

Minutes

Planning Board Meeting

December 4, 2014

Members of the Planning Board in attendance were Paul Eaton, Terry Hyland, Denise Markow-Speed, Lynn Sweet, and Donald Coker, Alternate member. Paul Eaton as Acting Chairman called the meeting to order at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the January 2015 regular meeting is 5 p.m., Tuesday, December 16, 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.

The first item of business before the Board 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 Tax Map 37, Lots 11 and 12). Bernard Cote of Géomètres Blue Hills presented the application accompanied by Randy Orvis and David Whitcher. There were no abutters present. Mr. Cote presented revised plans showing a number of corrections and/or revisions as requested by the Board at the previous meeting and an updated waiver request letter. Mr. Cote, Mr. Orvis and Mr. Whitcher guided Board members through the various revisions and checklist items. There is still no agreement regarding the ROW and they have not pursued the NH DOT pending the outcome of discussions with the neighbor. They have reconfigured the lots to eliminate the proposed greenbelt strip along the property boundary and they have put the whole beaver bog into the open space area. They have added a typical cross-section to the road detail page and a current use note. They noted that there is no recorded easement for PSNH, but all the poles are already existing along the current driveway. New easements will be written as lots are developed. The applicants representatives also noted that they will soon be contacting an attorney regarding putting conservation restrictions on the open space area. Wetlands flagging is now shown on the topography sheet. Notes indicate that the wetlands delineations were completed in January of 2014. Mr. Orvis said that flagging had been completed earlier but that locating the flagging extended into January. Mr. Orvis added another note to the plans regarding his more recent site survey for the conservation plan. There is also a new chart added showing the buildable area for the lots and another showing lot acreages and buildable and non-buildable area calculations for conservation development. David Whitcher then indicated that the applicants are looking for general approval on the lots as presented this evening. He said that they feel that there are two phases to the plan set; one regarding the overall layout of the lots and a second focusing on the way into the property. Mr. Whitcher indicated that they are looking for a general approval regarding lot configurations, wetlands, etc. before going forward. They do not want to have to keep changing the overall plan. Board members agreed that the plan now looks cleaner and that the Board's concerns regarding lot layout have generally been met. Donald Coker noted that the Board cannot vote at this point because the question of the access is still in the air. Lynn Sweet agreed but noted that the biggest concern is the roadway. Board members noted a general consensus, but also noted that consensus is not the same as approval.

David Whitcher then presented the Board with a proposed solution to the roadway issue. He agreed that the applicants have not yet contacted the abutters to discuss their differences. The applicants are now proposing to open up a new access from Route 202A/Roller Coaster Road. The new opening would be located on Map 37, Lot 12 near the boundary with Lissa D'Anjou but would still use Lissa D'Anjou's ROW. The new road would swing back into the existing driveway located on the ROW in the area of the wetlands crossing. Donald Coker suggested that the Board should get legal advice before going further, given the ROW question. Lynn Sweet noted that she had been contacted by the abutter, who could not attend tonight's meeting. A general discussion of wetlands impacts followed. Donald Coker noted that some wetland impacts might be needed and even preferable to the existing layout. Bernard Cote advised the Board that the applicants have tried to design the best fit for the road given their interpretation of the regulations. Board members asked if they had considered a road up through Lot 12. The applicants said that bringing in the road through Lot 12 would impact the potential house site on that lot. A lengthy general discussion followed, with Board members noting the topography of Lot 12 and suggesting that the applicants look again at using an entrance from Lot 12. Mr. Whitcher suggested that he feels that there will be no problem with increased use of the ROW given past projects he has been involved with. Moving forward, he asked if Board members would be willing to consider waivers regarding the horizontal curve and road width in the area of the wetlands crossing. Mr. Eaton, speaking for the Board, said that the Board needs to find out about the neighbors and the ROW. Repeating a theme from last month, Mr. Cote said that the applicants are looking for clarification on

road construction requirements because they will not pursue the development if they cannot get waivers and the road is too expensive.

Mr. Witcher then moved the discussion to the question of pavement, which is the most important waiver that the applicants are seeking. Lynn Sweet again noted the Selectmen's position on the question. After some brief discussion, Lynn Sweet suggested that Mr. Witcher attend the Selectmen's Meeting on Tuesday to talk with the Board of Selectmen about the issue. Mr. Witcher agreed and then turned to the other waivers being requested, including the radius, shoulder width, etc. He advised the Board that he would like a consensus from the Planning Board on the question of pavement to take to the Selectmen's Meeting because pavement is a make or break item. Denise Markow-Speed noted that NH DOT will require a paved apron. Mr. Witcher agreed, and then noted that the applicants intend for the road to remain private. Ms. Markow-Speed asked if there was some way to guarantee that the road remain private in perpetuity. She again noted that she feels that overall, pavement is not consistent with conservation design. Donald Coker said that the waiver request should come as a separate issue with a rationale for granting the waiver provided by the applicant for the Board's consideration. Lynn Sweet noted that the applicants should plan for underground utilities from the last pole to the new homes. Denise Markow-Speed suggested that they verify the height of the utility lines where they cross the road to be sure that trucks can pass under them. Paul Eaton suggested that he agreed with Ms. Markow-Speed on the pavement question but is looking for the rationale. Ms. Markow-Speed noted that there is a nearly 10% grade for about 800 feet of the road, and that the grade would also provide a rationale for maintaining a gravel surface which would carry less runoff. Ms. Markow-Speed noted that at the state level, a documented justification is needed before any design exception can be granted. In summary, Lynn Sweet noted that there is a consensus from the Board to look at the waiver. Donald Coker suggested that Mr. Witcher could tell the Board of Selectmen that the Planning Board had discussed the question at great length, and if there are trade offs, perhaps a waiver of pavement can be justified. He asked the applicants to rewrite the waiver request. The Board agreed that the requirement for pavement is part of the typical section design standard, not the dead-dead-end road regulation, and that the waiver request should reference the typical section.

Board members then briefly turned to the other requested waivers. Denise Markow-Speed suggested that waivers, including pavement, might be tied to requiring a conservation easement rather than a simple deed restriction. She suggested that a conservation easement might be reasonable trade-off for leniency on pavement, etc. A conservation easement would protect the conservation land better because monitoring is required. In discussion of the curve, Denise Markow advised the applicants that running the road through Map 37, Lot 12 would also solve the problem, as well as increasing sight distance at the entrance point. Bernard Cote asked if there was any consensus among Board members regarding the hammerhead arrangement and the total road length. Board members agreed that there was support for both. Donald Coker noted that the key word is justification. Further discussion will take place at the next meeting. Mr. Witcher was advised that the applicants may request a postponement of the discussion.

The next item before the Board was to review recent correspondence. The Board has received a letter from George Kitz regarding his proposal to rent his barn and fields as a function "hall" for large events. He is hoping to build a small building to provide indoor rest rooms for the guests. Food service etc. would be provided by caterers. Board members agreed that they are excited by the proposal, which makes excellent use of the farm and large barns and is very much in keeping with the goals of the Master Plan. It was agreed that the next step for Mr. Kitz is to request that he complete a non-residential site plan. Board members agreed that surveyed plans would not be needed, and that many of the site plan questions would not be applicable. Parking, signage, and fire and safety are the biggest questions.

Board members then agreed to hold a work session on future zoning proposals on Thursday, December 11th at 6:00 PM. There being no further business before the Board, a motion was made and seconded to adjourn the meeting. The meeting adjourned at 9:50 PM.