

PLANNING BOARD

FEBRUARY 15, 2007

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present: Ken Jacques, Andy D'Amico, Linda Welch, Peter Keene, and Selectman Bob Anderson. Kevin Lee arrived late. **Absent:** Darrin Patten, and Ernest Mills.

Board members nominated Peter Keene to Chair the meeting until Kevin arrived.

The meeting was opened at 7:10 p.m.

Minutes: Ken Jacques moved to accept the January 18, 2007 minutes as written, seconded by Linda and unanimously approved.

Reports: No reports

Literature and Correspondence:

Letter from Blakeman Engineering requesting continuation.
Information from PSNH regarding easement rights.

Merger Application: The Board reviewed Merger Application for Mika Investments to merge 4 lots into one in Eastman. The Merger was approved.

Matarazzo – Continued Design Review: Ken moved to continue the design review hearing for Matarazzo to April 19, 2007 at 7:10 p.m., seconded by Linda. Four voted in favor, 1 abstained (Andy).

Berkeley – Consultation: Steve Berkeley presented a conceptual plan. Steve proposes dividing into two lots, 6.80 acres and 6.26 acres. Lot 2 is showing as the existing house lot. Lot 1 showing to be the new lot. Both lots have at least 200 feet of frontage. He will have a right of way across lot 1 for access to back land of lot 2. Proposed septic and house site is shown on the plan. He discussed whether a waiver of the 4:1 ratio would be required. He does not have a problem restricting building in the narrow section of the lot or restricting further subdivision. The Board discussed wetlands that may exist on the property. The Board reviewed the 4:1 ratio factors. Both lots have adequate frontage. The Board agreed that the new plan presents sound planning for this property, especially if he is willing to restrict further subdivision. The Board advised Steve to show on the plan as well as deed restrictions that no further subdivision of either lot is allowed. The Board agreed the narrowness at the frontage of Lot 1 would diminish the ability for that area to be built on. Since the Board would be waiving the 4:1 ratio, the plan needs to state no further subdivision can be further granted due to a waive for the 4:1 ratio. Ken stated the surveyor needs to delineate the wetlands on the plan. A driveway permit has been received from the State for the new driveway. A culvert crossing and the driveway are

all ready in place for Lot 1. Steve stated the culvert was installed when the State issued the driveway permit.

The Board discussed with Steve the process of applying for a subdivision hearing.

Matarazzo – The Board discussed Peter Blakeman’s letter regarding the 125 septic setbacks from wetlands. The hearing has been continued to April 19th. The Board reviewed a letter received from the Conservation Commission regarding the Zoning Board’s request for advice from the CC regarding the impact of the proposed Matarazzo subdivision. John Trachy stated the Conservation Commission would like to have a joint session at which the wetland’s scientist hired by Ross Stevens, and Ross are able to attend. They are interested in hydrological continuity of the various wetlands, the hydric soil, and to determine what the probability is that there are other wetlands that have not yet been identified. They would like to have Planning and Zoning present if they wish to attend. The Board discussed scheduling a joint meeting.

Bob Anderson stated, with subdivision regulations and zoning regulations, and with the Planning Board and ZBA reviewing applications, when an applicant comes in meeting all the criteria of the regulations that exist, are we adding on the Conservation Commission to all subdivision applications, building applications, timber applications, etc?. The Selectmen are getting calls, because it looks like this is what is happening in a lot of cases. With the wetlands amendment passed by the ZBA this virtually happens with every type of application submitted even though it may have gone through subdivision approval. When someone wants to build on their property, they have to hire specialists. Bob stated he wants to be sure the Conservation Commission is not being used to control growth in the Town. Ken Jacques stated the Planning Board knew if this type of Zoning Amendment passed for a wetlands conservation overlay district, everyone in Town was going to have to abide by it, it wasn’t just developers. The Town voted for the Zoning criteria. The Board knew it was stringent. Bob stated if the wetlands are shown on a subdivision plan and a wetlands scientist has provided information, at what point do we accept what the scientists recommend, and move on? It’s getting too involved now with Board’s questioning the scientists. On this project, the applicant has done what has been asked, the Town Engineer has had a wetlands scientist on this project, how long does it just keep going? Now the Conservation Commission with their wetlands subcommittee is involved. Who on these Boards knows over and above what these scientists can provide? If the subcommittee cannot answer the questions that the Zoning Board has of them, then this project gets passed around some more. Andy stated this is the first time the Boards have had an issue like this to deal with following the new regulations, and this is a learning process.

The Board discussed a joint meeting with all parties to review the concerns of the ZBA and Conservation Commission. The Board discussed scheduling a meeting on March 7th. An alternate date of March 1 was discussed. The Board was in agreement to pursue March 7th. The Board would like to have Ross Stevens and Peter Schauer attend.

Tim & Jennifer Lee - Consultation: Present: Tom Lee. Tom did not have plans available to present. Clayton Platt is doing the survey work and may not have plans ready until April. The application for a hearing was submitted as per the Planning Board's recommendations. The Board voted to continue the subdivision hearing to March 15, 2007 at 7:15 p.m.

Michael Hansen Properties, LLC – Site Plan Review: There was no one present to represent Michael Hansen Properties. Michael appeared before the ZBA on February 7 and needed to have some wetlands delineation on the property. His Zoning Board hearing was adjourned to May. Ken made a motion not to review the application until the applicant is present, seconded by Peter and unanimously approved.

Lauderdale – Consultation: Jim stated that Peter Schauer has mapped the wetlands on his lot that was granted subdivision approval last year. The Conservation Commission had concerns about the wetlands and had discussed with the Planning Board the possibility of a common driveway or lot-line adjustment. Jim explained some of the wet issues on the property come from a culvert which empties onto the property. An application has been submitted to DES for a wetlands crossing. In reading the regulations he thought he was to have DES approval prior to filing for a Special Exception. He can meet the 125' septic setback to wetlands. Any other entrance to the lot would also require crossing wetlands. The area shown is the most practical area, with the least amount of impact to the wetlands. The Board reviewed the plans and the Zoning regulations relative to Special Exceptions for wetlands crossings. Jim stated the area where they propose crossing does not have a noticeable water course, which is what was suggested by his wetlands scientist, Peter Schauer. Jim stated the State would look at the whole wetlands area when looking at the wetlands application. His understanding is if it is a marked water course they would rather not disturb that. Conservation Commission member, John Trachy, stated he would prefer to see an open-bottom boxed culvert for crossing that area. Ken Jacques stated if the property owner has hired a wetlands scientist, who is representing his request to the state, then stock should be put in what the wetlands scientist is suggesting. Bob Anderson stated Board members do not have the expertise, do they want to get involved in making these types of decisions. This is what the specialists are hired for. The Board agreed that the State will permit the type of crossing they deem necessary. Kevin suggested when the State comes back with the location and type of crossing approved, the applicant would apply for a Special Exception from Zoning. Andy questioned what happens if the State misses something that a Board member may know exists. Kevin stated the regulations ask the applicant to identify the wetlands and follow requirements of regulations and wetlands permits, which the applicant

has done. Two years ago building on this lot would not have been an issue. The new zoning has created a hardship in that nothing can be built on this property without

crossing a wetlands. Linda questioned if this type of subdivision were to come before the Board again, would this lot be allowed again? Kevin stated no, the Board should not be creating lots that require Special Exceptions.

The Board discussed the intent of the ordinance, and agreed they will be seeking further guidance regarding these types of lots.

Ken stated there was a quite a bit of discussion when the amendments were created that logging roads and access to property should be available through Special Exception. The idea was not to create a zoning rule that did not allow a person to access their property. The Zoning does not allow for structures, septic systems or wells within the buffers of wetlands greater than 10,000 square feet, but the intention was not to stop people from getting to their land.

Jim Lauderdale stated a majority of the property is being maintained as a wood lot. Jim asked whether he would need a Special Exception for crossing for logging? John Trachy stated he would need to get a temporary dredge and fill permit for a logging crossing. Kevin stated this type of use is a permitted under the Zoning Ordinance. Jim stated a lot of the water flows to the logging roads from ruts left when it was logged in the past.

The Board agreed Jim should apply for a Special Exception through the ZBA. The Wetlands Permit would support the Special Exception request.

George Cote Jr. – Consultation: George stated he and his brother would like to propose a lot line adjustment/annexation. Frontage on Bog Road was reviewed. George would like a right of way to the back of his property off Old Grantham Road. A portion of Old Grantham Road is maintained by the Town, but the rest was discontinued in 1928. They are not creating any new lots, but are adjusting the line and property annexed to George's existing property. Old Grantham Road runs through his brother's property. The Board discussed how Old Grantham Road was discontinued, whether it is a discontinued Class VI Road or if it was turned over to the landowner. Ken stated some owners gave towns a deeded right of way across property and when the road is discontinued, it would revert back to the landowner. It would depend on how the deed was written. The Board agreed frontage issues off both roads is not an issue, this is simply a lot line adjustment, not a subdivision. Kevin suggested George should check the deed to determine how Old Grantham Road was

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discontinued. George was advised to have a surveyor draw up the proposal and file an application for a hearing.

Mac Charles – Consultation: Mac Charles cancelled his appointment for a consultation. He is proposing filing an application for a March hearing with the subdivision plan presented last

year at the July 20, 2006 Planning Board Meeting for subdivision of land on Sanborn Hill Road.

Miscellaneous Business:

Kevin signed the merger application for Mika Investments.

The Board was reminded of the informational session in Newbury on February 28 regarding feature based zoning.

Linda reviewed with the Board EPA erosion requirements which the Board referenced last month. These regulations became effective March 2003. They require storm water permitting with the EPA outlining erosion mitigation plans for anything that disturbs one acre or more of land. A permit is required to be filed with the EPA with an erosion mitigation plan. An erosion mitigation plan is required to be on file on the property. This is required of a landowner, or the operator of equipment on any property that disturbs one acre or more of land. The Board discussed the definition of disturbing a property and when filing requirements might be required. A filing goes to the EPA and notification is posted online. The EPA document references the guidelines that pertaining to erosion control. The Board suggested these guidelines might be handed out with building permit applications.

Motion by Ken to adjourn at 9:00 p.m.

Respectfully Submitted,

Janet Roberts,
Recording Secretary