

**Call to order:** 7:00 pm

**Present:** Todd Santora, Chairman; Lisa Brown-Kucharski, Greg Parish, Members; Andy Brubaker, Alternate; Jim Ziolkowski, Selectmen's Representative; Glenn Coppelman, Circuit Rider Planner; Mark Sikorski, Building Inspector; Susan Ayer, Secretary

**Absent:** Charlyn Brown, Vice Chairwoman; Shawn Hanson, Abigail Tonry.

The Chairman named Alternate Andy Brubaker as a voting member for this meeting.

### **TIDES TO STORMS 2 – COASTAL ADAPTATION IMPLEMENTATION**

Theresa Walker, Rockingham Planning Commission, has postponed her presentation to the Board, as several members were not going to be present. She will be on the agenda for May 24.

### **PRELIMINARY CONSULT – KNIGHT – 12 MILL LANE, MAP 1, LOT 6**

Applicant Richard Knight has submitted a proposal to subdivide a 15-acre parcel into two lots, cutting off a parcel of land for hiking, farming, and a preserve for non-building use.

As the applicant was not present, the Board moved on to the next agenda item.

### **PUBLIC HEARING – CASE #16-04-01**

Application from Catherine Koski O'Leary for Final Public Hearing on a Scenic Road Alteration Permit for removal of portions and/or remnants of stone wall for a proposed 17' wide new, second driveway opening, on property located at 7 Depot Road, Map 8 lot 87.

Catherine Koski O'Leary and Rebecca Nolan, co-owners of the property, were both present. All fees have been paid and all application documents in order; the Board asked Ms. Koski-O'Leary to describe her project and make her case for a Scenic Road Alteration Permit.

Ms. Koski-O'Leary said that she has applied for a permit for a 60' long, 17' wide driveway to run from Depot Road to a new horse barn, which is 12' x 28'. She will need to move some portions of stone wall to allow for the driveway opening.

### **QUESTIONS OF THE BOARD**

Questioning by the Board elicited the following information:

- The new driveway will be a second driveway on the property, and only used for moving the barn structure onto the property, and then for emergency egress for horses.
- No trees will be removed.
- Ms. Koski-O'Leary said that the stones that need to be moved will be fanned back to reinforce the remaining wall, not removed.
- There will be no electricity or water to the barn, but solar panels are planned.
- There is no culvert to cross.
- The driveway will consist of crushed stone.
- The drive and the roadway entrance are level; there are no drainage issues.

### **PUBLIC COMMENT**

Bill Conway of 11 Depot Road was present to ask questions as the neighbor to the east side of the new drive. He asked how far from his property the driveway would be; it will be 78 feet from the center of the new driveway to the property line. The driveway will be farther from his

property than the barn, as it goes in at an angle. As the drive will only be used for emergency egress, there will be no traffic impact.

Mr. Conway asked to look at the plan, and afterwards had no further questions.

The Chairman, hearing no further questions from the Board or public, closed the Public Hearing.

**MOTION:** To approve the Applicant's request for a Scenic Road Alteration Permit for removal of portions and/or remnants of stone wall for a proposed 17' wide new, second driveway opening, on property located at 7 Depot Road, Map 8 lot 87.

**MOTION:** G. Parish

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

### **COMMITTEE ASSIGNMENTS**

Upon discussion, the following committee assignments for 2016 were made:

- CIP Committee: Todd Santora- Chair; Peter Robart, Jim Ziolkowski, Charlyn Brown, Shawn Hanson, Tony Franciosa, Lisa Brown-Kucharski, Building Inspector (non-voting)
- Master Plan Committee: Charlyn Brown – Chair; Larry Smith, Lisa Brown-Kucharski, Andrew Brubaker, Todd Santora, RPC Consultant (non-voting)
- Road Committee: Charlyn Brown – Chair; Lori Ruest, Lisa Brown-Kucharski, Greg Parish, Andrew Brubaker
- Ordinance and Regulation Review Committee: Shawn Hanson – Chair; Todd Santora, Abby Tonry, Greg Parish, Jim Ziolkowski, Circuit Rider Planner (non-voting), Building Inspector (non-voting)
- RPC Commissioner: Richard McDermott (2014 – 2018)

### **REVIEW AND APPROVAL OF PRIOR MEETING MINUTES – March 22, 2016**

Approval of meeting minutes from March 22, 2016 was tabled until the next meeting of the Board due to lack of a full board and the length and scope of the meeting covered by the minutes.

### **COMMUNICATIONS TO BOARD MEMBERS**

Registration is open for the Spring Planning and Zoning Conference to be held on June 4, 2016. Agendas for the conference were distributed, and members interested will contact the Secretary to be registered.

There was a discussion of the merits of the Preliminary Consult for Richard Knight of 12 Mill Lane.

G. Coppelman informed the Board that there will be a radio program on the subject of Agritourism on NH Public Radio on Thursday morning at 9:00. It will include the Senator who introduced the recent legislation as well as the owner of Applecrest Farm.

**MOTION:** To adjourn at 7:32 PM.

**MOTION:** L. Brown-Kucharski

**SECOND:** G. Parish

**UNANIMOUS**

At this time, Richard Knight appeared for his Preliminary Consult with the Board. It was determined that as this is not a legal case involving the public, but a preliminary, non-binding discussion, the meeting could be re-opened to discuss it with Mr. Knight.

**MOTION:** To reopen the meeting at 7:34.

**MOTION:** G. Parish

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

**PRELIMINARY CONSULT – KNIGHT – 12 MILL LANE, MAP 1, LOT 6**

Mr. Knight was asked to present any additional information he may have for the Board.

Mr. Knight informed the Board that he would like to subdivide his property to set aside a portion to preserve it for hiking, farming and other non-building use. He would like to keep the land in its natural form. It is mainly lowland, with some high spots, and mostly dry enough to walk on, though not suitable for building. There is enough acreage and road frontage to subdivide.

Mr. Knight said that he hoped for some initial input from the Board on whether the plan is feasible before spending money on surveying and other expenses.

T. Santora said that preliminary input from the Circuit Rider Planner indicated some issues that an application for Subdivision may encounter.

- The definition of a building lot from Town Ordinance specifies that the lot should be “adequate to issuance of a building permit.” Technically, if the lot is all wet, a building permit could not be issued.
- A septic design would be required, which could be a problem on wet land. The Building Code describes the need for the Septic Reserve Area and percolation tests; Section 6.2.20 of the Subdivision Regulations requires location and results of test pits, location of primary and secondary leach bed sites, and location of well heads and protective radii to be shown on the Subdivision Plan.
- There is a question of whether a dredge and fill permit could be obtained from NHDES in order to cross the wetland and access the site. Access from another lot could be complicated by legal and other issues.

The Building Inspector said that if there were more details available about the makeup of the land and potentially usable areas, it would be easier to have an educated discussion of the potential to subdivide.

G. Parish asked where the access point would be. Mr. Knight said there are two spots, one good high spot and the other from his existing lawn. He said there are ATV trails that existed before he moved in.

L. Brown-Kucharski cautioned Mr. Knight on spending a lot of money, as she was not sure this could work. She mentioned that the land could go into Conservation, which would still be usable, though open to the public.

M. Sikorski said that if funds are to be spent, he feels it would be wise to concentrate on the portion that abuts the public way, as what is at the back of the property will not matter if it can't be accessed.

M. Sikorski also mentioned that the well radius will need to be considered, and may be a limiting factor.

T. Santora said that another reason more detail will be needed is that if the land goes to Conservation, it would be deed restricted. Parking was discussed as it also relates to potential

deed restrictions related to another parcel and/or potential wetland crossing for a driveway permit.

G. Coppelman said that it is important for the applicant to know if the Board would be willing to entertain the possibility of a Subdivision under the right conditions.

G. Parish questioned whether it is possible for the Board to waive State requirements for test pits. This may be the case if the land is designated unbuildable.

Deed restrictions, including the land remaining unbuildable, would go with the deed, not the owner, and if the access is from another parcel, that deed would have to be changed as well.

Mr. Knight was advised that he could gather more information and come back for another preliminary review in front of the full Planning Board. He asked if an overlay plan would be sufficient for discussion purposes.

G. Coppelman and T. Santora advised Mr. Knight that a full plan would be needed, and all other requirements of the Subdivision process. This will incur costs and may not be accepted.

T. Santora suggested that Mr. Knight have his surveyor contact the Building Inspector or Circuit Rider Planner to discuss the minimum information needed.

#### **ADJOURNMENT**

**MOTION:** To adjourn at 8:06 PM.

**MOTION:** G. Parish

**SECOND:** L. Brown-Kucharski

**UNANIMOUS**

NEXT MEETING SCHEDULED TUESDAY, May 24, 2016 7:00 p.m.