

**Sutton Planning Board
July 25, 2011
Minutes**

Approved _____

Present: S. Paul, R. Largess, D. Moroney, W. Whittier, J. Anderson
Staff: J. Hager, Planning Director

General Business:

Minutes

Motion: To approve minutes of 7/11/11, D. Moroney
2nd: W. Whittier
Vote: 4-0-1, S. Paul abstained as he wasn't present

Form A Plans

Normand Gamache from Guerriere & Halnon was present with a plan for Moczynski on Torrey Road. The plan does not change the lot configuration but does split the lot along the Sutton/Douglas town line. J. Hager noted there was a question as to whether the lot truly conforms with zoning as substantial wetland resources exist along the entire frontage. Mr. Gamache noted they are working with Conservation to establish a crossing and that law allows two crossings. He added more than 50% of this 59 acre lot is upland. J. Hager stated she believes it is one crossing and that includes if you divide your land and create multiple lots, you can still only have one total. Access to the other half of the land in Douglas will not require a crossing, only this lot will require a crossing.

Motion: To endorse the Form A plan for Mocznski dated 7/11/11, D. Moroney
2nd: R. Largess
Vote: 5-0-0

Laplante Way Covenant Extension

This two lot subdivision of McClellan Road is nearly complete. The outlet structure and top course paving are all that needs to be completed. The applicant requested an extension to next May 1st. The Highway Superintendent has confirmed all work to date appears to be compliant.

Motion: To extend the covenant for LaPlante Way to May 1, 2012, W. Whittier
2nd: D. Moroney
Vote: 5-0-0

Correspondence/Other:

CMRPC Delegate:

It was noted R. Largess has served the Town quite well over the last year, attending 3 of 4 quarterly meetings and several other gatherings.

Motion: To appoint T. Connors as the delegate for the upcoming year, R. Largess
2nd: D. Moroney
Vote: 5-0-0

Mosczyński 61 Release:

The Board reviewed correspondence regarding release of the 56 acre Mosczynski parcel from 61A. The Town has first right of refusal to purchase the property. The purchase and sale on the parcel is for \$220,000. The Town would have to match this offer. As the Board just signed the Form A for this parcel, they noted the access issues relative to the extensive wetland on the parcel, as well as the fact that it does not join with other open space areas, and is not at a central location in town.

Motion: To recommend the Board of Selectmen pass over the Town's first right of refusal noting the above factors, W. Whittier
2nd: S. Paul
Vote: 5-0-0

Discussion – Blue Jay Site Plan Extension

Edward Kooyomijian, Sr. was present with Mark Schulman to request an extension of the Blue Jay Site Plan. Although a new concept was presented at the last Board meeting, Mr. Schulman stated that having done more homework on the project, they are now just requesting an extension for the exiting approved restaurant although they may down size. He stressed the unusual economic times that have delayed start of construction and hindered finding a tenant for this site.

The Board sought counsel on whether they could extend this permit. Town Counsel stated they can extend the site plan approval but regardless, as Zoning Enforcement Officer, the Building Commissioner may deny the building permit if he feels the use has effectively been abandoned. Additionally, even if the Board can extend the permit, should they? This non-conforming use has been in essentially the same condition for well over the two year abandonment time frame.

Mr. Schulman acknowledged there were clearly things he was no aware of as he wasn't involved with the project in the past. Now that he is up to speed he is requesting a short leash from the Board to try to pursue the plan as approved. He will be happy to comply with performance conditions as well.

S. Paul asked what has changed that would allow this project to move forward? W. Whittier expressed concerns about setting a dangerous precedent. R. Largess noted this wasn't the way the Board wanted things to go. The Town gave tons of latitude on this project and now their hands are tied. They have to think about the ramifications and repercussions of any action they take. D. Moroney stated if they are going with the existing plan, they should get going. They have had two weeks since the last meeting to accomplish the items keeping the plan from being signed and those items still aren't done. He stressed the permit will expire on August 1st, they should get the three items completed and pull a Building Permit and then they are all set. J. Anderson said he was also sorry about how things turned out but the applicant had ample chances and took no action. S. Paul expressed great concern that the Board will compromise itself by continuing to bend rules.

Motion: To not extend the site plan approval past 8/1/11, D. Moroney
2nd: W. Whittier
Vote: 5-0-0

Motion: To allow the Chairman to endorse the site plan outside a public meeting if all conditions of approval are met, W. Whittier
2nd: R. Largess
Vote: 5-0-0

Proposed Bylaw Discussion

The Board discussed whether they should enact a solar bylaw. There were concerns with size limits and questions about what the current bylaw allows. The Planning Director will review the current bylaws and forward a draft of a bylaw for consideration accordingly.

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

Adjourned 8:20 PM