

MINUTES
PLANNING BOARD
8/2/2011

Chair Bob Craycraft called the meeting to order at 7:05 PM.

Members Present: Bob Craycraft (Chair), Scott Drummey (Vice-Chair), David Bickford (Selectmen's Representative), Dot Veisel, Paul Raslavicus

Members Excused: Craig Groom

Others Present: Dennis & Bobbi Olson, Dana Lynch, George Pelletieri, Christian Smith, Mary McHale, Arthur Capello, Adele Haskell

Public Input: Chair Craycraft asked if there was anyone who wanted to comment on an issue that was not on the Board's agenda. There were none.

Olson Subdivision: Chair Craycraft said the application looked fairly complete to him. He noted that the Board may find some details missing and/or need to request additional information as it gets into its review.

Scott Drummey moved to accept the application of Dennis & Bobbi Olson for a 6 lot subdivision of their property at 257 Valley Road, Tax Map 261-037, as complete except for minor administrative issues. Paul Raslavicus seconded. Approved unanimously.

Scott Drummey moved to accept the request dated 7/12/2011 for a waiver from.... David Bickford seconded. Approved unanimously.

Mr. Christian Smith of Beals Associates presented the proposal on behalf of Mr. & Mrs. Olson. He said there was no change in the proposed lot lines since the design review phase. Because the lots are all larger than 5 acres, no NHDES Subdivision Permit is required.

The driveway on Lot 1 (furthest east) has been changed to access from Quaker Road instead of Valley Road. This was done to avoid a second wetland crossing on the lot.

On Lot 4, the driveway crosses an intermittent stream. This is the only way to access the house site without crossing very steep slopes, some as much as 30%.

They will be submitting applications for storm water/steep slopes conditional use permits. Mr. Smith believes the plan has met the criteria for the Conditional Use Permit. Mr. Smith has spoken with the Assistant Fire Chief who said he did not believe there would be any concerns, and is checking with the Fire Chief to confirm that position.

David Bickford expressed some concern about the driveway exit onto Quaker Road, because of the proximity to the lot line, and to the intersection with Valley Road.

Mr. Craycraft said he believed the Fire Department Regulations required a 30,000 gallon cistern for a subdivision of 5 or more lots. Mr. Smith said that adding the cisterns or fire sprinklers would be exceedingly costly and he hoped to avoid it. The Board will research this item.

Chairman Craycraft opened the issue for public comment at 7:45 pm.

Scott Drummey said he would like to see a chart with the application showing the amount of each lot that falls in each of the Town's steep slope categories.

David Allen asked if the Board members wanted review of the stormwater, erosion control, and engineering designs by the Town Engineer. The Board agreed by consensus that an engineering review will be required if either the Road Agent or Mark West, Natural Resource Consultant, requested it. Mr. Allen will check with them.

Chair Craycraft closed public comment at 7:55 PM.

Scott Drummey moved to continue the application of Dennis & Bobbi Olson for a 6 lot subdivision of their property at 257 Valley Road, Tax Map 261-037, to September 6 at 7:00 at the Public Library. Dot Veisel seconded. Approved unanimously.

O'Halloran Conditional Use: George Pelletieri presented the application. He noted that the current property owner had bought the property with most of the vegetation in the yard disturbed, and with a driveway with a slope approaching 30%. The owner plans to re-vegetate disturbed areas, add storm water management BMPs, and move the garage closer to the road where it will not cross steep slopes. Moving the garage will allow shortening the driveway for a significant reduction in impervious surface. The combination of reduced impervious surface and new storm water BMPs will reduce runoff from 3.38 cubic feet per second to 1.16 cubic feet per second for the 100 year storm.

Paul Raslavicus congratulated the applicant on their "remarkable" amount of architectural and engineering design, and expressed concern about access on the very steep lot for septic cleaning and emergencies.

Chair Craycraft opened the issue for public comment at 8:35 PM. Adele Haskell introduced herself as an immediate abutter. She said she and her husband would allow

access for septic or emergency by way of their driveway but were not interested in giving a permanent legal easement.

Board members discussed these concerns at length. Ultimately they concluded that these are pre-existing conditions and beyond the scope of the Board's review.

Paul Raslavicus moved to approve the application of Eileen O'Halloran for a conditional use permit for storm water management, erosion control, and steep slopes at 261 North Shore Road (Tax Map 102-021). David Bickford seconded. Approved unanimously.

Nelson Driveway Appeal: David Allen informed the Board that Mr. Charles Healey had filed an appeal with the Planning Board asking the Board to overturn the granting of a driveway permit to Mr. Gull Nelson, 24 South Shore Road (Tax Map xx-024). Mr. Allen said he had clarified with Town Counsel that Mr. Healey had the right to file simultaneous appeals with the Planning Board and the Zoning Board of Adjustment. The appeal to the Planning Board can contest potential conflicts with the Town's Driveway Regulations which are adopted by the Planning Board and state that the Planning Board shall be the first level of appeal. All challenges based on alleged violation of the Town's Zoning Ordinance must go directly to the ZBA.

Mr. Allen asked Board members what staff support they wanted in preparation for hearing the appeal. Board members asked for the participation of Town Counsel, for the complete file relating to the driveway permit, a copy of the ZBA Rules of Procedure, and for court documents from a previous challenge to Mr. Nelson's lot planning by Mr. Healey in the 1990s. Code Enforcement Office Arthur Capello said that he would be present and would testify as needed, and Town Administrator Alison Rendinaro said that Road Agent Mike Clarke would also be present.

Kodiak Special Exception: Mr. Allen reported that True Value Land and Homes, LLC, developer of the proposed Kodiak Woods Subdivision had filed its request for a Special Exception to allow construction of roads across wetlands, as the Planning Board had directed. Mr. Allen noted that the section of the Zoning Ordinance that calls for a Special Exception in such cases states that the Planning Board and the Conservation Commission shall be asked to review and comment on the application.

Chair Craycraft, the only current Board member who was on the Board at the time it considered the Kodiak application, said he felt there was nothing to add to what the Planning Board had stated at the time of its review and approval of the subdivision application. After a lengthy review process during which the applicant significantly reduced the level of development and the wetlands impacts, the Board was comfortable with the revised plans and approved the subdivision. Other Board members agreed there was nothing to add to that decision and agreed by consensus that Chair Craycraft send a letter to the ZBA stating the Board's position.

Edwards Subdivision: Paul Raslavicus asked if Board members were aware that the application for the Edwards subdivision on North Shore Road specifically allowed for the construction of duplexes on the lot. They were not. They asked Mr. Allen to check the record and get back to them.

Minutes of 7/19/2011: David Bickford moved to approve the minutes of July 19 as amended. Scott Drummey seconded. Paul Raslavicus said he would abstain because he was not present at the meeting and he was an abutter to the Edwards whose application was a significant part of the agenda. Approved 4-0.

Scott Drummey moved to adjourn at 10:01 PM. Paul Raslavicus seconded. Approved unanimously.