

Town of Sullivan, NH
Planning Board
Meeting Minutes, July 6, 2022
Sullivan Town Hall

Members present: Leslie Casey (chair), Tim Newcombe (secretary pro tem), Laurie Lewandowski, Christopher Pratt, Ann Sweet (alternate), Laurie Goldsmith (alternate), Marsha Cook (ex officio), Adam Cullis (alternate)

Public present: Roger Sweet (ZBA, Conservation Commission), Wendy Pelletier (surveyor/applicant, Cardinal Surveying), Michael Hagan (Keene, NH), EJ Lococo (landowner, So. Deerfield, MA), Judy Dueker (13 Hubbard Rd.), Cindy Brooks (358 South Rd.), Glenna Burton (13 Hubbard Rd.), Robin Oke (Gilsum, NH), Isabel Jurk (48 White Birch Dr., Roxbury), Henry Brooks (302 South Rd.), Cassandra Stanton (159 Hubbard Rd.), Dave Jakway (Selectman)

A. The meeting was convened by Chairman Casey at 7:00 p.m. and roll call was taken. All members of the planning board and public provided their names and addresses.

B. L. Casey called for the approval of the minutes from the regular meeting of June 1, 2022. C. Pratt called to table the approval of the minutes until after the public hearing. Seconded by L. Lewandowski.

C. Major Subdivision application, Hubbard Road – Completeness review and public hearing

1. Review of application for completeness: L. Casey called for the planning board to review the application of the subdivision for completeness at 7:06. She also informed the public that she would be recording the meeting. L. Casey explained that if the application is found to be complete the public hearing will proceed.

L. Casey said the plan had been reviewed against the Major Subdivision Checklist. In addition, a site walk had been completed by an ad hoc committee comprised of members of the planning board and the conservation committee. L. Casey provided a narrative summary of the application detailing the nature of the development and requested waivers for consideration. Waivers were requested in writing for perc tests, sedimentation & erosion control plans, and a full boundary survey and permanent markers on the entire lot.

C. Pratt reminded the Board that it has to consider regional impact. He raised the question of whether the development would be considered to have regional impact due to the fact that it borders Roxbury. L. Casey explained that the portion of the lot impacted by development is far from the Roxbury border, and there would be no traffic impact. C. Pratt moved that the planning board rule that the sub-division does not have regional impact and M. Cook seconded. The planning board voted unanimously that the sub-division does not have regional impact.

L. Casey commented that notices and letters to abutters went out per the statute.

A. Cullis and L. Casey both stated that after the site walks for the proposed driveways and the proposed subdivision, they felt there were no major issues with the proposed subdivision. L. Casey moved to have the application ruled complete and C. Pratt seconded. The motion passed by a unanimous vote of the planning board.

2. Public hearing: The public hearing began at 7:20. W. Pelletier provided the public with an explanation of the sub-division using plat maps. C. Brooks asked for a further explanation of where the sub-division is in relation to her property. C. Pratt went to the plat and explained exactly where the subdivision is located in relation to C. Brooks' property.

J. Dueker noted she was concerned that Hubbard Road would become very busy once the construction began. M. Hagan explained there was no plan to develop the remainder lot, but they had to give it road frontage to follow the regulations. He went on to explain the houses will be set back off the road and will not undermine the character of Hubbard Rd.

C. Pratt asked whether the remainder lot would remain in Current Use. EJ Lococo indicated it would remain in Current Use.

C. Pratt expressed concern whether in the future if the owner wanted to develop the remainder lot whether the access would be wide enough to build a driveway. W. Pelletier explained that frontage met the letter of the law and that if the lot were to be developed an easement could be granted to allow better access to the lot.

M. Hagan explained that they provided 200 feet of road frontage and 50 feet of access to the remainder lot so it would not be land locked. It was evident that it would have to be wider if a driveway were to be constructed. He went on to explain he has no issue widening the access to the lot to 70 feet if that is what is required to have the sub-division approved. L. Casey shared advice from the NH Municipal Association attorney that the planning board is allowed to approve an unbuildable lot as long as it is noted as such on the plat.

C. Stanton abuts one of the lots. She can see some of the wetlands from her property and wanted to provide the perspective that it should be preserved. EJ Lococo stated that the pond is not on his property and that to his knowledge it is under conservation.

L. Casey asked if there were any more comments from the members of the public and, hearing none, closed the public hearing at 7:56.

3. Planning board deliberations & decision: C. Pratt mentioned that for context the town currently is dealing with a land locked property issue. He expressed concern that in the future courts may rule that owners of land locked properties must be granted access to their land. C. Pratt stated that he would like to prevent the possibility of that happening in the future for the remainder lot. He proposed that the access to the remainder lot should be widened so that if the owner decides to develop it in the future it would be accessible. The access would be about 450' long which would necessitate pull-outs to allow vehicles to pass each other, per Sullivan Driveway Regulations.

A. Cullis proposed asking the landowners to grant a right of way to the back lot along the boundary line. M. Cook cited input from the municipal attorney and cautioned against speculating about what specific scenario might transpire in the future and to focus on the regulations.

L. Casey moved to approve the subdivision on the condition that a note be added to the plat that states the access to the remainder lot is not adequate for residential or commercial use. C. Pratt seconded. All voted aye.

R. Oke was informed that lot 001 will need a driveway permit application.

D. Driveway Permit Applications, Hubbard Road (Tax Map 5-54-002 & 5-54-003)

Two driveway applications were submitted for the new subdivision lots on Hubbard Rd: Lot 5-54-002 and Lot 5-54-003.

1. Driveway Permit Application, Lot 54-002: A site walk was completed by the Driveway Committee on the 22nd of June, 2022. L. Casey read the Road Agent's comments indicating that there were no issues with the application. No culvert is required, but a paved apron and escrow are required. No building site has been selected so the final driveway design has not been determined.
2. Driveway Permit Application, Lot 54-003: A site walk was completed by the Driveway Committee on the 22nd of June, 2022. The proposed driveway would enter Hubbard Road at the existing driveway. L. Casey read the Road Agent's comments indicating that there were no issues with the application. No culvert is required, but a paved apron and escrow are required. M. Hagen provided a sketch that will be included with the application. C. Pratt mentioned that he was part of the site walk and there were no issues.

There were no questions on the information provided in the applications. L. Casey made a motion to approve both applications. C. Pratt seconded. The motion passed by unanimous vote of the planning board.

W. Pelletier recommended that the subdivision regulations be amended to require potential curb cuts but not approved driveway permits. The rationale is that often the building site has not been chosen and/or construction will not begin for a year or more.

E. Driveway permit application, South Road (Tax Map 5 Lot 41-001), final approval

Discussion of the driveway permit was deemed administrative in nature, so T. Newcombe (brother of the applicant) was not required to recuse himself.

In the June 2022 planning board meeting, the driveway permit was conditionally approved. It was decided that a second site walk for the driveway should be completed with current Planning Board members and a representative of the Conservation Commission before final approval.

C. Pratt and A. Cullis, along with W. Pelletier and Todd Smith (Road Agent) conducted the second site walk with Elizabeth Newcombe on 06/04/2022. They reviewed all the aspects of putting in a driveway at the proposed location, particularly control of runoff so that it would not impact South Road or the neighboring property.

The driveway will be longer than 300 feet, so a turnout will be required. A culvert and paved apron are also required. The proposed location is doable but will take a lot of work, including blasting of ledge.

L. Casey made a motion that the condition precedent (site walk) had been met. Seconded by C. Pratt. Passed by unanimous consent. T. Newcombe abstained from the vote due to his relation to E. Newcombe.

F. Minutes for June 1, 2022 and Site Walk Notes for June 29, 2022

C. Pratt asked that we return to approving the minutes. C. Pratt made a motion to pass the minutes. L. Casey seconded the motion. A. Sweet asked that the last sentence in paragraph D.1 "A. Sweet mentioned that members of the driveway committee were present (Dorothy and Peter Miles and the road Agent" be removed. C. Pratt moved for approval for the June 1st, 2022 regular meeting with corrections. Seconded L. Casey. Passed by unanimous consent.

L. Casey and C. Pratt, the members who had participated in a site walk of the proposed Lococo subdivision (Tax Map 5 Lot 54), agreed to approve the Site Walk Notes as written.

G. Planning Board Items

Driveway permit, South Road, extension request: William Jackson of South Road has not completed his driveway due to scheduling issues with the contractor, and requested a 6-month extension. L. Casey moved to grant the extension. Seconded by C. Pratt. Passed by unanimous vote.

Master Plan update: L. Casey said that discussion of the Master Plan would be deferred to another meeting owing to the lateness of the hour. She only mentioned that she had met with the SWRPC who told her that grants may be available for updates of certain chapters of the Master Plan, starting with a grant opportunity for the Housing chapter that is expected to be issued soon.

H. Other

Selectmen's Report: M. Cook mentioned that a hearing had been held on the matter of a layout by petition of a Class VI road that would follow a portion of the discontinued Cannon Road. The Selectmen deliberated but determined that more information was needed before a decision could be reached. She said that due to a change in the law, the road layout would not have to go up for a vote by the Town.

C. Pratt motioned to adjourn. M. Cook seconded. Motion passed by unanimous consent at 9:03 p.m.

Respectfully submitted,



Timothy Newcombe
Secretary Pro Tem