

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
March 10, 2015

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

The meeting was called to order at 7:15 PM, by Carrie Thomas, Chairperson.

Administrative:

Minutes of previous meetings: The Chair asked for any corrections or additions to the minutes of previous meeting on February 24, 2015. There were none. O'Connell moved to accept the minutes; Thomas seconded and it was voted unanimously to approve the minutes.

Correspondence: The Chair asked if there was any correspondence. O'Connell asked if there was anything from member Roger Wells. The LUC replied that Wells had responded via email indicating that he was in favor of moving forward with the revision to the Minor Subdivision Article in the Subdivision Regulations as it was revised and noticed and looked forward to seeing work done on the driveway requirements in the Zoning Ordinance.

The LUC explained that she received a telephone call from another Planning and Zoning Administrator, someone the LUC knows who saw the notices regarding the two cell tower applications for co-location. That individual suggested the LUC check to see if there wasn't a change in the state statute on co-locations. The LUC told members that she contacted the Local Government Center Legal Services (no cost to the town) and asked about a possible change. The LUC was told that RSA 12-K had been changed and that precluded any Planning Board Review of co-locations on cell towers in most circumstances. In most cases, a Building Permit is all that is required. The LUC then called town counsel and discussed RSA 12.K.10 with Steven Whitley. He confirmed what the LUC had been told and suggested that she call off the public hearings on co-locations immediately. The LUC also told the Board that she could publish something in the next InterTown Record to tell any readers who saw the Notice of Hearing in that publication that the cell tower co-location hearings were canceled due to a change in the state statutes. The LUC told members that she was lucky enough to be able to stop the mailing of the certified notices to abutters. The LUC said that, with Board approval, she would contact the applicants and explain that they do not need Planning Board approval and can simply submit Building Permit applications. The Chair agreed that the hearings should be canceled and a notice to that effect should be placed in the InterTown and the applicants should be contacted about the change. There was a brief discussion about steps to replace notices and re-use the not yet cancelled postage that was on the ready to be mailed notice letters.

The LUC told members that she had a telephone call from Jason Teaster, asking what he needed to do to have the Planning Board approve a voluntary merger. She initially explained that they only needed a simple form filled out and that he should get the application to the Land Use Office by the 15th of the month for the Board to take up the next month in a regular meeting. Teaster did not want to wait until April as he hoped to have a merger in time for the April 1 tax map change deadline for property tax

purposes. The LUC explained that her main concern was that there is a 30 day appeals period on Planning Board decisions. If the application is taken up on March 24, 2015, the appeals period would not end until well after April 1st [April 23, 2015]. The LUC further explained that she did contact town counsel regarding that issue and was told that if the Board approved the merger it would be reasonable to allow the tax map adjustment for property taxes as voluntary mergers are almost never appealed and if it is appealed, there would be enough time before the finalization of the maps to undo this one. The LUC asked the Chair if it will then be OK to include the application on the agenda for March 24, assuming that the applicant actually submits an application. The Chair agreed that could be done, if the applicant gets an application to the LUC.

Reports:

Select Board Report: None

Land Use Coordinator Report: None.

O'Connell asked if there was anything new on the Feins appeal. The LUC said that there is nothing new and the appeal is set for Monday, April 13th.

Master Plan: There was a discussion about the Master Plan and efforts to generate interest at tomorrow's town meeting. The Chair explained that Heidi Thoma is taking care of setting up easels and providing posters advertising the Town Meeting Pot Luck and, for use at the town meeting, the Master Plan.

Baker asked if anything for which there are notices required is on the town website. The LUC said "yes" and then qualified it to explain that anything for which there is a notice that involves the Planning Board and/or the Zoning Board of Adjustment is also shown on the town website on the "department" pages for the Planning Board or the Zoning Board of Adjustment. The LUC further clarified that she does not handle any of the Select Board information on the town website. She does sometimes do other information such as the Historical Society or the Budget Committee information.

There was then a brief discussion about town websites and how inconsistent the input has been. The LUC added that some departments have created websites outside of the town web, for example the Library has one, because the town website software is very cumbersome and not very intuitive or "user friendly". She added that there may be security reasons for that; but, it might be useful to do some research to understand why the software seems so difficult to use.

O'Connell asked the LUC whether she brought copies of the tabulated community-wide survey. The LUC said that members' packets included information on the Master Plan chapter headings/committees; but, do not include the tabulated survey. It was agreed that the LUC would bring copies of the survey results to the Town Meeting Pot Luck along with copies of the blank survey as well as the chapter headings. The Chair asked, regarding blank surveys, if we weren't done accepting surveys and the LUC explained that she has set up a little "program" to tabulate survey results and so she can continue to accept newly completed surveys.

Board members briefly discussed the Master Plan Committee and the sub-committees. Lowe asked if there was any reason that there wasn't a chapter on commercial development. O'Connell said that she thought that came under "Future Land Use". Lowe expressed concern that is not giving much significance to something that is very important. O'Connell expressed that the topic of the need for commercial development, or not, is one that should be considered during the development of the Master Plan. Lowe
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and O'Connell both agreed that perhaps the topic should have an entire chapter. The Chair pointed out that what is planned is not a complete re-write of the Master Plan; it is to be an update. Further, the chapter headings come straight out of the 2004/5 Master Plan. The LUC commented that, it becomes clear in some of the Zoning Board of Adjustment hearings that one problem for the Town of Sutton is that there is no "business district". With only two zones, Residential and Rural-agricultural, and no zone that specifically permits commercial endeavors, no business that is not a traditional "home business" can locate to Sutton without submitting an application to the Zoning Board of Adjustment requesting a Special Exception to permit business at the location being considered.

The last Master Plan just loosely took up the subject of where a commercial or business district could be located. Members discussed how the process might work and which town organizations might be enlisted to bring some attention to the issue. It was pointed out that they could decide to add a chapter specifically to address the issue from a town planning view point in the Master Plan context. There was a brief discussion about light industry. The Chair provided the example of a credit card company that located in Maine, bringing good jobs and having few requirements and that are not typically a source of pollution.

The Chair reiterated that the LUC should bring copies of the survey results and blank surveys to the town meeting the next evening.

Old Business: Regulations revision – driveways. The LUC explained that Zoning Board of Adjustment(ZBA) members do not wish to work on the language for driveways and think it is better that the Planning Board handle the revision. O'Connell asked if the ZBA is not the board responsible for Zoning Ordinances. The LUC explained that the responsibility for both Subdivision & Site Plan Regulations and Zoning Ordinances lies with the Planning Board. Sutton is lucky to have Derek Lick who is an attorney on the ZBA and they do initiate much of the work done on keeping the Ordinance language up to date; but, in the end it is the Planning Board that shepherds it through the process. The LUC explained that the Planning Board is like the legislature- they write the laws; and the ZBA has a judiciary responsibility- they handle appeals to the laws for Variances and Special Exceptions. In Sutton, ZBA members also comprise the Building Code Board of Appeals.

The LUC explained that Planning Board must decide what approach they wish to take on this which could include not pursuing new language. After some discussion, it was agreed that, as member Roger Wells was most instrumental in recommending revision, it makes sense to wait until member Roger Wells returns later in the spring and then take it up again.

Next regular meeting is scheduled to be held on March 24, 2015 at 7:00 PM and will include the Public Hearing regarding two changes to the Sutton Subdivision and Site Plan Regulations, on Minor Subdivisions and the now Five-Year Exemption.

There being no further business, it was unanimously voted that the meeting be adjourned at 8:18 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator