

Sutton Planning Board
Minutes
November 13, 2017

Approved _____

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

W. Baker acting as a full member in place of S. Paul.

General Business

Minutes:

Motion: To approve the minutes of 10/23/17, R. Largess

2nd: J. Anderson

Vote: 4-0-1, W. Baker abstains as he wasn't present at this meeting

Filings:

Retreat Lot – Rich Road (part of 571 Boston Road) – The Board acknowledged the legal filing of this application for a 5.7 acre retreat lot with 51' of frontage on Rich Road.

Form A Plans: None

(J. Anderson steps off the Board as an abutter)

C. 61A release – 169 Eight Lots Road (Lots 1 & 3): The Board reviewed the request to remove approximately 7.2 acres for \$160,000 and 2.8 acres for \$149,000 from C. 61A protection. The Town has the option to match these offers and purchase the land. These are two of five buildable lots created by the residue of the Cronin holdings off Eight Lots Road. One lot has already been released from C. 61A protection.

Motion: To recommend the Town pass over its first right of refusal for this land as it is not a priority parcel per the Open Space & Recreation Plan or the Master Plan, R. Largess

2nd: W. Baker

Vote: 4-0-0

(J. Anderson returns to the Board)

Covenant Release – Romeo – Dudley Drive: J. Hager reminded the Board a covenant had been endorsed to ensure that the Dudley Drive road layout would be paved well past the driveway location for a second lot and road graveled and compacted for the remainder of the legal frontage. This has been completed for some time and is holding up well, therefore the covenant can be released.

Motion: To release the covenant recorded at WDRD Book 53820 Page 94, M. Sanderson

2nd: J. Anderson

Vote: 5-0-0

Atlas Box - Site Plan Review Wavier Request – Parking Expansion: Frank Tavarez of Atlas Box was present to review a 66 space parking lot expansion with the Board. He stated particularly at shift change they are short of parking and need these spaces. When Atlas was originally built the adjacent lot was zoned residential and therefore the area now proposed for parking could not be used for parking because of required setbacks from zoning district lines.

This adjacent parcel is now zoned business so they can fully utilize this area for much needed parking. Graves Engineering reviewed the revised plan and drainage calculations which were found to be sufficient. However, Jeff Walsh expressed concerns about parked cars backing into the access drive and vehicles leaving the parking lot having to swing into the on-coming lane. Mr. Tavaréz noted there are over 15 spaces on the existing site that back into the access drive with no issues as this is a gated drive where vehicles must stop fully and then proceed very slowly past the spaces that back into the drive. They have had no issues with this type of space.

Motion: To grant a waiver of site plan review and approve the 66 space parking lot expansion at Atlas Box with the condition that concern #2 from the Graves Engineering review email be addressed, J. Anderson

2nd: R. Largess

Vote: 5-0-0

Correspondence/Other:

Central Massachusetts Regional Planning Commission (CMRPC) Quarterly Meeting – W. Baker attended the quarterly meeting and summarized it was about establishing a regional trail map and uniform mapping protocol. He has provided Jen Hager with materials so that Sutton can join this effort. He added that CMRPC is moving to the Unum building as they are adding much more staff. He stated there is also an upcoming legislative breakfast being hosted by CMRPC that will focus on the topic of water that he will be attending as well as the Planning Director.

J. Hager noted the department received notice that the medical marijuana dispensary proposed for North Main Street in Millbury was approved.

Public Hearing – Forest Edge – Ariel Drive (off Blackstone Street) – Amend Special Permit

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

The Chairman cautioned that discussion during the hearing needs to remain civil and respectful.

Two application are before the Board relative to Forest Edge as follows:

1. Application to amend the Special Permit to change four-plex units to duplex units
2. Application to amend the Special Permit to remove area from the open space for a commercial use

Michael Bruce of the Forest Edge development team addressed the first application. He told the Board they would like to switch from four unit structures to two unit structures as it is easier to fit these smaller footprint structures into the topography of the site and reduces issues with drainage around the units. Additionally a smaller number of connected units allows for better fire response access. They have constructed two duplexes as part of phase I and they have been very well received. They would maintain the 50' setbacks to Ariel Circle but separation between structures would be reduced to as little as 25'.

Attorney Klasnick addressed the second application. He represents Verizon who would like to apply to the Town of Grafton to install a wireless communication tower on a portion of the open space for this project.

He presented a chart that showed the acreage calculation for the original project and for the project if the Board allows area to be removed to demonstrate the revised acreage would still more than meet bylaw requirements. He asserted the particular placement of the communication tower would not detract from the area.

J. Hager summarized the memo that she wrote to the Board, that both a condition in the Planning Board's approval requiring open space be permanently protected as well as a condition in a subsequent Zoning Board of Appeals approval that also required the open space be permanently protected were never placed. She summarized the various actions that were taken on this project as well as decisions the Board needs to make depending on their viewpoint on the application.

Jon Bruce gave his summary of the background on the project noting that after initial failed attempts with Grafton to get a permanent restriction in place on the open space, it just fell through the cracks. He maintained as there is excess open space, and even if restrictions had been placed, he could still be applying to the Board to remove some of the open space area for an alternate use. His intention is to create a non-profit and have a negative easement on the land for the cell tower.

R. Largess read emails from Amy Gatto of 139 Ariel Circle and Joyce Sandvic of 103 Ariel Circle into the public record. They expressed opposition to both conversation of 4plexes to duplexes as well as allowing open space to be used for a cell tower.

Joseph Laydon, Grafton Town Planner read a letter from the Grafton Selectmen into the record maintaining that as development restrictions were placed on the open space parcels per the Planning Board and Zoning Board of Appeals approvals, the open space land should not be used for a cell tower and that the permanent use restriction condition from these approvals should be enforced. He also wondered if there is enough frontage for the condo project to be legal if any is removed from the land in Grafton.

R. Largess asked if there is gap in cell service in this part of Sutton and Grafton. Attorney Klasick maintained there is a gap in coverage.

J. Anderson stated he feels the intent of previous approvals was that the open space be protected land. He worried about setting precedent by allowing a developer to benefit from a lapse in performance relative to conditions of a permit. He stated he does not support land being removed from the open space.

W. Baker stated he shares Mr. Anderson's opinion. He also stressed the land in question is land in Grafton so they have a significant interest.

J. Bruce stressed there is enough frontage for the condo project just in Sutton. He bought a home in Sutton to meet this requirement.

Anthony Trippi of 113 Ariel Circle said there is no dead-zone to be addressed with a cell tower.

Joe Laydon said the issue seems complicated but the conditions placed on various approvals make it simple. The open space should be deeded to the Towns or a non-profit. He also maintained that something like a land trust was surely intended when the ZBA said a non-profit could hold the land.

Cara Alderucci of 105 Ariel Circle cited numerous articles that showed adverse effects on property values based on proximity to cell towers.

Robert Nunnemacher of 24 Singletary Avenue asked why the open space would not be deeded back to the condo association in accordance with bylaws which would solve everything.

Scott Alderucci of 105 Ariel Circle noted they literally bought into this approved plan, not the current proposal which is less desirable. The open space is supposed to be un-buildable. He is opposed to removing any open space for building.

Bruce Akerley of 106 Ariel Circle, a condo Trustee, said the Trustees are fine with the change from four-plexes to duplexes. He has heard concerns about the developer coming back requesting changes and if this will be on going.

Richard Mahoney of 132 Ariel Circle noted the tower will be a revenue generator which is the motivation.

Kevin Corcino of 111 Ariel circle said the open space is very important to him and part of why he bought here. He stated there is no need for a tower as there is no coverage issue. He also added changing four unit structures to duplexes is inconsistent with the original plan as it creates a whole new and disjointed neighborhood. He noted past issues with the project and felt strongly the only motivation for the change to the open space is additional profit.

J. Bruce said he already has a waiting list of 5 people for the potential new duplexes, which he noted have been well received by most residents. J. Hager cautioned if the amount of open a space drops below 91.9 acres units may be lost due to density requirements.

R. Largess felt the hearing should be continued to allow interested parties to talk amongst themselves and come to a mutual understanding and then return to the Board.

Terry Trippi of 113 Ariel Circle stated the Master Deed says future units must be architecturally and aesthetically the same. She argued changing to 100% duplexes is not the same they have different roof lines, and porches, etc.

Ron Novak of 13 Chase Road noted he has been in the neighborhood for over 30 years and there has never been a cell coverage issue. He asked if a lager map of the potential cell area could also be provided.

Motion: To continue the hearing to November 27, 2017 at 7:20 P.M., R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Public Hearing – Pleasant Valley Crossing – 11 Pleasant Valley Road – Retail Special Permit, Groundwater protection District Special Permit, Route 146 Overlay District Special Permit, Modification of Site Plan

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

Patrick Doherty, P.E. of Midpoint Engineering was present to review the proposed Phase III of Pleasant Valley Crossing on land at 11 Pleasant Valley Road. This 4.3 acre phase will not have access off Pleasant Valley Road, it will have access only to the internal roadway Galaxy Pass.

Construction of this phase will lessen the tight entrance curve off Boston Road and result in two new structures, a 5,500 s.f. 200 seat sit-down restaurant and a 18,500 s.f. multi-tenant building with a 50 seat restaurant, a 6,800 s.f. medical use, and some retail. The Zoning Board of Appeals has granted special permits for the restaurant and medical uses. Wilkinsonville Water has also confirmed flow is available to serve this additional phase of development. An application has been submitted to Conservation Commission but the hearing has not started yet.

Lighting will be slightly different featuring LED dark sky compliant fixtures, architecture will hide all HVAC units on the roofs. They are requesting the following waivers:

IV.B. 1 – parking and maneuvering in the setbacks. They have designed this phase similar to the other phases and due to the lack of depth on this lot and resource areas on this lot, they need to be in the setback from Galaxy Pass with parking spaces and in the setbacks from Pleasant Valley Road with circulation and some parking. They will meet the intent of the regulations with landscaping and breaking up the orientation of the parking fields.

IV.B.5.C.3. – Over ten spaces in a row without an island. There are three locations where this occurs due to maintenance constraints. If they introduce more small islands there will actually be less area to park as they can't stack snow on these small islands.

4.C.3.d. – More than 25% of parking in in front of the building. Mr. Doherty stated with frontage on both Pleasant Valley Crossing and Galaxy Pass they have done their best to break up parking fields and position landscaping to meet the intent of the bylaws.

IV.C.4.c. – Direct and nearby abutters are shown on a plan sheet, but not all within 300'. All legal abutters within 300' have been provided on the certified abutters list but can't be shown on the plan due to the sheer volume as abutters include all the Woodburyville Condominium owners.

IV.D.4.c.3.f. – Walkways will be colored stamped concrete and some with be plain concrete, to be detailed on amended plans.

Architecture was briefly discussed including the difficulty of introducing windows into the architecture for portions of retail and restaurant uses.

Dan Robertson of 126 Boston Road expressed concerns with parking and its maintenance, noting there are existing issues with blowing dust and trash since the fence removal. He also questioned whether the stream is intermittent. He asked if there will be sidewalks into the project and crosswalks on Boston Road. Mr. Doherty stated they have a regular maintenance schedule for all drainage structures in the parking lots and for maintenance of the lots in general. He noted the stream was already verified as intermittent.

R. Largess asked why landscaping islands are raised instead of concave structures that can receive and infiltrate water right off the parking lots. Mr. Doherty said in this commercial/restaurant application, people drive into them and they need curb stops installed around them and it becomes a large maintenance issue. He also noted the regs call for raised islands.

Marcel Doiron of 122 Boston Road lives directly across from the Boston Road entrance. He asked when his discontinued horseshoe drive will be filled and grassed. Mr. Doherty will work with Mr. Doiron to address his concerns.

The sign for this phase will be located between Pleasant Valley Road and the current project entrance.

In response to a question about phase II, Mr. Doherty stated there are ongoing conversations but there will likely be no home improvement. They need a 25-33% commitment to this phase before they will re-submit revised site plans for approval, but they are marketing this phase with different potential configurations.

The Board expressed concerns with this phase not having been loamed and seeded. Mr. Doherty stated they will be doing brush cutting and maintenance soon and will approach the Board with a proposed plan to address un-vegetated areas.

W. Whittier noted the employee parking was supposed to be temporary. Mr. Doherty said it turns out they need to keep it for the time being. They have surfaced it with asphalt grindings and it is well maintained.

Motion: To grant requested waivers relative to parking and maneuvering, IV.B.1., IV.B.5.c.3., 4.C.3.d. having found there are valid constraints on the site that warrant waivers and the intent of the bylaws is being addressed, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Motion: To grant the waiver request from IV.C.4.c. – to not show all abutters within 300’ on a plan sheet as they have been provided on the certified abutters list, R. Largess
2nd: M. Sanderson
Vote: 5-0-0

Motion: To continue the public hearing to December 11, 2017 at 7:40 P.M., R. Largess
2nd: J. Anderson
Vote: 5-0-0

Motion: To adjourn, R. Largess
2nd: W. Baker
Vote: 5-0-0

Adjourned 9:30 PM