

Minutes

Planning Board Meeting

November 6, 2014

Members of the Planning Board in attendance were Charles Moreno, Paul Eaton, Terry Hyland, Denise Markow-Speed, Lynn Sweet, and Donald Coker, Alternate member. The 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 December 2014 regular meeting is 5 p.m., Tuesday, November 18, 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). Randy Orvis of Géomètres Blue Hills presented the application accompanied by David Whitcher. Several abutters were present, including Lissa D'Anjou, Bob McLellan and Mr. Magowan. This is a new application that includes Map 37, Lot 12, which has frontage on Roller Coaster Road/Route 202A. The project would create three new building lots and a new dedicated open space lot to be split out of Map 7, Lot 8, and a boundary adjustment between Map 7, Lot 8 and Map 37, Lot 11. Lot 12 would not change in size but has been combined into the project calculations for total acreage. The Chairman again noted 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 and Ms. Sweet have done a preliminary review of the revised plans prior to the opening of the meeting.

The following items were missing and/or need clarifications: houses within 100 feet; roads and driveways within 200 feet; culverts; well radii; dimensions of ROW access easement across Map 37, Lot 10; NH DOT permit; all road information; proposed open space restrictions and ownership; and add Lot 12 to the title block and notes. Building envelopes may need more detail; for now Mr. Orvis indicated that the building setback lines define the building envelopes. Ledge and slopes have been addressed in a plan note and in the natural resources report submitted with the revised plan. Mr. Orvis submitted a copy of the utility easement. Corner monuments and seals will be needed before a final plan could be signed. The Chairman then opened discussion on acceptance of the plan for consideration. Board members reviewed the items missing and/or in need of clarification. Paul Eaton noted that the most important item is the road engineering. Mr. Moreno and Ms. Sweet agreed that completion of the engineering could follow acceptance. Mr. Eaton agreed that it would be difficult to engineer until the applicants are sure of the overall design. David Whitcher advised that they anticipate keeping the road in the same physical location as the existing driveway, except that they may change the horizontal curve to come more into conformance with the regulations. Denise Markow agreed, noting that as long as there is information on the existing features, engineering can come later. Lynn Sweet then made a motion for acceptance, conditional on the completion of the missing items. Paul Eaton seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

Randy Orvis then began his formal presentation of the revised proposal. The Paynes hope to create 3 new residential lots and one new open space lot out of their existing 128.6 acre property. The open space would be approximately 71 acres in area; the existing home on Map 7, Lot 8 would have a 29.52 acre lot, and there would be three new 5 to 6 acre lots. Map 37, Lot 11 would increase from 9 acres to 11 acres, and the 3.9 acre front Map 37, Lot 12 would remain the same size. Lot 12 has been included in the revised calculations of buildable and non-buildable land. Mr. Orvis noted that the Board had visited the site on October 29th and had spent a considerable amount of time around the proposed hammerhead and some nearby wetlands and culverts that had been missed during the initial delineation. He noted that he has had a second wetlands scientist re-flag the wetlands in the area around the hammerhead. Based on the site walk, Mr. Orvis said that they have found that to use the initial design, they need to either move the utility pole near the hammerhead location or build a catch-basin. They are now suggesting to move the hammerhead beyond the pole and design an L-shaped turnaround. This would add about 102 to 103 feet to the length of the road, but it would also mean that all the lots could directly access the hammerhead without easements and that the lot would have more frontage on the hammerhead. Denise Markow asked about the width of the road, noting that the existing pipes would need to be lengthened. Mr. Orvis agreed.

Board members discussed the overall proposal, noting several different concerns in turn. The first issue was wetlands. Mr. Moreno asked if Mr. Orvis had delineated wetlands on the whole site. Mr. Orvis explained his strategy for delineation on a large property, noting that he had walked the perimeter then walked up the watersheds. He agreed that he may have missed a few small areas but noted that they probably fall below the threshold for the army corps of engineers. He noted that he had located a second vernal pool since the previous meeting. In response to a question, Mr. Orvis said that he had flagged all the wetlands except the beaver bog, which he did identify. He suggested that the critical importance of the wetlands was for buildable area calculations. Mr. Moreno agreed that this is important, but noted that conservation development involves the entire property. Mr. Moreno expressed concern about the wetlands delineations, and noted that wetlands flagging is required under the subdivision regulations. Paul Eaton noted that the Board has to feel confident that the wetlands have been found but also said that he feels that it makes a difference how much buildable area is going into the open space. He asked what the calculations were for the buildable area in the open space. Mr. Orvis said that they have calculated 49.6%, which gives them a cushion over the 40% required. David Whitcher suggested that additional study would be unlikely to increase wetlands enough to change the calculations significantly. The Chairman asked the Board what they feel about the wetlands flagging. Lynn Sweet said that she is more concerned about the three new smaller lots and the proposed septic and wells, and Terry Hyland agreed. Denise Markow and Paul Eaton agreed that they wanted to be sure about the final buildable area calculations. Mr. Moreno and Mr. Coker expressed concern for meeting the requirements of the regulations. Denise Markow noted that it is most important to make sure that the flagging is done downstream. It was agreed that the applicants would need to request a waiver if they do not complete the flagging.

Discussion then turned to the road engineering. Lynn Sweet stated immediately that the position of the Board of Selectmen was to require that new subdivision roads be fully engineered and built to town specifications, including pavement. More general discussion followed. On behalf of the applicants, David Whitcher said that they are requesting waivers in part for financial reasons. He said that the existing driveway serves the land well, and noted that pavement would not last long under the wear and tear from Mr. Payne's trucks and heavy equipment. He noted that Mr. Payne has said that if he cannot get a waiver, he will give up. They have engineered plans for a new road meeting town specifications, but the cost would be \$250,000, which is more than the lots are worth to the family. Randy Orvis advised that a new road layout would also increase the wetlands impacts. Denise Markow suggested that in her view, pavement is at odds with a conservation approach, but she advised that the profile needs to be updated to show a profile percent grade on the vertical slope to confirm that it was not greater than 10% which is a town requirement. Also, the vertical sag curve "K" data needs to be shown as well to confirm it meets town standards. The horizontal alignment needs to also be met on the first curve into the property which means that the curve needs to be flattened and a resulting wetland impact would need to be calculated and shown. Finally, a permit will be needed from NH DOT. In summary, the horizontal curve and vertical alignment are more issues than the pavement. Paul Eaton and Terry Hyland agreed, noting that one has to be open to waiving the pavement in order to encourage conservation. Denise Markow advised that the width required by the specifications does need to be there, and she noted that materials need to match where segments of the current drive would need to be widened for the road. Paul Eaton addressed the applicants, and said that although the Board can make no promises at this time, the applicants have now listened to the conversation and should know how people are thinking, and he noted that they still have to maintain the appropriate standards. Noting that pavement adds pollutants, yet also noting a concern for setting precedents, Board members turned to Denise Markow, who noted the state's system for considering Design Exceptions, and the applicant's responsibility to provide specifics about why an exception should be granted. Lynn Sweet agreed, noting that the applicants know what is required and need to provide the information on why they feel that they cannot meet the requirements, noting that the applicants need to justify the request through details.

Noting the audience, Lynn Sweet then turned to Lissa D'Anjou and asked if she would care to comment given that the proposed roadway crosses her property. Ms. D'Anjou then addressed the Board and read a statement/letter to Board members. She presented her research findings and expressed her concern with overburdening the existing ROW over her property. She spoke in opposition to the project yet noted that she does not want to create turmoil. She noted that a town record tupelo/black gum is located in the wetlands on her property and she is concerned that the tree, which is probably 500 years old, be protected. She then brought forward copies of the ROW documents and asked Board members to consider the differences between a ROW and an easement, noting that a ROW may only allow the right to pass and repass. Hearing her concerns and briefly noting the various documents, Board members agreed that the Board cannot make the decision to expand use of the ROW. This is something that must be agreed between the two parties. The Planning Board has no authority to act on behalf of the property owners on the

issue of ROW access. Board members agreed that the applicants have a right to make a presentation, but urged the parties to figure things out before further review. Paul Eaton noted that there is the alternative of developing a new access on Lot 12 as an alternative to the existing access if negotiations between abutters was not successful. Lynn Sweet then made a motion, seconded by Charles Moreno, to table the application to next month. She noted that discussion could easily be continued beyond next month if needed. Donald Coker asked about the clock, and Board members noted that it would be in the applicants' best interest to request continuation. The Chairman called the vote, which was unanimous in the affirmative. Prior to moving forward, Board members briefly noted that they would advise the applicants to redesign the lots to eliminate the proposed channels or greenbelt around the outside of the lots. Board members noted that building envelopes need to be set back from lot lines, but that lot lines may extend to the property boundary.

Board members agreed to schedule a work session for Wednesday, November 19th at 6:00 PM to work further on drafting regulations for wind towers. It was agreed to address other items of business for November at that work session, including beginning of the annual review of Steve Leighton's gravel excavation on Sloper Road and consideration of the October minutes. 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 10:00 PM.

Planning Board Work Session

Wednesday, November 19, 2014

Members present: Charles Moreno, Terry Hyland, Lynn Sweet

The Chairman opened the work session at 6:00 PM. The first item for discussion was the annual review of Steve Leighton's gravel excavation on Sloper Road (Tax Map 12, Lot 52-2). Steve Leighton attended the meeting. He advised the Board that he completed all restoration on the adjoining Lot 52. He has received no complaints during the past year. He continues to work the gravel excavation at a slow pace. Board members noted that the Board also has received no correspondence on this item, and at last year's hearing, abutters were advised to forward any concerns to the Board in writing. Nothing has been received. The next annual review will take place next in November 2015.

Board members then worked on drafting a small wind energy system ordinance. Board members worked from the NH OEP draft ordinance, as well as reviewing similar ordinances from Farmington and Ossipee. There have been no new applications received for December, and it was agreed that the Board will continue to work on this project at the regular December meeting.

The work session adjourned at 8:30 PM.