



Town of Enfield

Planning Board Minutes

January 8, 2013

APPROVED February 26, 2014

Present: Tim Taylor-Chairman, Dan Kiley- Vice Chairman, John Kluge-Selectmen's Representative, David Saladino, Paul Withrow, Kurt Gotthardt- Secretary, Paula Rowe- Alternate & Minute Taker, Scott Osgood-Town Planner.

Regrets: Suzanne Laliberte

Guests: Doug Smith, Alexander Iskandar, Kim Quirk, Wendell Smith, Tony Lozeau, John Markowitz, Bob Newson, Paul Marshall, Terry and Alyson Ellison, Rene Demers, Sharon Markowitz, Armin Helison, Maria Ceroni, Sara Schneider, Mr. Welenc.

Town Planner distributed 2013-14 issue of Planning and Land Use Regulations to all Board members. Noted an E version was also purchased and is available to be read through the Town server.

Minutes of December 1, 2013:

- *Motion to approve the Minutes of December 1, 2013 came forward from Dan Kiley with a second from Paul Withrow. Motion carried.*

Selectmen's Report:

John Kluge – Selectmen's Representative reported on recent topics at the selectmen's meetings as follows:

- Discussion on fine tuning the trash and recycling process.
- Budget.
- Primary Election to be held on January 21, 2014 to replace Exec Councilor Ray Burton.

Public Hearings:

- I. Proposed amendments to the Enfield Zoning Ordinance. The proposed amendments include a minor change to the definition of "abutter," clarifications of the definition of "driveway" and "street," the inclusion of definitions of "Major" and "Minor Subdivision" and to provide language on Recreational Vehicle use and Water Body Setbacks in the Route 4 Zoning District.

The board opened the public hearing. They reviewed and discussed the 7 definitions amongst themselves and asked the public if they had any questions. One minor change was requested. There were a few housekeeping edits for Planner Osgood to make to Article 5.

John Kluge made a motion to bring the amendments forward to town meeting, with a second from Dan Kiley. Unanimously passed.

- II. Enfield Village Association will request a Site Plan Review for the Greeley House at 3 Shaker Hill Road, Tax Map 34, Lot 42 for a change of use from a single family residence to a dual use of a residential unit and commercial office space.

Mr. Douglas Smith, a member of the Enfield Village Association, represented on this nonprofit private corporation that was established back in 2000. He described the property with the history of the building.

Motion to accept the waivers of the formal stamp and survey came forward from John Kluge with a second from Dan Kiley and passed unanimously, with the recommendation of Planner Osgood.

John Kluge made a motion to accept the Site Plan Review of the Greeley House as a change of use to a dual use.

- III. Paul R. Birolini will ask for approval of a Minor 5 acre lot Subdivision at 295 Grafton Pond Road, Tax Map 13, and Lot 42.

Planner Osgood informed the board that the application was complete, additionally with a septic system.

Motion to accept came forward from Dan Kiley with a second from Paul Withrow and carried.

Planner Osgood informed that a couple of waivers are being asked as follows:

- Certified Boundary of Entire Lot
- Stone Bound Monumentation

John Kluge made a motion to grant both waivers with a second from Dan Kiley. Motion carried.

The public hearing was closed by motion of the board.

Kurt Gotthardt asked if there is a chance that the house and septic would be moved from where the blue print shows. He was informed that the house is put there to be above the flood plain as well as other specific reasons.

Lot numbers need to be set and in place on the survey prints.

David Saladino made a motion to approve the minor subdivision subject to the tax map and lot number in place. John Kluge seconded. Motion carried unanimously.

IV. Alex Iskandar, Lebanon Property Management, will ask for Re-approval of a 17 Lot Subdivision of land at Evenchance Road, Tax Map 10, and Lot 10.

Mr. Dan Nash represented for Mr. Iskandar. He informed that the plans he is submitting for reapproval are the exact same plans as presented in 2006. However, a permit for Shoreland protection will need to be done as the septic will come down from the subdivision to Route 4A.

Mr. Markowitz and Mr. Welenc expressed their concerns of the water and possible wetlands, erosion and the like, with emphasis of those on the forefront down on Route 4A.

Mr. Wendell Smith pointed out a property on 4A that is already experiencing heavy damage from across the road with drainage problems.

Mr. Nash explained the impervious area for drainage into the ground.

Mr. Smith asked what happened with culverts for the area where they are needed for this project. Culverts were placed in other areas along 4A.

Mr. Markowitz was they were informed that logging would not by the end of Evenchance next to Schneider's; and it has been. He continued and informed that the brook was filled by this logging operation and flooded leaving a lot of debris across many properties.

Mr. Ellison, who is new to the area, asked how all of this water is going to be diverted.

Mr. Jay Boucher pointed out that Mr. Iskandar has been more than courteous to all of the abutters. That the drainage problem came from the logging operation before he purchased the property. It is believed that this logging operation was lead by Michael Michalenoick.

Public hearing was closed by motion of the board and open to the board for discussion.

Chairman Taylor asked about utilities. Planner Osgood said it was required previously. John Kluge felt the utilities should be buried.

Chairman Taylor asked about the drainage and the potential problems along 4A. The area has changed since the beginning of this project in 2006. Mr. Nash said he will look at the property again and see if the terrain, water, drainage has changed.

The current paperwork does not have corrections of those who have moved and who lives at the correct address.

Mr. Nash said that DES would like a courteous notification from the town, that a project is being proposed in the Watershed at this address.

Easements have been shown in the packages handed out to the board.

All plans need to be accepted as current (stamped) for preparation of the town's approval (the public works and selectmen). The town will be inspecting.

Mr. Nash asked if the town wants to see the permits before the mylar? Planner Osgood would be happy with this and workable.

The board then discussed the following conditions:

Correct the list of abutters

Paid for notification of DES

Confirmation of Wetland Delineation

Building permittee's shall meet on site drainage notes on sheet G-1.

Overhead lighting to be removed from plans.

Sheet D-1 modified to show 18 inch bank run gravel depth.

Fire Cistern to be installed after Fire Department approval.

Bond (or letter of credit) of a mutually agreed value, to cover abutting property damage caused by excessive runoff from the site for a period of 2 years after the completion of construction of the roadways.

Bond (or a letter of credit) of mutually agreed value, to insure the proper construction of the proposed infrastructure.

Town appointed representative to be paid by applicant to oversee construction of water, sewer and roadway infrastructure.

Two year signed easement to perform Geo technical testing for potential citing of municipal water well within the conservation zone at the rear of Lot 10-4.

State permits are required prior to construction.

David Saladino made a motion to approve the re-approval of a 17 lot subdivision of land at Evenchance Road, Tax Map 10, Lot 10 with the conditions listed below:

- 1. Correct the list of abutters on sheet B-1.*
- 2. Pay for notification of DES of the proximity of the subdivision to Lake Mascoma.*
- 3. Provide confirmation of Wetlands Delineation.*
- 4. Provide a note that Building permits shall require installation of the roof disconnect detail shown on sheet D-6.*
- 5. Overhead lighting to be removed from plans.*
- 6. Typical Road Section Detail on sheet D-1 to be modified to show 18 inch bank run gravel depth.*
- 7. Fire Cistern to be installed after Fire Department approval.*
- 8. Bond (or letter of credit) of a mutually agreed value, to cover abutting property damage caused by excessive runoff from the site for a period of 2 years after the completion of construction of the roadways.*

9. *Bond (or a letter of credit) of a mutually agreed value, to insure the proper construction of the proposed infrastructure.*
10. *Town appointed representative to be paid for by the applicant to assure compliance with approvals, plans and specifications and oversee construction of water, sewer and roadway infrastructure.*
11. *Provide a two year signed easement for the Town to perform Geotechnical testing for potential siting of a municipal water well within the conservation zone at the rear of Lot 10-4.*
12. *Procure all applicable State permits prior to start of construction.*

Dan Kiley seconded. The motion carried unanimously.

Communication: No items discussed

Informational Items: No items presented

Next Meeting:

Regular Planning Board Meeting to be scheduled dependent on applications.

Adjournment:

John Kluge made a motion to adjourn at 9:20 p.m. with a second from Dan Kiley and carried.

RECOMMENDED ZONING CHANGES 2014

to

APPENDIX A- LAND USE DEFINITIONS

(Definitions for Zoning, Subdivision and Site Plan Review)

and the Route 4 District

Approved by the Board after the Public Hearing Jan 8, 2014

Article #1dft : To see if the Town will vote to delete the current definition of Abutter in the Zoning ordinance and replace it with the following definition.

Abutter: Shall mean the owner, or owners, of record of a parcel of land which is contiguous at any point to the parcel being subdivided, or which lies directly across a public right-of-way or stream from the parcel being subdivided. In the case of ***all major subdivisions and site plan reviews***, the term shall also include the owner or owners of record of a parcel of land which is two hundred (200) feet from any point on the boundaries of the parcel being subdivided.

Article #1dft involves a change to the definition of abutter in the regulations for Subdivisions. The change is for the definition of Abutter to include ALL parcels within 200 feet of any point on a parcel being subdivided or requiring a site plan review. This change will make the requirements for notice the same for site plan reviews, minor subdivisions as for major subdivisions. This change also effectively provides notice to more people than would be notified under the existing regulation.

Article 2dft -To see if the Town will vote to add the following sentence to the definition of "***Driveway***" in the Zoning Ordinance.

"Driveways serving three or more parcels shall be constructed to Enfield Street Design Standards"

Article 2dft Involves adding information to the definition of Driveways to clarify the existing standards for construction of driveways serving more than 3 (three) adjoining lots. Current Town regulations require driveways serving more than 2 adjoining lots to be built to the Enfield Street Design Standards. This change puts the requirement into the definition, to help get the information to the public.

Driveway: Any improved or unimproved area serving as an area of access, entrance, exit, or approach from any street to any parcel of land, regardless of public or private ownership. ***Driveways serving three or more parcels shall be constructed to Enfield Street Design Standards***

Article 3 dft - To see if the Town will delete the current definition of “**Street**” in the Zoning Regulations and insert the definition for street listed below in to the regulations.

Street: A state highway, town road, avenue, lane and/or any other way used or in existence for vehicular travel including ~~exclusive of a~~ driveways which serves three or ~~not more than two~~ adjacent lots or sites. The word street shall include the entire right-of-way.

Article 5dft involves adding information to the definition of Streets to clarify the existing standards for construction of Driveways serving more than 2 (two) adjoining lots. Current Town regulations require Driveways serving more than 2 adjoining lots to be built to the Enfield Street Design Standards. This change clarifies the requirement.

Article 4 dft: To see if the Town will vote to include the following definition for “**Subdivision, Major**” into the Zoning Ordinance.

“Subdivision, Major: Shall mean the division of a lot, tract, or parcel of land into three (3) or more lots, sites, tracts, or other divisions of land.”

*Article #4dft involves providing a definition for **Subdivision, Major**. This change is made because the definition is not currently in the Zoning Regulation. In 2007 the Town voted to remove all definitions from the Site Plan and Subdivision Regulations and put them all in the Zoning Ordinance. This was done to eliminate conflicts between definitions in various regulations. The definitions for Major and Minor Subdivisions were not included on the published list. This change is to include the definition as it existed in the 2007 definitions in the current zoning ordinance.*

Article 5dft: To see if the Town will vote to include the following definition for “**Subdivision, Minor**” into the Zoning Ordinance.

“Subdivision, Minor: Shall mean the division of a lot, tract, or parcel of land into two (2) lots, sites, or other dwelling units, and which requires no new roads, public utilities, or other municipal improvements. A parcel of land which has been subjected to minor subdivision shall not be eligible for further minor subdivision for a period of five (5) years from the date of the most recent minor subdivision approval.”

Article #5dft involves providing a definition for Subdivision, Minor. This change is made because the definition is not currently in the Zoning Regulation. In 2007 the Town voted to remove all definitions from the Site Plan and Subdivision Regulations and put them all in the Zoning Ordinance. This was done to eliminate conflicts between definitions in various regulations. The definitions for Major and Minor Subdivisions were not included on the published list. This change is to include the definition as it existed in the 2007 definitions in the current zoning ordinance.

Article 6 dft : To see if the Town will vote to add the following requirements for Recreational Vehicles on Lots in the Route 4 District.

- ***A recreational vehicle, such as a motor home or camper, may be permitted on a lot, with an existing dwelling unit, so long as it is not used for occupancy or as a dwelling in excess of three weeks in a calendar year.***
- ***A recreational vehicle such as a motor home or camper, may be permitted on a lot without an existing dwelling unit, so long as sewage and gray water disposal is in accordance with State law. Occupancy shall be limited to six months in a calendar year.***

Article 6dft is requested because no restrictions for Recreational Vehicle on lots in the Route 4 District currently exist. The district was added to the Zoning Regulations in 2013, but the language did not include language on Recreational Vehicles. The language proposed is exactly the language currently in the CB District, which is the district the Route 4 zone was in prior to the change.

Article 7 dft: To see if the Town will vote to add the following setback requirements to waters and wetlands located in the Route 4 District

- ***No structure shall be placed, located, or constructed within fifty feet from the seasonal high water line of any river, stream, wetland, lake, or public pond, and no dock may be located nearer a side lot line than the distance permitted for building setbacks in the Zoning District the property is located in.***

Article 7dft is requested because no setbacks to waters and wetlands on lots in the Route 4 District currently exist. The district was added to the Zoning Regulations in 2013, but the language did not include setbacks to waters and wetlands. The language proposed is similar to the language currently in the CB District, which is the district the Route 4 zone was in prior to the change. The difference is that dock setbacks are written to be the same setbacks as buildings in the Route 4 districts as opposed to being that of the water body setback.