

**Sutton Planning Board
Minutes
July 9, 2018**

Approved jbd

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

W. Baker acting as full member in S. Paul's absence.

General Business

Minutes:

Motion: To approve the minutes of 6/18/18, W. Whitter
2nd: W. Baker
Vote: 3-0-1, J. Anderson abstained as he wasn't present at this meeting

Filings: The Board acknowledged the legal filing of the following applications:

- Shade Tree/Scenic Road alteration – 315 Central Tpke.
- Primetals (manufacturing) – 85 Gilmore Drive
- Bridle Path Definitive Subdivision Application for Rescission

Form A Plans: None

Stockwell Farm Plan & Covenant:

This 4 lot open space subdivision has cleared its appeal period with no appeals filed.

Motion: To endorse the covenant for Stockwell Farm OSRD subdivision with a performance date of 7/9/2019, W. Whittier

2nd: W. Baker

Vote: 4-0-0

Motion: To endorse the subdivision plans dated 6/13/18, W. Whitter

2nd: W. Baker

Vote: 4-0-0

Villas Phase 2 & 3 Bond Reduction:

The Board reviewed correspondence from Jeff Walsh of Graves Engineering estimating the cost to complete remaining infrastructure and earth/landscaping work for these phases of this project. No one representing the Villas was present.

Motion: To reduce the Phase II cash bond to \$11,000, M. Sanderson

2nd: W. Whittier

Vote: 4-0-0

Motion: To reduce the Phase III tri-party agreement to \$467,000, W. Whittier

2nd: W. Baker

R. Nunnemacher of 24 Singletary Avenue asked why guardrail is not present along the top of the very steep slope along the eastern side of the Phase III roadway? He stated this appears very dangerous. J. Burns said he was taken aback by this comment and felt blindsided. He noted he is constructing the plan as approved.

J. Smith, 34 Bond Hollow Road, also on the Conservation Commission, interjected that she is familiar with this area because of a past significant erosion issue from this project behind the Econo Lodge due to this steep slope.

The Board will have this concern looked at and if there is a need for additional guardrail for safety purposes they will let Mr. Burns know.

Vote: 4-0-0

Correspondence/Other: None.

Open Space Residential Development – Yield Determination – 211 Boston Road

Kevin Quinn of Quinn Engineering was present to review various plans with the Board. In accordance with the Zoning Bylaw, an applicant is required to present a conventional subdivision plan to the Board as well as a draft open space concept plan. The Board reviews the conventional plan and determines whether they feel it could be constructed as shown, and once they make this determination the number of lots shown on this plan becomes the maximum number of lots that can be presented on the open space residential development plan.

Mr. Quinn showed the Board a conventional plan with four lots. There were questions about the grade of the cul-de-sac, separation of Wainwright Drive from the cul-de-sac (378' as opposed to 400'), wetlands on lot 1 and the fact that the wetlands have not been survey located yet. J. Hager noted waivers have been granted for separation between two roads on the same side of an intersecting way and available sight distance is the main consideration.

Discussion was tabled until after the remaining agenda items.

Proposed Solar Bylaw Changes

Clara Kim, owner of 9 Stone Circle, was present with several possible changes to the large ground mounted solar bylaws, and to ask the Board to sponsor the changes.

Ms. Kim noted she reviewed the bylaws of about half the cities and towns in Massachusetts and found a significant range of solar regulation, from absolutely none, to very restrictive regulations. Her focus was to provide some additional level of reasonable regulation particularly within residential areas. She met with J. Hager to discuss some potential changes.

J. Hager then took Ms. Kim's proposals and put them in article format, not changing the intent of her proposals.

Her proposals are as follows:

1. Require Special Permits for large installations proposed in residential or village areas
2. Increase setbacks for large installations in residential areas or adjacent to residentially zoned areas.
3. Require sight line representations from various potentially impacted locations for all large installations

J. Hager provided the Board a sample of an article that would completely overturn the solar photovoltaic overlay districts eliminating large systems from residential areas should they wish to pursue this article. This is not one of Ms. Kim's proposals.

Katey Kintzer of 53 Manchaug Road asked the Town to limit solar installations in the wetlands and to prohibit cutting of trees for installations. J. Smith of Conservation Commission said the local bylaws already require a 25' separation of new construction from wetlands.

Denis Kling of 10 Bennet Road asked if there are end of life provisions for these installations? J. Hager stated the Towns bylaws require cash bonding for these installations so the Town can take them down if necessary.

The Board asked for some time to consider Ms. Kim's proposals.

Deliberation & Decision – Forest Edge Open Space Reduction – Ariel Drive off Blackstone Street

Attorney Klasnick and applicant Jon Bruce were present to request a continuance of deliberation. They are working to produce a plan that minimizes the amount of open space being removed and that is consistent with conservation restriction criteria. They had delays due to holiday and vacation absences. They also said they would like to see the draft conditions. J. Hager noted they have been previously provided with these conditions as Mr. Bruce expressed concerns with one on them, the Board confirmed they are fine with the applicant getting the latest copy. They also said they would potentially like to review their final plan with the planner and perhaps Counsel before the next meeting. It was noted the Town has spent a significant amount of funds on Town Counsel to date without reimbursement and is unlikely to allow any more input from Counsel without the applicant paying for this time. The Board is also not going to debate bylaw interpretation or have additional conversation that should have taken place in the open hearing, unless the applicant would like to file to re-open the hearing. W. Whittier stated he will be unlikely to support another continuance as this matter has been ongoing for some time and it isn't fair to anyone. J. Anderson noted if the Board does not have an updated plan to reference in their decision, they will use the last plan submitted in open meeting which removed 14 acres from the open space. Mr. Bruce noted this plan was just presented to show the Board they could achieve an area that would comply with Grafton's telecom bylaws, that they never intended to remove this area from the development tract.

Motion: To continue deliberation on July 30, 2018 at 7:10 P.M., W. Whittier
2nd: W. Baker

The applicant said they will need more time to finalize their plans. W. Whittier changed his motion to August 13, 2018 at 7:10 PM and W. Baker assented.

Vote: 4-0-0

Open Space Residential Development – Yield Determination – 211 Boston Road (cont.)

There were questions relative to whether the lots shown meet the definition of lot width. Mr. Quinn noted in no case is the lot width, measured parallel to the road, less than the frontage.

Mr. Quinn said he is happy to provide the Board with additional information on the issues discussed and come back but would like to know if the Board has any fundamental objections to the proposal. The Board did not have any fundamental objections.

It was noted the road would likely be submitted for public way approval. Typical waivers that might and would not be granted were briefly discussed.

Other:

Jack Sheehan of 6 Jones Road asked what had occurred with Bridle Path? The Board update Mr. Sheehan that Mr. Funari has filed to have the Board rescind this 37 lot subdivision. He asked if the surety for the subdivision has also expired. Ms. Hager said she was not certain but it is moot at this point. Mr. Sheehan asked if Counsel had given direction on whether the requirement that projects start construction within 6 months should be enforced.

J. Hager stated in this case as the Board has granted so many extensions of the covenant with extended performance dates it would not be very enforceable. Mr. Sheehan noted he does not think this provision has ever been enforced. Ms. Hager agreed and noted perhaps it should be removed.

Motion: To Adjourn, W. Whittier

2nd: W. Baker

Vote: 4-0-0

Adjourned 8:07 PM