

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
February 24, 2015

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

The meeting was called to order at 7:13 PM, by Carrie Thomas, Chairperson.

Administrative:

The Chair asked that Lowe step in for DeFelice for this meeting.

Minutes of previous meetings: The Chair asked for a motion regarding the minutes of the previous meeting. O'Connell moved that the minutes of February 10, 2015 be approved; Thomas seconded and the motion was voted unanimously.

Correspondence: The LUC explained that she did receive an email from Roger Wells and he indicated that he felt they should move forward "to get something done" and that the New London regulations might be a bit much but to take out what doesn't work. The LUC indicated that Wells seemed to suggest they go ahead and revise the driveway regulations for Subdivision and for Site Plan Review; but, she wonders if the Board wants to do that at this point in light of town counsel recommendation that they first provide the basis in a revision to the Zoning Ordinance.

[The text of the Wells email is as follows: "My input would be to get something done. I know that new London's driveway rules are a bit excessive, so just go through them and take out what seems like too much. Everyone should remember that these rules ONLY apply to subdivision and or site plan submissions not driveways on an existing lot. I don't think any of us want to try and redo the zoning ordinance at this point, better to just incrementally improve the other land use regulations. 5 years seems like a very reasonable time for a piece of land that has been subdivided as a minor to have to wait to be considered as a minor again for further subdivision. Remember that just because we say an application is a major doesn't mean we can't waive some of the requirements."]

The LUC told Board Members that the Land Use Office has been unusually quiet in recent months. She has only one application for the Planning Board, the Verizon co-location, and no applications for the Zoning Board of Adjustment. In the past two years there have been a number of applications in the first few months of the year for both boards.

The LUC handed out the cell tower co-location application and map, PB 2015-01, to permit Verizon to co-locate on the Shadow Hill cell tower. The LUC confirmed that the Public Hearing for this Site Plan Review is scheduled for March 24, 2015 and the application is very well done and complete, from her point of view. The LUC reminded members that there is a statutory requirement regarding cell tower co-locations that provides for a limited review as long as the cell tower will not be increased in height, the arrays extend further than current arrays and the security barrier and footprint will not change as a result of the co-location. The LUC's review of the application indicates that it should qualify for that treatment. There was a brief discussion about cell towers and using "pine tree" camouflage and whether that is preferable to not using any camouflage or not with varying points of view. Baker asked if there was anything about whether the co-location will create more trips per month to the tower as that has been a

concern in the past that the more companies co-locate, the more traffic there is directly related to the cell tower. The LUC said this co-location may be a replacement for a previous co-locator. The LUC said that she will check this and get an answer to the question. The Chair asked who owns the tower. The LUC said that it is not a Verizon owned tower. Baker told members that it is owned by Florida Tower Partners. There was a brief discussion about the cell coverage in the southern portion of Sutton and how there was the expectation that Verizon would locate on the ITW towers that were approved in Sutton and Bradford. There was an extended conversation regarding the history of cell towers in Sutton.

Reports: There were no reports.

Master Plan: There was a brief discussion about the Master Plan. Carole O'Connell stated that she had not heard anything from Heidi Thoma about plans for generating interest in the Master Plan at Town Meeting and in the proposed articles in the InterTown. The LUC explained that she had met with Thoma and they discussed the Master Plan ideas and at that meeting the LUC explained that O'Connell had offered to work with Thoma on "marketing the plan". The LUC thought that Thoma would be contacting O'Connell. O'Connell explained that, because she works, it is not always easy for her to interact with people during regular working hours. It was agreed that O'Connell will go to the next Library Trustees meeting as Thoma should be there and one of the topics is activities that the Library is planning for the Town Meeting.

Reports: The Chair asked whether the LUC had any reports to make. The LUC replied that she has nothing new on open conditions to report and doesn't expect to until the spring and the melting of the snow. She explained that there has been very little activity of any sort in the past few months. And, with the deep snow cover it is unlikely that much activity can take place.

Old Business: The Board took up the Regulations revision. The LUC explained that there is a copy of the questions for town counsel in the packets. There was a brief discussion about the suggestion that they put language in their Zoning Ordinance specifically addressing things like driveway grade and width and length. The Chair suggested that this be passed on to the Zoning Board of Adjustment (ZBA) to see if they would like to work on the language. The LUC said that she would bring this up at the ZBA meeting the next evening. There was a brief discussion of whether the Planning Board wanted to work on the language or have the ZBA do that. The LUC pointed out that ZBA member, Derek Lick, has the legal background and is very good at coming up with good wording. It was agreed that the Planning Board does have responsibility; but, it has been helpful in the past to have the ZBA work up language.

Baker explained why it makes sense for new driveways to have more requirements than established driveways with changes. Baker suggested that the Subdivision Application is the place to take the opportunity to make sure that the maximum amount of control over citing and design and construction as possible. Once it is built it is much more difficult to undo problems that result from poor design. Baker pointed out that it can save future homeowners huge costs in their insurance if the roads and driveways used to access their property do not allow emergency equipment access because they are too narrow or they do not have necessary laybys or room to turn around. Baker pointed out that there may already be issues in town as the new fire truck is considerably wider than the old equipment. Baker also pointed out that it is not just an issue of private property; but, there is the concern about public safety and the Planning Board should include that consideration in their decision process.

There was some discussion about how to incorporate recommendations from Blakeman and Bagley that came in telephone conversations that the LUC held with each of them in advance of the meeting. It was agreed that the LUC would combine into a single first draft and pass the language on to the ZBA for their consideration.

The LUC explained the process for the benefit of the relatively new alternate. She said that the ZBA and/or the Planning Board work on language. The two Boards then "reconcile" the versions and come up with recommended language. The two boards can then hold a joint Public Hearing to finalize the recommended revision which becomes

the ballot article at the next Town Meeting. That means, for this revision, Town Meeting 2016. The Chair reiterated that it could be turned over to the ZBA. The Chair did note that she had quite a few concerns about the language. For example, the Chair suggested that four feet on either side of the driveway seems too much to her. Baker pointed out that “at the street” you are “in the right of way” and there should be nothing in the way in the area.

O’Connell asked about language that made it sound as though the Road Agent, the Select Board and the LUC were all signing of on all permits. The LUC explained that the Planning Board has authorized the Road Agent to approve any driveway permit that meets the requirements. Permits that do not meet all of the requirements would need to be reviewed by the LUC and possibly by the Planning and/or Zoning Boards. O’Connell asked that the language make that more clear and not just at the end of the section. The Chair stated that she strongly supports O’Connell in a concern that the language must be clearer that the Road Agent can approve as long as the requirements are met. The Chair did say that she is glad to see the statement that only two properties can be accessed by a single common drive in the new language. There was more discussion about the problems of large emergency equipment on small roads and driveways. Baker offered that new features do add width and height. He pointed out that anyone can apply for an exemption if they have a problem with the added width. O’Connell asked what was meant by the Board of Appeals. The LUC explained that Sutton does have a Building Code Board of Appeals and it is comprised of the members of the ZBA.

There was some discussion about being consistent in the Town Driveway Regulations, the Subdivision and Site Plan Regulations and the Zoning Ordinance. The Chair expressed some concern regarding already established driveways. The LUC said that the regulation would not affect already in place driveways.

The Chair opened a discussion about adding wording regarding “minor subdivisions” and asked if they should consider having the ZBA look at this as well. The LUC then explained that changing driveway standards through the Zoning Ordinance does require a town vote. Changing “minor subdivision” requirements is a change to Regulations and does not need to wait for a town vote. O’Connell asked why the change to minor subdivisions could be done by public hearing and the change to driveways requires a Zoning Ordinance change with a town vote. The LUC explained that state statutes prescribe that zoning changes go through town vote as they impact land use. Subdivisions are entirely covered under the Regulations which can be changed at any time by the Planning Board after holding a public hearing on the change and that comes from state statutes.

O’Connell asked if the new Sign Ordinance language, for example, required town vote. The LUC said that the Sign Ordinance first had a joint public hearing; the Board took public input; then the new language went to town vote as a ballot article and was passed and is now part of the Zoning Ordinance. There was some discussion about the benefits of using a simply number of years between “Minor subdivisions” and whether that number of years should be 3,4, or 5 years. Baker explained that the felt 3 years was a minimum. There was some question whether 5 was a bit long. It was generally agreed that 4 years would be fine. O’Connell asked if the minor subdivision language could be added to Regulations by Town Vote. The LUC explained that there was not enough time. Asked if they could hold the public hearing in March, the LUC said that there were holding a public hearing in a cell tower co-location on March 24th and perhaps should look to do this on a different date- perhaps early April. The Board members discussed the option and decided that they preferred holding both the Co-location Public Hearing and the Public Hearing for the Regulations language on the same night, March 24, 2015. The LUC said that she will have the language for the two items: 1) Minor Subdivision and 2) the change to Section H to bring it in line with state statute changes from the “Four-Year Exemption” to the “Five-Year Exemption”. The Chair agreed that the Board would take the Co-location first at 7 PM and the revisions to the Regulations at 7:30 PM.

The Chair asked whether the Board would meet on Town Vote Day or not. The LUC said that she had the impression that the Board would meet if they could get the Cressey House. The LUC asked O’Connell if it was all set with the Historical Society and O’Connell said that the Cressey House is available and the Planning Board can use it

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on Town Vote Day. There was a brief discussion about the agenda for the next meeting and that the work session could include the Master Plan and the Public Hearing regarding changes in the Regulations.

Next regular meeting is scheduled to be held on March 10, 2015 at 7:00 PM and will be held at the Cressey House not the Town Hall due to Town Vote.

There being no further business, it was unanimously voted that the meeting be adjourned at 8:26 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator