

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
November 25, 2014

Present: Planning Board Members: Carrie Thomas, Chairperson; Bob DeFelice, and Julie McCarthy, members; Dan Sundquist, Ex-Officio; (Peter Blakeman, Carole O'Connell, and Roger Wells, members, were absent); Laurie Hayward, Land Use Coordinator (LUC).

The meeting was called to order at 7:01PM, by Carrie Thomas, Chairperson.

DeFelice opened a brief discussion about the different ways that he could see looking at property impact. He said that he would have liked to consider the impact to roads in terms of houses that could be built on abutting lots and not just the houses that exist today. It was agreed that there was a decision, and town counsel agreed, that the Board could only look at the houses that are in existence today and the number of houses in the subdivision proposal being considered and not at potential houses.

Administrative: The Chair opened discussion on the Notice of Decision drafted by the LUC. The LUC told board members that town counsel had reviewed her draft and made changes and the document that she emailed to the Board members prior to the meeting is the final draft. The LUC asked that the Board determine whether this is the form of the notice and letter that they want sent to the applicant, Clayton Platt and the owner, Jon Feins. It was also noted that the cover letter did make it clear that the Board did not make decisions on other issues such as access beyond that the proposed subdivision was "scattered and premature".

The Chair read the prepared draft of the Notice of Decision on the Platt/Feins application for subdivision which was decided at the meeting held on November 11, 2014 as follows:

"On November 11, 2014, the Town of Sutton Planning Board made a majority decision to **Deny Without Prejudice** the application for minor subdivision of three lots located on Stonehouse Road, in a Rural-agricultural district, based on the determination that the proposed subdivision would be scattered and premature due to the inadequacy of Stonehouse Road to provide access. See Subdivision Regulations, Section II, C.

The Planning Board's decision was based on the following:

1. Traffic Study. The applicant submitted a traffic study from 2006 regarding a prior subdivision by the current applicant of the same property which addressed the adequacy of the portion of Stonehouse Road which abuts the property for providing access to four houses. The study found that portion of Stonehouse Road to be adequate for four houses, based on the standards set forth by AASHTO that the four proposed houses would produce 38 vehicle trips per day (vpd) and that portion of the road is adequate for 50 vpd. The board determined that the full length of Stonehouse Road must be considered, and that it currently provides access to five houses. The proposed subdivision would increase the traffic load to eight houses, or approximately 80 vpd. This exceeds the traffic load recommended in the traffic study.
2. Site Visit. The board conducted a site visit on October 12, 2014. The board found that the road right-of-way is two rods wide, the traveled way is narrow, trees are near the edge of the edge of the traveled way, and the road narrows in winter due to the lack of adequate space for snow storage. The board determined that the full length of Stonehouse Road must be considered, not just the portion that abuts the property. The board determined that

while improvements could be made to Stonehouse Road to rectify some or all of the issues, the road is currently inadequate to support the proposed additional traffic.

Public Hearings were conducted on September 11, 2014, October 14, 2014, October 28, 2014, and November 11, 2014 and during a Site Visit on October 12, 2014.

A copy of the Minutes of the November 11, 2014 public hearing and deliberative session are enclosed.

This decision may be appealed pursuant to the provisions of applicable state statutes.”

The Chair called for a motion. **DeFelice moved that the Notice of Decision and cover letter be approved as written and sent. McCarthy seconded the motion and it was approved unanimously.**

The chair directed the LUC to send out the Notice and decision.

The LUC asked to address the Board about two applications. The LUC explained that there is a new application for the same John Michael Rogers application for Minor Subdivision that was denied without prejudice as “scattered and premature” on Birch Hill Road. As the town has done considerable work on Birch Hill Road in the interim, Jeff Evans submitted a new application for the same subdivision. The LUC explained that she had discussed having the public hearing on December 9th with the Chair and has only one question which is about application fees. The LUC told members that the owner did give her a check which will cover the bulk of the costs. However, she does need to get the applicant and owner an invoice detailing the items to be paid and any balance due. Sundquist asked if Rogers hadn’t already essentially paid the fee for the application and the three lots. The Board agreed that Rogers should not be charged fees again. The Board did direct the LUC to charge the applicant for all of the costs associated with the application, primarily for Notices, both in the InterTown Record and to mail certified letter notices to the abutter, applicant, owner and any others. The LUC also noted that she will charge for the copies of the application that Evans did not make or submit. The Board suggested that the LUC charge the copier cost per page and \$10 for her time.

There was a discussion about having the LUC be stricter about having applications entirely complete and with accurate abutter lists and in the future rejecting those applications that are not complete and/or do not have accurate and current abutter lists.

The LUC went on to tell Board members that there was also a letter from Dave Crane at PSNH requesting approval for tree cutting on North Road. She added that she did not have time in order to notice the public hearing for the December 9 meeting. The LUC asked the Board if they would like to have the PSNH tree cutting Public Hearing on December 16, 2014. The Chair noted that they were already planning to meet on December 16th and this request should not be very involved. It was agreed that the LUC would schedule the PSNH Public Hearing for December 16, 2014. Sundquist noted that Crane’s letter states that they have flagged the 14 trees on North Road that they wish to take down and suggested members drive by and look for the flagged trees.

There was a brief discussion about some of the complaints about state maintained roads, especially Route 114. Sundquist offered the LUC a “hint” that she might let Emilio Cancio-Bello know the results of the community-wide survey questions on roads as he works with the state on transportation issues.

Minutes of previous meetings: The Chair asked for a motion regarding the minutes of previous meetings on October 28, 2014, and November 11, 2014. **McCarthy moved that both the minutes of October 28 and the minutes of November 11, 2014 be approved as written; DeFelice seconded the motion and it was voted unanimously.**

Select Board Report: Fox Chase Road Sundquist told members that a number of residents living on Fox Chase

Road appeared before the Select Board and made a case for having the town take over that road. Sundquist further explained that he didn't know this in advance but they had come before the Select Board and had also petitioned through town meeting before and been voted down. Sundquist explained that it is likely that it will come before the town for a vote again as there are some serious issues and the property owners want the town to address those issues and the issues will be very costly to repair – a number of 10's of thousands of dollars. Sundquist explained that the Select Board does not feel that they should take this on until the property owners resolve some of the maintenance issues. Sundquist stated that there is a stone culvert that needs some significant repairs and that represents some unusual issues in terms of design and physical limitations in terms of location.

The LUC explained she'd been asked to do some research on Fox Chase and she gave a brief history, explaining that Fox Chase Road was formally abandoned as a town road in 1930 "subject to gates and bars" which essentially made it what we now call a Class VI road. Sometime subsequent to that the abutters asked that the condition "subject to gates and bars" be lifted and that was done – essentially making Fox Chase Road private. There have been attempts through the town petition/vote process to get the town to accept Fox Chase as a town maintained road. Those attempts were, in the end, all turned down- in one case the town approved on the condition that the abutters bring the road to town standards; the abutters did not meet that condition so the decision was reversed at the next town meeting. There were a few subdivisions approved from 1970 to current and a quick review of those subdivisions applications and hearings show that in each case it was reiterated that Fox Chase Road is a private road to be maintained by the property owners not the town.

Sundquist noted that there is an additional sticking point and that is that the road was actually returned to the abutters at some point in the past. Abutters wanted the Select Board to agree that this is a Class VI road and simply upgrade it to Class V; but abutters own the road not the town. Sundquist reiterated that the road itself does not meet town road standards and there is a question of how much it would involve/cost bringing it up to town standards. Sundquist also explained that there is a concern regarding precedence here as there are a number of additional roads within town where residents would like the town to take on maintenance costs.

DeFelice left the meeting at this point.

Sundquist explained that as a consequence of the research on the Fox Chase issues, the Town Administrator had located some important old documents that are original sources for information on very old roads. There is a plan to have those records copied. Sundquist asked the Chair if she knows of someone who can handle conservation, copying, and digitizing the old documents and the Chair agreed that she would check her sources. The Chair also suggested maybe Jack Noon would know someone.

The Roads around Kezar Lake Sundquist explained that is an on-going concern that residents have expressed to the Select Board. There is currently a plan to set out signs and information, including perhaps a couple of kiosks that explain the safety issues and tell walkers how to enjoy the walk safely. The Chair pointed out that it must be remembered that these are roads and intended for cars and walkers cannot stop traffic use in order to walk three or four across on a narrow road with no shoulders. Sundquist said that the Police Chief feels that educating the residents will be helpful. He added that there is a state statute that covers pedestrians and requires that they step off the road in traffic that he doubts many are aware of.

Old Business: Rules and Regulations The LUC explained that she has worked on a revision of the Rules of Procedure which have not been revised since the 1980's. She asked if she could take the work she has done on the Rules and on the Regulations to town counsel to at least begin to move the revision of these two documents forward. Sundquist reminded the LUC that she must remember the budget and to keep costs down. There ensued a brief discussion about budget and making sure that the budget request for the next year is for 32 hours per week and that plans for the Master Plan are incorporated into the budget. The LUC also explained that she has included more money for due/conferences/ meetings and mileage on the assumption that they may have a new member or

alternate and there may be more people looking for education opportunities.

Next regular meeting is scheduled to include Public Hearing, PB 2014-08, Jeffrey Evans acting as agent for John Michael Rogers, requesting a minor subdivision and will be held on Tuesday, December 9, 2014 at 7:00 PM.

There being no further business, DS moved, it was seconded and voted unanimously that the meeting be adjourned at 8:00 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator