

## Planning Board Meeting

October 1, 2009

Members of the Planning Board in attendance were Charles Moreno, Chairman, Paul Eaton, James Graham, Donald Rhodes, Lynn Sweet and Alternate member, Kate Sawal.

The Chairman called the public meeting to order at 7:40 PM and announced the members present. The closing date for applications to appear on the agenda for the November 5, 2009 regular meeting will be 5 p.m., Tuesday, October 20, 2009. The Chairman reminded the audience that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM.

The first order of continuing business was the application of DAMARA MASS, INC. for 6-lot conventional subdivision of their property located at Canaan Road and Back Canaan Road (Tax Map 4, Lot 83-1). Randy Orvis and Ron Haskell of Géomètres Blue Hills presented revised plans. Charlie Burnham, Chris Reagan, and several other abutters were present. The Chairman noted that he had not been able to attend the September meeting. Mr. Haskell talked through the various minor revisions requested at the last meeting. He advised the Board that they had applied to NH DES for state subdivision approval and dredge and fill in wetlands for the wetlands crossings on the road. They noted that they have staked the proposed road entrance location and also presented photos of the road entrance area off Back Canaan Road so that Board members could look at the trees that would need to be removed. They advised that they do not intend to disturb more of the stone wall than required for the road entrance and drainage. They will reuse the stones elsewhere on-site for repairs. Mr. Orvis also noted that they have added the radius for the road flare at the intersection with Back Canaan Road to the plans as requested.

Discussion turned to the question of fire protection. The Fire Chief has indicated that it is probably preferable to stipulate that homes have sprinklers, than to require a cistern. Paul Eaton noted some concern with precedents if the Board does not require the cistern. Lynn Sweet noted that the applicant had made the offer. It was then asked if there was a national code or other standards for sprinkler systems. The Chairman then reviewed the issues discussed so far, including pending completion of the plans, progress toward state permits, road work along Back Canaan Road, requiring sprinkler systems for the new homes, and the escrow account. It was noted that Mr. Orvis will contact the owner regarding additional funds to bring the escrow account up to date. Don Rhodes then explained that he feels that the intersection with Back Canaan Road is an issue, because cars entering Back Canaan Road off the paved subdivision road would damage the town road. He noted that it would be his preference to require that Back Canaan Road be paved to address this issue. Randy Orvis suggested that the pavement on Averback Drive could be ended at the property line so that there would not be a change in road surface at the intersection point. Mr. Rhodes said that however it is done, it should not cost the town additional maintenance, and the applicants agreed. A general discussion followed. Board members agreed that they are aware that the residents of the area do not want to see the road paved. It was agreed that Greg Messenger had looked at the situation and not had strong feelings either way. Board members each gave their opinions, with most agreeing that they could see both sides. Don again suggested that the Board consider requesting that the road be paved from the intersection with Canaan Road to a point 50 feet past the Averback Drive intersection. Kate Sawal suggested that the Board should hold a scenic roads public hearing regarding the paving question and listen to the public. Lynn Sweet noted that it would be important to have the road agent attend the hearing. Board members then agreed to request paving and advise the applicants that they would need to apply for a scenic roads hearing in order to move forward with the application. Don Rhodes asked if there was a wetlands impact at the road entrance. Mr. Orvis agreed that the wetlands are close, but said that the road will not actually impact the wetlands area. Board members noted that if the wetlands come that close to the road, the road will require a conditional use permit for impacts in the no land disturbance wetlands buffer zone. Chris Reagan noted that work on Back Canaan Road earlier in the year had caused serious siltation problems with the stream bed crossing his property. He asked about stabilization and erosion control during construction. In conclusion, Board members requested that a note be added to the plans regarding requiring sprinklers meeting a standard building code, and requested that the applicants submit a request for a conditional use permit and apply for a scenic road

hearing regarding the proposal to pave a section of Back Canaan Road between Canaan Road and the new subdivision road, Further discussion of the project was continued to the next regular meeting.

The next item of continuing business was the application of SYT REVOCABLE TRUST for 3-lot subdivision of land located on Back Canaan Road (Tax Map 4, Lot 91). Lynn Sweet excused herself the Board for this discussion. Sheila Holmes, Trustee for SYT Revocable Trust, was present. A number of abutters were also present. Jon Berry presented revised plans to the Board incorporating requests from last month as well as comments from the site review held on September 17<sup>th</sup>. Several new notes have been added to the plans, including a new Note 11 stating that care shall be taken to preserve trees 6 inches and greater in diameter along the road, and another note was added about keeping the brush cut to allow sight distance for Lot 91-1. Jon Berry asked Charlie Moreno whether the proposed driveway location for Lot 91 would endanger the health of the remaining larger trees in the area, and Mr. Moreno indicated that he felt that the trees would not be harmed if the driveway was built as indicated on the plan. Mr. Berry advised the Board that a number of items had been added to the plans after the site walk, including a new Note 10 calculating contiguous buildable area. It was agreed after discussion that the wetlands buffer line should be shown on sheet 1 for recording and that another new note should be added explaining 'no disturbance' wetlands buffer, which should be shown around the entire wetlands area. The wetlands scientist stamp will be added to the final mylar. Mr. Berry noted that WSPCC approval had been issued but that the paperwork has not yet been received. Discussion returned to the buildable area question. Don Rhodes noted that the abutters had asked whether the regulations require 60% of the total buildable area of the lot to be contiguous, or whether the requirement was for 60% of the minimum required buildable area to be contiguous. Board members agreed that their interpretation of the requirement was that 60% of the minimum required area be contiguous, because otherwise they would be penalizing people with larger lots. It was agreed that the wording of the regulation is unclear, but because the requirement is in the subdivision regulations, the Board can address the issue through waivers if necessary.

Discussion then turned to the buffer issues requested by abutters to the project and the impact of the power lines. Jon Berry noted that if the proposed driveway locations are approved by the Board, it will help to maintain a buffer by providing some offset for abutters across the road. Abutters asked if there would be any buffer along the back side of the lots by the power lines. Mr. Berry noted that there are some trees within the PSNH right of way, and that they would provide some buffering. Don Rhodes suggested that the people who would be impacted the most by the power lines would be the people who bought the new lots and said that he could not imagine that it would be something that the Board needs to regulate. Paul Eaton said that the Board is planning for neighborhoods and noted that the Board has required no-cut buffers on previous occasions. Mr. Rhodes suggested a restriction on cutting trees 6 inches and over within 5 feet of the rear boundary. A brief general discussion followed, and the Chairman then re-opened the public hearing. Sheila Holmes said that she feels that the buyers should be able to decide. Paul Eaton explained his position, noting that he does not like unnecessary regulation, but stating his concern for the impact on the neighborhood. It was noted that the owner could have logged the property and opened up the view at any time. A general discussion of screening followed, with several proposals suggested, including restrictions on cutting based on diameter similar to the shoreland protection act rules. Abutters again noted their concern with maintaining a buffer, with statements from Chris Reagan and John Sparrow. Board members agreed that the requirement should not be too complicated, and it was noted that the 'no disturbance' wetlands areas will provide buffers on their own in many areas. There was some discussion of whether the buffers should be along the front or rear boundary.

Following the discussion, Board members agreed that the following requirement be added to the plans: in order to maintain a vegetative buffer of healthy trees along the rear boundary by the power lines, no healthy trees 4 inches or greater shall be cut within 10 feet of the rear property line. Dead or hazardous trees may be removed. The overall intent is to leave a visual screen to the power line. In addition, the following items on the plans also need to be clarified or added: 1) revise the scenic road note (note 11 on the plan presented this evening) on the plan regarding tree cutting to read 4 inches in diameter (15 inch circumference) to match the scenic road statute; 2) add "no land disturbance" to the wetlands buffer description, as noted above; 3) add the new note regarding the rear vegetative buffer; 4) wetlands scientist stamp and note; 5) set monuments; 6) label Back Canaan Road as a scenic road. There was one final comment from an abutter about the health risks of the power lines. Board members again noted that such

concerns are not regulated. There being no further discussion, the Chairman closed the public hearing. Jim Graham then made a motion to accept and approve the plans for 3 lot subdivision, conditional upon the completion of the items noted above. Paul Eaton seconded the motion, there was no further discussion, and the Chairman called the vote. The vote was unanimous of the members voting. The mylar and copies should be submitted to the Board for signatures once completed.

The first order of new business was the application of PETER BERUBE II and DONNA BERUBE, 119 First Crown Point Road (Tax Map 20, Lot 1A) and PETER and LENA BERUBE (Tax Map 20, Lots 43-1b and 43-1C) for boundary adjustment between their properties. The Berube families were both present. Jon Berry of Berry Surveying and Engineering presented the plans. The Berube family divided three lots off a ROW off First Crown Point Road a number of years ago. Peter Berube II built on the front lot, while the rear lots were retained by his parents. They now hope to adjust the boundary to give the rear lots a bit more acreage so that they will qualify for current use assessment. They propose to incorporate the section of the ROW accessing the rear lots back into the lot immediately behind the front lot. Peter Berube II will still retain all rights to use the ROW, the front part of which includes his driveway. In summary, the proposal is to transfer ownership of the ROW along Lot 1A to Lot 1B. Board members agreed that they could waive the regulation restricting lots to a minimum width of 75 feet in this circumstance if requested because no additional lots are being created and the right of way is an existing situation. The families will check to be sure that the proposal meets the required minimum acreage for current use before the next meeting.

The Chairman then opened the meeting to the public. Christine McKinley, an abutter, was present and asked about the ROW along her lot on the far side of the Berube property. It was agreed that her ROW was separate from these properties. Further discussion will take place at the next meeting.

Board members then reviewed recent correspondence. It was agreed to submit an application to SRPC for funding for technical assistance for work on drafting water-related regulations regarding stormwater and habitat protection. There being no further business before the Board, it was moved, seconded and voted to adjourn at 10:40 pm.