

**Town of Sullivan, NH
Planning Board
Meeting Minutes, September 1, 2021
Sullivan Town Hall**

Members present: Leslie Casey (Chair), Laura Lewandowski, Dot Miles, Peter Miles, Chris Pratt, Ann Sweet (alternate), and Paul Bolduc (Select Board representative)

Kathleen Rowe, Secretary Pro Tem

Town Committees: Wendy Pelletier, Conservation Commission

Public present: John Bolles, 469 South Road; Tim Frasier, 214 Valley Road; Jean Fitzpatrick, John C. Fitzpatrick, 64 Centre Street; Joseph Lewandowski, 35 Rugg Road; John Snowden, Gilsum Road; Roger Sweet, 358 Centre Street; Jamie Walters, 595 Centre Street

The meeting was convened by Chairman Leslie Casey at 7:01 pm.

L. Casey moved to approve the minutes as written from August 4, 2021; P. Bolduc seconded. P. Miles and D. Miles did not attend so they abstained. All others approved the minutes as written.

C. Pratt requested the record to show that notes regarding wetlands from the 8/18/21 site walk at 119 Gilsum Road be amended to read "some surface water" rather than "no surface water." L. Casey, C. Pratt and A. Sweet, Planning Board members present at the site walk, agreed with the site notes as amended.

The site walk notes for 8/18 (119 Gilsum Road) and for 8/23 (64 Centre Street) will be appended to the 9/1/2021 minutes.

A. Minor Subdivision, 64 Centre Street Map 6 Lot 20

Jean Fitzpatrick submitted a subdivision application for the creation of two lots at 64 Centre Street. The subdivision would create two lots from a parcel containing 132 +/- acres: 3-acre homestead lot to include house, outbuildings and driveway; 129 +/- acres residual.

Review for completeness: L Casey noted a letter received with the application requesting a waiver for sedimentation, erosion control and soil data; septic system and well are existing, no perc tests will be required and no additional structures will be built on this property. L. Casey reviewed the application for completeness against the minor subdivision checklist, noting the requested waiver of soil data and the need for a copy of the utility easement for PSNH.

L. Casey moved to waive sedimentation, erosion control and soil data, seconded by C. Pratt, unanimously approved.

L. Casey moved to accept the subdivision application as complete, seconded by C. Pratt, unanimously approved.

Public Hearing:

Wendy Pelletier presented the subdivision plat, indicating the 3 acre lot to be reserved for the house-lot. The new boundaries will extend 400+ feet back from the road, all of the frontage is on Centre Street. The existing well and septic comply with current regulations regarding setback and loci. T. Frazier questioned the outbuildings outside the new boundary; W. Pelletier explained that they will remain with the second lot.

There being no other comments L. Casey closed the public hearing.

L. Casey noted that she, C. Pratt and L. Lewandowski are both members of the Planning Board and abutters to this property. [Member Milton Trimitsis, who was absent, is also an abutter.] As members of the public, they have a right to testify at the public hearing. There was a question as to whether they should be part of the deliberations. Referencing NH RSA 673:14§I that states members must recuse themselves "if that member has a direct personal or pecuniary interest in the outcome which differs from the interest of other citizens, or if that member would be disqualified for any cause to act as a juror upon the trial of the same matter in any action at law," as well as the Planning Board in NH Handbook citing a court decision requiring that abutting landowners are disqualified from hearing applications. Casey noted that, should these three recuse themselves from deliberation, there would still be 3 voting members plus 1 alternate available to create a quorum.

C. Pratt and L. Casey denied any personal or pecuniary interest as abutters to the property; the Fitzpatrick's and J. Walters as agent to Fitzpatrick's have no issue with Pratt and Casey voting on the deliberation. J. Walters requests that any "nay" vote be entered into the minutes with explanatory notes; L. Casey concurred.

L. Casey stated that the vote might be "cleaner" if the three members recuse themselves.

A. Sweet, who is not an abutter, agreed to occupy M. Trimitsis' chair as a voting member. L. Casey moved that the full Board deliberate and vote on the subdivision; D. Miles seconded. On a roll call vote:

A. Sweet: "Aye"

L. Lewandowski "Recuse"

C. Pratt: "Aye"

D. Miles: "Aye"

P. Miles "Aye"

L. Casey: "Aye"

P. Bolduc: "Aye"

L. Lewandowski recused herself from voting on the application.

C. Pratt had done research and reported earlier in the meeting that Rugg Road is rated 12' wide, not including the right-of-way. There is gravel in some places, unknown surface in others. The right-of-way is less than the standard 3 rods.

L. Casey moved that the full Board approve the subdivision with the conditions that a copy of the utility easement to PSNH be provided to the Board and the designation of wetlands be added to the plat legend; C. Pratt seconded. On a roll call vote:

- A. Sweet: "Aye"
- C. Pratt: "Aye"
- D. Miles: "Aye"
- P. Miles "Aye"
- L. Casey: "Aye"
- P. Bolduc: "Aye"

The subdivision was approved. L. Casey noted to W. Pelletier that the Board will need the plat on mylar with corrections and recording fees.

D. Minor Subdivision – 119 Gilsum Road Map Lot 3-28

Agent for this subdivision contacted L. Casey on 9/1 requesting a continuation of the hearing as there are changes to the original proposal. This discussion will be continued to October 6th at 7:00 PM at the Sullivan Town Hall.

John Snowden, abutter, asked the length of the existing frontage; L. Casey stated that to be 643 ft. The current proposal is for 3 lots, two in the front and one in the back; the changes to the plan will put the possible access road between the two front lots as opposed to running along the side boundary of his property; Snowden expressed concern about the location across the rear property boundary as well.

E. Driveway Permit Application – South Road Map 5 Lot 42-3

L. Casey explained that the northern lot of the Bolles' subdivision is now owned by Walter Bolles. As noted at the August meeting of the Board when the application was submitted, there is an issue with sightlines for the proposed driveway because of the curve of the road; the Road Agent has determined that part of the solution is a speed zone for traffic at that curve as well as "blind driveway" signage.

Review for Completeness: A. Sweet asked if the Planning Board now has the original application and the sketch as requested. L. Casey confirmed.

L. Casey explained that the Board will look at the completeness of the application and the merits of any changes to be made. J. Bolles is the applicant.

J. Bolles presented letter to Casey confirming that he is acting as agent for Walter Bolles, who is now the landowner. Todd Smith had made a note on the application requiring a culvert of 12" or greater.

L. Casey moved to accept the application as complete; C. Pratt seconded, unanimously accepted as complete.

The current application indicates a curb cut 20' from the abutting boundary; J. Bolles requested consideration of a 10' setback to improve the setback. C. Pratt stated that as the ordinance requires 20'

setback the 10' setback is an issue to be resolved by the ZBA. W. Pelletier noted that this can be waived by the Planning Board and, although the setback at the road is 10', the driveway itself reverts to 20' immediately beyond the road entrance.

L. Casey pointed to the Sullivan Driveway Regulations saying that a setback may be waived if it creates a "hardship to the landowner;" C. Pratt indicated that this did not appear to create a hardship. Also, to waive a requirement because drivers (not the landowner) do not follow the law by speeding is not in the best interest of the Planning Board or the Town.

Pratt also stated that, looking to the future 20' is protection for both Bolles' and the abutters property. W. Pelletier concurred, stating that waiving the sight distance is preferable to waiving 20' setback. L. Casey restated that this area will become a 25 mph speed zone, signed for a blind driveway.

D. Miles questions which solution substantiates current laws and ordinances; L. Casey feels that this is accomplished by maintaining the setback and a clearly marked speed zone.

C. Pratt moved to approve the application with a 20' setback. L. Casey seconded. All "aye." J. Bolles presented a check for escrow (\$3000).

F. Driveway Permit Application – South Road Map 5 Lot 42-3, temporary access

A driveway application was received from J. Bolles for the existing utility access. A site walk had been conducted earlier in the day on Sept. 1st with the Road Agent, T. Smith, as well as P. Miles, D. Miles, L. Casey, J. Bolles, W. Pelletier and Becky Cummings after concerns were raised to L. Casey by the Conservation Commission. At the meeting of August 4, 2021, the Planning Board had deemed it reasonable for Bolles to use an existing right-of-way through the powerline area to transport building materials to J. Bolles' property (now Walter Bolles).

Preparation for moving materials to that property has included the removal of topsoil and surfacing the roadway. L. Casey stated it could be argued that this is a change in intensity of use and alteration to access. Planning Board determined that this would require a driveway permit.

Review for Completeness: The temporary access would consist of 150' that is the utility right of way, plus another 335'. J. Bolles stated that, after the materials have been delivered to the property, this roadbed will be reclaimed to its original use; the topsoil will be returned, and it will be seeded to grow back to the original state. This driveway does not intersect the driveway approved in item E.

C. Pratt asked if the Driveway Committee has looked at this; L. Casey confirmed that there was a site walk and the Road Agent has determined there is no impact to South Road, but a driveway permit will document the concerns and remedies required for this access road.

D. Miles and P. Miles signed the Driveway Permit application as members of the driveway committee; on a motion by P. Bolduc, seconded by C. Pratt, the Board unanimously accepted the application as complete pending the Road Agent's signature.

L. Casey moved to approve the driveway permit on the following conditions: Approval will be conditioned on land being fully restored to pre-construction condition to be completed by November 1m 2021 to include topsoil restoration and seeding. Approval is also conditioned on this not becoming 2nd driveway to the W. Bolles' property. This permit will be discontinued at the satisfactory completion of reclamation as determined by the Planning Board. Seconded by C. Pratt, all "Aye."

G. Other PB Business

C. Pratt requested consideration of proposed amendment to the CPO at the October Planning Board Meeting. L. Casey noted that the proposed revisions to the driveway regulations may also be discussed. L. Casey indicated that there would be a public hearing on these issues in October.

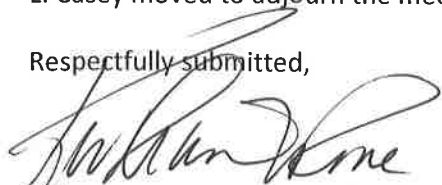
H. Selectmen

Paul noted that the Selectmen are currently working on an application for Special Events on Town property.

Adjournment

L. Casey moved to adjourn the meeting; D. Miles seconded. All aye. The meeting adjourned at 8:57pm.

Respectfully submitted,



Kathleen Rowe, Secretary Pro Tem

**Town of Sullivan, NH
Planning Board
Site Walk Notes, August 18, 2021
Lot 3-28, 119 Gilsum Road**

Members present: Leslie Casey (chair and acting secretary), Chris Pratt, and Ann Sweet (alternate)

Public Present: Carl Foley (Fieldstone Land Consultants, PLLC; agent for K + J Dean Builders, Inc., landowner), Roger Sweet (Sullivan Conservation Commission)

L. Casey, C. Pratt, A. Sweet, R. Sweet, and C. Foley (land developer and agent for landowners) conducted a site walk at 119 Gilsum Road, Tax Map 3 Lot 28 (50 acres) on August 18, 2021 starting at 10 am to review the site of a proposed 3-lot (minor) subdivision. Fieldstone Land Consultants, PLLC (Milford, NH) is the applicant and surveyor. L. Casey acted in the role of secretary. As only three members of the Planning Board were present, it did not constitute a quorum. No decisions were made, and the site walk was for informational purposes only.

The objectives of the walk were to observe whether permanent boundary markers, natural features, and markers indicating the corners of proposed new lots were as represented on the draft "Subdivision Plan" plat, dated May 24, 2021. The exterior boundary of the parcel was not included in the walk.

The site walk began at the driveway of the existing house lot. The house is no longer there, but the foundation and septic connection were noted, as was the semicircular driveway. The drill hole at the east corner was observed, as was a flag marking 200' of road frontage. The stone wall forming the boundary with abutting lot 3-31-3 was walk to a point roughly marking the rear of proposed lot 3-28-1.

Wetlands flagging was observed. Wet soil but no surface water was noted.

A flag near the garage marking the boundary with proposed lot 3-28-2 was observed. The flag line to the road along the far boundary of the lot was also observed.

C. Foley stated that he surmised that the septic system for the former house is located between the house foundation and the barn. He stated that the proposed septic system for lot 2 would be located along the road frontage, with proper setbacks.

The road frontage for the proposed remainder of lot 3-28 was observed, as was the woods road along the western boundary of the parcel.

The group returned to the parking area near the house and adjourned at approximately 11 am.

Respectfully submitted,


Leslie Casey, Acting Secretary

Town of Sullivan, NH
Planning Board
Site Walk Notes, August 23, 2021
Lot 6-20, 64 Centre Street

Members present: Leslie Casey (chair and acting secretary), Chris Pratt, and Milton Trimitsis (secretary)

Public Present: James Walters, 375 NH Route 9, Sullivan

L. Casey, C. Pratt, M. Trimitsis and J. Walters (proposed buyer of subdivided property) conducted a site walk at 64 Centre Street, Tax Map 6 Lot 20 (132.5 acres) on August 23, 2021 starting at 1:30 pm to review the site of a proposed 2-lot (minor) subdivision. L. Casey acted in the role of secretary. As only three members of the Planning Board were present, it did not constitute a quorum. No decisions were made, and the site walk was for informational purposes only.

The objectives of the walk were to observe whether permanent boundary markers, natural features, and markers indicating the corners of proposed new lots were as represented on the draft "Fitzpatrick Subdivision" plat, dated August 18, 2021. The site walk was also a chance to look at the frontage along Rugg Road, which would constitute the only frontage for most of the land following subdivision.

The site walk began at the at the driveway to the house. A 3-acre subdivided lot containing Jean Fitzpatrick's house and some small outbuildings is proposed. Walking up the hill, flags indicating the back corners of the proposed house lot were observed. The group then walked along Centre Street and saw flags marking the front corners. A wooded wet area was noted at the western end of the parcel.

C. Pratt stated that Rugg Road is narrow and not well-built. J. Walters responded that if the road needed to be widened for future development, lot 3-28 has the land to allow that. Future development considerations lie outside the current subdivision application, however.

C. Pratt and L. Casey continued over to Rugg Road and saw that the stone wall marking the boundary of the parcel runs very close to the road.

The group returned to the parking area near the house and adjourned at approximately 2:10 pm.

Respectfully submitted,



Leslie Casey, Acting Secretary