

March 22, 2023

William Talcott, Chair
Sutton Planning Board
Sutton Town Hal
4 Uxbridge Road
Sutton, MA 01590

Re: Application for Special Permit for Route 146 Overlay District Special Permit and Site
Plan Approval
Torrington Properties, Inc.
15 Pleasant Valley Road (Map 10, Lot 93)

Dear Chair Talcott and members of the Board:

By correspondence of March 20, 2023, Bohler Engineering, Inc. provided written responses to the review correspondence of the Planner originally dated February 21, 2023. The Planner's comment letter had requested more specificity as to the waiver request including reasoning why the Applicant feels the waiver, in each case, should be granted. Bohler provided that specificity as an attachment to the March 20th letter. The purpose of this correspondence is to supplement the support of a particular waiver request relative to open space requirements of the Route 146 Corridor Overlay District Bylaw.

The land in question lies within the Route 146 Corridor Overlay District. As such, Section V(D)(4)(c)(11)(b) of the Zoning Bylaw is applicable in that there is no specific requirement of a numerical quotient for frontage; rather, the determination of the project intensity, including frontage, is determined by meeting the requirements of Floor Area Ratio (FAR) and the open space requirements of the Route 146 Overlay. This is particularly important to this proposed development as a question has arisen on the technical compliance of the lot with the frontage requirements for Business-Highway (B-2) Zoning District. The Applicant firmly believes that the plan complies with the requirements of the underlying Zoning District.

The Route 146 Corridor Overlay District Bylaw is clear that the Board can waive specific requirements established within the Overlay District. Section V(D)(b) of the Zoning Bylaw gives the Board the power to modify or waive any requirement within the Overlay District "upon finding that due to the topography, location or other unusual conditions affecting the property the requirements of the Section would unreasonably restrict the use of the property or be detrimental to the orderly development of the area".

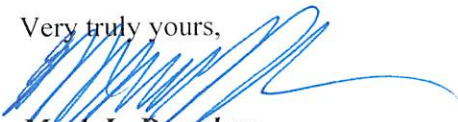
Given the limited area of the lot (1.311 acres), the ability of any commercial use of the property to proceed while also complying with the 35% open space requirement is simply not practical.

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As proposed, the structure is less than 5,200 square feet in area. The paved surfaces are the areas required for appropriate circulation in and out of the Pleasant Valley Road driveway and to provide for safe travel within the site. There is simply no meaningful way to increase open space on the site making this an appropriate case for waiver of the open space requirement. Further, as noted in the Bohler memorandum, the site is further constrained by the significant setback limits. Pursuant to the Bylaw, the open space calculation excludes the open area within setback limits although same is clearly "open". This site is impacted in its ability to meet this particular requirement by the 50 foot setback applicable for a corner lot, thereby excluding large portions of landscape areas. As pointed out in the Bohler response, if the landscaped areas within the setbacks were calculated as open space along with other landscaped areas the open space of the site would exceed the requirements of the Bylaw and constitute more than one half of the site in its entirety.

We look forward to the opportunity to discuss these matters at the April 10th Planning Board meeting.

Very truly yours,



Mark L. Donahue

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MLD/mmp