

**Sutton Planning Board
Minutes
September 10, 2018**

Approved 

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

General Business

Minutes:

Motion: To approve the minutes of 8/27/18, W. Whittier
2nd: M. Sanderson
Vote: 5-0-0

Filings: The Board acknowledged the legal filing of the following application:
382 West Sutton Road – Scenic Road relocation of break in stone wall for a driveway

Form A Plans:

Motion: To approve a land swap at 90 & 96 Armsby Road dated 8/16/18, R. Largess Jr.
2nd: W. Whittier
Vote: 5-0-0

Correspondence/Other:

- Waive block walkway – South Country Chiropractic: The Board reviewed correspondence from Dr. Anthony Rainka asking the Board to consider waiving the requirement to install a block walkway at his new site at 214 Route 146. He noted he has had 2 patients recently trip on the ramp at his existing facility and he fears that blocks, especially if they heave in the winter, will provide a tripping hazard for his patients, many of whom have issues walking already. He noted the Zoning Board of Appeals granted him a variance to install an overhang over this walkway area to reduce icing on the walkway and he is hopeful the Planning Board will see the unique nature of his use and the increased opportunity for a potential hazard, and grant his request.

Motion: To waive the requirement to install a block walkway having found a unique reason exists to allow the installation of smooth concrete where the majority of clients have back/spine/movement issues, R. Largess Jr.

2nd:: W. Whittier
Vote: 5-0-0

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

- Chapter 61A Release – 179 Eight Lots Road: The Board reviewed a letter requesting release of the Town's first right of refusal for property located at 179 Eight Lots Road. The offer on the land that the Town would have to match is \$165,000. The Board previously voted to recommend the town pass over its rights with respect to this parcel but apparently that sale fell through so now the Board must provide a recommendation on this new offer.

Motion: To recommend the Town pass over its first right of refusal as this parcel as it is not a priority parcel in the Open Space or Master Plans, S. Paul

2nd: W. Whittier
Vote: 4-0-0

(J. Anderson returns to the Board)

- Forest Edge Appeal: J. Hager stated for the Board and the public that the Town of Grafton has appealed the Planning Board's approval of a request to remove of 1.09 acres of area from the open space for Forest Edge off Blackstone Street (Ariel Drive). Reasons for the appeal were nearly the same as those stated in correspondence received from Grafton and voiced in open meeting during the hearing process.
- J. Anderson noted concerns with sight distance inside Pleasant Valley Crossing due to shrub growth. J. Hager will have the issue addressed by the owner.

Waiver of Site Plan Review – 438 Putnam Hill Road – Accountant

Mr. John Tower was present to ask the Board to waive Site Plan Review for his proposed use of 438 Putnam Hill Road for a virtual book keeping service. He noted nearly all of his communication with clients is done online through Zoom, but perhaps twice a month someone may come to the house to pick up a document or meet briefly. The structure on this lot is a duplex and he lives in one half and the other is vacant. He noted there is plenty of parking on the site. The Board viewed an aerial. W. Whittier noted this use is actually an allowed use in the Village District, so he saw no reason to disapprove this reduced version.

Motion: To waive Site Plan Review to allow the book keeping use having found the impact will be minimal and will not change the nature of the property or the neighborhood, M. Sanderson
 2nd: R. Largess Jr.
 Vote: 5-0-0

Public Hearing – Site Plan – Sutton Solar, LLC Phase 2 – 25 Oakhurst Road

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

Alex Curlin of Nexamp was present to review the proposed phase 2 of the Oakhurst Road solar project. He noted Nexamp is one of few companies that develops, constructs, owns and operates their own projects. He stated they are proposing a 1 MW expansion at 25 Oakhurst Road. This project straddles the Northbridge town line, their hearing begins tomorrow evening.

Steve O'Connell of Andrews Survey & Engineering reviewed the site plans with the Board. He stated there will be 5 new power poles. The panels are slightly smaller and are oriented differently as this will be a tracking system that will follow the movement of the sun. Each panel has a very small quiet motor that will make incremental adjustments to the panel angle throughout the day. He noted his client is aware the screening plantings that were planted with phase 1 are not adequate to screen this expansion and will have to be supplemented for this purpose as well as to screen the existing phase. None of the proposed work is within Conservation Commission jurisdiction but they have filed with Northbridge Conservation just to get a negative determination.

The engineering review for this project is outstanding, and as of 9:30 this morning taxes were not up to date.

In response to a question from the Board, Mr. Curlin stated there would likely be no additional phases as anything further would be in wetland buffer areas. Margaret Stevenson of 47 Oakhurst Road asked for the distance to the wetlands. Mr. O'Connell measured and stated the nearest work is 400-600' away from the wetlands.

Motion: To continue the hearing to September 24, 2018 at 7:20 P.M., W. Whittier
 2nd: M. Sanderson
 Vote: 5-0-0

Public Hearing – Definitive Subdivision – 85 Gilmore Drive

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

Travis Brown of Andrews Survey & Engineering was present to review the definite subdivision plan with the Board. This roadway was originally shown as the private driveway for Primetals Technology and one additional business, but due to issues of interpretation of the definition of lot width and common driveways, the applicant is proposing to make the drive and actual roadway. . The proposal is to create a 820' long private way with two buildable lots. Lot 1 will be Primetals. Mr. Brown noted there is access into the Primetals site at multiple locations prior to 500'. Additionally they are proposing 30' of pavement to accommodate industrial traffic but that will also provide maximum width in an emergency response situation. Finally this park is served by public water so there are hydrant close to the site and at least with respect to Lot 1, the proposed business is fully sprinklered with several hydrant on site. The Fire Chief examined the plans as well as the location of existing hydrants within the Park and along existing emergency access, and felt there was no need to create an additional emergency access from the end of the proposed private drive.

The Board considered waiver requests:

3.C.1.f. & 3.C.2.g. – The scale of the location plan is 1" = 150' as opposed to 1"= 200'. This scale makes details more legible and still shows all the required information.

Motion: To grant the waiver for a larger scale as it makes details more legible and still shows all required information, R. Largess Jr.
 2nd: W. Whittier
 Vote: 5-0-0

3.C.2.1. – The profile of the roadway is not shown on the centerline of the roadway through the cul-de-sac as the profile was shown in the center of the most likely traveled portion of the cul-de-sac where utilities will also be installed,.

Motion: To grant the waiver to show the profile of the roadway of center through the cul-de-sac to represent the most likely traveled portion of the roadway and to show the utility installation, W. Whittier
 2nd: R. Largess Jr.
 Vote: 5-0-0

4.A.2.k., 4.A.3., 5.I.1., & 5.G.1. – Reduce Right of Way to 40', increase pavement width to 30', eliminate sidewalks, concrete instead of granite curbing. The right of way is narrower than 50' due to steep slopes tht would otherwise be within the right of way. The pavement has been increased to maximize safety for industrial traffic. Sidewalks have been eliminated due to site constraints and also to discourage pedestrian traffic on this private way which will have more employees and therefore more traffic. Concrete curbing is requested consistent with the rest of the Park.

Motion: To grant the waivers having found they are in the public interest, R. Largess Jr.
 2nd: M. Sanderson

Ben Draper of 15 Barnett Road asked if you would know this section of roadway is private. T. Brown stated a private road sign is proposed.

He added area children ride their bikes on the sidewalks and thought this should be continued down this way. Both J. Hager and W. Whittier noted children should not be encouraged to play in an industrial park. Assessor R. Nunnemacher noted berms in the rest of the subdivision are bituminous and asked why they wouldn't be here? The concrete berms with more clearly define a roadway without sidewalks. R. Nunnemacher noted the numbering of both of the proposed lots will change.

Vote: 5-0-0

4.A.4.b. - Vertical curves of less than 100' (30' & 76') The overall grade of this roadway does not exceed even 5%, but there are two spots where it changes grades almost 1%. At these points a vertical curve is supposed to transition between the two grades to ensure vehicles won't bottom out in either a sag or crest curve and line of sight will be maintained through a crest curve. Making sure the curve is 100' long does this. However another, and equally important way to evaluate these conditions in via K Value, a geometric formula of grade changes and road lengths evaluated with consideration of likely vehicle speeds. In this case the calculated K values for this particular stretch of roadway indicate line of sight and vehicles bottoming out will not be an issue.

Motion: To grant the waiver having found the proposed roadway geometry is safe, R. Largess Jr.

2nd: W. Whittier

Vote: 5-0-0

4.A.5.a. - 850' dead end private way. The proposed roadway was previously intended to be a private driveway for two lots, but due to bylaw questions, conversion to a private roadway was required. Access to lot 1 exists at multiple points before 500'. Additionally, the applicant is proposing 30' of pavement to accommodate industrial traffic but also to provide maximum width in an emergency response situation. Finally this park is served by public water so there are hydrants close to the sites. The Fire Chief was consulted and is fine with the length without the need for additional emergency access.

Motion: To grant the waiver having found public safety officials are comfortable with the proposal,
R. Largess Jr.

2nd: W. Whittier

Vote: 5-0-0

4.A.5.b. Atypical cul-de-sac design - "teardrop" cul-de-sac: pavement ROW 165' – 185' long X 134' wide, island 120' long x 55 wide. The cul-de-sac was designed to accommodate a smoother turning movements for tractor trailers as well as large emergency vehicles.

Motion: To grant the waiver having found there is no detriment to the cul-de-sac design and it will better accommodate truck and safety vehicle turning movements, W. Whittier

2nd: R. Largess Jr.

Vote: 5-0-0

4.A.6. Curb radius of ROW 40' and no pavement radius at intersection with Gilmore Drive (public way). As this is effectively straight continuation of Gilmore Drive as opposed to a perpendicular intersection, there is no need for radii to provide a proper angel for exiting traffic to gain better sight distance.

Motion: To grant the waiver as radii are not necessary in this particular case, S. Paul

2nd: R. Largess Jr.

Vote: 5-0-0

5.F.1 Pavement not centered in right of way through cul-de-sac. The cul-de-sac has been designed off center due to the significant slope to the East as well as having a one way leg and two way leg to accommodate truck turning movements and isolate them from other traffic when necessary.

Motion: To grant the waiver having found no detriment to the change and a better accommodation of proposed traffic, M. Sanderson
 2nd: W. Whittier
 Vote: 5-0-0

5.F.3 Thicker pavement of 3.5' to provide for heavier vehicles and lessen pavement maintenance.
 Motion: To grant the waiver to allow this lower maintenance thickness, W. Whittier
 2nd: R. Largess Jr.
 Vote: 5-0-0

5.J.4 No planting strip and less street trees as shown on plan. If there are no sidewalks there can be no planting strips between the roadway and sidewalks. There will be grass along the entire east side of the roadway, but only along a portion of the West side due to the fact that parking cannot be pushed West to accommodate a greater landscape area due to wetlands. There will be less street trees as there is not a landscaped strip along the entire west edge and there is a significant slope starting partway up the eastern roadway edge. There will be street trees on both sides of the beginning of the roadway creating a nice entrance effect.

Motion: To grant the waiver having found with proposed trees and lot 1 landscaping as well as existing trees to be retained to the East, the bylaw intent has been addressed. W. Whittier
 2nd: S. Paul
 Vote: 5-0-0

5.K. Side slopes 1:1 and 1:2 in areas shown on plans. It is not possible to obtain a 3:1 side slope due to natural topography of the site and previous use of the interior for commercial earth removal. Stabilized vegetated slopes are being used instead of significant retaining walls. Guard rails are proposed where necessary for safety.

Motion: To grant the waiver having found erosion control and safety will be addressed while accommodating this unavoidable land feature, R. Largess Jr.
 2nd: M. Sanderson
 Vote: 5-0-0

5.M.1. Concrete monuments to be consistent with the rest of the Park and less expensive.
 Motion: To grant the waiver having found there is no need to install granite, W. Whittier
 2nd: S. Paul
 Vote: 5-0-0

Motion: To approve the definitive plan for 85 Gilmore Drive dated 9/5/18 with the following conditions: W. Whittier

1. Approval of all other local, state and federal departments, boards and commissions.
2. Prior to plan endorsement all waivers and conditions of approval shall be noted on the plan sheets to be recorded.
3. Prior to plan endorsement in accordance with MGL, the applicant shall provide a covenant that states no lot shall be transferred until the construction of the roadway and any related site restoration is complete.
4. As soon as the subdivision plan is recorded, an electronic file of the plans shall be provided to the Assessor's Office in a form determined by them.
5. Prior to commencement of construction the applicant shall attend a preconstruction meeting with the Planning Department, applicable department representatives, and

- other bodies that have responsibilities relative to the site, as well as the site contractor and other personnel the applicant feels are appropriate.
6. Prior to commencement of construction the Applicant/Engineer shall submit three (3) full size sets of the endorsed plans, one (1) 11" X 17" reduced set, and one (1) electronic copy in pdf format to the Sutton Planning Office.
 7. Construction shall be limited to Monday through Friday 7:00 AM to 5 PM and Saturday 8 AM to noon, no local, state or federal holidays.
 8. At the time of transfer of the first lot, in accordance with MGL, the applicant shall provide a form of surety other than a covenant to secure any uncompleted items shown on the definitive subdivision plan at the Town's cost of completing the items plus contingency as estimated by the Town's consulting engineer.
 9. The applicant shall pay for the cost of surety estimating and inspections by the Town's consulting engineer in accordance with the inspection schedule contained in the Subdivision Regulations.
 10. At the conclusion of roadway construction and prior to release of surety for the project, the Applicant shall provide to the Planning Board an As-Built Plan and written certification from the Applicant's project engineer that the site has been constructed in accordance with the approved plans.
 11. Prior to endorsement of the definitive plan lot area and frontage measurements shall be updated.
 12. Before or at the pre-construction meeting the Fire Chief will be consulted for final hydrant placement. The applicant will also work with the Chief to try to establish a mechanism to provide access to and/or a connection from hydrants on the existing emergency access to the new cul-de-sac.

2nd. R. Largess Jr.
Vote: 5-0-0

Motion: To close the public hearing, R. Largess Jr.
2nd. W. Whittier
Vote: 5-0-0

Public Hearing – Proposed Bylaw Changes

J. Anderson read the hearing notice as it appeared in The Chronicle but waived the reading of the full text of each change in lieu of review as each article is addressed.

The Board tabled this hearing until after the next public hearing.

Public Hearing – Repetitive Petition – 38 Horne Drive

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

The Planning Director explained Mr. Picard had asked the Zoning Board of Appeals(ZBA) for a Special Permit to add an addition to his home at 38 Horne Drive. The ZBA denied this application. If an applicant wants to go back to the ZBA within two years of a disapproval, they must first demonstrate to the Planning Board that there are material changes to their application. The Planning Board is in effect the gate keeper for the ZBA in this instance.

Mr. Onezime Picard was present with his architect Gary Mosher. They reviewed the plans that were disapproved by the ZBA and their new plans. The following things have been changed: overall size of addition reduced, footprint size reduced, new non-conformity (structure in the setback) eliminated, and roof height reduced significantly to be consistent with existing roof line.

The Board briefly reviewed the ZBA's reasons for disapproval. S. Paul asked if the septic system is adequate to accommodate this request. Mr. Picard stated it is adequate.

Motion: To consent to the re-submission of this application to the ZBA having found material changes have been made to the application, W. Whittier
 2nd: S. Paul
 Vote: 5-0-0

Motion: To close the public hearing, W. Whittier
 2nd: R. Largess Jr.
 Vote: 5-0-0

Public Hearing – Proposed Bylaw Changes

#1 from hearing notice:

To eliminate the Solar Photovoltaic Overlay District that allows large ground mounted systems of over 250kW in residential and village districts, thereby restricting placement of these larger systems within the commercial and industrial districts only. This article is sponsored by the Selectmen.

R. Nunnemacher of 24 Singletary Avenue noted he didn't have a copy of this article in the handout. He asked if it had been properly submitted to the Town Clerk's Office. J. Hager verified it had been submitted to the Town Clerk as a separate article, she apologized for only handing out Planning Board sponsored articles and directed attention to the viewing television where the text of this proposed change was displayed.

Clara Kim of 2 Egan Avenue, Worcester, landowner at 9 Stone Circle, asked if there are any residential proposals coming up? J. Hager stated she is not aware of any planned residential systems.

J. Hager noted overlay districts in general cannot be prohibited. So if Town Meeting passes this article and the large solar overlay is eliminated anyone can propose it be re-established in the future by a 2/3^{rds} vote at Town Meeting.

R. Largess noted the process wasn't pretty but the process worked and residents were able to block large projects they thought weren't appropriate. If it's not broke, no need to fix.

R. Nunnemacher noted he does not particularly care for the aesthetics of solar but wasn't sure the Town should just do away with it. He wondered about the long term effects.

J. Anderson noted technology is changing rapidly and something brought forward in the future maybe more palatable,

W. Whittier noted Douglas currently requires new construction to have roofs that could support added weight for potential solar. He noted the three systems that were proposed could have netted the Town \$2.1 million dollars over 20 years with no cost to the Town.

J. Anderson said he saw this more as housekeeping. The current overlay contains only the property on Purgatory Road that cannot be used for solar. This should be cleaned up but shutting the district down. The Board is not restricting future potential, if there is an appropriate future project it can come seek approval just like this original proposal.

S. Paul agreed the Board should clean up this one bad example.

Motion: To recommend that Town Meeting vote to approve this article, S. Paul
2nd: R. Largess
Vote: 5-0-0

J. Hager noted the next several articles (A-D) were originally proposed by Ms. Kim, but the Board decided to sponsor them. They all relate to large ground mounted solar. Whether or not the large solar overlay is overturned, J. Hager noted there is no issue with approving them as they would not allow large solar by themselves.

ARTICLE A (#2 from hearing notice)

To require a Special Permit, in addition to Site Plan Review, for any Large Ground Mounted Solar Photovoltaic Installation (LGSPI) in a residential or village district.

This article would require an additional layer of permitting flexibility. It also provides more potential grounds for the Board to deny a permit and is more defensible.

Motion: To recommend that Town Meeting vote to approve this article, M. Sanderson
2nd: S. Paul
Vote: 5-0-0

ARTICLE B (#3 from hearing notice)

To adjust the use table to reflect that Special Permits will be required for Large Ground Mounted Solar Photovoltaic Installations (LGSPI) projects proposed in the residential or village districts consistent with the language of Article 10.

This article is housekeeping to make the Use Table reflect the content of Article B.

Motion: To recommend that Town Meeting vote to approve this article, M. Sanderson
2nd: S. Paul
Vote: 5-0-0

ARTICLE C (#4 from hearing notice)

To require 100' from lot lines remain untouched and a 200' separation from lot lines to solar panels for Large Ground Mounted Solar Photovoltaic Installation (LGSPI) proposed in residential or village districts.

The Board discussed this regulation at length. It was noted the setback for an industrial structure is only 100' from residential lot lines. R. Largess felt this article was a reaction as opposed to sound planning.

C. Kim noted she researched the article carefully consulting over 30 town’s bylaws, many with much more restrictive regulations. R. Nunnemacher felt this article as overkill and made a tremendous amount of land un-useable.

Motion: To recommend that Town Meeting **not approve** this article, S. Paul
2nd: W. Whittier

C. Kim asked if the Board thought smaller setbacks would be more appropriate, she noted if the article still goes to the Town Meeting floor these larger distances could pass.

W. Whittier noted the Armsby Road case where even this increased setback wouldn’t achieve desired screening, but that the current bylaw wording, if applied correctly, would provide the intended screening.

Vote: 5-0-0

ARTICLE D (#5 from hearing notice)

To require sight line representations and photographs when Large Ground Mounted Solar Photovoltaic Installation (LGSPI) are proposed.

This information is invaluable to the review of a proposed project. While staff currently requests this information, there is nothing in current bylaws that requires it be provided.

R. Nunnemacher felt the language was overkill. The majority of the Board agreed this should be simplified to require sight lines and photographs as the Board determines are necessary.

Motion: To recommend that Town Meeting vote to approve this article to be simplified by the Planning Director, S. Paul

2nd: W. Whittier

Vote: 5-0-0

ARTICLE E (#6 from hearing notice)

To change the definition of “Lot, Width”.

The current definition has functional issues that the Board feels will be improved with this definition. The Board heard comments provided by R. Nunnemacher.

Motion: To recommend that Town Meeting vote to approve this article, S. Paul

2nd: M. Sanderson

Vote: 5-0-0

ARTICLE F (#7 from hearing notice)

To change the required start of construction or operations under a Special Permit from six (6) months to twelve (12) months.

This is a housekeeping article to bring the Zoning Bylaw into conformity with MGL.

Motion: To recommend that Town Meeting vote to approve this article, W. Whittier

2nd: M. Sanderson

Vote: 5-0-0

ARTICLE G (#8 from hearing notice)

To change the definition of “Street”.

The current definition has functional issues that the Board feel will be improved with this definition as it is consistent with MGL.

R. Nunnemacher read the related definition of “subdivision” from MGL and the Planning Director explained how it outlines the most functional definition of street/way.

Motion: To recommend that Town Meeting vote to approve this article, M. Sanderson
 2nd: W. Whittier
 Vote: 5-0-0

ARTICLE H & I (#9&10 from hearing notice)

To remove reference to sign permit fees from the Zoning Bylaw.

The Building Department requested this housekeeping change as it is not typical for fees to be listed within Bylaws voted by Town Meeting. Approval of fees will require approval of the Selectmen only going forward. Similarly penalties for violations of the Bylaw are already addressed within the General Bylaws and should be removed from the Zoning Bylaw.

Motion: To recommend that Town Meeting vote to approve this article, S. Paul
 2nd: R. Largess
 Vote: 5-0-0

ARTICLE J (#11 from hearing notice)

To address lot width requirements for lots on cul-de-sacs within the Office Light Industrial (OLI) District.

The Board recently found while the bylaws allow a reduction in lot frontage in this instance they are silent on the issue of also reducing lot width in these circumstances which creates practical issues, therefore the Board has addressed lot width requirement with this article.

R. Nunnemacher asked what the Planner and/or Board considered the cul-de-sac? J. Hager responded she considered the cul-de-sac to start and end at the mid point of the radii going from the “straight part of a dead end into the bulb of the cul-de-sac. C. Kim suggested the Board may want to add a definition of cul-de-sac.

Motion: To recommend that Town Meeting vote to approve this article, R. Largess Jr.
 2nd: W. Whittier
 Vote: 5-0-0

ARTICLE K (#12 from hearing notice)

To make several amendments to the Common Driveway bylaws: specifying that common driveways may only be used to avoid topographic issues; specifying construction requirements for industrial/commercial common driveways;

specifying restrictions required by the Bylaws must be recorded prior to utilizing the driveway to serve more than one lot; and making a few corrections that do not change the intent of the existing bylaws.

The Board noticed during a recent application that existing language clearly allowed common driveways in all districts but still contained old provisions that were not consistent with this intent. The current bylaw also does not contain specific industrial/commercial construction requirements that the Board felt should be in excess of residential common driveway requirements. Finally, requiring written use restrictions in deeds before any construction commences has been problematic so this language has been adjusted.

Motion: To recommend that Town Meeting vote to approve this article with changes to item #12 formulated by Town Counsel, S. Paul
2nd: R. Largess Jr.
Vote: 5-0-0

Motion: To close the public hearing, W. Whittier
2nd: S. Paul
Vote: 5-0-0

Motion: To Adjourn, W. Whittier
2nd: S. Paul
Vote: 5-0-0

Adjourned 10:06 PM

PROPOSED CHANGES – OCTOBER 2018

ARTICLE A

To see if the Town will vote to amend the Zoning Bylaw Section VI.O. Large Scale Solar Photovoltaic by adding the following paragraph at the end of Section VI.O.3.3.; or act or do anything in relation thereto.

LGSPI within the R-1, R-2, and V Districts, if otherwise permitted, shall also require a Special Permit from the Planning Board for use in accordance with the provisions of Section VII.A.2.

ARTICLE B

To see if the Town will vote to amend the Zoning Bylaw Section III.A.4. Table 1 – Table of Use Regulations by adding the underscored reference number to Section H.4. and the underscored text to the Footnotes following the Table of Use Regulations, or act or do anything in relation thereto.

| H. RENEWABLE ENERGY RESOURCES | | | | | | |
|--|----|----|----|----|----|----|
| 1. Small Hydropower Installations | S* | S* | S* | S* | S* | S* |
| 2. Small Wind Turbines | S* | S* | - | S* | S* | S* |
| 3. Small Solar Photovoltaic Installations (less than 250 kW) | P | P | P | P | P | P |
| 4. Large Ground-Mounted Solar Photovoltaic Installations (250 kW+) ^{1, 2} | - | - | - | P | P | P |

Footnotes:

1. This use is also allowed in the Solar Photovoltaic Overlay District (SPOD).
2. Installations within the R-1, R-2, or V District, if otherwise permitted, shall also require a Special Permit from the Planning Board.

ARTICLE C

To see if the Town will vote to amend the Zoning Bylaw Section VI.O. Large Scale Solar Photovoltaic by adding the following provisions to Section VI.O.3.7.1., or act or do anything in relation thereto.

(f) When an installation is located in an R-1, R-2, or V District, the line of clearing for installation of the panels shall be setback from ~~this abutting~~ lot lines a minimum of 100' with the permitted structures setback set to 200'. The Board may waive these setback restrictions for topographical reasons that would eliminate the need for full screening and distance buffer.

ARTICLE D

To see if the Town will vote to amend the Zoning Bylaw Section VI.O. Large Scale Solar Photovoltaic by inserting the following provision in Section VI.O.3.7. and renumber existing subsequent sections accordingly, or act or do anything in relation thereto.

3.7.5 Sight Line Representations

The applicant shall submit sight line representations as follows: 1. From that portion of any public road within 300 feet of the solar electric generating installation that would have the clearest view of the proposed facility 2. From the closest facade of each residential building (viewpoint) within 300 feet of the highest point (visible point) of the solar electric generating installation. 3. From any local, State, or Federally designated historic district, or public recreational area within 2000 feet of the solar electric generating installation if determined to be visible by the Planning Board, showing the clearest view of the proposed facility

Each sight line shall be depicted in profile, drawn at one-inch equals 40 feet. The profiles shall show intervening trees and structures with both existing (before condition) and proposed (after condition) photographs. Each of the existing condition photographs shall have the proposed solar electric generating installation superimposed on it to show what will be seen from public roads if the solar electric generating installation is built. Sight line profiles and photographs should take into account seasonal variation in visibility.

ARTICLE E

To see if the Town will vote to amend the Zoning Bylaw – Section I.B. – Definitions, by deleting the definition of Lot, Width and replacing it with the following, or act or do anything in relation thereto.

Lot, Width: The minimum lot width shall be equal to the required lot frontage. The minimum lot width shall be measured between the side lot lines within the lot along a line parallel to the frontage and connecting the points at the intersection of the side lot lines and the required front yard setback. ~~If any portion of the minimum lot width line measured parallel to the frontage falls outside the lot, the minimum lot width shall be measured as the straight line distance between the points at the intersection of the side lot lines and the required front yard setback.~~ The minimum lot width shall be shown on all applicable subdivision and Form A plans. At no point prior to the rear lot line setback, shall the lot narrow to less than 50 feet.

ARTICLE F

To see if the Town will vote to amend the Zoning Bylaw – Section VII.A.2.d. – Special Permits, by deleting strike through text and replacing it with underlined text, or act or do anything in relation thereto.

- d. Construction or operations under a special permit shall conform to any subsequent amendment of the by-law unless the use or construction is commenced within a period of not more than ~~six~~ twelve (12) months after the issuance of the permit and in cases involving construction, unless such construction is continued through to completion as continuously and expeditiously as is reasonable.

ARTICLE G

To see if the Town will vote to amend the zoning bylaws – Section I.B. - Definitions, by deleting the Definition of "Street" and replacing it with the following; or act or do anything in relation thereto.

Street - A way providing legally sufficient frontage for division of land under the requirements of Chapter 41, Section 81L General Laws.

ARTICLE H

To see if the Town will vote to amend the zoning bylaws – Section IV.A.2.a.4. – Signs by deleting the strikethrough text as follows; or act or do anything in relation thereto.

- 4 A sign permit fee of ~~fifty dollars (\$50.00)~~ shall be paid to the Town of Sutton for each permit granted.

ARTICLE I

To see if the Town will vote to amend the zoning bylaws Section IV.A.2.c.2. – Signs by deleting the strikethrough text and adding the underscored text as follows, or act or do anything in relation thereto.

2. Any sign owner or owner of property on which a sign is located who violates, or permits a violation of this Bylaw, shall be subject to a fine of ~~not more than fifty dollars (\$50.00) a day.~~ in accordance with 19.2.2. Non-criminal Disposition Bylaw of the Sutton General Bylaws.

ARTICLE J

To see if the Town will vote to amend the zoning bylaws Section III.B.3. Table 2 Footnote #6 by adding the underscored text as follows, or act or do anything in relation thereto.

1. All lots in the OLI district shall have a lot frontage and width of at least two hundred (200) feet except when the lot is completely situated on a cul-de-sac, in which case the minimum lot frontage shall be one hundred (100) feet and the minimum width shall be one hundred and twenty five (125) feet.

ARTICLE K

To see if the Town will vote to amend the zoning bylaws Section VI.I. – Common Driveways by deleting the strikethrough text and adding the underlined text as follows, and leave the remainder of the Section exacts as is, or act or do anything in relation thereto.

Private Driveway – A driveway which serves a single singular private house buildable lot.

Common driveways may be allowed by Special Permit from the Planning Board in all zoning districts ~~when deemed in the best interest of the Town under the provisions of M.G.L. Chapter 40A §9~~ but only to deal with topographic and/or safety issues as determined by the Planning Board and in accordance with the following provisions:

3. Minimum width of eighteen feet (18') for residential drives and twenty five (25') for industrial or commercial drives.
7. Construction: Residential - 6" gravel road base, 1 ½" binder course, 1" top course
Commercial/Industrial – 12" gravel road base, 1 ½" binder course, 1 ½" top course
12. The plan for the common driveway and the deed to lots serviced by a common driveway shall contain a restriction that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snow-plowing and rubbish collection shall be the land owners responsibility. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the ~~homes~~ structures located on said lots. (Town Counsel feels there is a cleaner way to effect this restriction and will provide appropriate wording to the Board)
15. An occupancy permit for any structure accessed via the common driveway shall not be granted until the ~~house~~ street numbers of the lots serviced by the common driveway are clearly posted on a single permanent post at the street so as to be visible from both directions of travel, and are also posted on a permanent post at the point at which each private driveway splits from the common driveway.