

Sutton Planning Board
Minutes
September 11, 2017

Approved _____

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

W. Baker acted as a full member in place of S. Paul who was absent.

The Chairman requested a moment of silence in remembrance of the events of 9/11/2001.

General Business

Minutes:

Motion: To approve the minutes of 8/21/17 as corrected, R. Largess

2nd: W. Baker

Vote: 4-0-1, W. Whittier abstained as he wasn't present at this meeting.

Form A Plans:

159 Dodge Hill Road – Dividing off one lot from a larger parcel. Another \$100 must be submitted in fee.

Motion: To endorse the Form A plan dated 8/29/17 showing one new lot and one reconfigured lot
R. Largess

2nd: W. Baker

Vote: 5-0-0

(J. Anderson steps off the Board as an abutter)

169 & 187 Eight Lots Road – Dividing two lots into five lots. Need confirmation of payment of taxes.

Motion: To endorse the Form A plan dated 9/5/17 showing three new buildable lots and two reconfigured lots, R. Largess

2nd: W. Baker

Vote: 4-0-0

(J. Anderson returns to the Board)

Journey's Rest (Stone Road) – Covenant Amendment:

Clara Kim and Justin Nyquist were present to update the Board on their subdivision and to request a one year extension to finish the infrastructure. It is likely all but the top course of pavement will be done before winter but they would like to wait to do the top course until at least their home is constructed.

Motion: To grant a covenant extension to September 1, 2018, R. Largess

2nd: J. Anderson

Vote: 5-0-0

Site Plan Waiver – 4 W/P Turnpike: No one was present for this discussion. Tabled to future meeting.

Discussion Stockwell Farm – Leland Hill Road: Travis Brown of Andrews Survey & Engineering was present to request a yield determination from the Board relative to an open space subdivision off Leland

Hill Road. He showed the Board a standard nine lot subdivision with entrances on both Leland Hill and Dodge Hill Roads.

J. Hager explained the intent of the open space subdivision regulations is to reduce the amount of roadway and infrastructure by clustering homes on smaller lots and permanently preserving the open space that remains. The first step in an open space subdivision is to have the Board verify how many lots an applicant could likely have gotten approved if they submitted a standard subdivision, this is called a yield plan. Once this yield is approved this is the maximum number of lots an applicant can have in their open space subdivision. In determining whether a lot could have been approved the Board needs to find the lots have the required frontage, acreage and uplands as well as other attributes like adequate lot width. The Board may also review things like the width and grade of the road that serves as frontage for the lots to determine if the road could have likely been built.

In this case there is a stretch of roadway that looks to be very steep. Upon review it appears the roadway is about 10% grade. The requirement is 9% so it is likely adjustments could be made to reduce the grade to 9% or the applicant could request a waiver of the 1% difference.

Mr. Brown also showed the Board the likely open space subdivision layout which only includes four lots of about an acre. The lots can be as small as 15,000 s.f. Mr. Wence, a relative of the land owners, noted they intend to divide off a frontage lot on Dodge Hill Road where the yield plan shows the subdivision roadway exiting to Dodge Hill Road.

As the majority of members were not familiar with the open space subdivision regulations, they continued the discussion until September 25th to allow them time to review the open space regulations in order to make an informed ruling on the yield plan.

The members all agreed they much preferred the four lot open space subdivision to the nine lot standard subdivision.

Correspondence/Other

The Planning Secretary, Tammy Mahoney, will be forwarding hearing notices that may be of interest to the Board in their meeting files. Tonight's notice is for a Registered Medical Marijuana Dispensary adjacent to Route 146 in Millbury.

Public Hearing – Proposed Bylaw Changes

The Planning Director stated the majority of the members of the working group for the Village Center Overlay District (VCOD) in West Sutton that were present at the last meeting voted to not pursue any bylaw changes related to the VCOD at this time. They will present them in the spring or next fall. Therefore articles #4-6 in the hearing notice have been tabled.

The remaining articles are as follows:

Recreational Marijuana Prohibition Article – In accordance with the law if a Town wishes to prohibit any or all forms of recreational marijuana establishments within the Town they must complete three steps. 1) BOS put forward a ballot question to prohibit yes or no – A ballot question prohibiting all forms of recreational marijuana establishments was put forth this spring and the majority of voters voted for prohibition; (this step is no longer required by the July update to this law if the majority of the Town

voted against legalization of recreational marijuana on the State ballot as Sutton did, but we already took the vote so we're just extra ahead of the curve!); 2) enact a zoning bylaw prohibiting some or all forms of recreational marijuana establishments; and 3) enact a general bylaw prohibiting some or all forms of recreational marijuana establishments – The article to be discussed in this hearing is step #2, a hearing is not required for step #3 which will also appear on the fall town meeting warrant.

R. Largess wanted to know if attitudes and/or circumstances change over time, can this prohibition be overturned or amended and if so what that process would be? The Planning Director felt anything can be undone likely with a process identical to its original enactment IE an election and bylaw votes, but she will ask Town Counsel.

Sign Bylaw Article – This article specifically allows signs for municipal facilities of up to 20 s.f. The bylaw is currently silent on this use which means it is technically prohibited.

Non-conforming Structure/Lot Article – Although the currently bylaw prescribes a process for alteration of non-conforming structure on a non-conforming lot (for example a home that sits partially within the side setback on an undersized lot), as there has already been an interpretation challenge to the bylaw, the Building Department has asked for this housekeeping article to make the process crystal clear.

Motion: To recommend that Town Meeting approve the sign bylaw change and non-conforming structure /lot bylaw change, R. Largess
2nd: W. Baker
Vote: 5-0-0

Motion: To continue the hearing to September 25, 2017 at 7:05 P.M. to allow further input, R. Largess
2nd: W. Baker
Vote: 5-0-0

Public Hearing (Cont.) – 489 Central Turnpike – Sutton Police Station

The Board reviewed a request from the Town Administrator to continue this hearing until September 25th to address what would hopefully be a final round of adjustments.

Motion: To continue the hearing to 9/25/17 at 7:20 PM, R. Largess
2nd: W. Baker
Vote: 5-0-0

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

Adjourned 8:07 PM