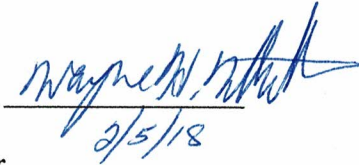


Sutton Planning Board
Minutes
January 22, 2018

Approved


2/5/18

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

General Business

Minutes:

The Board re-voted the minutes of 12/11/17 as there were procedural issues with the previous approval.

Motion: To approve the minutes of 12/11/17, R. Largess

2nd: J. Anderson

Vote: 4-0-2, M. Sanderson and S. Paul abstained as they were not present at this meeting.

Motion: To approve the minutes of 1/8/18, J. Anderson

2nd: R. Largess

Vote: 5-0-1, S. Paul abstained as he wasn't present at this meeting.

Filings: None.

Form A Plans:

81 West Millbury Road – Byron Andrews of Andrews Survey & Engineering was present to explain this submittal is a correction of a previously approved plan. This plan shows land area under Ramshorn Pond that is a part of the previously approved lots. No new lots are being created.

Motion: To endorse the plan dated Rev. 1/22/18 showing corrections to five lots previously approved, S. Paul

2nd: J. Anderson

Vote: 5-0-0

Correspondence/Other:

CMRPC Quarterly meeting - No one attended.

Annual Report –

Motion: To approve and submit the annual report to the Town Clerk, R. Largess

2nd: J. Anderson

Vote: 5-0-0

Public Hearing – Linder – 530 Central Turnpike – Rescind Common Driveway and Retreat Lot Special Permits

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

J. Hager explained that this land was previously a standard lot and a retreat lot with a common driveway on the retreat lot. The standard lot was sold and built out but the owner of the retreat lot lost the lot to tax title. Mr. Linder purchased this lot at auction.

M. Linder explained he has no desire to use the retreat lot and instead intends to sell the land on which the common drive stands to the new owner of the standard lot to remain as their driveway and the remainder of the land will be merged with his adjacent holdings.

The Board reviewed Departmental comments which held no objections. There were no comments from the public.

Motion: To rescind the Common Driveway Special Permit recorded at the Worcester District Registry of Deeds in Book 23367 Page 93, R. Largess
 2nd: S. Paul
 Vote: 5-0-0

Motion: To rescind the Retreat Lot Special Permit recorded at the Worcester District Registry of Deeds in Book 23367 Page 91, R. Largess
 2nd: S. Paul
 Vote: 5-0-0

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

S. Paul stepped off the Board as he is not eligible to vote on this issue due to absences. W. Baker acted as a full member in place of S. Paul.

Public Hearing (Cont.) – Pleasant Valley Crossing – Phase III –

Patrick Doherty, P.E. of Midpoint Engineering was present with revised plans and a response to comments previously received. He reviewed the highlights of changes including drainage revisions, landscaping along Pleasant Valley Road, dumpster enclosures, building materials, and a 4' black vinyl coated chain link fence along the north edge of the parking lot required by Conservation Commission as a defining limit of the resource area no disturbance line and also to prevent blowing of trash/debris into the Riverway area.

J. Hager expressed concerns with the chain link fence and it was agreed that perhaps the conflict between the Conservations purpose and the aesthetic concerns/prohibition of this type of fence in visible areas can be addressed by screening plantings if necessary post construction.

R. Largess was concerned that drainage function properly. W. Whittier expressed continued concerns with unmet conditions on Phase 2 concerning loam and seed of this undeveloped area. P. Doherty stated they have and will continue to remove debris including that which is construction related. They will trim down all brush and in the spring will seed all bare areas but with natural growth as opposed to manicured lawn.

The Board reviewed two remaining waiver requests for use of concrete on sections of sidewalk connecting Phase 3 and Phase 1 areas as well as the use of architectural concrete masonry units for dumpster enclosures.

Motion: To waive the requirements of Sections 4.C.3.f. & V.D. 4.C.1.e. to allow the use of limited section of plain concrete 5' sidewalks and architectural CMU for dumpster enclosures per the plans presented, R. Largess
2nd: J. Anderson
Vote: 5-0-0

P. Doherty explained he is nearly done with the Conservation Commission but wants to make sure their requirements don't cause additional changes to the plans before the Planning Board votes their approval, therefore he requested a continuance.

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

S. Paul returned to the Board.

Public Hearing (Cont.) – Forest Edge – Ariel Circle – Remove Land from Open Space for Cell Tower

Attorney Klasnick was present to review additional materials he provided to the Board. He asserted his proposal is not contrary to open space use and is consistent with any future conservation restriction in that it is a passive use with very limited car or foot traffic.

He noted that as he has demonstrated through materials presented to the Board that a tower at this location is critical to filling gaps in the wireless communications system. He continued stating that the Telecommunications Act is germane and limits the Board's ability to take actions that would effectively prohibit construction of a necessary wireless facility.

He stressed the requested reduction is diminimus as there will still be over 19 acres of excess open space. He reviewed submitted materials in detail.

J. Hager read additional correspondence received from the Grafton Planning Department re-asserting that had the original applicant met the condition of permanently restricting the open space, this application would not have come forward. They also asserted that elements of the wireless communication assertions are most appropriately submitted to and reviewed in detail by the Town of Grafton and as this proposal is not at that point statements made to date and materials submitted cannot be determined to be factual. Grafton has requested should the Board continue to entertain the application that Grafton be allowed time to present legal commentary to a future meeting.

Jen Hager, Planning Director noted she had spoken briefly with Town Counsel who noted an argument could likely be made that even if a restriction were in place an application to amend could still be made.

J. Anderson asked Attorney Klasnick what his justification is for being able to submit this application. How can the Board entertain reversing a condition that was supposed to be permanent?

Land Owner, Jonathan Bruce interjected that the application before the Board proposes amendment to the open space area that remains consistent with the purpose of open space and the draft restriction he has presented also serves tis purpose.

W. Whittier expressed concerns with the 1900' + of roadway cutting through the open space and the actual effect of the proposed overall disturbance and operations on the intent of the open space.

R. Nunnemacher of 24 Singletary Avenue suggested if there is excess open space perhaps it should just be a separate parcel. J. Bruce stated they can't cut out the tower area as it would not then comply with Grafton's standards.

J. Bruce asserted the non-profit he will form to hold the open space will also own the tower and revenues will be used to support "good things".

Adam Wray of 42 Follette Street in Grafton said there are no apparent gaps in Verizon's service in this area they just want to make money leasing to other carriers. He noted this facility is proposed on the top of a hill surrounded by farms and it will destroy values with its horrendous aesthetics. It was noted a view shed rendering would be useful.

Motion: To continue the hearing to 2/5/2018 at 7:30 PM, J. Anderson
2nd: R. Largess
Vote: 5-0-0

General Discussion:

W. Whittier stepped off the Board to tell the Board about some business opportunities he's been approached with and ask for their thoughts.

He told the Board he has recently been approached by 8 different companies about large ground mounted solar installations. Right now he has a small system that provides a portion of the power for farm operations, proposed systems would be commercial systems with power being sent right into the electric grid. He noted in his particular case he would not entertain installations that would take any active farm land out of production, but Whittier's Farm does have acreage that is not being utilized.

J. Hager reminded the Board right now only systems under 250kw are allowed in residential areas. Under today's technology this is about an acre of panels. Systems over 250kw are only allowed in non-residential districts. Roof mounted systems of any size are allowed in every district. At the last Town meeting a citizen's petition created a solar overlay district which allows large ground mounted systems in specific overlay areas. The only area voted by the town to date is an area north of Purgatory Road adjacent to Route 146 North which appears to not be viable due to wetland and legal access issues. If other residential land owners want to be in the overlay they will have to petition town meeting to add their land. She noted if a petition came forward she would hope and recommend it include language that would contain different safeguards as there are very different potential impacts in residential areas than in business areas.

R. Largess said he always open to looking at the bylaw and overlays for potential adjustments. J. Anderson noted he is open to looking at changes as he feels solar projects may be using up valuable limited commercial space, but he stressed the town must be careful and perhaps take a look at what other towns may be doing. In any case even small changes like requiring vegetative ground cover and not overlay of gravel need to be adjusted.

S. Paul said he thinks solar installations are a blight on the landscape. He said these subsidized systems are not a good long term solution in his opinion.

W. Baker said he was supportive of looking at the bylaws with an eye toward maintaining the character of the community so many people moved here for.

R. Nunnemacher of 24 Singletary Avenue agreed emphatically with Scott Paul and his characterization of large installations as “blight”. He also questioned whether this type of green power is truly good.

On a related question from the Board Jen Hager stated there is a Special Town Meeting scheduled for February 12th that features a Tax Increment Financing (TIF) proposal for an advanced manufacturing company Primetals. They currently have 2 locations in Worcester they would like to consolidate into one modern complex. The facility will be approximately 183,000 s.f. and retain 275 jobs in this area. As a registered manufacturer in Massachusetts their equipment/personal property is not taxable, but the associated benefits of having this type of company in Sutton as well as the increased property taxes on a facility of this size, not to mention jobs that will be gained over time by attrition, would be a huge win for Sutton. The initial TIF offering is a 15 year deal that maintains 100% of base real estate taxes and gives an exemption off of taxes on the increased value of the land with the new structure ranging from 100% down to 25%. Even with this exemption Sutton is estimated to gain nearly \$700,000 over the base taxes of \$130,000 that will continue to be received over the 15 TIF period.

It is likely that after informational sessions in February recreational marijuana articles will be formulated for Spring Town Meeting as well as one or two articles Mr. Nunnemacher has requested the Board consider.

Motion: To Adjourn, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Adjourned 9:25 PM