



PLANNING BOARD

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MINUTES OF THE PLANNING BOARD PUBLIC HEARING

Thursday, January 15, 2015 – 7:00 p.m. – Town Hall Conference Room

Members Present: Chair Stu Gerome, Steve Gerrato, Chip Hussey, Paul Sanderson, Selectmen's Rep Mo Sodini, Rich Winsor

Members Absent: David Moore

Staff Present: Mark Fougere - Consultant

Chair Gerome opened the Planning Board meeting at 7:00 p.m. A roll call was taken by the Chair; he announced a quorum was present and the meeting was being recorded.

1. Subdivision of Land, Conditional Use Permit: 239 Bayside Road [Map R16, 7]
Owner: Henry and Michelle Cowles
Applicant: Greenland Acres, LLC
The owner and applicant are proposing a five lot residential subdivision with approximately 600' of roadway on approximately 20 acres of land.

Christian Smith, Beals Associates and representing Greenland Acres, addressed the Board. Also present was Scott Gove, The Gove Group. C. Smith updated the Board on the proposed development stating that the preliminary work was complete. With the exception of a minor drainage issue, there is nothing outstanding. Protective easements have been issued for the wells located on abutting property. The small triangle of land that was to be deeded to the abutter at 269 Bayside may become a variable width right-of-way. The highway sheet in the plan set indicates greater than 400' of sight distance in both directions.

The applicant met with the Conservation Commission in November of 2014. Their concerns were the culvert and the impact of the driveway on the wetland buffers. The applicant had told the Conservation Commission that the plan before them had the least impact. C. Smith told the Planning Board that the culvert was going to be eliminated and replaced with a 12" pipe.

C. Smith continued that a road designed on the opposite side of the existing house would result in a greater buffer impact; a modified hammer-head road would reduce significantly any buffer impact while maintaining a five lot density. A significant portion of the buffer disturbance is due to the drainage treatment pond, and if the current road were to be shortened to eliminate a lot, it would be Lot 4 as it is the most remote. To eliminate Lot 4 (the parcel with the largest buildable envelope and the most contiguous upland of the five lots) seems to counter the spirit and intent of the ordinance, as the Conditional Use Permit is to facilitate land owners gaining access to developable/usable upland areas within their parcels.

P. Sanderson stated that the driveway issue would be a “deal stopper” for him. Putting a new Town road next to a driveway, across from three driveways, creates a number of conflict points. Not only is it not safe, it’s completely inappropriate. He continued that RSA 236:13 (VI) gives the Planning Board ongoing jurisdiction over all Town roads and driveway access points. The Town has the right to revoke the existing driveway permit and require him to access the new road. P. Sanderson felt the presentation for the wetland buffer impact was adequate and would be an appropriate use of the wetland buffer. It will be used for stormwater treatment.

There was an in-depth discussion regarding the driveway on the abutting property. The Planning Board was hesitant to approve the proposed subdivision without the abutter moving his driveway to the new road due to safety concerns. Responding to a question by Chair Jerome, P. Sanderson stated that the Planning Board could have a proceeding requiring the abutter to attend a meeting to revoke his driveway permit. The developer was willing to pay to move the driveway, and it would enhance the value of his property. P. Sanderson felt it would be an appropriate use of governmental power. Changing the mailing address was mentioned. P. Sanderson stated that by having frontage on Bayside Road, he would be able to keep his mailing address. In addition, he would gain a little land as well as a safer and much more appropriate access to his garage.

S. Gerrato was concerned about the amount of impact to the wetland buffers. P. Sanderson stated that there is a difference between destroying a buffer and impacting a buffer by building a stormwater management structure that treats water. On the proposed parcel, they would be using it to treat water.

M. Fougere told the Board he had talked to the Town Attorney about the driveway. The Town Attorney didn’t think the Planning Board had the power to revoke someone’s driveway access. P. Sanderson respectfully disagreed with the Town Attorney. He felt the Planning Board had the ability to have the abutter at a meeting and revoke his driveway permit, if necessary. After further discussion, C. Hussey offered to speak to the abutter.

MOTION: *R. Winsor moved to grant the Conditional Use Permit for encroachment on the wetland buffers, at 239 Bayside Road [Map R16, 17] as presented, addressing the conditions in Zoning Ordinance Article XVIII – Wetlands Protection, Section 18.6 – Conditional Uses, Subsection 18.6.2 – Conditions. The total impact will be less than .5 acre (22,180 sq. ft.). Second – C. Hussey; all in favor. MOTION CARRIED*

MOTION: *R. Winsor moved to continue the Subdivision of Land at 239 Bayside Road [Map R16, 7] to the public hearing on Thursday, February 19, 2015. Second – S. Gerrato; all in favor. MOTION CARRIED*

The applicant has agreed to a 45-day extension; a letter is on file.

2. Subdivision Regulations: Certified Copy

Planning Board members signed the certified copy of the Subdivision Regulations, which will also be filed with the Town Clerk.

3. Topics for Work Session: Thursday, February 05, 2015

Establishing an escrow account was discussed at length. It’s in the Site Plan Review Regulations, Article 4.2.3 – Fees and Charges; M. Fougere will update for the work session. P. Sanderson stated that it should be clear to developers that if a project is sent out for an engineering review, a fee must be paid in advance. The application will be updated to include a review fee. The internal aspect will be discussed with the Town Administrator. Any changes will need to go to public hearing.

4. Approval of Minutes

- a. Thursday, November 20, 2014

MOTION: *M. Sodini moved to approve the minutes of Thursday, November 20, 2014. Second – P. Sanderson; all in favor. MOTION CARRIED*

- b. Thursday, December 04, 2014

MOTION: *R. Winsor moved to approve the minutes of Thursday, December 04, 2014. Second – M. Sodini; all in favor. MOTION CARRIED*

- c. Thursday, December 18, 2014

MOTION: *M. Sodini moved to approve the minutes of Thursday, December 18, 2014. Second – P. Sanderson; five in favor, one abstain (R. Winsor). MOTION CARRIED*

5. Other Business

- Planning Board positions that will be open were reviewed. The sign up period is January 21 through January 30, 2015, with the Town Clerk.
- The December invoice for RPC was approved for payment.
- Possible warrant articles were discussed. Included were petitions for the Town to become a SB 2, live streaming of meetings in the Conference Room, and a Selectmen's warrant article for a TIF district for sewer. P. Sanderson stated that if there is no appropriation for live streaming and is a directive from Town Meeting, it can't be implemented. At Town Meeting, it can be amended to appropriate zero funding; it then couldn't be implemented.
- C. Hussey and M. Sodini reviewed the CIP with the Board. There was a discussion about the School Department not participating in recent meetings. C. Hussey and M. Sodini felt they were not in favor of the CIP, which accomplished many tasks. Without a CIP, funding would be available in the operating budget to be used as they wanted; a CIP restricts the use of funding to what is requested. There was also a discussion regarding departments that do not participate in the CIP. M. Fougere pointed out that RSA 674.7 requires all departments, including school district boards, to participate. The Board was pleased with the results of the CIP and requested it be forwarded to the Board of Selectmen for approval.

MOTION: *M. Sodini moved to forward the CIP, with revisions, to the Board of Selectmen. Second – P. Sanderson*

DISCUSSION: P. Sanderson clarified that the CIP is being forwarded to the Board of Selectmen based on department submissions not necessarily agreed upon by members of the Planning Board. M. Sodini stated that Selectmen will be asked to seriously review and support what they can.

The Planning Board discussed including a road maintenance plan in next year's CIP. P. Sanderson stated the Selectmen could establish a capital reserve fund for that this year.

6. Adjournment

MOTION: *C. Hussey moved to adjourn at 8:15 p.m. Second – R. Winsor; all in favor. MOTION CARRIED*

NEXT MEETING

Thursday, February 05, 2015 – 7:00 p.m., Town Hall Conference Room, Work Session

Respectfully Submitted – Charlotte Hussey, Secretary to the Boards

Approved: Thursday 02.05.2015