

**PLANNING BOARD MEETING  
TUESDAY, APRIL 23, 2002  
37 NORTH MAIN STREET**

**Members Present:** Norman Russell, Brad Anderson, Bill Tsiros, Troy Robidas, Kelly Parliman, Jim Horgan, Hiram Watson, Martin Chagnon  
**Selectmen's Rep:** John Fitch  
**Staff Present:** Paul Charron and Fran Osborne  
**Public Present:** Jim Shannon-Attorney for Packy Campbell, Don Rhodes/Randy Tetreault of Norway Plains, Robert & Cathy Place, Lisa Abbott, Randy Smith, Margaret Russell ZBA, Joyce & Gary White, Walter Ratcliffe, Packy Campbell, David Jacobs-Lilac City Parks & Sales, Gary Rogers, Jack & Karen Place

- Chairman Russell seated Brad Anderson for Lilac City Parks & Sales and Martin Chagnon will be seated for cluster subdivision by Packy Campbell for public hearing portion. Chairman brought the meeting to order at 7:00 p.m. John Fitch made motion to approve minutes of April 9, 2002 amended as follows, Kelly 2<sup>nd</sup>, all in favor - motion carried:
    - Page 2 - Site Review Lilac City Parks & Sales - 8<sup>th</sup> line from end - (10%) or **11.8 acres.**
    - Page 3 - Site Review Craig Lancey 55 Bunker St. - 8<sup>th</sup> line from bottom - after Norm - **The narrative is vague and lacking particulars about the impact on the immediate area of influence, the town in general, traffic generation, land-use compatibility, aesthetics and school population.**
    - Page 5 - Lot Line Revision Packy Campbell - next to last line - after "it is still over .5 acres.
  - Jim Horgan brought up the "open space with regard to Lilac City Parks & Sales" continuation for designated recreation space at Peaceful Pines MHP relocation area. Jim said this just happened to be a case unfinished and continued and it is an open ended situation in that we asked a question and the applicant wouldn't provide an answer. Concern is that we are not Conservation Commission members and we do not negotiate the land. We are trying to preserve land, not conserve land. Jim said I don't know how you felt about that paragraph, but I don't want an applicant coming back to this board feeling that's part of the terms he needs to negotiate. This is not our function. Hiram said they should not be coerced into doing that. . Norm - I took it as a request, have you thought of this - I think we were talking about setting aside an area for recreation purposes or are we talking about open space. I think we clarified that. Brad has some interest in that and asked the question. I see this as not much different than requesting applicants to plant arborvitaes when they aren't required to. I hear you and I would caution all members to choose words wisely. Brad said his intent was not and never would be for a person to force an applicant to give up his property. Brad questioned how we the board and the community would know that space was actually set aside for recreation as the ordinance requires and if it is not designated on the plan - it could fall through the cracks as it almost did. If the applicant did a conservation easement it would not benefit the town. The applicant could appropriately go to the Conservation Commission for advice on what to do if they were interested in pursuing this route.
  - **"Earth Removal Regulations"** - review for final draft. Chairman read memo on final recommendations to the last draft by the board. The Sections on her memo were discussed and John Fitch asked each to be dealt with individually - decisions were made as follows:
    - Section VI. C.** Eliminate wording in draft and use the following language: (passed April 16, 2002)  
**If the board determines that a danger to public health or safety exists from any excavation which ceased commercially useful operation prior to August 24, 1977, for which the affected areas has not been brought into compliance with the minimum and express reclamation standards, the board shall state so in writing and the provisions of paragraph B. above shall apply.**
- \*John motioned to amend as above, Brad abstained, Kelly 2<sup>nd</sup> - all in agreement -

motion carried.

**Section VII.A.** Change wording in draft to the following: Under heading Prohibited Projects, add **The regulator shall not grant a permit. Excavation within 50 feet of the boundary line of a disapproving abutter or within 10 feet of an approving abutter unless approval is requested by said abutter.**

\*Hiram motioned to amend as above, Troy 2<sup>nd</sup> - Brad abstained - all in agreement - motion carried.

**Section VIII.** Eliminate "and" after August 4, 1989.

\*Hiram motioned to amend with above, Troy 2<sup>nd</sup> - Brad abstained - all in agreement - motion carried.

**Section XIV.C.** (passed April 16, 2002)

2<sup>nd</sup> line - change, "not less than 14 days prior to the meeting" to **not less than 10 days prior to the meeting**

\*Kelly motioned to change wording as above, John Fitch 2<sup>nd</sup>, Brad abstained - all in agreement - motion carried.

**Section III. I. (b)** Change wording in draft to the following:

After "lands that were in common ownership with the site of the plant on August 4, 1989 whether or not state and local permits were granted **before** August 4, 1989.

\*Hiram motioned approval, Troy 2<sup>nd</sup> - Brad abstained - all in agreement - motion carried.

**Section IV. D.** Change existing wording to:

**As long as the land was contiguous and in common ownership as of August 4, 1989, no permit is required. Land acquired after August 4, 1989 needs to have permits.**

\* After discussion, Jim motioned approval of above wording, John 2<sup>nd</sup>, Brad Anderson abstained - all in agreement.

**Section V. B.** Leave as is.

**C. 3.** Leave as is for information.

\*Hiram motioned to leave these as is, John 2<sup>nd</sup>, Brad abstained - all in agreement - motion carried.

No further discussion. Norm asked to schedule Public Hearing for final review of Earth Removal Regulations and June 11, 2002 will be public hearing.

- Chairman stated Ernie Creveling asked us to work on the CIP. Hiram will get with Ernie. Margaret Russell from the ZBA will be on the committee with others selected to serve.

### Public Hearing 7:30 p.m.

- **Site Review Application continuation by Lilac City Parks & Sales (Tax Map R19, Lots 1 & 6) - relocation plan 13 lots.** Chairman stated application was previously received as complete Norm said alternates on the board were welcome to look at plans as well. Alternates can take part. Randy Tetreault of Norway Plains Surveying brought new revised plans and went through the punch list items requested at last Planning Board meeting. The key has been changed to reflect recreation areas in shaded areas on sheet 5, proposed connector road on sheet 9 of plans. We are trying to come as close as we could to Evergreen Lane. We didn't want a yield there but 90 degree to loop - we couldn't come any closer because of drainage swale at Evergreen lane, this was as close as we could get to T it in. The same road profile and cross section with paving the same as the rest of the park and culvert will be done. One of the reasons the park owner didn't connect before was because of kids cutting through. This connector won't be gated. Randy said the site distance is better and explained the initial entrance to that point was 600'. The 10% of total

area has been designated as recreational land in the actual shaded areas in relationship to what is going on now, this adds up to plus or minus 20 acres - 65 to 70% uplands, 30 to 35% poorly drained/pond areas. Designated areas as well as out back where new lots have been relocated are open space areas now. There was a question brought up about the conservation property and I spoke with the owners, Dave Jacobs said they would be willing to talk about that but they said they would like to see some direction or some kind of plan by the Conservation Commission or whoever is involved as to what it would be good for. It is tied up by density, but that doesn't preclude some infrastructure in the future. Discussion about open space at end of loop. David said if the Conservation Commission /town had some legitimate use for it - walking paths, baseball field or whatever. Brad - I feel it might be prudent for this board in the future to set aside as open space required by the ordinance and the Conservation Commission could make recommendations. Norm - if it is consistent with the requirement that it be recreational. Randy - there's 2 parts to that - the requirement that the density which creates the open space and the requirement of the open space and the fact he has certain size constraints. There is a requirement of 10% recreation which is kind of different than what we talked about. Brad - I would like the opportunity for the Conservation Commission to suggest options. The owners are willing to talk to those involved be it the Town or Conservation Commission and what it is they are suggesting the open space be used for at the end of the loop road. Chairman closed the public portion. Brad - refer applicant to the Conservation Commission for open space land (possible conservation easement.) Dave Jacobs of Lilac City Parks & Sales said if the town had a viable use for this land we would be willing to talk with you about it. Brad suggested perhaps an applicant could come before the Conservation Commission before coming to the Planning Board regarding designated open space or recreation areas. Troy - I think they have met the requirements as did Kelly, John, Hiram and Jim. Hiram motioned to accept the Site Plan as revised and presented, with an amendment to have the connector road done as the lots are developed, Kelly 2<sup>nd</sup>. Norm said he liked the plan and the idea of several recreation areas around the park. Troy asked about the connector road as far as completion. Dave Jacobs said he would like a little time to complete this. Norm - I am pleased with the 2<sup>nd</sup> egress, the public safety issue and the way it is configured. Dave Jacobs said right now we don't see a problem, but if it becomes a problem we will come back before the board. Norm - our concern is safety. Randy - I discussed this with SRPC - the original plan called for a gravel connector with a crash gate. David said the connector road would be completed as the new 13 lots are relocated and connected.

- **Lot Line Revision continuation by Town of Farmington for Sarah Greenfield Business Park, Rte. 153 (Tax Map R32, Lot 22-3) and Site Review Application continuation by Canatal Industries, Inc. - steel fabrication manufacturing company and transportation of same.** Chairman explained these have both been cancelled completely.
- **Cluster Subdivision Review continuation by Packy Campbell/RSA Development for Elm St./Dick Dame Lane, Tax Map R34, Lot 1-8 and U9, Lot 9 - to create 65 lots on one lot.** Don Rhodes of Norway Plains and Associates explained originally when he worked this 38-acre parcel about 2 years ago, apartments were permitted. The only frontage was Dick Dame Brook off Elm St. We came to the Conservation Commission to put in a bridge at that location and there was a lot of concern by the Conservation Commission and abutters about impact on Dick Dame Brook. After that, the owner acquired 2 pieces of property, a 3-acre parcel off Dick Dame Lane for access and the other the Cameron property off Elm St. making 47 acres with the additionally purchased lots. We looked at an access road alternative across Dick Dame Brook from Dick Dame Lane for 60 units. There was a concern about traffic impact with entrance in total off Dick Dame Lane. After hearing these concerns we came up with what is now before the Planning Board which shows access from Elm St. into the property which goes across Kicking Horse Brook. A single entrance intersecting Elm St. to the West of Dick Dame Brook is planned about 3,000' with 65 units and the existing Cameron home for a total of 66 units. There will be 22 house lots (duplexes), 21 single family homes and the existing Cameron home (43 lots) for a total of 66. The density calculations based on 47 acres not including the right-of-way would be 43 lots. Based on your density allowance, up

To 86 units would be allowed, but we are proposing only 66. We met with the Conservation Commission a week ago since we do need a Dredge & Fill Permit to get the structure across Kicking Horse Brook in order to get into the property. In order to maintain a natural channel under the access road, a 12' wide and 5' high, 3-sided box culvert is proposed - well over twice the size required - it will allow ample capacity to carry the stream flow. The elevation of the road going across Kicking Horse Brook is 2' above the 100-year FEMA flood elevation. Town water and sewer is available. We do need a pump station which will be done by the developer, storm-water management will be done to the latest state/town regulations. There will be detention capabilities on the site with discharge no more than what leaves the site today. The system very generally will be a closed type system from the loop area which is the steepest part of the lot. The front part is flat with the exception of one mound, then the land slopes up toward the top of the developed area. All the water will be closed system discharging from the pipe into the detention pond and into swales where it will be treated through the cleansing benefits of grassed swales. In order to proceed with this plan we are hoping to get feedback from the Town - whether or not the Planning Board will grant the waiver necessary for the length of the dead-end street. It is 1300' from Elm St. to the beginning of the loop - that's the point your ordinance states must be 900' and we show 1300' on this plan. John Fitch asked about street elevation. A letter to the Planning Board requesting waiver was presented. One of the options we do have if we do not get the waiver is to extend the road so we cross Dick Dame Brook to the length of the existing crossing. There exists a couple of 36" culverts in place and they have been used very recently if not currently. We would remove those culverts and restore the brook to its natural channel. If we are not granted the waiver then we do need to have a through road connecting Dick Dame Lane. We will use the existing crossing upgrading to some extent depending on the nature of the road the town specs require - we would need to know what is expected from the town there. Our preference would naturally be to grant the waiver. The road from the entrance to Elm St. is not steep, there will be 20' of pavement, 4 - 5' shoulders each side and 5' paved sidewalks. We would like to keep the paved surface narrow as one of the objectives of this development in keeping a neighborhood setting and traffic minimal as well as pedestrian friendly. This meets state recommendations. There are not potential safety issues - the 1300' because it is flat and straight we feel is reasonable. If we need a connector, we have made an alternate do-able, but not preferred plan, so we can move ahead. Will the Planning Board grant the waiver of 1300' from the Elm St. entrance (currently requires 900'). We would like direction on how to proceed. The Dredge & Fill Permit across Dick Dame Brook is in the process we are and ready to go to the State to proceed with the Kicking Horse Brook crossing. Attorney Jim Shannon - at the last meeting it was discussed this plan has been to the Planning Board for 5 to 6 months. It is time for representation by Packy's engineer who is here along with myself. The developer needs solid direction from the Planning Board regarding the 900' waiver. Crossing of Dick Dame Brook - what does the board want to see for means of egress? Also an issue of a Special Use Permit for crossing Kicking Horse Brook was O.K.'d at a previous meeting. We need to get the clock rolling on how to proceed. The crossing on the Dick Dame Lane issue has been here twice. The Cluster Subdivision Regs enabled to allow exactly this type of development. This property is a good use for Cluster development. The applicant is trying to go forward in good faith. Mr. Campbell felt Don Rhodes and myself should be here to represent him. Solid guidance is needed and we need a vote to complete the application. There are 3 issues I see:

- (1) 900' waiver of road distance.
- (2) Dick Dame Lane - existing crossing at Dick Dame Brook
- (3) Special Use Permit - Kicking Horse Brook.

The Special Use Permit acceptance was discussed from a previous meeting. Norm - from the point where the Kicking Horse Brook joins Dames Brook upstream, Dames Brook and its tributaries are not subject to Special Use Permit. Norm - do we want to proceed with the waiver without complete application? Jim - brought up the impact study -- the Code Enforcement Officer has worked with RKG Associates. Attorney Shannon said a motion was made to request an impact study and the Code Enforcement Officer suggested Norway plains. Packy Campbell said he is happy to do more if the Planning Board requires it but he was told by RKG Associates the cost would be (3) times the amount. Packy would prefer to stick with Norway

Plains but will do what he needs to for proceeding. Packy put out a few options such as the Rochester City Planner and Norway Plains. Building Inspector Paul Charron said we are considering outside proposals. Some time after Packy asked the Code Enforcement Officer about Norway Plains doing it. Paul Charron - said Norm Russell, Ernie Creveling and himself met with RKG and Paul told Packy he could go with Norway Plains but it would be better to go with RKG or have his plan reviewed by RKG. Norm - Municipal Resources contacted us about hiring people to garnish information from and suggested the town hire the firm themselves and have the applicant pay at the town's discretion with the town doing the hiring. It was asked who is paying? Packy is willing to hire RKG - what is important is moving ahead. Is the Planning Board going to hire RKG knowing from public information that \$11,000 is available that has been set aside for this. I think it's smart to hire RKG as a more community-based study. Whatever is reasonable do it. A review from RKG of Norway Plains study would include my development. Mr. Hicks from RKG commented we would gain nothing just on the fiscal analysis which would be a snapshot but you could not use it as a basis for CIP or another project. Packy - hire RKG - lets get the ball moving. Initially we said it would benefit the town to do this study. I would like RKG hired as it will take 7 weeks to complete. No town in the history of this state has been denied on the basis of an impact study. Jim - get RKG busy on the impact study and move on with the waiver. Norm - RKG wants 50% up front - we need a check from Packy for \$9,000.00 (\$4500 in escrow and \$4500 to RKG). Attorney Shannon - have applicant pay \$4,500 up front and remainder when due. Norm - does he want updates during that period. Packy would rather hire RKG himself. Packy would like to look at information before public hearing. Discussion by board. Pay full amount to the town. Hiram - can you see this impact statement swaying the board? Norm - it could go either way. Discussion on Norway Plains vs. RKG. Conflict of interest by Norway Plains was discussed. Brad - this is a regular process when an applicant comes before a Planning Board. We have a duty to the public. Norm - Norway Plains presents a possible conflict. We would entertain other impact studies. Jim - motioned to accept RKG for impact study and Packy to bring check for \$9,000.00 to the town, Troy 2<sup>nd</sup> - all in favor except Hiram who was opposed - motion carried, amend to include work on waiver request of 1300' exceeding required 900' and suggestion by Paul Charron to include Packy in meetings with RKG and information developed by RKG. Packy will put his requests for information in writing to the Planning Board. Paul Charron will be liaison for keeping Packy informed of RKG's needs and requests. Marty Chagnon is off the board as he is a resident of this area. Bill Tsiros is seated in Marty's place. Chairman asked for public comments.

Bob Place - I don't know why you would give waiver without impact study. Don Rhodes explained he has met with DOT and yes we could get access at Elm St. - exact nature is not clear yet on the deceleration lane. A sidewalk would be part of the project subject to negotiation on costs, but Packy would contribute to that. Bob Place - what about Dick Dame Lane? Don Rhodes - there were many concerns about traffic on Dick Dame Lane from abutters. There would be no impact on Dick Dame Lane by using Elm St. as access. Norm - current proposal is for Elm St. Bob Place - that's not in the town's best interest. He questioned the 900' road and waiver of 1300'. He is concerned about 2 means of egress. Is this using only Elm St. or both Elm St. and Dick Dame Lane? Norm - Elm St. is the only means of egress at present. Norm explained the 900' requirement is in case of medical emergencies to be able to allow equipment for paramedics accessibility if equipment needs to be carried. Traffic also will not slow down because it is flat. Jim Spaulding - extension of road was questioned. Norm said this is only one part of their plan. Gary Rogers likes the Elm St. entrance concept. He would support the waiver. Joyce White - if previous developer needed 2 ways of egress, why doesn't this developer? Jack Place - said regarding the 1300' of road - "I'm going to gas it" as will others. What about losing frontage on Elm St. for the road? Karen Place - does Elm St. need to be widened? What about turning lanes going both ways? Don Rhodes - the widening would be on the developer's side of the property. The Sidewalk will be on the project side of the state right-of-way (66'). No widening for traffic heading east. Jim - will the sidewalk be from the project to somewhere near Main St.? Don Rhodes - it will be in that area. James Spaulding - how can you grant building before development. Norm - we go through the procedure required. Bob Place - are we ahead of ourselves? What about State and turning lane - deceleration lane? I have not seen a traffic study done.

Norm - explained the RKG traffic study. Bob Place - what about sidewalks? Norm - we cannot mandate more strict requirements than the State. Attorney Shannon - a traffic study was done and submitted months ago - I don't know the process. Chairman closed public portion of meeting and opened to the board.

Jim Horgan - opposed to extending the road beyond 900'. Traffic exceeds speed limits. Work for deceleration lane needs to be done if project goes ahead. Hiram - is the road 20' wide? Paved - yes. Shoulders - 4'. What about Dick Dame exit? John Fitch - is against one way in and out (could see 2-way road in and out) this is not good. Kelly - not in favor of one-way egress. Need 2<sup>nd</sup> way for emergency vehicles. Troy - will it be underground utilities? Packy - probably not. Troy - this might help especially with overhead wires and poles. Alternative exit ? Dick Dame Lane. Major exit on Dick Dame Lane a problem. What about crash gate? I would not grant waiver with overhead utilities. Brad - need two 10' paved lanes with 5' sidewalk and 5' grassed strip, 34' from outside of sidewalk to shoulder. Crossing Dick Dame Brook - the Planning Board legally cannot allow applicant to upgrade the Dick Dame Brook., 34' and grass should be adequate for vehicles to get in and out - questioned all out emergency - there is a need for egress and ingress. This area is a flooding area - floodwater could cross over Elm St. and proposed road - this is an issue to me. I'm not necessarily against it. John Fitch - pointed out large vehicles blocking the road (bus, truck, etc.) in case of accident - need 2-way access. Bill Tsiros - allow traffic in Dick Dame one way in, one way out Elm St. Don Rhodes - the issue is crossing the Dames Brook and permits involving environmental issues. If the loop were moved closer to Elm St. would that be better (400'). This would solve 1300' waiver. Discussion. Norm - still doesn't meet the 900' requirement. Bill Tsiros - what about crossing? It would have to be completely redone. Norm - Packy's road study would increase traffic on Dick Dame to exceed its present capacity. Norm - Joel Plante (fireman) didn't favor single access - needs two accesses. Bill Tsiros - make Dick Dame Lane one way to access project only. John Fitch - if we bring Dick Dame to town standards we would be taking peoples homes. We need 2 means of egress. Norm - we are missing the granting of waiver. What about frontage requirements? If lots are conventionally sized, you are getting more road than necessary. You said you have 43 net acres after access roads are taken out. Under Cluster Regs (SR zone - 1 acre) by conventional lot size, you cannot put more than 43 dwelling units. Don Rhodes - with town water and sewer a single-family will need only 1/2 acre. Norm - ? the density bonus. Don Rhodes - under conventional requirement, we have used 1/2 acre. What about wetlands? Packy - the wetlands are removed and there are 61.5 units remaining. When he went to Elm St. he found he could go to 65 units. Packy said let's talk about what I can do - you can ask me what you want me to do. Don Rhodes - frontage for single family homes 85' to 90' - duplexes 110' to 120'. Attorney Shannon - the issue seems to be the 2<sup>nd</sup> access and 900' vs. 1300' road issue. Maybe two 10' lanes with grass strip in middle could be talked about for safety issue. Brad - access being cut off to travel was my issue. Troy - if we deny 900' waiver what will you do? Don Rhodes - if the Planning Board is not comfortable with 1300' - what will you be comfortable with? I'm not sure Dick Dame Lane can be feasibly used with the issues involved, another solution is preferred. John Fitch - Elm St. should have an entrance with divided road and more than a grass strip for dividing. Jim Horgan - opposed to road beyond 900' and to Dick Dame Lane being used as an access. Norm - I don't think this board has waived 900' ever. I would like to see a California access to give emergency equipment access. Don Rhodes - if we create a boulevard with grass strip - how big? One lane 12'? Norm - how wide can you flare the entrance? Don Rhodes - DOT limits the width to 50'. We can go up to that. We are in excess of 30' pavement at the entrance now. Norm - how far back would you put island? Kicking Horse Brook is about 200' off Elm St. Don Rhodes - under what conditions would you approve the waiver?: (50' entrance at roadway limit). From Kicking Horse to Elm St. widen to 24' without grass strip. Brad - vote on waiver. Packy - vote with conditions. If you say no, we don't know where we are. Jim Horgan - made motion to decline waiver, Kelly 2<sup>nd</sup> - all in favor. - motion carried. Discussion on conditions by Bill Tsiros. Don Rhodes - I felt we were heading in a positive direction, now we have no direction which is what we are looking for. Brad - I'm not against the waiver. We need to see a plan before making a decision. Discussion. Packy - I will come back with conceptual designs (A, B, C) and then maybe a positive outcome can happen. I would rather move on this

type of engineering. Applicant requesting denial of waiver. Packy are you voting to deny or table? Norm - you can continue to request a waiver - Bill Tsiros - made motion to allow applicant to come back with alternative plan and alternative waiver request, Troy 2<sup>nd</sup>, all in favor - motion carried.

- With no further business to discuss, John Fitch made motion to adjourn at 10:15, Troy 2<sup>nd</sup>, all in agreement - motion carried. Minutes recorded by Fran Osborne. Taped transcript available in the Code Enforcement Office.

**APPROVED**

\_\_\_\_\_  
**Norman Russell, Chairman**

\_\_\_\_\_  
**Date**