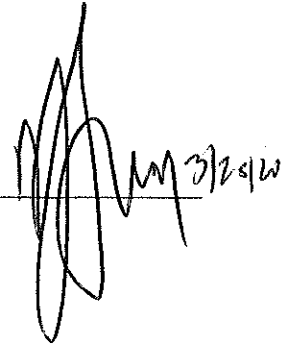


**Sutton Planning Board
Minutes
March 9, 2020**

Approved _____



Present: R. Largess Jr., W. Baker, S. Paul, M. Gagan
Associate Members Present: K. Bergeson
Staff: Jen Hager, Planning & Economic Development Director

K. Bergeson acted as a full member in the place of M. Sanderson.

General Business:

Minutes: To approve the minutes of 2/24/20, K. Bergeson
2nd: W. Baker
Vote: 4-0-1, S. Paul abstained as he was not present at this meeting

Filings: None.

Form A plans: None.

Correspondence /Other:

BV Relaxology Expansion 176 & 188 Worcester Providence Turnpike - Christopher Yacino returned to the Board for their decision relative to expansion of Blackstone Valley Relaxology at its current location as well as into the former South Country Chiropractic site at 188 Worcester Providence Turnpike. The Board of Health and Building Commissioner conducted a site visit and found very few issues that were easily corrected. In response to questions from M. Gagan, Mr. Yacino explained they will have two additional practitioners joining the business. The 176 location will house new spacious chairs, a lounge, and amenities intended primarily for female clients and most of the male clients will move to the 188 WP Tpk location although men or women can be seen at either location. In response to a question from J. Hager Mr. Yacino explained message is different than whole body reflexology because in reflexology trigger points are worked as opposed to messaging the whole body. He stated both he and Jing Li are certified practitioners of reflexology.

Motion: To approve the expansion of Blackstone Valley Relaxology at 176 Worcester Providence Turnpike as well as into the former South County Chiropractic space at 188 Worcester Providence Turnpike with the condition that the Board of Health will inspect and approve both new spaces before they are used for operations, K. Bergeson
2nd: W. Baker
Vote: 5-0-0

The remainder of Correspondence/other was tabled until the end of the meeting.

Public Hearing – Retreat Lot/Common Driveway – 82 Eight Lots Road

M. Gagan read the hearing notice as it appeared in The Chronicle.

Representative Attorney George Kiritsy was present with Engineer Kevin Quinn as well as the applicants and their family.

Attorney Kiritsy explained the retreat lot special permit they are seeking is for use of an existing lot as a retreat lot. The land is essentially residue land from the sale of land all around it. In order to avoid greater environmental impacts, they would like to access the buildable portion of the lot off an existing common driveway from West Millbury Road that currently serves 39 and 41 West Millbury Road. Attorney Kiritsy maintained the lot and addition to the common driveway meet all bylaw requirements. He stated they are aware the proposed private driveway off the common driveway will go through land that is currently restricted under the National Heritage Endangered Species Program (NHESP). They saw no point in filing with the Conservation Commission or NHESP unless the Planning Board was open to the approvals they are seeking.

W. Baker noted there is an historic monument on the Eight Lots Road entrance to this lot. Attorney Kiritsy said they will avoid all impact to the monument.

In response to a questions from S. Paul, It was noted the common portion of the driveway is existing and is less than 500'. The private driveway off the common driveway will put the house about 900' off West Millbury Road.

The Board reviewed departmental comments including one from Conservation Commission referencing the NHESP restrictions. Attorney Kiritsy added they have enlisted Arthur Allen of EcoTec who maintains there is no evidence of habitat in this area, but they know they will have to present this information and get approvals from Conservation and NHESP.

The Planning Director reviewed her comments which included a number of missing requirements on plan sheets. She added that the application says the utilities will be above ground which is not an option unless there is a finding from the Board for an extreme impediment. Although the common portion of the shared driveway was already granted a special permit and this application only seeks to make minor changes to attach a third private driveway, information showing compliance with common driveway standards must still be submitted. Additionally, the private driveway must meet retreat lot driveway standards.

Joe Miller of 55 West Millbury Road asked about the length of the driveway, the proposed homes proximity to the utility easements and how many trees would be cut down near his home. Engineer Kevin Quinn showed Mr. Miller where the likely home location was on the plans and the aerial to see the separation between his home and this proposed home.

Xxx Jaber, a builder from Shrewsbury and son of the applicant who will build and occupy this home noted they are proposing this arrangement to reduce environmental impacts including two culverts that would be necessary if the driveway came in from Eight Lots Road. He stressed they will provide restrictions on the common driveway and well as maintenance/upkeep and funding responsibilities to cut down on issues. He noted for the foreseeable future these three homes will be family which he noted was very beneficial to his parents and vice versa.

In response to the concern that the retreat lot is only defined by the surveys of the lots around it and that it has never been completely surveyed, Mr. Quinn outlined the area of the lot that has been fully surveyed by Jarvis Land Survey which encompasses from the frontage of the lot on Eight Lots north through the entire portion of the lot that is expected to be utilized for the home and driveway connection out to West Millbury Road. They have definitively determined there is more than the

size to developed lots in the immediate area and allows their use with a special permit decision from the Zoning Board of Appeals. This change could also help settle an outstanding lawsuit. The Planning Director noted in most cases people who end up owning two non-conforming lots side by side making one un-useable via the Doctrine of Merger often were just not aware any such law existed. She noted she will be running a map that shows where these lots exist to understand the Town's exposure for increased development. R. Nunnemacher of 24 Singletary Avenue, also a member of the Board of Assessors, felt there were 300-400 of these lots in Sutton. He stated if these lots become separate buildable lots the Town will likely have to pay more for their Assessing software as the Town will have more than 5,000 parcels. J. Hager stated she did not think there were that many, but in any case she noted making these lots buildable will provide the Town with more taxable parcels to cover this cost.

Use Table Changes – The Board reviewed the Use Table in great detail focusing on the Office Light Industrial (OLI) District, but also addressing uses that effected other districts too. They eliminated uses they did not consider highest and best use, added uses they felt were needed, clarified or improved terminology, and made several housekeeping changes. Attorney Mark Donahue from Fletcher Tilton P.C. stated if the Board was making wholesale changes to the Use Table, he would ask the Board to add the definition of warehouse distribution center as well as specifically add this use by Special Permit in the OLI District. The Board also agreed to several other definition changes.

General Business (Cont.)

Correspondence/Other –

J. Hager reviewed a court ruling that upheld a Zoning Board of Appeals decision granting relief to build a single home on a three acre parcel where abutters had appealed claiming allowing this home would cause them “density related harm”. This case illustrates to an extreme the many ways that our housing crisis has come about.

The Board reviewed the covenant revision that is required for 100 Armsby Road referencing the revised plan.

Motion: To endorse the covenant revision for 100 Armsby Road, W. Baker
2nd: S. Paul
Vote: 5-00

Motion: To adjourn, K. Bergeson
2nd: M. Gagan
Vote: 5-0-0

9:30 P.M.