

Sutton Planning Board
Minutes
March 21, 2016

Approved _____

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

General Business:

The Chairman noted W. Baker was acting as a full member in place of S. Paul.

Minutes:

M: To approve the minutes of 3/7/16, J. Anderson
2nd: R. Largess
Vote: 4-0-0

Filings: None.

Form A Plans:

93/93R Fitzpatrick Road – Gregoire – The Board reviewed a plan that showed two lots with frontage in Grafton and Millbury and backland in Sutton. The only required correction to the plan was ground locating the actual town line locations which was accomplished.

Motion: To approve the Form A plan for Gregoire dated 2/17/16 showing no new buildable lots in Sutton, R. Largess
2nd: J. Anderson
Vote: 4-0-0

Correspondence/Other:

Tim Callahan was present to ask the Board for some input regarding the re-engineering of the two lot Tefta Drive subdivision off Chase Road. He explained he has made engineering and storm water adjustments in accordance with comments received, but was still having issues achieving the required frontage for the remaining home on Chase Road. He reviewed the option of extending the layout of Chase Road beyond the existing public road layout as a private way just long enough to achieve the required frontage. The Board expressed concerns with legality, length of a dead end, and a turn around. Another alternative would be creating a retreat lot for the remaining home with just public way frontage. It was noted this could be done at the same time as the subdivision approval. The Board preferred the retreat lot option.

Public Hearing (cont.) – Definitive Subdivision – 295 Manchaug Road - Conte

J. Hager noted Ms. Ennis has addressed most of the engineering and departmental comments, but the issue of the previous single home restriction on the parcel remains unsettled. She noted there is case law, although none exactly on point, that says a compliant application for another allowed use can be submitted, and there is also case law that suggests the restriction must be upheld preventing other uses.

Liz Ennis from Graves noted her client was not aware of the variance restriction on this property until the abutter very recently brought it to light.

The Board reviewed correspondence from both the applicant's attorney asserting the right to file and have a subdivision approved on this lot. The Board also reviewed an opinion from the Building Commissioner, who is also the Town's Zoning Enforcement Officer, stating he feels the applicant should apply to amend the variance and remove the condition before any action can be taken on the subdivision.

R. Nunnemacher of Singletary Avenue noted the intent of the Zoning Board of Appeals appears to be that this entire plot of land would have no more than two homes and this restriction is surely enforceable. In any case if the condition is to be altered and the land used in a different way, all parties notified of the original hearing should be notified of a potential change in the restriction.

The Board had concerns with setting precedent, and while the majority did not see how the prior condition could be overridden, they asked for an opinion from Town Counsel.

Motion: To continue the public hearing to April 4, 2016 at 7:10 P.M., R. Largess
2nd: W. Baker
Vote: 4-0-0

Lot Width Discussion- The Board discussed the definition of lot width and its intent with Robert Nunnemacher of Singletary Avenue who is also a Registered Professional Land Surveyor and Town Assessor. This is a tricky definition that has been revised several times over the last 15 years. The Board may adjust the definition further with the goal of being able to determine compliance without having to plug the plan into a Computer Aided Design (CAD) program.

Motion: To adjourn, R. Largess
2nd: W. Baker
Vote: 5-0-0

Adjourned 8:07 P.M.