

Sutton Planning Board
Minutes
September 14, 2015

Approved _____

Present: M. Sanderson, R. Largess, S. Paul, W. Whittier, J. Anderson, W. Baker (Associate)
Staff: J. Hager, Planning Director

General Business:

Minutes:

M: To approve the minutes of 8/17/15, R. Largess

2nd: J. Anderson

Vote: 4-0-2, S. Paul and W. Baker abstained as they were not present at the meeting

Minutes:

M: To approve the minutes of 8/31/15, J. Anderson

2nd: R. Largess

Vote: 5-0-1, W. Baker abstained as he wasn't present at this meeting

Filings: None.

Form A Plans: None.

New Covenant Partners – 9 Harback Road – Waiver of Site Plan Review – Owner, Mike Zorena and Environmental Engineer, Gary Magnuson were present to update the Board on the status of this site and request waiver of Site Plan Review to fully locate Field Protection Agency at the site. The site has been used for storage for some time and the proposed operations are less intensive environmentally and will improve the site significantly.

J. Hager explained this site was previously contaminated. Mr. Zorena has obtained a brownfields loan to clean up the site. He intends to demolish two of the structures on the site, fence in the front of the site and utilize the site and rear building for materials storage. He will also locate an office trailer with bathrooms adjacent to the rear building.

Mr. Magnuson detailed the extend of the environmental clean-up that has occurred including removal of volumes of hazmat in drums and removal of contamination in the rear building related to the smelting operations that occurred. Future work will include removal of soil and groundwater contamination and demolition of the two front structures that have a lot of asbestos.

M. Sanderson noted there ae issues with trucks queuing on Harback Road to load and offload materials. She asked if these site improvements will eliminate this issue. Mr. Zorena confirmed on of the main purposes of the site renovation is to create circulation for trucks loading and unloading on the site itself. They will pull into the west site of the and circle around to unload to the secure area of the site and then exit along the west side of the site.

Motion: To waive Site Plan Review and allow the use of 9 Harback Road for storage and operations for Field Protection Agency with the condition that ??????, R. Largess
 2nd: W. Whittier
 Vote: 5-0-1, M. Sanderson abstains as an abutter

Correspondence/Other:

Villas Unit Adjustments: John Burns was present to discuss adjustments to two unit locations and the possible installation of a turn-around area on a common drive at the Villas at Pleasant Valley.

J. Hager reminded the Board that although there are required set setbacks from property lines and interior roadways, this project received many waivers from these requirements in accordance with the final approved plans. Subsequent to the approval John LeClaire, the original developer, requested the Board allow some buildings with multiple units to be split into singles and also allow minor shifts in the orientation of buildings as long as the majority of the new placement still fell on portions of the old footprint. This has been done throughout the development even post Mr. LeClaire with the new owner John Burns and generally this only requires the approval of the Building Commissioner. Movement of units to new locations have required Board approval.

On Golf Ridge Drive several units have been shifted laterally and some like Mr. Vanderlinden's have been move closer to the internal roadway. Mr. Burns split units 52 and 53 into singles which requires the shift of unit 53 forward into the setback from Golf Ridge Drive completely off the original footprint. The owners of unit 52 have no objections, nor does the Association, and the other abutting units are not yet complete. The Board asked for any additional comments and there were none.

Motion: To allow the shift of Unit #53 toward Golf Ridge Drive in accordance with the plans submitted, W. Whittier

2nd: R. Largess

Vote: 6-0-0

With respect to the common driveway that serves units 69-73, concerns have been expressed that there isn't a location for larger vehicles like safety vehicles or even mail trucks to turn around. They are currently using narrow driveways. As unit 73 is not yet built there is an opportunity to shift its location slightly and install a 40' turnaround at the end of the common driveway. J. Hager noted the original plan was approved with no turn around and as no Code is violated by the lack of turnaround the Board cannot force Mr. Burns to install a turnaround. Janet Hanson of 19 Tournament Way, Chair of the Condominium Association, was present and noted although this is only a driveway she thinks the proposed change is a good thing. All effected owners have been contacted and there is no objection.

Motion: To approve the addition of a 40' turnaround after unit #72, R. Largess

2nd: J. Anderson

Vote: 6-0-0

Public Hearing – Proposed Bylaw and Map Changes

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

Increase wireless communication facility height

W. Whittier steps off the Board with a potential conflict.

J. Hager explained the Town Administrator asked the Planning board to sponsor a bylaw change to accommodate a potential tower at Blackstone national that would likely correct the majority of communication issues on the west side of Sutton. RF engineers have noted that existing height limitations will hinder their coverage ability and a height of 195' max would likely solve these issues.

It was noted the Town also owns a tower site on land formerly owned by Whittier Farms that may also benefit from the change although this location does have an elevation advantage. Any tower at Blackstone National would have to be camouflaged as a flagpole or tree or the like. It was also noted that as this is a special permit use with specific criteria a variance may not be granted from the dimensional limits.

Motion: To recommend that Town Meeting approve this change, R. Largess

2nd: W. Baker

R. Nunnemacher of 24 Singletary Avenue noted that you can't put safety communication antenna on the same tower as commercial carriers. J. Hager noted she can't speak to the issue but the plan is to co-locate safety communication equipment.

Vote: 5-0-0

W. Whittier returns to the Board.

Retreat Lot Conditions

Amendment to add a provision restricting issuance of an occupancy until all conditions are met, particularly the paved driveway. This is meant to inform applicants before they even apply that all requirements will have to be met before they can occupy their home.

Motion: To recommend the Town Meeting approve this bylaw change, W> Whittier

2nd: J. Anderson

Vote: 6-0-0

Common Driveway Conditions

Amendment to add a provision restricting issuance of an occupancy until all conditions are met, particularly the paved driveway and posting of house numbers. T This is meant to inform applicants before they even apply that all requirements will have to be met before they can occupy their home he proposal also proposes amending the requirement to have maintenance restriction listed only on the plan, not the deed to each lot as requested by the Building Commissioner.

S. Paul noted common driveways stay private per the bylaw provisions, so he wondered why the Town even cared about maintenance? The Town may still have to utilize the common drive to get emergency services to homeowners so it's important no parking be allowed and that the drive be properly maintained.

Motion: To recommend that Town Meeting approve amendments to the bylaw requiring all conditions be met before occupancy can be granted particularly paved drive and posting street numbers at the road and at splits in the driveway and that maintenance restrictions be noted on the plan not the deeds, R. Largess

2nd: J. Anderson

Commentary from Town Council recommended that the restrictions remain on the deeds. It is unlikely anyone will look for the plan once it is filed

Motion: To amend the recommendation to leave the requirements for maintenance on the deeds to all lots as well as on the plan, W. Whittier

2nd: J. Anderson

Vote: 6-0-0

Vote: 6-0-0

Re-zone 1.2 acres next Tony's Pizza from R-1 to B-2

Tony Drakakis, owner of Tony's Pizza, was present to request the Board's support of his petition to rezone the two homes he bought adjacent to Tony's Pizza at 148 and 150 Boston Road. He said he needs this land to be commercial to allow possible room to expand his business to remain competitive and to allow commercial use of the houses which are not well suited to residences at this busy commercial location. He noted he has been committed to being a good neighbor and this will continue.

On a question about whether this would be spot zoning J. Hager responded this is not spot zoning, it is an extension of the existing Business Highway (B-2) District as it will be directly attached to the existing B-2 District.

Motion: To recommend that Town Meeting approve this zoning change, R. Largess
2nd: W. Whittier

R. Nunnemacher cautioned that the actual Town Meeting warrant article should contain metes and bounds as street numbering and map and parcel numbers can change over time.

On a question, J. Hager noted even though the law doesn't require it, the Planning Department notifies all direct abutters of potential zoning district changes.

Vote: 6-0-0

Self-storage bylaw change

Jim Coull of Sutton Outlook Ventures, owners of the last loti South Sutton Industrial park, was present to ask the Board's support of an article that would allow a limited size one story structure in addition to the required multi-story main building required for self storage projects. He noted they have been informed by industry leaders that a one story unit that can house boats, RVs and the like is an important part of high-end storage facilities.

W. Whittier stated the way he reads the proposed wording would allow nothing but one story structures which is not what the Board wants. Upon re-reading it was acknowledged the proposal could be read this way. The petitioner committed to working with the Planner to revise the proposal to make it clear only a one story structure with a small percentage of the total units is intended.

Motion: To recommend that Town Meeting approve the proposed bylaw change with revisions clarifying the one story structure may only be a small percentage of total units on the site,
W. Whittier

2nd: R. Largess

There were no comments from those present.

Vote: 6-0-0

Historic Village zoning change and related bylaw changes

Kristen Cullen of Smith Road was present to ask the Board's support of an article establishing a new zoning district with related definitions and regulations. She explained she owns Posies & Presents in Wilkinsonville and when Polly's Antiques in Sutton center went on the market she thought it would be an ideal location to relocate her business to, quiet and pretty, she felt her use would complement the Town's Common.

Why is she proposing to create a whole new zoning district? When she met with the Planning Board earlier in the year they noted that adding a commercial use to the Rural Residential (R-1) District would potential effect more than 92% of the land in Sutton and would therefore likely not be accepted.

They also noted they had tried to re-zone Sutton Center several years back and it “went down in flames” they did note it was a larger proposed area.

Why did she choose “Historic Village”? The name of a district is just a name, it is really defined by the uses you list as allowed in the table of use, but she wanted whoever was looking to locate in the district or reviewing proposals in the district to think about the historic nature of the area and understand it’s important. When selecting uses she began with those allowed in the Village District and then eliminated many to make this district more restrictive. She noted she is not proposing regulations you see in local historic districts like “prohibiting blue shutters”. To reduce the potential impact and concerns, as a way to “try out” the zoning she chose a very small area, just two parcels that have been commercial in nature historically, the Brick Block (Polly’s) and the Sutton Center store parcel which also houses the “Beehive”. She is aware this small an area may be challenged by the attorney General as spot zoning, but lately this office has been deferring to the will of Town Meeting. When you create a new district you have to add “housekeeping” regulations like sign and parking requirements as well as lot sizes and setbacks. She also drafted definitions for flower shop and country store and added these as allowed uses to potentially make her proposed business and the country store conforming uses. Finally, she proposed a new regulation called formula business which allows a variety of uses but tightly controls the size, look, and number based on regulations drafted by the Planning Board. These regulations could prevent demolition of historic structures. She has contacted the owners of the Center Store and they support this re-zoning request.

It was noted that the “Beehive” building at the intersection of Singletary Avenue and Boston Road can not be re-used for its historic uses as the Building Commissioner has rules these uses have been abandoned. The fact that the structure can only be used as a single family home or the limited handful of R-1 uses has prevented interested individuals from moving forward with renovations of this historic structure. Joyce Smith of Bond Hollow Road, a member of the Historic Commission, noted this was the first Methodist Meeting house in Sutton built in the mid 1800’s. It used to be located on the site of the Town Hall. When the organization went defunct, her uncle Holbrook bought the building and moved it to its present location. It has historically been used as a post office, small retail and multi-family housing.

J. Anderson stated doing nothing is not an option, He noted while there is a natural desire “to leave things alone” if things are left alone here the Beehive and likely the Brick Block over time will fall into further disrepair and fall down or be demolished changing the face of the common drastically.

Donna Libby of 312 Boston Road presented a petition signed by 14 people opposing any re-zoning. She noted while it sounds lovely she believes it is opening a Pandora’s box. She noted banks are proposed to be allowed, what if Getty decides to knock down the center store and the beehive and put in a modern bank? Where will the parking for the Brick Block be? She came from Framingham for a reason and wants Sutton Center to stay the same.

J. Anderson asked for the opinion of the Historic Commission. Keith Downer of 334 Boston Road, Chair of the Commission stated the Commission has some concerns but agrees something must be done. Pros and Cons were discussed. He stressed a demolition delay bylaw should be considered for all historic structures.

Robert Nunnemacher of 24 Singletary Avenue said right now he is opposed and felt if there was to be a re-zoning it should include more parcels. He had concerns with the proposed lot size and allowing multifamily use as well.

R. Largess noted he feels it's the Board's responsibility to make something good happen. If things just sit like they are they will disappear. There is potential use of provisions like the formula business in other parts of town like west Sutton as well.

S. Paul agreed something must be done, that the future must be considered and perhaps something more thoroughly considered should be brought to Spring Town Meeting. He suggested that maybe instead of these sweeping changes that the Board could amend the use table provision E16 that allows antique shops in the R-1 to also include flower shops of 1,000 s.f. or less.

W. Whittier agreed that if the Board works through the winter and a more comprehensive bylaw is hopefully passed flower shops in R-1 can be removed.

Bruce Seaman of 11 Singletary Avenue had concerns with these properties percing for increased use and noted there just isn't enough room for parking for more uses.

On a questions about whether W. Baker would abstain from voting as he signed the filing petition, Jen Hager clarified that signing a petition does not necessarily mean you support its content, it means you feel the matter on the petition deserves to be considered by the town's people. Any member may sign a petition should they choose to do so.

Motion: To not recommend that Town Meeting approve the bylaw and map changes as presented but to recommend adding flower shop to item E16 and adopt the definition of flower shop, W. Whittier

2nd: J. Anderson

J. Hager had some concerns about whether this proposed amendment would be considered within the scope of the advertised article.

Vote: 6-0-0

Motion: To close the public hearing, W. Whittier

2nd: M. Sanderson

Vote: 6-0-0

Public Hearing (Cont.) – Tefta Drive

The Board reviewed a request to continue this hearing. J. Hager noted as little progress is being made, she has informed the applicants engineer that if they are not ready to proceed at their next continuance, they may be asked to withdraw their application until they are truly ready.

Motion: To continue the public hearing to 10/5/15 at 7:30 P.M., W. Whittier

2nd: M. Sanderson

Vote: 6-0-0

Public Hearing 85 Gilmore Drive – Self-storage Facility

J.P. Connelly was present to review updated plans and respond to comments received. He has defined two phases of the project, the first limits grading a slope work to an area close to the proposed self-storage facility, and phase 2 contains the balance of retaining walls and work in the setbacks adjacent to the Mendon Road abutters.

Mr. Connelly stressed it is necessary to work in the setbacks to repair the steep undulating slopes along this part of the site and create more neat and uniform transition with more effective screening. They have added a specialized slope mix to the plans that includes understory plants and have shown the addition of stabilizing plantings on the slopes as well.

The Bogdans of 534 Mendon Road summarized their concern with future uses “being able to watch them swim in their pool” They were assured that the distance of the nearest structure to their lot line and the proposed screening would prevent this situation entirely.

They would like to commence Phase 1 this fall and Phase 2 sometime next year.

The Board reviewed the two waiver requests. The applicant has requested a waiver of the requirement for a gathering area. As this is a use where they will be little or no full time staff and hanging around by customers is not encouraged, they feel a gathering area isn't appropriate but they have increased the landscaping to create equal visual interest. They also requested a waiver for parking and maneuvering in the southern side setback. W. Whittier asked if the use changes to something like and office can the gathering area be put in? it was noted a change in use will require site plan review and Route 146 Overlay permit at which time a gathering area can be implemented if appropriate.

Motion: To grant the waiver from providing a central gathering place having found this is not appropriate at this site and the increased landscaping will achieve nice visual interest and to grant the waiver to allow maneuvering in the southern setback adjacent to NEDT having found this area is up against NEDT's outdoor storage only and again, ample landscaping has been provided for buffering and screening, R. Largess

2nd, J. Anderson

Vote: 6-0-0

Motion: To approve the use special permit, Route 146 Special Permit, and grant Site Plan approval for the use of 85 Gilmore Drive as a 93,000 s.f. self-storage facility in two structures with the following conditions: R. Largess

Prior to Endorsement of the Site Plan:

1. Final materials and color selections for the roof and trim, stone panels, and retaining wall block shall be submitted for the record and added to the plans as appropriate.
 2. The applicant shall obtain final approval from Graves Engineering.
- General Conditions:
3. Construction on the Site shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m and Saturdays, 8:00 a.m. to 12:00 p.m., and shall exclude Sundays and all local, state and federally observed holidays.
 4. The applicant may prepare the entire site to grade but must loam and seed all building pads and parking areas not in the Site Plan Approval process or to be constructed within 6 months.
 5. The Board reserves the right to review Phase 1 and 2 site landscaping within a year of installation for the purpose of adding plants which may be reasonably necessary to complete the intended aesthetics and screening.
 6. The Board reserves the right to review and adjust lighting and require adjustments within a year of initial illumination if they find it to be a danger or nuisance.
 7. There will be no dumpsters on this site and no outdoor storage of any kind.
- Prior to Commencement of Construction:
8. Prior to commencement of construction on the site, all required approvals and/or permits shall be received from applicable permitting authorities.
 9. Prior to commencement of construction a pre-construction meeting shall be held with the Planning Director and other Town staff as appropriate, the Town's consulting engineer, the applicant and/or his representative, the applicant's engineer, and the applicants construction supervisor for this site.

Minutes shall be drafted by the Town’s consulting engineer and provided to all parties in attendance within 48 hours for approval prior to construction start to ensure all parties are in agreement.

- 10. Prior to commencement of construction on the site, the Applicant shall provide to the Planning Board a method to ensure that the open space shown on the Site Plan shall remain open space.
- 11. Prior to commencement of construction on Phase 2 the applicant will provide a minimum of one week’s notice and review staked limits of clearing with Planning Board representative and interested neighbors.

Prior to Issuance of Building or Sign Permits:

- 12. Prior to issuance of sign permits the applicant shall submit any signage not shown on the Site Plan to the Planning Board. The Board shall review and act on the signage for compliance with the Sign Bylaw and the Route 146 Overlay District Bylaw criteria.
- 13. Prior to issuance of a building permit for the future one story storage building, Town Meeting must approve the bylaw change and the architecture must be submitted and approved in an open meeting of the Planning Board.

Prior to Issuance of Occupancy Permits:

- 14. Prior to issuance of a certificate of occupancy on any building, any areas of the site that areas not in the Site Plan Approval process or will not be constructed within 6 months shall be loamed and seeded.
- 15. Prior to issuance of a certificate of occupancy on any building, security systems necessary amplifiers shall be installed as required by the Police and Fire Chiefs. The security systems shall include cameras at the main storage entrances/exits as well as cameras at the keypads at a minimum as approved by the Police Chief.
- 16. Prior to issuance of a certificate of occupancy on any building, the Applicant shall submit to the Planning Board an As-Built Plan and written certification from the Project’s engineer that this area of the site and all infrastructure to serve this area of the site has been constructed substantially in accordance with the Site Plan. Prior to issuance of the certificate of occupancy for the last building on the site, the Project’s engineer shall submit an As-Built Plan and written certification from the Project’s engineer that the entire site has been constructed substantially in accordance with the Site Plan
- 17. Prior to issuance of occupancy on any structure a know box with building access keys and/or codes, a building layout plan and emergency contract shall be installed at the entrance gate to the satisfaction of the Fire Department.
- 18. All exterior doors and roof access shall be marker on the interior and exterior with reflective, sequential numbering that is reflected on the building layout plans in the knox box.
- 19. The Fire Department shall be given the opportunity to tour the building to orient themselves with the new structure.

Site Maintenance

- 20. The Applicant shall ensure proper maintenance of plantings on the site, including immediate replacement of dead or diseased plantings unless it is winter or summer, in which case in the following planting season.
- 21. No sodium based de-icing agents shall be utilized on the Site. Agents such as potassium chloride or calcium chloride are deemed acceptable for usage at the Site.
- 22. The applicant shall submit and O&M plan for the site drainage systems. Inspection and maintenance shall be performed in accordance with the recommended schedule and a written report shall be prepared by the inspector, including any required correction actions to be taken, such report to be submitted to the Planning Board within fourteen business days of owner’s receipt of the report. Any required correction actions shall be promptly implemented by the owner at its expense.

2nd: W. Baker
Vote: 6-0-0

Motion: To close the public hearing, R. Largess
2nd: W. Whittier
Vote: 6-0-0

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Motion: To adjourn, R. Largess
2nd: W. Whittier
Vote: 6-0-0

Adjourned 10:50 P.M.