

Sutton Planning Board
March 14, 2011
Minutes

Approved _____

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

General Business:

Minutes

Motion: To approve the minutes of 2/3/11 as corrected, D. Moroney
2nd: W. Whittier
Vote: 5-0-1, J. Anderson abstains as he wasn't present

Form A Plans None

Correspondence/Other:

The Planning Director reminded the Board that there is a citizen planner training at Holy Cross on March 19th if they wish to attend. J. Anderson will be attending the Mass Land Conservation Conference in Worcester and will report back to the Board on that meeting.

The Planning Director updated the Board on the last Master Plan session. She noted the Committee reviewed goals and objectives from the 1992 master Plan and found that most of the goals have been accomplished. A number of goals will be carried forward and a few were found to be obsolete.

Public Hearing – Fields Accessory Apartment – 458 Boston Road

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

J. Hager explained the applicant has requested an accessory apartment of approximately 1,000 s.f. She reviewed how the unit will be connected to the main structure. It was noted while not visible from the street, if the structure was visible, no garages would be visible except for the proposed garage which is actually a future endeavor. The floor plan was also reviewed.

R. Largess read comments from various departments.

Applicant David Fields noted he has contacted each department that has made comments and has a revised septic design ready to go should the Board approve his application.

R. Largess reviewed the history of accessory apartments and the importance of having their presence on the books for safety reasons as well as to provide another form of housing, while maintaining the appearance of Sutton's single family neighborhoods

James and Monica Ettamarna of 28 Eight Lots Road noted that their property backs up to this property putting their home about 200 feet from the applicants. They said the proposed addition is too large and asked why the applicant couldn't eliminate the breezeway? Mr. Field noted the structures must be attached to meet the requirements of the bylaw. Mrs. Ettamarna questioned why the addition for the apartment appears to be about 1,968 s.f., when the bylaw only allows 1,200, adding that the bylaws say nothing is excluded, so the garage and breezeway should also be included. J. Hager noted that the majority of the sitting Board were the ones who drafted the bylaw so they are clear on the intent. The area of garages and building attachments has never been included as these areas aren't a regular habitable portion of the apartment. Storage space, other than unfinished basements, is now included as it is considered to be used regularly and/or can be converted easily to habitable space in the future. She stated the Bylaw needs to be clarified. The Board will take up clarification of this bylaw in the Fall.

Mr. Field noted that there is already an approved building permit for the structure without the small garage bump out and the breezeway. Therefore, what he could build as of right tomorrow, is nearly the same structure.

Joy Reece of 20 Eight Lots Road asked how anyone would know if this becomes a home business? J. Hager responded if the neighbors seen signs that a business is operating out of the unit, they can contact the Town Hall. The Building Commissioner will investigate and determine whether there is a business and if it is a home occupation, carried on only by the owners with few or no clients coming to the home which is allowed as of right in Sutton, or if it is a home business which is carried on by the owners and up to 2 full time employees and has clients regularly coming to the home, altering the nature of the single family dwelling. If a home business is discovered it will be terminated until it goes through a Special Permit procedure and receives approval.

George Morgan of 454 Boston Road questioned the ability to establish two family structures in the rural residential district. J. Hager noted that the Board and the residents who voted to adopt this bylaw at Town Meeting did not feel accessory apartments, particularly with the required restrictions, qualifies a structure as two family. There are distinct differences between this use and an actual two family home. He asked if this type of unit can be established anywhere in town? She stated yes. He stated residents should be aware of this! She noted residents need to become familiar with their bylaw and set aside one evening in the Fall each year to attend Fall Town Meeting so they are aware of bylaw changes. She noted the department would consider ways of letting new residents know about town bylaws.

J. Reece also noted there is a deed restriction on the McLaren lots state structures can only be used for single family homes. She asked if the town bylaw negates the deed restriction? J. Hager stated the Board does not regulate or enforce deed restrictions, this is a private matter that needs to be dealt with between the applicant and anyone who feels they are violating the provision of the deed.

David Lopez of 460 Boston Road asked how many people will be in this unit. Mr. Field stated his mom will be occupying this unit. It was noted the occupant does not have to be related to the

owner as that is not enforceable, but that the number of people living in a unit is enforceable and is capped at 2 people.

On concerns about septic system design changes, it was noted there is a public process for any upgrades. The Board of Health will carefully consider the effects of any upgrades. The applicant will have to consult with the Conservation Commission if resource area impacts are anticipated and likely go through a public hearing process.

J. Ettamarna asked what happens if the breezeway is taken down in the future? J. Hager stated enforcement would be done. D. Fields noted the addition is actually being built so it can be easily converted into a carriage house as was originally intended. The windows are actually framed out for a garage door opening.

Mr. Morgan asked about how abutters would be informed about decisions on this project, going forward. J. Hager explained the Planning Board decision process and noted Board of Health and Conservation meetings are public with notice to abutters in many cases, and that both offices are open five days a week for inquiries.

Motion: To approve the 1,008 s.f. accessory apartment at 458 Boston Road with the following condition: D. Moroney

1. Approval of all other local, state and federal departments, boards and commissions, especially the Board of Health, Fire Department, Police Department, and Conservation Commission.

2nd: R. Largess

W. Whittier noted he had visited the site and that he felt that the proposed unit meets the requirements of the bylaw, therefore he supports the application.

Vote: 6-0-0

Motion: To close the public hearing, D. Moroney

2nd: W. Whittier

Vote: 6-0-0

Executive Session – Potential Litigation

Motion: To adjourn into Executive Session under the provisions of c.30A§21 - #3, to discuss matters of strategy with respect to potential litigation where discussion in open meeting may have a detrimental effect on the town's position, T. Connors

2nd: D. Moroney

Vote: The Clerk, W. Whittier, administered a roll call vote of the Board:
R. Largess – yes, D. Moroney – yes, T. Connors – yes, S. Paul, Yes,
J. Anderson – yes, W. Whittier - yes

Adjourned into Executive Session at 7:50 PM