

Planning Board Meeting  
May 13, 2010 – 7:00 PM  
Library, Elementary School

Work Session – Conference – Michael Davis

Private Road Policy – Stan Oliver

Berry River Rd.

Map 213, Lot 0024

Members present: Chairman John Huckins (came in at 7:40 PM)

Edward Lemos

Alan Kelley

Dawn Hatch (Alt)

Guest present: Town Planner: Connie Brawders

Vice-chairman: Edward Lemos opened the meeting at 7:05. A conference was held with Michael Davis regarding business at the corner of Smoke Street and Route 9.

#### **Conference – Michael Davis**

Michael Davis came before the Board to discuss what he wanted to do concerning removal of the material that was piled on his site. He said he would not dig any material only remove what was in the piles... Davis reported what he had done on the site. He said the shed section of the building had been demolished and the rest sided. He said that the back side of the building was concrete. He presented photos of the changes to the site.

Davis said he had a plan for the gravel. He said the reason for the cease and desist was that he could not renew the bond. He said he could not afford to get a new one. Davis said that there were 4 piles of material on site. He said they would be removed. He said that he had 2 jobs that he would use the material on.

Davis read the agreement that he had put together for the Board stating what he had done and would do. He said he would check in every 2 to 4 weeks to keep the Board informed of his progress.

Davis said the piles represented good solid fill that he could get rid of for free. He said this would make the site look much better. He said down the road he wanted to bring in a crusher and blast the rocks and ledge. Lemos asked how far this operation would go. Davis said that it would extend back to the natural slope and ground.

Davis said he would have a plan put together for the digging that would be done at a later date. He said he was looking for a yes from the Board to remove the piled material so he could sign contracts for the 2 jobs within the next 7 days. Davis said that an area at Dover Honda had washed out and would take most of his fill.

Lemos asked if gravel would be included. Davis said the job would take tailings, rocks and the pile of gravel would be used to top out. He said the Farmington job would take a smaller amount

Davis said the next step would be to hire a crusher and blasting to complete the job. He said at this time all he wants to do is clean the surface of the site. Davis said he would like the members to view the site. Lemos asked if the loam would remain on the site for reclamation completion. Davis said that the loam would be used to reclaim the site. He said that he knew that he would need permits when he was ready to do this work.

Davis said that on April 15 the intent to excavate needed to be renewed. He said that he would renew the intent if the Board gave him permission to remove the piled material. He said if he did not get permission the intent would not be needed.

Lemos said that there was not a quorum present so a vote could not be taken. He said we should continue to May 20 to consider the request when more members were present. Kelley said that he wanted to confirm that only the piled material would be removed. Davis said yes, he said that the project was 3 years old and he would like to complete it. He said he was aware that he must keep the Board up to date on his progress and make timely reports. He said he would attend the May 20 meeting.

### **Brawders – Letter to Heather Cooper Stanley**

Brawders said that she had been working on the complaint from Daniel Ayer, Route 4 concerning his neighbors. She said he could not understand why he had to go before the Board for a site review but they did not even though they parked trucks on their site.

Brawders said Ayer and Stanley share a driveway. She said there had been no complaints from the Planning Board as they had not met with the Board. She said Carol Reilly had received a complaint from Ayer that she asked Brawders to look into. Brawders said she had looked at the file from Ted Buczek where the complaints were received.

Stanley had cut trees in the wetland and altered the site including a wetland impact. Brawders said the site was located in the Regional Commercial District. She said she had asked Stanley to come before the Planning Board for a conference on May 27 to make a presentation on what they were doing on the site.

Brawders said as the driveway was shared; each had the use of it in the same way that the other one. She said Ayers concern was that there were small children that played in the driveway and he had equipment stored on the site. She said Ayer had spoken to the police. Brawders said that the complaint was a civil matter. She said that there was a separation between police and Planning Board powers. The big concern was health, the welfare of the people, and safety. Brawders said Ayer was upset to think he had to go through site review and all the expenses that went along with it but Stanley does nothing.

### **John Huckins arrived at 7:40 PM.**

Lemos went over the discussion with Michael Davis. Huckins said there appeared to be loam on the site that he assumed would be used to reclaim the site. Lemos said Davis represented that the loam would be used on site. He said that Davis would return to the May 20 meeting to find out whether the Board would let him proceed.

**Impact fees – Brawders**

Brawders gave the Board members a memo on impact fees. She included single family residential development fees from cities in Arizona. The memo highlighted the pros and cons for setting impact fees. It stated that the fees were based on methodology and calculation set by the cost of the facility. Resources must come from the town as well as people that pay their fair share of costs.

Huckins said there would be a lapse between the middle school impact fee and the one for the proposed high school. It would be 6 years in anticipation for a high school and 6 years when it was under construction and in use. Brawders asked about collection of the fee. Huckins said it was collected before a building could get a Certificate of Occupancy.

**Road impact fees**

Huckins said that we had discussed sectioning the town off in quadrants so an impact fee could be used within an area not on a specific road as is now the case with off-site fees. He said it might be possible to make the fee town wide. He said we had worked with Bruce Mayberry who was considered an expert on this subject.

Huckins said if the Selectmen were not interested in putting money away toward this project it would be senseless to charge it to applicants and there would be no town funds available. RSA 673.16 and 674.57 addressed impact fees. Brawders said they needed to be in a separate account set aside for certain road projects.

Huckins said we hoped that the Road Agent, Peter Cook and Brawders could work together on this plan. The road report done by Jones and Beach would work with this project. Huckins said we had wanted to meet with the Selectmen on this issue but they wanted to wait until the Planner was on board. He said maybe now we could get something set. He said we would need a commitment from the Selectmen or impact fees would not work. He said the Town would pick about 90% of the costs.

Brawders asked how we arrived at the formula for this cost. Huckins said Mayberry researched the items that needed to be in place before impact fees could be charged and set the costs. He said Selectman Keith Pratt was knowledgeable in this area and could probably help sell the concept. Huckins said we were trying to look out for the Town roads and fully realized that in these hard economic times it was hard to sell putting money aside.

Huckins said the Board hoped that Brawders and Peter Cook could work together on a 10-year road assessment plan which could take us out in the future beyond 5 years. He said we should look into federal and state funding. He said there were programs that the Town could get 10% back from but we needed to apply for the funding. He said there was a pool of money available but we needed to be on top of it.

The off site fees were discussed. Huckins said as the Town had not put aside money for many of these road improvements the amount had to be returned to the payer. This had to include the interest accrued over the period of time. The money had to be returned 6 years after it was paid if the improvements had not been done.

**Strafford Regional Planning Commission**

Lemos said that he felt that Brawders should lead as the Town's representative to SRPC. He said he was the member for the TAC which dealt with road issues but she

should be the commissioner for the Town. He said that Charter was his backup. Lemos spoke on the cost sharing funding which would be up to the Town to disperse.

It was stated that the town road infrastructure was falling apart. The Town needed to get a contract to bring up the level of road maintenance. Huckins said that Keith Pratt and Mike Clark were looking into the maintenance of the roads.

Brawders said that the bridges within the town also need an engineers review to be sure they were safe. She asked at what point a culvert or bridge becomes a dam. Lemos said these questions could be answered by Cynthia Copeland, SRPC. Brawders and Copeland would get together. Lemos said the Route 125 Study was also done through SRPC which involved Barrington as it was the north/south highway.

### **Brawders – Cheryl Hill**

Brawders said that Cheryl Hill was trying to get all her information together. She said that Hill was calling Jackie Kessler to talk to her about the Court Case that had taken place after the original daycare was approved. Huckins said one of the issues that the abutters had expressed concerns over was the road but the Board had talked with Attorney Whitelaw and could not use the road any different than any other approved subdivision road. Brawders said maybe Hill should consider relocating in a commercial district. She said Hill said this was her long range plan.

Lemos asked where does the Board draw the line, how many children would be allowed. He said this was called a home occupation, now Hill wants to expand to a home business. Huckins said regardless of the home occupation or home business the requirement was still a conditional use permit requirement. He said if this was a different zone the requirements might change.

Again Lemos asked how far to we let this expand. He said Hill wanted to go from a daycare to a center based facility which would allow more children. Brawders read Article 17, Definitions which allowed for 12 children in a daycare. She said there were 9 criteria that had to be proven under Article 3.4, Conditional Use Permits. Huckins said if information was provided that established a diminishment in property values this would have to be taken into consideration.

Lemos said the additional children would increase the use of the road. Brawders said the covenants stated that a fence was not allowed. Huckins said that the abutter wanted the fence to give her privacy from the operation. He said we could not enforce the covenants just what was covered by the Town's regulation and zoning.

Lemos sad there was a different definition for home occupation and home business. Huckins said all of the points of the conditional use permit would need to be proven for either application.

### **Dante – Berger Review**

Brawders said the Board had received a revised estimate for review of the drainage study and analysis of the Dante site. It was \$800.00 which was agreeable to the applicant. The estimate had been returned and the review was in progress. Huckins said that we needed to work with businesses. Brawders said Berger Group needed to have a signed and stamped copy of the plan. Huckins said each of us was entitled to our own opinion as represented by the discussion on the re-review of the Dante plan. Lemos said we needed to treat all the same.

**General comments/questions**

Brawders said that it was projected that by 2016 the economy would turn around. She asked on a different subject what the length of time was for wetland delineations to be used on a property to be used. We will check with the Department of Environmental Services for this answer.

**SRPC annual dinner – 5/27/2010**

An invitation to attend the annual dinner meeting for SRPC was received. It would be held on May 27. No one was available to attend due to a conflict with the Planning Board meeting. We will give the invitation to Charter Weeks. Hatch will contact Steve Jefferys to see if he would be interested in serving as one of the Town’s commissioners to SRPC.

**Second public hearing - Recreational Campgrounds – 5/20/2010**

The second hearing for the Recreational Campgrounds will be held on May 20 along with the review of plans scheduled for the June 3 meeting. Hatch said all meetings will be held in the Elementary School Library through the months of May and June.

**Joint meeting with Conservation Commission**

Hatch addressed the items on the month’s agenda. A joint meeting will be held on May 27 with the Conservation Commission to discuss possible zoning changes including the conservation cluster subdivisions. Transfer of development rights may also be discussed. A conference with Heather Stanley Cooper will also be held.

**Private Road Policy – Stan Oliver**

**Berry River Road – Map 213, Lot 24**

Hatch read the memo of recommendations from Peter Cook, Road Agent. Huckins said he would support these recommendations but he thought that in the future the recommendations should state what the money was recommended for. He said to give a blanket amount of money with no direction could mean that the work might be done past the point in question. Huckins said that we should discuss this, but he did not want to hold Oliver up on his building permit. Hatch said he had received a variance from the Zoning Board of Adjustment. Lemos made a motion to support the recommendations of the Road Agent seconded by Kelley, all in favor.

The meeting adjourned at 10:00 PM. motion by Lemos, seconded by Kelley, all in favor.

Dawn Hatch, Clerk