

**TOWN OF SUTTON**  
**Planning Board**  
Pillsbury Memorial Hall  
Meeting Minutes  
April 28, 2015

**Present:** Planning Board Members: Carrie Thomas, Chairperson; Julie McCarthy, Carole O’Connell, Roger Wells, and Peter Blakeman, Members; Lisa Hogarty, Alternate; Dan Sundquist, Ex-Officio; (Bob DeFelice, Member, and Jim Lowe, Alternate, were absent); and Laurie Hayward, Land Use Coordinator (LUC). There were no members of the public present.

**The meeting was called to order** at 7:00PM, by Carrie Thomas, Chairperson.

The Chair noted that there were no members of the public in attendance at the opening of the meeting; therefore, the board would take up administrative items allowing additional time for interested parties to arrive.

**Administrative:**

**Minutes of previous meetings:** The Chair asked for a motion regarding the minutes of the previous meeting on April 14, 2015. There was a brief discussion about the inconsistent use of Mr. and it was agreed that the first mention of anyone other than Board members should use “Mr.” and thereafter drop the title in all subsequent mentions. **It was moved to amend the minutes to add “Mr.” in the first reference to William Vierzen. McCarthy moved to approve the minutes as amended; Sundquist seconded the motion; Blakeman, who was not at the previous meeting, abstained and the motion to approve as amended, carried.**

**Correspondence:** The LUC explained that she is in contact with Dean Williams of Central New Hampshire Regional Planning Commission (CNHRPC) about the Road Management Software upgrade roll out. A meeting is planned for Friday, May 1<sup>st</sup>. Sundquist will be there, Steve Bagley, Sutton’s Road Agent, and other employees of the Highway Department that Bagley wants to be involved; as well as the LUC. The LUC noted that the opportunity arose to have Sutton act as a test site for the most recent version of the Road Management software and, as a consequence, there will be people from both CNHRPC and, perhaps UNH helping to train and being involved in initial gathering of data. She added that the timing is especially good, coming when they are beginning the Master Plan. Sundquist explained in further detail the work to be done and how it folds into the Capital Improvement Program (CIP).

Sundquist told Board members that there is work being done to develop a “universal database” that will include information such as when the road was first laid out; when it was discontinued; how it was discontinued; and what its current condition is. He noted that it is not unusual to find that a road that people think is Class VI actually no longer exists because the road was deeded to abutters. O’Connell noted that this question of road status keeps coming up. Sundquist agreed and said that there has never before been an effort to develop this kind of information in the same way. We are

lucky to have the work of Gerhardt Gerhardt who did provide a lot of information on most of the town roads; but, there are questions even with that data. Current work involves going into old records, often the minutes from town meetings, and reading exactly what the vote was in order to determine what the road status is.

Blakeman asked if there was paperwork on roads. Sundquist stated that most of the paperwork seemed to be lost after the former Road Agent left that position. Blakeman commented that he did know that all of the software was lost. Blakeman said that he may have a paper copy of some of the roads information. The LUC commented that a copy would be a huge help. Blakeman said that at one point he had all of the right-of-way distance, road widths in rods, and road classes. He will search for that data.

**Public Hearing: Proposed changes to the Subdivision and Site Plan Regulations-** at 7:20 PM the Chair noted that there was still no interested party in attendance and asked for a motion to open the public hearing on changes to the regulations. **Wells moved to open the public hearing; Sundquist seconded and it was voted unanimously.** The LUC read the notices:

“You are hereby notified of a Public Hearing to be held on **Tuesday, April 28, 2015 at or around 7:00 p.m.** at the Pillsbury Memorial Town Hall, 93 Main Street, Sutton Mills, NH on amendments to the Sutton Subdivision and Site Plan Review Regulations proposed by the Planning Board.

The Planning Board will present the amendments to the Sutton Subdivision and Site Plan Review Regulations and take public input. The proposed amendments are summarized below. The full text of each amendment is on file for public inspection at the Pillsbury Memorial Hall, 93 Main Street, Sutton, New Hampshire. Copies may be obtained by contacting Laurie Hayward at 603-927-4115. Written comments may be mailed to the Planning Board at P.O. Box 487, North Sutton, NH 03260 prior to the hearing.

#### **Amendment 1**

This amendment would expand the current provisions of **Section IV., Procedure; E. Minor Subdivisions.** Additional language limits the number of “minor subdivisions” (minor subdivisions have 3 or fewer lots) of the same property to one every four years. There is no limit to the number and timing of “major subdivisions” (major subdivisions typically have 4 or more lots).

#### **Amendment 2**

This amendment is being made to bring Subdivision and Site Plan Review Regulations **Section IV., Procedure;**

**H. Four-Year Exemption** in line with state statute (RSA 674:39). The amendment replaces old wording from state statutes with current wording, changing Four Year Exemption to Five-Year Exemption and replacing all old statutory language with the new.

Documents are available for your review at the Land Use Office in Town Hall during Land Use Office hours which are from 8-11:00 AM on Monday; Noon- 4:00PM on Tuesday, Wednesdays and Thursdays; the Land Use Office is closed on Fridays. For an appointment, call Laurie Hayward, Land Use Coordinator (603)927-4115.”

The LUC explained that the notice just read tells what the language change does. She will next read the actual language proposed. The change proposed as “Amendment 1” adds a new point to the section regarding Minor Subdivisions which becomes point 2 and went on to read the actual language added as point 2 [Amendment 1]:

**“A. Minor Subdivisions**

2. When a minor subdivision is granted, the land so involved in the minor subdivision may not be resubmitted for another minor subdivision for at least four years from the date of the last approval of a minor subdivision. However, the applicant may apply at any time for a major subdivision approval for land that was involved in a prior minor subdivision.”

Wells asked why the suggestion of “five years” in the Minor Subdivision revised language was changed to “four years”. The LUC explained that the change from five to four years was the direct result of discussions and compromise made by the Board members present at a meeting that he did not attend. The LUC offered to look up the meeting date so that Wells could read the minutes. Wells pointed out that five years was specifically suggested because it corresponded to the time given by the state statute for “substantial completion” and the change that is proposed as the second amendment for this evening’s hearing. Wells agreed that there is no statutory requirement for them to both reference five years; he simply thought that it made sense and seemed more consistent. There was some discussion about the pros and cons of five years versus four years and whether it even makes sense to make a change at this point as the amendment noticed clearly called for four years only and was the result of a decision made at a prior meeting. Members agreed to use “four years” as noticed to the people of Sutton.

The Chair moved on to a discussion of the second amendment. The LUC explained that this change only brings language that was in line with the old state statute in line with the new state statute. Wells explained that it makes it easier for applicants, not harder, by simply giving applicants more time to complete improvements and making it clear that they do not have to worry about changes to ordinances and regulations within five years of a subdivision or site plan approval. Blakeman added that the state and the proposed ordinance also increase the time from twelve months to twenty-four months for the required commencement of development.

**“Article IV. Procedure**

**H. Five-Year Exemption**

1. Every subdivision plat approved by the planning board and properly recorded in the registry of deeds and every site plan approved by the planning board and properly recorded in the registry of deeds, if recording of site plans is required by the planning board or by local regulation, shall be exempt from all subsequent changes in subdivision regulations, site plan review regulations, impact fee ordinances, and zoning ordinances adopted by any city, town, or county in which there are located unincorporated towns or unorganized places, except those regulations and ordinances which expressly protect public health standards, such as water quality and sewage treatment requirements, for a period of 5 years after the date of approval; provided that:

- a. Active and substantial development or building has begun on the site by the owner or the owner's successor in interest in accordance with the approved subdivision plat within 24 months after the date of approval, or in accordance with the terms of the approval, and, if a bond or other security to cover the costs of roads, drains, or sewers is required in connection with such approval, such bond or other security is posted with the city, town, or county in which there are located unincorporated towns or unorganized places, at the time of commencement of such development;
  - b. Development remains in full compliance with the public health regulations and ordinances specified in this section; and
  - c. At the time of approval and recording, the subdivision plat or site plan conforms to the subdivision regulations, site plan review regulations, and zoning ordinances then in effect at the location of such subdivision plat or site plan.
2. Once substantial completion of the improvements as shown on the subdivision plat or site plan has occurred in compliance with the approved subdivision plat or site plan or the terms of said approval or unless otherwise stipulated by the planning board, the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in subdivision regulations, site plan regulations, or zoning ordinances, except impact fees adopted pursuant to RSA 674:21 and 675:2-4, shall operate to affect such improvements.
3. The planning board may, as part of its subdivision and site plan regulations or as a condition of subdivision plat or site plan approval, specify the threshold levels of work that shall constitute the following terms, with due regard to the scope and details of a particular project:
- a. Substantial completion of the improvements as shown on the subdivision plat or site plan," for purposes of fulfilling paragraph II; and
  - b. "Active and substantial development or building," for the purposes of fulfilling paragraph I.
4. Failure of a planning board to specify by regulation or as a condition of subdivision plat or site plan approval what shall constitute "active and substantial development or building" shall entitle the subdivision plat or site plan approved by the planning board to the 5-year exemption described in paragraph 1. The planning board may, for good cause, extend the 24-month period set forth in subparagraph 1.a."

The LUC added that this portion of the state statute is consistent with the intent of another change that impacts all New Hampshire towns' zoning ordinances, requiring that towns specifically allow 24 months for substantial completion on any Zoning Board of Adjustment approved variance or any approved special exception. Sutton's Ordinance currently says there is one year for substantial completion and that is one of the changes that will be proposed at next year's town meeting to bring the Zoning Ordinance in line with state statute.

The Chair asked if there was any more discussion; there being none, she called for a motion. **Wells moved that Amendment 1 be approved as written; Blakeman seconded the motion and it was voted unanimously. Wells moved that Amendment 2 be approved as written; Blakeman seconded the motion and it was voted unanimously.**

**This closed the Public Hearing and vote on Amendments 1 and 2 to the Sutton Subdivision and Site Plan Regulations.**

The LUC suggested that, with these approved changes to the Regulations, it is time to re-publish the

Regulations. She suggested that any earlier changes made subsequent to 1991 be added to this new version. The Board questioned whether any of the draft changes, including the changes to the Soils section ever were given final public hearing, vote and approval. The LUC promised to check the records of hearings and votes carefully. There was concurrence that the online version of the Regulations should include the changes voted this evening. Further publication should wait until the Driveway Regulation is completed and public hearing and Board vote held. Also, they agreed that if the Soils revision was never finalized, it should be included at the same time as the Driveway Regulations. Wells thought he might have the language for the soils section and said he would look at what he has as well.

The LUC reminded members that town counsel had indicated that they should revise the Zoning Ordinance to add language which supports and is consistent with the suggested Driveway language that they want to add to the Regulations. Wells disagreed stating the idea is to make this amendment to the Regulations now and the Board does not want to wait until the 2016 town meeting. He added that he feels they should just approach the revision of regulations "bit-by-bit". The LUC suggested that they write both changes at the same time, completing the change to the Regulations now and preparing the proposed revision to the Zoning Ordinance at the same time so that it is ready for 2016 Town Meeting. Wells suggested that whether the Zoning piece happens or not, they can still change the Subdivision and Site Plan Regulations.

Sundquist reminded members that he will be away for 6 weeks beginning May 21<sup>st</sup>. He suggested that they take up the Section on soils at the next meeting while he is still available. Blakeman indicated his support for at least getting the soils section complete and ready to go to public hearing. The LUC stated that she is not confident of what version is the final draft language as she was not the LUC at the time and so has no basis to judge which is the "final draft". She said that she would send Sundquist what she thinks is the "final draft" and asked that he review it and reply back "yes" or "no" that she has the final draft. Wells also indicated that he might have a copy of that "final" draft language.

**Meetings Schedule:** Scheduled meetings- O'Connell asked if the May meetings were still scheduled for the 12<sup>th</sup> and the 26<sup>th</sup>. There was a brief discussion about who would be available and whether there was likely to be a quorum. There was a quick poll and, of the members present there were four who expected to be at each meeting. It was agreed that they would hold meetings on May 12, 2015 and May 26, 2015.

**Master Plan:** There was a discussion about the idea of having a series of "pro and con" articles in the InterTown Record. The Chair explained that the Board has not yet done anything on this. She explained that it likely would need Wells to shepherd it forward. The Chair did tell Wells that Jack Noon is not in favor of using any of the suggested town historical personalities. She added that they do have people who are willing to write articles; but, they need a bit of direction in terms of topics and what the issues/positions are. The Chair said that Kirsten Kraushaar can act as the coordinator/editor and Heidi Thoma can do at least some of the writing. Wells pointed out that it is Planning Board members who are the best people to lay out the arguments; then people with strong writing skills can write the articles using member provided positions.

The Chair asked if there was a list of topics. O'Connell reminded the board that Wells had sent out a list some time ago. Wells said that he would send the LUC a copy of his list. O'Connell asked for examples. Wells said that he did have an example that he could provide that comes from work that he did on another town's Master Plan. The Chair stated that the Board should get the list and information on each topic. Once the topics are chosen, they can be farmed out to people who have offered to write the articles. O'Connell offered that one important topic is how to encourage business. Wells agreed that topic is one with two sides, it is good to have businesses in Sutton but there are concerns that must be considered.

There was a discussion about candidates to write articles and about editing and coordinating. It was agreed that a few subjects for articles could be: 1) Business Zoning, 2) Workforce Housing, and 3) Historical Buildings. O'Connell agreed that those were all good topics and added that part of the problem is that people just do not understand what the issues are for each of those topics. Wells said that he would send the LUC the list and he would provide a short piece using one of the topics as an example of what he is suggesting. The Chair offered that perhaps there should be an article on Roads. The Board agreed that the LUC should contact Jack Noon [Sutton Town Historian] and see if he would be willing to write something once she has the topics list. The Chair told the LUC to incorporate the topics into the agenda once the LUC has the list Wells will provide.

#### **Reports:**

**Select Board Report:** Sundquist explained that the Fox Chase Road project is underway. Sundquist told members that they have learned that it is very important in cases such as Fox Chase, which will take a road from private to town maintained, that there be great care taken in understanding the scope and cost. There must be a careful and accurate estimate of the cost to bring to a road up to town standard early in the process. Sundquist told members that Southfield Road will likely come before next year's town meeting.

There was a question about the decision on the Feins case. Sundquist explained that he is unaware of a decision and was told it would be 30 days which would place the decision just prior to the next meeting.

**Land Use Coordinator Report:** The LUC told members that she had no report to make at this time.

**Old Business:** The Chair stated that the agenda item Quorums and the Number of Members will not be taken up at this time.

O'Connell asked Sundquist what is being done about the signs on Route 114. Sundquist explained that the Select Board is working on this and has sent material to the property owner including the Zoning Ordinance on Signs language. If the property owner does not respond, he will receive a "cease and desist" letter from the Town. The LUC said that she thought the property owner may have decreased the size of the paper sign to maybe 1.5 feet by 2 feet which would meet the 3 square feet per side maximum; but it is on a much larger piece of plywood. Sundquist said that he did not believe that there was any change in size and that the sign in question is much larger than 3 square feet. It was also pointed out that there were multiple signs on the property. The LUC said that she does not believe that there is anything in the Ordinance to limit the number of signs. And, she could make a good argument

that the plywood piece holding the paper sign is structural and only the paper portion is the sign. Board members agreed that they should take another look at the sign ordinance and determine whether it makes sense to seek voter approval for a limit to the number of signs.

Sundquist asked what the Ordinance said about "real estate for sale" signs. The LUC explained that realtors' signs are considered "temporary signs" and have separate language with no limitation to size [this was an error there is a limit of 6 square feet]. After a brief discussion, it was agreed that property has two signs, one "permanent" sign for the business and a second, temporary sign for the sale of property.

There was also a brief discussion about the likely placement of a stop sign on Keyser and a double stop in two locations around Keyser Lake. Sundquist pointed out that these signs were being placed as a matter of safety to the public.

Wells asked a question about a name that he was given as a potential member and wondered why that name was not given to the Board as a whole. The LUC said that the Select Board was different in the instance that she knows about and the feedback was that a nomination would not be approved by the Select Board. Wells said that his impression was that this happened this year. The LUC told members that this was a couple of years ago.

**Next regular meeting is scheduled to be held** on May 12, 2015 at 7:00 PM.

**There being no further business, Wells moved, Sundquist seconded and it was unanimously agreed that the meeting be adjourned** at 8:15 PM.

Respectfully submitted,

Laurie Hayward  
Land Use Coordinator