

Sutton Planning Board
Minutes
November 21, 2016

Approved _____

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

General Business:

Minutes:

M: To approve the minutes of 11/7/16, R. Largess

2nd: J. Anderson

Vote: 5-0-0

Filings: Earth Removal Permits Aggregate Industries and Mary Bedoin/Pyne Sand & Stone - The Board acknowledged the legal filing of this application.

Villas - Phase II bond reduction: J. Hager reviewed a reduced bond estimate of \$126,846 with the Board. The estimate was reduced after a site visit that determined the six drywells in the last bond estimate are unnecessary. Mr. Burns stated he was unsure why there is still a guardrail line item in the bond as no more guard rail is called for on the plans. J. Hager noted there was previous discussion about whether there should be guardrail along Clubhouse Way for ponds 14 & 15 as they are the deepest in the project. She stated with a water line and existing trees along the pond, at most she might recommend some shrubs be planted between the trees to serve as more protection and also spruce up this rather sparse area of landscaping as compared to the lush landscaping in the rest of the project. Mr. Burns added there is also gas line in this location. J. Hager also asked if problems with crumbling of the tops of the wood guard rails had developed on any of the Phase 11 guardrails or if they were in good shape? Mr. Burns stated, that as required and at some expense to him, these guardrails were sloped on top so they don't hold water and are in good condition. Janet Hanson, Chair of the Villas Trustees, said they had no issues with the reduction at this time. It was noted a cash bond is also being held on this phase in the amount of \$30,102, so the Lender's Agreement can be reduced by this amount.

Motion: To reduce the Lender's Agreement for Phase II of the Villas at Pleasant Valley to \$91,464 and otherwise the agreement remains unchanged, R. Largess

2nd: W. Whittier

Vote: 5-0-0

Form A Plans:

Aggregate Industries – 71 Providence Road

Motion: To approve the Form A plan for Aggregate Industries dated 11/18/16 showing three new building lots on Providence Road, R. Largess

2nd: W. Whittier

Vote: 5-0-0

Correspondence/Other:

- Changes to 40A & 40R – The Planning Director explained recent to changes to these sections of law including the ability of towns to create a Starter Home district with 4 units per acre with a maximum size of 1,850 s.f. and a minimum of 20% affordable units.

Changes to 40A extend the time to use a building permit to 12 months, special permits expiration to three years and provides the ability to use Section 6 Findings as opposed to variances to alter non-conforming structures. She noted that Sutton is ahead of the curve on the non-conforming structure alterations having enacted a bylaw change that allows special permits instead of variances for this purpose.

- 2017 Meeting Schedule – The Board was provided with a draft schedule for 2017 for their review and approval at the next meeting.
- Common Driveway Memo – tabled until end of meeting.

Public Hearing – Common Driveway – 234/236 Manchaug Road

S. Paul read the hearing notice as it appeared in The Chronicle.

Landowners Michael and Alissa McGovern were present as well as Carol Helgerson. Michael McGovern presented the application to convert an existing driveway to a common drive serving two homes. The driveway has been in existence for quite some time most recently serving the Helgerson's house, but in the past it also served several lake camps.

The Board reviewed departmental comments. It was noted despite the Highway Department comments the apron from the paved surface of Manchaug Road to the property line has been paved. Mr. McGovern reminded the Board he applied for and received a scenic roadway permit to widen the opening of this driveway and cur the stone wall back into the property. He applied for and built a home on 234 Manchaug Road and upgraded the existing driveway that served Helgerson in width and by digging it out to 2' deep, placing crushed concrete and topping it with 6-12" of ground asphalt. When it came time for an occupancy permit, the Building Commissioner noted a separate driveway hadn't been cut in for Helgerson at 236 Manchaug Road and he required McGovern to either do so, or apply for a Special Permit for a common Driveway before he will release occupancy.

Mr. McGovern does not want to install another driveway for Helgerson as it would create another break in the stone wall in the area and would ruin the look of the lot, and this driveway has always served the Helgerson home. He stated the surface material on the driveway isn't smooth paving, it is rough ground asphalt that slows the velocity of water which all runs downhill toward the lake and his home. He has installed some swales for runoff and some water penetrates, and there have been no washouts. Mr. McGovern does not feel drainage calculations are necessary since the drive exists and other than rolling the surface to make it a little more compact, no changes will be made and no drainage issues exist. Additionally one above ground pole already exists along the common portion of the driveway and continue onto Helgerson's private land at 236. Utilities to the home at 234 split from the common driveway and go underground to this home. Mr. McGovern feels the above ground utilities should be allowed to remain as none have been added and they have been in place for many years.

With respect to the notations required on the deed, Mr. McGovern stressed that as the common portion of the driveway is entirely on his land, he has an agreement with the Helgersons to maintain the common portion and would prefer not make the Helgersons change their deed if not necessary. He feel it is actually cleaner to have one party responsible for the common driveway.

The Board expressed some concerns with what issues future owners of these lots might experience if only one party is made responsible for all maintenance of the common driveway.

J. Anderson asked what would happen if it needs to be re-surfaced many years from now? J. Hager noted if the deed states 234 is the one who has to do all the work, a future buyer will know that going in.

No comments/questions were made by the public.

Motion: To waive the requirements for drainage calculations and underground utilities along the common driveway and grant the special permit to create this common driveway with the following conditions: W. Whittier

1. Approval of all other local, state and federal departments, boards and commissions.
2. Prior to grant of occupancy of the home on the lot that contains the common driveway, the deed to this lot shall be amended to 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 this land owner's responsibility. Said common driveway shall be maintained in a safe and passable condition for both lots that access the drive.
3. An occupancy permit for the structure that contains 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.

2nd: J. Anderson

Vote: 5-0-0

Motion: To close the public hearing: W. Whittier

2nd: J. Anderson

Vote: 5-0-0

Correspondence/Other:

- Common Driveway Memo – J. Hager reviewed a letter from the Assessors. The memo states the Board of Assessors has adopted draft guidelines from MassGIS and State E911 Department regarding numbering of lots that includes the naming of common driveways. The letter provides a list of requirements that must be provided before the Assessors will assign street numbers to any new lot on a common driveway. Concerns and guidelines center around effective emergency response.

J. Hager noted Mr. Nunnemacher has expressed his concerns in the past and as a result, the Planning Board has amended the common drive regulations to require permanent posts with the street numbers visible from both directions of travel and at the split in the common driveway. She stressed while Mr. Nunnemacher's concerns are valid to some degree, the example he cites of Steve LeClaire's common driveway off Putnam Hill Road is an anomaly. The Planning Director has reviewed all 18, now 19, common driveway special permits granted by the Planning Board since 2004 and only one involves a situation where the placement of a home on a portion of lot that is removed from its legal frontage may create confusion in locating it, such as the case with the LeClaire's home. She stressed had this driveway gone through the special permit process, the Board would have had full power to require a sign where the frontage of this lot is located directing anyone looking for the home that it is up the street about 300'. She summarized her concerns as follows:

- Naming a common drive may actually create more confusion than just making sure homes are properly signed in accordance with the bylaws. In locations like this section of Manchaug Road there will be four new "roads" within a half mile.

A street number on a long standing roadway gives you an idea of the physical location quicker than having to look up the location of a new “road” on a grid map.

- These common drives may not be shown on google maps or other mapping programs as they aren’t real roadways in which case, without street numbers on the main road, they will be harder/impossible to find.
- They should not be shown on the official road map as they aren’t roads and someone could argue being on this map, or being named at all, conveys legal status they should not have.
- On common driveways that already exist and future ones where one lot already exists, these homeowners will have to change their license, their bills, their mortgage and likely their deeds and more. Also, the reaction of the postal service has not been gauged.

In summary there is no convincing argument that naming common driveways will help emergency response, and there is a possibility this may create more confusion and slow response times. The answer isn’t naming driveways, it is 1) making sure people follow existing bylaws on house numbering and the numbers being visible from the street, 2) Public and private road name signs must be installed and re-installed when stolen, and 3) for common drives the existing bylaw provisions must be enforced.

Mr. Nunnemacher asserted he was on the fire department for decades and he feels naming these drives will improve response times and eliminate confusion with some numbering. He also spoke about problems with house numbering all around town and road signs all around town.

The Board decided they will not make existing common driveways be named, but will ensure they are properly signed in accordance with the current bylaws. Going forward they will require names for new common driveways. They also suggested a conversation with the Town Administrator about notifying all households in town about the house numbering bylaw and the danger of slower emergency response times if they do not properly sign their homes and also make their number visible at the end of their driveway if you can’t see the house number from the street.

- Mr. Shane Flemming was present for a use determination from the Board. He stated he sells heavy equipment like screeners, etc that are not vehicles. He is looking at various parcels in Town and wanted to know if the Board felt this use is allowed and asked for their general thoughts.

The Board confirmed the use would be “stores selling goods to the public” and that if the site is along Route 146 it will also have to get a Route 146 overlay district permit for good landscaping and architecture.

One question from Mr. Flemming, J. Hager stated that if Mr. Flemming leases a building and the owner doesn’t want to make any upgrades to comply with the Route 146 Overlay District, he should inform the owner that if they want to lease their space to anyone, they will have to upgrade the site to comply with these regulations. The Board doesn’t ask for “crazy” things, just clean up the sites and the building, perhaps repaint and add landscaping etc. so that the appearance of the site reflects the quality of the tenant as well as the Town.

Motion: To adjourn, W. Whittier
 2nd: M. Sanderson
 Vote: 5-0-0

Adjourned 9:20 P.M.