

Sutton Planning Board
Minutes
June 1, 2015

Approved _____

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

General Business:

Minutes:

Motion: To approve the minutes of 5/4/15, J. Anderson
2nd: M Sanderson
Vote: 3-0-1, W. Whittier abstained as he wasn't at this meeting

Form A Plans: None

Filing

The Board acknowledged the legal filing of an application for Tefta Drive, a two lot subdivision off Chase Road, and two scenic road applications at 192 and 198 Manchaug Road.

PV Crossing – Use Discussion

Patrick Doherty, P.E. of Midpoint Engineering was present on behalf of the owner of Pleasant Valley Crossing to discuss a potential tenant in one of the multi-tenant buildings against Route 146 North.

Mr. Doherty explained Starbucks would like to locate in one of the multi-tenant buildings but they want a drive-through window. They will need a special permit but will also need several waivers from the drive through window bylaw which the developer feels is restrictive particularly in this case. Waivers would include queue length and conflicts, building setbacks, and aesthetic setbacks. He is seeking the feedback of the Board to determine if it is worthwhile to pursue changes to accommodate this client.

He noted while the bylaws require 20 queue spaces with 10 more in reserve, they can provide 8 and possibly up to 3 more with minor changes. He maintained Starbucks is different than other donut shops, and thus their corporate requirement for queuing is only 5 vehicles and they have provided 3 more than this. He noted their peak hours are mornings and the proposed drive through lane is about 6' lower than the lot line providing good screening from cars and headlights although they are fine adding landscaping or fencing if necessary.

R. Largess noted the bylaw was designed with safety concerns in mind in order to prevent queuing onto adjacent streets and unsafe traffic conflict situations. He has concerns with cars exiting through what may be a busy parking lot. He stressed the Board wants to encourage tenanting of the project and suggested a reconfiguration to address some missing elements of the regulations and concerns.

M. Sanderson said she thinks having a recognizable name tenant would be wonderful but expressed the same concerns including entrance queuing. She said she would be willing to relax the queue requirements but there needs to be a plan for greater success in meeting the regulations

W. Whittier asked if a dual queue might be possible He also noted the safety of exiting vehicles will also depend on the tenant mix in these building an whether the parking lot is packed when vehicles are trying to exit.

J. Anderson said he is flexible on queue length and setbacks with an option to re-address if necessary and because access doesn't tie directly into a main roadway.

Mike Kenney of 324 West Sutton Road noted he frequents Starbucks and it is different than Dunkin Donuts. He noted it is more relaxed and people tend to come throughout the day and stay to do work. He noted the one in Worcester with a drive through seems fine.

Mr. Doherty will take the input received and consider adjustments to the design.

Forest Edge Surety – Tabled to future meeting.

Correspondence/Other

- MAPD Conference materials – Tabled to next meeting.

Public Hearing – Accessory Apartment – 14 Torrey Road

R. Largess read the hearing notice as it appeared in The Chronicle.

Beverly and David Gravison were present to ask the Board for approval of an accessory apartment attached to their barn. They noted they are selling to their daughter and they spend a lot of time in Maine and need a place to come back to when not in Maine.

The Chairman reviewed Departmental comments including the need for a septic system upgrade, compliance with Fire Code, and posting of different street numbers on the main and accessory unit for emergency response purposes. The applicants noted they are in the process of upgrading the septic and will comply with other requirements.

W. Whittier said his main concern was that the building maintains the look a of a barn as opposed to looking like a second house, including new doors located on the side instead of the front.

M. Sanderson agreed and noted this plan shows another door on the front face. The applicant noted they can move the door to the side.

J. Anderson said the addition should blend in with the existing structure to look like it was always a part of it.

Motion: To approve the special permit for a 1,024 s.f. accessory apartment attached to the barn at 14 Torrey Road with the following condition: W. Whittier

1. Approval of all other required departments, boards and/or commissions with special attention to comments received.
- 2nd: J. Anderson
- Vote: 4-0-0

Chase Road

Attorney Shane Picard was present with Mark Mariner to continue discussion relative to a potential Form A application for several new lots on Chase Road and its extension.

Attorney Picard refreshed the Board's memory that under Chapter 41 section 81L of MGL the Board is allowed to sign plans where the division of land occurs on one of three types of roads. The first is a public way and the third is a way in existence before Subdivision Control became effective in the Town. He stated while they still believe the entirety of Chase Road is public they more importantly assert that the entirety of the road qualifies as the third type of way in 81L, a way in existence before Subdivision Control Law, and as such with improvements, the Board should sign the potential Form A plan for new lots on the way. He added that via surveys, old maps and aerial photographs he believes they have shown that this way complies with this provision of law.

J. Anderson retained concerns with the interpretation of the word "way" and vagueness with the 1733 vote regarding the road to Hassinimisco(Grafton).

M. Sanderson noted she has no problem with what Mr. Mariner wants to do especially with proposed improvements but there are compelling arguments on both sides of the status of this way that haven't been cleared up.

W. Whittier said he isn't convinced this is a public way and notes when looking at aerial views of his own land there are numerous old paths, ways and and cart roads that existed and continue to exist. He noted with no definitive description of Chase Road combined with the "private property " sign at the end of the current way in addition to concerns with setting precedents, he is not at all convinced about the road's status.

Attorney Picard again stressed they are not focusing on whether or not the way is public as they haven't been able to produce absolutely clear proof of this, but they do firmly believe this way qualifies as one in existence before Subdivision Control which entitles them to Form A endorsement with proposed improvements to the way.

R. Largess noted they have been discussing this issue since November of 2014. He noted no formal application has been filed so the Bard will not be issuing a formal decision. He suggested if Mr. Mariner wants to obtain a more definitive opinion the Board will need the input of Town Counsel paid for by Mr. Mariner.

Mr. Mariner noted the Planning Director was supposed to consult with Counsel. J. Anderson noted she did but can only do this to a certain degree after which it is too expensive.

R. Largess stressed they can continue to discuss the issue here but each week when different materials are presented opinions change. Legal input is necessary for definitive direction.

J. Anderson added the Board can't tell from the articles and materials they've read if they are actually talking about Chase Road or Boston Road and regardless the questions of what constitutes a "way" before Subdivision Control is also in question. He noted not all maps are official many are just for sale and the entirety of Chase Road is not indicated on the official map. He stressed they need legal input. Attorney Picard quickly interjected why the articles can't refer to Boston Road. J. Anderson stated this discussion demonstrates the level of ambiguity especially noting the time period of these Town Meeting actions so early in the Town's history.

Mr. Mariner will take the Boards input into consideration.

Motion: To adjourn, W. Whittier
2nd: M. Sanderson
Vote: 4-0-0

Adjourned 7:53 P.M.