

Sutton Planning Board  
Minutes  
September 12, 2016

Approved \_\_\_\_\_

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

W. Baker acting in place of J. Anderson.

**General Business:**

Minutes:

M: To approve the minutes of 8/22/16, R. Largess

2<sup>nd</sup>: M. Sanderson

Vote: 4-0-0

Filings: None.

Form A Plans:

PV Crossing – 171 Worcester Providence Turnpike Form A and Waiver of Site Plan Review – Tabled until next meeting. J. Hager noted that Patrick Doherty PE on this project has been working with Jeff Walsh of Graves Engineering and the Conservation Commission to try to resolve concerns with operation of the main basin at this location, so the Board should request an update on the status of this work when Mr. Doherty returns to the Board.

Correspondence/Other:

Wireless Article – J. Hager explained the applicant for the wireless tower on land formerly owned by Whittier Farm, now owned by the Town, near the town line with Oxford is in the application process. Due to issues with slope and wetland, it is not possible to meet the required 200' separation to the nearest lot line, which in this case is land of Whittier Farm, who are obviously fully apprised and accepting of this use. While case law related to the Telecommunications Act of 1996 (TCA) requires towns to vary/ease the terms of this regulations where there is no functional alternative to fill a gap in coverage, this situation demonstrates that a waiver provision may be useful and appropriate in this bylaw as it has been in other Town bylaws like the Route 146 Overlay District, where it is impossible to anticipate each unique situation. The Selectmen will speak about this proposed bylaw change and decide if they will sponsor it. J. Hager asked if the Planning Board is comfortable sponsoring the article if the Selectmen think it more appropriate for Planning

Forest Edge Landscaping - J. Hager reviewed a letter from Jon Bruce, developer of the Forest Edge condominium complex. HE was asking for direction on changes to the proposed street trees and landscaping. The Board reviewed his letter and input from the condominium association and their property manager. The Board stated they are fine with whatever can be agreed to by both parties. If they cannot reach an agreement for amendments then the original plantings, minus the invasive burning bush, must be installed.

Historic Preservation – Wally Baker reported back on a historic preservation session he attended in Waltham. He noted the 9-3 session covered many subjects including zoning regulations, the Community Preservation Act (CPA), grants and more that relate to preserving and maintaining historic assets. He brought back copies of program materials for reference.

**Public Hearing – Retreat Lot – 82/84 Dodge Hill Road**

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

David Lavallee PLS was present with the applicant to request the Board grant a Special Permit for a retreat lot at this location. This land consists of three tracts, 82, 84 & 84R Dodge Hill with one home currently located on the land. The Zoning Board of Appeals (ZBA) has granted a variance for lot area for a lot with the home on it, leaving enough frontage and area for a compliant retreat lot.

The Board reviewed departmental comments. They verified issues with the Form A lot plan noted in the Planning director’s memo have been resolved.

The Board read a letter from an abutter Mr. Cote into the record. He was concerned primarily with additional water on his lot as well as a buffer to the proposed driveway. Mr. Lavallee stated they will add an earthen berm to block additional water if necessary. They intend to keep the driveway at about the center of the entrance throat which should maintain some buffer to Mr. Cote’s land. Although it is not a requirement to know exactly where the new will go, it is anticipated it will go almost behind the existing home. While the Board didn’t think it was appropriate to require specific mitigation in advance of construction of this small residential driveway, they stated the applicants should be mindful of these concerns. It was noted the applicants don’t want to make enemies of their future neighbors, so will do what they can during construction to minimize clearing and deal with runoff issues.

Motion: To grant the Special Permit for a retreat lot with 5.51 acres and 59 feet of frontage at 82/84 Dodge Hill Road based on the plan dated 9/2/16 with the following conditions:

R. Largess

1. Approval of all other local, state and federal departments, boards and commissions
2. The access from the frontage of said lot to the principal structure (driveway) shall be of bituminous surface, no greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet.
3. The house number shall be visible at the street.
4. Underground utilities shall be required.

2<sup>nd</sup>: M. Sanderson

Vote: 4-0-0

Motion: To close the public hearing, R. Largess

2<sup>nd</sup>: M. Sanderson

Vote: 4-0-0

**Public Hearing – Proposed Bylaw Changes**

R. Largess read the hearing notice as it appeared in The Chronicle, waiving the reading of the detail of each article.

The Planning Director reviewed each article (attached) with the Board and the related comments from Town Counsel.

Neil Crites of 447 Putnam Hill Road who also owns 1 Main Street and 6 Whitins Road asked questions relative to the proposed re-zoning from Industrial to Village in Manchaug Village.

The Planning Director noted that all directly affected parties were notified of the proposed change to provide an obvious opportunity to have input. She noted she has met with the Dunleavy's who own the main mill several times and Mr. Crites. She reviewed uses that would no longer be allowed as well as additional uses that would be allowed if the zoning were changed. She noted the change focuses on discouraging heavier/truck dependent uses in the small village area and encouraging retail, restaurants and service uses as well as mixed uses. She noted manufacturing and wholesale trade will still be allowed so not all industrial uses will be eliminated.

Mr. Crites expressed support for the re-zoning. The Dunleavy's were present and stated they have discussed the change with the Planning Director and while the change eliminates some types of uses they are confident with the mix of additional uses that will be opened to them, they will be able to replace tenants if necessary, so they have no substantial concerns.

The hearing was tabled to allow the next public hearing to proceed in a more timely manner.

### **Public Hearing (cont.) – 289 & 290 Putnam Hill Road**

Shelley Hultgren from JH Engineering was present with applicant Gianni Romeo. They have addressed remaining issues raised by Jeff Walsh, the Town's consulting engineer. Mr. Walsh sent an email saying as much.

J. Hager's only remaining concern was that the Conservation Commission may not allow two wetland crossings on this land regardless of the fact that it will become 9 separate lots. Ms. Hultgren noted there is an existing stone box culvert crossing over the wetland on one of the proposed single family lots and they are hopeful the Commission will allow them to continue use of this crossing. In any case they acknowledge the concern.

There were no questions from the public.

Motion: To grant the Special Permit for a common driveway to serve three lots at 289 Putnam Hill Road per the plan dated 9/6/16 with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.
2. The deeds 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 and drainage system maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded declaration of easement and deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
3. An occupancy permit for any structure accessed via the common driveway shall not be granted until the house numbers of the lots serviced by the common driveway are clearly posted on a single permanent post at the street so as to be visible from both directions of travel, and are also posted on a permanent post at the point at which each private driveway splits from the common driveway.

2<sup>nd</sup>: W. Baker

Vote: 4-0-0

Motion: To grant the Special Permit for a common driveway to serve three lots at 290 Putnam Hill Road per the plan dated 9/6/16 with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions.
2. The deeds 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 and drainage system maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded declaration of easement and deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
3. An occupancy permit for any structure accessed via the common driveway shall not be granted until the house numbers of the lots serviced by the common driveway are clearly posted on a single permanent post at the street so as to be visible from both directions of travel, and are also posted on a permanent post at the point at which each private driveway splits from the common driveway.

2<sup>nd</sup>: M. Sanderson  
 Vote: 4-0-0

Motion: To close the public hearing, R. Largess

2<sup>nd</sup>: M. Sanderson  
 Vote: 4-0-0

**Public Hearing – Proposed Bylaw Changes**

(continued from earlier discussion)

In concert with a questions from W. Whittier on the definition of “Amusement Facility” it was noted Town Counsel also had an issue with the phrase “shall not include live action sports” noting several of the activities listed could be considered just that. The Planning Director stated she is happy to consult with Dan Petrelli who drafted the bylaw and either remove this sentence, or as suggested by Town Counsel, just more clearly state exactly what activities are to be prohibited from these facilities. She noted the intent is to have a clear distinction between uses allowed under section III A.4. Table 1 sections B.2 and E.12 which both currently contain the phrase “recreational facility” and which created so much confusion during the application for an indoor sports complex earlier in the year that was ultimately withdrawn.

The Board made several adjustments to the article revamping the section on nonconforming uses, structure and lots including allowing structures lost in a fire or act of nature to be re-built in their original footprint, even if they are nonconforming. They did not feel it was appropriate to require people who have lost everything to incur the additional expense of relocating their foundation etc. unless they voluntarily choose to do so.

Motion: To recommend that Town Meeting approve all proposed articles with changes recommended by Town Counsel and the adjustments made by the Board this evening, R. Largess

2<sup>nd</sup>: W. Baker  
 Vote: 4-0-0

Motion: To adjourn, R. Largess

2<sup>nd</sup>: W. Baker  
 Vote: 4-0-0

Adjourned 8:55 P.M.