

Sutton Planning Board  
Minutes  
April 4, 2016

Approved \_\_\_\_\_

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

**General Business:**

It was noted W. Baker was acting as a full member in place of R. Largess.

Minutes:

M: To approve the minutes of 3/21/16, J. Anderson

2<sup>nd</sup>: W. Baker

Vote: 3-0-2, W. Whittier and S. Paul abstained as they were not present at this meeting.

Filings: None.

(R. Largess arrives and W. Baker returns to Associate status)

**Bridle Path – Update & Covenant Extension:**

Lori and George Funari were present to request an extension on the performance covenant for Bridle Path definitive subdivision off Barnett and Jones Roads. L. Funari explained that they are confident they have resolved the title issue and have presented the required materials to the court and are awaiting the decision. The next court date is scheduled for June.

Jack Sheehan of 26 Jones Road asked if various permits, like the MEPA permit have expired. He expressed concerns with the age of the project and stated he felt it should be looked at again for things like better drainage methods, traffic increases, etc. Mr. Sheehan also expressed concerns with the fact that the title was in questions before the plans were approved. It was noted that O'Shea maintained they had clear title throughout the approval process and that they signed the application along with the Funaris.

R. Largess said the Town is not likely to have the developer start all over on a plan that is still grandfathered, they don't do business that way.

W. Whittier asked if the bylaws have changed or if anything material is done differently since the approval?

R. Nunnemacher of 24 Singletary Avenue stated once a plan is approved the applicant has the right to use those plans as long as they are good, and he doesn't think the Town has the authority to require further review.

Board members asked questions about title issues and it was noted the approval conditions require that all other applicable permits be in hand before or at the preconstruction meeting, before any dirt is moved. If re-issuance of the permits or approvals that have expired causes changes to the approved plans, then the Board may require an updated review or even a new hearing, otherwise the approved plans are grandfathered in accordance with the law and the Permit Extension Act provisions

Motion: To grant a one year extension of the performance covenant for the Bridle Path Subdivision off Jones and Barnett Roads, R. Largess  
 2<sup>nd</sup>: W. Whittier  
 Vote: 5-0-0

#### Form A Plans:

Century Farm Road – Gilbert/D’Anello – Mike Yerka of Civil Site Engineering explained that this land had previously been divided into a retreat lot and a standard lot with a common driveway on the retreat lot to provide access to both lots. After the retreat lot was sold there were issues that caused the previous owner of this lot, who still owns the standard lot, to reconsider the disposition of the land. Mr. Yerka was present with a Form A plan that makes the previous retreat lot a standard lot and makes the previous standard lot a non-buildable lot that we be transferred to an abutting property owner. They never exercised the retreat lot or common drive special permits and are therefore requesting the Board rescind these approvals and vote to approve the proposed new configuration with one standard buildable lot.

Motion: To rescind the Retreat Lot Special Permit and Covenant as well as the Common Driveway Special Permit for 63 & 65 Century Farm Road, R Largess  
 2<sup>nd</sup>: W. Whittier  
 Vote: 5-0-0

Motion: To approve the Form A plan for Gilbert & D’Anello dated 3/17/16 showing one less buildable lot, R. Largess  
 2<sup>nd</sup>: W. Whittier  
 Vote: 5-0-0

#### Virginia Avenue Road Layout:

J. Hager explained this roadway was approved years ago and was thought to be a public roadway, but apparently it was never properly accepted. The Town has been maintaining the roadway for some time. The Planning Board will sponsor the article to accept the road as a public way. Part of this process is approving the layout plan and recommending the Selectmen layout the road per this plan.

Motion: To approve the layout of Virginia Avenue per the plan at WDRD Book 724 Plan 59, and to recommend the Selectmen vote to layout the roadway per the plan for subsequent Town Meeting action, R. Largess  
 2<sup>nd</sup>: J. Anderson  
 Vote: 5-0-0

#### Leland Hill Estates CCRC – Rescind Special Permit and Release Covenant:

J. Hager explained that a the attorney for a resident of Leland Hill Estates recently contacted the office and noted that the special permit and related covenant for the previously approved continued care retirement community is still on file at the Registry of Deeds and is attached to this land that became the current subdivision. He has requested that the Board act to rescind both documents to clear up the record. The infrastructure on the previous project was largely completed and a sales model was constructed but the market downturned and the developers subsequently went bankrupt. The land was sold at auction and the current 40B subdivision was approved.

Motion: To rescind the Special Permit for the Leland Hill Estates CCRC as well as the related covenant. W. Whittier  
 2<sup>nd</sup>: R. Largess  
 Vote: 5-0-0

Correspondence/Other: None.

**Public Hearing (cont.) – Definitive Subdivision – 295 Manchaug Road - Conte**

The Board reviewed and opinion from Town Counsel stating that the condition of the variance that is attached to this land that prohibits the use of the land for more than one dwelling effectively prohibits this application for a subdivision of the land into a roadway and two dwellings.

The Board had correspondence from Liz Ennis from Graves Engineering noting her client had just received the decision, therefore she requested an extension until the next meeting to allow them to decide on a course of action.

Motion: To continue the public hearing to April 25, 2016 at 7:15 P.M., W. Whittier  
2<sup>nd</sup>: R. Largess  
Vote: 5-0-0

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

Adjourned 7:51 P.M.