

Sutton Planning Board
Minutes
September 23, 2013

Approved _____

Present: R. Largess, T. Connors, W. Whittier, M. Sanderson
Staff: J. Hager, Planning Director

General Business:

Minutes:

Motion: To approve the minutes of 9/9/13, W. Whittier

2nd: T. Connors

Vote: 4-0-0

Form A Plans: None

Filing – Minardi – 72 Worc/Prov Turnpike – The Board acknowledged the legal filing of an application for a landscape contractor’s yard at this location.

Correspondence/Other:

Water’s Farm Days – October 5th and 6th

Open Meeting Law Training - October 8th at 7 PM

Moving Together Conference – October 23rd full day conference

Heney Common Drive Update – The Planning Director spoke with Scott Medeiros, P.E. last week and Dan Heney today and also visited the site. Mr. Medeiros reported that the Conservation Commission has authorized installation of two additional pipes and will just require Mr. Heney to show these changes on the AsBuilt plans he will file with his request for a Certificate of Compliance. The rip rap has been installed all along the east side of the driveway and the road base is solid. Mr. Heney told J. Hager he will install the pipes in no more than three weeks, and hopes to pave this season although the funding he was counting on is currently uncertain. The Board stressed they do not intend to go through another season like last year. The paving needs to be completed.

Forest Edge Update- J. Hager stated she sent out the email and the letter to Jon Bruce that the Board requested, stating they are open to discussing surety issues but not until the remaining items have been removed from the site as the Board initially requested. She also informed Mr. Bruce that the Board had given a one week deadline, and will request ticketing thereafter. Residents noted Mr. Bruce has been on the site in the last week. He could not be at the meeting tonight but will be present on October 7th. R. Largess stressed Mr. Bruce doesn’t need to show up on the 7th, he just needs to call to say the remaining items are off the site. J. Hager noted that would be good, but he will still need to show up to discuss surety once those items are removed.

Public Hearing – Proposed Bylaw Changes

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

Retreat Lot Access (petitioned) - J. Hager provided general information on retreat lots, common driveways, and legal access to buildable lots.

Attorney Larry Army Jr. was present on behalf of petitioner Michael McGovern to explain why a bylaw change was being requested.

He stated the reason they are proposing a bylaw change is for their particular development scenario, but they feel the change will also be beneficial town wide. Right now you can utilize a common driveway to provide access for up to three legal building lots. If one of the lots is a retreat lot the common drive must be located on the retreat lot. They are proposing to revise the retreat lot bylaw to allow a retreat lot to be accessed over a common driveway located on another lot.

He stressed that as a special permit the Board maintains the ability to determine when such a proposal isn't appropriate. The change just gives the Board flexibility to make certain situations, like the petitioner's, more aesthetic particularly on scenic roadways.

R. Largess felt this was a good idea.

T. Connors felt this was not a good idea, feeling it was corrupting the intent of the bylaws.

W. Whittier was concerned with the potential length of travel to reach a home in this situation.

M. Sanderson confirmed that as the retreat lot will have to be approved first it will still have to have adequate grade and other physical features to ensure a singular private drive is possible if something goes wrong with common drive access. Considering this she does not see an issue.

L. Army stressed they are not changing the common driveway requirements and he feels this may inhibit larger subdivisions, just as the original retreat lot bylaw inhibited small cul-de-sac subdivisions.

George Lamothe, local property owner and associate at Mercure Associates Realtors, felt this was a good idea as it promotes less driveways, less drainage issues, and is controlled via Special Permit.

Robert Nunnemacher of 24 Singletary Avenue, a Registered Professional land Surveyor noted issues often arise over time with shared private access. It is imperative that access to the lots involved must be available from their legal frontage in case an issue arises with the common driveway. He was not in favor of the proposed change.

W. Whittier noted the changes makes sense in this case but he can see a case where the driveway might be used to access two retreat lots from one roadway and one from a parallel roadway, he worried about how this would be misused and cause safety issues.

T. Connors stressed this is one proposal, but the Board has to consider town –wide effects.

L. Army stressed he is open to suggested amendments that would restrict the use to no more than two retreat lots, or whatever language the Board feels is appropriate. J. Hager noted any amendment would have to be within the same scope as the original article. Mr. Army also reminded the Board the Fire and Police departments must approve the private drives serving the retreat lots.

Motion: To recommend that Town Meeting approve this article, M. Sanderson

2nd: W. Whittier

T. Connor stated his objection is more with the way the article is written as opposed to the intent.

Vote: 2-2-0

Motion: To continue the public hearing on this article to October 7 at 7:10 PM to allow for a potential amendment within the scope of the original article to mitigate the Board’s concerns, W. Whittier
 2nd: T. Connors
 Vote: 4-0-0

Allow Roof Top Signs (By Petition) - George Lamothe was present on behalf of the petitioner of the roof sign article. He stated the petitioner wishes to remove the prohibition on roof signs. Their interest is to install upgraded and consistent signage at Sutton Plaza. They cannot mount all the new signage on the building at the same height unless a number of signs are located on the roof. They will not project above the peak of the roof.

M. Sanderson said she can see why the petitioner wants the change and has no issue if the signs are reasonably sized, tasteful, and controlled.

W. Whittier said he also understands why the change is petitioned but he noted under the proposed wording a sign could go on top of the second story roof which would NOT be appropriate.

T. Connors agreed as did R. Largess and R. Nunnemacher (24 Singletary Ave.).

Motion: To continue the public hearing on this article to October 7th at 7 PM to allow for a potential amendment within the scope of the original article to mitigate the Board’s concerns, W. Whittier
 2nd: T. Connors
 Vote: 4-0-0

43D – Wilkinson Priority Development Site (PDS) – J. Hager explained this article is to designate approximately 436 acres in north-east Sutton as a PDS. She noted Sutton already has one other PDS in south Sutton running south from Whitins Road to the Douglas Town Line, east of Hough Road, and West of Route 146, where the recently approve west side connector road is located. She noted this designation signals the Towns willingness to entertain and support business development through an expedited review process. The designation also gives the Town priority on funding requests for infrastructure to serve this area.

Motion: To recommend that Town Meeting approve this article, M. Sanderson
 2nd: T. Connors
 Vote: 4-0-0

Rezone I to OLI north-east Sutton. J. Hager explained this article is intended to add additional uses to this area and provide more comprehensive permit ability on existing industrial uses. It is intended to signal the land owners and development community that Sutton is looking for more varied and less intense industrial uses in this area.

Land owners and abutters were notified of both the 43D and I to OLI zoning change and none expressed dissent. Aggregate, the largest land owner in the area, had no objection to the changes.

T. Connors verified the buffer to residential would be 200’.

R. Largest said this is good planning for the future and will encourage the highest and best use of the land.

R. Nunnemacher of 24 Singletary Avenue noted the area is not likely to be developed without access to Boston Road. J. Hager explained there may be a consideration at upcoming Town meetings to consider expanding the zoning to the west, but that it is important to set the tone for what type of development will be welcomed before the Town gives away an important piece of leverage like access.

W. Whittier confirmed a rezoning would not be necessary for access if the road is built and then accepted as a public way.

Motion: To recommend that Town Meeting approve this article, W. Whittier
2nd: T. Connors
Vote: 4-0-0

Rail in OLI – J. Hager noted the Board wants to encourage the use of the rail line that exists in the proposed re-zoning area, so the use table must be adjusted to allow this use.
R. Nunnemacher of 24 Singletary Avenue confirmed that a rail siding exists into the Aggregate property off the rail line making its use easier.

Motion: To recommend that Town Meeting approve this article, T. Connors
2nd: M. Sanderson
Vote: 4-0-0

Motion: To close the public hearing for all but the petitioned articles, which will be continued until 7:10 PM on October 7th, T. Connors
2nd: W. Whittier
Vote: 4-0-0

Motion: To adjourn, W. Whittier
2nd: T. Connors
Vote: 4-0-0

Adjourned 8:38 P.M.