

**MINUTES OF THE MEETING
PLANNING BOARD
April 9, 2014
7:00 PM**

MEMBERS PRESENT: Robert Smith, Chairman; Ryan Crosbie; Mark Beliveau; Lou Ann Griswold; Robert Moynihan & David Cedarholm, Selectmen's Rep.

OTHERS PRESENT: Scott Gove; Gove Group Real Estate; Joseph Falzone, Kelsey Lee LLC; James Long, GZA Environmental; Paul Kerrigan, Chingburgh Builders; William Doucet, Doucet Survey; Christian Smith, Beals Associates; Molly Darling; Robin Wunderlich; Huw Powell; Mark Johnson; Tom Gialousis; Judy Eitler; Frank Eitler; Elaine McLean; Randy Stevens; Tobin Farwell; Dan Gabriel; Peter Hoyt & Caren Rossi, Planning & Zoning Administrator

Robert Smith, Chairman opened up the meeting at 7:01PM.

- **Review and Approval of Draft 03/26/2014 Meeting Minutes**
Caren Rossi explained one correction. It was to change the word *date* to *data* on the last page.
Ryan Crosbie made a motion to approve the 03/26/2014 amended minutes.
David Cedarholm second.
Vote: all; motion carried, minutes approved
- **Report of officers and committees**
Mark Beliveau reported that the regulations subcommittee is on schedule for the review.
- **Review any correspondence**
None
- **A continued application for a Site Review Application presented by Mike Sievert, MJS Engineering PC, Agent for Molly Darling & Robin Wunderlich. The property is owned by Colleen Latham/122 Mast Road, LLC. The property is located on 122 Mast Road and is known as Lee Tax Map#13-11-0200. The applicant is proposing a Dog Daycare and a Boarding Kennel with support services. This is an application acceptance hearing and a possible final hearing.**

Caren Rossi provided the Board with a letter received from Attorney John Weaver, Mclane Law Firm as well as several people, residents and non-residents both for and against the application. (In file) She also explained that the application is now complete all items were received last week.

Lou Ann Griswold made a motion to delay consideration of acceptance of the application until April 23, 2014 to get legal opinion; on any further land use consideration and for scheduling purposes.

Ryan Crosbie second.
Discussion:

David Cedarholm explained that he is out of town at the next meeting and asked if possible for a brief presentation tonight.

Lou Ann Griswold stated she is also away at the next meeting.

The Board discussed this and felt that the presentation would be quite lengthy and they are not able to make it brief. At the April 23rd meeting, there is only one other applicant that night. Allowing for the appropriate amount of time for the application. The completed application was just received on April 3; therefore the statutory requirement will be fulfilled.

Vote: all, meeting continued until April 23, 2014, additional certified notices will be sent.

- **A continued Site Review Application presented by Tobin Farwell, Farwell Engineering Services Agent for Dan Gabriel Inc, for property owned by Robert & Barbara Callioras. The property is located on Calef Highway and is known as Lee Tax Map #04-07-0600. The applicant is proposing to construct a commercial building of approximately 9,000 sq ft. +- with multiple retail uses. This is a possible final hearing.**

Tobin Farwell explained the updated proposal. DES has signed off on the well location. They just need to finalize the easement. They also still need to do the easement for the detention pond. They have an agreed upon location with the cistern with the fire chief, they just need to finalize the tank type. They are close to DOT acceptance. Poles needed to be relocated for the entrance and they were done by the state as part of the traffic circle project.

Mark Beliveau commented that Civil Consultants wanted the easements shown on the plan. All signed plans need to reference any and all easements.

Caren Rossi explained that she has spoken with Jay Stevens from Civil Consultants. The applicants have met with him and if they do everything they said they were going to do, he will be happy and will sign off on the plans.

Tobin Farwell explained that the attorney is preparing the easements and he will do an additional easement plan showing all the easements as well as reference the off-site well radius.

Robert Moynihan commented on the lighting plans provided and stated that we can't sign off on the plans until we get an updated lighting plan that stating that less than a foot candle of light is at the property line. He also stated the complete splash plan needs to include all signs and lights.

David Cedarholm stated that he likes what was done for water quality design. He felt it was a great improvement.

Robert Smith, Chairman asked what was going to be done with the food trailer?

Bobby Callioras explained that he will be moving it over to get it out of the way but he will still be operating it. He also has some off-site catering that he will be doing too.

Mark Beliveau asked about the vegetation as the vehicle stops. What is proposed?

Tobin Farwell explained that to the north is existing vegetation and uphill parking; west is a fence and east will be low shrubs and ewes as the barriers.

Robert Moynihan asked about the recharge.

Caren Rossi read the regulations for the Board. **Zoning Regulation Article VI, C-2 2. Density:** *Total impervious coverage of the lot shall not exceed twenty-five percent (25%) of the total lot area. In the Aquifer Conservation District, see Article XIII Section D-5. Article XIII, D -5 5. Industrial/Commercial Uses are permitted in Zone C provided that they do not store or dispose of hazardous or toxic materials on site and that they do not discharge process waters on site. Total impervious coverage of all or that portion of the lot or tract within the Aquifer Conservation District shall not exceed ten percent (10%) Total impervious coverage may be increased where applicant can scientifically develop mitigation measures that insure equal or greater permeability of the entire site after development with no diminution in water quality as approved by the Lee Planning Board.*

David Cedarholm stated that he is very happy with the system they are proposing and feels it is a great example for the future.

Robert Smith asked if a fire truck could drive around the building.

Tobin Farwell explained it is designed for a 50' truck.

Dan Gabriel presented colors of the building and the walkway (In file). The Board like the earth tones he chose as well as the New England Red Brick.

Dan Gabriel explained that the windows will be individual mulleins at the top. He has spoken to the two known tenants and they don't want mulleins in the bottom as they want the store front to be clear glass for display and signs.

Robert Moynihan asked if this was acceptable in the sign regulations.

Caren Rossi explained that no, if they are visible off of the property, they are not allowed.

Public comment
None, floor closed.

The following is a list of items to be completed.

1. Civil Consultants sign-off
2. Fire cistern tank size finalized
3. All Easement language added to recorded/signed plan
4. DES approval
5. DOT approval
6. Civil Consultants site inspections
7. Add to plan Storm Water Maintenance plan
8. Lighting splash plan revised and not more than 1 foot candle at property line
9. Caren Rossi to verify if signage in the window is a sign

David Cedarholm made a motion to approve conditionally the application subject to the below items being satisfied. Upon satisfaction, the applicant will attend the next scheduled Board meeting to review the items and only these items. No additional items will be discussed.

1. Civil Consultants sign-off
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Lou Ann Griswold second.

Vote: all

- **An application for a Design Review for a possible Open Space Residential Development. The applicant proposes to subdivide 43+- acres into an Open Space Residential Subdivision with the construction of approximately 10+- single-family residential homes.**

Robert Smith, Chairman explained that due to the recent letter and petition received, (In file) we will be discussing the Design Review first. As part of this, he would like to see what both proposed designs are. Frontage development and creating a new roadway with the lots off of this.

Bill Doucette, Doucette Survey explained that his company has done the surveying work and Christian Smith from Beals and Associates will do the presentation.

Christian Smith explained that the proposed road (Concept C) would be about 870' of pavement; a modified hammerhead; 11 clustered house; 3 conventional lots; the original house; 35 acres of open space; & no wetland impacts. The frontage development (Concept B) has less clearing, less impervious coverage; 14 lots; the original house; 36 acres of open

space; no AOT permit; no road. The cistern will be located in the same place for either development; regardless the houses will be sprinkled.

Mark Beliveau asked about the driveway cuts.

Christian Smith explained that with the frontage lots, they will be doing 7 shared driveways and one single.

Randy Stevens, Road Agent spoke with regards to the two types of development. He explained that the roads in town get paved every 10 years typically with an overlay. A roadway this length is 123 tons of asphalt. Sand and salt usage would be about 2 ¼ tons of salt on an average year. He took the total highway budget, divided it by the length of the roads, and including this and it would be about \$2,600 a year to maintain this new road at today's costs. He stated that if you have the same number of houses either way, why not go with the development that doesn't cost you anything.

Robert Moynihan asked Randy Stevens about the curb cuts.

Randy Stevens replied the only issues he can see are drainage; we don't need more roads in town.

Jaime Long spoke and explained that the soils are nice sands & gravelly soils. 2 minutes or less perk rate. No drainage issues at all.

Public comment

Tom Gialousis explained that he wrote the letter and the petition. He supports the linear cluster as he has always loved the property. He has walked the property. The neighborhood across the street is a mirror image of the proposal. 9 curb cuts exist. It's all about the statics. It won't change the feel of the neighborhood; he feels it is more fitting than a new road. It is more open space and less tax dollars will be spent.

Mark Beliveau asked about the comment section of the petition. Several people wrote no common driveways. Why?

Tom Gialousis explained that the first person who wrote this wrote was because they didn't want the problems that come with shared driveways. He explained both proposals thoroughly to everyone. The others just followed the leader.

Huw Powell commented that he has nothing to add, just is in support of the frontage lots and glad the Board is reconsidering it.

Floor closed.

David Cedarholm asked if the public had access to the back woods.

Christian Smith explained not currently, they are not adverse to this.

Robert Smith, Chairman commented you could be the access next to the cistern and loose a house lot.

Joe Falzone spoke and he was not against that idea at all.

Robert Moynihan asked what the house style would be.

Joe Falzone moderate in the \$300,000.

Mark Beliveau stated that what he struggles with. Setting aside his personal preference is the curb cuts. Clearly fewer curb cuts result in a safer Kelsey Rd. A significant factor is our own regulations say no more than 3 driveways. He understands from the last meeting it was the Board preference to do an interior road, with interior neighborhoods. He felt putting the curb cuts aside, it is the developer's choice what to do, but it doesn't solve his safety concerns.

Ryan Crosbie spoke too with concerns with safety with the curb cuts. He likes the idea of the public access. He asked where the regulation came from. No one was sure.

Mark Beliveau asked what the distance between the driveways would be.

Christian Smith stated close to 100' each.

Robert Moynihan explained that he was leaning towards the frontage lots if they would work with Randy Stevens on the draining; putting culverts where he would like them; the access to the open space in the center by the cistern; and clearly, the neighbors supports this.

David Cedarholm commented that he feels this development will make the houses more densely together and create a neighborhood.

David Cedarholm moved to support Concept B, minus one lot to be used for the cistern and the public access; having 7 shared curb cuts with a total of no more than 14 lots in total. The 7 curb cuts include the existing house.

Robert Moynihan second.

Discussion:

Mark Beliveau commented that his support of this is due to the proposed distance of the shared driveways.

Vote: majority (Mark Beliveau abstained due to the process)

- **A Lot Line Adjustment application between Lee Tax Maps #19-05-00 & #19-04-00. The proposal is to convey 4 +- acres of land to Tax Map #19-05-00 from Tax Map #19-04-00. The properties are owned by Thomas P Gialousis & Katherine M. Zima and Kelsey Lee LLC. As shown on submitted plan by Doucet Survey Inc. This is an application acceptance hearing and possible final hearing.**

Bill Doucet explained that as part of the subdivision plan for the parcel, the developer has agreed to sell the 4+- acres of land to the abutter, this will allow the abutter to build a pool house etc. that will conform to the current zoning regulations. Currently, he can't due to setbacks. Regardless of what type of development is done, it will not change the land for the lot-line adjustment.

No public comment.

Mark Beliveau pointed out that the plan will need to be amended to read lot-line adjustment not lot line adjustment and subdivision.

Bill Doucet will make this change.

Lou Ann Griswold made a motion to accept the application with the amended plan.

Robert Moynihan second.

Vote: all

Ryan Crosbie made a motion to approve the lot line adjustment subject to the plan amended plan.

Lou Ann Griswold second.

Vote: all

- **A Subdivision Application to subdivide a building lot of 2+- as well as to subdivide off the existing house with 2.786 +- acres. After both lots are subdivided, the remaining land will be 43+- acres. This is an application acceptance hearing and a possible final hearing**
- **A continued Subdivision Application submitted by Kelsey Lee, LLC. The applicant proposes to subdivide 57.598+- acres into two new building lots and the existing house will remain on the remaining 52.09 acres. The property is located at 41Kelsey Road and is known as Lee Tax Map #19-04-00. This application has been accepted; this possible final hearing.**

Bill Doucet requested to continue both applications until June 11, 2014.

Mark Beliveau made a motion to continue both applications until June 11, 2014.

Ryan Crosbie second.
Vote: all

MINUTES TRANSCRIBED BY:

Caren Rossi, Secretary

MINUTES APPROVED BY:

Robert Smith, Chairman

Ryan Crosbie

Lou Ann Griswold

Robert Moynihan

David Cedarholm

Mark Beliveau