

Minutes

Planning Board Meeting

August 1, 2019

Members of the Planning Board in attendance were Phil Auger, Steve Leighton, and Donald Coker and Don Clifford, Alternate member. Phil Auger served as Acting Chairman and introduced Board members, advising that both Alternate members will be voting this evening due to absences. The Acting Chair formally opened the meeting at 7:35 PM. The closing date for applications to appear on the agenda for the September 2019 regular meeting will be 5 P.M. Tuesday, August 13, 2019; revised materials must be submitted by Tuesday, August 27th. The Acting Chair advised 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 and that the meeting will adjourn by 11:00 PM. Board members agreed to save review of the minutes of the July until a time when more Board members are present.

The first item of continuing business was the application of CECIL C. ABELS II for Non-Residential Site Plan Review for a Concert and Outdoor Event Venue to be located at his property at 664 First Crown Point Road (Tax Map 19, Lot 73A). There was nobody present for this item.

The next item of continuing business was the application of ROBERT and ELAINE WHITE/WHITEHOUSE EARLY LEARNING CENTER for Site Plan Review for an expansion of their day care/preschool facility located at their home at 352 Province Road (Tax Map 7, Lot 38). Elaine White was present; updated plans showing the well location and bar scale and a waiver request letter were submitted before the deadline. There were no abutters present. Mrs. White advised the Board that she has received a new license from the state approving her daycare/preschool for 34 children, effective 7/15/2019. Copies were presented to the Board. Donald Coker confirmed that the two changes to the plan requested by the Board at the last meeting have been completed. Board members then turned to the waiver requests. Donald Coker turned to Mr. Auger and asked if he would entertain a motion regarding the waivers. Mr. Auger agreed and Donald Coker moved to grant the waiver to the requirement for a stormwater management plan for the reasons given, because the only changes to the site are the addition of several parking spaces which will have a gravel surface and there are no wetlands on-site. Don Clifford noted that he had driven by the site and agrees. Steve Leighton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Donald Coker then moved to grant the request for a waiver to the requirement for surveyors and wetlands scientist seals, noting that the lot has been previously surveyed and that the current plan has not been produced by a surveyor, so seals are not applicable. Steve Leighton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Donald Coker then moved to grant the waiver as requested to the requirement that the plans show soils classifications, based on the fact that there is an existing state approved septic disposal system. Steve Leighton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Don Clifford confirmed that the only remaining items identified by the Board at the last meeting were the plan updates and waiver requests. Phil Auger asked if there was any further discussion, there being none, the Acting Chair then opened the public hearing; there were no comments. The public hearing was closed. Steve Leighton then made a motion to grant approval for the expansion of the Whitehouse Early Learning Center to 34 children as approved by the state license. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The first order of new business was the application of the ROGER S. LEIGHTON and M. JUSTINE LEIGHTON REVOCABLE TRUSTS for boundary adjustment between their two properties (Tax Map 8, Lot 36, 30 Province Road and Tax Map 8, Lot 36A, off Province Road). Steve Leighton stepped off the Board for this item; Abby Aucella was also present. Dan Mooers, Josh Willman, and Jared Mountain, abutters, were also present. Dan O'Lone of Berry Surveying and Engineering arrived and began a formal presentation of the application. He advised that Lot 36A has been taxed as part of Lot 36, but has a separate deed and has recently been recognized as separate under formal demerger by the Selectmen. He is requesting waivers to several plan requirements for the boundary adjustment plan, including full wetlands and topography for Lot 36 because the information appears on the proposed subdivision plans for Lot 36, which is a separate application coming before the Board later this evening. The proposal is to add a strip of land from Lot 36A, connecting the lot to Province Road; Lot 36A is 1.34 acres in area and would be 1.94 acres in area after adjustment. Lot 36 has over 10 acres in area and has frontage on two roads, so would continue

to meet all zoning requirements. There is a wetlands area that crosses the strip, so a wetlands permit will be needed in order to build a driveway access to the main part of Lot 36A; they plan to file the wetlands application shortly. The strip being added to the lot is wider than 75 feet the whole way, so he said that he believes that this is a straightforward boundary adjustment. Don Clifford asked if they could go through the list of requested waivers first. Dan O'Lone agreed, and explained the waiver requests: 1) natural features, as these appear on the subdivision plan; 2) physical features, as these appear on the subdivision plan; and 3) setbacks and wetlands, as the setback requirements appear in the notes, and again are detailed on the subdivision plan. Board members discussed the proposal, noting that the revised Lot 36A would not meet frontage requirements, but would be more fully conforming than the original lot, which has no frontage. Don Clifford asked why they did not just subdivide and create a fully conforming lot. A discussion of the frontage issue followed. Don Clifford said that he would like to see more frontage added to revised Lot 36A, noting that there is enough frontage on Lot 36 to be able to add to the proposed frontage for Lot 36A. Board members agreed to backtrack to the checklist. The only items missing were seals of surveyors and wetlands scientist, which would appear only on the final plans, and there is some missing data for the metes and bounds along Province Road. Waiver requests have been submitted for wetlands, watercourses, and topography. Mr. O'Lone said that he believes that there are no ledge outcroppings. Don Clifford advised that under the subdivision regulations, the Board is not supposed to be approving lots with dog-legs, but he said that this lot would be located in an area that is suitable for development. Nonetheless, he said that he would like to see Lot 36A as conforming as possible. There was no further discussion. Donald Coker moved to accept the plans as complete for consideration. Don Clifford seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

Board members then discussed the application. Donald Coker said that he never usually has concerns about lot line adjustments, but that he is opposed to this project because the subdivision regulations prohibit contrived or non-conventional lot configurations. He said that he understands the situation, but that the lot does not qualify, he believes. Steve Leighton advised that the lot is picking up access and so will be more conforming. Phil Auger advised that the proposal would create a new buildable lot. Mr. Coker agreed that the proposal would make Lot 36A more conforming, but said that it would be contrary to the regulations in other areas. There followed a discussion of Article 1.7 regarding non-conforming uses. Donald Coker said that his concern is the subdivision regulations that say no dog-legs. Dan O'Lone said that the lot could be made buildable through an easement, but said that easements are not the best way to go because they create difficulties down the road. Don Clifford again said that he would like to see more frontage for Lot 36A. Phil Auger asked Mr. O'Lone how much consideration he had given to trying to get more frontage or acreage for Lot 36A. Dan O'Lone said that the issue is putting the wetlands crossing at the narrowest point and making sure to get adequate setbacks for the existing shed on Lot 36. Steve Leighton said that he prefers straight lines and that they had worked to meet the requirements by making sure that the strip was more than 75 feet in width. Don Clifford again said that his preference would be to increase 36A a bit to bring it closer to the regulations.

The Acting Chair then opened the public hearing. Josh Willman spoke first, saying that he was surprised that Lot 36 was a separate lot and said that he felt that Roger and Justine would not be pleased with the way things were working out. He also noted concern for the wetlands. Dan Mooers noted that his land comes between Lot 36A and Josh Willman's lot, and he said that he is concerned that Lot 36A will be non-conforming and that the Board is setting a precedent for situations down the road. Phil Auger asked Board members how they would like to proceed, saying that it is hard to look at this plan without seeing the proposed subdivision of the adjacent property. Dan O'Lone asked Board members if they would like to see him work on lot lines and perhaps a different driveway location, and Phil Auger agreed that these ideas would help as it would get away from the dog-leg. Don Clifford then made a motion to table the application for now and to move forward to the next application. Donald Coker seconded the motion after receiving assurance that this meant that the subdivision application is a separate application. There was no further discussion, and the vote was unanimous in the affirmative of the three members voting. It was agreed that this application will be continued to the next regular meeting.

The second item of new business was the application of the ROGER S. LEIGHTON and M. JUSTINE LEIGHTON REVOCABLE TRUSTS for four-lot subdivision of their property located at 30 Province Road and Range Road (Tax Map 8, Lot 36). Steve Leighton stepped off the Board for this item; Abby Aucella was also present. Dan Mooers, Josh Willman, and Jared Mountain, abutters, were also present. Dan O'Lone of Berry Surveying and Engineering made a formal presentation of the application. The Leightons hope to divide their 10.87 acre lot (the .6 acre strip proposed to be added to Lot 36A is already removed from this acreage calculation) into four lots; three of the lots would front on Province Road and there are existing structures on two of these lots; the fourth lot would front on Range Road. The Range Road frontage is wet except for a narrow area near the boundary with the neighboring lot (Lot 31-1) owned by William Chamness. They are applying for a conditional use permit in order to put the driveway

access for proposed Lot 36-3 across the narrow uplands area by the stone wall, which would fall within the wetlands buffer area. Wetlands were delineated by Damon Burt of Strafford. State subdivision approval will be required. Board members immediately turned to the checklist. It was noted that the metes and bounds along the Province Road missing from the boundary adjustment plan do show on this plan, however, Don Clifford asked Dan O'Lone if he would be willing to make a frontage chart for clarification. The only items missing on the checklist are the seals of the surveyor and wetlands scientist, which would only appear on the final plan. Mr. O'Lone advised that there are no ledge outcroppings or watercourses. Phil Auger asked for information on the conditional use permit application. Mr. O'Lone presented the conditional use permit plan and application for a 14 foot wide driveway. Silt socks would be put in place during construction and until the side slopes are stabilized. They want to keep the driveway out of the wetlands area so that they can avoid need to wetlands permit from the state. Phil Auger asked about the slope of the proposed driveway; Mr. O'Lone indicated that the slope is about 10 to 12 percent, but levels out. Don Clifford suggested that a site walk would make sense as this is classified as a major subdivision. Board members agreed. Phil Auger asked if there was anything else. There being no further comments, Don Clifford then moved to accept the plans as complete for consideration. Donald Coker seconded the motion for the purposes of discussion. Dan O'Lone asked about procedures, and it was noted that the formal public hearing will take place at the next meeting, if the plan is accepted this evening. Don Clifford suggested that the Board plan for a site walk. The Acting Chair called the vote; the vote was unanimous in the affirmative of the three members voting. Phil Auger asked the audience if they had any comments and advised that the public hearing would be held next time. There were no comments on the subdivision. It was agreed to schedule a site walk for 6PM; Dan O'Lone will send along some proposed dates for Board members to consider. Discussion is continued to the next regular meeting.

There being no further business before the Board, Donald Coker made a motion to adjourn; Don Clifford seconded the vote. There was no further discussion and the vote was unanimous in the affirmative and the meeting adjourned at 8:45 PM.