

## Minutes

### Planning Board Meeting September 3, 2015

Members of the Planning Board in attendance were Charles Moreno, Chairman, Terry Hyland, Steve Leighton, Lynn Sweet and Donald Coker, Mark Whitcher, and Denise Markow-Speed, Alternate members. The Chairman opened the meeting at 7:30 p.m. The closing date for applications to appear on the agenda for the October 2015 regular meeting is 5 p.m., Tuesday, September 15, 2015. The Chairman noted that one of the regular Board members was missing and designated Donald Coker to vote this evening. 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. Lynn Sweet then made a motion to accept the minutes for the June 2015 meeting as presented; Steve Leighton seconded the motion and there was no further discussion.

It was noted that the regular July meeting of the Planning Board was not held because there was no quorum and the August meeting was cancelled. There are no new items of business. The first and only item of continuing business was the application of BRIAN and SANDRA PAYNE for a conservation subdivision development and boundary adjustment on Payne Drive off Roller Coaster Road (Tax Map 7, Lot 8 and Lot 8-1 and Tax Map 37, Lots 11 and Lot 11-1 and 12). Bernard Cote of Géomètres Blue Hills was present accompanied by Atty. James Shulte and David Whitcher representing the applicants and by Sandra Payne. Lissa D'Anjou and Bob McLelland, abutters, were also present. Mr. Cote presented to the Board plans revised at his client's request and explained the revisions. 1) Acreage calculations have been charted and show on the bottom of the first sheet. 2) Parcel 8-5 and 8-4 have been reconfigured. Lot 8-5 has been reduced to 5.02 acres to allow a 260 foot buffer toward the rear boundary by Lot 8A and Lot 8-4 has been reduced to 17.78 acres. This allows an increase in the buildable area going into the conservation open space up to 55.5%, while 84% of the nonbuildable area is included in the conservation area. Sheet 2 of the electronic submission shows a gate blocking the existing ROW across the abutting lot to be installed if and when the subdivision road is approved. The turning radius for the hammerhead has been added to Sheet 3.

Board members reviewed the revisions. Steve Leighton suggested that they square off the hammerhead end of Lot 8-4, noting the small sliver of land remaining around the hammerhead. He noted that the subdivision regulations require a minimum width for lots in standard subdivision layouts and recommended the change. Mr. Cote suggested it would be too costly to reconfigure the lines again. Charlie Moreno noted that the conservation development ordinance requires that building envelopes be shown on the plans and includes setbacks requirements between building envelopes and between building envelopes and outer boundaries. Lynn Sweet advised that the note regarding bringing the road up to town specifications is still missing. It was noted that all of the items agreed upon earlier in the year have been met except the retirement of the road in the ROW. Ms. Sweet asked if they have figured out the PSNH easement. Ms. D'Anjou advised that she has been doing research and that some of the utility poles shown on the plan are not part of the easement.

The Chairman then closed the general discussion and shifted the Board's attention to the applicant's request for a waiver from the requirement for pavement for the new subdivision road, noting that this is the item that must be addressed. He turned to the list of conditions for approval of the waiver as voted by the Board in January and revisited during the May and June meetings. Atty. Shulte suggested that the Board review the items in the order listed in the record of the discussion from the June meeting. There was a brief comment regarding number 6, the "no further subdivision" note, which has not yet been added to the plan, and then it was agreed to return to the list from June. Atty. Shulte addressed the Board. Condition #1, a conservation easement, was addressed at the May and June meetings and it was agreed that a homeowner's association could administer the conservation provisions. David Whitcher has submitted a draft conservation restriction deed as part of the materials for tonight's meeting, and the applicants would request that the document be forwarded to the town attorneys for review. The second condition fully discussed in June was the addition of a note on the plan stating that the road must be brought up to current town specifications before it can be brought to the town for acceptance as a town road. This item had been discussed thoroughly in June and that some wording agreed upon at that time. The proposed wording was: "before any person or entity brings the road to the Town for acceptance, it must be brought up to full current Town design standards." The third condition discussed was the buffer corridor between Lot 8-5 and the rear property boundary. This buffer area has been substantially enlarged as part of the effort to increase the conservation open space area on the plan revisions submitted for this meeting.

The fourth condition discussed in June was the retirement of the old ROW across the abutting property which now serves as the driveway to the Payne's home. Atty. Shulte said that most of this discussion is outside of the Board's scope. He advised that the applicants have committed to shut off the accessway, and he noted that it may be the result of conversations between the parties that the poles are ultimately relocated, but this is outside the Board's review. There was some discussion among Board members, however it was finally agreed that the ROW is off the applicant's property and that the proposed gate would close off regular use of the ROW. Another of the original conditions briefly discussed in June was the "no further subdivision" clause that the applicants have agreed to add as a note on the plan. Finally, there is the issue of the Board's request that 55% of the buildable area be included in the conservation open space. Atty. Shulte noted that this plan meets what the applicants understand as the consensus of the Board regarding the open space issue. The new area calculations included in this plan, based on the new configurations of the lots that increase the open space, show that the conservation area now includes at least the requested 55% of the buildable area.

Atty. Shulte noted that the Conservation Development ordinance gives the Board wide latitude in interpreting the regulations, and suggested that the ordinance will allow the Board to approve the waiver to the requirement for pavement. There was some discussion of what was being proposed here. It was noted that the current discussion is focused on the waiver request only. Steve Leighton noted that Atty. Shulte himself had advised that the only vote that matters is the final vote, however Board members agreed to moving forward toward another vote on the waiver request. Board members turned to the list of items as presented by Atty. Shulte. 1) It was agreed that review of the conservation restriction document by the town attorney could be a condition of approval of the waiver. 2) After some discussion of the wording proposed in June for the note regarding bringing the road up to town specifications, Board members agreed that the "any person or entity" wording proposed in June was reasonable. 3) The requested buffer by the rear boundary has been addressed. 4) Regarding the existing ROW across the abutter's lot, they have shown a gate on the interior property line between the two properties. It was noted that there is concern that the ROW is blocked from Route 202A so that it does not continue to exist as a second entrance to the Payne property carrying traffic. Lynn Sweet advised that the utility easement is an issue between the two property owners and out of the Board's control. She suggested that a note be added to the plan stating that a gate, barrier, etc. will be provided. David Whitcher then proposed the following: there shall be a physical gate if the utility poles remain in the ROW or a permanent physical barrier will be placed to block off the ROW if the poles are relocated. After a brief discussion, Board members all agreed with this language. 5) The next item was the Board's request that 55% of the buildable area be put into the protected conservation area. Lynn Sweet noted that she was fine with the current proposal because it meets what the Board voted in January, as shown by the area calculations provided on the revised plans submitted for this evening. Donald Coker and Terry Hyland agreed, saying that they felt that the increased land into conservation was a good compromise for the request for a relief from the requirement for pavement. 6) The final issue was the "no further subdivision" note, and it was agreed that this note still needs to be added to the plans. After a brief general discussion, the Chairman called for a motion. Lynn Sweet then made a motion to approve the request for a waiver to the pavement portion of the required road standards, conditional upon the six items noted above. Donald Coker seconded the motion. The Chairman then called the vote. The vote was 3 ayes and 2 nays. The Chairman advised that the motion carried.

The Chairman then advised the applicants that the next step is to complete the engineering. David Whitcher agreed. NH DOT and NH DES permits will also be needed for the road. Lynn Sweet noted that the stormwater studies will also be required as part of the engineering. There was a brief discussion of the Lot 8-4 lot line near the hammerhead. Mr. Cote suggested it would be too costly/difficult to reconfigure the lines again and Mr. Leighton said that it would be okay to leave the line as shown. There was some brief discussion of the utility ROW over the existing driveway ROW on the abutting lot. Finally it was agreed that this question is off the subject property and should be addressed by the two property owners and PSNH. Mr. Moreno noted again that the Conservation Development ordinance requires that building envelopes be shown. Mr. Cote said that the building setback lines as shown meet the conservation development setbacks. After discussion, it was agreed that a note should be added stating that "the building setback lines shown meet the building envelope requirements of the ordinance." Donald Coker asked about public access to the open space. The applicants suggested that it was not yet settled. Steve Leighton then suggested that the hammerhead go to 75 feet for tractor trailer access.

Mark Whitcher made a motion to adjourn the meeting. The motion was seconded and there was no further discussion. The vote was unanimous in the affirmative. The meeting adjourned at 9:05 PM.