

Sutton Planning Board
Minutes
September 9, 2013

Approved _____

Present: J. Anderson, R. Largess, T. Connors, W. Whittier, M. Sanderson
Staff: J. Hager, Planning Director

General Business:

Minutes:

Motion: To approve the minutes of 8/19/13, W. Whittier

2nd: T. Connors

Vote: 4-0-0

Form A Plans: None
(R. Largess arrives)

Forest Edge Update:

J. Hager, Planning Director and Jeff Walsh, P.E. from Graves Engineering provided the Board with an update on the status of this condominium project including surety issues, construction issues and related legal actions between private parties.

Mr. Jon Bruce, project owner was not present, but did send correspondence stating he intends to pave phase 1 this fall after the base course is repaired. He will not pave phase 2 as it may be damaged by construction vehicles during house construction in this phase. He would like to post an updated surety for Phase 1 moving most remaining items from phase 1 to phase 2 and then request the Board release the remaining four building permits in phase 1.

Bruce Akerley of 106 Ariel Circle stated Mr. Bruce had ignored the Board's requests to remove all construction related equipment and materials off the site. He stressed no new building permits should be released before Phase 1 is complete including trees and lighting, and work from this point forward should be tightly controlled.

Liz Harris of 144 Ariel Circle Stated the dumpster was moved but nothing else. She noted she is trying to sell her unit and the condition of the road and site is negatively affecting her ability to sell..

Gary Mathieu of 109 Ariel Circle noted the developer made contractual obligations with the Town through the surety agreement and these obligations should not be moved to Phase 2.

Bryan Roy of 119 Aerial Circle was denied financing on his unit as the bank noted surety for the project is not up to date.

J. Hager review the status of the old surety noting the amount in the agreement is insufficient, the bank has changed hands and Mr. Bruce has stated there is no longer a mortgage behind the surety. Regardless she believes the Town maintains the ability to pull the surety, but the funds available there will accomplish little.

R. Largess expressed frustration and stated all remaining items must go even if they need to be relocated to Mr. Bruce's home.

M. Sanderson, the Board's new associate member, asked if there is an enforcement mechanism. J. Hager noted the Board requested the Building Commissioner ticket Mr. Bruce via the Town's non-criminal disposition bylaw, but the Commissioner declined to do so. Other than this, holding building permits, or pulling the surety is the only enforcement ability.

J. Anderson agreed with Mr. Largess that the remaining items must be removed.

W. Whittier stressed the Board is not trying to be difficult, but they have tried to ask nicely and this has not achieved the required results.

Alice Mahoney of 132 Ariel Circle asked the Board not to delay items like the trees and explained their value.

Rich Mahoney of 132 Ariel Circle stated the primary concern is the condition of the roadway but other items should not be delayed.

Motion: That the Planning Director email and also send hard copy correspondence to Mr. Bruce requiring the removal of any remaining equipment and materials within the week. If these items are not removed the Board will request the Building Commissioner begin ticketing. If the Building Commissioner refuses to ticket, the Board also requests his presence at their next meeting, W. Whittier

2nd: R. Largess

Vote: 5-0-0

This matter will be continued to September 23rd at 7 PM.

Correspondence/Other:

Open Meeting Law Training - October 8th at 7 PM

Public Hearing – Accessory Apartment – 19 Bashaw Road

J. Anderson read the hearing notice as it appeared in The Chronicle.

Bob Coughlin of Capstone General Contracting was present representing Ms. Shugrue.

He explained the applicant wants to add a 768 s.f. addition to the existing home. He reviewed the layout and topography of the lot showing why the addition is proposed in its current location.

He noted the septic system needs to be upgraded. A perc test will be done Monday and then a system upgrade designed and installed.

Karen Shugrue asked if there was any way to put a door on the front of the addition as she has health issues that make climbing stairs difficult. W. Whittier suggested a possible solution.

The Board reviewed departmental comments.

Motion: To grant the special permit for a 768 s.f. accessory apartment at 19 Bashaw Road allowing for an adjustment to the entrance on the left side of the home with the submittal of a plan revision for the file, with the following conditions: R. Largess

1. Approval of all other local, state and federal departments, boards and commissions, especially the Board of Health.
2. Clearly number house and apartment.

2nd: M. Sanderson
Vote: 5-0-0

Motion: To close the public hearing, W. Whittier
2nd: T. Connors
Vote: 5-0-0

Public Hearing – Retreat Lots/Common Driveway, Scenic Road/Public Shade Tree – 229 Manchaug Road

J. Anderson read the hearing notice as it appeared in The Chronicle.

Robert Murphy was present representing the applicant Michael McGovern. He reviewed the plan which showed four standard lots, three retreat lots, one common drive serving lots 1-3 and two scenic road alterations for the common driveway and additional driveway. The existing home on the seventh lot will remain and be renovated. There is a successful perc on all the lots and the wetlands were flagged by Mr. Murphy. He also met with Alyse Aubin on site to discuss concerns with a stream.

Tree Warden, Joe Camarra, was present to comment on the proposed public shade tree removals. He noted there was only one tree over 6" in the proposed openings. He suggested that the opening for lots 1-3 shift to the north 6' to avoid removal/damage to a large public shade tree. Other than this, he had no issues.

W. Whittier asked about there only being two scenic road alterations proposed for six new lots. M. McGovern explained he wants to keep the area looking more rural. He will live on one of these lots and he wants to limit the breaks in the stone wall for less traffic conflicts and just better appearance. He has proposed a bylaw change that will allow lots 4-6 to all access off a common driveway located where the second scenic road alteration is proposed. He will see if that is approved, and if not, will come back to the Board for an additional alteration.

The Board reviewed departmental comments. It appeared there was a lot that may not comply with the minimum 50' width requirement. Mr. Murphy will adjust this lot line if necessary.

Mr. Murphy confirmed the wetland boundary flag locations have not been verified but that they will file a Notice of Intent on the lots with wetlands at which time the flags will be verified. J. Hager noted a member of the Commission expressed concerns with runoff and possible wetlands just north of the common drive location and suggested the applicant should be in contact with the Commission now to avoid a protracted process when the NOI is filed. Mr. McGovern said they will deal with this when they come to it, Mr. Murphy added he is certain none of the work that will be required for the common driveway is in the Commission's jurisdiction.

R. Nunnemacher of 24 Singletary Avenue, also an abutting property owner to this project, stated he had no objections to what is proposed but felt Mr. McGovern was considering common drives simply for cost savings. He said that all driveways whether common and/or private need to be approved by the Fire Department to make sure they are adequate for safety vehicle access and have adequate turn-arounds at the end.

Motion: To approve the special permits for the 3 retreat lots: Lot #2 - 50.19' frontage w/8.28 a., Lot #4 - 50' frontage w/6.17a., Lot#6 - 50' frontage w/10.47 a., with the following conditions: W. Whittier

1. Approval of all other local, state and federal departments, boards and commissions.
2. Driveway shall be of bituminous surface, no greater than twelve percent (12%) grade with a minimum paved width of twelve (12) feet and cleared width of fifteen (15) feet.
3. The house number shall be clearly visible from the street and/or posted at the street.
4. The plan shall be revised to ensure that no less than 50' of lot width exists at all points.
5. The Highway, Fire and Police Departments must approve the driveways.

2nd: R. Largess
Vote: 5-0-0

Motion: To grant the special permit for the common driveway with the following conditions: W. Whittier

1. Approval of all other local, state and federal departments, boards and commissions.
2. The deed to the lots shall contain a restriction that said common driveway shall remain private in perpetuity, no parking will be allowed on the common drive and all roadway maintenance, snowplowing and rubbish collection shall be the land owner's responsibility. A copy of said recorded deeds shall be provided to the Board prior to issuance of a Building Permit for the homes located on said lots.
3. The house numbers of the lots serviced by the common driveway shall be clearly posted at both Manchaug Road and the split in the common driveway as well as clearly on each unit.
4. The Highway, Fire and Police Departments must approve the private driveways that branch off the common driveway.
5. The common driveway must be shifted 6' to the north to avoid removal/damage to a large public shade tree.

2nd: R. Largess
Vote: 5-0-0

Motion: To approve the proposed scenic roadway alterations based on the plans as presented, with the following conditions: W. Whittier

1. The proposed break for lots 1-3 shall be shifted to the north 6' to avoid removal of a large public shade tree.
2. Breaks in the stone wall will be limited in width in accordance with the plans and photographs that were submitted.
3. Stones removed from the breaks will be utilized to narrow existing opening in the stone wall with the same type of stone wall that currently exists.

2nd: R. Largess
Vote: 5-0-0

Motion: To close the public hearing, R. Largess
2nd: W. Whittier
Vote: 5-0-0

Public Hearing – Accessory Apartment – 427 Boston Road

J. Anderson read the hearing notice as it appeared in The Chronicle.

Eric Gilmore of Gilmore Building Company was present representing Ian and Rebecca Mott.

He reviewed the 720 s.f addition that will house an accessory apartment which intended and designed to revert back to a garage after it ceases use.

They have a septic application before the Board of Health for an upgrade. The building is proposed to be constructed in the same style and of the same materials as the current home. They have worked hard to maintain the proper scaling to maintain the appearance of a garage.

R. Largess thanked the applicant for their thorough, compliant application. M. Sanderson complimented the design and placement.

Motion: To grant the special permit for a 720 s.f. accessory apartment at 2427 Boston Road with the following conditions: M. Sanderson

1. Approval of all other local, state and federal departments, boards and commissions, especially the Board of Health.
2. Clearly number house and apartment.

2nd: R. Largess
Vote: 5-0-0

Motion: To close the public hearing, T. Connors
2nd: W. Whittier
Vote: 5-0-0

Motion: To adjourn, W. Whittier
2nd: R. Largess
Vote: 5-0-0

Adjourned 8:58 P.M.