

Sutton Planning Board
Minutes
November 21, 2011

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

General Business:

Motion: To approve the minutes of 11/07/11, D. Moroney
2nd: J. Anderson
Vote: 5-0-0

Form A Plans – None.

Filing: Lifesong Church – The Board acknowledged the legal filing of a Site Plan application to convert the former Schwan Food building at 65 Gilmore Drive in South Sutton Commerce Park to a church. It was noted that c.40A Section 3 exempts churches from zoning therefore they can be located anywhere but must meet reasonable regulations to ensure their safe operation.

(D. Moroney recused due to a conflict as an abutting business owner)

Zorena Site Plan Review Waiver – 6 Harback Road – John Grenier of Grenier Construction and Michael Zorena were present to request a waiver of Site Plan review to re-build the structure at 6 Harback Road with a 5,000 s.f. addition. The use, warehousing of event staging, will remain the same.

Mr. Grenier explained that last winter the roof of this 1972 building collapsed due to snow and ice load. They propped up the roof and stabilized it and began the claims process with the insurance company. It wasn't until September that the insurance company agreed to make a partial payment for the collapse of the roof. In order to secure the remaining financing Mr. Zorena had to include the addition. His tenant also needs some additional storage.

The new structure will go on the same location as the old structure and will be the same size except for the 5,000 s.f. addition. The old building was approximately 20' high and the new building will be a maximum of 28.5' high. The front of the structure will contain a two story office for the business. The building is located in a hole beside Route 146 north. Currently you can only see the roof if you try. It is anticipated you will still only see the roof, which the owner has agreed to make dark green to help it blend better than the current rusted white roof.

T. Connor felt for consistency that a public hearing should be required. Mr. Zorena noted they have to have the new building up by April or his current tenant will have to re-locate. J. Hager stated she would agree if this was a change in use, but the use will remain the same and the structure will be very similar in size at the same location only new and more aesthetic.

R. Largess stated he wants to be consistent but not redundant. If neighbors were to appear at a hearing what would their concerns be? What would be gained? D. Moroney interjected as a neighbor and abutter that Mr. Zorena has been a great neighbor, the current structure is un-safe and the use isn't changing. He felt that holding up the re-build would be a mistake.

Motion: To waive Site Plan Review subject to the approval of all other applicable Departments, Boards and Commissions, R. Largess
2nd: W. Whittier
Vote: 3-1-0, T. Connors opposed as he felt for consistency this project should have a hearing

(D. Moroney and J. Anderson recused due to conflict as abutters)

Chapter 61A – Cronin – 169 Eight Lots Road: J. Hager explained that the Assessors and Selectmen will resolve whether the offer on this property is in the correct form. However, this is not germane to whether the Planning Board feels the Town should exercise its first right of refusal and purchase the property. The Selectmen would like to have the Planning Board opinion on whether this is a worthy parcel to consider for purchase and why and they will resolve the technical legal issues. The Board was reminded that the State has been interested in purchase of this property for some time and it may be possible to transfer the Town's first right of refusal to the State. The majority of the Board agreed that this is a valuable piece of property particularly as it abuts the Stockwell Pond system. They felt it is worthy of protection and felt if it's possible to have the State purchase it this is the best option to keep it open with little or no financial impact to the Town.

(All members returned to the Board)

Maki Zoning Discussion

Robert and Verna Maki were present with Forester Christian Krueger to speak with the Board about possible adjustments to the solar bylaw that would allow their planned solar project to proceed.

Mr. Maki stressed the tree farm operation is operating at a loss and that they must supplement their income for the tree farm use to continue.

Mr. Krueger stated he has been the Maki's forester for quite some time. Mr. Maki enlisted him to work with Eosol Americas on a potential solar installation on a 40 acre portion of their 150 acre property. Mr. Krueger noted they ran into endangered species issues and this is why they hadn't been back to the Board for a while. There was never an intent to abandon the project, they just needed to deal with this issue and he thought he had told this to Jen Hager in a June office meeting. The eastern box turtle was supposed to be on the property, but after much study, the National Heritage maps will be adjusted showing this area isn't their natural habitat.

Mr. Krueger stressed the new bylaw appears to be targeted to smaller parcels when what is proposed on the Maki parcel, because of the large overall acreage, is very concealed. He expressed surprise that a Green Community would be prohibiting solar installations. He noted this type of installation brings taxes without the expenses of homes and no adverse impact.

J. Anderson interjected that a large installation can have adverse impacts when woods are cut down for these installations and gravel is hauled in covering valuable agricultural soil, there is an impact to habitat and land value.

R. Largess added that before a year ago when the State started offering incentives, large scale photovoltaics weren't even out there. He stressed it is impossible to create a bylaw that works perfectly for all situations. He stated if Mr. Maki can come up with a bylaw adjustment that addresses the concerns that citizens have with large installations but still works on his property, he will gladly support that effort.

It was noted that the existing bylaw grew out of concerns with both the Colonial Road and Eight Lots Road solar proposals. Mr. Maki's project was the third prospective solar farm. D. Moroney stressed that even as an abutter, he didn't have an issues with the Eight Lots adjusted proposal, but there were concerns that made it to a bylaw that is now in place. Unless a new bylaw is put in place, the Board has to live by this bylaw. T. Connors and J. Anderson concurred.

W. Whittier said he was sorry Mr. Maki wasn't aware of the proposed bylaw change, and like Mr. Largess, if he can craft an adjustment that works, he is happy to support adjusting the current bylaw.

Mr. Maki asked if adjusting the bylaws so large solar is allowed in residential but only on parcels over a certain size would work? The majority of the Board agreed the Planning Director can work with Mr. Maki to craft a bylaw amendment that maintains control over existing concerns while trying to allow the type of project Mr. Maki proposes.

Chapter 61A – Maki – Dewitt Road: The majority of the Board agreed that this land is also valuable and the Selectmen should consider if it is financial feasible to purchase it if they find this is an option.

Correspondence/Other- None

Motion: To adjourn: D. Moroney
2nd: W. Whittier
Vote: 5-0-0

Adjourned 8:08 PM