

TOWN OF SUTTON
Planning Board
Pillsbury Memorial Hall
Meeting Minutes
September 22, 2015

Present: Planning Board Members: Carrie Thomas, Chairperson; Julie McCarthy, Roger Wells, and Carole O'Connell, Members; Jim Lowe, Alternate; (Dan Sundquist, 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 7:03 PM, by Carrie Thomas, Chairperson.

Administrative:

Minutes of previous meetings: The Chair asked for a motion regarding the Minutes of the Meeting August 25, 2015. Wells moved that the minutes be approved; Lowe seconded the motion and it was approved unanimously.

Correspondence: Jon Feins: The Chair asked the LUC if there was any correspondence. The LUC stated that there was communication from Jon Feins regarding three Applications for Driveway Permits. Then there was a second and separate request in the form of a fourth application for a driveway across Martin Feins property. The purpose of this fourth driveway seems to be to connect Jon Feins property to Stonehouse Road, accessing a portion that does not, currently or as shown on plans for the conditionally approved subdivision, have direct access to Stonehouse Road. There was some discussion among the members about whether a Permit is appropriate when the Conditions of Subdivision Approval have not been met and; therefore, there is only one lot of record and not three until Conditions are met. The LUC explained that she had discussed this with town counsel. In the course of that discussion, it was agreed that in the Conditions it noted that it was the Building Permit, not the Driveway Permit that would be the point of verifying driveway design meets standards.

The LUC stated that, from her point of view, it seems that in this specific case, Driveways Permits do not require any Planning Board review – certainly Martin Feins does not and probably the other three do not, just because of the way the Conditions of Approval were voted by the Board. Wells expressed that he did not vote in favor. He asked the LUC to contact town counsel, Jae Whitelaw, and ask two questions: 1. does the Condition of Approval as voted mean that Feins can apply for and obtain Driveway Permits before any Conditions are met and 2. how can the Planning Board prevent this problem of permits being applied for in different locations than agreed during hearings in the future. The LUC agreed to ask the questions.

Gillian Martlew, ND: The LUC passed out an application for a Site Plan Review. The Public Hearing has been scheduled to be held at the next meeting. The LUC told members that the application was submitted by Gillian Martlew who is a Naturopathic Doctor and is starting a practice here in Sutton as a home business. Martlew recently purchased a property on Newbury Road. The Application is for Site Plan Review, primarily to address the adequacy of parking and the impact of traffic on Newbury Road.

Open Conditions Report: This report was tabled at Wells request until the next meeting.

Select Board Report: There was no Select Board Report.

Land Use Coordinator Report: The LUC told members that the Wells visit to the Zoning Board of Adjustment (ZBA) meeting seemed to lead to extensive discussion at the most recent ZBA meeting. When Wells spoke, he covered some the language being developed by the Planning Board for the Zoning Ordinance, including Manufactured Housing; Driveways; and The Steep Slope Overlay District. The LUC told Planning Board Members that the ZBA members spent two and ½ hours mostly covering objections to having any of the language proposed by the Planning Board on those three subjects included. Late in the meeting, Lick, the Vice Chair of the ZBA, asked the LUC to arrange something so that he and the Planning Board Chair, Thomas, could meet with Town Counsel. Thomas indicated that her schedule would not permit being involved and she would prefer that Wells take her place as her nominee. It was agreed that because Wells has been very involved in developing language, he would be a good one to attend and Wells stated that he was willing to do that. **Thomas moved that Wells take her place in a meeting with Derek Lick and Steven Whitley; McCarthy seconded the motion and it was voted unanimously.**

Work session: Board members commenced their work session. There was a continued discussion about the suggestions for changes to the Zoning Ordinance, especially the three which have met with substantial concern from the ZBA, Manufactured Housing; Driveways; and The Steep Slope Overlay District. Regarding the language on Manufactured Housing, Board members seemed to generally agree that the best way to meeting the spirit of the state statute which required that each town have at least some zone in the town that allows manufactured homes with no additional requirements beyond what are required for a site-built home. There was agreement that it makes more sense to permit manufactured housing in the Rural-agricultural District and not in the residential zone. There was a discussion about what is and is not “manufactured housing. The LUC explained that the state of New Hampshire uses a very specific definition which is currently included in the Ordinance. The definition revolved around whether there is a permanent chassis or not. This means that something that is mounted on a permanent chassis and would once have been called a “mobile home” is now in statutory language called “manufactured housing”. Homes that members might consider to be “manufactured”, for example Camelot Homes or even Timberpeg homes are called “pre-site built housing or homes. Board members indicated continued support for the addition of language as follows: “A manufactured-home on a single lot, that is in compliance with all requirements for residences in this zoning district.” The LUC explained that the ZBA does not want that language; but, has a strong preference for adding instead: “Manufactured home subdivisions.” There was a discussion about reasons for and against using that approach. Board members continued to generally agree that was not the best language to meet the spirit of the state statute.

There was a continued discussion about what can go into an Ordinance and the ZBA’s contention that everything in the Ordinance must be something that they handle through a variance or exception. There was a discussion about some items that might be better handled elsewhere than the ZBA, for example Excavations and Travel and Construction Trailers might both be better handled by the Select Board with inspections by the Code Enforcement Officer.

Wells passed out suggestions for more changes to the Zoning Ordinance and the Board discussed the first few items and agreed to take up the list of suggested items at a later date.

Next regular meeting is scheduled to be held on October 13, 2015 at 7:00 PM and will include a Public Hearing.

Approved October 13, 2015

There being no further business, O'Connell moved, McCarthy seconded and it was unanimously voted that the meeting be adjourned at 8:57 PM.

Respectfully submitted,

Laurie Hayward
Land Use Coordinator