



OLD VALUES - NEW HORIZONS

COMMUNITY DEVELOPMENT

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Planning Board Approved Meeting Minutes October 7, 2015

Alan Carpenter, Chairman - Present
Kristi St. Laurent, Member - Excused
Margaret Crisler, Member - Excused
Joel Desilets, Selectman - Present
Kathleen Difruscia, Alternate - Present
Ross McLeod, Alt/Selectmen - Excused

Paul Gosselin, Vice-Chairman - Present
Dan Guttman, Member - Present
Ruth Ellen Post, Member - Excused
Gabe Toubia, Alternate - Present
Matthew Rounds, Alternate - Excused

Call to Order/Attendance/Pledge of Allegiance

Public Hearings:

Continued from 9/16/15

Case#2015-22/London Bridge South Major Subdivision/Design Review/Final Application

A Design Review/Final Application have been submitted for a Major Subdivision for Lots 14-B-2600 and 14-B-3450 (London Bridge Road), located in the Rural District, WWPDP, and Flood Plain District. The applicant, Peter Zohdi of Edward N. Herbert Assoc., Inc., on behalf of the property owner, London Bridge South, Inc., is proposing to subdivide the property into four lots, sized 1.64, 1.81, 2.52, and 43.12 acres, for single family residential development. No new roads are proposed. Waivers are being requested form Sections 601.3.5, 601.3.9, and Section 403.1 of the *Subdivision Regulations*.

Mr. Shayne Gendron of Edward N. Herbert Assoc.

- Reviewed the proposed subdivision plan and updates since last public hearing on 9/16/2015.
- Highway safety committee supports the design as presented.
- Received subdivision approval from the state since last meeting on 9/16/2015, copy of approval submitted to Chairman Carpenter.
- Mr. Gosselin asked the Planning Board to decide how to open the hearing: as a design review VS a final subdivision application.

Motion by Ms. Difruscia to open Case#2015-22 for a public hearing.

Second by Mr. Toubia

Vote 6-0-0

Motion carries

Motion by Ms. Difruscia to waive Section 403.1 for London Bridge Rd (14-B-2600, 3450) of the subdivision regulations.

Second by Mr. Toubia

Vote 6-0-0

Motion carries

Mr. Guttman asked what the full design is and would like to see a complete design plan.

Chairman Carpenter explained that the applicant doesn't have a complete design yet; the landowner has not spent the money to do all the soil testing, etc. as it is not applicable at this time.

Chairman Carpenter explained that the question before the Planning Board is with regards to the subdivision of four lots.

Mr. Guttman is concerned about how future subdivision will impact to the town.

Mr. Gendron explained that it is impossible to answer Mr. Guttman's questions. The applicant has not done all the work and planning for the subdivision which would be soil based and the soil testing has not been done.

Mr. Gosselin asked the applicant if it is his intention to develop the 4th lot as part of the remaining 43 acres.

Mr. Gendron is required to show a proposed lot but will happily put a sign on the 4th lot indicating the lot is not developable at this time.

Chairman Carpenter asked about the discontinued road (old logging road) on the plan, and requested that it be made into a walking trail.

Mr. Gendron is willing to make it an easement on the plan.

Mr. Gosselin asked where the applicant's written requests/reason for the remaining waivers as listed on the agenda.

Ms. Difruscia asked if 601.37.2 and 601.12 listed under the planning review (#3 & #4) have been satisfied.

Ms. Wood explained what has been completed by the applicant with regards to above requested waivers.

Mr. Gosselin asked the applicant why, on page two of the plan (flood plain) does not show the actual wetlands and WWPD.

Mr. Gendron explained there is no wetland or WWPD within 400 feet of the three proposed lots.

Mr. Gosselin Can't remember ever seeing a plan without the WWPD line clearly marked.

Mr. Guttman is concerned that without actually seeing the wetland identifications decisions made now will have a significant impact on potential future waivers the Board may not wish to grant.

Ms. Difruscia inquired about the slope in the area.

Mr. Gendron explained that everything slopes from the lots and is not in the flood plain. There is a 90 foot slope (10% slope off the lots) and described the slope as quite a bit of elevation change.

Chairman Carpenter doesn't believe it is necessary to flag the WWPD at this point because it will need to be redone for any future development. It is reasonable, as suggested by the applicant, to put a note on the plan that nothing will happen on the 4th lot without coming back to the Planning Board.

Mr. Gendron confirmed that no WWPD is located within 400 feet of the lot line of the three lots.

Chairman Carpenter confirmed with the applicant that WWPD is not presented on the plan because there aren't any wetlands or WWPD within 200 feet of the lot lines.

Mr. Gosselin asked if it is possible to flag off or mark the WWPD line from the lot line to where the WWPD would be, marked clearly on the plan.

Mr. Gendron explained that the WWPD is approximately 800 feet off the lot line as seen on the plan.

Mr. Desilets agrees with Chairman Carpenter, marking the WWPD is not necessary.

Ms. Wood advised the Planning Board (again) if they deem the 4th lot is not buildable; the decision must be based on something from section 608 as a reason that it is not buildable

Mr. Gendron (again) is willing to voluntarily flag the lot as not buildable at this time and willing to come back to the board before future development of the 4th lot.

Ms. Difruscia believes if the applicant is willing to make the notation on the plan, and it is not a requirement of the planning Board, the action is acceptable.

Mr. Gosselin asked if the applicant volunteers not to build at this time will it create problems in the future, are there any unintended consequences for when they come back with future plans to develop.

Mr. Gendron suggested to use language on the plan indicating the 4th lot will be held for future development and there will be no proposed use until we have planning board approval.

Mr. Guttman asked if in the future the applicant would have to do WWPD flagging why wouldn't the board ask for the flagging to be done at this time. Mr. Guttman is concerned it is not on the plans at this time and that the information is not being made available at this time

Ms. Difruscia pointed out that the 3 lots are not located within the wetlands and the plans being shown have no wetland impact; based on that, Ms. Difruscia does not see how the board can force the applicant to mark the wetlands.

Mr. Guttman asked if a survey had been done shouldn't it show on the plan that there is no WWPD within 400 feet behind the lot lines.

Motion by Mr. Gosselin for Case #2015-22 to grant waivers as requested from Sections 601.3.5, 601.3.9, and 403.1 of the Subdivision Regulations with the following conditions:

1. All final plans contain original stamps and signatures.
2. To note on the plan the WWPD is not within 400 feet of the rear lot lines of the three lots.
3. To grant waivers from Sections 601.3.5 and 601.3.9.
4. The applicant is to provide a copy of the NHDES Subdivision permit and add the permit# to the plan.
5. The Scale utilized is satisfactory for properly displaying the subdivision proposal, per Section 601.12.
6. The applicant will provide a trail easement on the plan as discussed note the trail easement can be changed as a result of future development.
7. Applicant stipulates as a note on the plan there is no WWPD within 400 feet of the front lot lines of lots 14-B-2600 1,2,&3.
8. Per the applicant's voluntary request, the applicant will make a note on the plan lot #4/14-B-3450 designated on the plan for future development any future development will come back before the Planning Board for public hearing.

Second by Ms. Difruscia

Vote 6-0-0

Motion carries

Ms. Ruth Ellen Post joined the Planning Board at 8:12pm

Administrative Review

Case#2015-23/Major Watershed/15 Rocky Ridge Road

A Major Cobbetts Pond and Canobie Lake Watershed Application has been submitted for 15 Rocky Ridge Rd. (17-J-104), located in the Residential District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (CPCLWPD). The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, The Roberts Family Trust, is proposing to raze the existing dwelling, and then construct a new dwelling in the CPCLWPD. Drip edge infiltration is proposed as part of the construction. The existing impervious surface is 60.5% and resulting impervious coverage would be 58.7%.

Applicant Mr. Maynard, Benchmark engineering

- Presented Case#2015-23

Motion by Mr. Guttman to approve Case #2015-23 as presented receipt of all NH

Second by Mr. Gosselin

Vote 6-1-0 doesn't like 60% of coverage don't like 12 feet off the water line.

Motion carries

Case#2015-24-Major Watershed

A Major Cobbetts Pond and Canobie Lake Watershed Application has been submitted for 23 Walkey Rd. (17-I-111C), located in the Residential District A zone and Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (CPCLWPD). The Applicant, Joseph Maynard of Benchmark Engineering, Inc., on behalf of the property owners, David and Linda Latta, is proposing to raze the existing dwelling, and then construct a new

dwelling in the CPCLWPD. The existing impervious surface is 54% and resulting impervious coverage would be 48%.

Applicant Mr. Joseph Maynard of Benchmark Engineering, Inc.

- Presented Case#2015-24 to the Planning Board
- Ms. Post is appalled and wants to go on record protesting excessive variances granted by the ZBA.
- Carpenter when replacing existing dwelling would want to see more setbacks from the lot line, shrink the footprint.
- Applicant pointed out that all variances provide an improvement in the property; the house was a year round house.
- Difruscia there is always a dilemma, very concerned with the numerous variances granted, often the spirit and intent of the ordinance is represented before the ZBA. However, she sees improvement in the homes on the lake and especially appreciated of the upgraded septic systems with improvements being made.
- Desilets, this is a house on the pond that people swim in and they pee in it anyway. Would have anticipated an even smaller house
- Post commends the applicant for decreasing impervious surface area. Asked applicant about to specify the manner in which disturbed areas are to be loamed, seeded and mulched post construction. Applicant reviewed his plans for the above mentioned.

Motion by Ms. Post to approve for Case#2015-24-Major Watershed A Major Cobbetts Pond and Canobie Lake Watershed Application for 23 Walkey Rd. (17-I-111C) as requested with the following conditions:

- 1. All final plan sheets must contain original stamps and signatures, and a signature box for the property owner and the Planning Board Chairman.**
- 2. Given the extent of land disturbance required for the proposed construction notes will be added to the plan specifying the manner in which disturbed areas are to be loamed, seeded and mulched in order to properly stabilize the site at the conclusion of construction.**
- 3. The silt fencing will remain in place post construction for an appropriate period of time as determined by staff**

Second by Mr. Gosselin.

Vote 6-1-0 Mr. Desilets opposed, he believes the lot is too small to develop.

Motion carries

8:53pm Mr. Desilets excused

2016 Town Meeting Workshops-Staff Proposed

Temporary Signs (Section 706)

- 4 proposals for the sign ordinance as reviewed by Mr. Dick Gregory, ZBA administrator to send the following Sections as amended to public hearing:

Section 706.6.2.4: Such signs shall not be displayed for more the ***30 days per permit which expires one year from date of issuance.*** There must be fourteen (14) days between the end date of one temporary sign permit and the start date of another. The exceptions to this are seasonal agricultural signs which may be displayed for the duration of the season of the item advertised.

Section 706.6.3: Any civic organization, non-profit group, religious, educational or other similar entity may apply for a Temporary Sign Permit that automatically renews on an annual basis, subject to the following conditions: 1) the advertised event, with the exception of the event's date and location, remains the same; 2) the sign dimensions remain the same; and 3) the design of the sign with the exception of the event's date and location, remains the same. ***Any sign permitted under this section shall be a maximum of 24 square feet in area and be displayed for not more than 30 days per event. These signs may be placed on Town owned property or within the Town right-of-way.*** Any temporary sign permit approved pursuant to this section shall lapse and become void once more than 18 months have passed since the latest date on which the sign was last displayed as approved; or if any written violation notice has been issued and the violation has not been corrected.

Section 706.6.4 Any Civic Organization, non-profit group, religious, educational, or other similar entity, may ***apply for*** a Temporary Sign Permit, ***advertising an event or meeting for that group.*** ***Any sign permitted under this section shall be a maximum of 24 square feet in area and be displayed for not more than 30 days per event. These signs may be placed*** on Town-owned property or within the Town right-of-way.

Section 706.6.2 *In* Business Commercial A and B, Gateway Commercial, Limited Industrial, Neighborhood Business, Professional Business and Technology and Village Center District: one unlighted on premise sign shall be allowed at a time ***for a business.***

Motion by Mr. Guttman to move proposed language (as noted above in bold italicized font within each section) for Sections 706.2.4, 706.6.3, 706.6.4, and 706.6.2 to public hearing.

Second by Mr. Gosselin

Vote 6-0-0

Motion carries

Seasonal Residence Definition (Section 200)

- After Board discussion, Section 200 will be tabled for later date.

Cobbetts Pond and Canobie Lake Watershed Overlay Protection District (Section 616)

- Ms. Post pointed out that this (expiration of approvals) is not something the Planning Board works with; rather it is an enforcement issue that the staff works with. Ms. Post asked for the rational with regards to the different time frames. Mr. Gregory explained the rational for the proposed time frame for expiration of approvals.
- Mr. Guttman asked why the definition for Porous Pavement as defined by the DES. Mr. Guttman read proposed definition and will email definition to minute taker and Board members, and Mr. Gregory.
- Ms. Difruscia requested an opportunity to discuss this issue with Cobbetts Pond, Canobie lake storm water runoff representatives/experts in this area.

Motion by Mr. Guttman for staff on behalf of the Planning Board to ask council if the Planning board has the authority to enforce maintenance on porous pavement if approved prior to adoption of the ordinance

Second by Mr. Toubia

Vote 6-0-0

Motion carries

Wetland & Watershed Overlay Protection District (WWPD) (Section 601)

- Ms. Wood explained to the Planning Board that often applicants are required to place WWPD markers but trees are not available for placement of the WWPD markers.

Motion by Ms. Difruscia to have staff craft language around alternative sites for WWPD marking requirements.

Second by Mr. Guttman

Vote 4-2-0, Mr. Gosselin and Mr. Toubia opposed, not necessary

Motion carries

Motion by Ms. Post to move Section 601.4.9 and Section 601.4.10 (and see them numbered differently) to public hearing. Unstrike the existing language under 601.4.9

Second by Mr. Gosselin

Vote 6-0-0

Motion carries

Grammar & Wording

Motion by Mr. Gosselin to move Section 710 as written to public hearing

Second by Mr. Guttman

Vote 6-0-0

Motion carries

The Planning Board took no action on Sections 602 and 612

Open Space Subdivision Yield Plan Requirements (Section 611)

- Chairman Carpenter requested that staff provide the changes made to the subdivision Yield Plan for review at the next workshop.
- Chairman Carpenter would like to see language for review permitting the Planning Board to request buffers placed one either end of the streets of proposed subdivisions.

Master Plan Phase I Workshop-Demographics Chapter

- Per Mr. Desilets request, take up at next workshop so that his edits can be reviewed
- Chairman Carpenter asked Ms. Scott to work on Vision and Goals chapter at the next workshop.

Motion to adjourn Mr. Gosselin

Second by Mr. Guttman

Vote 6-0-0

Meeting adjourned at 10:07pm

Minutes submitted by Suzanne Whiteford

