

**PLANNING BOARD
MARCH 6, 2012 at 7:30 PM
TOWN HALL, 41 SOUTH MAIN STREET**

In attendance:

Members: Judith Esmay, Joan Garipay, Jim Hornig

Alternates: Iain Sim

Staff: Vicki Smith, Jonathan Edwards

Others: See Attendance Sheet

1. **MINUTES:** The minutes of February 14, 2012 were approved.

2. **P12-07 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY KATHERINE WRAPP HARVEY TRUST, TO DIVIDE ONE LOT INTO TWO LOTS (CREATING LOTS OF 26,350 SF AND 20,900 SF) AT 3 TYLER ROAD, TAX MAP 34, LOT 90, IN THE “SR-2” ZONING DISTRICT.**

EMSAY read the Notice of Public Hearing.

Katherine Wrapp was present to answer questions.

Board Comments/Questions:

- Does the application meet the requirements of Section 207.2 of the Zoning Ordinance which requires that at least 75% of the land should have slope not greater than 25%?
 - Wrapp said the plan provided shows an area of 5,890 sf with slopes greater than 25%. The remainder of the lot totals 15,010 sf.
 - Smith confirmed that the Zoning Administrator reviewed and signed off on this application. She said the steep slope percentage is applied against the minimum lot size allowed, not the total area of an individual lot.
- Is there space between the delineation of the front setback and the beginning of the 25% slope to position a building?
 - Smith said there are no rules against building on the slope.

Staff Comments/Questions: None

Wrapp reported that all of her neighbors are very fine with the proposal.

Public Comment/Questions: None

Waivers Requested: None

It was moved by HORNIG, seconded by GARIPAY to find the application complete. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

It was moved by HORNIG, seconded by GARIPAY, to approve Case 12-07 for minor lot subdivision. There being no further discussion, THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

3. P12-08 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY F. CORBIN MOISTER, JR. TO DIVIDE ONE LOT INTO THREE LOTS (CREATING LOTS OF 3.10 ACRES, 3.10 ACRES, AND 32.4 ACRES) AT 324 DOGFORD ROAD, TAX MAP 12, LOT 25, IN THE “RR” ZONING DISTRICT.

ESMAY read the Notice of Public Hearing.

Corb Moister, owner, and Jeff Goodrich, of Pathways Consulting, presented the application. Goodrich said the existing 38.6 acre lot is vacant but has a functioning on-site wastewater system and driveway. The project is to create 2 lots of 3.1 acres, each on the northwest end of the property, leaving about 32.4 acres where the existing wastewater system and driveway are located. Wetlands and wetland boundaries on the proposed lots and abutting properties were pointed out. The new lots are configured to accommodate wastewater disposal system receiving areas based on test pits and the location of the wetlands. Driveways are shown in the middle of each lot. Goodrich advised of staff’s concerns relative to existing stone walls and culverts. He said one of the proposed driveways could be re-aligned to cross an existing gap in a stone wall. Relative to culverts, an updated plan was distributed that depicts culvert locations, flow direction, and a new Note #4, as requested by staff. Goodrich approximated the flow direction where water would travel after leaving the culverts. He said the Town’s DPW is okay with the proposed flow plan. Plan notes indicate how modifications are controlled based on Town review.

Board Comments/Questions:

- How will the stone walls be addressed relative to the proposed driveway locations for the 2 smaller lots?
 - Goodrich reiterated that one of the driveways could be realigned to pass through an existing opening in a wall. There is no opening along the other stone wall. The intent there would be to put the driveway in, minimizing the impact to the wall.
- Was thought given to having a single curb cut to serve both properties?
 - Moister said it was discussed, and the plan can be revised if the Board so desires.
 - Smith advised that the proposed driveways will require permitting by DPW. Changing their layout after Board approval will require subsequent Board approval.
- The proposal is very much in common with the development on the upper end of Dogford Rd. This land has a drop off from the road to the field. Maintaining the tree line along the stone walls would be helpful to maintain the rural aspect of that street and the access to those houses.
- Is this a designated Scenic Road?
 - Smith said she did not believe so.
- If the intention is to construct a building on each lot why is a waiver requested of the statement indicating “approved for building purposes”?
 - Smith said the State has a requirement for lots less than 5 acres that there must be a designed septic system or that statement on the plan. After DES approves the septic system designs, the statement will be added onto the plan. The request is to release

the applicant from the obligation to state that until DES approval is granted. The lots cannot be sold until a plan is recorded.

Staff Comments/Questions:

- Would there be drainage issues resulting from a common drive?
 - Goodrich said no. If chosen, he would locate a common drive over the shared border between the two lots.
- Is there any requirement of a property owner to accommodate drainage from a public road?
 - Goodrich said there is no regulation. DPW suggested things based on their dealings with other owners. DPW staff has looked at the culverts. Their concern is for building in close proximity to them.
- Do you have over 25% slope anywhere?
 - Goodrich said none have been found.
- Does having a shared driveway discourage potential buyers?
 - Moister said it could.

Waivers Requested:

1. 6.07e Perimeter survey for entire parcel
2. 11.07b Statement indicating “approved for building purposes”

It was noted that the proposed Lots 1 & 2 were surveyed, and the larger remaining lot was not. Goodrich said an entire survey was done in 2003. ESMAY said the plan legend lists various plans drawn, none of which appear to have been recorded after 1998.

Possible Conditions of Approval:

Staff requested that a statement be added to the plan stating, “*The Town reserves the sole right to improve, add, replace, relocate any culvert and ditch in the ROW provided the drainage does not flow to a location different from that which is shown on the subdivision plan.*” It was pointed out that “relocated” was omitted from the corresponding Note added to the updated plan presented at the start of the hearing. Smith said Pete Kulbacki, DPW Director, is fine with that.

Public Comments/Questions: None

It was moved by SIM, seconded by HORNIG, to find this application complete with the 2 waivers requested (perimeter survey for entire parcel and statement indicating “approved for building purposes”). THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

It was moved by SIM, seconded by GARIPAY, to approve the application with the following conditions: (1) the plan be amended to include the words, “*NH DES approval for building purposes has been granted.*”, when such approval is granted; and (2) the plan be amended to show a shared curb cut with a single driveway access serving the two new smaller lots through the stone wall. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

The next 2 cases were heard together:

1. **P12-10 SUBMISSION OF APPLICATION FOR MINOR SUBDIVISION BY MCLANE LAW FIRM, AGENT FOR THE TRUSTEES OF DARTMOUTH**

COLLEGE, PROPERTY OWNER OF RECORD, TO DIVIDE ONE LOT INTO TWO LOTS (CREATING LOTS OF 9.39 ACRES & 18.65 ACRES) FOR THE PURPOSE OF RECORDING A TRANSFER BY EMINENT DOMAIN BY THE UNITED STATE IN 1981. THE PROPERTY IS LOCATED AT 72 LYME ROAD, TAX MAP 46, LOT 10, IN THE “OL” AND “GR-4” ZONING DISTRICTS.

- 2. P12-09 SUBMISSION OF APPLICATION FOR MINOR LOT LINE ADJUSTMENT BY MCLANE LAW FIRM, AGENT FOR THE TRUSTEES OF DARTMOUTH COLLEGE, PROPERTY OWNER OF RECORD, TO ANNEX 0.16 ACRE OF 72½ LYME ROAD, TAX MAP 49, LOT 1, WITH THE NEWLY SUBDIVIDED 18.65-ACRE LOT AND 9.39-ACRE LOT, LOCATED AT 72 LYME ROAD, TAX MAP 46, LOT 10, FOR THE PURPOSE OF FACILITATING A VOLUNTARY SALE OF THESE COMBINED PARCELS TO THE UNITED STATES. THE PROPERTIES ARE LOCATED IN THE “NP”, OL”, AND “GR-4” ZONING DISTRICTS.**

ESMAY read the Notices of Public Hearing.

Tim McNamara, Associate Director of Dartmouth’s Real Estate Office, presented the applications stating that the proposals reflect what’s been in place for 50 years and what exists currently by deed and by plans. Displaying the tax map he said CRREL has occupied its current site since the early 1960’s. In 1981, the government took by eminent domain an adjacent area of 9.39 acres from the College to be used in conjunction with CRREL’s 18 acres. In 1979 the government leased another adjacent area (≈ 0.6 acre) referred to as “Navy Pond”. The leases, and taking by eminent domain, never went through Town review. These proposals would make official: (1) the subdivision of the CRREL lot and the 9.39 acre lot also leased by the government from the larger lot, (2) merge the 2 government lots together, and (3) split another College lot between the Army and the College. This is all being done for the purpose of a property transfer of the main CRREL complex from the College to the government.

McNamara acknowledged that the plan submitted was confusing and did not include all aspects of the proposals. He apologized for the complexity of the submission materials for what are rather simple proposals. He presented a second plan that includes an inset showing the lots and omitting easements, and a copy of the covenant for the annexation for the voluntary merger.

Board Comments/Questions:

- When all done, CRREL will own the whole works?
 - McNamara said the Army will own 27 acres consisting of the current CRREL lot and the adjacent 9.39 lot it has been leasing.
- There’s a ROW along the river?
 - McNamara said none of the properties in these applications extend to the river. The College owns a separate parcel along the river all the way up to Rivercrest.
- There’s a gravel road that bisects the CRREL property from the .16 acre parcel.
 - McNamara said the College wants to maintain access to that road.
- The 6’ sidewalk easement conveyed to the Town is very good.

Staff Comments/Questions:

- Why is the little lot being split?

- McNamara said CRREL does not want the whole lot, just the small portion that their experiment is actually located on.
- Isn't there a pump station in this area?
 - McNamara said the nearest pump station is on the Rivercrest property.
- How much room will there be between the pavement & the westerly side of the new easement line?
 - ESMAY noted that it varies.
- Is the reason for the easement because part of the existing sidewalk is actually on one of these parcels?
 - A CRREL representative said yes. The sidewalk is on the CRREL lot, outside the fence.
 - Gary Pastornak, from the Army Corps of Engineers & CRREL, said the sidewalk was never properly recorded. The Army wants to be sure the easement is noted. He reported that Hanover's Town Manager has been authorized to sign the easement.
- Is the easement that runs across the northeast corner restricted to vehicular use?
 - Pasternak said it is just an existing gravel road. The Army negotiated with the College to grant an easement to be sure that access continues.
- The Town is trying to get a trail that runs along the river. This area represents a critical missing link if it is not available for pedestrians & mountain-bikers.
 - Pasternak said the Army's only request is that the easement not be paved over.

Waivers requested:

1. 3.02c & 6.07e Perimeter survey for entire parcels
2. 6.07b Show all buildings within 100 feet of the parcel to be subdivided and all roads, streets and driveways within 200 feet of the parcel to be subdivided
3. 6.07f Contour intervals
4. 6.07i Soil test data, sewage disposal information
5. 6.07j Location of water supply and public sewer
6. 6.07k Statement from Fire Chief regarding fire protection and emergency access
7. 6.07l Boundaries of zoning districts
8. 11.07b Statement indicating "approved for building purposes".

ESMAY noted that each request is defended in the submission materials.

It was moved by SIM, seconded by HORNIG, to find both applications complete with the waivers requested. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

It was moved by SIM, seconded by HORNIG, to approve P2012-10. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

It was moved by SIM, seconded by GARIPAY, to approve P2012-09. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

3. P12-15 REQUEST FOR VOLUNTARY MERGER BY DARTMOUTH COLLEGE TO MERGE THE REMAINDER OF MAP 49, LOT 1 WITH MAP 49, LOT 7

It was moved by HORNIG, seconded by SIM, to approve the voluntary merger as requested. There being no further discussion, **THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.**

Smith said the signed decision cannot be recorded until a plan is recorded. Tim McNamara, Associate Director of Dartmouth's Real Estate Office, offered a revised merger form for the Board's signatures that includes a depiction of the parcels. Smith requested 3 copies of the most recent plat.

4. P11-40 CONTINUED REQUEST FOR VOLUNTARY MERGER BY DONALD & ALINDA ROBERTS

This application was last before the Board January 10th. At that time, the Board elected not to approve the merger until one of the buildings on the site is demolished, resulting in only one principal building on the to-be merged site. ESMAY reported that the demolition has not yet occurred and suggested the matter be continued.

It was moved by SIM, seconded by HORNIG, to continue the voluntary merger requested by Donald & Alinda Roberts to May 1, 2012. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

5. P12-03 CONTINUED PUBLIC HEARING ON REQUEST BY NATIONAL GRID FOR TRIMMING ALONG GOSS ROAD, A SCENIC ROAD

ESMAY said National Grid was not available to attend the current meeting and has requested a continuance to April 3rd. Edwards reported that staff is still consulting with the town attorney and NH Municipal Association attorneys about a course of action given that there have been several violations found. HORNIG asked if National Grid has responded in any way. Edwards said they have been in discussions with DPW. Smith said National Grid is being purchased by another company. She announced that Jeff Carney will be returning to join Janice Ramsey as System Arborist for National Grid working in this area.

It was moved by SIM, seconded by GARIPAY, to continue this to April 3, 2012. THE BOARD VOTED UNANIMOUSLY IN FAVOR OF THE MOTION.

6. OTHER BUSINESS: None

7. ADJOURN: The meeting adjourned at 8:52 PM.

Respectfully submitted,
Beth Rivard