



PLANNING BOARD MEETING

Monday, January 23, 2017 7:00 PM
Council Chambers, City Hall

MINUTES

Approved 2/13/2017

I. Roll Call

Present: Marilyn Harris, William Greenrose, Richard Wahrlich, Bruce Kolenda, James Short, Charlene Lovett, Victor Bergeron, David Putnam, Rois Neil Ward, Jr.

Absent: Nicholas Koloski, Marlene Jordan

City Staff: deForest Barse, Resource Coordinator

Mr. Wahrlich asked Mr. Ward to sit in for Ms. Jordan.

The Board agreed to change the order of the agenda and address the subdivision application first.

(PL 2017-00002) Thomas Bourdon, 91 Main Street, Claremont – Application for subdivision approval for 3-lot subdivision at 91 Main Street. Tax Map 107, Lot 25. Zoning District MU.

Mr. Wahrlich read the public notice.

Planner's Report

deForest read highlights from Mr. McCrory's staff report. The project seeks to merge three existing lots and then re-subdivide them into three new lots. The existing lots are 120-1, 107-25, and 107-24. The applicant proposes to merge them as lot 107-25.

The Planning and Development Department has reviewed the submission criteria and believed it would be appropriate for the Board to deem the application complete if combined with a formal waiver by the Board of those requirements it finds not applicable to the project or pending.

Mr. McCrory had noted in his staff report that there is an outstanding legal issue pertaining to the Pearl Street right-of-way where it fronts on this project. This issue will not be resolved until the next regular meeting of the City Council in February.

Motion: To accept this application as complete.

Made by: Mr. Short

Second:

The Board discussed whether they were in a position to vote on the application at this point. The motion was withdrawn. It was agreed to hear from the applicant and then table the application to the Board's next meeting.

Applicant's Presentation

Mr. McCutcheon represented the applicant. He asked the Board if the merger could be taken care of at this meeting. Mr. Putnam asked if the merger would be affected by the Council vote. Mr. McCutcheon said no. The subdivision, however, is contingent upon the it. Mr. Wahrlich said he preferred to hear the presentation first. Mayor Lovett read from the staff report that the City would not execute the merger until the subdivision is approved.

Mr. McCutcheon distributed copies of a plan to the board and then went over the subdivision with the Board. Mr. McCutcheon provided the following:

- Some of the property lines are the actual edges of the buildings.
- The plan shows a 14-ft wide easement across Lot 3 from Pearl Street to the overhead doors in the "Tanks Building" on Lot 2.
- Mr. McCutcheon described an easement across Lot 3 to the south of the above-referenced easement to allow deliveries to the building on Lot 1. It is not shown on the plan.
- Mr. McCutcheon described a "mixed use area" in the gravel space on Lot 3, north of the 14-ft wide easement. He said whoever needs the space at a particular time uses it. This space is not delineated on the plan. He said it would be owned by Lot 3 and would be their outside storage, but it would be "amongst the owners of the lots in the future to determine what goes on down there. It would be written and legally binding," but the applicant is "leaving it up in the air for everything to fall into place".
- This subdivision would provide each building with its own lot and its own storage.
- There is a 10-ft easement coming off of Mill Road that "goes into a door entrance there" for Lot 1 to have access.
- Mr. Bourdon employed a professional "locator" to search for features below the surface. He "did not find much" despite a week of searching.
- Mr. McCutcheon mentioned a hydrant located at the end of Pearl Street. The line that once served it has been severed for years so the hydrant will not work. It is not shown on the plan as a utility.
- There is sufficient water coming to each of the buildings from different places.
- There is a gas line coming from the large propane tank on Lot 1 that serves these buildings and the Common Man Restaurant. He said there is an easement for the line, but it is not shown on the plan.
- There is a sewer easement on the west part of Lot 3 going from the manhole on Heritage Drive to the line that crosses the river.

Mr. Putnam began to ask about the Pearl Street right-of-way when Mr. McCutcheon said he needed to add another point to his presentation. He then added:

- On the west corner of the Bourdon building there is a shaded rectangle on the plan (shaded in lead pencil). He said, "I really do think that back in 1980 when Pearl Street was relocated – I did the survey and the survey work for the Sugar River Mills

Project – that it was really intended to be conveyed to Bourdon but it never was. That shaded area is owned by the City, right up to and even including that deck that you step onto to get into the building – that’s what’s hopefully going to be taken care of at the Council meeting. The City can’t sell or convey property without a Council meeting vote and that’s what you’ll be asked to do. And after that has happened this could be sold to Bourdon – it should have been sold to him about 40 years ago. That’s the legal issue.” He apologized for leaving this out of his presentation saying it was probably the most important part of his presentation.

Mr. Putnam stated that if the Board approves the merger at this meeting, because that area is already outside the area that the Board is considering it would have no bearing on the next item that the Board would wish to approve which would be the subdivision. Mr. McCutcheon confirmed that as correct.

Mr. Wahrlich brought the discussion back to the Board. They briefly discussed the merger and the subdivision and how to accept each application as complete. deForest explained that the merger would be done administratively and was not part of the proceedings at this meeting. The lots would not be merged if the subdivision is not approved. Mr. Wahrlich suggested that the Board continue the application to the Board’s next meeting so that the legal issue could be voted on by the City Council.

Motion: To continue the hearing on this application to the February 13th, 2017 meeting of the Planning Board.

Made by: Mr. Putnam **Second:** Mr. Short

Vote: Unanimous in favor

Mayor Lovett asked about the words “the City” in this statement in the Staff Report:

Properties in subdivision contain existing buildings and developed areas. Future changes in use or substantial redevelopment will be subject to review by the City.

Mayor Lovett asked if this referred to the Planning Board or an administrative review. deForest interpreted the term “the City” to apply to any and all parties required by the zoning ordinance as dictated by the proposed use. Mayor Lovett said she wanted it to be clear that if it’s substantial redevelopment, then it would be subject to review by the Planning Board, especially in light of the fact the Board is working its way through the site plan and subdivision regulations, but has not yet completed them. Mayor Lovett said that it might be good to have this added as a condition if the Board were to approve the subdivision.

Mayor Lovett said that the City’s ordinances are out of date. They refer to RSAs that have been repealed.

Mayor Lovett asked if documentation of an approved subdivision goes to the assessing office. deForest said that once a mylar of an approved subdivision is recorded, a copy of it goes to the assessors as standard procedure.

Mr. Wahrlich asked if the Board wanted to continue with the agenda for the regular meeting and review the minutes next. The consensus of the Board was to do so.

Review of Minutes

- January 9, 2017

Mr. Wahrlich said, “Review of Minutes of January 9, 2017”. Mayor Lovett said, “So moved.” Mr. Putnam seconded. Mr. Wahrlich called for discussion. Mayor Lovett said she had a couple of items.

Item 1: At the last Planning Board meeting, the Board had asked Mr. McCrory if he had written a letter of support for the transitional housing project on Main Street. Mr. McCrory had replied that the letter was in progress. She said she understood that the project may have been put on hold and felt it was important for the minutes of this meeting to close the loop on that follow-up item. The letter of support is no longer necessary if the project has been withdrawn.

Item 2: On page 3 under “Applicant’s Presentation”, where the minutes state that the applicant planned to make the second unit a furnished apartment for traveling nurses, she suggested that for clarification purposes, the word “second” be replaced with “main” as she believed he was referring to the main portion of the house being for traveling nurses and the other unit was the one-bedroom unit. The rest of the Board disagreed.

Item 3: Under “New Business” there was no mention of the comments made by Mayor Lovett with regard to asking if those lots that the Board approved for subdivision – “my statement was the need for us to build the number of users on the water distribution system”. That conversation was not reflected in the minutes. She acknowledged that it is covered somewhat in the Planner’s Report, but the minutes didn’t capsule the discussion about the need to grow the number of users on the water distribution system. She said that from a Planning Board perspective it is important for the Planning Board to be cognizant of the fact that it is important that we grow the number of users on the water distribution system as a way of being able to influence the water rates. She said it is important when the Board is looking at (subdivision) plans to ask, “can the people who are applying hook up to the water system?”

Vote on the motion: Unanimous in favor

II. **Work Session** – Master Plan update

- **Final Review, Draft Energy Chapter**

The department had sent out copies of the “redlined” version of the Energy chapter which showed that the changes requested by the Board at its first review of the chapter had been incorporated. deForest reviewed each of the changes with the Board.

Mr. Putnam said he had visited with Nancy Merrill following the last Planning Board meeting to discuss the Board's requested changes. Ms. Merrill felt the changes did not warrant bringing the chapter back to the Steering Committee or the Energy Subcommittee. Mr. Putnam did, however, present the changes to the Steering Committee at their next meeting. Members of the Energy Subcommittee who are also serving on the Steering Committee felt that the Planning Board changes were appropriate. The Steering Committee approved the Planning Board's changes as well.

Mr. Wahrlich said he was glad that Mr. Putnam had informed the Steering Committee of the Planning Board changes. Mr. Putnam said he will continue to do that (with the other chapters).

Motion: To accept the Energy chapter as revised and presented tonight.

Made by: Mr. Greenrose **Second:** Mr. Kolenda

Vote: Unanimous in favor

- **First Review, Draft Natural Resources Chapter**

deForest staffed this chapter and presented it to the Board. Members of the subcommittee for this chapter were Scott Magnuson, Gary Dickerman, Dianne Harlow, Eileen Skowronski, Bruce Denis and Steve Wood. The chapter represents a merging of the 2008 Forest Management Plan and the 2013 Natural Resources Inventory. It is substantially longer and more comprehensive than the 2011 chapter.

Mayor Lovett commended the subcommittee on an "outstanding" chapter. She said from a Council perspective, she appreciates having a document that has consolidated information from different areas. She regarded it as an excellent overview of the City with regard to natural resources and the documentation for referencing as needed was helpful. She thanked the subcommittee for the superb work.

Mr. Putnam said it is important when reviewing each chapter to read the vision statement. He said there is a vision statement for the whole master plan and the design of that statement is used as a guide for how the individual vision statement for each of the chapters is written. He then read the natural resources vision statement to the Board.

Mr. Putnam complimented the glossary of terms that is provided at the beginning of the chapter.

Resources covered in the chapter include water, landscape and geography, forest, wildlife, invasive species, and ecologically significant areas.

The format of the chapter varies somewhat from the traditional in that the goals and objectives for each section immediate follow the section rather than being collected at the end of the chapter.

Mr. Bergeron complimented the work, but said there were areas he did not agree with. He said he didn't think the City should put anymore property in current use and "put it so you can't use it". He said, "We have enough problems with taxes here. If we keep putting

property in current use, we won't have any property to tax." He said we should be careful in how we restrict our property.

Mr. Bergeron also cautioned against becoming a Tree City, as he was concerned about the increased maintenance cost of more trees.

Mayor Lovett asked if the chapter should address the amount of land in current use and perhaps limit that expansion or determine a "healthy amount" for a City to have in current use. She felt this topic should be addressed somewhere in the master plan, if not in the natural resources chapter. The Board concurred.

There followed much discussion about current use and how it effects planning and development. Mr. Bergeron said he would like to know the amount of land in current use that is owned by nonresidents.

Mr. Greenrose applauded the section on invasive species, but cautioned against advocating for large-scale attempts to eradicate them because everything changes. As our climate changes, the plant and animal communities will change as well. He urged caution when calling for action in this area. He also thought it would be good to add a description of the current volunteer effort being made to address invasive species in Moody Park.

The Forest Management Plan addresses invasive species in each of the City-owned forest parcels, but the Plan was not always being followed. Mayor Lovett said that it needs to be followed more completely in the future to prevent invasives from getting out of control on newly-logged areas.

Mr. Greenrose brought up the conflict between eradicating Japanese Knotweed (an invasive) and saving honeybees (endangered species). He said the invasive is loved and helpful to all kinds of bees and eradicating it might do more harm than good. This illustrates the need for understanding what the desired outcome is and balancing sometimes conflicting goals.

Mr. Putnam felt that the action items in the Ecologically Significant Areas section did not sufficiently carry out the survey respondents' desire to ensure the long-term health and preservation of each of the significant areas. He asked that the words, "long-term health and preservation" be added to the action items. It was agreed to re-write Action item #1 to read:

1. Develop management plans for **the long-term health and preservation of** each of the ecologically significant areas and implement them.

Mayor Lovett turned the discussion to watershed protection. She asked if there should be a tie-in with grant funding or projects at the county level. The Sullivan County Conservation District is one of the recipients of a \$10M project to address the pollution that is occurring from the top of the Connecticut River down into the Long Island Sound. She asked if there should be language in this chapter with regard to the importance of maintaining the integrity of our watershed and its impact down river. There should be a bridge in this chapter that talks about how we're protecting our natural resources in conjunction with county-level efforts.

Mr. Putnam said that the goals and objectives do not at all broadly identify that we are a part of the Connecticut River watershed. There is not specific language there that helps us understand our responsibility as a partner in a watershed resource both in how water comes to us from upstream and how water leaves us downstream.

Mayor Lovett felt it was not enough to simply call for the creation of a watershed management plan. She said we would lose track of information over time if it's not specifically stated in the plan. People are going to forget. She felt that the Sullivan County Conservation District is an important tool that people should know about. The same would hold true for the Sullivan County Natural Resources Director. It should be mentioned in the action items. She gave as an example from the Energy chapter the formation of an energy committee. (She also felt it would appropriate to add an action item in the Invasive Species section calling for the formation of the Friends of Moody Park group as a volunteer effort to address the invasives in the park.)

Mr. Wahrlich and Ms. Harris agreed that mentioning the Sullivan County Conservation District would be helpful. It was agreed to add a statement in the introduction that describes the resources that are available to all parties who take on the implementation of the chapter.

There was some discussion on the availability of the Master Plan on the web and the types of links that would be provided within it.

It was agreed that editorial comments would be forwarded to deForest.

Since several board members had not read the entire chapter, the idea of continuing the discussion to the next meeting was discussed. It was agreed that if there are any substantive issues raised in the ensuing two weeks, then discussion of the chapter would continue. If the comments are purely editorial in nature, then the "redlined" version of the chapter will be provided, and a vote will be taken at the next meeting without further discussion.

There were no further comments.

III. Old Business

There was no old business.

II. Capital Improvements Program (CIP) – Review of CIP purpose and scope, initial review FY 2018-2023 CIP Project List.

Discussion on this topic was continued to the next meeting. Mr. Putnam was concerned that delaying the discussion might shorten the amount of time that the Board will have to review the plan. He also asked if Mary Walter would be presenting the CIP to the Board again as she had done last year. Mr. Wahrlich thought that she would be.

Mayor Lovett said that the last time the CIP committee met, they discussed the criteria used to further prioritize the CIP from a community-wide perspective, not just within each department.

IV. Reports from Boards and Commissions

There were no reports.

V. Other

The Board asked that the format of the Public Notice and Agenda be changed to more accurately reflect the start times of the workshops and meetings.

Mayor Lovett said that Councilor Koloski mentioned at a recent Council meeting that due to his schedule he can rarely attend the Board meetings for which he apologized. He is able to attend when he knows that Mr. Bergeron will be absent. He acknowledged that this conflicts with the Bylaws and asked if the Board might consider waiving the attendance policy for him. Chairman Wahrlich said he was aware of the situation and didn't feel it was an issue.

VI. Correspondence

There was no correspondence.

VII. Adjournment

Motion: To adjourn the meeting

Made by: Mr. Putnam **Second:** Mr. Short

Vote: Unanimous in favor

The meeting adjourned at 7:45 PM.

Respectfully submitted,
deForest Bearse
Resource Coordinator