

## Minutes

### Planning Board Meeting

June 7, 2012

Members of the Planning Board in attendance were Charles Moreno, Chairman, Paul Eaton, Terry Hyland, Lynn Sweet, Mark Whitcher, and Donald Coker, Alternate member. The Chairman called the public meeting to order at 7:35PM and announced the members present. The closing date for applications to appear on the agenda for the July 2012 regular meeting is 5 p.m., Tuesday, June 19, 2012. After a brief discussion, it was agreed to postpone the July meeting to the second Thursday due to the Independence Day holiday, but the application deadline will remain the same to due to the holiday. The Chairman reminded the audience 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. It was agreed to postpone consideration of the minutes until after the formal business.

The first item of continuing business was 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). Chris Berry of Berry Surveying advised the Board that they are still working and that there was no new information. Further discussion was continued to the next regular meeting.

The next item of continuing business was the application of MARK and JUDITH WHITCHER for the 9-lot subdivision of their property located on Province Road and Wild Goose Pond Road (Tax Map 1, Lots 14 and 14A). Mark Whitcher recused himself from the Board as the owner of the property. The Chairman advised that Donald Coker would serve as a voting member for this case. Chris Berry of Berry Surveying and Engineering presented the plans. Rick Ferreira, an abutter, was present accompanied by his daughter. Atty. Shulte was present representing the applicant. Greg Messenger, the Road Agent, was also present. Mr. Ferreira asked to record the meeting and noted that he had a USB drive containing the previous audio files. The Chairman advised that the discussion left off with an accepted application and a well attended site review including all Planning Board members and Mr. Whitcher's team, and he noted that the Road Agent is here tonight at the request of Lynn Sweet. So, he suggested, the Board should cover the road issues first. He suggested that there are three items to discuss with the Road Agent: 1) to make sure that the Road Agent is satisfied with the drainage off the town road; 2) discuss the oak trees in the road ROW, noting that the Board is hoping to keep some of the trees; and 3) the question of the proposed private roads and town specifications.

Donald Coker noted that there had been a lot of discussion of the driveway/road locations, and asked if they had or had not agreed to move them. Board members agreed that the driveway locations would be question #4. Paul Eaton noted that he had instigated much of the discussion because it seems intuitive that there would be more of a line of sight if the drives moved to the west, but said that he agrees that Mr. Berry had good points about the curve in the road, especially for the drive between Lots 2 and 3. Mr. Coker said that he is still concerned about sight distance. Mr. Berry said that he believes that it was agreed to leave the drives where they were. Lynn Sweet asked Greg Messenger if he had laid out the drive locations. Mr. Messenger said that he had not laid them out, but agreed that he had walked the site with Mr. Berry. He said that these seemed the best locations when they were walking the site, but noted that there is also the question of the drainage discharge. Donald Coker then asked Mr. Messenger to educate him about sight distance, noting that the state permit asks for 400 feet. Greg Messenger advised that Don Rhodes had always suggested 10 times the speed limit for local roads, which would be 300 feet, but agreed that it was probably never written. Chris Berry noted that Mr. Messenger requires more than the ASHTO standards would require. He advised that he has suggested upgrades in discussion with Greg Messenger that would achieve the 300 feet, although concern about the vertical swale line at the first drive remains. Mr. Messenger suggested that it is the developer's responsibility to do the work to create the sight distance, because a new lot owner could be doing work on somebody else's lot, which is his concern. The developer prefers to have new owners complete the work at the time that the lots are developed, since that could be some years into the future. Lynn Sweet suggested that a sight line easement would address the question, because people would know that they could lose the trees. Steve Leighton asked how the restrictions would be enforced. It was suggested that they would pertain when somebody builds, which would come back on the Building Inspectors. Atty. Shulte said that an easement is unnecessary because the work would be within the town ROW. Mr. Leighton agreed that the Building Inspectors know to make sure that plan requirements are met. Charles Moreno said that it seems that the plans should be specific. Greg Messenger said that he agrees, but that it is hard to be specific that all the trees are in the town ROW, since you might need to remove trees beyond the stone wall. Steve Leighton suggested extending the easement 10 feet beyond the stone wall. Paul Eaton noted the question of financial responsibility for the work, and

suggested that putting the responsibility to complete the work on the developer is cleaner, though would mean a more immediate change for the rural road. Concern over changing costs over time was noted. Mr. Moreno suggested that the work would need to be carefully engineered now so the work gets done. Mr. Coker noted that a mechanism would be needed to make sure that an easement was enforced. Ditching work will also need to be done, it was noted. The Chairman advised that the applicant should draft the language for the Board to review. The question of financial guarantee was raised for work by private individuals in the town ROW.

Discussion then turned to drainage. Chris Berry submitted new plans with the drive locations pinned down. Grading requirements need to be engineered on the plan and any off-drainages engineered on the plan. Paul Eaton asked about how to draft the requirements, whether by setting a required goal or by engineering the drainage in advance of development. Atty. Shulte suggested that a guarantee could be posted, and then once lots have been purchased, the new owners could engineer based on how they develop. It should be part of a sales agreement to negotiate who does the work, he suggested. Paul Eaton asked how the Board could be sure that buyers would know. Lynn Sweet suggested it would be part of a buyer's due diligence. Steve Leighton noted that a sight easement would show in the deeds. Rick Ferreira noted that grading changes for sight lines will change the drainage, and suggested that it would be open-ended unless written down. Atty. Shulte said that the plans would show that the work needed to be done to create the 300 foot sight distance. Paul Eaton suggested that the notes should be detailed, noting that trees could be taken, but not stone walls. Atty. Shulte said that they are not proposing to deepen the ditches. Discussion of the easement and the lots and town ROW continued. Charles Moreno noted that he had been led to believe that stone walls would not be affected, only earth removal and tree-cutting as needed. Rick Ferreira noted that if the drainage was engineered now, we would know if the stone walls would be affected. Lynn Sweet said again that she feels that the sight line easement covers the question, and that the issue is letting future buyers know. Paul Eaton said that he would like to see something about preserving the stone walls.

The Board then returned to the drainage issue, which is intertwined with the sight distance question. Mr. Berry noted that water now flows onto the property in the area of the forestry landing on Lot 14-6 because there is no culvert there. He has talked to Greg Messenger about discharging the water at the private road or at the Lot 14-7/14-8 property line. Steve Leighton suggested that the private roads would need swales and engineering. The Chairman asked the Road Agent if he was okay with this plan. Mr. Messenger said that he would be if the water can run off somewhere, and then asked about the town road standard. Board members all agreed that this is the next topic. The Chairman asked if a drainage easement would be needed. Chris Berry said yes, flowage rights would be needed. Mr. Berry then turned to the road specifications. He noted Sheet 14, and said that the only difference between the proposed private roads and town standards is paving. He said that they could give the Board a waiver request for the paving. Secondly, said Mr. Berry, they are not showing a turn-around at the end of the private roads because the roads will function as a driveway, but built to the gravel standard for a town roadway. He said that Sheet 14 shows plans and profiles that meet the standards. Paul Eaton asked if both of these proposed private roads were needed for frontage. Mr. Berry said that they were using both and the engineering was the same for both. The Chairman noted that roads being used for frontage need to be engineered to town specifications. If there is a specification that they cannot meet, they can apply for waivers, he noted, but he also noted that waivers have to be requested specifically and meet the criteria. Atty. Shulte then submitted a request letter. The Chairman noted that this information needs to be provided to the Board to review ahead of time. Atty. Shulte said that they would be coming back next month, so it would be for discussion at that time. Paul Eaton said that the Board needs to know what the roads would look like without the waivers. There was some discussion, and Lynn Sweet noted the Scribner application. Minutes state that the Board asked Mr. Orvis to provide plans showing the Scribner subdivision road without waivers. Atty. Shulte said that the purpose of a turnaround is to turn emergency vehicles, which would be unlikely in a 40 foot road, so he said that the Whitcher roads would not need a turnaround. The Board agreed that length would be a consideration. Donald Coker suggested that the Fire Department should be consulted. Mark Whitcher asked about the length of a fire truck and said that he feels that the Board is over-thinking the situation. Lynn Sweet said that the Board should be consistent with what they asked Mr. Scribner to provide. Paul Eaton said that you have to assume that the standards are in place. The Chairman asked Mr. Berry to bring in plans with detail on a big print so that the Board can assess the situation, including drainage, drop-offs and grade, etc. Steve Leighton said that he had a question about the upper hammerhead, noting that the intersection needs to be at 1%. The second is level, he noted. Greg Messenger asked if a culvert was needed, since it seems to drop off. Steve Leighton suggested that fewer culverts would be better. Greg Messenger asked about private road construction. Mr. Leighton advised that the private roads would need to be bonded or built and inspected before the plans could be finally approved. Rick Ferreira asked Mr. Messenger if he had proposed the roads layout or just looked at what Berry suggested. Discussion then turned to the question of frontage and average width of the lots. Mr. Berry said that they were trying to square the design of the lots. Reference was made to Section 2.6.3 regarding exterior curves. Paul Eaton noted that the Whitcher lot is on an interior curve, and this would not apply. Paul Eaton again said that the Board needs to see things laid out. What is going to be built needs to be

engineered, including the drainage. Paul asked why there are two private roads if they only need one for frontage. He asked if there is any advantage to the Town to have the private roads, and all agreed that there is none. The Board also noted that they would need to see the proposed easement language. Finally, Paul Eaton asked if they would consider a no-cut buffer by the Ferreira's boundary, given that the best place for a home on that lot, given the grade, is on the knoll adjacent to the Ferreira home. It was noted that the Board has requested no-cut buffers on previous occasions. There was some brief discussion of stone walls, and whether the stone walls along the Province Road are protected as boundary markers.

Noting that the Board has identified a number of items for discussion at the next meeting, Donald Coker then made a motion, seconded by Paul Eaton, to adjourn the meeting. There was no further discussion and the Board then voted to adjourn at 9:45 PM.