

**TOWN OF SUTTON**  
**Planning Board**  
Pillsbury Memorial Hall  
Meeting Minutes  
February 23, 2016

Present: Planning Board Members: Carrie Thomas, Chairperson; Roger Wells, Carole O'Connell and Julie McCarthy, Members; Jim Lowe, Alternate; (Bob DeFelice, Peter Blakeman, Members; Dan Sundquist, Ex-Officio; and Lisa Hogarty, Alternate; were absent); and Laurie Hayward, Land Use Coordinator (LUC); and interested parties Brackett Scheffy, agent for the owner, and William O'Connell, son of the property owner. Ann Wallace, who, with her husband owns the abutting lot which was part of the Lot Line Adjustment with O'Connell, arrived after the start of the meeting.

**The meeting was called to order** at 7:04 PM, by Carrie Thomas, Chairperson.

**Public Hearing:** The Chair moved directly to open the Public Hearing, explaining that there are two separate but related requests and they will be taken up in two separate hearings. The first request is to rescind a subdivision and the second to rescind a lot line adjustment. The Chair asked the LUC to read the first Notice. The LUC read:

“You are hereby notified of a Public Hearing to be held on February 23, 2016 at or around 7 PM at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH concerning a request, **Planning Board Case 2016-02** by **Dennis O'Connell and his agent, Brackett L. Scheffy**, that the Subdivision approval of January 24, 2012, Planning Board Case 2012-04, Plan 19893 recorded February 17, 2012, be rescinded by the Sutton Planning Board.”

The Chair addressed Brackett Scheffy, asking for his input. Scheffy explained that the owner's original plan was to subdivide into three lots, intending to leave them to family members separately. He said that there might have been an issue regarding the driveway; but, when Sutton property tax bills for three separate lots arrived representing a significant increase in cost to the property owner, that became a primary factor. Scheffy stated that no deeds ever changed hands. He also explained that there are mortgages on the properties involved and it became complicated working out, with the banks, how to best handle the change in boundaries and the subdivision of one of the newly configured properties. That process, in itself, could be costly involving appraisals and detailed legal documentation. Scheffy explained that he thought the property owner assumed there would be no change until the new lots were deeded to others and that is not what happened.

Planning Board Member, Carole O'Connell, stated, for the record, that she is not related to the property owner. O'Connell asked when the actual subdivision took place. The LUC explained that the subdivision, from the Town of Sutton point of view, happened on January 24, 2012. O'Connell said that she was looking for the date that the property taxes changed. The LUC explained that the town property taxes are based on the value of the property as of April 1<sup>st</sup> of any year. That means in this case, the subdivision was approved on January 24, 2012; the change the tax map was completed prior to April 1, 2012; therefore, the three lots as approved were taxed separately for the entire tax year 2012. O'Connell asked why it took so long for this to come to the Planning Board. The LUC

explained that Mr. Dennis O'Connell, the owner, wrote to the Select Board some time ago, the information came to her. She made a number of efforts to contact Dennis O'Connell, who lives in Missouri. The LUC did not have and couldn't find a telephone number or an email address so her efforts were made by letter via regular mail. In the end, it was Brackett Scheffy who contacted her about the request for rescission.

Wells questioned Scheffy and William O'Connell regarding the subdivision plan which accompanied the application and represents the current configuration for the three lot subdivision. Wells questioned the process. The LUC explained that, in 2012, the parties did a lot line adjustment first, in order to create the lot that could be subdivided into three separate lots. Once the lot line adjustment was approved, the newly created lot could be and was subdivided. The LUC explained further that the process tonight reverses that and first the Planning Board should decide whether they will rescind the Subdivision. If the Board agrees to rescind the Subdivision, then they can take up the Lot Line Adjustment and rescind that, bringing both properties back to their pre-January 2012 status.

Wells asked to see a map showing the lot configuration before the 2012 approvals. The LUC retrieved a tax map from 2011 which clearly showed the configuration of the original two lots, one owned by O'Connell and one owned by his abutters, Ann and Oliver Wallace. Ann Wallace stepped forward and showed the Board Members what the original configuration was and how it changed in 2012. The Chair pointed out, addressing William O'Connell that he will wind up with the original smaller piece of property that is not as accessible. Wallace explained that there is a right-of-way easement over the Wallace property and that already exists in the deeds.

There was a question about whether the properties were in current use. Scheffy indicated that they are not. Wells pointed out the benefits of applying for Current Use as a means of keeping the property taxes low on a lot in excess of ten acres.

**Wells moved that the Public Hearing be closed; McCarthy seconded the motion and it was voted unanimously. Wells then moved that the rescission of the subdivision be approved; McCarthy seconded the motion and it was voted unanimously to approve the rescission.**

With the subdivision rescinded, the Board then took up the rescission of the Lot Line Adjustment, **Planning Board Case 2016-03 by Dennis O'Connell and his agent, Brackett L. Scheffy and Oliver and Ann Wallace**, that the Lot Line Adjustment approved January 24, 2012, Planning Board Case 2012-03, for property, originally TML# 01-988,525 and 02-133,405, be rescinded by the Sutton Planning Board to allow both properties to be configured as they were before the January 24, 2012 approvals. **Wells moved and McCarthy seconded the motion to rescind the Lot Line Adjustment approved January 24, 2012. The vote to rescind the Lot Line Adjustment was unanimous and the two properties are returned to their 2011 configuration.**

The LUC explained to Scheffy and William O'Connell that she will send out the Notice of Decisions rescinding the 2012 approvals the Registry of Deeds and eventually copies of the registered Notice would be sent to the parties involved. The LUC also stated that there is just enough time to get this completed and submitted as part of the Tax Map Update for parcels as of April 1, 2016 upon which property taxes are based for this year.

**At this point, Brackett Scheffy, William O'Connell, and Ann Wallace left the meeting.**

**Correspondence:** The Chair asked regarding correspondence. The LUC explained that she had received a request for Voluntary Merger from Phebe Bishcoff. Bishcoff is the Trustee for the Miriam R. Lovett Trust, a property on Blaisdell Lakes which includes some "tent lots" [TML # 02-478,356 to be merged to 10 smaller lots TML#s 02-573,390; 02-539,366; 02-568,410; 02-552,368; 02-557,369; 02-492,360; 02-553,382; 02-581,378; 02-484,365; 02-496,366]. The Chair added that the "tent" lots are all very small, under 1/10<sup>th</sup> of an acre. The LUC noted that there is one, of the eleven "tent" lots, that has separate ownership; but, the remaining ten will be merged with the main lot that surrounds them.

**Wells moved that the Voluntary Merger be approved. McCarthy seconded the motion. The Chair called for discussion. There was none. It was voted unanimously to approve the voluntary merger of eleven lots owned by the Miriam R. Lovett Trust.**

The LUC then explained that she had correspondence from Robert Stewart regarding the open condition on the minor subdivision of a T&G Holdings property. Stewart is requesting a consultation with the Planning Board regarding the T&G Holdings' minor subdivision and the open condition regarding tree removal in connection to the proposed driveways. The Board agreed to take up the requested consultation on March 22, 2016. It was agreed that the LUC will invite Road Agent Steve Bagley. Wells suggested that the LUC ask the Road Agent to bring recommendations for other possible driveway configurations, if there are other options.

#### **Administrative:**

**Minutes of previous meetings:** The Chair asked for a motion regarding the minutes of December 8, 2015 and of January 18, 2016, copies of which were in the meeting packets. **Wells moved the minutes of December 8, 2015 and of January 18, 2016 be approved as written; McCarthy seconded the motion and it was voted unanimously.**

There was a question regarding whether the ballot language for the revisions to the Ordinances has been published. The LUC stated that it has been published and offered to email members copies of the "sample ballot".

#### **Work session: Subdivision & Site Plan Review Regulations**

The Board took up the proposed revision of the Subdivision & Site Plan Review Regulations. Wells handed out a draft of changes he recommends for Sections VI, Required Improvements, and VII, Design Requirements, for Board Members Review. There were a couple of questions about the new proposed language; for example, why a requirement for granite bounds as opposed to the more common metal posts. Wells feels they are more durable and less subject to being damaged or moved.

Wells moved that the language that was to be reviewed at home [see Minutes October 13, 2015, language provided and briefly discussed in meetings in September and October 2015] be approved as written. Wells reminded members that this was the language they would take home and review. Board members indicated that they were not ready this evening. Wells explained that Members will notice a number of places where he refers to "Exhibits –A, B, C etc." Wells pointed out that only Exhibit A is currently written and there are no "B", "C" yet. His thought on this is that rather than list

the standards in written words in the text of the regulations, they would attach Exhibits, the Board can more easily change language at any time by just changing the exhibit. O'Connell asked if they could do that. Wells replied that they can do that with design standards. Wells told Board Members that he is handing this out for their review now because this is what will be worked on this summer. Wells suggested that Members take home both the version of recommended changes that he had written with Pete Blakeman's input as well as the new recommendations handed out this evening and read them. Wells reminded members to keep in mind what is approved for the Zoning Ordinance and whether that is consistent with proposed language for the Regulations.

O'Connell announced that she has an agreement on her house and is likely moving out of state at the end of March. Wells told members that he leaves on March 4<sup>th</sup> and returns the end of April or beginning of May. There was a brief discussion about the need to get more members and alternate members and a few names were mentioned. Wells pointed out that members should reach out personally to people who seem to be good candidates.

The LUC told members that she was interviewed by telephone by a reporter from the Concord Monitor regarding the Zoning Ordinance proposed changes on the ballot.

**The Meeting of the second Tuesday in March is cancelled due to the Sutton Town Vote in Pillsbury Hall. The next regular meeting is scheduled to be held on March 22, 2016 at 7:00 PM.** The Chair asked if there are any public hearings. The LUC answered that there are none scheduled; but, there is the consultation with Bob Stewart and T&G Holdings which is scheduled for March 22<sup>nd</sup>.

**There being no further business, Wells moved; O'Connell seconded and it was unanimously voted that the meeting be adjourned at 8:13 PM.**

Respectfully submitted,

Laurie Hayward  
Land Use Coordinator