

Sutton Planning Board
Minutes
September 19, 2014

Approved _____

Present: R. Largess, S. Paul, W. Whittier, J. Anderson, M. Sanderson
Staff: Jen Hager, Planning Director

General Business:

Minutes:

Motion: To approve the minutes of 8/18/14, S. Paul

2nd: J. Anderson

Vote: 4-0-0

Form A Plans:

Finacom – Tabled to future meeting.

(W. Whittier arrives)

Correspondence/Other:

Century Farm Road - Mr. Donello and Dr. Gilbert were present for continued discussion regarding their adjacent lots on Century Farm Road. One lot which is also a retreat lot contains a common driveway for access to the buildable portion of the adjacent standard lot. When the retreat lot and common driveway were approved the intent was to build both houses far back off the roadway. He now intends to build the house on the retreat lot close to Century Farm.

The Board discussed this issue at their last meeting and suggested Mr. Donello speak with Dr. Gilbert about building out the entire common driveway now so Mr. Donello can get his occupancy and Dr. Gilbert will have a more attractive lot to sell. Both gentlemen are back before the Board with more questions. There is technically enough frontage for two standard lots. If the engineering allows it, is there any reason why the Board would not endorse two full conforming standard lots? Is there any reason why the Board would not allow two separate driveways as long as there is only one wetland crossing? If this isn't possible would the Board be open to shortening the common driveway just to the point where the retreat lot drive splits off and the standard lot drive continues up and onto this lot? The Board noted they would prefer to have two standard lots with their own driveways. Lacking the ability to do this and lacking any specific plans before them, they do not have an issue with the idea of allowing a shorter common driveway, which would also reduce wetland impacts. They noted any of the above scenarios will require another public hearing to either rescind or revise the common drive. The applicant will also need to amend their Order of Conditions.

Rte 146 & Boston Road – The Planning Director read an email updating the status of the work at this intersection. The project is expected to be completed late next spring. They are currently on hold awaiting materials to install a specialized gabion wall against the wetland on the northeast corner of this intersection.

Sutton LLC v. Galaxy Sutton LLC and Town of Sutton – Jen Hager noted a Stipulation of Dismissal has been filed for the lawsuit brought by Stop & Shop and WS Development related to the Price Chopper Project. Construction on the Price Chopper project will likely start in the next week to ten days.

Public Hearing (Cont.) – 126 Dodge Hill Road – Retreat Lot

The Board reviewed an email from the applicant asking for withdrawal of their application without prejudice. The engineering of this retreat lot driveway and related drainage in this area will take some additional time. They intend to re-file in the future.

Motion: To allow the withdrawal of this application without prejudice, W. Whittier
2nd: J. Anderson
Vote: 5-0-0

Public Hearing – 91 McClellan Road – Accessory Apartment

The Chairman read the hearing notice as it appeared in The Chronicle.

Applicant William Riggieri explained they wish to construct a 1,040 s.f. addition over the existing garages and add a farmer’s porch to balance the appearance of the addition so the home continues to look like a single family dwelling.

The Board reviewed departmental comments. There were no comments from the public.

Motion: To grant the special permit for an accessory apartment at 91 McClellan Road with the following conditions, W. Whittier
2nd: J. Anderson
Vote: 5-0-0

Public Hearing – Proposed Bylaw Changes

The Chairman read the hearing notice as it appeared in The Chronicle.

J. Hager added that Town Counsel has recommended various adjustments to each proposed bylaw that were read into and included in each article as it was discussed.

Commercial Kennels: Attorney Peter Kenan was present with Christopher Cowan. Mr. Keenan has sponsored an article to allow commercial kennels in the Office Light Industrial District (OLI). Mr. Cowan intends to build such a kennel on Whitins Road. It was noted the majority of the OLI District land in Sutton is not in close proximity to residential areas. Additionally, Mr. Keenan is proposing the use via special permit which affords the Board broad powers with respect to regulation of the facilities and their operations.

Motion: To recommend that Town meeting approve the article adding commercial kennels as a special permit use in the OLI District, M. Sanderson
2nd: W. Whittier
Vote: 5-0-0

Drive through pharmacy windows: The Pleasant Valley Crossing project will host a Price Chopper Supermarket that will have a pharmacy component. The Building Inspector ruled that the way Sutton’s bylaws are structured, that the only drive through windows currently allowed are bank and restaurant windows.

The PV Crossing project proponent was going to petition this change, but the Planning Board felt that they should sponsor the article as drive through windows on pharmacies, whether for this project or others, are the current standard and the proposal should come from the Planning Board as it is responsive to an overall trend in the pharmacy industry and not project specific.

Susan Hogue of 30 Quabbin Path clarified that this only relates to pharmacy drive through-windows not any other type of drive-through windows. She noted that she does not feel restaurants with drive-through windows are appropriate and that Sutton is ready for more high quality uses. She asked if the Board can stipulate there can only be higher quality entities in Sutton. J. Hager stated if Ms. Hogue is referring to, for example, the difference between Walmart and Land's End and the ability of the Board to pick and choose which specific businesses it wants, she stated this is illegal. The Planner noted that the Town has the ability to specify which general use categories, IE retail, it wants but it is not legal to say we want Joe's store and not Sally's store.

In addition to adding pharmacy drive through windows, the Board is also proposing revisions to the drive through regulations to address all types of drive through windows that are allowed in Sutton. After discussion the Board adjusted wording to require an additional 50% of required queue length be available and designated on a site in case there was a future need to augment the queue length.

Motion: To recommend that Town Meeting approve the article adding drive-through pharmacy windows as a special permit use in the Business Highway (B-2) and Office Light Industrial (OLI) districts,
M. Sanderson

2nd: J. Anderson

Vote: 5-0-0

Motion: To recommend that Town Meeting approve the article amending the regulations for drive-through windows, S. Paul

2nd: W. Whittier

Vote: 5-0-0

The hearing was tabled until after the next scheduled hearing.

**Public Hearing - Pleasant Valley Crossing – 171 W/P Turnpike - Route 146 Special Permit
Public Hearing (cont.) - Pleasant Valley Crossing – 171 W/P Turnpike - Amend Site Plan**

Attorney Brodeur explained the lawsuit related to the project has been dismissed and they hope to be in construction in the near future.

Patrick Doherty of Midpoint Engineering explained minor change to the site plan including widening of the access to the south of the grocery store in conjunction with a meeting with the Fire Chief.

Greg Simpson from Cuhaci & Peterson explained this is a brand new prototype for Price Chopper and in fact the store may not even retain that name. They are trying to project a shift to sustainability and good food with this more modern/industrial design. They have raised the canopies over the entrances, changes the stone to mill stone suggested by the Planner and adjusted colors and textures of the EIFS.

S. Paul asked if there would still be signage for the various departments, like "Bakery"? Yes, there will still be these signs, they were just removed from the graphics so the Board could focus purely on the building finishes. The building will be set back from the highway approximately 350'-400'.

J. Anderson asked if the exterior café seating is still included? It was noted this area is constructed from moveable stone planters and umbrella tables and it will still be included. It was also removed from the renderings for the same reason. J. Anderson was concerned that the changes may have taken some of the dimension out of the structure that was desirable.

S. Hogue was adamant that this proposal is the antithesis of what the bylaw require. She stated there is nothing in the architecture that is reminiscent of Sutton or the Blackstone Valley. She did not feel the architecture is aesthetically pleasing and that it has no character. It is not in keeping with Sutton. She expressed concerns that so many residents who care and would not agree with this design were not aware of the project.

R. Largess noted this project is not at the beginning of the process. It has been before the Board for years and this design has been before the Board for several meetings.

Ms. Hogue added that the previously approved project, Cold Spring Brook Place, was much different that it was more of a pedestrian mall with far more character and more Sutton attributes. She asked the Board if they could wait another meeting to vote to allow more people to have a say?

J. Anderson stated he shares some of Ms. Hogue’s feelings but he added that private business also has a right to their own identity.

Motion: To approve the amended site plan dated 7/1/14 with revision through 9/3/14 subject to the following conditions: M. Sanderson

2nd: J. Anderson

Vote: 5-0-0

Motion: To amend the Route 146 Overlay Special Permit subject to the following conditions:
W. Whittier

2nd: J. Anderson

S. Paul noted he does not feel this architecture satisfies the intent of what the Board or Town envisioned when they enacted the Route 146 Overlay Bylaw. However, he noted the Board also needs to note market forces are at work and staying relevant is paramount to businesses, which is what Price Chopper is attempting to accomplish, and therefore he feels the project should move forward.

Vote: 5-0-0

Motion: To close the public hearing, W. Whittier

2nd: J. Anderson

Vote: 5-0-0

Public Hearing – Proposed Bylaw Changes

The Board resumed this hearing.

Energy Efficiency – J. Hager explained the Town is a Green Community that has achieved over a 20% reduction in energy use since 2008. The Selectmen have made it a goal to continue this initiative and to that end want to require that all future public construction makes use of the latest energy efficiency measures. A hearing is not required on this general bylaw change, but the Town Administrator asked this article be added to the Planning Board agenda to allow public commentary to be heard.

J. Hager read changes Town Counsel has recommended that take into consideration the potential cost and actual feasibility of efficiency measures.

Robert Nunnemacher of 24 Singletary Avenue stated the changes recommended by Counsel were good and that the Town should be careful not to require or install energy efficiency measures or any other elements in public facilities unless they truly consider associated costs including future maintenance costs. He provided the example of there being a lot if island in the new school parking lot which will take far more time and fuel to plow. He still feels the article is too open ended and shouldn't be approved.

Common Driveway - Drainage Calculations

A common driveway can serve up to three homes and at 18' required paved width, is just a little smaller than many private and public roadways. The Board feels drainage calculations and mitigation should be required for common driveways as they have the same potential to cause drainage issues as similarly sized private and public roadways

W. Whittier asked what happens if the driveway is flat. The Board adjusted the proposed language so calcs may not be required if they obviously do not need to be performed.

Motion: To recommend that Town Meeting approve the article requiring drainage calculations on common driveways, W. Whittier
2nd: S. Paul
Vote: 5-0-0

Definition of Day Care Center and Day Care Home

This is a housekeeping article. In the course of using the bylaw throughout the year we occasionally notice citations such as this one that are out of date. As chapter 28A §9 no longer exists, we are proposing the citation be updated to the current applicable section of law chapter 15D.

Motion: To recommend that Town Meeting approve the article amending these definitions, W. Whittier
2nd: J. Anderson
Vote: 5-0-0

Motion: To close the public hearing, W. Whittier
2nd: J. Anderson
Vote: 4-0-0

Motion: To adjourn, W. Whittier
2nd: M. Sanderson
Vote: 5-0-0

Adjourned 9:04 P.M.