

Planning Board Meeting
May 20, 2010 - 7:00 PM
Library, Elementary School
Public Hearing - Recreational Campgrounds - Camping Parks
Conference - Michael Davis - lot on of Smoke Street & Rte 9

Members present: Chairman John Huckins
Selectwoman Jackie Kessler
Alan Kelley
David Mott
Edward Lemos
Dawn Hatch (Alt)

Town planner: Connie Brawders

Chairman Huckins opened the meeting at 7:00 PM. He asked that the agenda be taken out of order so that Mr. Davis those present if they would mind if we held the conference with Michael Davis first so he would not have he Planning Board and update on his project before the Public Hearings convened. There were no objections.

Conference with Michael Davis

2 Smoke St. /Rte 9 - Map 12 Lot 15

Michael Davis represented his proposal. He went over what he wanted to do on his site. Davis said he had 2 jobs that he could use the materials that were piled on his site for. He said there were 4 piles that would be removed and 1 which was loam to remain. Davis said there would be no excavation. He said this would enable him to disposeget rid of the material at no additional expense.

Davis said the loam pile on the site would remain to be screened and put down for reclaiming. Gravel, tailings and rocks would be hauled out. He said he had talked with blasting contractors and was told that he should remove the piles before any blasting or crushing occurred.

Davis said he would update the Board every 2 weeks. He said he had given the Board a letter at the meeting held on May 13, 2010. He said he had done what he had represented he would do by June 1, 2010 in fact he had done more. Building improvements had been made; he now desired to clean up the exterior Indscape.

Planning Board Member David Mott asked if he had filed for intent to excavate. Davis replied that he had not to date as there would be no need if the Board would not grant permission to remove the material. He said he would file Monday if the Board OKed his proposal. He said by June 1 he wanted some thing in place.

Huckins said that he was pleased with the building improvements. He asked what material would be removed off-site first. Davis said: tailings. He said the area sloping toward Smoke Street was ready for loaming. Plans are to leave the parking area a gravel surface. Photos were reviewed. Davis matched the photos of materials with the numbers shown on the site plan for reference for the Planning Board's information and review.

Mott stated he did not wantto see remnants of material remaining on-site. Davis said the front area would be reclaimed but not the side area until the four piles were removed. Mott said according to the plan there were 5 piles. Davis referred to one of these piles was loam that would remain on site.

Davis said that most of the material would go to Dover Auto, Dover NH to fill a large washout. The loam would stay to be used in the reclamation of the site to be applied according reclamation of the

site would be done according to the grading plan. He said the grading plan allowed for the material to be removed. Davis restated the piles needed to be removed before the blasting and crushing could be done. He said he hoped to do this by the end of 2010.

Davis said 90 days from the start date he would have the material in the piles removed from the site. He said he would also have areas loamed and seeded. Mott stated a need for guarantee for the completion of work. Huckins requested Davis come before the Planning Board every two weeks to report on his progress. Davis agreed to comply as he did not want another cease and desist by the Town.

Mott reminded Davis to obtain an intent to excavate prior to beginning work on the site. Davis said he would obtain an intent to excavate from the Town's Selectmen's Office on Monday, May 24, 2010. Huckins suggested Building Inspector Ted Buczek monitor the work in progress.

Mott asked Davis to illustrate on the site plan Davis' intention, by numbering the piles and matching them to the photos, showing which stockpiles would be removed and the order of removal. Areas that would be reclaimed should be labeled. Mott read the note on the plan referenced installation of a stockade fence and arborvitaes to be planted along the boundary line between his site and the abutting neighbor, Joanne Huber, 4 Smoke Street. Mott said that the site plan stipulated that this would be done before major construction commenced. Mott said that probably removing the piles would not be considered major construction, just an act of cleaning up the site.

Dawn Hatch asked Davis when the area abutting the neighbor on Smoke Street would be addressed. Davis said this abutter had not been happy since day one. He said that she should be pleased that the site would be cleaned up. He said he would comply and plant trees but he could not afford to put up a fence. Davis said the site would need to be cleaned up before any tree planting.

Davis said the project to remove the piles would involve an excavator and one dump truck being loaded, the truck would leave the site, dump the load in Dover, and return for another pickup. He estimated probably eight to ten trips a day until completion. He said the truck would be loaded from the opposite side of the lot, away from the abutter. Hatch suggested that either Davis or his authorized representative call the abutter to inform her of his plan of action.

Davis said the major construction would be phase two which would include blasting and crushing some stone/ledge. Planning Board member Alan Kelley said Davis would need to monitor noise at the boundary line. Davis said his site review approval stipulated to the time permitted for blasting which is to occur during set hours for a specific number of days.

In lieu of surety, David agreed to obtain the intent to excavate and provide a copy for the Board. Davis agreed to come to the Land Use Office providing a mark-up of his plan to illustrate what was to be done, by numbering the piles and the order they were to be removed; show the area to be leveled and re-graded and loamed within the 90 day time frame. Davis will provide photos showing dated progress for his meeting with the Board in two weeks. There will be no digging, blasting, or crushing of material during this 90 day period. Before construction start date for this current Phase, Davis would be required to provide a construction schedule for phase two, come in the office to mark up his plan to show what would be done, number the piles and in what order they would be removed, level the area, re-grade and loam within 90 days, get the intent with a copy for the Board, take pictures and label for his meeting with the Board, and come in with a report and pictures every 2 weeks, There will be no digging, blasting, crushing material during this 90 day period. Before this construction began Davis would need to set up the same type of progress reports and inspections for the second phase.

Kelley made a motion to approve the procedure for Michael Davis to follow in lieu of a bond, seconded by Lemos, all in favor.

Public Hearing - Regional Campground & Camping Park

4 people attended the hearing

Chair Huckins opened the second hearing for the Regional Campground and Camping Park continued from April 29, 2010. Changes suggested at the first hearing were made and now open to public comments and hearing said that we had made the changes suggested at the first hearing. He read the memo from Fire Chief Rick Walker. A question was raised by Walker limiting the number of days used by a camper to 120 days per year. Walker considered this may be limiting the owner's revenue potential. Huckins said this use was within a calendar year not a camping season and defined under Section 3.3.1 Regulations Pertaining To All Districts, 2) Recreational Vehicles.

Hatch asked about the statement referencing location approved by the Town. Huckins suggested we need to address this issue when we working on zoning changes as the section concerning number of days and location was in the Zoning Ordinance. Clay Bedford, Ayers Lake Campground was asked by the Board when his campground opened and closed. Mr. Bedford replied May 20 to Rochester Fair time. He offered further some camps open May 15 and close November 15. Town Planner Brawders offered that the previous community on Buzzard's Bay in MA where she had been employed permitted RV vehicles to park from May 15 through November 15.

Hatch said in the Flood Plain section of the Ordinance it was 180 days per year. And suggested the Planning Board should look into changing them to agree. Huckins said the Flood Plain Ordinance was governed under Federal Law so we should consider amending the Town Zoning to match Federal guidelines.

Board of Selectman and Liaison to the Planning Board member Jackie Kessler said according to our requirements it did not matter whether the camper was sited on an individual lot or in a campground it was equal. The question was raised whether this meant that the camper would have to be moved or remain on site indefinitely. Huckins said the requirements only pertained to use. It is by right of use to store a camper on site.

Clay Bedford said that people occupy their campers and campgrounds as much as possible and stay as long as they can. Hatch said people use their campers during hunting season. Huckins said they could use them for winter sports and ice fishing. All agreed that we will review the zoning on this limitation and consider amending it when we start reviewing the Zoning Ordinance this summer.

Jim Connick, current applicant for a recreational use camp ground said he supported year-round usage, as in his case he intends to have snow mobile trails. A person might want to use his camper longer than the average camping season. He said as long as sanitation and safety were in compliance, he could not see a problem.

Bedford said that there are campers that park in a Wal-Mart parking lot which was not set up to take sewage. He said he would not want to see a setup such as Amazon Camp Grounds in town. Branders offered that Wal-Mart permits camping in their parking lots as a god gesture for those in need of medical treatment at specialized facilities around the country. The RV services as a temporary shelter.

Connick asked about a duplex as to size and setbacks. Huckins replied that structures beyond a duplex in a multi-family dwelling required site plan review. This includes a campground or any type of commercial structure on a site. Bedford said some of the large campgrounds are owned by cooperation but have assigned managers that live on site. Connick questioned if the usage was limited to owner or operator renting the site would have limitations imposed. Mott raised the question as why include anything pertaining to owner or operator. Huckins suggested revising the verbiage to reflect one residential building that meets the requirements of lot size and setbacks.

Perimeter setbacks were discussed. Walker stated in his memo that requiring 100 feet was setting a buffer using a great deal of land as setback requirement which might provide for additional camping area. Bedford said in his opinion Walker had a point. Huckins said we could require a different

setback if the campground was next to a residence. It was suggested that the ordinance could stipulate up to 100-foot buffer at the perimeter of the campground.

Huckins said he supported 50 feet. Mott offered that the setback, or buffer in proximity to a residential subdivision could be greater. Huckins said if the setback was 50 feet and a dwelling setback was 30 that would be a total of 80 feet which seemed to be sufficient. Kelley said that the 100 feet could be an arbitrary figure. The wording was changed to a minimum of 50 feet around the perimeter if it could meet if all regulations were complied with.

Bedford said a person needed to make money in order to operate. He said that the setbacks and land use should be such that makes a campground viable. Lemos asked about the minimum size that was presented in the first draft. Huckins said this was removed because any proposal would have to meet all the setback requirements, camper size requirements, roads width, etc. Huckins said we would now schedule a third public hearing on June 10th at 7:00 PM in the Library at the Elementary School. Mott made a motion to continue the public hearing seconded by Kessler, all in favor. Huckins thanked everyone for attending the hearing. The hearing was closed.

The Board moved to the review of plans scheduled for hearings on June 3.

Request for conditional approval continuance - Landry Conservation Subdivision

50 lots - Rtes. 202 & 9 - Map 231, Lot 37

Board of Selectman and liaison to the Planning Board member Jackie Kessler addressed her concerns. Route 202 as subject to flooding during major storm events. The swale is not able to conduct the storm water flow adequately. She said it has adversely impacted the condition of the road. Hatch said Applicant James Landry was working with New Hampshire Department of Transportation at this time an access had not been approved. Hatch said the Hale Bog was a prime wetland so he had to work with these requirements. Huckins said we needed to require Landry to complete some items for example, as the home owner's association agreements.

Huckins said that we could give the Applicant six months to complete the home owner's agreement and legal documents. Hatch said the access to Golf Course Way has been completed and signed by John Mairino and Landry. Mott said that frequently developers were asking for extensions for completion of site plan development due to the current economic conditions. Hatch said the Applicant was finding it challenging to secure financing and surety bond.

Huckins said we should verify the State of New Hampshire's definition of conditional approval; and if there are different requirements for a signed final approval. He said a conditional approval was not signed.

File # SR 10/378 – Cheryl Hill – Request by Applicant to go from a Family Group Daycare to a Center Based/Preschool Program and thereby increasing number of children served from 12 to 14. - James Henry Dr. - Map 250, Lot 102

Information was provided by Applicant Cheryl Hill, Abutter, Paul Saccoccia, and Abutter, Colleen Fenton. Packets were given to each member to review. Lemos said Hill was going from a home occupation to a home business or an educational institution. He said she could not just say that what she wanted fits all, the use must be shown. Huckins said each had to prove a conditional permit. Huckins said that Hill had to state what she was applying for as there were different criteria that had to be addressed. Huckins said it was not up to the Board to make this decision. Hatch will let Hill know that she must clarify which application she was presenting.

File # SR 10/379 – Jim Connick

Tolend Rd. Map 223, Lot 23
Campground & riding park

Hatch said that Connick was requesting a conceptual conference with the Board. She said as he had presented a plan abutters would be notified. Mott said he would recuse himself as he had done some work on the parcel for Connick. Huckins said he would like to have Mott participate in the process.

File # SR 10/377 – A.W. & Jules D'Antilio

The Berger Group had sent a letter to the Board addressing the drainage on the lot. Everything appeared addressed. Recommendations – maintenance requirements – condition of approval, no new design review comments / plans well prepared.

File # SR 10/380 – John Farrell / Country Line Holdings, LLC

The plan had been formerly approved as an attached 24 bedroom condo project. Farrell came before the Board to see if the members would support a 21 bedroom detached condo plan. The plan before the Board represents this change. The change would drop the units from 12 to 7.

Paul Sanders – extend parking lot behind old middle school

Connie Brawders said Paul Sanders had left a packet with regards to extending the parking lot behind the old middle school which would mean encroaching into the wetland buffer. All agreed that a site review would be needed to address the extension of the parking lot and the effects on the 50 foot wetland buffer. Sanders would have to address 9.4 – Special Permit for Construction in a Wetland Buffer. There were 5 criteria that would have to be addressed.

SRPC town members

Hatch said that she had contacted Steve Jeffery concerning becoming a member of the Strafford Regional Planning Commission to represent the Town. She said he was very interested. She gave him SRPC telephone so he could talk with Cynthia Copeland's to find out what the position consists of. Hatch will also check with Steve Conklin.

Bruce Mayberry – Impact fees Bruce Mayberry, Manager; BCM Planning, LLC 49 Pineland Dr. Suite 202B; New Gloucester, ME 042260

Brawders said she had left a vm and exchanged an introductory email with Bruce Mayberry concerning impact fees on various items such as roads, library, and municipality. The Planner and the Consultant plan to have a conversation next week. The Board, Selectmen, Road Agent Peter Cook, and Brawders will meet to discuss this item. Huckins said if the Selectmen did not intend to put aside their portion of the costs it would be worthless to start this. He said we needed a commitment from the Selectmen.

Huckins said that in the very near future the impact fees for the middle school would come to term. The proposed high school would take over if it was planned and approved. Brawders asked about a site for a high school. Huckins said beyond the wetlands behind the middle school was the proposed area for a high school. Mott said the Conservation Commission had gone to bat for the school with regards to the wetlands on the site. He said there was a conservation easement on the back of the property.

Intern – Village District

Brawders said that she had been talking with an intern that could work on the Village District. She said he was a civil engineering student at Worcester Polytech Institute. She said if the Town was interested she would need to find the funding to pay for this position.

There were problems with the land due to topography and wetlands. Mott said the state regulations regarding sewage disposal were stricter than ours. Huckins asked just what his job would be. Mott said probably he would do design concepts up front. Huckins said that if his designs met the state requirement they would meet ours.

Relocation to Benjamin Walk

Brawders said the Town Hall would be relocated to the Benjamin Walk building on Route 125 while the mold/air quality problem at the existing town hall was discussed to find out what we would do. This relocation could be for a year or more depending what was decided to do.

The meeting on May 27 will be a joint meeting with the Conservation Commission. Some of the terms that will be discussed will be conservation subdivisions, transfer of development rights, Fluvial Erosion Hazards Zone, and multi-hazard mitigation plan as Barrington is on the priority list according to the Strafford Regional Planning Agency.

The meeting adjourned at 10:10 PM, motion by Mott, seconded by Huckins, all in favor.

Dawn Hatch, Clerk