

**TOWN OF SUTTON**  
**Planning Board**  
Pillsbury Memorial Hall  
Meeting Minutes  
September 24, 2013

**Present: Planning Board Members:** Carrie Thomas and David Burnham, Co-Chairpersons; Peter Blakeman, member (Julie McCarthy, Roger Wells and Bob DeFelice, members; and Dan Sundquist, Ex-Officio; were absent); Carole O'Connell, Alternate; and Laurie Hayward, Land Use Coordinator (LUC) also present as an interested member of the public was Thomas Schamberg, State Representative.

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

**Administrative:**

Burnham asked the alternate, Carole O'Connell, to step forward, standing in for Julie McCarthy.

**Minutes of previous meetings:** LUC opened the discussion of minutes with an explanation of the procedural question regarding the minutes of August 27 and the vote on September 10 that amended those minutes. The LUC explained that after the meeting on September 10, she had determined that the citation in the original draft minutes for August 27 was correct. She subsequently notified Board members that she thought that the amendment was incorrect. She said that she and Burnham double checked the regulations and both agreed that the citation should be corrected from Article VIII.2.n to Article VIII.2.k as originally noted in the Draft minutes. Co-Chair Thomas explained that it made sense to her to simply vote whether to correct the vote of September 10 by moving that the minutes of August 27 be approved as originally written, not as amended on September 10, 2013. Peter Blakeman moved that the minutes of August 27 be approved as originally amended. Thomas seconded and it was unanimously voted to reverse the decision of September 10 and approve the minutes of August 27, 2013 as originally written.

The Co-Chair, Burnham then explained they would take up the minutes from the meeting of September 10, 2013. Thomas moved to approve the minutes of September 10, 2013. Blakeman seconded and it was unanimously voted to approve the minutes of September 10, 2013 as written.

**Correspondence:** LUC explained that Tom Brown had emailed and then they had spoken briefly about a boundary line agreement for a property that he owns, actually Dead Mule Gulch Trust owns, and that adjoins property owned by Jody Wells. Mr. Brown had told the LUC that he had Jeff Evans working on the boundary line agreement and the Mr. Evans had told him that he did not need to go to the town. Mr. Brown further stated that his attorney did recommend that he check with the Planning Board. The LUC explained that she had told him that if there were no changes that he would not need to go through the Board; but, if there were any changes that might seem to constitute a Lot Line Adjustment or Annexation that they would then need Board approval and also public hearings. Burnham noted that if there is any ambiguity there would need to be Planning Board review and approval. He also noted that there is the issue that generally a new plat being filed at the registry of deeds would require Planning Board sign-off. Blakeman noted that his property included a boundary that required clarification because the original subdivision. Between family members did not clearly spell out that boundary. In that case the entire purpose of the agreement was just to make clear exactly where the boundary was. The Board members discussed the situations that would not require Board approval and others in which it would not. It was agreed that the LUC should contact Mr. Brown and suggest that he come in for a preliminary consultation regarding the boundary line agreement and find a meeting time that works for him.

Burnham called for any other correspondence. The LUC said that there was no other correspondence except a letter from the Mapes which is an "Old Business" agenda item.

**Old Business:**

**ITW Cell Tower - PB Site Plan Review Application-** The LUC explained that the Public Hearing is set for October 8, 2013 and that the Notices of Public Hearing are out. She also noted that she has already had a response from one of the nearby towns that was noticed. Thomas asked the LUC if she had contacted the applicant regarding Board concerns about completeness of the application. She said that she had. The Board agreed that the LUC should ask them to email or drop off anything they plan to present at the meeting so that the Board has an opportunity to consider it in advance.

The LUC told Board members that the ZBA, when they were reviewing the ITW documentation, hired an outside specialist, Ivan Pagecik of IDK in Littleton, MA. The Zoning Board members expressed that his support was very helpful. She also noted that was agreed in advance with the applicant that they pay for those services and, should the Planning Board determine that they needed to hire a consultant it should be clear from the start that the cost would be borne by the applicant. Blakeman noted that it was extremely important that the money for the services be paid up front and placed in an escrow account. There was a brief discussion about developing a clear policy regarding hiring consultants and how prepayment to an escrow account will work. Blakeman further indicated that he was not sure that the Board would require that kind of support for the ITW Case.

**Mapes- letter of reply-** The LUC explained that Mrs. Mapes had sent her a letter which the LUC then read to the Board. There was a discussion regarding the letter and that it included confusion as to what the Board was offering the Mapes. The letter stated that Mrs. Mapes "would like to ask the Planning Board to waive the filing and other fees" and "If this is acceptable" she would "proceed to complete the application". The LUC stated that she did not believe that she stated or the Board intended to offer a waiver of fees before the application was submitted; but to offer a waiver if the application was made at this time. There was further discussion about the history of the various issues. Blakeman asked to be reminded why, if the ZBA handled the case, were they coming before the Planning Board for Site Plan Review. The answer was that this is a situation involving "Change of Use" from a small business to apartments and those apartments require greater septic system capacity. There was agreement that the LUC should contact the Mapes and clarify that the application must be submitted and that the fees would be waived if the application is submitted timely. Board then discussed whether the Mapes would still need to pay the costs for notification, postage and newspaper publication. There was general agreement that they would prefer that they do.

**Other Business:**

**Dan Bruzga- Preliminary Consultation re: Commercial use of Route 114 property TML#09-840,471 (Briar Hill Sign)** It was noted that, although Mr. Bruzga's preliminary consultation was included in the agenda, Mr. Bruzga was not in attendance. The LUC agreed to contact Mr. Bruzga and ask if he was still interested in the property and having a preliminary consultation with the Planning Board.

At this point State Representative Thomas Schamberg left the meeting.

**Work Session:**

There was a discussion regarding the most recent draft version of the Site Plan Review Application. O'Connell noted that she found the most recent version very difficult to look at with the many check boxes. The LUC explained that this version includes all of Roger Wells' suggestions for checkboxes. There was further discussion about the version in question, including all the many checkboxes and the fees listed. Blakeman suggested that either a box or a line per section would be plenty. The LUC offered to bring still another version and have them available so that the Board could view a few different approaches the next time there is a work session. Blakeman offered to email one that he did for

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the Town of Newport. Blakeman also questioned the statement about timing and referenced the RSA 676.4 suggesting that the current wording on point 8 and whether the "90 days" there includes the original 30 days. It was agreed that should be changed to "65 days" and could reference the RSA number. Blakeman also suggested that wording on point 6 be changed to something like "All applications for Site Plan Review shall be submitted in writing using the Sutton Site Plan Review Application." Burnham brought up that the application currently used does not specify what the application is for. There was a brief discussion and agreement that each type of application should have that type stated at the top of the application.

There was also a discussion about the "Signature Page". Blakeman questioned whether there should be separate signatures requested for the many various professionals that might have been involved with the plans where the professional has already included their stamp which incorporates their signature. Burnham suggested that the statement should include that the "signed" or "signed original stamp" of the professional involved in the design. Blakeman also noted that, by statute, the state requires certified notification of professionals noted in plans and/or plats. Regarding Board concerns regarding any possibility of fraudulent stamps or signatures, the LUC pointed out that the sentence in the Site Plan Review Submission Requirements states that: "It remains the sole discretion of the Board as to whether the submitted drawings meet these requirements." This should cover any situation where the Board feels that the sign-off by professionals is incomplete or problematic and allow the Board to request additional certification/sign-off.

There was a discussion about changing page 3 point 6 which simply says that there must be "A check made out to the Town of Sutton for appropriate fees". Blakeman suggested that the language be changed to request checks for postage made out to the USPS, for example. The LUC pointed out that would require a change in the Planning Board Fee Schedule and that must be voted by the Board and then submitted to the Board of Selectmen for their approval. Currently there is a flat fee for certified notices of \$7 which is more than the postage. She did note that the ZBA is currently considering revising their fee schedule and going to "cost" for mailings and newspaper notices, in which case having an applicant make a check out to the postal service makes sense. There was a brief discussion regarding "pay for use" and fee structures. Thomas noted that it makes sense to her that the fee for notification include more than just postage; for example, paper ink and time spent to get notices out. Blakeman noted that he feels the fees should be set to include all of that and that fees be set to reflect that larger projects have larger fees that offset the increased costs to handle the notices. Blakeman noted that with the exception of septic systems, which have a single fee, state fees are structured such that the size of the installation or whatever impacts the size of the fee. It was noted that the current structure does take that into account.

**Next regular meeting is scheduled for Tuesday, October 8, 2013 at 7pm and will include the Public Hearing for the ITW proposed cell tower. The next Work Session will be the 4<sup>th</sup> Tuesday, October 22, 2013.**

**There being no further business, the meeting was adjourned at 8: 55 PM.**

Respectfully submitted,

Laurie Hayward  
Land Use Coordinator