

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

Present: Planning Board Members: Carrie Thomas, Chairperson; Julie McCarthy, Roger Wells, and Carole O'Connell, members; and Jim Lowe, Alternate; and Dan Sundquist (who arrived in the afternoon), Ex-Officio; (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 8:30 AM, by Carrie Thomas, Chairperson.

**Administrative:**

The Chair opened the meeting and tabled the administrative portion of the meeting. The Luc asked to provide one piece of information. The LUC explained that the town had received a Regional Impact Notice from the Town of Wilmot regarding the Huckleberry facility. She told Board Members that it is lengthy and she would be glad to provide a copy to anyone on the Board who is interested.

**Work Session: Ordinances and Regulations**

The Chair moved directly into the planned extended work session. The LUC explained that the Board can discuss item that they would like to consider for revision and the LUC will track broad areas or discussion. When votes are taken, she will record the language and the vote. Then she will read back the agreed to language for their confirmation.

The LUC asked that the Board take up the Zoning Ordinance which includes recommended changes that the Zoning Board of Adjustment (ZBA) has already reviewed and voted to accept.

**Reviewed and recommended by the ZBA:**

There was a brief review of and discussion about various changes in language included in the Zoning Ordinance that reflect corrections in language, grammar, punctuation, spelling, most of which was the work of Derek Lick and Sue Reel both of the ZBA. The changes are non-substantive. **Roger Wells moved to accept the suggested changes to language; Julie McCarthy seconded the motion and it was approved unanimously.**

The Board read, considered, and discussed changes in "Manufactured Housing components" in the Zoning Ordinance and does not agree with either the current language or proposed language. Wells offered to re-write the language. **Wells moved and Thomas seconded that the Planning Board recommend the Select Board take the issue of Manufactured Housing up in the Building Code.**

The LUC explained to Planning Board Members that the ZBA also approved significant changes to the Article on **Personal Wireless Facilities (PWSFs)**. These changes were directly in response to recent both

federal and state statute changes that significantly reduce a town's ability to regulate co-locations to already existing towers. The new language is consistent with cell tower related laws as they stand at this point. Members have copies in their packets. **It was agreed that the new language be included in the new draft revision of the Zoning Ordinance.**

**Language not developed by the ZBA:**

Wells asked to take up the question of driveways. There ensued an extensive discussion about driveways and driveway standards, including what is right in terms of grade, length, and other design considerations. Wells provided suggested language to cover both the Zoning Ordinance in a new Article, **Driveways**. Members discussed and revised that language and agreed to the following:

**“Standards:**

Number:

There shall be a maximum of 2 driveways from one street to one property unless the street frontage of the lot exceeds 500'.

For frontages exceeding 500', there shall be no more than 3 driveways.

Sight Distances:

Clear sight distances in both direction at the intersection of the driveway and the edge of the street shall be at least 10 times the posted speed on the accessing street Location:

Add "at least 50' from a road intersection" .

Location:

Add "at least 50' from a road intersection.

Intersection Angle:

As nearly as possible, driveways shall intersect with the abutting street at 90 degrees but in no case less than 60 degrees.

Width:

Driveways shall have a minimum width of 20' at intersection with accessing street narrowing to a minimum width of 12' for the first 499' from the centerline of the accessing road.

Driveways longer than 999' may be required by the Planning Board to be wider than 12' and/or to have laybys of at least an additional 12' in width and 50' in length, which are located at least every 1000' of driveway length.

Horizontal Curves:

Horizontal curves in the primary driveway shall have a minimum inside radius of 22.5'.

No Obstruction Zone:

For driveways 500' or longer there shall be no obstructions within 4' of each side of the driveway and at least 12' above the driveway so as to provide clearance for emergency vehicles.

Grades:

The average gradient of the entire primary driveway shall not exceed 10% and for any 250' stretch of driveway shall not exceed 15%.

Where the driveways intersection with the road, it shall slope away from the road at least to the Town street ditch line or its equivalent.

Drainage & Erosion Control: Add "adjoining properties". Define "excessive".

Add "Erosion control measures to manage storm water drainage shall be designed and constructed to protect the Town streets or state highways providing access as well as abutting

properties".

Steep Slopes:

Driveways shall not be located in areas of slope of, or in excess of, 25% with an elevation change of at least 20'.

Wetlands:

Driveways shall not be located in wetlands or wetland buffers.

Driveway Base & Surface:

A driveway base must include a minimum of 8" of gravel and the driveway surface must include a minimum of 4" crushed gravel for a minimum total depth of 12".

Driveway Setback:

For the purposes of snow removal, general maintenance, and protection of abutters, no driveway shall be constructed closer than 10 feet from an abutting property line."

**Wells moved the proposed language for a new article on Driveways be added to the draft revised Zoning Ordinance; McCarthy seconded the motion and it was voted unanimously.**

Wells asked that the Board take up the Sign Ordinance next. He suggested that, under GENERAL PROVISIONS, the following changes be made to the Section on Signs:

Height: Not to exceed 5' if freestanding e.g. not applicable to signs on buildings.

Lighting: 40 watt maximum equivalent

Size/Number: One double or single faced sign of 3 square feet or less per lot.

Added signs require a Special Exception (what are rules?)

Measure: Largest rectangular or circular space (not the smallest)

Temporary: Same size and number as for all other sizes

The LUC suggested that the change in language regarding how to measure does not say what he intends and that the original language using the smallest rectangular or circular space remain. **After some discussion, it was agreed that it would remain "smallest".**

**Wells moved to accept the suggested changes to the Sign Ordinance (with the exception of the change on how to measure); Lowe seconded and it was voted unanimously to revise the Sign Ordinance.**

Wells asked to take up the question of Steep Slopes and provided suggested language for a **Steep Slope Overlay District:**

"Purpose:

To substantially limit land disturbance in areas with slopes 25% or greater and to regulate land disturbance in areas with slopes in excess of 15% but less than 25% and in either case where the continuous elevation change exceeds 20 feet.

Disturbance on such slopes causes soil erosion and stream sedimentation; unnecessary loss of vegetative ground cover and destruction of trees; on-site waste disposal problems; and difficult street or driveway construction and maintenance

Boundaries:

The boundaries of the Steep Slopes Overlay district include all areas in Sutton with Slopes in

excess of 15% and a continuous elevation change of more than 20 feet.

As a general guide the areas of slope in excess of 15% and 25% are portrayed on the Steep Slope Map prepared by the Sutton Planning Board, dated\_\_\_\_\_.

Permitted Uses:

No development of any kind including buildings, structures, driveways, on-site wastewater systems, wells or roads shall be permitted on land with slopes of 25 or more with a continuous elevation change of at least 20 feet.

The following uses are permitted:

- Forestry and Tree Farming using best management practices in order to protect streams, wetlands, and other bodies of water from damage and to prevent sedimentation.
- Wildlife refuges, conservation areas and nature trails.
- Open space and low intensity outdoor recreation.

Land with slopes in excess of 15% but less than 25% and with a continuous elevation change of at least 20' may be developed with permitted underlying zone district uses by Special Exception provided that an Erosion and Sedimentation Control and Storm Water Management Plan is approved by the Planning Board. (See Sutton Subdivision and Site Plan Review Regulations Article\_\_ , Erosion and Sedimentation Control and Storm Water Management Plan.)

The Select Board shall require an approval or approval with conditions of such plans prior to issuing a building permit.

Within the lot area counting towards the minimum required lot size there must be at least one-quarter (1/4) of an acre of contiguous area that does not include any of the 15% or greater sloped areas that have a continuous elevation change of at least 20'."

**Low moved the proposed language for a new article on the Steep Slope Overlay District be added to the draft revised Zoning Ordinance; Wells seconded the motion and it was voted unanimously.**

Wells asked the LUC to check with Town Counsel regarding logging control statutes.

Wells offered suggestions for changes to the current ordinance language regarding the **Wetlands Overlay District** and reflect changes planned for the Subdivision Regulations:

Insert the following after definitions as a new Section D and renumber remaining sections E through I  
Effect on Minimum Lot Size:

“If any portion of a lot includes an area or areas defined as a wetland no more than 25% of this area shall be included in the calculation of the required minimum lot size.

If any portion of a lot includes an area or areas defined as a wetland no more than 25% of this area or these areas may be included in the calculation of the required minimum lot size.

If any portion of a lot includes an area or areas defined as a wetland buffers; no more than 50% of

this area or these areas may be included in the calculation of the required minimum lot size.

Within the lot area counting towards the minimum required lot size there must be at least one-fourth (1/4) of an acre of contiguous area that does not include any of the wetlands or wetland buffers.”

**Wells moved the proposed language to Revise the language in the Article on the Wetlands Overlay District be added to the draft revised Zoning Ordinance; McCarthy seconded the motion and it was voted unanimously.**

Wells offered an entirely new Zoning Article for what he called a **Restrictive Soils Overlay District**. He suggested that there would be a change in Section VII in the Subdivision Regulations in order that it conforms to the new language in the Zoning Ordinance. Wells point is that he questions whether Sutton needs to use the High Intensity Soil procedure if there are Soil Overlay Districts. Wells indicates that the primary problem with the current approach is that is too complex and he is looking for a way to simply the approach and the language in the Zoning Ordinance and in the Sutton Subdivision and Site Plan Regulations. After a short discussion, **it was agreed that they would table this question for now.**

There was a discussion about **Definitions** and where they should appear in the Zoning Ordinance and in the Regulations. It was agreed that the Board would like to see them moved from the back to the front of the Zoning Ordinance and of the Regulations and that there should be some statement about definitions at the front of the actual definitions. Wells wanted all definitions within the document to be included in a single place, at the front of the document and consistent. The LUC expressed a strong concern about changing the location or definitions incorporated into the Article on **Flood Plains**. She explained that the language in that article is “model language” that FEMA provides and requires if a Town is going to get Flood coverage in a disaster, it must appear in the Town’s Zoning Ordinance. The LUC strongly recommended that both the language and the separate placement of the FEMA required definitions in the Ordinance remain as they currently are. **It was agreed that the Article on Flood Plains remain as it is and with FEMA definitions separate from the other definitions.**

**This completed work on the Zoning Ordinance.**

**The Board took up Subdivision approval**

Members began with suggested changes on the first pages and then preceded page by page to discuss possible language changes to the Sutton Subdivision Regulations, including recommendations made by Wells as follows:

“SECTION I,

Add PURPOSE clause

Add WHEN SUBDIVISION APPROVAL IS REQUIRED clause

A. Compliance with regulations:

Use applicant or landowner, or subdivider consistently. I prefer APPLICANT Use IT instead of him himself etc., throughout

B. Character of Land for Subdivision

Add references to steep slopes and soil types Add reference to Driveway Application

C. Scattered and Premature Subdivision

Are any of the listed reasons illegal? If so remove!

F. Preservation of Existing Features

Add stonewalls along property lines and historic buildings and sites.

SECTION III

Add or change definitions as follows: Add Applicant

Add Condition Precedent and Condition Subsequent

Change Final Plat to "Plat, Final" and relocate alphabetically

Change Major Subdivisions to "Subdivision, Major" and relocate alphabetically Change Minor

Subdivision, to "Subdivision, Minor", relocate alphabetically

Add and with driveway(s) that are less than 1000 feet in length. Change road to include only the travel way and shoulders

Add Right of way to include the travel way shoulders, ditches, easements etc. Review Subdivision definition - very complicated.

SECTION IV

A. Pre-Application...

Shouldn't the requirements or lack thereof for public meeting and/or public notice be included for both steps?

B. Application

Doesn't completion get determined by the PB rather than at the time of submission to LUC? This isn't clear. Better called "Formal Application"?

D. Planning Board Action

Acceptance should clearly state that PB does this not LUC By the Town not "be the Town"

As-built plans might also refer to C of O since roads and utilities are not required for a minor subdivision

E. Minor Subdivisions

Complete application

H. Five-Year exemption

Check substantial completion reference numbers.

I. Commencement of Work

Needs reference to Conditions Precedent and Subsequent Reference to High-Intensity soil Survey - still valid?

SECTION V

A. Minimum Requirements

3d. accurate, to scale graphic "/3f. and the general location of...

3h. Existing building within 100 feet of the property as well as within the entire parcel.

3q. Why 20'?

3r. Why not may instead of shall? 3u. can be condition precedent

3v. how is necessary determined?

4. Introductory language is broader than the specifics - why? E.g. landscape architects doing grading and drainage.

6. We need to make sure that all words used in the regulations are defined.

B. Additional Requirements

2. Add 2' contours for slopes less than 10%, 5' intervals for slopes 10% to 25% and 10' intervals for 25% or greater.

3. Road and Driveway(s) Profiles
4. Road and Driveway(s) Cross-sections
7. Where are existing road minimum standards? 12. The impact of new roads and driveways.
13. Remove "be", also Section IIe does not seem to be the correct reference. 16. outside consultant to Planning Board
22. Revise sub numbering.

#### SECTION VII

- A. Road and Circulation Plan
9. Review minimum size of hammerhead turn arounds!  
Why must cul-de-sac circular turn -arounds be 400' in outside diameter?
12. Should be included in driveway Ordinance as well.
- B. Road Design Standards
4. but no more than %
- C. Construction of Street or Road
22. and the Driveway Ordinance
23. Revise to conform with overlay districts rules.
- D. Driveway Standards
2. SO feet

See other suggestions for driveways from RW

#### Section VIII

Reduce size and complexity and use overlay districts instead.

Wells' review did not include Site Plan Regulations or any of the Application Check Lists.

It was agreed that the LUC would make changes as decided and discussed during this extended work session and get the revisions out to the Planning Board Members.

**Next regular meeting is scheduled to be held** on August 11, 2015 at 7:00 PM.

**There being no further business, JL moved, JM seconded and it was unanimously voted that the meeting be adjourned** at 3:19 PM.

Respectfully submitted,

Laurie Hayward  
Land Use Coordinator