

**Sutton Planning Board
Minutes
April 12, 2010**

Approved _____

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

Form A Plans:

(W. Whittier steps off the Board)

Whittier – Town Farm Road, etc.

Motion : To endorse the Form A plan for Whittier dated 2/12/10 showing the division of land necessary for the APR voted by Fall Town Meeting 09', no new buildable lots, by D. Moroney

2nd: R. Largess

Vote: 3-0-0

(W. Whittier returns to the Board and S. Hughes arrives)

Dakin – Pierce and Leland Hill Roads

Motion: To endorse the Form A plan for Dakin dated 1/12/10 showing one new buildable lot, by R. Largess

2nd: T. Connors

Vote: 5-0-0

Minutes

Motion: To approve the minutes of 3/22/10, R. Largess

2nd: T. Connors

Vote: 5-0-0

Lackey Dam Estates Surety - J. Hager explained that the applicant has requested and extension of the performance deadline for this open space subdivision. They are not requesting a reduction in the amount of their surety. She confirmed outstanding taxes have been paid.

Motion: To extend the performance deadline in the surety agreement to 5/1/2011, D. Moroney

2nd: W. Whittier

Vote: 5-0-0

100 Lincoln Road Utilities – Retreat Lot: Collin McCullough was present to follow up with the Board regarding his request to waive the requirement for underground utilities for their retreat lot at 100 Lincoln Road. J. Hager had pulled all common drives and retreat lots where the Board required either above ground then underground utilities or vice versa, which National Grid said they could not do in a letter to the McCulloughs. There were eight cases where the Board required a split installation with part of the system above ground and part underground. She DID note that it appears none of the projects where the lines go under then over to the house appear to have been

constructed to date. Ms. Hager added that in speaking with an electrician they noted there is an issue with voltage loss and the need for very oversized transformers with this particular installation. It is also believed that National Grid owns up to the transformer and then the line is private from that point, in which case, in this instance Grid would own (and need to maintain) a significant length of underground line on private property. The Board asked for Mr. McCulloughs indulgence and asked the Planning Director to contact National Grid to see if someone can come explain this situation to the Board at their next meeting. Mr. McCullough will return to the next meeting.

Correspondence/Issues:

Atlas Box Sign – S. Hughes noted the stone base still has not been installed on the Atlas sign and what is there look s like the final finish. J. Hager will contact the owner to determine when the stone work will occur.

Driveways Corp. - S. Hughes noted they are stockpiling asphalt on the lower site again and have equipment that is not on trailers in the upper lot. The Board requested enforcement.

Review Site Plan - Flemings Garage – 32 Boston Road

The Board reviewed the Site Plan for Fleming’s Garage at 32 Boston Road. The plan was prepared by Mrs. Chase’s brother in law a retired engineer.

Motion: To approve the Site Plan for Flemings Garage dated 4/7/10, with the conditions as stated at the Board’s last meeting, W. Whittier

2nd: D. Moroney

Vote: 5-0-0

Public Hearing – Proposed Bylaw Changes

S. Hughes read the hearing notice as it appeared in the Millbury Sutton Chronicle.

Proposed Hydro Bylaws - J. Hager explained that the Town Administrator had requested she formulate a bylaw that would allow small scale hydro power installations both to encourage more forms of renewable energy and also to provide a possible means for dam owners to recoup the cost of continued maintenance of these structures.

R. Largess asked if the bylaw is meant for use on dams only? J. Hager stated the bylaw does not restrict installations to dams only.

Dick Lindstrom of 241 Manchaug Road asked if the bylaw could be adjusted to take into consideration the specific protections afforded to Great Ponds.

Phyllis Charpentier of 20 Irma Jones Road asked about the effect of the bylaw on water rights.

It was noted the bylaw does not override State law or any legal rights and specifically states that installations can not negatively affect flow.

Motion: To recommend that Town Meeting approve these two bylaw with the addition of language that all State Regulations must also be adhered to,
R. Largess
2nd: D. Moroney
Vote: 5-0-0

Proposed Food Processing Bylaw – James Coull, the owner of South Sutton Commerce Park, was present to ask the Board to support a change to the definition of Processing. The current definition only allows for the processing of earth. Mr. Coull felt that the Town is missing out on a huge opportunity for businesses that produce lots of jobs and taxes. He noted various food processing businesses in his Industrial Park in Avon, Stony Brook, including shrimp and fruit processing. He stated he does not have a particular user in mind.

J. Hager noted the Sewer Superintendent does have concerns with capacity issues at the wastewater plant depending on the use.

The use would be permitted in the Industrial Districts and a special permit in the OLI District.

Dave Lavalley of Purgatory Road noted that Snyder's Meat Processing has been in town for years and you would not know they are processing food unless you are in the building.

It was noted food processing is a HIGHLY regulated industry. The Board discussed why Mr. Coull suggested limiting processing of live animals. Mr. Coull said he felt the Town may not want slaughter operations.

Motion: To recommend that Town Meeting approve this article removing the prohibition of processing live animals, R. Largess
2nd: W. Whittier
S. Hughes asked the Board to consider if this is the best use of the limited OLI land.
Vote: 5-0-0

Motion: To close the public hearing, D. Moroney
2nd: W. Whittier
Vote: 5-0-0

Public Hearing - Capital Pizza – 28 Main Street

S. Hughes read the hearing notice as it appeared in the Millbury Sutton Chronicle.

Scott and Aimee Hibbard were present to ask the Board to approve re-use of the existing structure at 28 Main Street in Manchaug for a pizza sandwich shop.

Scott Hughes reviewed departmental comments.

Jeanette Carter of 26 Main Street expressed some concerns with blocking the common driveway they will share. The Hibbards said they will be glad to post no parking signs and make sure the way is kept clear.

The final Site Plan is not complete. D. Lavallee of Andrews Survey said they are working on a plan update that will eliminate most of the waivers that would otherwise be required.

The Board considered the following remaining waivers:

IV.C.4.d. Depiction of structures within 100' across the street.

IV.C.4.j. Drainage system and related storm-water management plan

IV.C.4.k. Topography existing and proposed

IV.C.4.p. Architectural elevations

IV.B. Parking and driveway in the side and rear lot setbacks

Motion: To approve these five waivers having found that either no changes are proposed to these features and or relief can be granted without compromising safety or the intent of the regulations, R. Largess

2nd: W. Whittier

Vote: 5-0-0

Motion: To approve the use of 28 Main Street for a pizza/sandwich shop with the following conditions: R. Largess

1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, particularly the Board of Health and Fire Departments.

2. Prior to endorsement, all plan elements not waived, all waivers granted, and conditions of approval shall be shown on the site plan.

3. Prior to issuance of a certificate of occupancy, information on security systems shall be provided to the Police Department.

4. Prior to occupancy the applicant will install "No Parking" signage along the north drive to the building.

5. Any lighting along the north side of the building will be directed away from the residential neighbors so as not to shine past their property lines.

2nd: D. Moroney

Vote: 5-0-0

Motion: To close the public hearing, R. Largess

2nd: D. Moroney

Vote: 5-0-0

Public Hearing – Sutton Plaza Expansion – Permit Extension

S. Hughes read the hearing notice as it appeared in the Millbury Sutton Chronicle.

Attorney Corey Wilk of Goulston & Storrs was present to ask the Board to extend the time to commence substantial construction by five years. He elaborated that the State is working on commencing off site roadway improvements to Route 146 that are necessary

for both this project and the Cold Spring Brook project to proceed. In the current economy potential retailers can not afford site costs and the 5 million dollars in off site costs that would be necessary for start up. It is anticipated it may take from 3-5 years to complete these improvements.

J. Hager stated the Board can 1) refuse to extend in which a whole new hearing process will be necessary, 2) expend for the requested 5 years , 3) extend for some period between 1 and 5 years, or even expend for a number of years but require yearly contact for updates from the applicant.

R. Largess felt it is very important to have annual contact with the applicant.

D. Moroney asked about other permitting extensions like storm-water, etc.

W. Whittier said he agreed regular contact is important for continuity he pointed out that if they gave a blanket five year extension, many of the current members may not even still be on the Board and continuity and knowledge of the project would be lost.

S. Hughes said he was disappointed that Stop & Shop is not proceeding when they were aware of the off site costs to begin with and now they are asking the State (residents) to pick up these costs.

It was noted the hearing notice and certified mailing costs for each extension are significant.

Motion: To grant a one year extension of the three permits, with only first class notice to abutters and published hearing notice required for future extensions, W. Whittier
2nd: D. Morney
Vote: 5-0-0

Motion: To Adjourn, D. Moroney
2nd: R. Largess
Vote: 5-0-0

Adjourned 8:55 P.M.