

Town of Sullivan, NH
Planning Board
Meeting Minutes, December 6th, 2023
Sullivan Town Hall

Members present: Laura Lewandowski, Timothy Newcombe (secretary), Chris Pratt (chair), Laura Lewandowsky, Paul Bolduc (ex officio) Adam Cullis (Alternate), Laurie Goldsmith (Alternate)

Public Present: Ivy Vann (consultant), Kevin and Kathleen Wheeler (Boynton Rd). Mike and Bonnie Blanchard (South Rd), Dan Corindia (Centre St), Chip and Kathy Woodbury (South Rd), Eric Kazlouskas (Valley Rd), Amy Fador (Hubbard Rd), William Thorndike(Holt Rd), Mark Smith (Boynton Rd), Sean Dexter (Gilsum Rd), Jason and Trish Yarosz (South Rd), Armmel Galvis (Centre St), Gaynelle Pratt (Valley Rd)

- A. The meeting was convened by Chairman C. Pratt at 7:01 p.m. and roll call was taken.
- B. Approval of the minutes for October 18th, 2023. L. Casey moved to approve the minutes with a correction to Section B, Paragraph 2 changing the sentence "ADU ordinance less restrictive" to "ADU ordinance *to be* less restrictive." Seconded by T. Newcombe. Passed by unanimous vote of the planning board
- C. Approval of the minutes from regular meeting, November 1st, 2023. L. Casey moved to approve the October minutes. Seconded by L. Goldsmith. Passed by unanimous vote of the planning board.
- D. ADU Presentation- C. Pratt highlighted the proposed changes to the ADU Ordinance and introduced I. Vann. I. Vann made a presentation on what an Accessory Dwelling Unit (ADU) is, possible uses, benefits for land owners, benefits for the town, and provided numerous examples of different types of attached and detached ADUs.
- E. Public Hearing Regarding the Proposed CPO Amendments for Accessory Dwelling Units.

C. Pratt opened the public hearing at 7:17 PM. D. Corindia asked for a clarification on 3C, Line 7 the meaning of the term "lot of record." He went on to ask if an existing lot of record is less than 2 acres could the owner still place an ADU on the property. C. Pratt clarified that the 2 acre requirement always applies. C. Pratt went on to clarify that lot of record means that the lot is registered in the tax assessment book.

Kevin Wheeler stated that he appreciates the planning board taking feedback from the public. He went to state that he is supportive of attached ADUs, but that detached ADUs are a bad idea. He went on to state that it will open a "can of worms" if we start allowing detached ADUs. He pointed out that I. Vann stated that ADUs would lower the tax rate. Kevin Wheeler observed that there has been a lot of new construction in town over the last year, but his taxes still went up by \$1500. He doubts that ADUs will reduce tax rates. He pointed out that ADUs could also tax public services such as the police, first responders, and education. Mr. Wheeler stated that the town already has a hard time policing the town's rules and laws. He asked the question how the

town is going to police the new detached ADUs. He reiterated that he does not support detached ADUs and he wants people to really consider the consequences before allowing them.

L. Casey asked C. Pratt to clarify whether all ADUs will need building permits. C. Pratt affirmed that all ADUs will need building permits. He stated that building permits require the sewage system and water to be evaluated to ensure they are sufficient for the proposed number of bedrooms and baths. Kevin Wheeler asked if the town of Sullivan has a building inspector. C. Pratt stated that the town does not have a building inspector, but that septic plans would need to be submitted. Kevin Wheeler asked who is responsible for ensuring the construction, electrical and plumbing are being done to code. C. Pratt said that ADUs will be treated the same as new construction from a permitting perspective.

C. Woodbury asked if an ADU could have its own driveway or if it would have to share the driveway with the primary dwelling. C. Pratt clarified that it does not necessarily need to share a drive, but if it is going to have its own driveway an approved driveway permit would be required.

Trish Yarosz made a comment that she agreed with Kevin Wheeler's earlier comments. She went on to say she agreed that ADUs are good for family members, but that detached ADUs are often used for short-term rentals. She opined that if they built a couple ADUs on their property and rented them her neighbors would not appreciate having to listen to parties going on late into the night. She said unless the town is going to say ADUs can only be used for family members she is not supportive of the changes.

Amy Fador proposed having regulations that would only allow detached ADUs to be rented to family members. She also expressed concerns about how many people would be allowed to occupy an ADU. She provided a hypothetical situation where a family of ten is occupying a 400 sqft ADU. She concluded she wants more clear language added to the regulations addressing the concerns she raised.

Kevin Wheeler again raised concerns about how ADUs will be regulated/policed.

Sean Dexter pointed out that the language in the original ADU regulation about the size of detached ADUs in relation to the primary dwelling unit had been removed. Moreover, the language about the minimum size of an ADU has also been removed. He asked for clarification on why that was done. C. Pratt pointed out that all ADUs would require a building permit approved by the select board. Sean stated that we are proposing to change the town ordinance from allowing you to have an attached ADU as a right and a detached ADU with permissions from the town to allowing you to have a detached ADU as a right and that the ADU could be larger than the primary dwelling unit. I. Vann asked C. Pratt to check the definition of an Accessory Dwelling Unit. C. Pratt read the definition that and a detached ADU is to be located on the same lot as the principal dwelling unit and incidental to it.

Sean Dexter asked why the size requirement of an ADU was removed and if the purpose for removing it is to allow for the construction of tiny homes. Moreover, could an RV be considered an ADU if tied into the water and septic. L. Casey pointed out the recreation vehicles do not qualify as dwelling units, do not require building permits, and can only be occupied for a set number of days.

M. Smith stated he is concerned that adding a bunch of ADUs will further tax public services such as fire, police and education.

T. Yarosz asked if a tiny home could be considered a detached ADU. C. Pratt clarified that ADUs by their nature are going to be smaller than the principal dwelling unit, but that a tiny home on wheels would not qualify as an ADU. It would need to be on a foundation or slab, skirted, and tied into a septic and water.

B. Blanchard emphasized that if ADUs are being marketed to older people and younger people we may not have the public services and resources to serve them adequately.

C. Woodbury stated that we already put a lot on the select board to what they have to enforce. He believes that if there is any vagueness in the ADU proposal we are considering we need to be really careful because we may further tax the selectmen. Moreover, he has observed that many people in the town are already disregarding existing building codes, but without a building inspector there is very little enforcement taking place.

Kevin Wheeler stated the town needs to hire a building inspector and health inspector.

Amy Fador asked what the process will be to amend the language in the proposed ordinance to address the public's concerns before voting on the proposed changes. C. Pratt clarified that the Planning Board needs to deliberate on whether the proposed changes are what the board wants to go forward with or if further revisions are needed. Once the final proposal is voted on by the planning board it will go on the ballot in the March elections.

M. Blanchard asked if this will pass by a simple majority vote. C. Pratt confirmed it will pass by a simple majority.

The public hearing was closed at 7:41. There was a five minute recess before the planning board resumed deliberations at 7:46

- F.** Planning Board Deliberations Regarding the ADU Amendments- C. Pratt pointed out that I. Vann stated that ADUs are not currently allowed in our town. C. Pratt pointed out that is inaccurate because we do currently allow a detached ADU if there are 4 acres or more. C. Pratt mentioned that we are moving from one ADU per lot with acreage restrictions, to two ADUs on 2 acres detached or attached. C. Pratt also pointed out we removed the acreage requirement language

to lot of record which might imply we don't have acreage restrictions. L. Casey pointed out that the 2 acre requirements remains in Section III.C., 1. C. Pratt said we should consider removing the language "of record" in section III.C. 7.

P. Bolduc mentioned that we need to look at the ordinance from an enforcement perspective. If we are going to change ordinances we need to make sure they are clear from an enforcement perspective.

L. Casey mentioned we are facing a housing crisis and we need to find solutions. ADUs are one possible solution. L. Casey thinks the housing task force needs to sit down and think of ways to tighten up the language to ensure it is clear from an enforcement perspective.

L. Goldsmith pointed out the public comments revolved around ADUs being used for family members.

C. Pratt stated we are up against time constraints before the town election. We should have the housing committee sit down and refine the language of the ordinance to address the public input.

D. L. Casey moved to send the proposed ordinance back to the housing task force to address some areas of concern related to non-conforming lots, definition of lot of record, and having only one detached ADU per 2 acre lot. Seconded by P. Bolduc. Passed by unanimous vote of the planning board.

G. Other Planning Board Items

1. HOP Grant update and Housing Task Force Update – L. Casey reported that deliverables for the grant have been met except for planning board adoption of updated Vision Statement and Housing chapters of the master plan. There is a small amount of money left in the budget.
2. Master Plan Update- The Draft Housing Chapter was provided to the members of the board. L. Casey provided some proposed edits to the draft version. The edits were mostly grammatical in nature. L. Casey provided her complete edits to C. Pratt.
3. Oke Driveway Permit Extension request, Hubbard Rd- C. Pratt moved to extend the driveway permit to June of 2024. Seconded L. Casey. Passed unanimously.
4. Selectman Update- the select board has been largely focused on next year's budget.

H. Meeting adjourned at 8:56 PM by unanimous vote of the planning board.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Timothy Newcombe', written in a cursive style.

Timothy Newcombe
Secretary