

**Town of Sullivan, NH
Planning Board
Meeting Minutes, March 2, 2022
Sullivan Town Hall**

Members present: Members present: Leslie Casey (Chair), Chris Pratt, Laura Lewandowski, Peter Miles, Dorothy Miles, and Ann Sweet (alternate)

Public present: Zach Key and Stephen Key (489 South Road), Elizabeth Newcombe and Victor Vincinanzo (Tax Map 5 Lot 41-001 South Road), Roger Sweet (Sullivan Conservation Commission)

- A. The meeting was convened by Chairman Casey at 7:00 p.m. A. Sweet agreed to step in as a voting member in the absence of Milton Trimitsis and agreed to serve as secretary pro tem.
- B. C. Pratt moved to approve the minutes of February 2, 2022, as written. There was no discussion. L. Casey seconded the motion, and the motion passed without dissent.

Although the hearing on the proposed amendments to the Site Plan Review regulations had been listed next on the agenda, C. Pratt suggested that the following item on the agenda involved citizens present and should be taken up next. L. Casey moved to defer the hearing until after the Key Landscape matter and C. Pratt seconded. The suggestion was approved without dissent.

C. Site Plan Review, Key Landscape & Irrigation LLC, 489 South Road (Tax Map 5 Lot 41-002) – compliance review, conditions of approval

S. Key had sought the opinion of NHDES regarding the requirement for an Alteration of Terrain (AOT) Permit for Key Landscape & Irrigation and had received a letter from Ridgely Mauck of NHDES dated February 15, 2022 saying that “granting the waiver would not have an adverse impact on the environment, public health, public safety, of abutting properties, and strict compliance with the rule will provide no benefit to the public or the environment.” The basis for the AOT waiver was an agreement that the temporary materials storage area near South Road did not have to be include in the impacted area. L. Casey spoke on the phone with R. Mauck about his letter prior to this meeting. He confirmed that the waiver is limited to the AOT permit and is not a blanket waiver of all NHDES permit requirements. He suggested L. Casey speak with Eben Lewis, a NHDES wetlands permit specialist, to get his view.

L. Casey reported that Mr. Lewis advised in a phone conversation that there is no a priori requirement for a NHDES wetlands permit for the site. It had already been determined that the manmade ditch crossing did not need a permit. He said that if the Town felt more information about possible wetlands impact was needed, there were a couple of options:

1. A State-certified wetlands scientist could do a “desktop review” of available data and provide an opinion, or
2. a State-certified wetlands scientist could go out to the site in the spring to do a full assessment including soil testing, and provide a formal wetlands delineation report.

At this point in the discussion, E. Newcombe, whose to-be developed lot abuts the Key property, asked to speak. She asked how long the pile of materials at the front of the Key property would be allowed to be there. She said the ZBA had given 3 months. Ms. Newcombe said she could not build her driveway

because the Key materials impinged on her property. L. Casey intervened to say that issue would be taken up separately after the current matter was dealt with since her issue was not on the agenda.

R. Sweet noted that Eben Lewis had told him on the phone that an after-the-fact wetlands permit was required. Lewis later eliminated that requirement in an email exchange with S. Key.

L. Casey moved to approve administratively the site plan for the Key Landscape with minor amendments:

1. Deletion of the AOT requirement from the plan,
2. Revision of the impact area boundary and square footage to exclude the temporary materials storage area,
3. Addition of a note requiring the property owner to adhere to NHDES Best Management Practices for Groundwater Protection, and
4. Addition of a note that if additional disturbance of the site is proposed over the course of the next 10 years, an Alteration of Terrain permit will be required.

The determination of compliance with the site plan approval condition precedent was administrative in nature, so there was no need for a new hearing. C. Pratt seconded the motion. The vote was 4 for approval and 2 abstentions. Z. Key noted that all stored material was "going in back" after the site was built.

D. Proposed new driveway, South Road (Tax Map 5 Lot 41-001)

E. Newcombe rose to say that she needed planning board help to get an easement from S. Key for the driveway she wants to have constructed. She indicated that the curb cut for the proposed shared driveway on the subdivision plat, on the boundary between their two lots, was in the only place she could put a driveway to meet site line requirements. S. Key indicated that in principal Key Landscape did not have a problem with an easement for that curb cut. He expressed concern that the remainder of the driveway, depending on design, could adversely impact his ability to build houses on his property in the future. L. Casey suggested the planning board will need to see the design for E. Newcombe's driveway and that she should submit a driveway application with a sketch of the proposed driveway on the lots. Casey declared that the easement question was best discussed with the lawyers.

E. Public Hearing, proposed Site Plan Review Regulations amendments

At 7:50 p.m., L. Casey opened the public hearing on the proposed amendments, which had been properly noticed. She asked if there was any comment from the public, and there was not. Since the proposed amendments had been discussed by the board several times, C. Pratt moved to close the hearing. D. Miles seconded. The motion passed without dissent.

One additional amendment was proposed. C. Pratt moved to drop the first sentence of section V.C.1, which had the existing language regarding filing of applications. L. Casey seconded the motion, which passed without dissent. C. Pratt moved to approve the Site Plan Review Regulations as amended, and D. Miles seconded. The motion passed without dissent.

F. Driveway Regulations amendments – certification of adoption

Driveway regulations (amended) were approved and adopted at the board's February 2nd regular meeting. By statute they must be certified by attaching a certification resolution page with board

G. Planning Board Items

1. Planning Board membership for the next term. Peter Miles said he would not renew his status as a board member. Ann Sweet said she would continue as an Alternate, if appointed. Chairman Casey revealed that two new people are interested in becoming members. There is a warrant article to reduce the size of the board from 7 full members to 5 that will be voted on at the upcoming Town Meeting.
2. Chair Casey said that the board should plan to issue a Request for Proposal for the 2025 Master Plan update, and showed an example of an RFP from Londonderry, NH. That generated a discussion about the need for more housing. C. Pratt noted that Sullivan residents are entirely car-dependent since the town is not walkable for basic needs. He mentioned recent articles on the “missing middle” of multifamily housing. Chairman Casey raised the possibility of zoning for triplex housing, for example, and a reduction in requirements for acreage or other dimensions to make new housing possible. There is very little buildable land in town, and there was a >12% decrease in Sullivan’s population between the 2000 and 2020 U.S. Censuses. It is difficult to raise revenue to pay for road maintenance and other expenditures with our current housing density and lack of businesses, and the Town has to find ways to pay the bills. The Planning Board’s role is to guide growth in accordance with Town preferences, not to distort the market for growth. She noted that the lack of town water & sewer systems places natural limits growth potential. Casey acknowledged that school-related costs could easily cancel out any increase in tax revenue from new housing, which is a serious dilemma. She thinks it would be helpful to engage an expert for guidance in creating the 2025 Master Plan. Towns sometimes find Visual Preference Surveys more useful than design charrettes for eliciting public input. R. Sweet added that any new development would result in fragmentation of wildlife habitat.

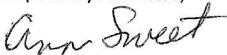
H. Other

Selectmen’s Report. No selectman was present to give the report.

L. Casey mentioned that there was an announcement for the OSI Spring 2022 Planning & Zoning Conference, but no agenda yet. It will run for half days over two Saturdays at the end of April.

C. Pratt moved adjournment. L. Casey seconded. The vote was without dissent, and the board adjourned at 8:50 p.m.

Respectfully submitted,



Ann Sweet
Acting Secretary