

Sutton Planning Board
September 13, 2010
Minutes

Approved _____

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

General Business:

Form A Plans - No Form A Plans.

Minutes

Motion: To approve the minutes of 8/23/10, D. Moroney
2nd: W. Whittier
Vote: 4-0-1, S. Paul abstains as he wasn't present

Endorse Mill Store tea Room Site Plan – Tabled to future meeting.

(R. Largess arrives)

Waiver of Site Plan Review Request – Kevcon Ins. 184 W/P Turnpike

John Riel from J.R. Associates Design Services was present to request the Board waive Site Plan Review and allow him to convert the former Curves building on Route 146 south to an insurance company office. He stated they will be renovating the second floor to raise the roof which will add no more than 100 s.f., but other than that, will do no changes to the site. The parking needs and traffic are expected to be significantly less as this is a much less intensive use.

Motion: To waive Site Plan Review and allow the use of 184 Worcester Providence Turnpike as an insurance company, D. Moroney
2nd: W. Whittier
Vote: 5-0-1, R. Largess abstained as he wasn't present for the entire discussion

Correspondence/Other

Act Relative to Economic Development Reorganization: J. Hager explained that back in August the Governor signed and Act into law that automatically extends for two years the term of any permits that were granted and/or legally in place during the period of August 15, 2008 to August 15, 2010. As a result, various permits that were granted and/or extended by the Board now have an additional two years to commence substantial construction/use. The Board reviewed a letter to the Blue Jay extending their permit to August of 2011. Many other projects will also be issued similar letters.

(D. Moroney steps off the Board due to conflict as an abutter)

Public Hearing – Stone Crushers Transmission – 5 Harback Road

Robert Miller returned to the Board with a revised plan meant to address the Board's concerns from the last meeting. The Planning Director had not seen this plan.

The Board discussed waivers that are required. The Board noted the dumpster needs to be screened.

No signage may be installed above the roof line and any signage may only be as large in s.f. as the lineal feet of the wall it is mounted on.

There is now a mobile office trailer shown on the plan for Creative Signs and/or Affordable Septic. J. Hager noted that, other than temporary construction trailers, she does not believe this type of trailer is allowed in Sutton. It was noted as long as each of the businesses shown on the sign have equipment and/or supplies at the site and do a portion of their business out of the site, their names may remain on the sign.

After continued discussion, the Board noted much of the discussion should have taken place in the office of the Planning Director prior to this meeting, and as the Board is now late for two public hearings and has more after that, they told Mr. Miller to meet with the Planning Director and resolve all of these issues and return only when things are settled.

Motion: To continue the hearing to 10/4/10 at 7:10 PM, W. Whittier
2nd: S. Paul
Vote: 4-0-0
(D. Moroney returns to the Board)

Public Hearing – Accessory Apartment – 92 Hartness Road

T. Connors read the hearing notice as it appeared in The Chronicle.

J. Hager noted that the applicant has requested a continuance to allow them time to revise plans based on departmental and neighbors concerns. It is her understanding the applicant intends to eliminate the proposed addition and put the accessory apartment over the existing garage.

Motion: To continue the hearing to 10/04/10 at 7:15 PM, R. Largess
2nd: W. Whittier
Vote: 4-0-0

Public Hearing – Proposed Bylaw Changes

T. Connors read the hearing notice as it appeared in the Chronicle waiving the detailed reading of each article description.

J. Hager reviewed proposed bylaw changes with the Board. The Board and the audience had little comment on the articles proposed by the Board/Department.

Mrs. VanDyke, owner of the land at 77 Barnett Road, was present regarding her re-zoning request. J. Hager explained her parcel is partially Rural Residential(R-1) and partially Office Light Industrial(OLI). There isn't enough room to get a house in on the R-1 portion of the lot, and she can't utilize the OLI part of the lot as it can not have access through the R-1 District.

Therefore, she would like to re-zone the lot so the entire lot is R-1 so it can be used as a house lot. J. Hager checked to make sure that none of the structures in the Industrial Park will be made non-conforming by changing the location of the Zoning District lines in this area.

Mr. Sadowski, one of the owners of the Blue Jay property, was present to explain to the Board why he wants to re-zone his parcel at 498 Central Turnpike from Rural Residential (R-1) to Village (V).

He stated this lot, with its condition and location, is not a saleable residential lot. He stated even with the extension to August of 2011, he does not feel this is enough time in this economy for a party to purchase and start construction on this lot. Village zoning will allow a type of use that will be appropriate for this lot and location.

The Board reviewed the types of uses that are allowed in the Village District. R. Largess asked if the petitioner had contacted the neighbors about the re-zoning. Mr. Parent, realtor for the property, stated only Mr. LeClaire of Benjamin Insurance had been contacted. R. Largess suggested they should directly contact each neighbor to learn their concerns.

S. Paul noted the Village District allows smaller lots and may allow this lot to be divided. He also had questions about spot zoning. J. Hager noted that the Attorney General currently takes a much less rigorous stance on spot zoning, preferring to let the will of Town Meeting stand, and allowing the courts to address any issues of spot zoning. S. Paul noted the site is currently an eyesore. He also noted most of the uses in the Village district are controlled through the Special Permit process.

Hearing no more input on the proposed bylaws, the Board tabled their vote on the articles to the end of the meeting on order to proceed with other scheduled public hearings.

Public Hearing – Common Driveway – Putnam Hill Road

T. Connors read the hearing notice as it appeared in The Chronicle.

J. Howland of JH Engineering Group was present to explain his client's application. He stated that several years back a common driveway was proposed and approved at this location. While the original driveway was proposed with three lots, one had to be removed as it lacked legal frontage. The owner has now acquired the legal frontage for this third lot and requests the common driveway Special Permit be amended to include this third lot.

The Board reviewed departmental comments. No one else was present to comment.

- Motion:** To grant the amendment to the Common Driveway Special Permit allowing an additional lot with the following conditions: D. Moroney
1. Approval of all other local, state and federal boards and commissions
 2. The deed to Lot 4 shall contain a restriction that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded deed shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
 3. The house numbers of the lots serviced by the common driveway shall be clearly posted at both Putnam Hill Road and the split in the common driveway.

2nd: S. Paul
Vote: 6-0-0

Motion: To close the public hearing, W. Whittier
2nd: S. Paul
Vote: 6-0-0

Public Hearing – Turflinks Retail – 37 Gilmore Drive

T. Connors read the hearing notice as it appeared in The Chronicle.

Kelly Cardoza of Avalon consulting was present with Kevin Lyons of Turflinks regarding their request to add retail sales at this location.

The Board previously permitted 2,900 s.f. to be converted to sales and marketing space for wholesale sales. With the current economy and interest that’s been expressed, Mr. Lyons would like to include retail sales as well.

The Board briefly addressed a request to consider allowing additional signage as Turflinks service business is legally distinct from Turflinks Equipment. The Board agreed these are separate businesses that may have distinct signs.

Ms. Cardoza reviewed adjustments that have been made to the plans since the Board last saw them, including showing the storage trailers on the site. It was noted, while a limited number of trailers can be allowed as an accessory use, they are intended to be temporary. If the business needs this additional space all the time, they need to plan for an expansion of the structure. It is unlikely that the Board will allow additional trailers than those shown, and would prefer they be reduced and/or eliminated.

The Board reviewed waiver requests.

Motion: To grant the waiver from Section 4.d. to not show the underlying dimensional requirements, D. Moroney
2nd: W. Whittier
Vote: 1-5-0, motion fails – dimensional requirements must be added to the plans

Motion: To deny the waiver request from Section 4.e. and make the applicant show the height of the building on the plan, S. Paul
2nd: J. Anderson
Vote: 6-0-0

K. Cardoza interjected that the Town has plans officially on file that show all of the elements for which she is requesting waivers. The Town has this information, but because she isn’t adjusting these elements she is requesting not to have to show them on yet another set of plans. She noted it’s a matter of “how many trees the Board wants her to kill”. The Board verified that existing record plans contain these items.

It was noted the man lights on the building needs hood installed to block glare from spilling onto adjacent properties and from being seen from off site.

Motion: To reconsider previous waiver motions and make a finding that waiver request from showing items as required in 4.d, 4.e., 4.g., 4.l. & 4.p. on this plan are not necessary, as these elements are shown on record plans already officially on file with the Town,
D. Moroney
2nd: S. Paul
Vote: 6-0-0

It was noted the hours of operation will not change. The store is currently open weekdays and until 1 PM on Saturdays.

Motion: To approve the amendments to the Site Plan and Route 146 Overlay District Special Permit with the following conditions, D. Moroney
1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments
2nd: S. Paul
Vote: 6-0-0

Motion: To close the public hearing, W. Whittier
2nd: S. Paul
Vote: 6-0-0

Public Hearing – Proposed Bylaw Changes (Cont.)

Article A

Motion: To recommend that Town Meeting approve this article, D. Moroney
2nd: S. Paul
Vote: 6-0-0

Article B

Motion: To recommend that Town Meeting approve this article, D. Moroney
2nd: S. Paul
Vote: 6-0-0

Article C

Motion: To recommend that Town Meeting approve this article, D. Moroney
2nd: S. Paul
Vote: 6-0-0

Article D

Motion: To recommend that Town Meeting approve this article, D. Moroney
2nd: S. Paul
Vote: 6-0-0

Article E & F

Motion: To recommend that Town Meeting approve this article, D. Moroney
2nd: S. Paul
Vote: 6-0-0

Article G

Motion: To recommend that Town Meeting approve this article, R. Largess
2nd: W. Whittier
Vote: 6-0-0

Article H

Motion: To recommend that Town Meeting approve this article, D. Moroney
2nd: W. Whittier
Vote: 6-0-0

Article I

Motion: To recommend that Town Meeting approve this article, R. Largess
2nd: D. Moroney
Vote: 6-0-0

The renewable energy article has been verified to not be necessary as existing bylaws allow manufacture and R & D of renewable energy already.

Article Barnett Re-Zoning

Motion: To recommend that Town Meeting approve this article, S. Paul
2nd: D. Moroney
Vote: 6-0-0

Article Blue Jay Re-Zoning

Motion: To recommend that Town Meeting approve this article, S. Paul
2nd: D. Moroney

S. Paul re-asserted that the site is an eyesore, and that in the Village District most uses have Special Permit controls.

While the other members agreed, W. Whittier noted that he felt the Board should think about the precedent they were setting by supporting re-zoning of such a tiny area. Anyone could now propose to re-zone their individual lot for whatever purpose they choose. R. Largess added this isn't the vision of how "village" zoning should be utilized. He continued by stating if the owners of the other three corners and the residents in the area wanted to re-zone the larger area, he would be fine with the proposal, but doesn't think the Board should support what is proposed in order to get the owner out of a lousy investment. The other Board members agreed the proposal just wasn't good planning.

Vote: 0-6-0, motion fails – The Board DOES NOT recommend Town Meeting approve this article.

Motion: To close the hearing, D. Moroney
2nd: S. Paul
Vote: 6-0-0

Motion: To Adjourn, W. Whittier
2nd: D. Moroney
Vote: 6-0-0

Adjourned 9:10 PM