

Sutton Planning Board
Minutes
November 4, 2013

Approved _____

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

General Business

Minutes:

Motion: To approve the minutes of 10/7/2013, W. Whittier

2nd: T. Connors

Vote: 4-0-0

Form A Plans:

Motion: To endorse the Form A plan for Sutton Ventures LLC on Gilmore Drive and Barnett Road dated 11/4/13 with the condition that the R-Factor be added to the plan and the plan will not be released for recording until the taxes are paid, W. Whittier

2nd: M. Sanderson

Vote: 4-0-0

(R. Largess and S. Paul arrive)

Dean Farm Road Covenant:

J. Hager explained this two lot subdivision had been approved years ago and was appealed by the abutter. The matter was dismissed from the courts a few years back, a new covenant was posted, and construction began. As this is a minor extension of an existing town layout, the Board asked the Highway Department to do the inspections. The Highway foreman sent correspondence that construction to date has been compliant with the plans. The road is complete except for top course paving. The applicant, David Mason, is requesting the covenant be renewed and that he be allowed to start construction on Lot #1. As he does not intend to transfer out either lot, a covenant is still the appropriate form of surety however the Planning Director has also added a condition that the occupancy permit on the unit on Lot #1 may not be granted until the road is completed or alternate surety is posted to finish the road. This is just an extra layer of protection for the Town. The performance date in the covenant will be extended to October 1, 2014.

Motion: To approve the amended covenant for Dean Farm Road, S. Paul

2nd: R. Largess

Vote: 6-0-0

Correspondence/Other:

Sutton 146 LLC v. Sutton Planning Board and Galaxy Development – The Planning Director informed the Board that the case has been transferred to Land Court in Boston where it will have a faster adjudication period.

Earth Removal Permitting – The Planning Director asked if any members wish to visit the earth removal sites in advance of this year's permitting. M. Sanderson and R. Largess would like to do site visits.

Site Plan Review Waiver Request – 140 Worcester /Providence Turnpike

J. Hager reminded the Board that Sutton Station, just south of the intersection of Marble Road and Route 146, is losing parking to the MassDOT project that has begun construction. The new owners are also upgrading the septic system and need to accomplish the installation and new parking layout in conjunction with the timing of the MassDOT project. There is currently no proposed change of use anticipated.

In accordance with comments from the Board on 10/21/13, the plans now show that the existing tree line along Marble Road will remain, as will a small garage along Marble Road. Grass will be planted in the area where the pool and other structures are being eliminated and a row of coniferous plantings will be installed along the southern lot line to block the view from the neighbor. No additional access will be established to Marble Road.

W. Whittier asked if the loading area will be accessed from the grass. P. Hutnak from Andrews Engineering noted the type of uses in the building do not need a loading dock for a truck. It is likely anything that is brought in will be unloaded and rolled in via the cement walkway.

It was noted landscaped areas are shown all around the building. The Board recommended that no landscaping be placed in the new very narrow island against Route 146.

Motion: To waive Site Plan Review and allow the site changes as shown on the plan with the condition that the Board reserves the right to review the buffer to Marble Road and the screening to the abutter and require additional plantings if necessary, S. Paul
 2nd: W. Whittier
 Vote: 6-0-0

Public Hearing (Cont.) – Minardi Landscaping – 72 Worcester/Providence Turnpike

J. Hager noted the Zoning Board of Appeals will hear the petition to allow this use on Thursday night. She stated the board either needs to decide if they will take any action prior to the ZBA ruling on the use, or if they will continue their hearing.

The majority of the Board asked Paul Hutnak from Andrews Engineering & Survey to review adjustments made to the plans since the last meeting. He also briefly reviewed the waivers he is requesting.

R. Largess noted anything the applicant can do to lessen the impact on the neighbors is what is important to him. M. Sanderson noted the applicant's engineers and the Town's engineer seem to be confident what is proposed will handle any water issues on the site and this is what she sees as the primary issue.

Motion: To continue the hearing to November 18, 2013 at 7:15 P.M., W. Whittier
 2nd: T. Connors
 Vote: 6-0-0

Correspondence/Other: (cont.)

W. Whittier asked for an update on the Heney common drive on Central Turnpike. J. Hager stated nothing has changed.

Two additional pipes were supposed to be installed by mid-October and as of last Friday they were still not installed. Mr. Heney continues to assert he does not have the money to do the required paving at this time.

W. Whittier expressed great frustration and noted this lack of enforcement sets a bad precedent. No one will respect Town regulations and Board decision as there is no enforcement, the Board has no teeth. He requested and the Board agreed that another memo be sent to the Building Commissioner requesting he begin ticketing Mr. Heney. If he does not feel ticketing is appropriate or possible he needs to be present at the Board's next meeting to explain his position. The Board asked that the memo be copied to the Town Administrator.

Motion: To adjourn, R. Largess
2nd: S. Paul
Vote: 5-0-0

Adjourned 8:08 P.M.