

DRAFT MINUTES PLANNING BOARD FEBRUARY 15, 2011

Chair Paul Raslavicus called the meeting to order at 7:02 PM

Roll Call: Paul Raslavicus (Chair), Bob Craycraft (Vice Chair), David Bickford (Selectmen's Representative) Dot Veisel, Scott Drummey. **Excused:** Jeff Kratovil (Alternate)

Others Present: ay & Sandy Hetnar, Matt Moore, Arthur Capello, David Allen, Mary McHale

Hetnar Conditional Use Permit: Chair Raslavicus asked Arthur Capello, Building Inspector, to report on the site visit to the Hetnar site. Mr. Capello said that based what he saw the proposed site location for the house makes sense. There would definitely be safety problems if the new house were built at the site of the existing cottage closer to the lake. It would be very difficult in the winter for emergency vehicles to get to the house. He also agreed with the Road Agent's recommendation that the driveway entrance should not be moved because any other location would have a shorter line of sight and would be less safe. Scott Drummey and Bob Craycraft also participated in the site walk and agreed with Mr. Capello's conclusions.

Paul Raslavicus said he was still interested in the possibility that by reshaping the building it could be kept in the existing location. It would not be necessary to cut into steep slopes to the same degree. Mr. Ray Hetnar said that the existing cottage is 6 feet from the property line. He said that he had talked to several people who plow snow in the winter and one of them said there was no way he would attempt to clear the existing driveway. The others said they were very unsure were about being able to do it.

Matt Moore representing the applicant said that he had revised the letter to the board describing why they selected the proposed location for the house and he had added that board members on the site visit had seen the safety issues involved in placing the house at the lower level.

Scott Drummey asked Mr. Moore what would happen if 2 inches of rain were to fall in a short period. Mr. Moore reminded the board that the applicant's responsibility is to ensure that there is no more runoff after the development is finished than there is

currently. He referred Mr. Drummey to the New Hampshire DES parking lot in Concord, where the department is testing pervious pavement. They have paved a lot in three sections. Two sections are covered with different types of pervious pavement and the third section is covered with traditional pavement. The experience so far is the snowfall on the pervious pavement is melting and infiltrating through the pervious pavement into the ground below.

Mr. Moore believes the proposed plan will improve storm water management on the lot because the steep slopes are being replaced by a series of terraces. Each terrace is faced with a retaining wall and filled with sand. The rainwater instead of draining immediately down the hill will settle in the flatter area of the terrace and infiltrate into the sand and the ground below. In addition, the plan calls for a dry well and for riprap drainage areas around the house. Mr. Moore said that at the suggestion of CMA Engineers he had moved to dry well from the upper end of the house to the lower end to ensure that there is no drainage through the dry well into the basement of the house.

In the discussion, Board members agreed on the following facts of the case:

- The current structure is located on a relatively flat site that is set back less than the required 75' from the lake;
- The driveway down to the current structure has steep slopes that exceed 30% in some parts.
- The steep driveway creates potential problems for emergency access and for snow plowing during the winter.
- There is a second relatively flat area on the lot where the house could be built with fewer disturbances of steep slopes. This location is crossed by the driveway to the current structure.
- This driveway serves as a right of way to the abutting lot and therefore cannot be eliminated.
- The current driveway entrance is visible from about 170 on North Shore Road. The Driveway Regulations require visibility from 300'. Any change in the driveway location would reduce the sight distance increasing the danger to traffic.
- The retiring and new Road Agents have strongly opposed movement of the driveway.
- The town engineers, CMA engineering, believe the proposed plan will protect the lot and the lake adequately from potential stormwater damage.
- The Board believes the applicant has developed a plan very much in the spirit of the Stormwater Management, Steep Slopes, and Shore Front Protection ordinances, given the limitations of the lot.

Bob Craycraft moved to grant a Steep Slopes and a Storm Water Conditional Use Permit to Raymond and Sandy Hetnar, 204 North Shore Rd. (Map 116, Lot 011) with the following conditions:

- 1. All fees for this permit and related costs are paid before a Building Permit is issued;**
- 2. The applicant prepares a Maintenance Plan and Log for all Storm Water BMPs in the proposal.**
- 3. The plan includes cleaning and other maintenance as prescribed by the University of New Hampshire Storm Water Center, or, if not available, from the product manufacturer.**
- 4. The Town engineer shall approve the Maintenance Plan, oversee the construction of all Storm water BMPs, and give final approval to all Stormwater BMPs before a certificate of occupancy is issued. This shall be done at the expense of the applicant.**
- 5. The applicant shall provide a copy of the maintenance log to the code enforcement officer at least once a year starting six months after the issuance of the certificate of occupancy.**

Scott Drummey seconded the motion. Chair Raslavicus opened the question to public comment at 7:35 PM. There was no comment from the public. Chair Raslavicus closed the public input. **The motion was approved unanimously with no abstentions.**

Amendments to the Impact Fee Regulations: David Allen presented a draft amendment to the impact fee regulations that clarifies that no fee will be charged for the first 150 square feet of construction under any circumstances. This amendment was requested by the Board at the suggestion of Building Inspector Arthur Capello.

Chair Raslavicus opened the issue to public comment at 7:40 PM. Mr. Capello said he believed property owners would appreciate this amendment and it would make the fee structure more rational. There was no additional public comment. Chair Raslavicus closed the public comment period.

The Board suggested adding the following wording at the end of the footnote sentence: "x \$2.49 = \$24.90"; and adding the word "be" in the first line of Section 4.a. so the phrase reads, "...the impact fee for school construction shall be \$2.49..."

Bob Craycraft moved to adopt the amendment to the impact fee regulations with the minor non-substantive amendments made by the board. Scott Drummey seconded. Approved unanimously with no abstentions.

Board members signed and certified the amendment.

Natural Resource Inventory: Bob Craycraft shared the draft maps prepared by FB environmental. As part of the Natural Resource Inventory, board members felt very positively about the maps and believed that they would be valuable for the board in its planning efforts and in helping members of the public to understand the natural resources of the town. Scott Drummey suggested posting the draft maps and town meeting. Dot Veisel said it would be helpful to have some additional explanation. Perhaps a word document with that explanation attached to the map.

Master Plan: Mr. Allen told the board it was time for them to begin identifying what they wanted from a new Master Plan, such as what issues to address in the plan and how to go about the planning process. Board members made several suggestions:

- Expanding the town center business district to Tash road;
- Focus on the Route 11 business development
- Explore issues and options for providing services to the northeast corner of the town
- Dark skies;
- Energy conservation.

Mr. Allen talked about the process for public participation in the planning. He suggested more people would be involved if planning board members go to the meetings of various formal and informal organizations in town and ask for their input on the issues. The more citizen input the planning board could generate the stronger the citizen commitment will be to the final plan.

Removal of Woodlot Status: Mr. Allen shared a revised flowchart of the process for removing woodlot designation. The flow chart currently attached to the subdivision regulations does not match those regulations and the town zoning ordinance. Board members reviewed the flowchart and suggested changes that would simplify it. A couple of members expressed curiosity about the history of the woodlot regulations: when they were first adopted and when and how they were changed. The board asked Mr. Allen to research this history and prepare a summary for them.

Minutes of February 1: Board members made three minor non-substantive edits. **Terry Jarvis moved to approve the minutes as amended. Bob Craycraft seconded. Approved unanimously with no abstention.**

Chair Consultation with Municipal Resources, Inc.: Chair Raslavicus reported the results of a conversation he was invited to have with Don Jutton, Principal of MRI, Alison Rendinaro, Administrative Consultant, and Terry Jarvis, Chair of the Board of Selectmen. Mr. Raslavicus said they discussed the role of the Planning Board in relationship to the Board's staff and Mr. Jutton pointed out that the RSAs give the Planning Board a much more significant role relative to staff than any other Board or Committee in the town other than the Board of Selectmen.

He said the letter the Planning Board received from the Local Government Center reflected the conversation with Mr. Jutton. It is clear the Planning Board has a more significant role, but the line between the Planning Board's authority and the Board of Selectmen's authority is fuzzy in the statute. Nevertheless, the RSA clearly states that the Planning Board can be actively involved in major decisions related to the Planning Board staff.

Board members reviewed the process used in Mr. Allen's hiring. Bob Craycraft participated as chair of the Planning Board, Ron Gehl participated as BOS chair (he had also been the Planning Board chair the previous year, and continued as the BOS representative to the Planning Board). Carole Ingham, Town Clerk, participated as the staff person working most closely with the planning Board, Perhaps a member of the ZZBA or Conservation Commission was involved, and April Whittaker led the process as Town Administrator.

Mr. Raslavicus referred to some information he had seen from Mr. Allen's personnel file. David Bickford expressed concern that such information was provided illegally, without the consent of the employee. David Allen said that he had provided it to Mr. Raslavicus as preparation for the meeting with Mr. Jutton and said he understood that he could distribute information from his personnel file as he saw fit. Mr. Bickford agreed, and was relieved there was no breach of protocol.

Scott Drummey said he thought it was important to clarify the Planning Board's role and he added that it was critical for the Board to be more cooperatively involved in several parts of the process. Dot Veisel asked for clarification about with whom the PB needed to cooperate. Scott said he thought for example that the Planning Board should have an active role in the employee evaluation.

Paul Raslavicus said he felt the cooperation should involve the Planning Board, the Board of Selectmen, and the Administrative Consultant.

Scott Drummey moved that the Planning Board go into non-public session at 10:06 PM under the terms of RSA 91.A.2.c relating the reputation of personnel. Bob Craycraft seconded. A roll call vote was taken: Dot Veisel: yes, Scott Drummey, yes, Paul Raslavicus: yes, David Bickford: yes, Bob Craycraft, yes.

The Board returned to public session at 10:57 PM. _____ moved to adjourn. _____ seconded. Approved unanimously with no abstentions.

Respectfully submitted,

David Allen, Land Use Administrative Assistant