

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
May 12, 2015

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

The meeting was called to order at 7:06 PM, by Carrie Thomas, Chairperson.

Administrative:

Minutes of previous meetings: The Chair asked for a motion regarding the minutes of the previous meeting. **Wells moved to approve the minutes of April 28, 2015; McCarthy seconded and the minutes were unanimously approved.**

Correspondence: The Chair asked the LUC whether there was any correspondence to discuss. The LUC told Board members that she did have additional communications with Bill Vierzen regarding a ZBA variance for frontage. Vierzen asked about a preliminary meeting with the ZBA and for a waiver of the requirement for a full property survey. The LUC explained that although the Planning Board does hold “Preliminary Consultations” and sometimes waives full surveys, the ZBA which is essentially the judicial branch, does not do either. Regarding a waiver of the requirement for a survey of the property, the LUC told Vierzen that, because he has to prove hardship in connection to the particular property, it seems doubtful that the ZBA would be willing to accept an application without a full survey to support the claim that there is no other choice available for the lot configurations and the access from a Class V road. The LUC said that she conveyed this information to Vierzen and suggested that he complete a ZBA application for variance as a first step. The LUC is now waiting to see if Vierzen completes an application. The LUC does not have other correspondence to discuss.

Old Business: The Chair told members that Laura Spector-Morgan will not be attending the meeting this evening.

The LUC asked that the Board approve the revised Subdivision and Site Plan Regulations for publication, including on the town website. This revision reflects the changes approved at the Public Hearing held on April 28, 2015. There was a brief discussion about the emailed version of the revised Regulations which did not show the removal of some doubling of the word “minimum”. The LUC explained that those duplicate “minimums” were caught and have been removed. The LUC also explained that in the last meeting there was a question whether anything had been approved after 1991 and she did do some research and found that on May 24, 2005, there was a public hearing and changes were made as a result. Wells asked how the LUC knew about that change. The LUC explained that it can be verified by doing what she did which is go to the town website and read the Planning Board minutes for May 24, 2005 which include the minutes for the Public Hearing on the then proposed changes to the regulations and the vote that approved the revision. She told members that those changes are incorporated into the new version and the May 24, 2005 date is referenced in

the list of change dates. The Chair suggested that, for the town website, the same blue cover that is used on the paper version of the Regulations. **Wells moved that the revision to the Subdivision and Site Plan Regulations dated April 28, 2015 be approved as submitted; McCarthy seconded the motion and it was unanimously voted.**

Reports:

Select Board Report: Sundquist explained that the Select Board had a discussion about Planning Board composition and whether to go from a seven-member board to a five-member board. He told members that the Town Administrator had a suspicion that this change required more than just Select Board say-so. State statute says that if the Planning Board wishes to from a seven- to a five-member board, it requires a town vote in favor of that change. Therefore, a possible change from a seven- to five-member Planning Board needs to wait until Town Meeting next March.

Land Use Coordinator Report: The LUC had nothing to report on Planning Board open conditions. The LUC said that she would ask the Code Enforcement Officer to go out and check the ITW cell tower site. The LUC asked McCarthy if she had seen any signs that the Mapes had planted the required "swamp maples". McCarthy told her there was no sign of new plantings on that property. The LUC said that she would contact the Mapes. The LUC asked Sundquist what the status of the Carlson sign issue is. Sundquist stated that this is still in the hands of the Select Board. He told members that there had been no response to the first letter from the Select Board; the next thing would be to send a "cease and desist" letter which would give 30 days to reply.

Wells asked Sundquist whether there had been a condemnation of the storage shed on 114 which was damaged this winter. There was a brief discussion about the condition of the shed and the complete failure of the roof after this winter's snows. The Select Board's first step is to contact the owners, Jen and Scott Call, and find out what they intend to do with the structure.

The Chair asked about the area of Route 114 which has lengthy plastic and other run-off mitigation efforts installed. She noted that it has been there for multiple years. Wells indicated that the seeding the state did on the banks doesn't seem to have taken. Sundquist said that he will ask the Town Administrator to call the District Engineer for DOT and ask the question.

Lowe told members that there seems to be a problem with milfoil along Route 114 at a culvert between Music Hill & No Sutton. Wells suggested that the LUC contact Betsy regarding the milfoil to see if they know about that location. Wells also mentioned that he is hoping that the Conservation Commission would get involved in mitigating Japanese knotweed. He has some carpeting to offer.

Work Session, Revisions to Regulations:

The Chair asked Sundquist to describe the recommended changes to the revised Section VIII Site-specific Soil Samples. Sundquist explained that the language in Section VIII was developed, maybe, as long as 20 years ago and incorporated in the Regulations. The purpose is to allow the Board to require an applicant do a detailed survey on a site where the Board suspects there are problem soils- especially wetland soils. Having this revision to the wording in the Regulations allows for the use of the newest and most acceptable methodology for determining "build-ability". Sundquist noted that "build-ability" is a new concept, meaning that each lot has enough area that is suitable for residential construction.

Wells questioned the source for the information, especially numbers and calculations in the soils language. Sundquist referred Wells to *Site-Specific Soil Mapping Standards for New Hampshire and Vermont, Version No. 4* (SSSNNE Special Publication No. 4), which is referenced in the Section VIII language. There was a discussion about how the underlying numbers were determined and how best to site the source for the numbers in the Regulation.

The Chair asked if the May 5, 2015 date on the document was the date of last revision to the wording, Sundquist asked the LUC what the last date of revision was. The LUC stated that the last date of draft revision actually written June 10, 2012. The Chair asked Sundquist whether the language was ready to be approved. Sundquist stated that it was ready to go to Public Hearing. Sundquist suggested that, at the Public Hearing, copies of the referenced SSSNNE Special Publication No. 4 on soil mapping standards be available.

The Chair then opened a discussion about the revision of the Driveway language. Wells stated that he had read the items that the LUC emailed to members. Wells said that at the end of reading, he concluded that there must be a change in the Zoning Ordinance in order to support a revision in language to the Regulations. The LUC stated that is also her understanding from discussions with town counsel. She added that it makes sense to write language that is highly consistent for both the Zoning Ordinance and the Subdivision and Site Plan Review Regulations. Wells noted that one of the issues is safety and health of the public and how do they take that into account. Wells questioned how a driveway specific Zoning Ordinance would go through town vote. Sundquist asked where the driveway language would be located in the Zoning Ordinance. The LUC explained that, after studying the Ordinances and Regulations of the towns, New London, Newbury, Sunapee, and Lyme (Lyme was one that town counsel suggested she read), she has concluded that the best way is through a Zoning Ordinance which creates a "Steep Slope Overlay District". She explained that it is the Steep Slope Overlay District that provides the basis for each of those towns studied to then have a Driveway Regulations that address public safety and other issues that exist with steep slopes. Sundquist pointed out that there is a real issue about water quality in lakes and streams from run-off that should be part of the reasoning for that kind of zoning as well.

Wells expressed that he has had experience with New London's use of this type of zoning and that he thinks this might be the way to go. In the case of New London, the town has mapped the areas with steep slopes and an applicant knows in advance what the requirements are under the zoning and exactly what areas of town are covered under the Steep Slopes Overlay and roughly how steep they are. Wells expressed concern about the time that it would take to pull this together. Sundquist explained that the town already has GIS mapping capabilities and he will send a specimen map out for Board Members to review. Wells further explained that this is not an attempt to take away people's property rights. It is an environmental protection. It is not a whim or on a case by case basis; rather, it is an effort to identify slopes that can create problems and provide a way to mitigate those issues. It is in the public interest as addresses safety and property damage concerns.

Sundquist asked how the Regulations for the towns discussed are written. The LUC explained that the regulations specify what can be done on specific ranges of slope grade and may include limits to length and configuration of driveways. The Chair asked if it made sense to table the revision to Driveway Regulations. The LUC asked if it didn't make sense to write them now and then hold the changes until sometime closer to the end of the year. The LUC told members that it makes sense to incorporate this with the larger number of changes likely from work that the ZBA is currently doing. The ZBA expects to make a number of recommendations for revisions in the Zoning Ordinance. The revisions are to address

changes in state statutes, clarify some language and possibly add some completely new language. All of the March 2016 Town Meeting revisions to the Zoning Ordinance can be developed now and held for a single Public Hearing to take input and then a final series of Ballot Articles towards the end of this year/beginning of next.

Wells said that he much prefers that they do this addition of a Steep Slopes Overlay District. He will review New London's and Newbury's Ordinances and pull something together and send it to the LUC. Sundquist said he volunteers to create the Steep Slopes map to show where the steep slopes are. The Chair noted that the examples of language that the LUC provided includes one in which steep slopes are greater than 20% for 20 feet. The LUC offered up one more suggestion from her research that the Definition of driveway as providing access "to no more than two separate properties" be considered.

Work Session, Master Plan:

There was an extensive discussion about ideas for the Master Plan. The Chair asked if any members had enlisted the help of others to write short articles. There were none; but, Wells offered that he had written a second one and passed out copies. The Board discussed the drafts that Wells had provided of two short articles based on fictional "Conversations" between the Sutton historical figures Matthew Harvey and Bob Bristol. Wells said he would like to speak with the editor about some way to catch people's attention- for example, a photo of Harvey with one of Bristol. Overall, members liked the approach but agreed with Wells that there could be a bit more "spice" to the "Conversations..." Members agreed to submit their takes on this. Wells said he was assuming that these "Conversations..." between these two would happen about one per week- perhaps they could "go to the meetings as ghosts" once the committee meetings begin. The Chair also said that she would talk to Heidi Thoma about writing one or two of these articles.

Wells stated that he would like to get together with the InterTown Editor and see how they could best both develop interest in the Master Plan and use these very short articles to inform the public of issues; perhaps publishing one a week for six weeks. He also suggested that it would be useful if they could elicit "replies to the editor about the 'Conversations'".

The LUC told Board members that there was a talk on housing for the future at the OEP conference. She later had an opportunity to talk with the speaker. She was impressed with the visual appeal of some small house village designs and understands that they are just beginning to build some of these small houses in cluster developments as a solution to the need for affordable housing for small households, often younger workers and older retirees. The idea is to provide housing that is visually compatible in a small New England village setting. Sundquist stated that there already are several of those being built in New Hampshire- he mentioned Peterborough for one town has such a development. Sundquist described benefits of the cluster concept and the benefits that were built into the Peterborough development in particular. Sundquist added that he likes the idea of a "Conversation..." that starts with the statement "what we need in Sutton is a new village" and describes what would that "new village" might be like. Sundquist also said that one thing he would like to see come out of the Master Plan is to really dig into what it is that people really like about Sutton that leads to responses about "preserving the rural character" and "loving the community" – what does that really mean.

Wells spoke about the dilemma between, property-owners saying "I don't want all those out-of-staters coming in and putting up new houses" AND the same property-owners saying "I have a right to do what I want with my property including sell to out-of-staters who will come in and put up new houses". The

Chair stated that it seems likely that viewpoints will change as more people who wish to “age in place” seek to renovate some of the larger and older homes to include an apartment. Wells noted that that solutions like allowing more interior additions of dwelling units such as “in-law apartments” preserves character by leaving the exterior more or less untouched and that idea may sell. The Chair mentioned that she attended a session on doing “charrettes”. Charrettes are programs that bring in professional planners, architects, and others to support an effort to revision a town, village, or city. She explained that a full “charrette” is somewhat expensive at about \$5,000; but, there are less expensive ways to gain some of the benefit for more limited and focused questions. The Chair explained that there is something called a “Shift Workshop” which can be done during a Master Plan and helps in getting people to shift their thinking on subjects like “second dwellings” and “aging in place” and “housing for workers”.

With the traditional Charrette, a town should have an entire project in mind. With a “Shift Workshop”, a town can simply address one or two ideas. Wells suggested that a community is most receptive if there is a crisis or if the voters tend to be open minded. Sundquist added that there is an apathy problem right now in Sutton. At Town Meeting this year, only 136 voters actually showed up. That is a very low turnout. Wells suggested that a change to May or June for the town vote might significantly improve the number of participants in town vote.

After a brief discussion, the Chair said that she would tackle working on one or two of the articles for the InterTown Record. Sundquist suggested again that there be an effort to get Heidi Thoma to write something for publication as well.

Sundquist explained to members that we do not have a decision yet on the Feins appeal and it could be a number of additional weeks before there is a decision. He added that there are a few ways it could go and, if the decision is to re-hear this one, there is only a small period in which to deal with it and the Board must act very quickly and do so with great accuracy. There ensued a conversation about Current Use and about impact to roads of subdivisions and whether it makes a difference whether it is a major or a minor subdivision. Sundquist suggested that the Board members ask these questions of town counsel and if the case is remanded to the Board, allow Laura Spector-Morgan to provide guidance and support.

The subject of roads and the issue of bringing roads up to town standards were discussed and Sundquist told Board members that work is progressing on gathering data for the Road Management Systems software and that will help in the future to provide better, more accurate, and current information on road conditions. He added that there are roads in Sutton that are in poor condition. With the new software, the town will be able to set up a list and “triage”, prioritize repairs. Sundquist added that the Planning Board should make an effort to guide people to Class V, accessible roads by service level.

Next regular meeting is scheduled to be held on May 26, 2015 at 7:00 PM.

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