

Minutes
Planning Board Meeting
February 5, 2009

Members of the Planning Board in attendance were Charles Moreno, Chairman, Don Rhodes, Paul Eaton and James Graham.

The Chairman called the public meeting to order at 7:40 PM and announced the members present. The closing date for applications to appear on the agenda for the March 5, 2009 regular meeting will be 5 p.m., Tuesday, February 17, 2009. 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.

The first item of continuing business was the application of the BERTHA HUCKINS REVOCABLE TRUST for 3-lot subdivision of property located at 22 Hillside Drive (Tax Map 11, Lot 4). Corey Colwell of Ames MSC presented revised plans; Lester Huckins was present. Mr. Colwell advised the Board that they have completed a drainage analysis and have revised the plans to show two 15 inch culverts at the proposed wetlands crossing, as shown on Sheet 2. They have also extended the proposed road to include a turn-around area beyond the driveway entrance to serve the new lot, which resulted in some slight grading changes. They noted that the proposed turn-around should accommodate any vehicle. They plan to site the proposed new home to preserve as much of the field as possible. Discussion then turned to the key remaining issue—the requested waivers to the street construction standards. Board members agreed that the subdivision will improve the situation by resolving a non-conforming situation and separating each residence onto its own lot. Proposed new Lot 1 will have most of its frontage on Hillside Drive; Lot 2 would take frontage off the new private road. Mr. Colwell advised again that they have requested the waivers because the new road would only serve Lot 2, and it is not feasible to extend the road beyond Lot 2 to create additional lots due to the steepness of the terrain past this lot. They feel that it is not logical to construct the road to full Town standards for only one lot, in a situation that would likely never see any two-way traffic. The applicants did agree that the road needs to be more than a gravel drive, but would like a waiver to the requirement for full width and to the requirement for paving. Discussion then followed. Board members noted that Lot 1 will require about 70 feet of frontage on the new private road, but will retain its existing driveway off Hillside Drive for access. It was suggested that the first 70 feet of the proposed new road should therefore be built to higher specifications than the rest of the road. Don Rhodes noted that the new road will function like a driveway, but agreed that the regulations require that the Board treat it like a road. Mr. Rhodes noted that the Board should weigh the benefit to the town of the proposals. He noted that clearly separating the existing home on Lot 1 onto a separate lot makes sense. Proposed Lot 2 is a good lot, surrounded by existing stone walls. He noted that the Board needs to think what might be done to improve the existing road, including Hillside Drive, to bring it closer to current specifications, but he noted that widening all of Hillside Drive would be too extensive and would require cutting many trees, etc. Discussion then turned to a proposal to add a wider turn-out area on Hillside Drive near the intersection of the new private road. This wider area would allow two trucks to pass on the road, which would meet the intent of the regulations. Hillside Drive is now approximately 18 feet wide and paved, lined with large trees, except in one area. Typically a 20 foot width is required for long driveways serving more than one unit. Finally, there was some discussion of whether the full 200 foot frontage for Lot 2 would need to be constructed. Board members reviewed the regulations, and agreed that this may not be an issue for the Board to address, although it could involve a financial guarantee. Previous similar cases were noted, with Board members suggesting that the key requirement is the provision of a turning area, in cases where there is compelling evidence that the ROW cannot be used to access land beyond the lot.

Discussion ended, with Don Rhodes advising that where the road serves only one lot, a construction waiver makes sense. He noted that it is clearly understood that it couldn't be extended—the 800 foot limit precludes further extension, but allowing no further extension of the road could also be made a condition of approval. In addition, any other new lots created off the road would also trigger full road construction standards, and in fact the whole road would need to be looked at for improvements. He noted that the waiver would be granted for just the one new dwelling. After discussion of possible locations for widening Hillside Drive for the turn-out near the intersection of the new road, Don Rhodes suggested that the Board stipulate the dimensions and give the applicants the flexibility of determining the best location. It was agreed that the Board would request an area along Hillside Drive be

widened to a 20 foot width for the full distance of 50 feet plus a taper/transition at each end. This area is to be kept maintained, but not necessarily paved. The Chairman then opened the public hearing on the application. There were no comments and no abutters were present. The Chairman then closed the public hearing. Don Rhodes suggested that the Board take action on the waiver request first, with the understanding that the waiver would be restricted to Lot 2 as a condition of approval. Jim Graham then made a motion to approve the waiver to street construction standards for width and pavement for the new private road to allow the construction of the private road as engineered in the plans submitted for this meeting, with revised drainage, and a hammerhead as shown, with the added required widening of Hillside Drive as noted above, with the condition that the waiver is good as long as the private road serves only Lot 2, otherwise full construction standards would apply. Board members agreed that a note should be added to the plan stating that any further development would mean that the road would have to be built to Town standards. The motion was seconded and the Chairman called the vote. The vote was unanimous in the affirmative with Paul Eaton abstaining as he had missed most of the discussion above. Jim Graham then made a motion to accept and approve the plans for 3-lot subdivision with the conditions added as part of the waiver motion, the submission of a copy of the State of NH WSPCC subdivision approval and approval of the dredge and fill permit from DES, fix the locus map on Sheet 2, and build or bond according to the Selectmen's requirements, the new private road and improvements to Hillside Drive prior to signature. The motion was seconded and the Chairman called the vote. The vote was again unanimous in the affirmative with Paul Eaton abstaining. The applicant was advised to bring the mylar and copies to the office for signatures.

The first item of new business was the application of LINDA M. (Duval) COLPRITT, 184 Jo Al Co Road, for boundary adjustment between her two lots (Tax Map 1, Lots 29-1 and 29-2). Peter Landry presented the plans accompanied by Linda Colpritt. Lester Huckins, an abutter, noted that he has no objections. The proposal is to relocate the internal lot line between her lots to run long an existing stone wall. Lot 29-1, including the existing home, will be 9.05 acres. The new 5.42 acre Lot 29-2 will have frontage on Jo Al Co Road and Webber Road. The existing 50 foot ROW to access the former rear lot will be extinguished, although the property is encumbered by another access easement to property beyond this lot. Board members reviewed the plans with the checklist. It was noted that an access easement to the private cemetery on the lot should be provided. Don Rhodes noted the drastic shift in lot lines and acreage, and advised that the Board would need to see information to be sure that the Lot 29-2 meets the buildable area requirements of zoning. Jim Graham asked that the plans show the driveway access off the Class V road frontage to be sure that the lot will be accessed off the maintained road, as well as providing topo and information on buildable area. In addition show buildings within 100 feet. Finally, it was suggested that basic setback lines for Lot 29-2 should be shown, especially in that part of the lot to be detailed to show buildable area. It was agreed that further discussion will take place at the next meeting.

The next item of new business was the application of GARY L. and MICHAEL KNIGHT (Tax Map 16, Lot 27-3) and GARY A. and EMILY KNIGHT (Tax Map 16, Lot 27-4) for boundary adjustment between their properties located on Strafford Road. Jon Berry of Berry Surveying and Engineering presented the plans. Gary A. Knight's lot will be reduced from 37.12 acres to 5.45 acres, including the existing house. The remaining land will be combined with Lot 27-3, which will increase to 99.65 acres. The new boundary is offset 75 feet from the boundary with Lot 28. The plans include cross easements for driveways for all of the lots, to accommodate the as-built location of the existing driveway. Sheet 2 of the plans shows wetlands and includes setback lines and existing structures. After reviewing the plans with the checklist, Board members suggested the following items were missing and/or need corrections or clarifications: label the stone wall as "Line to be abandoned"; label proposed Lot 27-4 on the new lot side of the driveway; add houses within 100 feet and driveways within 200 feet; show the culvert on Strafford Road. It was noted that the property is now in current use assessment. There will be a current use penalty on the reduced Lot 27-4 once a deed transfers, because the lot will no longer be large enough for current use unless it is owned in common with other land qualifying for current use. Noting that these items are minor in nature, Paul Eaton then made a motion to accept the plans as complete for consideration, conditional upon the completion of the items noted above. Don Rhodes seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The Chairman then opened the public hearing on the application. There were no comments. The Chairman then closed the public hearing. Jim Graham then made a motion, seconded by Paul Eaton, to accept and approve the plans for boundary adjustment, conditional upon the completion of the items noted above. There was no further discussion and

the vote was unanimous in the affirmative. The applicants were directed to bring the corrected mylar and copies to the office for signatures.

The next item of new business was the application of KERMIT and DOROTHY WAGNER for 2-lot subdivision of their property located at 602 and 610 First Crown Point Road (Tax Map 19, Lot 67). Jon Berry of Berry Surveying and Engineering presented the plans. The Wagner's 43.7 acre property includes two existing homes. The proposal is to separate the two homes onto two separate lots. Lot 67-1 will include the mobile home on 5.92 acres including 3.39 acres of contiguous uplands. The lot is largely defined by existing stone walls. The existing woods road to the rear of Lot 67 crosses Lot 67-1 and will include an easement for continued use by the owners of Lot 67. They have conducted an intense survey of the front of Lot 67, showing 3.78 acres to the first stone wall, and 5.66 acres of uplands to the second stone wall. Both existing homes are near the road, with wetlands to the rear. Septic setbacks cannot be met in the area of the existing home on proposed Lot 67-1, and are difficult to meet in the area of the existing home on Lot 67 if also considering the existing well radius. Beyond the wetlands area there is adequate uplands to meet all zoning.

Board members then reviewed the plans with the checklist. The following items are missing and/or need corrections or clarifications: add utilities to the access easement for Lot 67 in case anybody wants to rebuild in the back; move the dimensions off the stone wall on Lot 67 to make it clear that Lot 67 continues beyond the wall; add wetlands stamps and surveyors seals to the final plans. These properties are also in current use; it was noted that Lot 67-1 would trigger a current use penalty if sold. Noting that these items are minor, Don Rhodes then made a motion to accept the plans as complete for consideration conditional upon the completion of the items noted above. Jim Graham seconded the motion, there was no further discussion and the vote was unanimous in the affirmative. The Chairman then opened the public hearing on this application. There were no comments, The Chairman then closed the public hearing. Don Rhodes then made a motion, seconded by Paul Eaton, to accept and approve the plans for 2-lot subdivision, conditional upon the completion of the items noted above. There was no further discussion and the vote was unanimous in the affirmative. The applicants were advised to bring the mylar and copies to the office for signatures.

The final order of new business was the application of GRANITE STATE REALTY TRUST for 6-lot subdivision of their property located at Canaan Road and Back Canaan Road (Tax Map 4, Lot 83-1). Randy Orvis of Geometres Blue Hills presented the plans, accompanied by Ron. Ben Carling, Bruce McCormick, and Chris Reagan, abutters, were present. Mr. Orvis had submitted a letter to the Board requesting a waiver to the subdivision application fees, suggesting that they had been unable to continue with the previous application due to the poor health of the owner. They still plan to develop the property as a conservation subdivision; it was noted that the applicants had not been required to submit the two-stage plans required for conservation development. Randy Orvis advised the Board that he wished to pick up where things had left off with the previous application last fall. They have made the changes requested by the Board at the last meeting, including the creation of a buffer all the way around the lots. They still show two lots under an acre served by a community well. The Chairman addressed the applicant, noting that the Board is starting with a clean slate. He agreed that the Board has some prior knowledge of the property, but also noted that conservation development is approved at the discretion of the Board. He read from the ordinance, noting the purpose of conservation development, noting that the idea is to enable conservation of natural resources and better development. He then asked if the Board was fully comfortable passing on the Design Review first stage. Paul Eaton suggested that since this is a new application, it might be appropriate to have a discussion of whether the proposal merits the approval of a conservation development for this property. The Chairman agreed that the applicant should convince the Board of the merits of the conservation development approach for this property. Randy Orvis then spoke of the various natural features of the property, noting the edge habitat and old field lands, as well as the diversity of habitat types. The proposed common area would be about 33 acres including the buffer areas. The total parcel is 40.92 acres, and they would be developing about 7 acres. Mr. Orvis said that they would not be gaining a lot over a conventional subdivision and that the conservation development would not really benefit the developer, but would create a higher quality subdivision. The Chairman asked how the proposal would improve the aesthetics/viewscape for the neighborhood, in comparison to conventional development. Mr. Orvis said that the proposal buffers the neighbors more and restricts building on the large back area. Chris Reagan, an

abutter, said that he is concerned about his home, which he had built to be secluded on a larger lot. He said that he feels that the small lots would have a direct impact on property values in the neighborhood. It was agreed that some conservation developments have high-end homes and some do not, and that it all depends on the nature of the lots. Concerns included whether all the lots would have access to the conservation land. Mr. Orvis said that Fish and Game had said that they would view the property to see if they would accept the easement. Board members advised that if the conservation land was not open to the public, there would be no benefit to the town of a conservation easement over single ownership. Board members agreed that they were still optimistic about a conservation development, but agreed that they had yet to see a layout that they were comfortable with. Mr. Orvis said that they do not want to build more road than they have to. There was a continuing discussion of whether lengthening the road would improve the design. Board members advised that the road would pay for itself if the lots were more attractive. Don Rhodes again noted that the Board needs to focus on the quality of the layout, privacy, and how the lots would relate to neighboring homes. He suggested that it would be important to work with the layout and try some new ideas, rather than try to force the lots into a predetermined area. Discussion continued, focusing on the question of road costs, potential savings if the community well could be eliminated, and layout issues including wetlands and access to the community area. Board members agreed that they did not feel that they would be able to waive the requirement for paving the new road, given the maintenance costs for gravel roads if the road were ever to be accepted by the Town. Noting that there were a number of design ideas to address, it was agreed that further discussion of the application would take place at the next regular meeting. Further discussion of the question of fees will also take place at that time.

Board members then reviewed recent correspondence. There being no further items before the Board, a motion to adjourn was made and seconded. The meeting adjourned at 11:00 PM.