

Sutton Planning Board
Minutes
March 22, 2010

Approved _____

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

Form A Plans: Whittier – Tabled to next meeting.

Minutes

Motion: To approve the minutes of 2/4/10, D. Moroney
2nd: S. Paul
Vote: 4-0-1, W. Whittier abstained as he wasn't present at this meeting

Motion: To approve the minutes of 2/22/10, D. Moroney
2nd: T. Connors
Vote: 4-0-1, W. Whittier abstained as he wasn't present at this meeting

Filings: The Board accepted the legal filing of the following applications:

Flemings garage – 32 Boston Road – Continued use of existing site for car repair, sales and towing.
Capital Pizza – 28 Main Street – Pizza and sandwich shop.

(R. Largess arrives)

100 Lincoln Road Utilities – Retreat Lot: Collin McCullough was present to ask the Board to waive the requirement for underground utilities for their retreat lot at 100 Lincoln Road. Mr. McCullough explained that the Board had ruled that either they could pull electric off a pole at the back of their neighbors property or they could go underground till just before the wetlands and then go above ground to their house. When the McCulloughs started to deal with National Grid they were informed that they could not connect to the neighbors pole and that National Grid would not allow them to come off an above ground pole then go underground then back above ground to their home. The Board asked the Planning Director to review past permits that have been granted with similar requirements and contact National Grid to determine if this is specific to this site or if this is a consistent position of National Grid, in which case the bylaws may need to be amended. Mr. McCullough will return to the next meeting.

Lackey Dam Estates Surety: J. Hager explained that the applicant has requested an extension of the performance deadline for this open space subdivision. They are not requesting a reduction in the amount of their surety. Taxes are outstanding on this land, so no action can be taken until this issue is resolved. The issue will be tabled to the next meeting.

Bridle Path Covenant Extension: Steven Funari was present to ask for a few months to resolve issues with the title to a portion of the property that contains his definitive subdivision off Barnett Road. He noted they have had archeological issues and sewer permit issues and just recently found that there is a title issue. They need to resolve this issue before they are willing to pay taxes on the land as they did last year before they knew there was a problem. They only have a Purchase and Sale agreement on the property and with the title issues are not inclined to pay the taxes again. They estimated that they hope to be able to tell the Board what is happening by July 1st. The Board agreed to give Mr. Funari until July 1st to resolve the issues at which point the Board will need to consider if they should rescind the approval.

Dusak Estates Form F Filing Extension: The Board reviewed the e-mail from Cliff Vera asking for an extension of the time allowed to execute a covenant for this definitive subdivision and get the plans endorsed. Mr. Vera had issues with the tenant at the property that have consumed all his time and money until just recently. Mr. Vera will work on paying off review fees that are currently due as well.

Motion: To give the applicant until 6/7/10 to get the covenant and plans endorsed, T. Connors
2nd: W. Whittier

R. Largess confirmed the unit is now vacant or more time would be necessary. The tenant has vacated.
Vote: 5-0-1, D. Moroney abstains as he is an abutter

Forest Edge Surety: J. Hager explained that Mr. Bruce called apologizing for not being able to attend but he has an emergency with his wife and is heading to the hospital. Jeff Walsh, the Town's consulting engineer from Graves Engineering, reviewed the bond figures. The bond has increased significantly as it now covers all of the project.

Richard Mahoney of 132 Ariel Circle was present expressing support for the requested extension and complimented Mr. Bruce on his responsiveness.

Gary Mathieu of 109 Ariel Circle asked for an explanation of the bond process.

Bruce Akerley of 106 Ariel Circle expressed support for the extension.

Jerry Gillespie of 14 Chase Road requested screening to the west be reviewed. He noted if the loam pile is removed they project will be fully visible from his home. J. Hager noted there is not a requirement that the project will be invisible, but there will be an attempt to soften the visual impact with fencing and vegetation.

Motion: To grant an extension to 5/1/12 and set the new bond amount at \$347,613, R. Largess

2nd: W. Whittier

Vote: 6-0-0

Correspondence:

Flemings Garage – The Board reviewed correspondence from Mr. Stanley Fleming asking for waiver of Site Plan Review for establishment of his car repair business at 32 Boston Road. He noted that Chase's Garage and similar establishments have been at this location since prior to the inception of Zoning in Sutton. He asserted that while his family has a large towing business in Grafton, due to his health condition and continuing concerns, he needs to downsize his work and wants to maintain this location for repair and limited sales. They will need to do some towing but mainly related to the repair business. Most vehicles towed that are not being repaired will still be brought to Grafton. Mr. Fleming, who was present, stated he will have 2-3 employees. His license is for storage/sale of up to 10 cars. There are four stalls inside the garage.

The Building Commissioner sent an e-mail expressing his desire to have the Board hold a formal Site Plan Review process and noting he was concerned that the site was too small to add this business.

S. Paul asserted that what is proposed is no different than Chases' Garage and A & R repair that were previously on the site. He did not feel a hearing process was necessary. The majority of the Board concurred despite arguments by T. Connors that regardless the plan that was presented isn't accurate and now would be the time to have the owner expand parking in the rear to make the site safer.

Motion: To waive Site Plan Review and approve the new tenant at this location with the following conditions: 1) maximum of 8 cars on the site 2) junk vehicle storage off site and 3) the remainder of the lot must remain un-utilized. Also, prior to occupancy, the applicant must provide a more formal site plan accurately depicting the location of major features like slopes and the parking and drives fully dimensioned. It was noted parking is not allowed in front of any doors or very close to the road, but the Board will allow the applicant to count the four spaces within the garages as required parking spaces.

2nd: D. Moroney

Vote: 6-0-0

Motion: To Adjourn, D. Moroney

2nd: S. Paul

Vote: 6-0-0

Adjourned 8:35 P.M.