

Sutton Planning Board  
Minutes  
February 11, 2013

Approved \_\_\_\_\_

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

**General Business:**

Motion: To approve the minutes of 1/28/13, S. Paul  
2<sup>nd</sup>: D. Moroney  
Vote: 6-0-0

**Filing:** The Board acknowledged the legal filing of an accessory apartment filing for 7 Barnett Road. The proposed apartment is proposed within the existing structure.

**Form A Plans:** None.

**Correspondence/Other:** The Planning Director noted the Attorney General approved the petitioned changes to the Accessory Apartment bylaw that allow detached units.

(W. Whittier steps off the Board due to conflict- Dan Moroney Acting Chairman)

**Chapter 61 Release – Beaton – Waters Road:** The Planning Director summarized the Board has received notice of a bonafide offer for purchase of land currently owned by Beaton off Waters Road. Part of the legal process of releasing the land and consideration of whether the Town should purchase the land is seeking the input of various town bodies who will provide their recommendation to the Board of Selectmen about whether and why they think the Town should exercise their first right and refusal and purchase this land. She added that while potential development v. open space protection is germane to the Board's discussion the specifics of any proposal by Holy Cross are not germane, and as no official plan has been filed by Holy Cross there is no guarantee as to what the potential purchaser may or may not do with the land. Should the sale to Holy Cross go through, General Law does not allow the Town to deny and educational or religious use of property but it does allow reasonable regulation which will include a public hearing process. It is at this time that individuals can comment on the specifics of the actual proposal.

Motion: To relay to the Selectmen that the Planning Board feels the Beaton property is valuable open space particularly as it is adjacent to both Water's Farm and Lake Manchaug. If the financial means exist for both acquisition and future maintenance, the Town should consider whether it is a worthy municipal holding.

As an alternative, similar to what was done with the Cronin land on Eight Lots Road, the Planning Board would encourage the Board of Selectmen to consider whether the goal of open space preservation may be accomplished through transfer of the Town's first right of refusal to an alternate party.

T. Connors  
2<sup>nd</sup>: R. Largess for discussion

R. Nunnemacher of 24 Singletary Avenue asked what land is being released. The addresses were read from the bonafide offer. The total acreage is approximately 80+ acres.

As a resident familiar with the area, Wayne Whittier provided a “on the ground” explanation of what land would be included. The offer also includes a potential lease of the home by the current owner.

Tom Manahan of 23 Waters Road asked if the land would be taxable if Holy Cross takes title? R. Nunnemacher of the Board of Assessors noted it is the Board who decide if it will be taxable and that depend largely on the actual use. He noted there are several land holdings in Sutton owned by Colleges that are fully taxed.

Pam Graves of 50 Waters Road asked for more explanation of first Right of Refusal. J. Hager explained that as this acreage is currently assessed under c. 61A as agricultural use and it will need to be removed from c. 61a to complete the purchase, the Town has the first right of refusal to meet the bonafide offer and purchase the land. As an alternative the Town may also transfer their first right to another qualified party.

Mike Carpenter of 52 Waters Road/504 Central Turnpike noted they have leased the horse barn for over 15 years. They are one of the premier breeding facilities for Morgan horses. Their use also now includes rescue of miniature horses. He is concerned for his business and wondered if they could be assigned first right of refusal. He had general concerns with the potential use (as discussed at a recent Selectmen’s meeting) and its effect on the condition of Waters Road, the view shed of the Lake, etc.

R. Nunnemacher added concerns about the balance of the acreage in the Town of Douglas and the process and legality of its release and whether Sutton could hold land in another Town.

R. Largess asked when the 120 day limit for the Town’s action ends? While the actual start date of the process was unclear, the earliest the 120 days will elapse is the beginning of May.

Tom Manahan noted Holy Cross said they might rent the facility to an organization with a similar mission. He felt the Town should discourage this use.

Janet Manahan of 23 Waters Road said Holy Cross pays the least of any college to the City of Worcester at approximately \$400,000 over 5 years to support a mobile library unit and they refuse to call it a Payment in Lieu of Taxes (Pilot). She also stated retreats aren’t part of a student’s base education they have to pay extra for these events.

It was noted the Board is concerned with any land transaction maintaining existing tax income. An arrangement that can accomplish this goal is of course highly beneficial.

S. Paul stressed any recommendation should note that potential purchase by the Town should not include other funding considerations and should be only for this land purchase to ensure it purchased solely for its own merits. T. Connors and R. Largess who made the original motion agreed to this amendment.

Vote: 5-0-0  
(W. Whittier returns to the Board)

Motion: To adjourn, R. Largess  
2<sup>nd</sup>: D. Moroney  
Vote: 6-0-0

Adjourned 7:51 PM