

Sutton Planning Board
Minutes
September 28, 2009

Approved _____

Present: S. Hughes, Chairman, R. Largess, S. Paul, D. Moroney, T. Connors
Staff: J. Hager, Planning Director

Minutes:

Motion: To approve the minutes of 9/14/09, S. Hughes
2nd: D. Moroney
Vote: 3-0-1

Form A Plans: None.
(R. Largess arrives)

Commerce Park – Bond Extension

Motion: To extend the bonds for Commerce Park to 3/1/2010, S. Paul
2nd: T. Connors
Vote: 5-0-0

Stockwell Hollow – Covenant Extension – Tabled to next regular meeting.

Correspondence:

532 Central Turnpike – The Board was extremely disappointed to hear Mr. Heney had not yet come up with a plan to fix the condition of this common driveway. While they noted it may be complicated, as it involves extensive Conservation issues, they expect him to handle that process in tandem with the Planning process, and come up with some type of resolution before winter.

Turflinks SPR Waiver – The Board discussed correspondence from Avalon Consulting on behalf of Turflinks requesting a Site Plan Review waiver to extend their wholesale sale of small yard equipment to 4,000 s.f. They want to install a store front in place of one bay door on the south side of the building. They expressed the desire to be up front noting that while they will not advertise retail sales, if someone comes in and asks if they can buy something they will sell it to them. The Board requested a floor plan and sketch of the exterior building changes.

Villas at Pleasant Valley Discussion

The Board held a discussion regarding their concerns with surety and site conditions at the Villas at Pleasant Valley. Mr. Leclair, project owner, was invited but was not in attendance. Back in March of 2008, the Board voted to adjust and extend surety agreements and the covenant for this project. When these documents were not returned, the department was advised they'd been lost. The extensions were re-endorsed in February of 2009 and still have not been returned executed. With no proof of these executed documents in hand, in effect the applicant is in default of the

previous surety agreements which expired in 2005 and 2006. Of additional concern is the lack of action on fixing site issues that the Board notified the applicant about in earlier in the year. Charlotte Newton and Scott Hoag residents and members of the Villas Condominium Association noted their concerns with site conditions, and stated they have spent their own funds to fix several items. They continue to be concerned with open foundations, etc. Miguel Rosado of United Commercial Bank, mortgage holder on the project, was present and he expressed the bank's willingness to work with the Town and the Association on outstanding site issues.

The Board asked the Planning Director to notify Mr. Leclaire, and other appropriate parties like bonding companies for the project, that they must see evidence within 30 days that the most recent surety extensions have been fully executed and therefore are valid. If they do not receive such evidence, they will be forced to find the applicant in default of the previously executed extensions.

Public Hearing(Cont.) – Mill Store Tea Room – 356 Manchaug Road

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

Rebecca Lecouteur and Marion King were present to describe their project. The project involves incorporating 50 dining seats into their existing first floor interior design space. They will install a new full kitchen in accordance with requirements of the Board of Health. They will stripe any un-marked parking spaces, and install a new business sign.

The proposed hours of operation are from 7 AM to 4 PM, with extended hours up to midnight for private catering functions only. They will have a limited menu that will likely change weekly. They completed an upgrade of fire protections systems in 2006.

S. Paul noted although the proposal is called a "tea room", as they have a full kitchen and are requesting a liquor license, they do not meet the definition of a tea room. They are technically a restaurant. After checking the regulations, J. Hager noted a restaurant is also a permitted use and the requirements for parking, etc. are the same.

The Board reviewed departmental comments and noted there was a request to extend the hearing as the Fire Review Committee hasn't had time to review the application to date. J. Hager confirmed she was late getting the application out just last week.

The Board reviewed waiver requests:

They discussed how this is an existing structure and no changes are proposed to the exterior. It was noted the site plan, while not drawn by a professional, is to scale and one of the best non-professional efforts they've seen. Nearly all of the waiver requests relate to the fact that the building is existing and no substantial changes are proposed.

Motion: To grant the waivers as requested noting this is an historic existing site with no substantial changes proposed to the exterior, other than signage, D. Moroney
2nd: S. Hughes

T. Connors was opposed to granting parking waivers without the input of safety departments. He expressed concerns about future expansion and how small proposals like these often morph into something bigger and out of control. He focused on concerns with parking directly against the building.

R. Lecouteur stressed how long this site has existed noting the structure was the company store for the mills in the 1800's. She noted the parking Mr. Connors is concerned about has existed in that location since before they bought the property.

S. Paul asked if it was feasible to have less seating and if the applicants had considered having a professional do the parking layout as they may be able to squeeze in more. They stated they had not considered hiring someone to lay out the parking as they believe they have examined the site carefully, read the requirements, and maximized the parking. They would prefer not to lose seating, as more seats means more income.

Motion: To amend the motion to grant all waivers except the two related to parking,
T. Connors
2nd: S. Paul
Vote: 5-0-0

Vote on original motion as amended: 5-0-0

Motion: To continue the public hearing to October 13, 2009 at 7 PM, S. Paul
2nd: D. Moroney
Vote: 5-0-0

Motion: To Adjourn, D. Moroney
2nd: S. Hughes
Vote: 5-0-0

Adjourned 8:47 P.M.