

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
January 18, 2016

Present: Planning Board Members: Carrie Thomas, Chairperson; Dan Sundquist, Ex-Officio; Carole O'Connell and Roger Wells, Members; Jim Lowe, Alternate; (Bob DeFelice and Peter Blakeman, Members; and Lisa Hogarty, Alternate; were absent); and Laurie Hayward, Land Use Coordinator (LUC) and applicant David Crane, Arborist for Eversource. Zoning Board of Adjustment Members present: Derek Lick, Chairman, Dane Headley and Sue Reel, Members. There were no parties present who were not the Eversource applicant or on one of the two Land Use Boards.

The meeting was called to order at 7:05 PM, by Carrie Thomas, Chairperson.

Administrative:

Minutes of previous meetings: Minutes of previous meetings were tabled.

Public Hearing: PB 2016-01 Eversource. The Chair read the letter from Eversource requesting approval for tree trimming on Shadow Hill Road which is a scenic road as follows:

“Eversource would like to trim and remove trees on Shadow Hill Road (a designated scenic road) for the purpose of maintaining safe and reliable service in the area. This letter is to request a public hearing, in accordance with RSA 231:158, for that purpose. Please advise this office of the date, time, and place for this hearing so that we may have a representative present.

A list of the proposed work, including pole numbers, is attached. All trees which Eversource proposes removing in their entirety have been marked in the field with flagging.

Eversource plans to utilize Asplundh Tree Expert Company to perform the actual trimming and removal of trees. Eversource requires that our trimming contractors contact each landowner where trees are to be trimmed or removed prior to commencement of work on that property. Individual concerns will be addressed at this time.”

Crane said that he will contact land owners and get a crew in to do the work quite soon. Sundquist asked that stumps be cut as close to the ground as possible. Crane said that currently there is not much snow cover so it should not be difficult to do and if that changes, they are willing to come back in the summer. Lowe asked about the process for notifying land owners. Crane said that they do identify and notify landowners whose property would be affected.

Crane explained that they are looking at trees that are likely to fail within two years and that it is only a very small percentage of people who refuse to have trees cut that are in the right of way and/or in poor condition. **Wells moved the application be approved; the motion was seconded and voted unanimously.**

Public Hearing: Zoning Ordinance Revisions. The Planning Board Chair opened and described the process. It was noted that there were no members of the public in attendance. The Chair asked Lick, Chairman of the Zoning Board of Adjustment, to address some of the language that land use board had drafted. Lick noted that, looking at all of the Amendments proposed, there were only a few areas where the two boards did not agree. Those areas are Manufactured housing, the Steep Slopes Overlay District, and new Driveway language. Lick suggested he simply list the amendments they agree on. Lick said he believes that both boards support Amendments 1,2,3,7, and 8. Members of both Boards present agreed that they could support the language in those Amendments.

Discussion moved to items on which there were questions and concerns by one or the other of the Boards. Lick went on to discuss some of the differences between the Boards. Regarding Driveways, Lick noted that he understands there are a couple of ways of looking at this. First, that there is a map that identifies areas that are more difficult in what is called the Steep Slopes Overlay District and for properties in those areas a special permit is required [a Conditional Use Permit]. Second, lots requiring special permits are defined by slope and other criteria in order to determine whether a lot falls under this requirement. Lick conveyed that some Zoning Board of Adjustment members wonder why the Steep Slope Overlay District Ordinance is needed and take the view that the only consideration should be about the area where a private driveway meets a town road. That said, Lick indicated that generally the Zoning Board of Adjustment was more concerned about what the process would be for obtaining driveway permit approval under this new Article than anything else.

Headley spoke stating that he feels that the motivation on Manufactured housing, Amendment 4, is often affordability. His preference is for not allowing individual Manufactured homes and, instead, allowing both Manufactured home parks and Manufactured home subdivisions. Healey stated that he feels that choice reflects a concern for cost. He explained that he feels by requiring that each Manufactured home have an individual septic system and well and other costs the effort to provide for a low cost housing option is defeated. He prefers parks and subdivisions in part because it allows infrastructure costs to be shared. Wells took up the Planning Board favored language on Manufactured housing. Wells explained that he feels neither parks nor subdivisions are truly cost effective and, further, by limiting choice to those types of land use, the effect may be to make Manufactured housing in Sutton unavailable as an option. The Chair offered that the two acre minimum lot would make doing a Manufacturing house subdivision very expensive and an unlikely land use. The Chair also pointed out that the concept of Manufactured housing parks may work well where there is town water and sewer; but, Sutton does not have that and it is not clear how a Manufactured home park could have ten rentable lots, all with separate septic and sewer except on a very large piece of property. Members of the two Boards agreed to disagree on Amendment 4.

Regarding the proposed Steep Slope Overlay District, Amendment 5, Wells explained the Planning Board recommended language affects the density of development on steep slopes, recognizing that fewer, larger lots place less of a burden on steep slopes which tend to be more challenging in terms of erosion, storm-water run-off, designing adequate septic systems, and having water available. Lick mentioned his concern regarding the complexity of calculating what properties have steep slopes and what do not and how the ordinary land owner would know. Lick did mention that having a map of Steep Slopes in the town of Sutton is useful to property owners.

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under this requirement.

Wells pointed out that the Planning Board's intent is not to "prevent driveways"; but, to provide guidance to property owners so that they do a driveway properly for challenging conditions. This requirement allows for identification of environmental concerns and safety concerns including whether safety equipment like fire trucks are able to access the home site. The idea is to address these issues with a property owner in the design stage.

Wells pointed out that, for owners with properties that do not have excessively steep land, they will get a driveway permit just as they have done except that they need a Driveway Access Permit which is for the curb-cut and is what the Highway Department now calls a driveway permit. To complete the process either a Driveway Permit which the Road Agent issues is required; or, if there are issues with either the land or the design not meeting the Zoning Requirements, the property owner must apply for a Conditional Use Permit from the Planning Board.

There was a brief discussion about the revision to the language on Minimum Lot Area and that there were two versions considered, one which reduced density by taking out 33 1/3% and one that took 20% from consideration in the calculation of Minimum Lot Area. The less restrictive version says: "a lot that is in the Steep Slope Overlay District shall not include more than 80% of that area within the minimum lot area requirement". Wells indicated that he is now in favor of that less restrictive language.

Wells moved and the Chair seconded and it was voted unanimously that the Public Hearing be closed.

For **Amendments 1,2,3,7, and 8**, Planning Board members discussed the Amendments decided to accept the language proposed, noting that Lick had stated earlier that both Land Use Boards were in agreement on these.

For **Amendment 4**, there were two sets of language presented. The Planning Board voted to place only language permitting a single Manufactured home on a single lot and in compliance with all zoning requirements for that district on the ballot and to remove any mention of Manufactured housing parks and subdivisions.

For **Amendment 5**, the Planning Board voted to make a change as follows: in Article XI.B.2, the proposed language is changed from "The Steep Slopes Map may be used in order to determine what lots fall under the rules and regulations for development ..." to "The Steep Slopes Map may be used in order to determine what portion of lots fall under the rules and regulations for development ..."

For **Amendment 6**, the Planning Board voted to accept the language regarding Driveways as drafted by that Board.

For **Amendment 9**, there were two different sets of language proposed by the Planning Board, the Board unanimously voted to use the less restrictive of the two versions which states: "c. Upon subdivision, any portion of a lot that is in the Steep Slope Overlay District shall not include more than 80% of that area within the minimum lot area requirement. "

For **Amendment 10**, the language that supported the Planning Board choice of language was approved.

There was a brief discussion about the need to broaden the tax base in the Town of Sutton and that the Planning Board would continue to look for new ideas to put forth to support that idea.

Wells moved and the Chair seconded and it was voted unanimously that the Public Hearing on the Building Ordinance be opened.

There being no interested parties and therefore, no public input, the hearing on the Building Ordinance changes was closed.

The Building Ordinance: was taken up by the Planning Board and it was agreed that the language proposed was either non-substantive items like grammar or necessary in order to be consistent with changes in the larger Zoning Ordinance. **The Board agreed to accept the language as revised.**

After a brief discussion, the LUC suggested that she should speak with town counsel regarding whether they need to include the two items with two language options in a second meeting. The LUC noted that it did seem to her that the change to Amendment 5 from “lot” to “portion of lot” represented a substantive change that was not shown in the draft language. Therefore, a second public hearing would be necessary to address at least Amendment 5.

Board members took up the schedule of meetings for the next few months. It was noted that there will be two elections, the federal Primary Election, to be held the second Tuesday of February and the Town vote to be held the second Tuesday of March. As the Board does not have access to Town Hall for their meeting on the second Tuesday of the month in February or March, it was agreed that the Board would meet only on February 1st and on the fourth Tuesday in February and on the fourth Tuesday March.

Next meeting is scheduled to be held on Monday, February 1, 2016 at 7:30 PM and will be the required Second Public Hearing on the Zoning Ordinance language revision.

There being no further business, it was moved and it was unanimously voted that the meeting be adjourned at 8:55 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator