

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
June 17, 2014

Present: Planning Board Members: Carrie Thomas, Chairperson; Carole O'Connell, Julie McCarthy, Roger Wells, and Bob DeFelice, members; (Peter Blakeman, member, was absent); Dan Sundquist, Ex-Officio; and Laurie Hayward, Land Use Coordinator (LUC) and Martin Feins, interested member of the public (Martin Feins left at the end of discussion regarding the Jonathan Feins correspondence).

The meeting was called to order at 7:07 PM, by Carrie Thomas, Chairperson.

Administrative:

Correspondence: The LUC explained to the Board members that she had had a conversation with Jonathan Feins and had an email from him. Members had copies of the email in their folders. The LUC quoted from the email:

“A couple years ago Mike Hansen and Clayton Platt approached the Planning board about whether the board would be open to allowing a 3 lot subdivision on my 169 acre parcel in Sutton. I would rescind the existing 32 lot subdivision and I would agree to have no further subdivision of the 3 lots as long as I did not have to do any upgrades to Stonehouse Road and the 3 lots could be accessed by one common driveway. Also, the lot I previously subdivided for my parents (which the planning board said could not be further subdivided until the full subdivision was fully approved) could then also be subdivided into 2 lots.

Although I was not there for the meeting several years ago, I was told both the New London and Sutton planning board seemed to feel this was a reasonable request but would be subject to the planning process.

If the feeling of this board is similar, can you give me any guidance of what you would require for the above scenario to move forward?”

After some discussion, Board members agreed that essentially, Jon Feins is asking what the process is to have the Harborview Subdivision withdrawn and then, in its place, to do a minor 3 lot subdivision to the property that remains after the one lot that was split off and is the home of Martin Feins. Martin Feins was present and is the father of Jonathan Feins who was not present. A primary concern is with the driveways(s). And, the Board asked the LUC to check regarding the Sutton requirements for shared driveways, including what the limitations are on the number of properties sharing a single driveway. It was suggested that shared driveways may be limited to 2 properties only. It was agreed that there were three different requests: the withdrawal of the Harborview subdivision; the minor subdivision for the three lots vs 32; and the subdivision request for the Jonathan Feins' parents' property, a minor 2-lot subdivision. There was some additional conversation about the location of the property and the issues with the road, including the need for proper turn-arounds and emergency vehicle access.

Wells pointed out that the idea of a smaller subdivision than the one with 32 lots that was originally proposed is certainly worth considering. There was a brief discussion about the fact that the Harborview

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Subdivision was never finalized as there were Conditions to the approvals that were never met. It was agreed that the board should require a preliminary non-binding consultation before the three, new applications are submitted and a hearing is set. Wells suggested that the LUC offer Feins the suggestion that he check what Roger Wells and Tom Paul did with the Meadowview Subdivision, including how even though it was a minor subdivision, they did have to do some improvements to the road which was considered substandard. After additional discussion, it was agreed that Feins should ask his attorney to speak with Sutton Town counsel on how best to proceed. Wells noted that Feins might consider using a Request for Waiver(s) as part of his application packages.

It was agreed that the LUC would contact Feins and let him know the Board Members' thoughts on this, notify town counsel, and do some research on regulations regarding shared driveways.

There was a discussion about whether the LUC should have placed this on the agenda with only one day notice and that the members might have preferred this be placed on the next agenda rather than being taken up with no advance notice. It was agreed that the Board wants to be responsive; but, in most cases would expect at least a few days advance notice on agenda items.

Minutes of previous meetings: Meeting Minutes for June 4, 2014 - Wells moved and DeFelice seconded and it was unanimously voted to table the minutes until next meeting.

Applications:

Sundquist asked the LUC to explain the 2 applications that were in members' folders. The LUC explained that there were two applications taken in while she was on vacation the previous week. In both cases, it is her understanding that the applicant would like a July 8th hearing, one public, for a subdivision and the other not public for a Lot line adjustment/annexation.

The LUC explained that John Mears, acting as agent for Robert O'Neil and Carl and Gail Olson, contacted her right after the last meeting. The LUC told the Board that she explained to Mears that the process would be a bit different than his previous application as there was a decision at the last meeting that changed the process such that Lot Line Adjustments/Annexations do not require advance notice to abutters or a Public Hearing. The LUC asked for confirmation that the decision the previous meeting means that the Mears application will be decided in a public meeting, but not a public hearing. In a public hearing, abutters' comments are considered. In a public meeting, there is no opportunity for public comment. The LUC further explained her understanding that, as with a rescission of a subdivision, this will be handled by public placement of agendas with the application for lot line adjustment as an agenda item; the public meeting held and the decision made. If the decision is for approval, then there are Notices to Abutters sent certified mail. There is a 30 day appeals period, during which time abutters may request a public hearing to consider reversing the decision. It was confirmed that is the process in light of current language in the Sutton Subdivision Regulations. There was a review of the plan provided and there was some discussion of whether the plan showed that this would meet the requirement that the proposal not result in a buildable lot becoming unbuildable; or, an unbuildable lot becomes buildable. It was agreed that it did meet the requirement.

The application for minor subdivision is from Robert Stewart, acting as agent for T & G Land Holdings. Members reminded the LUC that the Board is now requiring that anyone applying for a subdivision come in for a preliminary consultation as a first step in the process. Wells told members that he would recuse himself on the T & G application as the principles are doing work for him. There was discussion about

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whether Regulations require preliminary consultations or in any cases state a Preliminary Consultation is not required. It did not seem that the regulations specified. Sundquist then questioned the description of circumstances in the application as it related to expectations about keeping the entire subdivided property in "Current Use". Sundquist noted that one of the lots will be less than 8 acres which is well below the 10 acre minimum. The LUC was asked to check into and report back on "Current Use" Tax Status and its requirements when property is subdivided.

The LUC explained that the applicants in each case, Mears and Stewart, hope to have their cases heard on July 8th.

Reports: Sundquist addressed the Chair, asking if he could give a Select Board report. Sundquist spoke about the lengthy effort to get the Mapes to comply with Conditions set in a ZBA appeal back in 2012 and that, last year, the Mapes came before the Planning Board and then member David Burnham, quickly identified that a septic plan they provided had never been approved by DES. Sundquist told the Board that the Select Board had just the night before approved a Cease and Desist Notification and the Mapes now have 30 days to resolve the issue. The LUC explained that there was at some point an issue with the Mapes property and excessive carbon monoxide and tenants had to be evacuated. At that time it was not clear whether they were living at that location or out of state.

The LUC gave a follow up report on the ITW cell tower. She explained that the Mylar had never been submitted to her by ITW and therefore there was no signed Mylar. At one point in May, she had notified ITW that they should get a Mylar to her and then once the Addendum to the Lease was registered at the Merrimack County Registry of Deeds (MCRD), as required in the conditions, she would have the Mylar signed and she would take it to the registry for filing. So she was surprised to receive, from MCRD, the already registered in May plan and that without any Planning Board signatures. The LUC asked Board members if that sounded right to them. There was general agreement that they thought there was a requirement that the plans be signed off before the MCRD would accept them. In this case they were clearly not signed. The Board asked the LUC to check into this and report back. Wells suggested the LUC ask town counsel and Sundquist suggested she also contact MCRD for more information.

Master Plan: The LUC asked if members had seen the first article on the Master Plan which appeared in this weeks' InterTown Record. The LUC explained that the InterTown is interested in a weekly article and members' suggestions would be appreciated. O'Connell suggested something about the survey might be good next article.

The LUC told members that DeFelice had undertaken a revision of the first draft of the questionnaire and that was handed out. It was noted that McCarthy, who is now a representative for the town to the Regional Planning Commission, has passed on that Central NH Regional Planning Commission has offered to assist by allowing the town to make use of their subscription to Survey Monkey. They have also offered other sorts of support to the Planning Board during this process. There ensued a lengthy discussion of the Master Plan questionnaire. It was agreed that, in terms of the survey, sending post cards and referring people to the Survey Monkey electronic survey is the least expensive and best way to get the survey completed, especially in light of the offer of Regional Planning for support.

After a variety of suggestions for changes and improvements, the Board agreed that there was work to be done to complete this and it really needed to be finalized by the beginning of July. The Board decided that they had to use the July 8th meeting to try to complete this part of the Master Plan process. It was agreed that no hearings would be scheduled for July 8th and that meeting will be used to finalize the survey and how to get it out. The LUC promised to get together with Mike Tardiff of Regional Planning to find

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out how to learn what sort of format a questionnaire must have to work on Survey Monkey and what size limitations there might be.

Additional discussion covered what sorts of questions should be on the questionnaire. O'Connell pointed out that responses to prior survey questions showed that there were some confusing and not so very useful questions. O'Connell also noted that she found some of the categorization on prior questionnaires just simply wrong and would hope that we correct that- for example some items were called natural resources that were clearly cultural resources.

Sundquist reiterated that he feels that it is Survey Monkey itself and its limitations that will dictate what should be included in and what form the survey questionnaire should take. Wells noted that he liked the first page of the DeFelice version which was a narrative rather than questions. It was questioned whether this was a good use of limited Survey Monkey space or better as an advertisement or in a paper version. It was also agreed that there should be ways for people who do not have computer access to reply. For example, notices could be posted and mention be made in the InterTown that paper versions of the survey can be found at various locations in town, perhaps Vernondale Store, Town Hall and the Library.

Sundquist spoke a bit about the historical surveys. He could do this from personal experience because he was involved with both prior Master Plan surveys so he brings continuity to the process. Sundquist asked the LUC to work with Mike Tardiff in seeking what their experience is and, for example, how the demographics should be positioned to allow the Board to parse that information out and what new and informative questions that might be asked and, also, how much we can put on their account for our benefit in connection with the survey. Sundquist further explained that he feels that there are some questions that are no longer apropos of anything and some, like questions about Pillsbury Lake, are just plain wrong. McCarthy also asked if the LUC can ask Tardiff if he has examples of good surveys that worked. There was a discussion about how to make questions that will effectively give good information for use in making better decisions about ordinances for example. It was agreed that The LUC will send what information she can garner from Regional Planning. It was further agreed that the meeting the 8th must be kept open for the Master Plan and the Master Plan only. Meantime the LUC must find out what works in Survey Monkey.

The LUC was directed to notify the applicants that the next available meeting is July 22nd. July 8th meeting must be used to complete the Master Plan Survey.

Next regular meeting is scheduled to be a work session on July 8, 2014 at 7:00 PM.

There being no further business, Sundquist moved to adjourn; Wells seconded and it was voted unanimously that the meeting be adjourned at 8:25 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator