

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
July 23, 2013

Present: Planning Board Members: Carrie Thomas and David Burnham, Co-Chairmen; Julie McCarthy; and Dan Sundquist, Ex-Officio; and Roger Wells, alternate (Peter Blakeman and Bob DeFelice, members, were absent); and Laurie Hayward, Land Use Coordinator (LUC).

The meeting was called to order at 7:10 PM, by Carrie Thomas, Co-Chairman.

Administrative:

Minutes of previous meetings: Carrie Thomas moved to approve the minutes from the meeting of June 11, 2013 with one amendment; it was seconded and voted unanimously.

Correspondence:

The LUC explained that there was a request from John Mears that he not have to produce a survey of the entire two lots involved in a Lot Line Adjustment where one of the lots was more than 175 acres and the adjustment only affecting maybe 5 acres of that. Dan Sundquist explained that the Planning Board has allowed waivers of this sort in multiple situations in the past.

Roger Wells moved that the request for waiver be approved, Julie McCarthy seconded the motion and it was approved unanimously

New Business:

The LUC then passed out the application/brochure provided by ITW in request for Site Plan Review and approval of their proposed cell tower on the Jessica Blaney property. The LUC gave a very brief history of the Zoning Board of Adjustment appeal that resulted in a Special Exception being given to permit a cell tower to be built and a variance given for height. ITW had requested a 165 foot lattice type tower. The ZBA approved a 135 foot monopole. The current application does specify a 135 foot monopole, as approved by the ZBA. The LUC noted that if the Board was able to approve the application as complete, then the public hearing could be set for the August 13 Planning Board meeting.

Sundquist asked about regional impact and whether this application should be undertaken as a case having regional impact, he pointed out specifically that people immediately on the Sutton/Warner line might have concerns. There was a brief discussion regarding regional impact and whether this Site Plan Review should be handled as a case having Regional Impact status. The Board asked the LUC to ask this question of town counsel, including asking whether the Planning Board can notice neighboring towns or even only immediate neighboring towns without going to regional impact status and the detail required.

The Board members did a quick review of the application for completeness. Wells stated that he finds the application not to be complete. Several requirements have not been met; specifically, in the Sutton

Regulations, Section V. Form of Plans and Accompanying Papers, A. Minimum Requirements, Items 2.k., m., n., o., and p. In general, the application does not give enough specific information about the way the installation will be completed. There is no grading, no planting, no drainage, and no calculations on drainage/ runoff. Board members agreed that the application was not yet complete and a public hearing date could not yet be set and that the LUC should notify the applicant of this in writing that the Board has made a review and find that the application in question is incomplete on these points. The LUC asked that some member review her letter before it is sent. Peter Blakeman, who was not in attendance, was put forward as the Board member that the LUC should have review both the application and the Draft letter before it is sent out.

Wells asked if the ZBA had held any discussions about the color of the pole. The LUC stated that she believed that they asked and were told that the pole would be galvanized and not painted. Wells indicated that the concern might be with the reflectiveness of the pole and that should be kept in mind.

Other Business:

The LUC updated the Board on the Hause- Stewart question that arose in connection with a structure being built outside the “building envelope” on a property within the King’s Ridge development. The Stewarts had approached the town about having the Town act on this issue as though it is a town zoning issue. However, the structure did not encroach on any setback as defined by the Sutton Zoning Ordinance. The LUC further explained that she did go back to the original Planning Board decision and the conditions did not include specific setbacks for the lots in questions – so, from the town’s point of view there was no town zoning infraction to enforce. In the course of researching this, the LUC contacted town counsel and was advised that the Town probably does not want to take up policing homeowner associations’ covenants and would not be expected to as long as the covenant specifics did not arise from conditions made by the board. Town counsel further explained that when subdivisions and developments come up for review, it is useful in the process of deliberations to ask about conditions to the subdivision under consideration and whether they would require the town to police them and for how long and does the Board really wish to sign the town to monitor requirements different from those contained in the Ordinance. Carrie Thomas asked if that was passed on to the Homeowners’ Association and the LUC stated that it was. Sundquist further added that the Homeowners’ Association recognized the problem and the Chair of that Board stepped in to let the parties know that they would take it up and work with the parties to resolve the issue.

Board of Selectmen Report - Dan Sundquist reported on the following items:

1. Code Enforcement – we have hired Matt Grimes who lives in Sutton. There were three talented local applicants. There were other applicants from outside of the town, but the board decided to stay with the local applicants. Carrie asked about properties where Matt is doing work. Dan explained they will bring in circuit riders from other towns. Dan also explained that Matt is doing a somewhat different and enlarged job from the job that Buzz did and that Buzz will work with Matt initially. He also noted that Matt will be working with the LUC on the electronic database; so working with a computer is a part of the new position.
2. There was a complaint about an illegal junk yard off route 114. Notice was sent. The owner replied requesting time to resolve and the Board of Selectmen gave an extension into September. There may be an additional review of the property as there may be other issues that should be addressed.

3. Dan spoke with Chief Korbet about some concerns that have been expressed and how best to resolve them.
 - a. One issue was about noise complaints. The town has a nuisance ordinance but does not have a noise ordinance. The current lack of a town noise ordinance makes it difficult for the police to respond to citizen complaints. Chief Korbet had expressed that without a noise ordinance the police do not have the support for some types of solutions that he could use. A noise ordinance would likely need to come from the Planning Board.
 - b. They also discussed that an open container law might be useful and that should come from the Board of Selectmen. This becomes more of an issue in the summer months and with the State Park. And the town could put in place a civil forfeiture on this to mitigate the cost to enforce.
 - c. And, issues specific to Keyser Street were discussed, including that it might be good to look at ways to reduce speed on the street, including using signage to remind people to slow down and pedestrians and cyclists to share the road. Wells agrees that there are a variety of places where signage might help. Dan asked if the Board was interested in pursuing this issue. There was a brief discussion, including that the pedestrians are as much at fault as drivers. Wells indicated that he lives on the street and thinks that there are a couple of spots where signage might help. He further suggested that it might be worthwhile to check with state resources for information on ways to convince people to slow down.
4. Also, there is a land dispute in connection with the South Sutton Meeting House and a current abutter who purchased from the Hosmers. There was a piece of land originally set aside to make a common and that common connected to the meeting house some 200 years or more ago. Carrie Thomas, who also is on the Board of the Sutton Historical Society, which owns the South Sutton Meeting House, spoke to this issue. She stated there is no real concern and that the Historical Society is fine with the current proposed resolution of the issue. There is a sign that needs to be placed but once that is in place this will be resolved.

Open Conditions Report: - the LUC handed out the most recent Open Conditions Report. She pointed out that there were a couple of new issues:

1. One issue is the possible illegal junk yard off 114 that was mentioned in the Board of Selectmen report
2. And another is that there is some culvert work required of the owner of 57 Eaton Grange Road.

And there was some discussion on the status of older issues:

1. The Hauck issue of an illegal dumpster business may be resolved as there have been no recent complaints from the neighbors. The LUC offered to check to see that the business has been moved.
2. The Florida Tower Partners order to cease and desist after a complaint the people living on the road, Shadow Hill. The trenching is carrying water and causing the water to flood part of the road. The

company has worked to fix this and it appeared to be resolved. However, it has just come to light that the “fix” has failed and they need to do more testing to determine the causes.

The LUC explained that now that we have a Code Enforcement Officer on the job, the list should begin to shrink as he gets out and can confirm that work that was a Condition has been completed.

Other Business:

Vincent Grieco’s request for information regarding obtaining a building permit and a possible minor, two-lot subdivision with a shared driveway and a shared septic system was discussed briefly. The LUC explained that after his initial visit she had a follow up conversation with him in which he stated that he had discussed the information I provided with his family and, at this time, they do not expect to subdivide the land. He told the LUC that they most likely will simply re-do the expired building permit and build the originally planned house and keep the lot as is.

The LUC told the members of the Board that the Hazard Mitigation Committee has completed their work and expect to have a completed document for FEMA. Before it can be forwarded to FEMA, Someone from the Sutton Planning Board must sign off on the document. The LUC explained that this is a document for FEMA that analyzes risk. The document covers 39 different hazards and gives a history of how these hazards have affected the state of New Hampshire and then Sutton specifically and describes how they might affect Sutton in the future and what Sutton has done to mitigate such hazards. There was a brief discussion about who should read the document before the Board signs off on it. It was agreed that Roger Wells would read the document and then make a recommendation to the Board as a whole. The LUC agreed to obtain an electronic version and forward it to Wells for his review.

David Burnham asked about two old issues that have been on the Open Conditions Report. The first question was about the Mapes septic system. The LUC stated that she had not yet followed up after the letter from Provan and Lorber asking for an additional 30 days to do some research. She will call them in the near future to confirm that the design is complete and work can begin. The second question is on the Falvey development. The LUC explained that she and Peter Blakeman have not yet done all of the research on that one.

Work Session:

The LUC explained that she is having some difficulty with a variety of forms and checklists and identifying which versions are in current use and best to use and what are the specific requirements for each type of application.

There was some discussion of how to proceed, whether to create the forms and checklists from the completed revised Regulations and only after they are done. The LUC offered to rewrite if the Board wished. The question came up whether to, at this time, to simply do something for a Lot Line Adjustment which is something that doesn’t currently have a good application and checklist. Wells suggested that the LUC take the first 19 items on Jen’s old checklist and put it together in draft form and email it to members to be reviewed and voted at the next meeting. There was further discussion, including a suggestion that where it makes sense, in parenthesis, add explanation of why the Board requires an item. It was then suggested that the LUC draft applications and accompanying check lists. The LUC agreed that would be helpful to her. Wells and Burnham agreed this could be a useful way to restart work on revising the Regulations. Burnham

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noted that doing it this way, we may have a way to come up with documents and applications that are consistent with each other. Sundquist noted that they had last time discussed taking the regulations in small chunks, complete a small section and then move on to another small section and that may be a more useful approach.

There was a discussion about the two versions of the Regulations that the LUC had emailed to Board members. One version contained all of the edits, showing them in different colors. That version must be maintained so that there is a history of changes that the public can view. The second version emailed was a preview of what the Regulations would look like after the changes are made and does not show what language is stricken and what added. It was sent because it is simply easier to view. Wells noted and there was agreement that the numbering be changed to make individual points more narrowly defined and numbered.

Appointments to the Board: Sundquist explained that Roger Wells, who is an alternate, has expressed an interest in becoming a full member of the Planning Board. For this to happen, the Board would need to vote to have Roger Wells status changed from alternate to member. There was agreement that Sundquist put Wells name before the Board of Selectmen for their approval.

Next regular meeting is scheduled for Tuesday, August 13, 2013 at 7pm.

There being no further business, the meeting was adjourned at 8: 36 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator