

**Sutton Planning Board  
Minutes  
April 26, 2010**

Approved \_\_\_\_\_

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

**Form A Plans:** None

**Minutes**

Motion: To approve the minutes of 4/12/10, D. Moroney  
2<sup>nd</sup>: W. Whittier  
Vote: 4-0-1, S. Paul abstained as he wasn't present on 4/12

(R. Largess arrives)

**Ebenezer Burnap AsBuilt Approval** – The Board review correspondence from Graves Engineering. It was confirmed that occasional standing water at 11 Olivia Lane appears to be runoff from the yard pooling against the detention pond berm and not water that has overtopped the pond berm.

Motion: To approve the AsBuilt plan for Ebenezer Burnap Farms, W. Whittier  
2<sup>nd</sup>: S. Paul  
Vote: 6-0-0

**National Grid AsBuilt Approval** – Tabled to future Board meeting.

**100 Lincoln Road Retreat Lot – Underground Utilities** – 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 noted that Scott Farrar from National Grid was unable to attend due to medical reasons. She proceed to explain to the Board issues with overhead and underground utility installations. Overhead utilities cost less to install and maintain, but regular trimming is necessary. Underground utilities cost more to install and maintain, but there is no regular maintenance cost. Loss of voltage is a function of the length of a line, not whether a line is installed overhead or underground. After 300' the line begins to experience voltage loss. The representative that responded to Mr. McCullough was right in that the type of installation requested, underground to the wetland and then overhead to the home, IS not typical and it IS the company policy to deny such requests. However, Mr. Farrar stated that noting it is a Town regulation that utilities on retreat lots SHALL be underground changes the company's consideration. They ARE having their engineering department take another look at what the Board approved and will try to accommodate, but the customer is likely to pick up any cost increases. The Board discussed the issue and re-affirmed their previous decision to allow overhead lines from 100 before the wetland to the home with the remainder of the line from the road being underground.

The Board asked J. Hager to convey to N Grid that Mr. McCullough has waited a long time for this decision and any assistance they can provide in expediting the installation is appreciated.

**Wilkinsonville Water Filtration Plant AsBuilt** – Tabled to future Board meeting.

**Endorse Capital Pizza Site Plan – 28 Main Street –**

Motion: To endorse the Site Plan for Capital Pizza dated 4/25/10, R. Largess  
2<sup>nd</sup>: W. Whittier  
Vote: 6-0-0

**Correspondence/Issues:**

Meeting Switch – The Board changed their May meetings from the 3<sup>rd</sup> and 17<sup>th</sup> to the 10<sup>th</sup> (before Town Meeting) and 24<sup>th</sup>.

Sumner Accessory Apartment Design Change - The Board review a design change for the previously approved accessory apartment on Burbank Road. It was noted the only concern during the hearing was the proximity of the addition to the neighbor's lot line. The revised design is no closer to this lot line and actually puts less of the structure near the line. Additionally, it eliminates side entrances on this side of the lot. While the design is different, the square footage is substantially the same.

Motion: To approve the revised design dated 4/12/10, D. Moroney  
2<sup>nd</sup>: R. Largess  
Vote: 6-0-0

Family Entertainment in Oxford - Oxford is reviewing an application for a “family entertainment facility”. J. Hager is awaiting a call to see what that entails and will report back to the Board.

Agri-tourism – Northbridge is considering a bylaw change to promote “agri-tourism” J. Hager is awaiting a copy of the proposal for the Board to consider.

(W. Whittier steps off the Board as he is on the abutters list)

**Public Hearing – Botty Accessory Apartment – 18 Waters Road**

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

Carol Botty was present to explain that the house was original designed with an apartment which has been in place and utilized for nearly 26 years. She wants to make sure the apartment is fully legitimized. She stated her tax bill has always been for a two family home. The apartment is 900 s.f. with a 96 s.f. deck.

S. Hughes read departmental comments, most of which Carol has already addressed.

Cathy Romasco of 17 Waters Road was opposed to legitimizing the apartment. She noted she and her husband moved into the neighborhood because of its quaint, historic, country single family nature. Giving legal weight to this type of income producing use changes the nature of the property and the neighborhood. She noted the property in question is on the market.

J. Hager reviewed the accessory apartment bylaw enacted by Sutton residents several years ago. She stressed that the Sutton bylaw is not an "In Law" apartment bylaw as you can not effectively enforce a provision requiring a tenant be related to the owner. What has proved most effective in the Sutton bylaw is the requirement that the owner remain living in the home with the tenant to whom they "rent".

Tom Manahan of 23 Waters Road noted that many of the parcels on the road have deed restrictions which limit their design and use. C. Botty said her deed does not have this restriction.

Michael Gagner of 6 Waters Road agreed that the deed restrictions call for colonial style homes, etc. He asked if the restriction required an element that wasn't legal, what would control? J. Hager stated any building has to comply with State Building Code to be legal.

The Board discussed whether they should check the Botty deeds to see if there are any restrictions and if so, seek Counsel on whether the town regulations supersede deed restrictions or vice versa.

W. Whittier of 7 Douglas Pike noted the apartment has been in place for 26 years and he doubted if even a deed restriction could change this now. The applicant isn't asking to change anything, she is just asking for what has always been there to be permitted.

**Motion:** To grant the Special Permit for the Botty accessory apartment with the following condition: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.

**2<sup>nd</sup>:** D. Moroney

**Vote:** 4-1-0, S. Hughes was opposed as he felt the Board should check the deed.

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

**2<sup>nd</sup>:** D. Moroney

**Vote:** 5-0-0

**Motion:** To Adjourn, S. Paul

**2<sup>nd</sup>:** S. Hughes

**Vote:** 5-0-0

Adjourned 8:07 P.M.