

Sutton Planning Board
Minutes
February 6, 2012

Approved _____

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

General Business:

Motion: To approve the minutes of 1/23/12, D. Moroney
2nd: W. Whittier
Vote: 4-0-0

Form A Plans: None

Endorse Dean Farm Covenant: J. Hager Reminded the Board this was a two lot subdivision off Lincoln Road which is an extension of an old public road layout called Dean Farm Road. The Board's approval of this project back in 1999 went to court but was eventually dropped after the litigant passed away. The Board has previously signed this covenant, but as it was not recorded, and now the applicant wishes to begin construction, the board needs to update their signature so the document can be recorded.

Motion: To endorse the Covenant for Dean Farm dated 1/25/12, D. Moroney
2nd: W. Whittier
Vote: 4-0-0

(R. Largess arrives)

Possible Bakery: Bonnie Mochun of Paul's Bakery was present to speak with the Board about the procedure to relocate her Millbury bakery/restaurant to 140 Worcester Providence Turnpike/Sutton Station. She told the Board she would have a retail and wholesale bakery with limited eat in seating and will also offer catering. Ms. Mochun was cautioned that she needs to check with the Board of Health regarding the need for a public water supply permit. The majority of the Board agreed Ms. Mochun would need a stamped plan and would need to go through a public hearing process for a store selling goods to the public with accessory restaurant and catering.

Endorse Lifesong Site Plan:

Motion: To endorse the plans for Lifesong Church noting that an AsBuilt plan will have to be submitted and approved immediately after site changes are complete and that these plans must show the final relocation of electric service as that is not currently known,
R. Largess
2nd: W. Whittier
Vote: 5-0-0

Turflinks Operational Adjustments: Scott Edwards, owner of 29 Gilmore Drive, was present to explain that his tenant Turflinks is restructuring their business. As a result, the retail component will cease to operate, and the wholesale sale of product, like fertilizer and seed, will continue but under different ownership in the rear of the existing structure. The Turflinks service business will remain operating out of the front of the building. This will leave some empty space in the building and the owner is clear that if anyone wants to fill that space he will have to return to the Board to determine the process.

Both Kevin Lyons of Turflinks and the prospective owner of the wholesale business were present for any questions. The Planning Director noted that as the uses remain the same at the site, minus one, she felt there was no need for site plan review, but all parties wanted to confirm this assumption. R. Largess noted the Board appreciates the transparency, but he sees no reason for further review. The Board unanimously agreed.

Correspondence/Other:

Fall 2011 Bylaws Approved- J. Hager informed the Board the Attorney General has approved all bylaw changes from the Fall 2011 Town Meeting. As expected the Attorney General has cautioned that limiting large solar installations to certain districts has not been tested in the courts, but as the bylaw does not prohibit solar completely in any district, the will of Town Meeting was not challenged by the AG.

FY11 Annual Report- The FY11 annual report was provided for the Boards review and commentary.

Public Hearing – Bylaw Change Petition

S. Paul read the hearing notice as it appeared in The Chronicle.

The Planning Director explained Mr. Maki has filed a petition requesting that any parcel 100 acres or larger in the residential districts be allowed to be utilized for large scale photovoltaic installations (over 250kW). Further he proposes that of this acreage only 30% be allowed to be used for the installation, including screening measures. She showed two maps, one of single parcels of over 100 acres, of which there were about 7, and one of adjacent parcels owned by the same party that could easily be combined to over 100 acres, which added about 6 more areas. It was noted many of these parcels and areas were owned by the State.

Mr. Maki made a statement. He said he thought about what he has proposed extensively. He wanted to allow a use that helps maintain farms, but also protects others. He stated in order to keep his tree farm operating he has to find an alternate revenue stream or he will have to sell. He feels his proposal not only provides a reasonable solution to his issues, but also provides an option for other farms that may have the same financial issues. He noted this use is not hazardous or noisy. He stressed there are areas on parcels of this size that are likely not suitable for farming and this is where these installations can go. He highlighted similar installations in other towns and noted the substantial tax benefit to the Town.

J. Anderson noted you can have solar of any size in the residential districts if it is all consumed on that site. He expressed reservations with changing a bylaw and planning land use regulations based on one person's situation. He stated there can be impacts and the Board should look at this issue more broadly and comprehensively and not make changes on the fly.

Mr. Maki noted there is a substantial bylaw in place from fall town meeting that has numerous safeguards to protect the Town and its residents.

W. Whittier asked how taking this land out of 61A protection would work? R. Nunnemacher stated the Assessor's Office is working on this situation. He said the acreage with panels will be removed from protection, any roll back taxes paid and full assessment applied. The panels will also likely be taxed as personal property. W. Whittier applauded Mr. Maki for his efforts. He had concerns about abutting homeowners combining their lots for his use. J. Hager noted you cannot combine lots with existing homes as you can only have one dwelling on a lot.

R. Nunnemacher of 24 Singletary Avenue stated he thinks there may be more locations available than shown on the maps provided, and feels large installations are a blight on the land.

Mr. Pearson of 27 Dewitt Road noted he has farmed the Maki areas for decades and Mr. Maki has properly planned his installation on an area that isn't farmable, even for trees. S. Paul stated the commentary is appreciated but stressed the Board has to make a recommendation based on the impact of the proposed change town wide, not just on a specific parcel.

D. Moroney felt the Board needed more information about the potential effects of this change.

Jack Sheehan of 26 Jones Road had questions about whether non-buildable lots could be utilized.

J. Anderson wondered if there could be a more specific trade off to allow large installations in the residential districts.

There was discussion about what might happen at Town Meeting and opportunities to amend this proposal for a future Town Meeting.

Motion: To recommend Town Meeting approve this proposed change, R. Largess
2nd: D. Moroney
Vote: 0-5-0, the Board effectively votes to not recommend Town Meeting approve this article.

Public Hearing (Cont.) – Subdivision Rules and Regulations

The Board continued consideration of a request to extend the dead end road length from 500' to 900'

The Board reviewed more comments from various town bodies. The Historic Commission was against the change. The Highway Superintendent, Mark Brigham, noted that he would rather have no dead end roads, as cul-de-sacs take forever to plow. He stated he feels 500' is long enough, and subsequently noted the longer you allow a regulation to be, the more people will try to push the length beyond that. He felt that the Board's current ability to allow extensions on a case by case basis was adequate.

R. Nunnemacher, a fire fighter and plow operator for the highway department in the past, noted that people prefer to live on cul-de-sacs as they are safer for families with children, but that once you extend the length, you can't go backward. He agreed the waiver ability the Board has now is the best way to allow roads over 500'.

Motion: To leave the length of dead end roads at 500', R. Largess
2nd: D. Moroney
It was noted that the width becomes more of a safety issue with longer dead end roads.
Vote: 5-0-0

Motion: To Adjourn, R. Largess
2nd: D. Moroney
Vote: 5-0-0

Adjourned 8:45 PM