

Minutes

Planning Board Meeting

October 2, 2014

Members of the Planning Board in attendance were Charles Moreno, Paul Eaton, Terry Hyland, Lynn Sweet, and Donald Coker and Mark Whitcher, Alternate members. The Planning Board met in a work session beginning at 6:00 p.m. to work on zoning questions. The Chairman called the formal meeting to order and announced the members present at 7:30 P.M. The closing date for applications to appear on the agenda for the November 2014 regular meeting is 5 p.m., Tuesday, October 21, 2014. The Chairman 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.

There was no new information regarding the application of JANET CHASSE PREVATT AND TERRY PREVATT for 3-lot, revised to 2-lot, subdivision of their property located at 79 Ridge Farm Road (Tax Map 15, Lot 22). It has been agreed that new notifications will be sent if new information is received from the applicant. There was also no new information on the application for design review for R. STEPHEN LEIGHTON, Mohawk Trail Way and Cross Road (Tax Map 15, Lot 15).

The first item of business before the Board was the application of BRIAN and SANDRA PAYNE for a 5 lot conservation subdivision development on Payne Drive off Roller Coaster Road (Tax Map 7, Lot 8 and Tax Map 37, Lots 11). Randy Orvis of Géomètres Blue Hills presented the application accompanied by David Whitcher. Several abutters were present, including Davis and Carolyn Clarke, the Cahills, Elaine Carey, and Lissa D'Anjou and her partner. The Chairman explained the process for review of a major subdivision, advising that there must be at least two meetings on the application, and noting that the official public hearing cannot take place this evening. He advised that the task before the Board this evening is a limited review with the application checklist to see if the application is complete. Mr. Moreno briefly explained conservation development, explaining the goals of conservation approaches and noting that a certain percentage of the land has to be protected, and that by doing that, it allows some relaxed standards. Important land features are identified in advance and the proposal is planned around them.

Randy Orvis then began his formal presentation of the proposal. The Paynes hope to create 5 lots out of their existing two lots. The plan to separate their existing home onto one lot, create three new lots plus a separate lot for the open space area, and finally, they hope to complete a boundary adjustment between Map 7, Lot 8 and Map 37 Lot 11 that would increase the area of Lot 11. They are proposing to use the existing Payne Drive as the subdivision road, extending the drive from where it crosses onto Lot 8 into a hammerhead turn-around. Mr. Orvis noted that the ordinance requires that 40% of the buildable area and 80% of the non-buildable area be put into conservation. He submitted a chart showing acreage calculations. He also noted that they have put in a request to the Natural Heritage Bureau regarding species of interest in the area and the result is a lengthy list for the neighboring properties. Mr. Orvis said that they tried to put the areas identified as the highest ranked habitat on the NH Wildlife Action Plan into the open space. He also advised Board members that the applicants are not looking for any increases in density. He noted that the open space/common land lot includes the roadway, as the common areas are designed so that they can be turned over to a homeowners' association.

Mr. Orvis advised the Board that the applicant is asking for several waivers on road construction requirements: 1) they hope to make a hammerhead turn-around, 2) the total length of the road would be 1391 feet, 3) they want to keep the alignment the same as now rather than shifting the layout to meet Town specifications, which would have impacts to nearby wetlands and require deeper fill, and 4) they are asking for a waiver to the requirement for pavement. Mr. Orvis noted that the current driveway layout works for Mr. Payne's large equipment. Finally, the applicants also are asking for a waiver to the requirement for underground utilities, since there are existing poles to the Payne's home farther along the existing "Payne Drive" driveway in the new proposed Lot 8-4. Donald Coker asked about the Natural Heritage Bureau information. Mr. Orvis noted that NHB review is required for wetlands permits and that he is also presenting the information as part of his presentation on the conservation values of the property. When asked if he had completed an inventory of this property, Mr. Orvis noted that he has gathered a number of secondary sources, including NHB, wetlands, soils, GRANIT, etc. and he also noted that he does know that there is one vernal pool at the northern end of the property and some peat bog and beaver bog as

well.

The Chairman then noted that the current plan shows no existing road frontage. Frontage is a requirement for subdivision. It was agreed that if the project included Map 37, Lot 12, also owned by the Paynes, the requirement for road frontage would be met, as Lot 12 has frontage on Roller Coaster Road. The Chairman also asked if Mr. Orvis had prepared a yield plan to demonstrate possible density, noting the requirement in the ordinance. Mr. Orvis noted that the proposed lots are oversized and meet the yield plan criteria. Mr. Eaton asked if they could run the formula to provide the density information, however, it was noted that the formula approach cannot be used for this project because the bulk of the land is so far from existing road frontage. There was a general discussion of whether this project should be considered as a conventional subdivision with requests for road waivers or whether to proceed with the conservation approach. It was agreed that the yield plan information would be needed for the record if the applicants wish to continue with the conservation subdivision. Lynn Sweet and Mark Whitcher reviewed the plans with the checklist. It was agreed that Lot 12 will need to be added to the project in order for review to go forward. The following items were missing and/or need clarifications: there is a scrivener's error on the abutters list, and the following items should be added; seals, exposed ledge (Mr. Moreno noted that ledge areas and shallow to ledge areas must be subtracted from the buildable area calculations), steep slopes, houses within 100 feet, roads and driveways within 100 feet, culverts, existing corner monuments, well radii and 4K areas on the three new lots, easements (reference the access ROW across the McCabe lot), utility easements (provide a copy of existing PSNH easements for the record) open space proposal including RSA reference, and additional information on the roadway, to include profiles, cross-sections, drainage, and erosion control. The Chairman then suggested that the Board schedule an on-site review. David Whitcher asked that the road be checked to determine existing materials and condition. Lynn Sweet noted that the road probably needs to be reviewed by a third party engineer. Board members also noted that state permits must be provided, and asked for the plans to indicate reference numbers for NH DOT, NH DES and WSPCC permits. It was noted that a revised NH DOT permit will be required as the project will put additional lots off the existing driveway. It was also noted that the roadway must be subtracted from the open space calculations.

Board members then turned to the overall project and asked whether they need to address the waiver requests before the applicants fully engineer the road. Mr. Orvis noted that if the road needs to be substantially rebuilt, it would make the project more costly than the value of the land that they hope to give their children. David Whitcher suggested that the Board should make a decision about the road after seeing the site. Discussion then turned to whether the Board should consider accepting the application as complete at this meeting. The Chairman noted that he was leaning toward not accepting the application because the idea of conservation development is to know the values of the piece of land and then lay the lots out after deciding what resources should be protected. Mr. Orvis noted that some of the valuable resources are already identified, and asked if the vernal pool should be put into the protected open space, noting that he thought that the vernal pool was the only resource he knew of that was not included in the common area. There followed a general discussion of the goals of conservation subdivision and more discussion of whether the plan should be considered for acceptance with so many questions outstanding. Several Board members suggested that the plans are not that different from other plans that have been accepted conditionally yet still need a good deal of work. Mr. Moreno noted that natural resource values had not yet been surveyed for the whole property, and suggested that this must be done, and also noted the key issue of ledge and steep slopes and the importance of calculating lot areas correctly. Lynn Sweet made a motion to accept the plan, conditional upon the completion of the items noted above, in order to move the review process forward. There was a discussion of which members should vote, and it was agreed that for the moment, both alternate members should contribute to the discussion. Donald Coker seconded the motion. Board members then asked if there was any legal issue with accepting the plans knowing that there would be significant changes. The Board noted that correct abutter notice is critical to proper review and then noted that new notice will need to be sent for this project in order to include Lot 12 which is providing the frontage. Board members realized that notifying abutters that a proposal is being considered for acceptance must come prior to accepting the plan and agreed to postpone further discussion until the proper notices have been sent. Lynn Sweet, noting the discussion of the legal issues, then withdrew her motion. The Board then scheduled an on-site review for 5PM on Thursday, October 23rd, and agreed to hold a work session after the site review to look at the wind tower model ordinance.

Board members then turned to the minutes of the previous meeting. Donald Coker made a motion, seconded by Mark Whitcher, to accept the minutes of the September meeting as presented. There was no further discussion and the vote was unanimous in the affirmative with several members who had been absent abstaining.

There being no further business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 9:20 PM.

Planning Board Site Review & Work Session

October 29, 2014, 5:00 p.m.

Members present: Charles Moreno, Chairman, Paul Eaton, Terry Hyland, Denise Markow-Speed, Lynn Sweet, and Donald Coker and Mark Whitcher, Alternate members.

Board members met Brian Payne and his son, David Whitcher and Randy Orvis of Géomètres Blue Hills on-site at "Payne Drive". The Board concentrated review on the driveway area. Randy Orvis showed Board members the existing S-curve in the driveway. This layout would not meet requirements regarding horizontal curve. Mr. Orvis suggested that there would be about a 5000 sq.ft. wetlands impact to change the layout, and Board members asked how great the percentage impact would be. Mr. Whitcher noted that the road materials have been tested. He also noted that they do not want to widen the road, and believe that the current driveway is close to meeting the width required by town specifications.

Several Board members focused their review in the area of the proposed turn, noting the existing utility pole, culvert and drainage area. A small wetlands pocket near the proposed hammerhead turn was noted; this wetlands pocket was not shown on the plan although located near the culvert outlet. Questions raised during the site review included the following: 1) road alignment, 2) road materials, 3) drainage, 4) the environmental study—is everything shown? accuracy? impacts minimized?, 5) utilities, and finally, 6) lot layout. Board members noted that when the Conservation Development ordinance was drafted, the Board eliminated the requirement for a greenbelt strip along the outside of a cluster development.

The site review adjourned about 6:00 p.m. Charles Moreno, Paul Eaton, Denise Markow-Speed, and Donald Coker returned to the Town Hall for a work session focused on researching model ordinances for small wind energy systems.

The work session adjourned at 8:30 PM.