

# PLANNING BOARD

## MINUTES

### APRIL 19, 2011

Chair Bob Craycraft called the meeting to order at 7:04 PM.

**Roll Call:** Bob Craycraft (Chair); Scott Drummey (Vice-Chair); David Bickford (Selectmen's Representative); Paul Raslavicus, Dot Veisel

**Others Present:**

**Public Input:** Chair Craycraft asked if there was any public comment on issues that were not on the agenda. There was none.

**Edwards Release of Woodlot Status:** Paul Raslavicus noted that he is an abutter to the property and he stepped down from the board and took a seat in the audience. Chair Craycraft said that requests for release of woodlot status were very rare, so the board was not practiced in the process and would need to figure out how to handle it. Mr. Craycraft read the sections of the Zoning Ordinance and the Subdivision Regulations that govern woodlots.

Bryan Berlind, representing the applicant reported that the current 20-acre lot had been created several years ago by the merger of two previous lots each of which had woodlot status. He said he understands that the criteria for removing a lot from woodlot status are that it meets the current zoning requirements for a building lot. The lot has over 400 feet of frontage on North Shore Road, which is a class 5 road; it has space for a septic and leach system; space for a house and driveway on slopes < 15%; and it more than meets the soil based lot size requirements.

Chair Craycraft said he was concerned about the lot meeting the requirements of the Water Quality Ordinance because of the large wetlands and perennial stream running through the middle of the lot. He asked if there were any vernal pools on the property. Mr. Berlind said the soil scientist who had walked the land said there was none, and he said he would ask the soil scientist to confirm that in writing.

Chair Craycraft opened the issue for public comment. Paul Raslavicus, speaking as a member of the public, said he thought there were many other tests that the lot needed to pass in order to meet the current subdivision guidelines, including tax status, shorefront protection, fit with master plan, and Conservation focus area.

David Bickford said he felt the question was is the entire lot, taken as a whole, a buildable lot.

He said he thinks it clearly is. There are steep slopes, stormwater and other issues present, but there is plenty of land with a gentle slope for building.

Chair Craycraft said he believed that was true, but the board should have calculations on all those items, the plat should show the Town's shorefront boundary, and it should show the town's classification of slopes color shaded on the plat.

There was discussion among board members about the role of the building inspector and the road agent in the process. The Road agent must approve the driveway within the North Shore Road right of way, and the Building Inspector must approve the balance of the driveway. The Building Inspector or the Planning Board will review the stormwater management plan depending upon its size and slope.

Several Board members were anxious about giving approval to the withdrawal of woodlot status because of the possibility of the second stage subdivision plan not being approved, leaving a 20-acre buildable lot. David Allen suggested giving approval to the withdrawal of woodlot status, with the condition the Board could establish additional conditions on the approval if the subdivision was not approved.

Chair Craycraft allowed additional public comment. Paul Raslavicus, John Chapin, and Gwen Ovin all expressed concern about the amount of water that flows through the lot in spring and after storms, and the inadequacy of the existing culverts to handle the water volume. They noted that on occasion the water flow had been so powerful that it washed out large sections of the road.

Bob Craycraft suggested approving the release from woodlot status on the condition that a 10' naturally vegetated strip be maintained on both sides of the central wetlands. **Scott Drummey moved to remove the woodlot status of Map xx-yy on North Shore Road as requested by Wayne and Patricia Edwards with the conditions that:**

- a naturally vegetated buffer be maintained in perpetuity at least 10' from the upland boundary on both the east and west sides of the wetlands that dissects the lot from north to south; and
- The Road Agent reviews any driveway plans, and the status of culverts and water drainage from the north to south side of North Shore Road, and establishes any requirements necessary for health and safety.

**Dot Veisel seconded. Approved by a voice vote of 4-0. Paul Raslavicus was recused and did not vote.**

**Edwards Subdivision:** The Edwards' request for removal of woodlot status was the first step in a proposal to subdivide the lot (Map cc—uu) into three lots: two building lots fronting on North Shore Road, and a 3<sup>rd</sup> behind the two buildable lots that would be re-designated as a woodlot.

Mr. Berlind described this plan to the Board and emphasized that the two 5 acre lots would help maintain the rural character of the area.

He described the 50' right of way the Edwards were proposing as access to the back woodlot. This right of way would actually pass over an abutting lot also owned by the Edwards, rather than passing through either of the new lots. Scott Drummey suggested that this easement could also be used to access the eastern buildable lot so the Edwards could avoid the need to establish a driveway across the steeper slopes at the front of that lot.

Chair Craycraft said that additional material would be needed before the proposal could be accepted as complete, including calculations on soil-based lot size, delineation of the Town's shorefront boundary, the color coded classification of slopes based on the Town's categories, the agreed upon 10' setback from the wetlands and any other setbacks required by the water quality ordinance, driveway and culvert plans approved by the Road Agent, clearly delineated building envelopes, and any stormwater management controls required by the Stormwater Management Ordinance.

The Board and owner agreed upon a site walk at 6 PM on April 29 at the site. Mr. Edwards agreed that any Board member who could not be present at that time could walk the site at another time and he would be happy to meet them if they gave him advance notice.

Chair Craycraft invited public comment on the subdivision proposal. Paul Raslavicus, Roger Haskell, and Doug Peck presented extensive information to persuade the Board that the lot was originally established with covenants that prohibited any additional subdivision until the year 2050.

They explained that in 1982 George Fletcher created a 9-lot subdivision on the north side of North Shore Road. Two of those lots were merged to create the lot the Edwards are now proposing to subdivide. Mr. Fletcher established several conditions upon the lots in the deeds that were created for buyers. These restrictions specified the lots could be used only for conservation or a single-family dwelling, there could be no commercial use, no lot could be further subdivided and no rights of way could be established across the lots.

All three of these individuals stated that these provisions were in their deed, and that the language of the deeds specified the restrictions applied to all nine lots.

After Mr. Fletcher passed away, his wife sold four of the lots to the Edwards. Mr. Berlind said he had searched previous deeds and these restrictions were not to be found on the Edwards' deeds. Her son, Bill Fletcher, inherited ownership of the remaining lots when the mother died.

The largest of the lots from the original subdivision was over 80 acres at the top of Owl's Head peninsula. They would make prime real estate with a stunning view of the lake. In 2001, Bill

Fletcher had an interested buyer for the 80-acre property who wanted the restrictive covenants removed. Mr. Fletcher asked Mr. Haskell and other owners of subdivision lots if they would agree to remove the covenants. All said no, the property was not sold, and remains unsold. Mr. Haskell, Raslavicus, and Peck all felt that allowing the Edwards' subdivision to go forward would be considered by Mr. Fletcher as a green light to develop the 80-acre property or to sell it for development.

Board members agreed that they would need to seek legal guidance on this issue.

Scott Drummey moved to end the design review phase, and to schedule the application for consideration on May 17 at 7 PM at the Town Hall if the applicant submits the necessary materials in a timely manner. Dot Veisel seconded. Approved 4-0. Mr. Raslavicus was recused and did not vote.

**Rouleau Site Plan:** Paul Raslavicus returned to the Board. Dot Veisel recused herself as an abutter and left the Board table. Chair Craycraft asked if there were any other concerns about potential conflict of interest. There were none.

Board members identified a number of pieces of information that were missing from the application, including a letter from the property owner confirming the agreement with Mr. Rouleau, the location and dimensions of the section of property that will be used for Mr. Rouleau's business, drawn to scale, the parking area, outdoor lighting or a statement the business will operate only during daylight hours, details such as locations of utilities, abutters map and lot numbers, and plans for disposal of waste.

Mr. Rouleau said he had spoken with the NHDOT who had informed him that the existing driveway could be used to serve his business, but no additional entrance could be established, and all operations must be maintained at least 70' from the centerline of Route 11.

Mr. Rouleau said his goal was to establish a second business to supplement income from his construction business. He wants to start small with sheds, firewood, and loam, and expand in response to the actual demand that he finds for these or other products. He expects that much of the construction work and log cutting will be done at other locations, but he would like the flexibility to do some shed assembly work, and some firewood preparation on site. He hopes the business will grow and that he may eventually purchase the site from the current owner.

He would like to keep modest supplies of each product on site, both for promotional purposes and to be able to fill smaller purchases on the location. He said he would willingly respect the wishes of the board concerning any limitations the board might want to establish on the business.

Paul Raslavicus said he was concerned that the display of sheds, firewood and other materials amounted to advertising a business located at another location, much the way a billboard or large sign would do. He feels the proposal pushes the limits of the sign ordinance, and wonders if this is the sort of business the town wants to have on Route 11. Board members had extensive and inconclusive discussion on these issues. Mr. Raslavicus also said he thought the business would need a special exception from the ZBA because it is in the Residential-Agricultural-Recreational Zone.

There was discussion about the need for bathroom facilities, and for the operation and storage of a bobcat on site. **Scott Drummey moved to continue the application and public hearing regarding the site plan application of Kevin Rouleau for property located at 184 Route 11 (Map xx, Lot yy) until May 3 at 7 PM at the Public Library. David Bickford seconded.**

Chair Craycraft opened the question for public comment. There was none. He closed the public comment.

**The motion was approved 4-0. Dot Veisel was recused and did not vote.**

**Subdivision Regulations:** Dot Veisel returned to the Board. Chair Craycraft noted that the revisions to the subdivision regulations designed to implement the change authorized by Town Meeting to require design review for all subdivision applications had been posted for public hearing and a potential vote. He called for public input and there was none. Board members found potential errors in the draft and agreed to continue. **Scott Drummey moved to continue the Public Hearing and action on the proposed amendments to the subdivision regulations until May 3 at 7 PM at the Public Library. Paul Raslavicus seconded. Approved Unanimously.**

**Scott Drummey moved to adjourn at 10:34 PM. Paul Raslavicus seconded. Approved unanimously.**

Respectfully submitted,

David Allen,  
Land Use Administrative Assistant