

**Sutton Planning Board
Minutes
May 21, 2018**

Approved 

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

J. Anderson was Acting Chairman in W. Whittier's absence and W. Baker served as a full member in his absence.

General Business

Minutes:

Motion: To approve the minutes of 4/9/18, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Motion: To approve the minutes of 4/23/18, R. Largess
2nd: S. Paul
Vote: 4-0-1, W. Baker abstains as he wasn't present at this meeting

Filings: None

Form A Plans: None

Endorse Pleasant Valley Crossing – Phase III

Motion: To endorse the site plan for PV Crossing Phase III dated 4/30/18, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Correspondence/Other:

CMRPC Update – W. Baker reported on the Central Massachusetts Regional Planning Commission (CMRPC) legislative breakfast he attend last Friday. He stated the session centered on emergency preparedness and covered a range of topics including crime situations like active shooter situation and climate incidents like significant flooding. He noted the main take away was the importance of preparing and training for such situations in advance. He added Hailey Furman of Sutton was mentioned as a Sutton student who is interning at CMRPC and it was also announced Sutton Fire Chief Matt Belsito will be in charge of a wide area search training exercise in the near future.

Public Hearing – Accessory Apartment – 119 Eight Lots Road

J. Anderson read the hearing notice as it appeared in The Chronicle.

Calvin Connors was present to show the Board plans for a 783 s.f. accessory apartment above the existing garage at this location. He stated he met with the Board of Health and is trying to locate the original septic system plans.

In any case he has committed to working with the Board of Health to obtain their approval for the correct number of total bedrooms for this property which will be three in the main house and one in the accessory apartment. The egress to the unit will be via a new staircase to the outside between the house and garage and through the interior stairs and out through the garage.

R. Largess read the department comments.

Motion: To grant the accessory apartment special permit with the following conditions: R. Largess
2nd: S. Paul
There was no public comment.
Vote: 5-0-0

No motion to close, will close at June 4th meeting.

Public Hearing – Stockwell Farms Open Space Subdivision – 137 Dodge Hill Road

J. Anderson read the hearing notice as it appeared in The Chronicle.

Travis Brown of Andrews Survey & Engineering was present with the majority of the applicants to present this project. This is a four (4) lot open space subdivision with access of the Leland Hill side of this large property that stretches over to Dodge Hill Road. They have been before Conservation Commission who is ready to issue an Order of Conditions as soon as the Planning Board has determined if any major changes will be necessary.

The roadway will be 430' long. The proposed width is 20' with a 1' gravel shoulder on either side. Mr. Brown noted this width has been approved by the Fire Chief. The roadway is not proposed to have sidewalks or curbing as it is designed to sheet to an open drainage swale and basin. The cul-de-sac is proposed to be 100' diameter with no center island in accordance with the wishes of both the Highway and Fire Departments.

J. Hager summarized review comments from Graves Engineer which included storm water management, construction and drainage easements, open space, gravel road base, and a few other items.

J. Hager explained open space subdivisions stating these projects are allowed to have lots as small as 15,000 s.f. with 50' of frontage in exchange for preserving a defined amount of open space. Because the lots are smaller the roadways to serve the lots are usually much shorter resulting in less environmental impact overall. The first step in the process was determine how many home could have likely been built on this land in a standard subdivision and this is the maximum number of homes the applicant can proposed in their open space subdivision. The Board previously determine this land could have yielded seven standard lots, so this is the most lots the applicant could propose in this open space configuration, they have proposed four lots.

Mr. Brown noted the proposed open space is 19.5 acres and they are only required to provide 10 acres. 75% of the land will be open space as opposed to the 40% requirement.

In response to one of the applicants, Lee Wence, expressing confusion about tax billing and street numbering, Robert Nunnemacher of the Board of Assessors explained the street numbering. The applicant noted the taxes have now been paid in full.

R. Largess read department comments.

The Board reviewed options for ownership of the open space: 1) deeded to Sutton Conservation Commission; 2) deeded to a non-profit with a c.184 § 31 perpetual conservation restriction; 3) deed to a homeowner's association with a c. 184 § 31 perpetual conservation restriction.

The applicant prefers to transfer the open space to the Conservation Commission if they will take it. J. Hager will check with the Commission and also the Town Administrator to ensure he wants to allow more town conservation land as it may be maintained in some way. R. Largess noted he prefers it be transferred to the Conservation Commission so it is more likely to stay restricted.

Robert Nunnemacher of 24 Singletary Avenue noted the poor condition of Leland Hill Road and asked if the applicant proposed improvements to the condition of the road or drainage. The applicant is not currently proposing any improvements off their property other than clearing to improve sight distance both north and south of the proposed roadway.

Al Monte of 189 Leland Hill Road said the neighboring catch basin that drains onto his property is already overwhelmed every time it rains. He stated this section of the roadway looks like the Columbia Ice Fields in the winter and the Town strips the ice off the roadway with a loader and dumps it on his property. He stated dumping drainage in the existing culvert south of the proposed roadway will overwhelm this structure as well and it already overtops the roadway in large events. He noted this stone hand-laid culvert is in questionable condition and he is worried it will collapse with much more flow. He also expressed concerns with the sight distance as it relates to the actual speed traveled on the roadway as well as people having run off the road into the stream because of the curves and narrow width. He implored the Highway and Police Departments to look careful at the situation.

Stan Urbanowski of 177 Leland Hill Road agreed the road is in horrible shape including a huge hole you could look way down into that was filled. He also had concerns about the road curves, narrow roadway width, excessive speed and adding a new road and more traffic into this bad situation. He noted he had a "blind driveway" sign but it was stolen.

Mr. Brown noted all of these conditions are existing bad conditions for which the Town is responsible. In response to an inquiry, he explained the majority of drainage from the lots and road will drain into an open swale that will outlet to a drainage basin which will overtop toward the wetland if a large amount of drainage is received, like from a really big storm. All drainage ends up in the wetland where it does now.

Jeff Dykstra of 194 Leland Hill Road stated that drainage calculations are theory and that he feels regardless on computations the drainage cannot be properly handled. He added Leland Hill was once a cart path and now is a highway with no posted speed limits. He stressed the existing infrastructure must be fixed and stated Leland Hill Road at this location is only about 16' wide.

Bill Wence of 154 Dodge Hill Road noted they have spent over a year and a half on the engineering and drainage calculations for this project, it has been carefully studied. He added most of the applicant live adjacent to this project and are aware of existing issues.

Celeste Chenet-Monte of 189 Leland Hill Road asked for more detail on the basin and asked the engineer if he had stated there will be no increased flow? Mr. Brown first noted under Mass storm water guidelines because the project is less than 5 lots they don't have to comply with State storm water standards.

Regardless they have instituted many of these standards. Mr. Brown confirmed there will be no increased flow from this project. Flow from the road and driveways and homes will be directed to a basin and will still eventually end up at the same spot. She questioned Mr. Brown's assertion that with the basin, it is unlikely flow will reach the street as it does now. He stated it will not go over the road, it will outlet to the stream on the same side of Leland Hill Road. She expressed concerns with the overstressed culvert and its condition.

Mr. Dykstra noted there are unusual events where the flow that is about 6' below the road actually fills up and flows over the road. He and other abutters expressed concerns with the condition of the culvert and adjacent wall. J. Hager stated she can schedule a site visit to look at these concerns. R. Largess noted the Board is happy to ask the Police to do enforcement, but note this often results in people in the neighborhood getting tickets. In any case they are happy to have the Police Chief report back to the Board what the enforcement resulted in for ticketing. Mr. Dykstra also noted he has contacted the Police about speed issues and they will not post the speed and only do speed monitoring for very short periods of time. He also noted there is no Not a Truck Route signs so large trucks use the road when they should not. J. Hager explained there are over 104 miles of public roadway not to mention the miles of private roadways all of which the Police must monitor. She also pointed out there was a reason there was an article on the Annual Town Meeting requesting and override to establish a roadway repair account as there simply is nowhere near enough money in the Highway Department Budget and in C. 90 funds from the State to accomplish meaningful roadway repair and maintenance. However, she noted Sutton voters chose to vote this article down which will result in an increase in issues like those noted tonight.

Mr. Urbanowski asked about the pipeline that runs through the property and also asked if blasting will be required. Mr. Brown stated they are in touch with the pipeline company and they don't anticipate any blasting.

Mr. Dykstra asked if the homes will have wells and septic and if withdrawals effect the water table. Mr. Brown stated no impact is anticipated.

Mr. Urbanowski asked if it will possible to maintain the required well to septic distance with smaller lots? Mr. Brown stated yes, this is why this is shown on the plans.

The Board tabled this hearing until the end of the meeting to commence the next scheduled hearing as they were well behind the posted hearing time.

Public Hearing – Scenic Roadway/Public Shade Tree – Removal of 24 trees on West Sutton Road and 16 trees on Hutchinson Road

J. Anderson read the Hearing notice as it appeared in The Chronicle.

Dan Buttrick, P.E., Project Manager for the Merrill Ponds WMA project from Tighe & Bond was present to ask the Board to allow the withdrawal of this application, they need more time to evaluate impacts and deal with abutter concerns.

Walter LeFort of 20 Welsh Road asked if the project was cancelled. Mr. Buttrick said no it is not cancelled they will come back but need to address some concerns first. J. Hager asked Mr. Buttrick to provide his card to Mr. LeFort so he can get in touch to make sure his concerns about the level of Welsh Pond are addressed.

Motion: To allow the withdrawal of this application without prejudice, R. Largess
2nd: W. Baker
Vote: 5-0-0

Public Hearing (Cont.) – Forest Edge Open Space Reduction – Ariel Drive off Blackstone Street

Attorney Dan Klasnick provided an additional submission based on discussion at the last meeting with a plan and land calculations for removal of the telecommunication land from the open space. The parcel size has been reduced from 18 to 14 acres. He stressed they are in substantial compliance with the Special Permit criteria and request the Planning Boards approve their application.

J. Hager noted she and several members of the Board have conferred with Town Counsel and although the Board truly does not want to grant this approval, the legal standards by which they must judge the application do not leave them much choice. J. Anderson confirmed this statement, and added the Board must act in accordance with the bylaws and related case law.

R. Largess stated he hears everything that has been said and recommended by Counsel but cannot vote in favor of this application.

S. Paul noted the Board has done extensive due diligence on this application and has considered all concerns and possible courses of action and he would agree an approval with conditions is the prudent way to go.

J. Hager stressed Town Counsel states that a survey plan must be submitted showing the open land to be restricted on its own parcel with hard property boundaries, not easement lines. This should also be submitted prior to the Board decision so it can be referenced in the decision.

Therefore, the land to be excepted from the open land must be on its own parcel which can either be the 14 acres shown or could be the 1.18 acres that is necessary only for those uses not consistent with the spirit of open space. She also showed those present what would happen to the density in both cases. The applicant will lose 12 units if they separate the 14 acres from the special permit project, but will maintain all units if they only separate the 1.18 acres, but again the proposed non-open land activities must be on a separate parcel.

The Acting Chairman verified the public hearing is closed so there will be no new testimony /questions/commentary except that which is relative to deliberation and that which is requested from/allowed by the Board.

Joe Laydon, Grafton Town Planner, asked if Counsel had mentioned if lots that are created for the tower and for the open space do not have frontage on an adequate roadway they will not be buildable. Counsel said the open space has to be on a separate “parcel” than the tower “parcel”, as opposed to a “lot”, other than this it is Grafton’s say, not Sutton’s, if what is created will meet buildability requirements.

Gary Mathieu of 109 Ariel Circle, also a Trustee asked if the Board is essentially ignoring the wishes of the abutters because of money/cost and not wanting to get sued. He noted the Association had no objection to the change from four-plexes to duplexes but they may have if they would have realized how this application would go. He said he feels like they just don’t matter. The Chairman again stressed the hearing is closed and the Board is not accepting new commentary and assured Mr. Mathieu the Board understands, and many share, his frustration.

R. Largess added that the Board has to make the best decision for the Town, when a member attends a meeting they have to take off their “me” hat and put on their “member” hat and remember it’s not about “me” it’s about the Town as a whole. J. Hager added that making a decision that is not defensible will likely end up losing in court, and this isn’t in the best interest of anyone. As much as it pains the Board, they have to maintain their commitment to enforce the bylaws the residents voted and to make decisions consistent with these bylaws, Mass planning law, and the case law that forms this law. Part of their consideration has to be fiduciary responsibility to not spend residents tax dollars foolishly on litigation they likely can not win.

It was confirmed that if the Board approves this application, Verizon would still have to apply in the Town of Grafton for the actual tower permit and abutters will be notified.

J. Hager re-stated the Board has two choices to approve the application with conditions or to disapprove the application, she asked the Board what they wanted her to draft with the assistance of counsel or if they still want her to draft both decisions. The majority of the Board (4-1) stated they are “barely” in support of drafting an approval with conditions. Deliberation will continue on June 4, 2018.

Public Hearing – Stockwell Farms Open Space Subdivision – 137 Dodge Hill Road (continued discussion)

The Board resumed previously tabled discussion on this proposed 4 lot open space subdivision.

They reviewed waiver requests:

Motion: To grant a waiver from Section 3.C.1.f. to allow a scale on the location plan of 1” =150’ as opposed to 1” = 200’, S. Paul

2nd: R. Largess

Vote: 5-0-0

Motion: To grant a waiver from Section 3.C.2.g. to allow a scale on the location plan of 1” =150’ as opposed to 1” = 200’, R. Largess

2nd: W Baker

Vote: 5-0-0

Motion: To grant a waiver from Section 4.A.5.b. to eliminate the center island and reduce the diameter of the cul-de-sac to 100’ as the Highway and fire Departments prefer this design, R. Largess

2nd: M. Sanderson

Vote: 5-0-0

Motion: To grant a waiver from Section 4.A.6.a. to allow a property line radius of less than 30’ on the northern property line of the proposed roadway at its intersection with Leland Hill as it does not affect the radius of the paved surface, R. Largess

Road
2nd: W. Baker

Vote: 5-0-0

Motion: To grant a waiver from Sections 5 I & J to eliminate sidewalks, lighting, and planting strips (not street tress) as there are no sidewalks to attach to on Leland Hill Road and without sidewalks you don't have a planting strip, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

The Planning Director will consult with the Highway Department and Fire Department on remaining waiver requests and report back to the Board.

The Board reviewed the draft minimum conditions.

Motion: To continue the public hearing to June 4, 2018 at 7:10 PM, R. Largess
2nd: W. Baker
Vote: 5-0-0

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

Adjourned 8:40 PM