

This meeting was held at the Gilman Museum where it was air-conditioned on a very hot night.

Present: Jeremy Dube, Chair; Tom Hoopes, Vice Chair; Bruce Holmes; Cris Blackstone, Selectmen's Rep; Jim Bureau, Alternate; Wally Keniston, Alternate.

Others Present: Monica Jerkins, Assistant Town Planner; Nancy Pritchard, Secretary; and others as identified below.

Call to Order:

Jeremy Dube called the meeting to order at 7:15 p.m.

Appointment of Alternates:

Jeremy Dube appointed Jim Bureau and Wally Keniston as alternates.

Items moved to 7/20/06: Monica Jerkins reported the following items would be moved to 7/20/06:

- Case #P06-54, Map 27, Lot 31, Site Plan Review
Robert H. Deroche, Monument Square
- Case #P06-55, Map 5, Lot 42, 3-Lot Subdivision
Robert Landry, 127 Coffin Brook Road
- Case #P06-56, Map 9, Lot 53, Design Review
Alton Bay Camp Meeting Association, New Durham Road
- Case #P06-57, Map 23, Lot 38, 5-Lot Subdivision
John R. Boudreau, Trustee, Meadow Lands Realty Trust
Prospect Mountain Road and Meadow Lands Lane
- Case #P06-58, Map 14, Lot 20, Design Review
Daniel A. Weldon, Trustee, C & D Realty Trust
East Side Drive (Rte 28A)
- Case #P06-60, Map 60, Lot 7 and 9-A, Boundary Line Adjustment
John T. Whitney Trust, Alice V. Whitney Trust, Minge Cove Road

Approval of Agenda: Tom Hoopes made a motion to approve the agenda, seconded by Bruce Holmes. The motion carried.

Public Input: There was none.

Application for Public Hearing: Monica Jerkins read the first application for Public Hearing.

Case#P06-61

Map 15, Lot 35

Conceptual Review

John Dejager

Gilmans Corner Road and Finethy Road (a R.O.W.)

The applicant is seeking input from the Board regarding possible subdivision of lot Map 15, Lot 35 and a note that was recorded on a plat depicting the parcel in 1978. The property is within the Rural Zone.

Representatives for this case were John Dejager, prospective purchaser of this property, and Terry Long, owner of the property. J. Dejager directed the board to the papers given to them by the Asst. Town Planner. In 1978 a perimeter survey was done of this property and there is a notation at the lower left hand portion and he is bringing the notation/restriction in question. This parcel is approx. 38 acres. There is road frontage on what was then Old Wolfeboro Rd. and which is now Gilmans Corner Road. Apparently in 1969 according to documents in file at Town Hall there was a developer that tried to do some work over here and during the course of his stages of his subdivision, the town adopted subdivision regulations, so perhaps they didn't have them prior to that. There was an interchange between the developer, the owner and the Planning Brd. at the time, trying to bring that into compliance with the subdivision regulations and they found some middle ground and were able to come to some agreements. There is a road that is now called Finethy Road which was Stag Run Rd. then. If you look at the perimeter survey that was done, Stag Run Rd. is on the lower portion of that map and runs between those subdivided lots. The right-away requirement from the town was 40 ft. This road is as wide as 49 ft. in some place, as thin as 38 or 39 ft. in other places. I believe that one of the contingencies that the Planning Brd. required of the developer at the time was that they would raise the road quality to the current town requirements. I believe that was never honored by the developer so in 1978, eight years later, they attempted to move forward with some other development of this property. The Planning Brd. recognized that what they had asked for hadn't been fulfilled, and so they had put this restriction in the rectangular box there. Mr. Long is the owner of the property, purchasing it in 1980. It has approx. 642 ft. on paved road frontage on Gilmans Corner Rd., and this restriction is preventing Mr. Long from being able to do anything else with that property, so right now he has a 38 acre potential building lot. We are approaching the board to get your non-binding opinion on our desire to try to do some development on the 642 ft. of paved road frontage on the Gilmans Corner Rd. portion. So I don't know if it would be a removal of this restriction or simply a modification to that, but we wanted to hear the board's perspective on that tonight.

Tom Hoopes: I have been familiar with this project since the 1970's. One of the problems has always been the width of the road and it is not a road. It is a right-of-way; therefore no development should have ever taken place on it, so the difficulty that we are faced with is the legal requirements we have today. If you would subdivide property you have to have a legal Class 5 status road which that is not. One of the problems has always been the width of the road and it is not a road. It is a right-away; no development should have taken place. Those people who live on Stag Run cannot really upgrade a whole lot because they don't have a legal status road. You can't rebuild the road until there is an established width. I don't know what the resolution to that is. I don't know if you have ever sat down and tried to talk with a group of neighbors or not. I have never

even done any measurement because I have no idea where the widths are. Is there any way that you could do an adjustment whereby you actually obtain a 50 ft. right of way instead of the 39 to 49 ft. right of way by compensating them for giving them more land in the back? Once you have a legal right of way, then the road could be brought up to some sort of standard, but as it is the town could never accept it and you can't subdivide on it. Once it is brought up to standards, you could do subdivision off that road.

J. Dejager: I guess our question is subdividing off the Gilmans Corner Road, the paved portion of the road.

T. Hoopes: The clarity to me is that what the Planning Brd. said was until Stag Run Rd. is clarified and resolved nothing else is done even on what is today Gilmans Corner Road.

J. Dejager: I can appreciate the possible solution of obtaining boundary line adjustments with five residents.

T. Hoopes: It all depends on how you approach people as a neighborhood and what they can get out of it. Openly, it could become a legal town road and I am sure a lot of residents would love to see something like that. It is going to cost you something, but as a net result you would be able to develop the rest of the property. Everything hinges on what you and Terry decide in terms of dollars.

J. Dejager: I guess my concern in considering purchasing is the expense to update Stag Run Road. It is not a whole lot other than obtaining the freedom to be able to work with the other portion; I don't see where there is much that I would use off of Stag Run Road. Our thought in terms of a development as we discussed it was to bring a road in off 642 ft. of frontage and work with that up there, and that area back there I don't think we would ever approach.

T. Hoopes: So what would happen to the back land?

J. Dejager: It depends on how deep we were able to put that road in. It would probably be a dead end or a cul-de-sac at the end. I think originally back in the late 60's he proposed a 344 lot subdivision off a 40 acre parcel. Now today the most that might happen in an ideal world would be maybe 10 lots. What I hear you saying is Stag Run Road, or Finethy Road as it is known today, that might be one possible solution.

T. Hoopes: I am only one voice.

Mr. Long: I approached the Planning Board a while back about selling off that back lot to a group of hunters. At the time there were a couple of things that the Planning Board indicated. One was they said because of restrictions on Finethy Lane they did indicate that they would consider coming off from the paved road. The other thing I was told was they said they would hold me to the 40 ft. right of way at the time in 1978. Is that a possibility or do we have to go to the 50's?

T. Hoopes: The note actually said “no further subdivision of this property will be granted until Stag Run Road, aka Finethy Road, complies with the requirement of the Alton Planning Board and appropriate zoning regulations are in effect at the time of subdivision application.” I don’t know, does that mean that whatever the zoning requirements were for a road at that time is what we are held to?

J. Dube: No, it is what our requirements today are.

Mr. Long: It is 50 ft.

J. Dube: My take off on it is quite comparable to Tom’s. I understand coming off of Gilmans Corner’s Rd. makes sense, but I think the intent of that restriction is that Finethy Rd., as it is now, wasn’t the ideal set-up for what was happening and so their remedy was to say okay this is what it is but we aren’t going to let it go any farther and we aren’t going to let you do anything else to the property until you fix this problem. I really don’t feel that we have the authority to rescind that action because I think that action was probably there for a good purpose, so I don’t think you could go off Gilmans Corner’s Rd. just for that fact because they obviously took that into consideration when they made that note. They didn’t say there will be no further extension on Finethy Road until it is brought up to town specs. They said no whatsoever with the whole lot.

Cris Blackstone was in agreement with J. Dube’s comments.

W. Keniston: I notice that the Town of Alton shares a border with this lot.

T. Hoopes: Two borders actually now.

W. Keniston: I am curious to know what the circumstances are behind that.

Tom Hoopes: The history of it is the back piece of land was acquired by tax taking in 1973. The selectmen said they couldn’t find somebody by the name of Fred Brown who was the only taxi driver the town ever had. The land had been given to him by Grace Berry so they should have known who it was. The taxes hadn’t been paid so the town took it. That is now adjoining and part and parcel of about a 500 acre parcel of town land that surrounds Gilmans’s Pond so that the land to the north here which says Dorothy and Bob Seavey is also town land that was acquired in 1990 through the land Conservation Investment Program by the state and it was given to the town. So it is surrounded by town conservation land that will not be developed.

Mr. Long: The right side of the property is a very wet area. The other thing as far as the road, from what I understand it, is the only easy access across to the town property in the back for logging, etc. I was approached by the town forester about timber harvesting there and I have some concerns because the last time they did it they left a mess on my land and he hasn’t gotten back to me yet. It is easy access across my property to the town property.

W. Keniston: So that landing area is yours. They did a horrible job with rocks, etc.

T. Hoopes: They went in there then through this back piece of town land to access the Varney lands and they got permission from the Conservation Commission to build the trail there as long as they built fence work, but sometimes that fence is theirs and sometimes it is not.

J. DeJager: I live in East Alton and it is a beautiful pond and it is preserved well. We had even considered if we were to enlarge some of what the town had back there as a conception toward allowing us to do something with the area closer to the road. I don't know if the town is looking to expand their conservation area over there or if they have enough to take care of it as it is.

T. Hoopes: I am on the Conservation Commission as well, so I can simply say it is a large block of land and the main reason that most of that land is held together is not to just protect the pond but there is a couple of different species of plants that are being protected there. It is a unique setting.

J. DeJager: Do you have pretty good access to this property on this southerly section?

T. Hoopes: On the southerly section, no. There is very little access that you would require because once you get back in there it is pretty rough Touraine.

J. DeJager: Even if we gave part of the property to the town, they would give them a right of way back into there.

J. Bureau: Regarding the previous ruling 20 or 30 years ago, we should stick to it. Is the rest of this development developable or is it wetland?

Mr.Long: There are some wet areas there, John drew a map and kind of figured out how to incorporate the wetland portions into the lots. In doing that he figured out about 10 lots that would be up to city specs.

T. Hoopes: The long haul that I have seen in this is what the Planning Brd. at that time was trying to do was to try to improve the road so that you had a better circumstance so if you had a trip at the subdivision road today you would have cross drainage and that sort of thing, but also you would enhance all the properties if people owned property on a Class 5 road as opposed to a private driveway. Everyone's sale ability is improved. Our charge is to try to avoid the town having non-conforming circumstances, so that is where we are looking at this from. We are trying to see if problems exist and we would like to see them try to be cleared up if they can.

J. Dube: If you have something productive to possibly come to the board with, a designer view to propose, something so we can look at it more in detail to actually see if there is proposed land, something we can bring to our town attorney with these kind of questions.

If you would really want to pursue it if you couldn't get that area from the abutters maybe that would be another route you could go. That is the only way I can see the board could precede with it.

Case#P06-52
Bahre Alton Properties, LLC

Map 26, Lot 10-1

Compliance Hearing
Homestead Place and Range Road

The applicant is coming before the Board for a Compliance hearing to review site plans and conditions of approval for the above referenced property. The property is located within the Residential Commercial Zone.

Representing this case were Jay Lord and Mark Sargent, Land Surveyor from Richard Bartlett and Associates.

J. Lord: We had a meeting on June 7 with the town prior to us opening the center. There were a number of items that were brought up that were not on the approved plans and we are back here to honor the changes we made during the field construction with the board. In essence the scope of this project which is surrounded by wetlands never crouched any further than certainly at the very edge of what was approved. The original approved plan had eight parking spaces here, then this area at the back of this building right here is an under dock area. What we did is we shortened four parking spaces so the bank had parking here for employees who have better access, but this gained a much bigger area for vendor trucks to stop and unload without congesting this area and creating a road block. On the main parking field what we did is widened drive aisle by 3 ft. on each of these driveways and what that did ended up eliminating I believe 16 spaces. This is a very seasonal area – you can go with 24 ft. drive aisle but at times there are a lot of people coming in that aren't familiar with the area with campers, trailers, etc., and a 27 ft. drive aisle is much greater than a 24. If we went with a wider drive aisle we would have a lot less calls for fender benders for the entire project. We have 163 spaces and the town requirement for the bank and the supermarket is 139 so we are still way in compliance.

At the end at this back entrance it is gaited off as we thought it would be. When we put this guard rail in it came around this property right here. We carried this guard rail out and around and it goes out on to Range Rd. If you look at the plan here, the plans are a little confusing as it showed a L shaped or head wall where this culvert area comes across. But the detail of the plans only showed a flat face concrete wall. The contractor built the flat face concrete head wall, but he built this retaining wall area here on the large rocks and came up to grade. When we rip rapped this and came up it was a very steep slope right onto Range Rd. We thought it would be best to protect that and bring that guard rail area around which is what we have done.

T. Hoopes: Is that the gaited reserve access?

J. Lord: That is correct. This rip rap coming down across this area right here, that was never on the original plans. What happened in the seasonal rains, you remember this culvert area where we placed the start of program, and this culvert down here we replaced as well. This was supposedly an 18 in. pipe and was being replaced by a 24. When the

contractor dug it out, he replaced it with a 24, but it was a 16 in. pipe. It was a 24 in. pipe, there wasn't enough covers so we came back and took out the 24 in. pipe and put in dual 16's. So we actually have twice capacity. This swamp area right here is a 12 in. culvert that crosses it. It probably needs a little bit of maintenance to get some of the water flowing. That doesn't work properly. This water came out down this road. Instead of coming here it came across this area here. The reason we rip rapped that area is if it ever happens again it won't wash the bank down into this parking lot area. It will run down through regress. When we come down to this portion which is a town culvert, that needs maintenance. The tank farm originally had 5 lp tanks in it. It is now enlarged to have 6, 5 for us and 1 for the bay. As we did this roadway area coming down through here, the contractor tried to flatten these 2 areas right here. He basically dropped the grade in this crossing 7 or 8 inches and he raised this one about 8 inches as well. What we ended up here is sort of flat entrance ways into this log and with this one what you ended up with is a straight drawing straight across. There is no pumping to go up over across right here. As it came to the entrance way right here it moved this slope from a 2% design to a 3.6. The town has a 2% requirement for drives entering one roadway and we would like to seek a waiver for that right there. The other change at the curb right here is that when we did the original plans it showed three retaining walls where the plans called for the retaining walls to be completed and designed by professional and reviewed by the town engineer. We did our best by going to a single retaining wall here and we placed it in the very center rotation of the three that were showed. During the process our geo tech required us to put rip rap here which brought this tow back out to the original wetlands line, but not any further, and it secured the wall as well. In the process the original plans called for this retaining wall to come down around and stop here with one picking up and going down here, then it showed another one that came from this location picking up here that came down around to this existing crossing that was on the Nelson crossing. When we went forward with this we brought out design engineer down who did these walls and gave that introduction to Mr. Nelson. Mr. Nelson chose not to go with that retaining wall design as we normally did with ours and he worked out what was a solution for him during the development of this parcel as using a boulder retaining wall area. These are the changes that occurred during the design and approved plans where we are today.

Cole Melendy from Stantec, Town's review engineer: I sent a letter yesterday after just receiving the plans yesterday. That is pretty much a synopsis of everything that I saw out there. In the letter there are a couple of as-built review comments, one is that we would like to see inverts on the catch basins, some of the drainage figures so we know what the elevations were actually built at for the drainage structures. Another question was because of the redesign of the self access road the concern that we have run into in the past is that when things are not done to the as-built plan, when they go to develop the restaurant site there are sometimes issues and people start pointing fingers that they were assuming this or another thing. Our recommendation is that a formal stamped plan be submitted because it does deviate fairly significantly from a drainage perspective from the approved plans. The 4% slope in the beginning, doesn't conform to regulations. We kind of have to defer to you to make the decision of whether or not it is acceptable to you.

T. Hoopes: Standing there that day with you and Monica, looking at it, it didn't look very consequential. I don't know if that is me as a non-engineer looking at it. It is not something I am concerned about. I am at the wheel of a car and there is snow on the road, I am not concerned about making it up that at all.

C. Melendy: Given that Homestead Place ends about 100 ft. away from that intersection; it is not like you are sliding into Route 28. It is hard for me to recommend going against the town regulations from a liability standpoint. I don't want to pass the buck game, but that is something that I don't think we are comfortable saying go ahead and do that. We wouldn't make that recommendation, but I will say that Homestead Place is not a major route bearing. I drove on the site and it looks like a couple of issues are okay. I might have made a mistake my first go around; stops signs rotated, a couple of landscaping issues, they didn't show all the plans but actually the landscaping out there is better than what they show on the plans. The restaurant site was kind of used as a staging area, it wasn't really part of the project, and it is still gravel/straw there. Everything else looks great, the grass looks great and everywhere else in the site is pretty well stable. The retaining wall and the profile road in our minds were the two big ticket items. The profile doesn't conform to the town specs and the retaining wall is kind of gray because it is now a subdivided parcel.

T. Hoopes: It is specifically on the Nelson property, is it not?

C. Melendy: This is true. To make the Hannaford site work, it needs something on that side to retain the soil. I guess they could have done a grade slope on a 2 on 1 or 3 on 1 and it would have worked, but then there is no gravel parking area there. There are other solutions that wouldn't require a retaining wall, but as the site is now it needs some sort of structure there for it to function properly.

T. Hoopes: Is there anything under these boulders? Is this ultimately a problem or an access road or part of the parking may collapse down the road. I am asking the wildest question I possibly can because I don't know. It was brought to our attention there is a different kind of retaining wall.

J. Lord: I have been a PE for 20 years and I have to say my opinion is this will be there long after this retaining wall is. This is a huge series of boulders and material that will never move. You have rocks as big as a dump trunk.

C. Melendy: The only issue at the bolder retaining wall that I didn't see from a safety standpoint is all the other retaining walls have a like a 4 ft. high wall chain link fence on top of it. That portion of the border wall has a guard rail, but it doesn't have a fence for the fall hazard. It is in the letter, but I wanted to throw that out there.

J. Bureau: Would an additional fence make a difference behind the railing?

J. Lord: I think that would be up to Mr. Nelson who owns this property. We took him the retaining wall and that didn't go. We closed this off and we didn't want anybody going down. We have no control over what he wants to do.

J. Bureau: I am comfortable with a guard rail.

Discussion took place regarding the slope and it was agreed that a waiver would be granted.

J. Dube: What we are looking to do is to approve the as-built plan with the retaining wall as presented and we are looking for a new profile with an as-built plan for the road from the slope to the entrance to have it on file.

Motion was made by T. Hoopes we approve the waiver for the access on the south entrance. Seconded by B. Holmes. The motion carried.

T. Hoopes: In speaking to Ken to address the earlier question of the culvert crossing Range Road, is he aware that it blocked up and caused a problem for them? In a sense it has something to do with the project.

C. Melendy: I don't think the contractor talked to him about it. He just went and did this and made this an overflow area in case it happens again.

T. Hoopes: Would it be worthwhile for us to send a message to Ken?

C. Melendy: You could do that.

Motion made by T. Hoopes that we approve the presented as-built with the retaining wall as presented. Bruce Holmes seconded the motion. The motion was carried.

Case#P06-45 Map 12, Lot 21-8 Condo Conversion Site Plan Review
Robert F. J. and Susan A. Defillipo 94 Lily Pond Road
Application submitted by Dennis J. Rialland, LLS, of Brown Engineering, LLC, on behalf of the applicants, Robert F. J. and Susan A. Defillipo for a site plan review of a proposed Condo Conversion of an existing 4-unit apartment building. The property is located within the Rural Zone.

Case#P06-46 Map 12, Lot 21-8 Condo Conversion Subdivision
Robert F. J. and Susan A. Defillipo 94 Lily Pond Road
Application submitted by Dennis J. Rialland, LLS, of Brown Engineering, LLC, on behalf of the applicants, Robert F. J. and Susan A. Defillipo for a proposed Condo Conversion Subdivision of an existing 4-unit apartment building. The property is located within the Rural Zone.

Monica informed the board that there were some waiver requests. Waivers were requested from Section 7.4.5.1 Drainage Plan; Section 7.4.5.2 Storm Water Management and Erosion Control Plan; Section 7.5.1.1 Fiscal Impact Study; Section 7.5.1.2 Environmental Impact Study; and Section 7.5.1.3 Traffic Impact Study. These are waivers requested from the site plan review and they are proposing no additional changes or alternations to the property. From both the subdivision and the site plan there were no USGS coordinates provided as required by Section 7.2.19.

Representing this case was Dennis Rialland of Brown Engineering and Robert Defillipo.

J. Dube: Waiver requests are pre-existing. We are here to change the ownership from one building that has four units owned by one owner to each unit will have an owner.

Motion made by T. Hoopes that we accept Case PO-6-45 and Case P06-46 together and that we grant the following waivers as listed: Sections 7.4.5.1, 7.4.5.2, 7.5.1.1, 7.5.1.2, 7.5.1.3, and 7.2.19 regarding the geographic location. J. Bureau seconded the motion and the motion was carried.

Dennis Rialland of Brown Engineering: This is located at 94 Lily Pond Road. It is an existing four unit structure. 3 units are occupied at this time. It has been in existence approx. 6 years. It has an existing septic system. We have the approval number listed on the plan, an existing well also servicing the four units, and so we are merely changing the method of ownership with this condominium conversion. There is no further impact that is proposed here as far as the roads or any other services from the town of Alton. We are proposing the acceptance of this. I believe you do have in your possession the proposed documents which these plans will then become a part of.

T. Hoopes: There is a note from the fire chief. He needs to see an interconnecting fire alarm system. It is a requirement for a commercial unit.

Open to public input: There was no public input.

Motion made by T. Hoopes to approve Case Application PO6-45 – Robert and Susan Defillipo - Condo Conversion Site Plan Review with one condition that the condo documents are reviewed and approved by the town attorney and if necessary, to have the condo proof of submission to the attorney general sent with the condo documents as well, and also the interconnection of fire alarm system. Bruce Holmes seconded the motion. The vote was unanimous.

A motion was made by T. Hoopes for Case P06-46 to approve the Condo Conversion Subdivision with one condition that the condo documents are reviewed and approved by the town attorney and the proof of the condo documents is sent to the attorney general office if necessary and also the interconnection of fire alarm system. The motion was seconded by Bruce Holmes. Motion was carried.

**Case#P06-47 Map 12, Lot 21
Robert F. J. and Susan A. Defillipo**

**Condo Conversion Site Plan Review
88 Lily Pond Road**

Application submitted by Dennis J. Rialland, LLS, of Brown Engineering, LLC, on behalf of the applicants, Robert F. J. and Susan A. Defillipo for a site plan review of a proposed Condo Conversion of an existing 4-unit apartment building. The property is located within the Rural Zone.

**Case#P06-48 Map 12, Lot 21
Robert F. J. and Susan A. Defillipo**

**Condo Conversion Subdivision
88 Lily Pond Road**

Application submitted by Dennis J. Rialland, LLS, of Brown Engineering, LLC, on behalf of the applicants, Robert F. J. and Susan A. Defillipo for a proposed Condo Conversion Subdivision of an existing 4-unit apartment building. The property is located within the Rural Zone.

Motion made by T. Hoopes to accept Case P06-47 and Case P06-48, both applications, and grant the requested waivers of 7.4.5.1, 7.4.5.2, 7.5.1.1, 7.5.1.2, 7.5.1.3, and 7.2.19. Motion was seconded by J. Bureau. Motion was carried.

Dennis Railland: This application is a little different in that it is an older structure. If you take a look at the floor plans at least one of them is a smaller unit, but generally the same situation. There is an existing septic system in the back of the units and the approval there is listed on the plan, an existing well in place and existing gravel driveway for a portion of it and then it becomes paved. The only addition that did not exist before is I did put proposed dumpster along the grave driveway. In the past both the 88 and 94 Lily Pond Road residents there shared the dumpster at 94. Since these are going to be two separate condo associations, we are proposing the addition of that dumpster. Other than that, it has been a pre-existing condition for 20 years.

Public Input – there was no public input.

Motion made by T. Hoopes that P06-47 Condo Conversion Site Plan Review be approved with the condition that the condo documents need to be reviewed and approved by town attorney and if necessary the condo documents need to be submitted to the attorney general, and also the interconnection of the fire alarm system. The motion was seconded by Bruce Holmes. The motion was carried.

Motion made by T. Hoopes that PO6-48 Condo Conversion Subdivision application is approved with the condition that the condo documents are reviewed by town attorney and if necessary the documents are proven submission to the attorney general and also the interconnection of the fire alarm system. Motion was seconded by Bruce Holmes. The motion was carried.

**Case#P06-59
Gray Schoppmeyer Realty Trust & Dennis Gray**

Map 8, Lots 5A & 7-1

**Design Review
Frank C. Gilmans Highway (NH Rte 140)**

Request submitted by Karen O'Rourke of Brown Engineering, on behalf of the property owners, for a conceptual design review of a proposed 10-lot subdivision with a proposed interior road. The property is located within the Rural Zone.

Abutter, Charles Jones, questioned why he was not notified of this meeting. He said he was the last time, but not this time.

Recess was held from 8:50 – 9:10 p.m. at which time Monica Jerkins and board members checked Town Hall files regarding Charles Jones inquiry. It was determined that Charles Jones should have been notified. The error falls on part of the town. The tax map was incorrect so the applicants got the information they were supposed to get, but it was incorrect. We are going to proceed with a design review. In the tax map, which is actually the revised tax map, it is showing in one of the pieces of the land that the right of way actually goes a different way. Therefore there will be no decisions made at this meeting and that tax map will be corrected. Monica will talk with the assessor in the morning to get the situation straightened out.

Karen O'Rourke and Dennis Rialland were present from Brown Eng. on behalf of the Graves to present their 10 lot division located on the Frank C. Gilman Highway which is Route 140. It is in the rural zone, serviced by individual wells and individual septic systems. They have met with the town previously to go over some design issues that actually came up at the Technical Review Committee meeting. I believe we have met the requirements and have addressed most of their issues if not all, and we can go through those. K. O'Rourke passed out correspondence from Ken Roberts, Highway Agent, who was present at their meeting.

D. Rialland: The sketches are to help you better understand the configuration of the lots in question.

K. O'Rourke: Ken Robert states in the letter that all of his concerns were met for the proposed road into the subdivision. We have also received the DOT updated permit for the 10 lot subdivision.

J. Dube: I still don't understand 5A8.

D. Rialland: First of all of course the northeasterly boundary line being the westerly edge of that existing woods road is the boundary line between the Graves and Lot 8-20. It is apparently snaky and there are no wide angles anywhere along there. As far as the proposed road, there is an existing driveway that Mr. Gray cut in order to facilitate approaching Lot 8-3A where they are building their home up at the top of the hill. When he bid that, when he cut that road in, he chose the path of least resistance in a couple of different aspects. First of all he tried to follow the existing contour lines. Secondly, he has zero wetlands impact on a lot where there is significant wetlands to the southerly side of that lot, and so from a design standpoint that is the obvious place to put the proposed road. Unfortunately what it does for potential of lack of figurations to that northerly side of that proposed road this makes some odd shaped lots. I think we have fruit however

though there is an adequate receiving area in order to facilitate affluent disposal and an area adequate for building homes on those two lots. We admit that it is an unconventionally shaped lot.

J. Dube: I can understand 7. I have a really hard time with 8 because I have never seen anything like that before.

T. Hoopes: I have looked at this. I have it pinned up in my shop. We are not allowed to discuss these with each other outside of a meeting. I can talk to Monica, but Monica alone, but I can't talk to Monica with another planning board member there so if you are looking at something and trying to figure it out, you study it. The question that occurs to me is what is going to happen 20 years down the road. It is a very strange looking lot. I find it difficult to accept the kind of shape. There is no logical reason except to squeeze out an extra lot. If you are going to subdivide land, people are going to live as neighbors to each other; you want it to make sense. That is the rational point I am looking at. When I look at land what does the land say to you as opposed to how can I chop it up? Obviously, there are legal definitions. I guess it is 8 that gives me the greatest problem. The next one I am concerned about would be 3 or 4 because the impact that you are going to have to get in to use the land is going to create other drainage flows that are going to pack other lots and also back to the road. So the drainage on the road is going to have to be that much more significant. There is some elevation there. From a logical standpoint what is the impact going to be on the Touraine here and as it flows down towards the brook.

Jeremy Dube: I saw the plans last month. I would like to address the issues I saw in this meeting. Lots 1 and 7 are resolved for me. The thing that sticks out to me is Lot 8 because it is an odd lot and in my opinion, and I am not saying it may not change, but it kind of falls into scattered and premature. I am worried about the slopes as Tom is also.

Cris Blackstone: Workshops for board members remind you continually it is not our job to make sure people get to develop the maximum number of lots the people want. That sounds brutal and harsh, but I guess I need to have more convincing or more thought process that is going to make me feel okay when the other selectmen ask what was that.

Karen O'Rourke: I totally understand. I just want to reiterate what Dennis said about the wetland impact because we could quite easily have designed the road and asked for wetland filling which I am quite sure they would have allowed to do for a crossing and got a nicer looking lot, but to me I would prefer to preserve the wetland than have a nicer shaped lot.

Jeremy Dube: When I thought this was a pre-existing logging road that was just followed, really that is better financially to follow that road, but the wetland impact is something for us to think about. I don't think it is within our zoning to do something like that. There is nothing specifically that describes your lot, but I just don't think that falls in what is a lot. Saying that you could have wetland impact or not have wetland impact it is something for the board to look at, but it is also something to have a conforming lot or

a non-conforming lot. What the board is looking for is someone to come in here with an application. Our ideal is to come in here and you have all these lots here and you can just come one night and be done. The ideal situation even if you did have some impact would be to have this all come in conforming cut and dry. With that we have got ourselves to be threatened by wetland impact by someone saying we can do it so the lot works, but we are going to go through these wetlands and if you make us do that then we are probably going to get an extra lot. I feel it is more important to have conformance before.

Dennis Rialland: Do you have some suggestions what to do with Lot 8? It is not going to go away. We have to do something with it.

Jeremy Dube: Possibly, if we were to combine 7 and 8 the lot wouldn't meet the ratio but if the board and you felt it was reasonable, maybe a waiver will be a good thing for that if you have one lot with a condition on it that lot have no further subdivision on it so that would be held to one building site on that lot. I don't think that Lot 8 can be a lot as it stands.

Dennis Gray: Regarding Lot 5A-3, I have created most of that steep slope by excavating for my road. I took most of the gravel out of that one site so that steep slope really is not going to be there because the rest of it has to go into my road to make slopes so A-3 is going to be pretty flat when we get done with it.

T. Hoopes: If you could come up with a rough sketch of the proposed elevation that will be remaining there because when you look at it and you see where the steep slopes are, the top of the lot looks to be a little bit flatter in some ways and looks to be the ideal house. I don't know. We can't go on the property until we accept the application.

A motion was made to open the meeting to the public by T. Hoopes. Seconded by W. Keniston.

Roger Babeu: I don't know what they are trying to do and I am interested on what is going on.

J. Dube: It is a ten lot subdivision as proposed, the same area they proposed before for a road for access. That is basically what we are looking for; going up that road and that house site is still to be used to build their home. The house would not be one of the 10 lots.

Closed public input.

Tom: I would like to ask about Parcel A. It is being proposed to have a lot line adjustment with the additional third line.

D. Rialland: With Lot 3A, yes, so what we are proposing and certainly we'd be willing to change the definition on the application, the title of the plan, to include the boundary line adjustment. We are proposing to have an annex and become a part of 3A.

J. Dube: Another question that would come up for me was last time when the future development came up this wasn't proposed, so I am asking for future development on the rest of it, and if there is none, we have a plan just showing what the future development is, if it is one house on the lot.

Mrs. Gray: We can give you the certificate from the state which was approval of construction that we received after a septic design was approved. The DPA approved our driveway, it is all in there to access the house site at the top and they required the driveway to be significant.

D. Rialland: These are fairly good size lots. Lot 2 being 2.8 acres, Lot 3 being 3.7 acres, usable area also is adequate. As far as the steep slopes, these are forested sites, borrowing somebody to foresting the lot in order to build their home. We certainly hope that would happen. You can't prevent a new owner from taking out all the vegetation. That would be the only way that any of the top soil would be able to erode and washed out towards the wetland.

W. Keniston: I look at Lot 2 and I say that well head is 25 somewhat ft. below the perspective building area and at some point there would be some way of connecting that well to the house. My guess is that connection would end up disturbing some soil.

D. Rialland: We could try moving that well radius behind that 4K area. Actually, there is more area in the lot to get a little bit more creative.

T. Hoopes: I would like to support your concept to your potential combination of 7 and 8. You can talk amongst yourselves. We will think about it and talk about, but there are certain very narrow areas on it. Would it make sense to restrict usage on some of the really narrow parts so somebody doesn't build something right there? I don't know. I would be more willing to grant a waiver for the combined lots because they resolve some other problems than I would to make two separate lots that are really weird.

Mrs. Gray – Would there be any consideration by the board if we put restrictive covenants that buildings could not be built beyond if we could identify where you say like any out buildings, etc., but allow us to have the two lots. The two proposed lots are in the wide locations. The one that you are most concerned with actually, it is 260 ft. from the road to the deepest part there and if you pulled out a ruler on the plane you would see that. It is a beautiful site for a house and if we put a restrictive covenant that nothing could be done on this lower end, even ask your suggestion of what you would like to see happen on that area. Do you want to see it remain wooded? Do you want to see us plant wild flowers there? The replacement of the road is really a perfect placement, but I think by going with the road placement I would hate to give up a lot when it really is a good building area, but is there any consideration that the board would give to telling us how to use the rest of the lot?

J. Dube: The reasoning behind why I made that suggestion would be that really with that lot altogether as one lot I still think it is a pretty far out thing in my opinion. I just can't see Lot 8. The way I look at it is when granting a waiver for a lot ratio, the board uses its discretion to say what is the best deal, is this a good thing? I guess my idea on this if you were willing to do that it shows you are willing to try to work with the board and come up with some sort of a compromise and that gives me the push to say okay, well maybe a waiver would be good here. Where otherwise in some cases I might just say no, I don't like that certain lot and that is the way it is going to be. Tom might say the same thing or he may say I love the lot. You never know how it is going to turn out.

Tom Hoopes: We have to justify granting a waiver. If we allow pretty slack usage of waivers, the next person down the line wants a similar kind of waiver. We are trying to create the most usable lands. If we are going to make an exception, for an example the idea of combining the two, it is more extreme to a certain degree, but we have lessened the impact to the town. There is a reasoning that we can explain to somebody why we granted a waiver.

Mrs. Gray: The biggest impact for the town is the road if it is not in the right place?

T. Hoopes: You have 10 lots, 12 lots, it is 6 times 6, and it is that many trips that are going on the highway.

J. Dube: The consensus is we are apprehensive about lot 8. If you could get more creative. This is an issue. The board is going to want to see 5, 8, 3 where the steep slope is. We definitely want to see the lots and we are going to want the lot corners mark and have the 4K areas staked out just so we know where they are, where the houses are going, especially on 4, 3 and 2, the four corners where you put a house so we can see the relationship between the road and the steep slopes. The road should be staked out. You already have a road there so we would be able to walk around the existing road. Just tell limits of what the road is going to be. Mark out where the hammerhead will be and the 4 lot corners so we can see where they are. You don't have to put a stake, just put a ribbon out there. One other question is that we know the state approved you for your driveway access. You obviously have to go for another approval for the entrance. Do you have to update that?

Karen O'Rourke: We already have with the state.

Mrs.Gray: Is the waiver request necessary?

J. Dube: I think a waiver is necessary on Lot 8.

Wally Keniston: Lot 8 is a usable land area calculation here, but it really isn't usable when you are talking about there are two separate usable spaces. The usable space is not contiguous.

The discussion finished on this case at this time.

A motion was made by T. Hoopes that we extend the meeting beyond 10 p.m. and it was seconded by Bruce Holmes. The motion was carried.

Case#P06-30

Map 11, Lot 25

2-Lot Subdivision

Peter and Tracy Long

Lakewood Drive and Spring Street

Continued from June 20, 2006.

Bryan Bailey, land surveyor for the Long's: The applicants were present to hopefully finalize to gain the board's final review and approval. Mr. Long has been before the board and we have gone over the particulars of the proposal a number of times. At their last meeting the board had some concerns and wanted to finally conduct a site inspection which was done since that last meeting. I am fairly confident that at the site visit with the members who were able to attend we were successful in showing you the adequacy of the proposed building sites and we hope that all your concerns have been allayed at this point in time. I will be happy to answer any questions that you may have, but I have nothing new to add.

J. Dubes: The only issue the board had last month was just the issue of basically the view shed and cutting of the trees and erosion were the two issues for the reasoning for the site walks. These items were reviewed at the site walk. They are going to clear a little more. I don't think it is in an area that will affect a view with the angle that it is at.

T. Hoopes: I feel very comfortable with the builder's description when we were there.

B. Bailey: We don't feel the project merits any restrictions. Any restrictions beyond the existing laws governing logging wouldn't be an interest to me.

T. Hoopes: Do we have any requirements other than the state regulations?

A motion was made by Tom Hoopes that we approve Case C06-30 and that the board put a note on the plan stating erosion control be in place prior to excavation of timber cutting and that all necessary state and local and federal permits be obtained prior to the beginning of excavation or timber cutting and copies be provided to the Planning Board. Bruce Holmes seconded the motion. The motion was carried.

Case#P06-53

Map 15, Lot 34

2-Lot Subdivision

Joan L. and Terry J. Chase

Route 28 & Gilman's Corner Road

Application submitted by George M. Christenton, on behalf of the property owners, Joan L. and Terry J. Chase, for a proposed 2-lot subdivision. The property is located within the Rural Zone.

Tom Hoopes stepped down from this case.

George Christenton spoke on behalf of the owners, Joan and Terry Chase.

Monica informed the board that waivers have been requested on Section 7.2.27 for Elevations. The applicant states that the property is relatively flat with no steep slopes and from Section 7.2.33 Wetlands. The applicant notes there is some wet area near the culverts and trailer property. Lot 1 is an existing structure with no close additional development so there would be no conditional impact to the wetlands. Lot 2 is larger than the standard required for the zone and there is dry area in the northwesterly half which is suitable for a building site. Monica and Peer did a site walk and they walked the edge of Block 2 to the back northwesterly portion of the lot where the building site would be and they walked the edge of because it appears on the plan where the possible driveway location is located and they wanted to make sure that the length of the driveway and where we go the projected path. They didn't go through any wet areas and did find one area obviously were not wetlands sites but there were some ferns growing and the ground seemed to be a bit of a soggy, not a large area, but if it is accepted I would suggest that the board go on a site walk.

George Chrisenton: The only part I had any concern was the culvert back down on the southeast corner of Lot 2 and the drainage from the hill above comes down through that culvert. It is not channeled but it is about 100 ft. wide. That area is about 3/10 of an acre which comes out of a total of 5 acres. On the far site we have the proposed Litchfield and the building site is high and dry. There is no problem there at all. Lot 1 is already existing buildings anyway.

Jeremy Dube: A stamp saying there are wetlands there holds us liable. I am sure the wetlands you have are fairly minor. It is just the fact that we don't know where they are or what they are. It is something that we generally require.

C. Blackstone: A motion could be made to accept the application as complete, but reserve the right to make a judgment of whether or not we are going to require a wetlands stamp prior to final approval and then the board could visit the site and be more comfortable to addressing the issue at a later date. That is one option.

J. Dube: They could have been sneaky about it, but they are up front and they just want to get a subdivided lot. The wetlands are something that might have been brought up anyway and maybe we would have granted the waiver. So I believe they want to work with us. It is a situation where the rest of this is cut and dry. They followed the rules and did everything.

A motion was made by Bruce Holmes to grant Elevations waiver for P06-53 and a partial waiver for Wetlands on Lot 1, and Lot 2 remaining still needs to have the wetland map and stamped by a wetland scientist. C. Blackstone seconded the motion. The motion was carried.

Public Input: T. Hoopes commented that applicant Terry Chase keeps the property neat, well trimmed and planted. T. Hoopes believes that what is of wetland there is strictly coming from a culvert from the town with no easement.

A motion was made by Cris Blackstone and seconded by Wally to continue this case on August 15. The motion was carried.

Old Business:

An e-mail to Attorney Sessler regarding Norby was distributed to board members and discussed. The applicants have 30 days to appeal the decision to the ZBA. They are considering going to the ZBA to apply for a variance from the road frontage requirements for the corner lot which would eliminate the need for them to do the variance. The meeting was June 28 and it has not been 30 days yet. They want to apply for zoning, but what they would like to have happen is for the Planning Board to agree to not start the clock on those 30 days until after they have received their decision from the ZBA with the condition they will apply for the ZBA variance within fifteen days.

Motion made by T. Hoopes and seconded by Jim Bureau to authorize Monica Jerkins to contact Attorney Sessler to express the point of view that the board does not wish to extend the thirty day deadline. The motion carried. Jeremy will explain this to Attorney Sessler as he has an upcoming meeting with him and will explain in detail then.

New Business:

Sav-On Insulation has requested a hearing and the date of August 15, 2006 was set.

Whenever there is a boundary survey done, the board is required to look at it. There is one presented by George Chrisenton for the property of BMN Railroad Park.

Correspondence.

A motion was made to defer the approval of the minutes to Thursday, July 20, 2006. Minutes to be approved on July 20 are dated April 26, 2006, May 16, 2006, May 22, 2006, June 6, 2006 and June 20, 2006 to Thursday, July 20, 2006. Wally Keniston seconded the motion. The motion was carried.

Correspondence distributed: DOT Driveway Application for Rines, FYI item; NHDES letter re: Septage Haulers; Memo from CMA re: Chestnut Cove Estates Subdivision; New Legal Update, Chapter 87; NHDES Shoreland Waiver re: Winnepesaukee Pavilion; NHDES Memo re: Upcoming Seminar on Private Well Testing

Motion was made by Bruce Holmes and seconded by W. Keniston to adjourn at 11 p.m. Motion carried.

Respectfully submitted,

Nancy Pritchard
Secretary Pro-Tem