

Sutton Planning Board
Minutes
December 2, 2013

Approved _____

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

General Business:

Motion: To approve the minutes of 11/18/13, W. Whittier
2nd: R. Largess
Vote: 6-0-0

Form A Plans:

Rocheleau/Leland Hill Estates LLC – A portion of the backland at 186R Hartness Road is being purchased to increase the size of a few lots within the Leland Hill Estates comprehensive permit development off Leland Hill Road.

Motion: To endorse the Form A plan dated 11/26/13 off Partridge Hill and Hartness Road which creates no new building lots, R. Largess
2nd: M. Sanderson
Vote: 6-0-0

Correspondence/Other:

Common Drive, 538 Central Pike – It was noted the additional drainage pipes have been installed. The Planning Director has not connected with Town Counsel yet to ask a few final questions. If Counsel still agrees with the Commissioner after her inquiry, she will inform Mr. Murphy of this opinion.

Oakhurst Road – Mr. Tonry of Tent Connection in Northbridge MA apologized for not being present at the Board's last meeting. He requested another audience before the Board because he believes that Sutton's bylaws for the Office Light Industrial (OLI) District allow his business. He noted, per the Board's focus at the last meeting, he does rent tents, but he explained the majority of his business is service oriented. Much of the year his company takes in other company's tents. They repair, wash and store these tents. The company also sells tents, including custom tents they design and manufacture. They set up these custom tents, and take them down when they are no longer needed each season, and perform all the maintenance of them before storing. They are a contractor similar to the staging contractor on Harback Road. In most towns building permits are required for the erection of the tents; the company must carry liability insurance and also carry workmen's compensation insurance. In discussion with the company accountant, he stressed that only about 30% of the income from tent rentals is actually a fee for the rental; the rest of the cost actually covers transport, labor and warehousing. They also do custom canvas work, like specialized all weather covers for outdoor equipment. He gave examples of accounts they have with the YMCA, various nursing homes, and Southwick Zoo. Now that the Board had a more comprehensive understanding of the business the majority of the Board agreed this was like renting a drill for the day, it truly is more of a service and/or contracting company, which is a permitted use along Oakhurst Road. The proposed business will still have to go through Site Plan Review and Special Permitting.

Public Hearing – McGovern – Common Drives/Scenic Roadway

J. Anderson read the hearing notice as it appeared in The Chronicle. The Board had input from several departments.

The applicant and landowner, Michael McGovern was present to explain his application to the Board. He stated he wants to establish two additional common driveways along Manchaug Road. His intent is to lessen the impact of multiple driveways cuts on a scenic roadway and to also lessen traffic conflicts from what could be six different driveways.

T. Connors referred to a footnote on the Table of Dimensional Regulations which stated access to the primary structure on a lot must be from the legal frontage and not over an easement on someone else's property. Additionally, alternate access cannot be allowed solely for the convenience of a petitioner, but instead it must be to avoid a topographical and/or safety issue. He stated he felt Town meeting adjusted the bylaw to fit this one situation, but what is being requested still doesn't comply with the bylaws and allowing it would be a slippery slope.

W. Whittier complimented Mr. McGovern for not proposing six different driveways. However, he asked for clarification on the 12' driveway shown on Lot #6. It appears to only service Lot #5 and not proceed beyond that to actually service Lot #6 on which it is located. This appears to conflict with the intent of the common driveway regulation. Mr. McGovern stated he wanted to use the existing break in the stone wall on the frontage of Lot #6 to install a driveway that will service Lot #5. He could extend the drive beyond into Lot #6, but intended to service Lot #6 off of the other requested common driveway as it makes more sense with where he intends to site the home on this lot. He noted he could extend this driveway up into the lot but would likely service a barn or something other than the home.

Motion: To grant the special permit for a common driveway to serve Lots 3, 4, and 6 with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.
2. The deed to the lots 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, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
3. The house numbers of the lots serviced by the common driveway shall be clearly posted at both Manchaug Road and the split in the common driveway as well as clearly on each unit.
4. The Highway, Fire and Police Departments must approve the private driveways that branch off the common driveway.
5. A roadway construction cross section showing compliance with this section VI.I.7. must be added to the plan.

2nd: W. Whittier

T. Connor stressed a retreat lot is already a special exception to the regulations, he is not inclined to grant access to the lot off of a common driveway especially if Mr. McGovern is going to establish a second driveway on the lot.

Vote: 5-1-0, T. Connors opposed as he does not think this is in the best interest of the Town.

Mr. McGovern asked that he be allowed to withdraw the request for the common driveway for Lots 5 and 6 so he can reconsider this request and perhaps revise the plans per the discussion. The Board stated he should just continue the hearing as he would otherwise have to re-advertise.

Motion: To continue the hearing to December 16, 2013 at 7:30 P.M., S. Paul
2nd: T. Connors
Vote: 6-0-0

Aggregate – Earth Removal Permit

J. Hager reminded the Board that the bylaws allow, and it has been the past practice of the Earth Removal Board, to grant one year extension of existing permits particularly where there isn't major work going on earth removal sites. The operations still have to submit an application for extension with the supporting plans.

Aggregate Industries has submitted an application for a one year extension of their 2013 Earth Removal Permit. They continue to do reclamation work and intend to fill in non-jurisdictional man made wash ponds this year and may also begin taking down processing structures. No more excavation will occur on the site, other than that required to stabilize slopes. They occasionally sell from existing stockpiles, but are in the process of marketing the site for sale.

M. Sanderson and R. Largess conducted site visits of all three permitted sites. They noted autumn olive and other scrub brush is being removed, and the site is being nicely reclaimed to make it more attractive for sale.

Motion: To grant a one year extension of the 2013 earth removal permit for Aggregate Industries off Boston and Providence Roads with the same conditions as the previous permit, and including the requirement to provide a renewal bond before the end of the year,
R. Largess
2nd: W. Whittier
Vote: 6-0-0

Motion: To adjourn, R. Largess
2nd: W. Whittier
Vote: 6-0-0

Adjourned 8:15 PM