

Town of Sullivan, NH
Planning Board
Meeting Minutes, February 03, 2021
Sullivan Town Hall

Members present: Leslie Casey (chair), Chris Pratt, Dorothy Miles, Peter Miles, and Paul Bolduc (Selectman, *ex officio*)

Public present: Barbara & John Arguin (451 South Road); John Bolles (469 South Road); Phillip Dunn (447 South Road); Wendy Pelletier (Cardinal Surveying); Donald Primrose & Rachael Richardson (439 Boulder Road); John (Chip) & Katherine Woodbury (488 South Road)
Attending via teleconference: Cassandra Stanton (159 Hubbard Road)

A quorum was reached, and the meeting convened at 7:04 pm. Ann Sweet (alternate member) tried to attend by teleconference but was unable because she did not receive the email invitation. L. Casey appointed D. Miles as acting secretary. Meeting audio was digitally recorded.

L. Casey recommended that the draft minutes from January 2021 be amended to correct typographical and word choice errors. C. Pratt moved to accept the minutes from January as amended; P. Miles seconded. All voted to approve the minutes as amended.

Driveway permit extension, 153 Boulder Road

Donald Primrose and Rachael Richardson petitioned the board for a 6-month extension on the driveway permit for property at 153 Boulder Road, which will expire in March 2021. The reason for the request is twofold: work on the property went slower than originally anticipated and present weather conditions are not conducive to paving. D. Primrose indicated that a paving contractor had been selected: JDK Paving. A motion was made by L. Casey to extend the driveway permit to 01 September 2021, and seconded by C Pratt. The motion carried without opposition. A letter notifying the property owners of the permit extension will be mailed out to them.

Driveway permit application, Wardwell Road (Tax Map 3, Lot 098-001)

A driveway permit application was filed by MaryAnn Kristiansen on behalf of the Makark Revocable Trust for a new driveway off Wardwell Road (also known as Old Hubbard Road), where a house is proposed to be built. A motion was made by C. Pratt and seconded by P. Miles to postpone discussion on the driveway application until after the public hearing because it was a complex issue. L. Casey suggested instead that action be deferred until there was clear direction from the Selectmen as to the status of Wardwell Road. The motion to postpone passed by majority; L. Casey was opposed.

Public Hearing, major subdivision & boundary line adjustment, South Road (Tax Map 5, Lots 41 & 42)

Acceptance of the application for major subdivision located at property on South Road owned by John & Wendy Bolles followed by a public hearing (if the application is accepted) had been duly posted and noticed. The draft plan had been made available for public viewing at the Selectmen's office.

7:20 p.m.: Using the Sullivan major subdivision checklist as a guide, L. Casey led a review of the application, which had been filed at the January 2021 regular planning board meeting. A motion that the planned subdivision would not have regional impact was made by L. Casey and seconded by C. Pratt. The motion carried without opposition. W. Pelletier stated that the State does not require perc tests or approved septic plans for lots equal to or greater than 5 acres, so those were not included in the application. A copy of the utility easement was provided, dated 1946. L. Casey stated that driveway permits would not be granted until after final approval of the subdivision. No plan for control of sedimentation and erosion was provided, the rationale being that house sites had not yet been selected. L. Casey moved to grant a requested waiver of test pits & perc tests, and of a plan for control of sedimentation & erosion. The motion was seconded by C. Pratt. The motion carried without opposition.

C. Pratt stated that representatives of the Planning Board should conduct a boundary walk. L. Casey moved that the boundary walk be deferred until weather conditions were more conducive to such a task, and that it would not be a condition for approval. The motion was seconded by C. Pratt. The motion carried without opposition.

L. Casey moved to accept the application as complete, and the motion was seconded by C. Pratt. The motion carried without opposition.

The meeting went into public hearing at 7:36 p.m. L. Casey reminded members of the public that the purpose of the hearing was to receive testimony regarding the subdivision and boundary line adjustment, and that there was currently no specific plan for development of the proposed lots on the table. W. Pelletier presented the subdivision plan to create 5 new lots of 9.42 acres, 19.69 acres, 5.3 acres, 5.58 acres, and 8.6 acres (lots 5-41-1 through 5-41-5); and to expand an existing lot (5-42) via boundary line adjustment from 4.84 acres to 25.84 acres. Proposed driveway entrances were shown. Two of the lots (5-41-001 and 5-41-002) are proposed to have a shared driveway running along the stone wall at the lot boundary. All proposed lots met the 200 foot road frontage requirement.

Abutters and local residents present asked questions. It was noted that the "ridge lot," 5-41-001, is known to have a great deal of runoff during heavy rain events. J. Bolles acknowledged that the driveway would have to be laid out with care because of the steep terrain, but it could be done without increasing runoff toward South Road. J. Woodbury commented that any future blasting of ledge would have to be done in such a way as to avoid impacting nearby wells. A question was raised as to whether a driveway can be put in on the utility right-of-way on lot 5-41-005, and J. Bolles confirmed that it is allowed.

L. Casey moved to close the public hearing. The motion was seconded by C. Pratt. The motion carried without opposition at 7:58 p.m.

The board entered deliberations. The issue of the setback requirement for the proposed shared drive was discussed. It was agreed that a waiver would have to be requested of the Planning Board for permit approval. Also, the property owners will have to have an agreement regarding shared use and maintenance. L. Casey noted that the protected radius for the well on proposed lot 5-41-4 extends onto lot 5-42. State law requires that the owner of the well have control over the protected radius, so an

easement would have to be recorded. Also, if it is approved as a shared well for the two properties, a water use agreement will have to be recorded.

L. Casey moved to approve the application on the condition that a note be added to the plat requiring a recorded easement for protection of the well radius and a water supply agreement (if the well is approved by DES to be shared). The motion was seconded by C. Pratt. The motion carried without opposition.

W. Pelletier will provide a plat on mylar to be certified by written endorsement and a check to cover recording fees.

Driveway permit application, Wardwell Road (Tax Map 3, Lot 098-001), continued

The driveway application for the Makark Revocable Trust, property owner MaryAnn Kristiansen, was presented. The lot in question has frontage on Hubbard Road and on Wardwell Road (aka Old Hubbard Road). The first 253 feet of Wardwell Road off of Hubbard Road were voted by the town in years past to be maintained as a Class V road, though there is some dispute as to whether the town has in fact continuously maintained it. The Class V section is contained entirely within the lot. C. Pratt explained that the rest of the road had been mischaracterized by the Selectmen and applicant as a Class VI road when, in fact, it was discontinued and has reverted to being private land. A discussion was held as to road layout and classifications in the state.

P. Bolduc reported that the Road Agent, Driveway Committee and a member of the Conservation Commission had met with the applicant and determined that the proposed driveway fell short of meeting the existing Class V road by approximately 40 feet. It was suggested by the members present that an alternative would be to extend the driveway so that it would connect onto the Class V portion of the road. W. Pelletier noted that the standard for a town Class V road is that it only be "not insufficient" for the use.

A discussion was held as to the legal implications of the property owner granting a right-of-way to the town to enable a plow truck to turn around on the property versus turning around in the town-owned right-of-way.

P. Bolduc moved to defer action on this application until the Planning Board receives a written statement from the Board of Selectmen after consultation with a road law attorney as to how the legal issues the proposed driveway presents will be handled. It will be important to have a recorded agreement between the town and the landowner to prevent "layout by prescription" if town road equipment enters private land, because of the potential for future town obligations to either maintain part of what had been a private road, or to compensate the landowner for the use of the land. It will have to be made clear whether the agreement extends in perpetuity, or just until there is a change in ownership. The motion was seconded by C. Pratt. The motion carried without opposition.

Planning Board membership

Planning Board terms are ending in March 2021 for the following members: L. Casey, L. Lewandowski and C. Pratt. L. Casey asked that those members let her know their intentions of either remaining on the board or not being nominated for appointment by the Selectmen to new terms. It was noted that April 2021 is the annual organizational meeting and all members must to sworn in by the Town Clerk before this meeting. L. Casey asked that returning and/or new board members take an active role and share the burden of work by taking on more tasks as needed.

A motion to adjourn was made by L. Casey and seconded by C. Pratt. The motion carried without opposition and the meeting adjourned at 9:30 p.m.

Respectfully submitted,


Dorothy Miles, Acting Secretary