

Sutton Planning Board
Minutes
November 16, 2009

Approved _____

Present: S. Hughes, Chair, T. Connors, R. Largess, D. Moroney, W. Whittier
Staff: J. Hager, Planning Director

Form A Plans: None

Minutes:

Minutes of 11/2 tabled to next meeting lacking quorum of those present at that meeting.

Carquest AsBuilt

J. Hager explained that Andrew Survey investigated why the basin on this site was continuously holding water. They determined the basin had been re-excavated too low. They proposed a plan to fix the pond that was approved by Graves Engineering. The work has been completed and Graves has approved the work. The Town has been holding over \$20,000 of surety on this project for some time. Owner, Irwin Stockell would like this money released. Graves recommends holding back \$3,000 until late spring to ensure stabilization of the slopes in the pond. It was noted the Certificate of Compliance has not been issued for this site yet.

Motion: To approve the AsBuilt plan for Carquest and release of all but \$3,000 of their bond with confirmation that Conservation Commission does not have any other issues,
D. Moroney
2nd: T. Connors
Vote: 4-0-0

LaPlante Way – covenant extension

J. Hager explained this two lot subdivision consisting of one existing home and one new lot, is coming along well. M. Brigham is conducting inspections on the project and it is substantially complete. They wish to hold off on top course until the foundation on the new home goes in next year. The covenant for the project needs to be extended.

Motion: To extend the time for completion of the project as stated in the Covenant to November 1, 2010, W. Whittier
2nd: T. Connors
Vote: 4-0-0

(R. Largess arrives)

Atlas Box – dust collection and chipper site plan review waiver

Bill Babin of R.P. Masiello Construction was present to explain that when they got the site plan approved for their new facility they forgot to show the dust collection and chipper units that will need to be moved over from the Providence Road facility.

The units will be installed along the north side of the building. One of the units will be below the roof line and the other unit will be approximately 6' higher than the building.

Motion: To waive site plan review noting the minor nature of the addition, W. Whittier
2nd: D. Moroney
Vote: 4-0-1, S. Hughes abstaining due to a work conflict

Atlas Box – temporary entrance changes for partial occupancy

J. Hager and B. Babin explained that the Town has worked with Atlas Box to receive state funding for a portion of infrastructure improvements necessary for this project including the roadway work, water line and emergency preemption system at the lights at Boston Road and Route 146. Due to delays caused by being overly patient as well as last minute additions by EOT and MHD, the roadway work can not be completed this year. The building will be ready for occupancy in February. Atlas has proposed temporary changes to the entrance to accommodate the new traffic until the full changes can be completed in late spring. MHD District #3 has expressed they do not feel the proposal is safe. The Town's consulting engineer has similar safety concerns. K. Lavallee, on behalf of Dauphinis Landcaping added concerns about the effect of improvements on the safety of their driveway. Paul Dauphinais reiterated these concerns and stated he had not received a letter and plans sent out by Atlas to land owners who would be affected by the changes. The Board stated they will not go against the advice of MHD and the town's consultant. The Board will take the matter under advisement and try to work out an alternate plan with Atlas.

Correspondence: None

Villas @ Pleasant Valley Bond Discussion

J. Hager explained that Mr. Leclaire and the related bonding companies for the Villas at Pleasant Valley had received certified mail notice of this meeting with notice that issues with the bond would be discussed. Mr. Leclaire was not present. Representation from the bond companies was not present. The mortgage holder, United Commercial Bank, has been taken over by the FDIC and Charlotte Newton from the Villas confirmed they have re-opened doing business as East West Bank.

After reviewing bond extensions and adjustments that were not executed and noting that lack of progress on the site over the last year+ as well as uncompleted infrastructure and safety issues on the site, the Board felt they had no choice but to vote to pull the bond and protect the interests of the Town and the residents of the Villas.

Motion: To find Art Lot Acres Development LLC/ Leclaire Development LLC/Jon Leclaire in default of the surety agreements with the Town of Sutton having failed to complete work items specified in the bond and related surety agreement with respect to Phases I & II of the Villas at Pleasant Valley. The Board further adopts the estimate provided by Graves Engineering dated 11/13/09 and the list of emergency work items provided by the Condominium Association dated 11/16/09 as the official list of items remaining to be completed and/or bonded items that were completed on an emergency basis that need to be reimbursed.

Lastly the Board demands that the surety companies immediately complete/reimburse these work items and or make the bond funds available for the Town to complete and/or reimburse the work detailed in the documents referenced,

R. Largess

2nd: D. Moroney

Vote: 5-0-0

Public Hearing (Cont.) – Dusak Definitive Subdivision – Dudley Road

The Board reviewed a request from the applicant for a continuance to address additional comments received.

As an aside the Board discussed Knick Nunnemacher's concerns with the definition of lot width and whether Lot #2 on this plan complies. The Board stated they do not agree that any of the examples Mr. Nunnemacher provided that run outside of the front setback comply with the definition. However, they DO agree that there is at least one measurement that can be made in this area that will not comply with the 250' requirement, and therefore the plans need to be adjusted.

Motion: To continue the hearing to December 7, 2009 at 7:15 P.M., D. Moroney

2nd: T. Connors

Vote: 5-0-0

Public Hearing (Cont.) – Mill Store Tea Room

J. Hager noted the applicant submitted stamped architectural plans and reports as requested. The Building Commissioner stated they have only minor Code issues to work out therefore he sees no objection to the Board acting conditionally on the plans.

Motion: To grant the waivers related to parking as the parking was preexisting and provides no safety concerns, R. Largess

1. Receipt of all other required approvals, if any, from all other local, state and federal boards, committees, commissions and departments, particularly the Building and Fire Departments.
2. Prior to endorsement all waivers and conditions of approval shall be listed on the site plan.
3. Prior to installation, final signage shall be approved by the Planning Board.
4. Prior to issuance of a certificate of occupancy information on security systems shall be provided to the Police Department.
5. All doors on the building shall be identified with reflective numbers on both the interior and exterior of the door in a sequence (i.e. clockwise) acceptable to the Fire Department.
6. A KNOX box for entry keys and facility plans shall be provided for the building. A legible plan of the building and surrounding area shall be provided showing the building access doors, utility shut offs and where hazardous or flammable substances are located shall be provided to the Fire Department for review and placement in the KNOX box.

7. Prior to occupancy the applicant will remove one section of chain link fence to the west of the entrance to allow improved access for safety vehicles.
8. Prior to occupancy the applicant will install "No Parking" signage or painted ground striping in front of the two main entrances.
9. Six months after the opening day, the Board will conduct a public meeting, with notice to departments and abutters, to evaluate site conditions and operations and make adjustments if necessary.

2nd:

D. Moroney

Vote:

4-1-0, T. Connors opposed due to continuing concerns with adequacy and safety of parking.

Motion:

To approve the site plan for the Mill Store Tea Room with the following conditions,

D. Moroney

2nd:

R. Largess

The Board discussed hours of operation.

Vote:

5-0-0

Motion:

To Adjourn, D. Moroney

2nd:

T. Connors

Vote:

5-0-0

Adjourned 8:30 P.M.