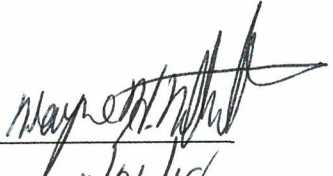


**Sutton Planning Board
Minutes
March 12, 2018**

Approved


3/26/18

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

General Business

Minutes:

Motion: To approve the minutes of 2/5/18, J. Anderson
2nd: M. Sanderson
Vote: 5-0-0

Filings: None

Form A Plans:

15 & 19 Morse Road

Motion: To endorse the Form A plan dated 3/5/18 showing the creation of one new buildable lot and the reconfiguration of lots on either side of the new lot from which the new lot was formed, J. Anderson
2nd: R. Largess
Vote: 5-0-0

Correspondence/Other

J. Anderson steps off the Board as an abutter, W. Baker takes his place.

C. 61A Release – 187 Eight Lots Road (Lot 2)

Motion: To recommend the Board of Selectmen pass over the Town's First Right of Refusal as this parcel is not a priority parcel per the Master Plan or Open Space & Recreation Plan and there is no beneficial municipal use of this parcel, R. Largess
2nd: W. Baker
Vote: 5-0-0

J. Anderson returns to the Board and W. Baker returns to non-voting status.

C. 61A Release – Rich Road Lot 1 (portion of 571 Boston Road)

Motion: To recommend the Board of Selectmen pass over the Town's First Right of Refusal as this parcel is not a priority parcel per the Master Plan or Open Space & Recreation Plan and there is no beneficial municipal use of this parcel, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

J. Hager noted the Town of Millbury is holding their hearing regarding recreational marijuana bylaw this evening, she has reviewed their proposed bylaws and is happy to provide the Board with a copy if they would like to see them.

Public Hearing (Cont.) Forest Edge – Amend Special Permit to remove open space area for alternate use

Attorney Dan Klasnick was present representing the applicant. He reviewed materials presented to date. He provided additional information regarding view shed analysis for the potential cell tower that would be located on the open space removed from designation for this project. He also stressed again that even with a reduction in open space there will be well over 19 acres of excess open space. He has also asserting that even if a conservation restriction were in place, an amended would be possible. Finally, he again asserted the benefits of a wireless facility at this location and in general.

In response to a question from the Board Attorney Klasnick stated this site will have a backup generator to provide uninterrupted communications in a power outage.

J. Anderson stressed he does not feel it is the Sutton Planning Board's place to review the cell tower.

W. Whittier stated uses that are not consistent with the Towns meaning of open space will placed on their own parcel. Leaving this area as part of the open space parcel, even if it is a defined leased area, does not comply with the bylaws in terms of uses of open space.

R. Largess expressed frustration with another application attempting to change a permanent restriction. He noted the Board's decision on this application will have ripple effects.

S. Paul noted there is a chance had the land been deeded to the condominium association no one would be here arguing about this application, but that is not the case and now the Board needs to decide on the facts before it in the best interest of the Town.

Ginny Kramer, attorney for the Town of Grafton was present with Town Planner, Joe Laydon. They stated Grafton's position is that the Board can deny this application because the applicant did not comply with an original condition of approval which had it been complied with would make this application mute. Additionally, Grafton disagrees that the Telecommunications Act applies to this application. They noted the information specific to the proposed tower installation is not being presented in a public process with Grafton. Because of this, they do not have the ability to refute assertions made, such as the fact that the land for which Grafton has a tower RFP may not be as high as this site, but it is more than adequate to fill the wireless service gap. Additionally, Grafton's regulations take wider impacts into consideration, not just direct ones that have been evaluated in the submitted view shed renderings. They maintain this facility will be visible from Route 140. Grafton's regulations also place a value on ridge tops like Lazy Hill and seek to prevent this type of installation from ruining valuable view sheds.

M. Sanderson noted she has been in agreement with Grafton all along, but wants to be sure that any decision the Planning Board makes does not jeopardize Sutton.

W. Baker stated they need additional time for consideration to tie up remaining loose ends.

W. Whittier asked how big a separate parcel would need to be. In this zoning district, Grafton requires 140' of road frontage and 1 acre of area but requirements of the wireless bylaw, like fall zone, would force a parcel for this use to be much larger.

J. Anderson said not completing the open space restriction has made the process of requesting the open space alteration easier and it is just not right.

J. Laydon re-read the specific condition requiring restriction of the open space prior to issuance of a building permit and stressed the applicant has been ignoring this condition for over ten years. The Board asked if Town Counsel could meet with the Board. J. Hager stated he absolutely could although she did not think it could be in executive session and therefore was not sure how advisable this was.

J. Anderson asked Grafton to state their main opposition to this application. They stated

1. Granting approval would affect nearby natural resources and negatively affect even these adjacent open spaces.
2. Allowing the possibility of a tower is contrary to the goals of preserving Blackstone Valley attributes and view sheds.
3. Grafton has an RFP for a tower on a nearby parcel that they feel is just as adequate for this use with less impact.

Attorney Klasnick noted Verizon has reviewed Grafton's parcel and it is not adequate. As this technology relies on line of site, they cannot get a signal over Lazy Hill from Grafton's site. He added there are also archeological constraints on this parcel. He stressed he does not expect Sutton to rule on the tower materials, they were provided to answer questions and provide a context for the application. He stressed that a non-profit owning the open space and the leased area will actually provide benefits to the community.

J. Anderson stressed he feel approving this application that may lead to a tower at this location ruins the spirit of open space and he remains exasperated by the applicant benefiting from not fulfilling a condition he was bound to fulfill.

The Board will discuss the issue at the end of the meeting and decide what additional questions should go to Town Counsel.

Motion: To continue the hearing to April 23, 2018 at 7:10 PM (the Board was going to continue to 3/26 but the applicant is not available on this date or the next board meeting on 4/9)
R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Public Hearing – Retreat Lots – 21 Colonial Road

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

Paul Hutnak, P.E. of Andrews Survey & Engineering was present with a plan to divide a parcel of approximately 38 acres into two single-family retreat lots. He went through the special permit requirements to demonstrate the plan meets the requirements.

R. Largess read the department comments.

Gina Betti of 107 Dudley Road asked who owns the property. Robinson Pasture Realty Trust still owns the property, but it went into tax title and Stage One Investors assumed the tax lien. Stage One was required to acknowledge they knew about and were okay with this application being filed as they have a financial interest in the property. Mrs. Betti expressed concerns with abutters to the driveway location losing a portion of their frontage via the corner rounding shown. P. Hutnak confirmed there are no changes to existing lot lines; the corner rounding was part of the original lot design for potential future roadways.

Mike Moore of 131 Dudley Road asked where the houses would be located. The house location is not required until application for a building permit. However, they have to meet all legal setbacks, the Wetland Protection Act, and other state laws and codes. Generally, people who buy retreat lots do not put their home within easy view of abutters, but this is not a rule.

Frank Roncone of 23 Colonial Road asked, and the Board confirmed, that utilities must be underground, but may not go over an adjacent lot. In response to his question, J. Hager stated the Board could not dictate what retreat lot homes look like.

S. Paul asked for confirmation that no lot lines are changing other than the one that splits the land in two. P. Hutnak again confirmed this is the case.

Enrico Betti of 107 Dudley Road asked if retreat lots have the same setbacks as a standard lot. J. Hager replied yes they do have the same setbacks. He asked if someone flagged the wetlands. P. Hutnak replied they were flagged as part of previous development plans. No one knew who did the flagging or when it was last verified. J. Hager noted the Board just needs to verify there is likely 144,000 s.f. or approximately 3.3 acres of contiguous upland which is more than likely on these lots.

P. Hutnak noted the regulations require only approximately 6 acres for a retreat lot. They are providing more than double the area for one lot and more than 4 times the area for the other lot. He stressed this is an extremely low density, low impact proposal.

G. Betti stated she is comfortable with this proposal. She noted it would bring the least amount of disturbance. Two homes versus 10-20 is far better. She is at peace with this proposal.

Motion: To grant the Special Permit with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions
2. The access from the frontage of said lot to the principal structure (driveway) shall be of bituminous surface, no greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet.

- 3. The house numbers shall be clearly visible from Colonial Road from both directions of travel via installation of permanent posts with numbers and/or mailboxes with numbers on both sides as well as numbers on the homes.
- 4. Underground utilities shall be required.
- 5. Until all requirements of this bylaw and conditions of approval are 100% complete, the Building department shall not grant an occupancy permit.
- 6. The applicant will add the note prohibiting further division to the plan, as well as a line indicating minimum width of the lots prior to endorsement of the plan.

2nd: J. Anderson

G. Betti asked that someone verify the note preventing future division is actually on the plan after signing and before recording, as someone altered a plan on Dudley Road before it went to the Registry.

Vote: 5-0-0

Motion: To close the public hearing, R. Largess

2nd: J. Anderson

Vote: 5-0-0

Public Hearing – 219 Whitins Road – Multi-tenant business building

R. Largess read the hearing notice as it appeared in The Telegram & Gazette.

Paul Hutnak, P.E. of Andrews Survey & Engineering was present with plans for a 9-unit multi-tenant building at 219 Whitins Road. He stated the total area is 16,875 s.f. He noted they have filed with Conservation but bad weather postponed their hearing. He noted they are setting this building into the slope on the west side of lot, which helps with the massing. He stated they want to keep landscaping islands out of the parking lot so they are proposing more landscaping on the edges of the project. The parking lot is 24,725 s.f., which would require 1,250 s.f. (5%) of interior lot landscaping; they are providing 13,085 s.f. of landscaping islands along the frontage of the project. They are also proposing a row of maples to shade the parking lot along the east side of the property and a lower row of Frasier fur to screen the project from abutting property. On the west side of the property, they propose to install a 6’ high vinyl privacy fence. P. Hutnak provided the Board with a picture of the fence they will install. They are also adding a substantial number of native shrubs and grasses in the rear of the property in the resource area.

S. Paul asked if the abutter to the west is in the Office Light Industrial District. Mr. Hutnak stated they are in the District.

Signage will be a multitenant sign.

Diane Urban of 215 Whitins Road, the abutter to the west, stated she is most concerned with hours of operation and asked the Board if they could limit this potential impact. She also stated she does not want a fence right up to the road blocking sight distance.

R. Nunnemacher of 24 Singletary Avenue stated he does not think there will be adequate parking and tractor trailers will not be able to turn around in this parking lot. Mr. Hutnak stated they have met the bylaw requirements for the uses they propose. He added this site does not have a loading dock and

tractor-trailers will not be on this site. If large trucks cannot fit on the site, there needs to be signage to this effect to limit the possibility they will be stuck on the site and have to back onto Whitins Road.

Mark Rachwal of 226 Whitins Road wanted to see where he was in relation to the site. He is located diagonally across the street to the East.

S. Paul had concerns with the architecture particularly the flat roof and the unattractiveness of the end of the building from the street. The shed roof helps direct and control the drainage. The Board directed the applicant to work with the Planning Director to improve this aspect of the project.

The Board did not rush the review and approval process, so even though it was possible for the Board to review and vote on the six special permit uses, they decided to continue the hearing. This will also allow time for plan changes to be completed.

Motion: To continue the hearing to March 26, 2018 at 7:10 PM, R. Largess
2nd: S. Paul
Vote: 5-0-0

Proposed Bylaw Changes

The Board reviewed proposed bylaw changes. The majority of changes related to recreational marijuana regulation. The Board was very concerned that the Town would have no regulation without securing a 2/3rds vote on one of the proposed articles. They asked the Planning Director to advertise both full prohibition articles as well as partial prohibition articles and they will decide at the conclusion of the public hearing if they wish to limit warrant articles to just one of the articles.

Proposed articles also included a housekeeping article showing the allowance of large ground mounted solar within the solar photovoltaic overlay district, and an article prohibiting building within 25' of the town line.

The Board stated they could not have another town meeting like the last one. People did not have a clear understanding of the articles and said they did not have an opportunity to speak. The Board asked if the meeting could be in the gym instead. J. Hager will check with the individuals who make these decisions.

Motion: To adjourn, R. Largess
2nd: S. Paul
Vote: 5-0-0

Adjourned 10: 35 PM