

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
April 14, 2015

Present: Planning Board Members: Carrie Thomas, Chairperson; Julie McCarthy, Carole O'Connell, Members; Jim Lowe and Lisa Hogarty, Alternate Members; and Dan Sundquist, Ex-Officio; (Roger Wells, Bob DeFelice and Peter Blakeman, Members, were absent); Laurie Hayward, Land Use Coordinator (LUC) and William Vierzen and Kevin Carr, interested parties.

The meeting was called to order at 7:05PM, by Carrie Thomas, Chairperson.

The Chair welcomed Lisa Hogarty, new Alternate Member. The Chair asked that Hogarty step in for Peter Blakeman and she asked Lowe to step in for Bob DeFelice.

The Chair asked Vierzen if he wished to take up the Preliminary Consultation. Vierzen stated that he was waiting for, Kevin Carr, his friend and neighbor to arrive.

Administrative:

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

Old Business: Quorums and the number of members. There was a discussion about recent issues with member attendance and not always having a quorum for public meetings. The LUC explained that member packets included copies of corresponding state statutes that include the option given to Planning Boards of being either a seven-member board, as Sutton currently is, or a five-member board. A quorum is currently four members and the Board can count on having three members, as a general rule. State statutes give the Planning Board the option of dropping down to a five-member board, needing only three members for a quorum. The LUC further explained that, whether they are a seven-member or five-member board does not change the fact that there can be as many as five alternates. This means that, even with a five-member board, all of the current board members and alternates which currently total nine, could stay and the Board simply rearrange who is a member and who is an alternate and have a quorum of three and plenty of alternates.

The question was posed about two members who have found it difficult to make meetings. It was agreed that Blakeman still provides support to the Planning Board in a variety of ways. It was also agreed that DeFelice has had very limited involvement with the Planning Board and is seldom at meetings and this lack of attendance has been for an issue for an extended number of years. The Chair asked Ex-Officio Member, Sundquist, to relay to the Select Board that the Planning Board feels it would be wise to reduce the number of members to five from seven and also recommends that DeFelice step down.

The LUC explained to members that their packets also contain copies of the current Planning Board Rules of Procedure ("Rules") which were last revised in 1988. She explained that the current Rules specify seven

members. In order to complete the move from a seven-member board to a five-member board, they would need to approve a change to the Rules. The LUC told members that she also included a draft of revised Rules that she had prepared some months ago. It might be a good time to completely revise the entire document. Members agreed that they would take the old Rules and draft Rules and corresponding statute language home and review it for the next meeting.

At this point, Kevin Carr joined the meeting.

Preliminary Consultation: The Chair invited Vierzen to explain what he is interested in doing and what he hopes to have come out of the consultation. Vierzen explained that he would like to build a new house and eventually sell the first house. He hopes in the course of this meeting to understand the status of the road, Nelson Hill Road South, and what would need to happen in order for him to divide his property into two lots, a smaller one for his new house, and the bulk to convey with his current house. Sundquist addressed the issue, explaining that after some research into the Sutton town history, he was able to determine that a portion of Nelson Hill Road was discontinued in 1952, with portions at both ends being Class V.

Vierzen asked if that meant that most of his property fronted a Class VI road that is no longer maintained. Sundquist said that is not the case and asked the LUC to explain her conversations with town counsel on this subject. The LUC explained that it is her understanding from those conversations that the town voted to discontinue a portion of Nelson Hill Road. One year later they voted to discontinue “subject to gates and bars”- this effort to turn that portion of Nelson Hill Road into a Class VI road was not valid. The LUC further explained that the key is “gates and bars”. Discontinuing subject to “gates and bars”, in essence, produces a Class VI road. Discontinuing without that language essentially deeds the land the road sits on to abutters. That means that the first vote to “discontinue” simply deeded the property to abutters and, as town counsel described it, once a piece of property is deeded to abutters, it cannot be undone a year later by discontinuing “subject to gates and bars” – a deed is a deed.

Vierzen showed members a plot plan and explained where his house and driveway currently are and where he would like a new house to be built. It was clear that, in the best scenario, he would like to have access to his new house come off a portion of the old discontinued road further up the hill from the point where the Class V portion, Nelson Hill Road South, ends. After some discussion about the issues and how to view the status of the former road, it was agreed that the old road does not exist; but, Vierzen might investigate the possibility of doing something with the neighbor or neighbors who own the other 50% of the former road that would allow him access to 100% of the former road. Perhaps he could arrange something that would allow him then to take a driveway from the point where the Class V road stops.

After some additional conversation about frontage requirements, it was agreed that a second issue is the zoning requirement that there be at least 200 feet of frontage on a public road. Currently, there is only approximately 100 feet of class V road and that is the access point and frontage for the already existent house. Sundquist suggested that Vierzen would need to go through the Zoning Board of Adjustment in order to get a variance if there is no way to meet the frontage requirement. The suggestion was that Vierzen investigate that through the Zoning Board first as that might be a crucial factor in this case.

At this point, both Vierzen and Carr left the meeting.

Correspondence:

The Chair asked the LUC if there was any correspondence. The LUC explained that the Board had received a copy of a letter from Mr. Dennis O'Connell requesting that a lot line adjustment and related subdivision that the Planning Board had approved some time ago be undone and that the town rebate him all of the property taxes which are the result of those changes.

The LUC explained that she had made a variety of efforts to contact Mr. O'Connell and had been unable to locate him. She did send him a letter explaining that he would need to ask that the Planning Board revoke the lot line adjustment and the subdivision. In the letter she further advised that this would not necessarily result in a rebate but would change the basis for future taxes. And, she also explained that the Board could not undo the lot line adjustment and related subdivision without both property owners, both Mr. O'Connell and his neighbor, providing letters each requesting the Board revoke the previous approvals. Sundquist explained to members that the Select Board also received the same letter and the Select Board also has been unable to locate Mr. O'Connell. At this point there is no further action contemplated.

Reports:

Select Board Report: None

Land Use Coordinator Report: The Chair asked the LUC to discuss the Open Conditions Report which was included in member packets. The LUC explained that the reports show that there are only four instances of Open Conditions for the Planning Board and four for the Zoning Board remaining open on the report. ITW is one of the four for both Boards. There was a very brief discussion of each of the items: 1) ITW did a very good job stabilizing the future cell tower site in advance of winter according to both Mark Moser and the town Code Enforcement Officer, 2) the T&G Land Holdings tree(s) to be removed to allow proper sight distances has(have) not been removed yet, 3) the Mapes still need to plant red maples along the right-of-way which is Shaker St., and 4) regarding the St. Cyr Site Plan Conditions, according to the last report from Code Enforcement, it seems that the rink was not yet been built.

Regarding the St. Cyr rink, O'Connell indicated that she understood the rink had been built. It was agreed that the LUC should investigate; perhaps with the Code Enforcement Officer. The LUC told members that she would write a letter and ask whether they have built or still plan to build a rink and, if it seems appropriate, set up a visit for Matt Grimes and herself.

Master Plan: The Chair opened a discussion about the Master Plan and efforts to generate interest. It was discussed and agreed by members that there was not much happening, especially as it relates to the series of articles. Members expect that, with Roger Wells' return from his winter home in the south, the process will have someone to shepherd it forward and will gain some momentum.

The LUC offered that she has given out information to a couple of people who have asked for it and signed up to be on a sub-committee. She wondered whether it didn't make sense to send the Introduction Chapter and the Chapter of interest to all of those who have signed up at this point. The Chair agreed that the LUC should do that.

Lowe asked about the impact of the 2004 Master Plan, especially about how much of the 2004 Master Plan

has been acted upon. The LUC stated that her work on the Capital Improvement Plan (CIP) showed her that there were a number of suggestions from the 2004 Master Plan that were actively pursued and resulted in the addition of specific, related reserves. Sundquist offered the suggestion that the Members might want to look at what was recommended in 2004, what was acted on, what was not acted on, and why.

McCarthy explained to Board Members that she plans to step down from her position as the Sutton Representative to the New Hampshire Central Regional Planning Commission (NHCRPC). She does not have the time available. She asked that someone else from the board consider taking her place and explained that there was only one meeting each month and that is held on the second Thursday of the month. Lowe was asked if he would be interested. He said he would like more information before making a decision. The LUC told Lowe that she would send him a link to the NHCRPC website so that he could get some more information on that organization.

Next regular meeting is scheduled to be held on April 28, 2015 at 7:00 PM and includes the Public Hearing on Minor Subdivision language for the Sutton Subdivision Regulations.

There being no further business, it was unanimously voted that the meeting be adjourned at 8:45 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator