

MINUTES
Business Meeting
Sanbornton Planning Board

Meeting Date and Time: Thursday, January 18, 2024 at 7:00 PM

Meeting Place: Old Town Hall, 19 Meeting House Hill Road

The meeting was called to order by Andy Sanborn at 7:00 PM

1. Roll Call

Regular Members present: Chair Andy Sanborn, Selectman Brandon Deacon, Will Ellis

Alternate Members present: Patti Bartlett

Planning Board Assistant, Stephen Laurin

2. Seating of Alternates for Absent Members

Andy Sanborn designated Patti Bartlett as a voting member.

3. Approval of draft Planning Board minutes from January 4, 2024 – Brandon Deacon made a motion to approve the draft minutes of January 4 as submitted. Will Ellis seconded the motion and the motion passed 4-0-0.

4. New Business

a. Chair Sanborn said the Planning Board needs to re-vote on the 3 items the Board voted on at the January 4 meeting. The minutes accurately recorded what occurred at the meeting, however, Tom Lynch was improperly voting on motions as an Alternate member.

The first re-vote is for approval of the December 7, 2023 Planning Board meeting minutes. Andy Sanborn made a motion to approve the minutes of the December 7 meeting as submitted. Patti Bartlett seconded the motion and the motion passed 4-0-0.

The second re-vote is to approve the proposed Decommissioning Plan for the Norwich Solar Sanbornton 127 Solar Project. Andy Sanborn made a motion to approve the Decommissioning Plan. Patti Bartlett seconded the motion and the motion passed 3-1-0. Will Ellis opposed.

The third re-vote is to put the 6 zoning amendments proposed by the Planning Board to a Town vote. Andy Sanborn made a motion to move the 6 proposed zoning amendments to the March 12, 2024 ballot for a vote. Brandon Deacon seconded the motion and the motion passed 4-0-0.

b. Site Plan Application

Property Owner/Applicant: Lakewood Cottages Association; Kim Delois-Fannie; Kenneth and Stacey Peters; Elizabeth Gray; Brian A. and Joanne T. LaRoche

Agent: Brian LaRoche and Attorney Kevin M. Baum.

Subject Address/Tax Map & Lot: 147 Lower Bay Road, Units 1-4; Map 17, Lots 79-1, 79-2, 79-3, 79-4.

Description: Proposed Site Plan to amend a previously approved condominium plan by removing the restrictions on year-round residency. Property is located in the Recreational Zoning District, and in the A4 and B Flood Zones. (PB2024-01).

Andy Sanborn asked Stephen Laurin to comment on whether the checklist is complete. Mr. Laurin noted that the application suggests that this current plan and the prior approved plan recorded at the registry constitutes the entire application. With regard to checklist items 10 and 11 for Location Key Sketch and Shorefront District, they are not on the current plan, but they are found on the recorded, approved plan. He added that there are no elevation views on the plan for existing buildings. Checklist items 20, 21 and 25 are missing from the plan with regard to curbing, location of solid waste facilities, and elevation and layout of catch basins and other surface drainage features. He noted that this project is located in the Shoreland Zoning District and he believes that, as such, there needs to be information on the plan to address drainage and the other requirements in the Shoreland District.

He reminded the Board that at two prior meetings to discuss this project (Conceptual Consultation and the first amended application meeting) the Planning Board stated that it would like to send a formal application to their Attorney for review of compliance with zoning requirements, e.g. change-of-use to a legal, non-conforming lot.

He said that, subject to Planning Board desire to waive certain checklist items, he considers the application to be complete so as to send it to Attorney Christine Johnston for review. His question to the Board is whether they want to send it to Attorney Johnston before or after they accept it under their jurisdiction.

Andy Sanborn asked Board members if they want to accept the application. He added that he is surprised that there are no waivers submitted with the application since there is nothing on the plan to address wetlands, Aquifer District, or Shoreland District. Will Ellis said he wants to see a Stormwater Management Plan.

In response to a question from Brian LaRoche, Chair Sanborn said this application needs to address current Shoreland District and other Stormwater Management requirements regardless of what was approved on the original plan.

Discussion continued regarding acceptance of application prior to submission of information to address Shoreland, Aquifer District requirements, e.g. 65-day clock, review by Planning Board Attorney for legal issues. All Board members agreed that there would be no plan approval without adequate information to address Stormwater Management.

Andy Sanborn made a motion to accept the application. Brandon Deacon seconded the motion. Before the vote was taken, Chairman Sanborn informed the applicant that since there is not a full Board present tonight (4 rather than 5 members) he has the option to postpone Planning Board discussions until such time as there is a full Board in attendance. Brian LaRoche said he would like to postpone and meet with a full Board.

Andy Sanborn withdrew his motion.

Brandon Deacon made a motion to release to the public confidential comments made by Attorney Bernie Waugh to the Planning Board by fax dated 3/19/2008. Andy Sanborn seconded the motion and the motion passed 4-0-0.

The Planning Board agreed to send the following list of questions to Attorney Christine Johnston for her review and comment to the Board:

- Please review Attorney Waugh's comments on the Condo Conversion application from 2008.

- Are each of the points made in 2008 still valid today?
- Have there been any changes in the law since that time.
- The history of the property is 4 seasonal use camps/dwellings. Can 4 dwellings on one lot be allowed (it is a non-conforming lot for size and frontage)?
- Is their proposal a 'change of use' on a legal-nonconforming lot?
- Is the proposed change from seasonal use to year-round use a question of zoning compliance or Site Plan Review?
- Please review Attorney Baum's comments on the current application (Attachment #2 in their application, attached).
- Please review Association Rules for who has authority to submit a revised application (what rights do individual owners have who are opposed to changes?).

Brandon said that Attorney Waugh's comments dealt with two questions....change of ownership and change of use.

Chairman Sanborn said Attorney Waugh's comments will be sent to Brian LaRoche, and he confirmed that Mr. LaRoche has copies of all of the Planning Board minutes from 2008. He added that the Site Plan application will need to address the provisions of Article 12, Aquifer Conservation District, and Article 14, Shoreland District, of the Zoning Ordinance.

Andy Sanborn made a motion to send the questions noted above to Attorney Johnston for review and comment. Brandon Deacon seconded the motion and the motion passed 4-0-0.

Chairman Sanborn noted that the applicant chose to wait for a 5-member board to act on the application, and the Board did not accept the application.

Brandon Deacon said that the Planning Board acknowledged receipt of an application tonight and voted to send the application to their Attorney to review for zoning compliance prior to formal acceptance of the application. Board members agreed that a complete application will need to be re-submitted. They expect that by that time the Planning Board will have received comments from the Attorney regarding zoning compliance.

5. Old Business

None

6. Other Business

Brandon Deacon said the Board of Selectmen would like correspondence from the Planning Board with a recommendation about inspections and otherwise going forward with the Norwich Solar Decommissioning Plan. The BOS has discussed with Norwich Solar the idea of a payment in lieu of taxes (PILOT) plan which would be a separate negotiation from the Decommissioning Bond. Will Ellis said he thought that the Selectmen would still be able to negotiate the terms of the Decommissioning Bond after the Planning Board recommendation.

Will Ellis and Brandon Deacon updated the Board on the work of the Parks Committee regarding land surveys and various grant opportunities.

7. Planners Update

None

Meeting adjourned at 8:10 pm. The next Planning Board Work Session is scheduled for Thursday, February 1.

**Respectfully Submitted,
Stephen Laurin**