

**Sutton Planning Board
September 12, 2011
Minutes**

Approved _____

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

General Business:

Minutes

Motion: To approve minutes of 8/22/11, J. Anderson
2nd: R. Largess
Vote: 5-0-0

Form A Plans – None.

Preliminary Plan Filing – Ruth 191 Hartness Road

The Board acknowledged the legal filing of this preliminary plan showing 6 house lots off Hartness Road.

Atlas Box Expansion

J. Hager noted that the Atlas Box is preparing to begin their expansion of approximately 168,000 s.f. The original site plan approval by the Board included approximately 129,000 s.f. of this proposed expansion. The expansion is purely warehouse space, generating approximately ten additional employees. Because of the increase of approximately 39,000 s.f., they will need a waiver on parking from 342 spaces down to 270 spaces, a shortage of 72 spaces. However, they note that Sutton's regulations require 145 of these spaces just for warehouse area, when the warehouse area does not generate anywhere near this number of employees, particularly on one shift. It was noted as parking was an issue at the Providence Road site, the Board will have to carefully consider this request.

The Board ruled that no formal public hearing will be necessary as the bulk of this addition was previously approved. However, they will notify all legal abutters by first class mail. The stressed that existing sound issues need to be resolved immediately and that it is likely they will not sign off on any future building permits until the sound issue is completely rectified.

Laplante Way Covenant Release – Tabled to next meeting.

Paving/Underground utilities Waiver – 297 Manchaug Road Retreat Lot – Tabled to next meeting.

Correspondence/Other:

Chase Harris Concerns – The Board reviewed an e-mail from a resident of Dudley Road concerned about Chase Harris vehicles using her portion of Dudley Road. The travel route she described however was the exact route the Board restricted Chase Harris vehicles to utilize. Regardless of the fact that the vehicles are not technically in violation of any approvals, they requested the Planning Director notify Chase Harris of the complaint. It was noted Dudley Road is the dividing line between the residential and industrial district and therefore there are bound to be conflicts along the roadway as it can legally be used for both forms of traffic.

Public Hearing - Proposed Bylaw Changes

The Board reviewed proposed bylaws. Four of five bylaws deal with renewable energy resources and particularly solar photovoltaic installations. One article creates a new Renewable Energy Resources section in the Table of Uses, one article moves wind turbines and small hydro into this section, one establishes specific review and construction standards for photovoltaic installations over 250kW, and one adds this use as an allowed use in all non-residential districts, with smaller installations allowed everywhere. The fifth article states where charitable donation boxes, like those for the Salvation Army, may be located.

Based on complaints, the Planning Director was requested by the Town Administrator to formulate a bylaw regulating the placement of charitable donation boxes and bring it to the Board for consideration. There was extensive discussion about the definition of "charitable donation boxes" as well as the issues with the boxes. It was noted the issue appears to be the size, location and color of these boxes, although there was discussion about non-profits vs. others. At their last meeting the Board decided there were likely too many open issues for this bylaw to proceed to fall town meeting, however, they offered that the Planning Director would assist the Administrator and/or Board of Selectmen if they wished to pursue and article further. J. Hager noted it appears the Selectmen have decided not to pursue an article for Fall Town Meeting.

T. Connors stressed that because of the way Sutton's bylaw is set up, if a use is not specifically listed, it is not allowed. Therefore, charitable donation boxes are currently not allowed. This proposed change would allow the boxes. He wasn't sure this was a good course of action.

Greg Johnson of 12 Andrews Drive asked for a more in depth explanation of Sutton's permissive bylaw as noted by T. Connors. J. Hager provided further explanation, adding the Building Commissioner has the ability to do enforcement now, but is hesitant to do so as he would feel obligated to do enforcement town-wide, which would cause a problem at locations like St. Marks and the transfer station where the boy scouts have donation boxes.

Bob Recore of 302 Boston Road stated if this use is to be allowed it should go through the same review process as other uses with notification to and input from abutters. He felt the term "charitable" should not be part of the use name.

Dean Messier of 32 Dudley Lane asked for more information about Town Counsel's position on this use. J. Hager stated that Counsel stressed that in cases where a land owners receives rent or other monetary compensation to place a donation box on their property, that although there may be a charitable side of the transaction IE: a church using the rent to further their charitable mission, the other very commercial side of this transaction must be considered. This being considered, this type of box cannot be considered an accessory use. Mr. Messier noted one of their boxes is strictly for donation of sporting goods which are re-distributed within the community.

Deb Larsen of 32 Wachusett Drive stated she can understand concerns when a box serves as a mini dumpster. However, she said the Town should be cautious and is on a slippery slope when its actions interfere with the mission of the church.

Doug Reid of 109 Purgatory Road asked about the Special Permit process. It was explained this process requires notification to abutters and a legal ad and the granting authority can say yes or no with or without conditions to a particular proposed use.

It was suggested perhaps this should be a general bylaw with basic guidelines where the Building Inspector decides whether a particular box conforms or does not.

Reverend Victoria Snow of 161 Burbank Road for the Congregation Church, stated they have confirmed their boxes are on their property and they have tried to work with their neighbors, shifting the location of the boxes and placing the more brightly colored box behind the other box.

J. Anderson stated he felt the use should be brought to Town Meeting as a special permit process to at least allow a discussion and to safeguard existing beneficial donation boxes.

There was discussion on the term “non-profit” and what that means and the difficulty in being the person who has to make that determination.

Carl Licopoli of 22 Fuller Road, speaking as Town Moderator, stated if the answers to the questions that have been raised cannot be answered before Town Meeting the article should be tabled to a future meeting as the confusion will defeat the article regardless.

Paul Schaefer of 10 Uxbridge felt the definition of ancillary use should be adjusted to encompass this type of situation.

Motion: To pass on the charitable donation box article until at least Spring, R. Largess
2nd: T. Connors
Vote: 5-0-0

To gain perspective on how much power 250kW is, J. Hager stated that Christine Hicks of Burbank Road, who used to work for N Grid, had informed her that the St. Gobain/Norton plant in Worcester uses about 250kW per month.

Motion: To recommend that Town Meeting adopt the two housekeeping articles regarding renewable energy with edits recommended by Town Counsel, R. Largess
2nd: W. Whittier
Vote: 5-0-0

Motion: To recommend that Town Meeting adopt the two articles regarding photovoltaic installations with edits recommended by Town Counsel, W. Whittier
2nd: J. Anderson
Vote: 5-0-0

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

Motion: To adjourn, W. Whittier
2nd: J. Anderson
Vote: 5-0-0

Adjourned 8:45 PM