proposed wording, as the wording shown is the original wording for tenants that are no longer at this location.

Re-execute Lowe Estates Lot Release

J. Hager explained the release of lots in this subdivision was completed many years ago. However, apparently the lot release was lost before it was recorded. It now presents a problem on a pending sale. The attorney has requested the Board re-execute the release so it can be recorded.

Motion: To re-execute the release of lots at Lowe Estates, D. Moroney

2nd: S. Hughes

Vote: 6-0-0

Minutes

Motion: To approve the minutes of 3/09/09, S. Paul

2nd: D. Moroney

Vote: 4-0-2

Motion: To approve the minutes of 3/23/09, T. Connors

2nd: W. Whittier

Vote: 3-0-3

Correspondence – None.

Car Custodian Accessory Use

The Building Commissioner asked the owner of Car Custodian to approach the Board regarding rental of vehicles out of their site on John Road. He was concerned that this use is not allowed in Sutton. The owner sent the Board correspondence explaining that rental is only 3% of his business; therefore he considers it an accessory use. The Board asked the owner to appear at this meeting to discuss the accessory use.

Ray Stone and Dan Riley were present to discuss the accessory use at their site. They stated their primary use is collision repair and RV sales. They have valid licenses for both of these uses. They also operate Budget truck rental and RV rentals out of their site. They explained there is usually about one truck rented per week and 2 RVs per month, with a few more RVs during travel months. He noted it is a tiny part of their business which they initiated just to create more foot traffic at the site to let people know they are in the Industrial Park.

After lengthy discussion, the Board decided to allow the use as an accessory with time limits and conditions.

Motion: To allow the accessory use of RV and truck rental at this location with the condition that an annual report of rentals shall be submitted to the Planning Board each year when the owner is completing paperwork for his license renewals, and the use will only be allowed for a period of three years at which time the Board will review the use and determine if it can continue as an accessory use, D. Moroney

2nd: T. Connors

Paul Tee, a representative of the abutting owner, noted there is a public water supply well head nearby that this owner should be careful about. Mr. Riley and Mr. Stone confirmed their vehicles are parked as far away from the abutting property as possible and they are aware of this resource.

Vote: 6-0-0

Public Hearing – Proposed Bylaw Changes

Telecommunications Bylaw Change – J. Hager explained this bylaw change will reduce the required separation between telecommunication facilities from 2 miles to ½ mile. The change is meant to address gaps in both public safety and commercial cellular and radio communication, particularly on the west side of town and at the school complex. The change can likely allow several more towers in town, but not a great increase. W. Whittier asked if the change expands the Wireless Overlay District. J. Hager responded it does not as they were not able to formulate an overlay district area that makes sense but isn't arbitrary. They will pursue expansion of the district for Fall town meeting.

Motion: To recommend that Town Meeting approve this article, D. Moroney

2nd: W. Whittier

W. Whittier asked if you can get a Special Permit to allow a tower on your land if it's not in the district. J. Hager stated that no, Special Permits are only allowed for the specific special permits uses listed in the Table of Use. Additionally, use variances that would allow you to use your land for a tower if it's outside the district are not allowed in Sutton.

Vote: 6-0-0

Sign Bylaw Changes – J. Hager reviewed various changes to the sign regulations requested by the business community and the Building Department. The changes involved permitting internally illuminated signs and reducing the size of banners as well as one adjustment for “visual clutter” on signs. The sections related to internal illumination allow the use but they have to be smaller than externally illuminated signs as this is a brighter form of lighting. Additionally if a sign is internally illuminated there are guidelines on the type and

color of the background to avoid glare. The Building Commissioner has requested a reduction in the size of banners. While the department attempted to put the Board's current practice of not allowing commercial logos and excessive lettering on signs in clearer terms in the adjustment to section 5.d., Town Counsel made several necessary adjustments based on Freedom of Speech statutes and case law that have watered down the language and clouded the intent of the change.

The majority of Board members thought the language of 5.d. was not useful and should be stricken. T. Connor disagreed, stating at least the language provides room for a discussion to occur.

Ray Stone of Car Custodian noted that allowing logos of products sold or serviced on a sign helps businesses pay for the signs. It's also useful advertising as many people are drawn to locations with specific product and/or services.

Paul Tee of CRV Development noted he is a Planning Board member in Spencer. They limit the size of signs but not the content. They feel if a business owner uses too much wording or logos, he will quickly see how ineffective a cluttered sign can be for advertising.

D. Lavallee of Purgatory Road stated the Board should not be judging signs to this degree.

Motion: To recommend that Town Meeting approve this article with the deletion of section 5.d., S. Paul 2nd;
D. Moroney

Vote: 5-1-0, T. Connors opposed as he felt strongly there should be some provision for this design element

(D. Moroney off the Board possible conflict)

Multiple Uses on One Lot Change – J. Hager explained this proposed change was submitted by Paul Dauphinas and Jim Coull. Their interest is allowing Mr. Dauphinais concrete plant to exist on the same lot as other businesses on the last lot in South Sutton Commerce Park. There isn't enough roadway frontage in the Park to create separate lots on the final 40+ acre parcel. This change would also benefit the Myers situation on Route 146 north.

R. Largess felt this change may water down the intent and design of the Route 146 overlay bylaw, devaluing limited commercial and industrial land.

S. Paul felt the proposed change was reasonable, just like a shopping center, but wondered if it would work as well with industrial uses.

S. Hughes had concerns with how this would work with separate ownership. He felt it may be a "wild west" scenario of conflicting uses.

T. Connors said he was in favor of the change but asked for an explanation of how the Board would ensure open space and density requirements, etc. were still met. J. Hager stated multiple uses on one lot would be just like multiple uses in one structure, like 12 John Road. Each time a new use comes in the Board reviews existing uses and each one's required parking, etc. and makes sure requirements for the building as a whole are met with the new use added in. In the case of multiple uses on one lot, the lot would be owned by one owner who would ultimately be responsible for everything occurring on the site. The Board would review each new use to make sure the parcel as a whole still has adequate open space and parking and setbacks, etc.

W. Whittier had concerns with conflicting businesses and lack of regulation for conflicting uses and separation, other than code, between businesses.

D. Lavallee of Purgatory Road was confident that the Site Plan Review and Special Permit process would allow the Board to adequately police use conflicts and enforce existing regulations.

After extensive discussion, the Board felt uneasy with the lack of regulation in the event that conflicting uses are proposed.

Motion: To recommend that Town Meeting pass over this article until the Fall town meeting, S. Paul 2nd;
S. Hughes

Vote: 5-0-0

(D. Moroney returns to the Board)

(R. Largess off the Board as he is a landowner in the re-zoning area)

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Re-Zoning from I to B-2 at Millbury/Sutton Town Line – Paul Tee of CRV development was present to explain that they are requesting this change, as they did last fall, to allow renovation of the Honey Dew Donuts site to possibly include a gas station use. The article was passed over in the fall as there was an issue with the legal description of the parcel to be re-zoned.

Motion: To recommend that Town Meeting approve this article, D. Moroney

2nd: W. Whittier

Vote: 5-0-0

(R. Largess returns to the Board)

Illicit Discharge Bylaw – J. Hager explained this is a general bylaw change and the Board's recommendation is not necessary. However, she felt as the bylaw is important to the area's natural resources. The bylaw provides local enforcement authority and a fine structure when illegal discharges to the Town's storm water system are detected.

Motion: To recommend the Town Meeting approve this article, D. Moroney

2nd: T. Connors

Vote: 6-0-0

Motion: To Close the public hearing, D. Moroney

2nd: T. Connors

Vote: 6-0-0

Board Business (Cont.)

Motion: To endorse the Dileo Site Plan dated 10/1/08, W. Whittier

2nd: D. Moroney

Vote: 6-0-0

Motion: To Adjourn, S. Hughes

2nd: W. Whittier

Vote: 6-0-0

Adjourned 8:25 P.M.