

**Sutton Planning Board**  
**July 11, 2011**  
**Minutes**

Approved \_\_\_\_\_

Present: R. Largess, T. Connors, D. Moroney, W. Whittier (Acting Chairman), J. Anderson  
Staff: J. Hager, Planning Director

**General Business:**

Board Reorganization

Motion: To nominate S. Paul as Chairman and Wayne Whittier as Vice Chairman for the upcoming year, T. Connors  
2<sup>nd</sup>: D. Moroney  
Vote: 5-0-0

Minutes

Motion: To approve minutes of 6/20/11, D. Moroney  
2<sup>nd</sup>: R. Largess  
Vote: 4-0-1, T. Connors abstained as he wasn't present

Villas at Pleasant Valley Surety & Unit Design Change

The Board reviewed correspondence from Graves Engineering reducing the amount of surety for Phase II of the Villas. The Board had required that a cash bond be placed for the portion of the surety that was equivalent to the phase II payout from Westchester Fire Ins and that the remainder could be in the form of a tri-party agreement with a reputable bank. A tri-party agreement was established with Middlesex Savings for the full amount. This needs to be reduced to \$200,000 and a cash bond needs to be established for the remainder of the required surety. The Board agreed several months ago that the proponent would be allowed to reduce the cash bond first despite the original agreement that reduced the tri-party first.

Motion: To establish a cash bond in the amount of \$29,869.60 to secure the completion of infrastructure and site stabilization at the Villas at Pleasant Valley with a performance date of February 1, 2014, R. Largess  
2<sup>nd</sup>: D. Moroney  
Vote: 5-0-0

Motion: To reduce the tri-party agreement to \$200,000, R. Largess  
2<sup>nd</sup>: D. Moroney  
Vote: 5-0-0

The Board reviewed an alternate unit design called "The Baltastrol" which has a different roof line and uses a little less stone. It was noted the Condo Association approves of this designed.

Motion: To allow the use of the Baltastrol unit design to be utilized with units of the current design as the project moves forward, D. Moroney  
2<sup>nd</sup>: T. Connors  
Vote: 5-0-0

(D. Moroney leaves the room due to conflict as owner of the property for the next agenda item)

Waiver of Site Plan Review Request – Maybe Bridge & Shoring – 71 Dudley Road

Mike Phaneau of M B & S was present to request that the Board waive Site Plan review and allow his use at 71 Dudley Road. His company would occupy the northern 10,000 s.f. of the existing structure at this location as well as a portion of the fenced storage area behind the buildings. His company does storage, repair, trade and sale of construction shoring, bridges, and similar apparatus. In his letter he noted how similar his use is to those currently and recently on the site. He notes in his request that he has no issue with directing traffic, particularly larger vehicles to Harback Road and not to Dudley Road.

The Board had no concerns except for unanimous concern about vehicles larger than a UPS truck using Dudley Road.

Motion: To waive site plan review noting this use is consistent with the immediate past use and present uses on the site and because no exterior changes are proposed other than signage. The use will be subject to the following conditions: T. Connors

1. Signage must be approved prior to fabrication and installation.
2. Primary access must be to Harback Road. No vehicles larger than a box truck should utilize Dudley Road.
3. Approval of all other applicable, departments, boards and commissions must be obtained prior to occupancy.

2<sup>nd</sup>: R. Largess

Vote: 4-0-0

(D. Moroney returned to the Board)

Correspondence/Other:

- Bylaw changes – Tabled to next meeting.
- It was noted the Board had received e-mail correspondence from a gentleman whose mother had received a judgment against one of the owners of the Blue Jay. Non-payment of this judgment will result in a Sheriff's sale of the property in August. The gentleman has requested if there is any way to extend the commercial use of the property until after the sale, preserving a higher value, they would greatly appreciate this. The Board so noted his request although they were not certain they could or should grant the request.
- Edward Kooyomijian, Sr. was present with Mark Schulman to review revised architectural for the Blue Jay site. They are requesting an extension of the Site Plan permit to pursue this new endeavor. Mr. Schulman noted the unusual economic times that have delayed start of construction and hindered finding a tenant for this site. He noted they need to acquire more than just a restaurateur to make the site feasible. Their plan shows 12 bed and breakfast rooms, an ice cream area, a bakery area, and possible retail/antiques. He stated this proposal will fit on the same footprint as the approved building and the rest of the site will not change. Mr. Schulman categorized this vision as a small Public House or Red Lion Inn.

There were many questions on the proposal including if the Board can extend what is essentially an extension of the permit obtained only because of the State Permit Extension Act. The Board's permit expired back on August 1, 2009. The PEA extended this approval out to August 1, 2011.

Additionally, even if the Board can extend the permit, should they noting this non-conforming use has been in essentially the same condition for well over the two year abandonment time frame.

The members noted they do not think of 12 rooms as a bed and breakfast, it is more of a hotel, that what is proposed is not even the same “animal” as what is grandfathered. It was noted that waiting until the last minute to ask for permission to pursue a whole different scheme including a special permit use that requires a public hearing is not good. It was also noted that the site plan for the last proposal was never signed as Mr. Kooyomjian and he never completed the three pieces of paperwork that needed to be obtained for the plan to be signed. There were also concerns with available parking, septic system capacity and availability of domestic and fire flow water for the proposal. There isn't enough time to review permit and pull a permit on the new proposal before 8/1/11 and what is proposed may not even be allowed. Having just received this partial plan, the Board was given adequate time to consider the proposal, in addition to the fact that the things that were supposed to be accomplished years ago still haven't even been attempted. While the Board was not hopeful, they agreed to take it under advisement, seek Counsel and schedule a decision on this request for their next meeting on July 25<sup>th</sup> if the items from the 2009 correspondence have been accomplished.

Motion: To adjourn, R. Largess  
2<sup>nd</sup>: D. Moroney  
Vote: 5-0-0

Adjourned 7:55 PM