

APPROVED January 16, 2007

Called to order at 7:15 p.m. by Vice Chairman Tom Hoopes

Members Present: Tom Hoopes-Vice-Chairman, Bonnie Dunbar, Wally Keniston, Cris Blackstone, Jeanne Crouse, Monica Jerkins-Planning Assistant, Jennifer Fortin-Recording Secretary, and others as mentioned below.

Appointment of Alternates Wally Keniston and Bonnie Dunbar

Approval of Minutes October 10, 2006, October 17, 2006, and October 19, 2006.

Motion made by B. Dunbar to move the minutes to be approved under Other Business, seconded by W. Keniston. Motion passed with all in favor.

Approval of Agenda

The following cases have requested to be continued:

Case P06-93 Carl Norby, David Reynolds, & Richard MacDuff continued to the December meeting.

Case P06-95, Carl Norby, David Reynolds, & Richard MacDuff continued to the December meeting.

Case P06-57, John Boudreau, Trustee, Meadow Lands Realty Trust continued to the December meeting.

Case P06-88, Estate of Winona Houle continued to the December meeting.

Motion made by B. Dunbar to accept the agenda as amended, seconded by W. Keniston.

Public Input. None seen or heard. Closed public input.

Applications for Public Hearing

Case #P06-70

Map 14, Lot 20

8-Lot Subdivision

Daniel A. Weldon Trustee, C&D Realty Trust

East Side Drive (Route 28A)

Continued from the October 17, 2006 hearing.

W. Keniston – I don't see a difference between this plan and the previously submitted plan. Having a synopsis of what those differences would be helpful.

Joe Wichert is the Surveyor representing the applicant.

What we are trying to do is to create 8-Lots in the Lakeshore Residential Zone. The last time we were here, which was after the site walk, we kind of opted to table an order to get our comments from CMA. We did get a review letter from CMA around the time of the last Planning Board Meeting. We made a submission to them 2 weeks ago and our Engineer, Bob Ruckis, spoke to Eric Reitter and through the holiday he hasn't had a chance to go through the re-submission 100%. We are still waiting the "happy letter" back that would say that we have complied with all of the items that CMA had requested. Our wetlands permit was just posted on line over the weekend and it has been approved. The state subdivision, our hope is that with the wetlands permit in hand that we will have that within a few days. We have two out of the three curb cuts. We do not need site specific. In Eric's letter, her had listed a series of items that he wanted. From the actual plan set of the lots, the only two major changes we made was the wet area that runs across lots 3 & 5, that area is larger than 10,000 sq. ft., so therefore it requires the buffer, so that was added. We almost moved the well location in such that the well was not buffer. There was a question over an access point, which was not clear as to what we were doing, but we can make access to lot 5. If you go onto Lot 1, they modified the drainage and grading easement area, and

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because of that we modified the well locations and reconfigured the 4K area in such that they comply with the DES requirements. We added an easement sheet because there was too much information to be put on one sheet. At this point the two outstanding items were providing access to the conservation easement area, which we have, we have a 35' strip at the end of the road. They had asked if we were planning on putting steps or leaving it natural. Our intent was to leave it natural, my recollection from with the board was that was going to be acceptable, so we would like to do that but if that has changed or if there is something that needs to be done from there we can look at that.

B. Dunbar – Where is the Conservation Easement, the 35'?

T. Hoopes – Right at the end of the road

B. Dunbar – Right, but I don't see it delineated.

J. Wichert – If you look at proposed Lot 4 on the northerly side. Lot 4 encompasses the entire 5.09 acres but out of that 5.09 acres 4.39 acres is considered an easement area for conservation. The other 7-Lots in the development will have equal access to that property. Out of the other 7-lots, 5 of them have direct access to the open space area and 2 of the lots, (2&7) would access through the end of the street.

T. Hoopes – Do you have any kind of verbage to describe it as to how it will be transferred in the deed.

J. Wichert – We have not had the legal documents drawn up. We were envisioning a homeowners association type of situation where the parties would release a liability. I think the only other thing that we hadn't gone through was entertaining the possibility of going to the ZBA and asking for a variance to create a non-buildable lot with 35' frontage, but we have not filed that application.

T. Hoopes – Would each of the remaining lots have that shared ownership in the lot?

J. Wichert – No, the way it sits now, Lot 4 would be the fee owner of the entire 5.09 acres but the 4.39 acres would be encumbered by an easement. Lot 5 would own the property and the other 7 homeowners would be part of the association and have rights to it, part of the association fees would be probably go for maintenance, upkeep, and insurance, etc. for the property.

T. Hoopes – If it is part of lot 4 then does the owner of lot 4 have control over what other people do on the property?

J. Wichert – We will submit a set of sample documents for the board and town counsel.

Cris Blackstone – I thought that we had discussed that the easement part was going to have railroad ties, or did we say to leave it natural?

T. Hoopes – I think we discussed it but no decisions were made.

B. Dunbar – I think the easement has been changed from going straight up the hill to more of a slant to go along with the topography.

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J. Wichert – If that is something the board wants I could speak to Mr. Weldon and see if it is do-able.

T. Hoopes – Does anyone else have any questions?

T. Hoopes – The access to lot 5 will cross at the most restricted area where the wetland crossing it, correct?

J. Wichert – Yes that is correct. You could actually access it northeast of the wet area where we have the grading easement, but the proposed grading for the road is steep.

W. Keniston – What does the Fire Department want to see on this plan and are those things going to be owned by the town?

T. Hoopes – Ultimately, it has to go through two winters the town will accept the cistern.

W. Keniston – Until such time who ends up owning it?

T. Hoopes – It will be maintained by the developer.

M. Jerkins – The town requires a surety bond for the cistern.

W. Keniston – So, at the end of the two years if it is not a functioning cistern than we have money to build one that will function.

M. Jerkins – We need the homeowners association documents to be approved by the Town Attorney, Conservation Easement language to be approved by the Town Attorney, Cistern Easement language approved by the Town Attorney and the Selectmen, a road and cistern bond, any drainage easement language should be approved, inspection escrow, and wetlands setback need to be flagged prior to any plans being signed.

B. Dunbar – I think the list is pretty numerous. I think you need the amount for the road bond to be determined before we give conditional approval as well as the cistern bond. I would like the homeowners language and such ahead of time.

J. Wichert – We will submit all of our legal documents to Monica.

M. Jerkins – We are expecting a letter from CMA to let us know that everything has been taken care of. At this point I think we need a request for extension in the file.

Motion made by B. Dunbar to continue Case #P06-70 Daniel Weldon, Trustee, C&D Realty Trust to the December 19, 2006 meeting, seconded by J. Crouse. Motion passed with all in favor.

**Case #P06-69
RACO Development Corp**

Map 2, Lot 20

**4-Lot Subdivision
Prospect Mountain Road**

M. Jerkins – We have submissions from the applicant. Would you like to accept them?

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T. Hoopes – The question is when did we get this, because none of us have looked at these materials.

M. Jerkins – Both of them came in yesterday, but as you can see the applicant has just brought in newer plans than these.

T. Hoopes – There is a time limit as to when these things are supposed to be in so they can be reviewed by the Planner and we have a chance in advance to look at them, otherwise you are on the target to make decision off of the top of your head.

Vernon Dingman – We just received the letter from CMA today so that is why we brought in revision addressing their additional points.

Tim Sheedy – Attorney for the applicant. The submission Ms. Jerkins just handed out was submitted to CMA earlier in the month of November and we just received that letter from CMA via e-mail and I think the board has a copy of. I didn't see mine until this morning and in my conversation with Mr. Reitter yesterday and he had said while there were changes that needed to be made and when I saw the letter this morning the first thing I did was to call Mr. Dingman and my recommendation was to address some of the concerns that he could address and perhaps by way of instruction go through the letter point by point. The issues were already addressed in the plan or they have been corrected. Some of them were in the nature to be form over substance. Some were recommendations.

T. Hoopes – The problem is I haven't had a chance to read let alone going through things point by point. I don't know if we actually have the time to do that.

B. Dunbar – I would agree, that is why we have staff go through and check some of the issues.

T. Hoopes – We also have the concept of a date by which we need material to get ready for.

T. Sheedy – I understand that and my only concern was given that we didn't receive CMA's comments until this morning, and that is why some are in the nature of it doesn't say it has to be this way.

W. Keniston – I am looking at CMA's letter and they have 8 things that they suggested that should be accomplished by this set of plans. I am wondering whether you were able to accomplish all of those 8 things and if you were we should definitely be looking at the new set of plans as opposed to the older set.

V. Dingman – Monica has a secondary cover letter dated today because that is when I addressed them after receiving the letter from CMA. The finish grading was added in 2ft intervals to match with standard road grading and so forth. The standard contouring on the plan because of the steepness of the side hill we are not using was done in 5ft.

M. Jerkins – I just want to address the CMA issue with getting the reviews back. It is not uncommon in the engineering review process to be a lot of communication back and forth between the applicant's engineer and the town engineer. It depends on the amount of items that need to be addressed as to how long it is going to take for the engineering process to be complete. Often times it falls after the next months meeting deadline. They are not obligated to hurry the process along for the sake of making the next meeting. Sometimes it does require a continuance to allow for enough time for all of the issues to be addressed.

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V. Dingman – We received information today and I addressed it and we wanted to present that information.

W. Keniston – If we are going to continue with consideration of this proposal, I think it is only fair to the community and developer that we see the newer plan.

T. Hoopes – I would like to take a consensus of what the board feels.

B. Dunbar – I want to continue and have staff look at it.

T. Sheedy – How are we going to know before the next meeting what the board is going to want to see.

T. Hoopes – Monica, can you and Peer communicate with them before the next meeting after you have had a chance to look at the plans.

M. Jerkins – After we have had a chance to look at the plans we will meet with you in the office and go over some of the issues and answer questions that you might have. I will need two more plans and a set of 11”X17”.

Motion made by B. Dunbar to continue Case #P06-69 RACO Development Corp. to the December 19, 2006 meeting, seconded by J. Crouse. Motion passed with all in favor.

**Case #P06-81
Richard Holmes, Trustee
Holmes Land Trust**

Map 2, Lot 23

**2-Lot Subdivision
Hollywood Beach Road**

Continued from the October 17, 2006 meeting

M. Jerkins – At the last meeting the board had asked for clarifications to be made on the plan and I believe that they have been addressed.

John Barry – I am representing Holmes Land Trust, Richard Holmes. One of the concerns was a complete boundary survey. We did go out and finish the survey as far as page 1 goes. Page 2, it was brought up where the only access for Lot 23-2 was over the wetland that it fell into if you have a remote lot with lake frontage you have to provide access to it. What we have done was look at your regulations as far as the beach access and the requirement is 1-acre for up to 10 residential uses. We have identified an area of 1.12-acres labeled as beach access easement area. Our contention is that the access along the front of the lake is feasible.

W. Keniston – On picture 18, how much of this beach exists under normal summer water conditions and was this picture taken during a draw down?

J. Barry – I don't believe the lake had been drawn down to a great deal at that point.

T. Hoopes – I would guess that by looking at this that year around you could walk along the edge of the water and the embankment.

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J. Barry – I did do research and Lot 23-1, which is now owned by Aaron & Jennifer Morton also have deed rights to use that area. Actually the boats in that picture belong to the Morton's. I did add note 9 that says "The proposed beach access easement is proposed for Lots 23, 23-1, and 23-2. There is adequate ample parking. One of the other aspects of the zoning ordinance was that a portable toilet be on-site for the use of the people accessing that easement to the beach, so we have put in the proposed portable toilet as well.

W. Keniston – It needs to be there for at least the swimming season, the issue becomes how long is it to be there?

T. Hoopes – I think from June to September.

J. Crouse – How about start in May?

W. Keniston – Who is going to pay for that to be there?

T. Hoopes – The lots that use it.

W. Keniston – There should be a stipulation that if you are using the access then there needs to be a portable toilet present.

J. Barry – I don't believe that we could ask the Morton's to pay for it because they have never had to be a part of it. In all fairness it would be the owners of Lots 23 & 23-2 that would burden the cost of the portable toilet. This is not a rental thing where they are rented over the summer, these cottages are meant for just family. We did a test pit on Lot 23-2 just to show that there was a buildable area on the remaining land of Lot 23. We did a 2nd test pit up near the front and just out of the idea of the State of NH saying that they don't agree with the out houses can you prove to us that you could put a septic system there, I did have Mr. Varney do a test pit near those 3 cottages, these were reasonable test hole.

B. Dunbar – We usually ask that the setback from the lake be delineated because we talked about the buildings being within that setback. Lot 23 should have the 50' setback from the lake. You need to do the setback lines for both lots that you are creating.

T. Hoopes – On the new lot being created (Lot 23-2), that the berm that exists between the wetland and the dry land should remain, is there a note somewhere?

J. Barry – On page 5 is where we did our cross sections of the proposed building site for the house and the proposed building site for the septic where it brings out those berms and we did label them as berm to remain.

T. Hoopes – Page 5 is not a page to be recorded, if on one of the recording pages you could put a note about 23-2 that the berm between the upland and the wetland/stream to be left intact.

W. Keniston – It could be made part of the 8th note which talks about the protection of Morrison Brook.

M. Jerkins – You also want a note on there about erosion controls being in place.

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J. Barry – The only other question that Cindy had brought up was the soils data ha been revised to match the 8.5"x11" submitted to Monica. We have not requested State subdivision approval yet, but as soon as we have conditional approval or we are at a point where the board is happy.

J. Crouse – You referenced which sections section for access to the beach, could you tell me again what page you found it on.

B. Dunbar – It is on page 51 under J.

J. Crouse – I am not ready to conditionally approve this. I have a problem with whether it is joint beach ownership or easement. Picture 13, do you recall where you took that?

J. Barry – That was at the upland bubble right next to where is says shore.

B. Dunbar – How is there going to be maintenance of a portable toilet in perpetuity?

M. Jerkins – We are also going to need the beach access easement language to be approved by the town attorney, so there are still some issues that need to be resolved.

J. Crouse – Are there any plans for additional subdivision?

J. Barry – At this time no, I know of none.

M. Jerkins – I think that those cottages shouldn't be there with the creation of this lot.

J. Crouse – That is my concern.

M. Jerkins – I think this might present a problem with this plan and it might require the applicant to go to the zoning board for a variance to allow those three cottages.

Motion made by J. Crouse to continue Case #P06-81 Richard Holmes, Trustee, Holmes Land Trust to the December 19, 2006 meeting and refer the compliance of the lots and subdivision to the Town Attorney and the Zoning Officer, seconded by W. Keniston. Motion passed with all in favor.

Case #P06-99

Map 6, Lot 36 & 37

Design Review

Jay Finnegan.

Request submitted by Don Voltz of Lindon Design Associates , on behalf of Jay Finnegan, for a design review consultation for a proposed 15-lot subdivision

Don Voltz – This property has been before the board before on some single lot subdivision on Valley Road. Before we make a final application we would like to discuss with the board what you might like to see and feel might be necessary for a complete application. (Some of the discussion was inaudible due to the fact that a microphone was not used because Mr. Voltz was standing up at the easel). We are proposing to take the rest of the property and put a 1900' road in and 1/2 the property be 13-Lots and the other 1/2 be two very large lots.

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T. Hoopes – Have you talked to the Wetlands Bureau yet? Most often what we get now on the wetlands permits is no further wetland impacts.

D. Voltz – Our wetlands application is going to be for the road and all of the driveways all at once. We are looking to get some input from the board and see and either submit the application or show the board what they would like to see.

T. Hoopes – On page 2 I don't see anywhere the 25' no-cut buffer.

D. Voltz – There are a few things that weren't put on the plan that I know need to be on the one for submission.

T. Hoopes – Will the Fire Chief want a 2nd cistern?

D. Voltz – I don't know, there is already one there.

T. Hoopes – You should check with the Fire Chief on that.

M. Jerkins – Let me run off a copy for the board, I believe this came in after the board received their packets.

T. Hoopes – Sheet S5, there are several places you say electric power line, no easement found, Does that mean you want to move the lines or that is where it is and that is where it is going to stay?

D. Voltz – I spoke with the power company and they have no record of an easement.

T. Hoopes – When was the house for the Councilmen built. That is probably when the power went in. On sheet S2 at the lower left corner of the property, there is Prospect Forest Enterprises as an abutter and Benjamin Finnegan at the corner and the Prospect Forest Enterprises in the back. Is there another lot back in there?

D. Voltz – About a 10-acre lot.

T. Hoopes – I will be looking very closely at the drainage reports because there are a number of seep springs on the property. Are there two culverts that cross Valley Road?

D. Voltz – Yes

T. Hoopes – Is there any thought in the drainage report of a detention or retention.

D. Voltz – What we have done is instead of channeling all of the water to the detention areas we have (inaudible). We will be providing drainage easements for the town so that will be taken care of.

T. Hoopes – It looks like on Lot 7 there are going to be three wetland impacts.

D. Voltz – We have talked with Jocelyn Deglar at DES.

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M. Jerkins – Do you have a general idea of what the total amount of wetland impacts?

D. Voltz – We know exactly what it is for this.

T. Hoopes – Are you going to go over 10,000sq. ft.

D. Voltz – The goal is no.

W. Keniston – Where would the driveway go in where the house would go? It seems to me that the only space you would have for a house lot would be on the far side or the east side of the wetlands.

D. Voltz – The driveway would go in and cross at the narrowest part of the wetland.

W. Keniston – Lot 5, you have a R.O.W. going to the Councilmen residence and that is basically splitting that property in half, do you see that as being a problem for a potential property owner?

D. Voltz – No I don't. The property is owned by Finnegan, the Councilmen have the right to use the easement.

T. Hoopes – It is a pre-existing R.O.W.

T. Hoopes – Is the power line going across lot 4 going to impede the sale of lot 4?

J. Crouse – Where would the driveway go on lot 4?

D. Voltz – Right beside the property line to lot 3.

J. Crouse – Where is the house going to go, in the back?

D. Voltz – Yes

C. Blackstone – What is the square footage of the proposed homes?

David Fuller – Anywhere from 200 sq. ft to 2500 sq. ft.

D. Fuller – If this project goes through we would put the power lines under ground.

W. Keniston – The driveway design for lot 8 make it hard for the owner of 7 to get in their driveway without making a funky little driveway cut. What is the total length of the road as planned?

D. Voltz - ~1900'

M. Jerkins – Something we don't require in the subdivision ordinance, but might be helpful in this situation with the wetlands crossing, is to show beyond the 4K area an actual building envelope on the plans.

D. Voltz – That would be shown when we submit the application.

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J. Crouse – On the plan will you have the calculations for how much wetlands and steep slopes are on the property?

D. Voltz – Yes, we will.

M. Jerkins – Are there any studies that the board is going to ask for other than the drainage study?

T. Hoopes – That is the primary one I see.

W. Keniston – On lot 15, where do you contemplate the building site being?

D. Voltz – It will be at the end of the wood road.

W. Keniston – I see that the lot is containing the majority of the wetlands features for the whole property, so I see that as the conservation keystone of this plan set.

D. Voltz – There will always be some type of impact by building on a piece of land, but I think there will be minimal impact because it does have 25-acres. It is actually 100's of feet away from the wetlands.

T. Hoopes – How much of a defined channel is that, that comes across lot 15 to lot 14 and up to lot 8?

D. Voltz – it is a defined channel.

T. Hoopes – Last fall we had a lot of rain, the leaves and fallen branches fouled up culverts around town.

D. Voltz – Post-development run-off should equal pre-development run-off.

Approval of Minutes:

Motion made by J. Crouse to defer the approval of the minutes until there is a full board, seconded by W. Keniston.

M. Jerkins – Anybody that has looked at their minutes and would like to hand them to me, I can do a revised version and have them printed out for you prior to Tuesday's meeting.

Other Business:

Baywinds Subdivision request for extension of one year. – **Motion made by C. Blackstone to approve the extension for Baywinds Subdivision for one year, seconded by B. Dunbar. Motion passed with all in favor.**

Motion made by B. Dunbar to continue past 10pm, seconded by W. Keniston. Motion passed with all in favor

Master Plan Money – Memo from Peer, there is a little more than \$19,000.00. Peer is working trying to find a way to keep the money past the end of the year. I was told we could do it as long as we enter into contracts prior to December 31st. The board at a previous meeting voted for ~\$2500 to go to Bruce Mayberry for more work on the impact fee analysis. Peer suggested contracting another \$4000 for him

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and then contracting more work through LRPC for the View and Vista Studies. If we have the money contracted we won't lose the money and we take more time to use these resources.

T. Hoopes – I spoke with Peer and if we extend our ongoing contract with LRPC, Tom Cox is the person they will get to do it.

Motion made by J. Crouse to authorize Peer to use all of the remaining money by getting contracts for the Impact Fee Analysis, Scenic Assessment Greenway Protection and if there is anything left use it for working on the Master Plan next year through LRPC, seconded by C. Blackstone.

M. Jerkins – just for my clarification, you want the \$4000 to Bruce Mayberry and the remainder to LRPC?

J. Crouse - Right

Motion passed with all in favor.

Scribner Subdivision Memo from Peer – attached is a letter from CMA.

T. Hoopes – There is a letter that contains two questions: Does work on two driveways and one wetland crossing have to be completed prior to an acceptance of the road. The town can't accept it until half the houses have been built. Are As-built plans necessary for acceptance?

C. Blackstone – It is contingent on the first one for acceptance, there is no acceptance until the other things fall into place.

T. Hoopes – There is an explanation after the questions. If the wetland crossing were on one of the driveways it would be the responsibility of the landowner. It is actually the responsibility of the developer because he was the one to get the permit. The developer is liable for the driveway. The subdivision permit for the wetlands involves the developer to put in all of the wetland crossings.

Memo from Peer Kraft-Lund re: St. Katherine Drexel Parish – The Planning Department recommends the release of all but 10% of the amount of the security. Bridgid's Way has petitioned to become a town highway.

M. Jerkins – The suggested motion has the amount in it that is the amount – 10% that we would be holding.

Motion made by W. Keniston to get clarification on whether it is 10% of the total project bond or 10% of the remaining balance, seconded by J. Crouse. Motion passed with all in favor.

Planning Board Schedule for 2007 – M. Jerkins I made it more clear that applications can be received no later the 12:30 on the date of the deadline. **Motion made by W. Keniston to approve the Planning Board Schedule for 2007, seconded by J. Crouse. Motion passed with all in favor.**

Boundary Survey for Family Trust of Caroline M. Michael, Rand Hill Road – FYI – **No action taken by the Planning Board.**

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Correspondence:

Memo from CMA re: Chestnut Cove Estates (there will be a meeting at the Chestnut Cove Estates site on Thursday, November 30 at 10:00am for any of those interested)

Memo from Peer Kraft-Lund re: Zoning Amendments 2007 – This is a copy and will be on the agenda for Tuesday night's meeting.

Bruce Mayberry Impact Fees Mark-up - This is a copy and will be on the agenda for Tuesday night's meeting.

Stantec request for payment from St. Katherine Drexel Parish – **Motion made B. Dunbar to authorize Monica to sign the authorization for additional services 10-3-06 pay Stantec \$3967.00 from the escrow account for construction monitoring, seconded by J. Crouse. Motion passed with all in favor.**

Motion made by J. Crouse to adjourn at 10:35pm, seconded by W. Keniston. Motion passed with all in favor.

Motion by T. Hoopes to adjourn. Second by W. Keniston

Respectfully submitted,
Jennifer Fortin, Recording Secretary Pro Temp