

# Planning Board

October 18, 2005

**Members Present:** Barbara Freeman (Chair), William Weiler (Vice Chair), David Thayer, Travis Dezotell, Al Bachelder, Ron Williams, Deane Geddes (Alternate), Lacy Cluff (Alternate).

Mrs. Freeman opened the meeting at 7:00 p.m.

## Administrative Business

Mrs. Freeman appointed Mrs. Cluff a voting member.

The Board reviewed the minutes of September 20, 2005 and made corrections. A motion was made to accept the minutes as corrected. It was seconded. All were in favor.

## Case: Adm1-058: Capital Improvements Program (CIP)

Mr. McWilliams passed out CIP information to be reviewed at the next work session.

## Case: 2005- 016: Public Hearing – PSNH

Mrs. Freeman said that Mr. Weiler had brought it to her attention that the Board did not vote at the public hearing for PSNH to cut trees on Old Province Road and Cheney Road. Mr. Weiler said that the Board was supposed to take a vote and issue them a permit. She said that it was overlooked because she thought that the Board was just required to have a public hearing. She said that the Board could take a vote now.

A motion was made to issue a permit for PSNH to cut on Old Province Road and Cheney Road, designated scenic roads. It was seconded. All were in favor.

## Case: 2004-006: Angel Hawk – Major Subdivision – Nelson Hill Road and Sutton Road – Map 048 Lot 599-442.

Susan Hankin-Birke said that the Board should have received a package of information that included an approval letter from the Town of Sutton. She said that it was her understanding that, at the last meeting, the Board was concerned because the mylar showed a piece of property that was located in Sutton. She said that they have a quit claim deed to Eleanor Goddard, abutter in Sutton. This deed was reviewed by J. Whitelaw, Sutton's attorney. She said that they would like to get the mylar signed

because the bank would not release the letter of credit until the plan had been signed. The amount of the letter of credit was \$535,004. She said that there was a separate plan that had already been recorded conveying this parcel to the Goddards.

Mrs. Freeman asked if she had that plan with her.

Ms. Hankin-Birke said that she did not have it with her, but that she could get it to her. She said that if it would make the Board more comfortable, they could put a symbol on the plan indicating that that parcel had been annexed.

Mrs. Freeman said that she talked to Marny, Sutton's Planning Board Assistant, and she said that Sutton's lawyer said that they could sign the mylar because it was obvious that it was only the road that they would be signing off on.

Ms. Hankin-Birke said that she could bring the mylar over to Sutton after the Newbury Planning Board signed off on it. She said that they had non-binding agreements that were pending and that they needed to move forward. They would like to start building before winter. She said that she would be happy to do whatever the Board would like.

Mr. Weiler said that if the Sutton Planning Board were to sign off on the plan, then they were saying that the lot met all of their requirements.

Mrs. Freeman said that it did meet their requirements.

Ms. Hankin-Birke said that council for Sutton had reviewed everything and had no issues. The only thing holding up this project was that the Town of Newbury needed to sign the mylar.

Mr. Weiler said that the approval from Sutton was only for the road, not the lot.

Ms. Hankin-Birke said that the Town of Sutton should be the one that is complaining and the Town of Newbury could not dictate what Sutton does.

Mrs. Freeman said that Ms. Hankin-Birke had a good point and that she had talked to the Town of Sutton and they were happy with the way things were.

Mr. McWilliams said that he agreed with Mr. Weiler

Ms. Hankin-Birke said that the Town of Sutton chose to write their approval on a piece of paper, not a plan. They do not believe that that piece of land is being subdivided. It is a separate piece of property that is being annexed.

Mr. Weiler said that the original deed described it all as one parcel.

Mrs. Freeman said that she agreed with Ms. Hankin-Birke and did not think the Board could dictate what Sutton does. She said that the Board had to pay attention to our

requirements. She said that Newbury's council said that the Angel Hawk subdivision was not in Sutton, all the requirements for the subdivision happened in Newbury.

Mrs. Freeman said that if Sutton signed the mylar, it would imply that they were signing off on the subdivision and they are not.

Mrs. Freeman said that if the registry was not satisfied, they would send the mylar back as invalid.

The Board agreed to sign the subdivision mylar.

Mrs. Freeman said that the Board would sign the mylar tonight, but hold onto it so that she could review it to make sure that all of the conditions were met.

Ms. Hankin-Birke gave Mrs. Freeman her business card and asked that she call her if she finds that anything is missing.

The Board signed mylar.

**Case: 2005-018: Final Hearing – John R. Davis – Site Plan Review for a Welding Shop and Boat Storage – Route 103 – Map 020 Lot 046 -050.**

*Notice is hereby given that the Planning Board will receive submission of an application for Site Plan Review from John R. Davis for a welding shop and boat storage at 82 Route 103, Tax Map 020-046-050, on Tuesday, September 20, 2005, at 8:30 p.m. in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.*

*Copies of the plans are available for public review at the Town Office Building during regular business hours.*

Mrs. Freeman read the above public notice and noted that it was a continued hearing. At the last meeting, the application was not determined as complete.

The Board reviewed the application for completeness.

Mrs. Freeman referred to the check list from Patricia MacDonald, Land Use Board Coordinator.

Bob Stewart from RCS Designs introduced himself as John R. Davis's authorized representative.

The following waivers were requested:

*10.7.10 and 10.7.11 - A motion was made to grant the waiver. It was seconded. All were in favor.*

*10.8 - A motion was made to grant the waiver. It was seconded. 2 opposed. 5 were in favor. Motion carries.*

*Mrs. Freeman commented that the structure was visible from the road.*

*Mr. Weiler said that he did not see how landscaping would fix that problem.*

*Mr. Bachelder agreed.*

*Mr. Stewart said that planting trees would not screen the property because there was a steep drop off.*

*Mrs. Freeman asked how long the boat storage had been there.*

*Mr. Stewart said that it had been there for about five years. He said that in his opinion, having boats clustered in one area was better than having them scattered all over town and in individual driveways.*

*Mr. Williams asked if it was possible to do some plantings to help brighten up the site.*

*Mr. Stewart said that there was existing vegetation.*

*10.10 - A motion was made to grant the waiver. It was seconded. 6 were in favor. 1 opposed. Motion carried.*

Mrs. Freeman said that there were two large tanks that were on the property, but not in the photos.

Mr. Stewart said that they had nothing to do with building, they were mobile and used for storage of diesel.

Mrs. Freeman said that if they were going to stay, they needed to be on the site plan.

Mr. Weiler commented that there was no sign.

Mr. Stewart said that there was currently no sign, but that the Board could put a condition that if a sign was to be put up, they would have to come back to the Planning Board for an approval. He said that they were not currently planning on putting up a sign.

The following items need to be on plan:

1. Show the water line that connects the well to the building on the plan.
2. Indicate exterior lighting on the plan.

3. Indicate phone and electric line symbol in the legend and show them both on the plans.
4. Indicate on the plan where the home heating oil is located.
5. Label residential drive and parking on the plan and show their limits in a solid line.
6. Remove the storage tanks and other materials and equipment from the site that are not shown on the plans.
7. Show the additional overhead utilities from the road to the site.

Mr. Geddes said that he would encourage the applicant to put a sign up now because it was a commercial building and they would avoid having to go through this process again.

Mr. Stewart said that it was posted no trespassing because the boat storage needed protection. He said that there was a gate at the bottom to keep unnecessary traffic from going down the driveway.

A motion was made to accept the application as complete with the above mentioned conditions. It was seconded. All were in favor. Motion carries.

Mr. Stewart said that the boat storage had been reduced to 62 from 100 from the original site plan. He said that there were a couple of things that he noticed needed to be added to the plan, an 18 inch culvert and the one crossing Route 103 discharging on site, the tree line, and another utility line running from the road to the house. He referred the Board to the written summary and asked for questions. He said that there would only be seasonal traffic, spring and fall, and occasional traffic for the welding shop. The welding shop does mostly repairs and it was by appointment only.

Mr. Bachelder asked how people would know that there was a business there if there was no sign.

Mrs. Freeman said that it was his business and he may advertise some other way.

Mr. Williams said that they went to the ZBA to have the welding shop in the Residential District, but what about the 10 boat storage spaces that were also in the Residential District.

Mrs. Freeman asked if they could move the boat spaces into the Business District.

Mr. Weiler said that the ZBA granted a Special Exception for the boat storage as well.

Mrs. Freeman said that it was not an issue then.

Mrs. Freeman opened the hearing to public comment. With no public comment, she closed the hearing to the public.

Mrs. Freeman asked if he knew the slope of the drive.

Mr. Stewart said that it was 6% at one point and 12% at the steepest grade.

Mrs. Freeman asked if there were any wash outs with all of the rain this month.

Mr. Stewart said that there were not.

A motion was made to approve the site plan with the following conditions:

1. There will be no sign unless the applicant reapplies to the Planning Board for approval. This shall be noted on the Site Plan
2. Show the water line that connects the well to the building on the plan.
3. Indicate exterior lighting on the plan.
4. Indicate phone and electric line symbol in the legend and show them both on the plans.
5. Indicate on the plan where the home heating oil is located.
6. Label residential drive and parking on the plan and show their limits in a solid line.
7. Remove the storage tanks and other materials and equipment from the site that are not shown on the plans.
8. Show the sizes of the culverts on the Site Plan
9. Show the tree line around the site.
10. Show the additional overhead utilities from the road to the site.

It was seconded. All were in favor. Motion carries.

Mr. Weiler said that the Board needed two clean copies of plan with the changes.

**Case: 2005 – 021: Final Review - Larry and Brenda Jeanson – Minor Subdivision – Route 103A and Rollins Road – Map 018 Lot 143-105.**

Mrs. Freeman Read the above public notice.

Mrs. Freeman explained the process of the hearing. She said that the Board would first determine if the application was complete. The Board would then ask questions. After the Board was finished asking questions, the hearing would be open to public comment. The hearing would then be closed to public comment and the Board would deliberate and make a decision.

Clayton Platt introduced himself as Larry and Brenda Jeanson's authorized representative.

The Board reviewed the application for completeness.

Mrs. Freeman question how the density report was done. It appeared as though he calculated the density for each lot instead of for the entire site.

Mr. Platt said that it was a fairly simple site with only two lots.

Mrs. Freeman said that it did work out, but for future reference, the density needed to be calculated for the entire site to see how many lots you could have.

A motion was made to accept the application as complete. It was seconded. All were in favor.

Mr. Platt said that Mr. Jeanson's son was looking into building a house on lot 2. The shape of the lot was a result of the amount of wetlands. He said that the odd shaped lot was necessary in order to get a one acre building envelope and the density requirement.

Mr. Williams asked if there was a reason he could not move the swale.

Mr. Platt said that he could with a wetlands permit.

Mrs. Freeman said that she did not think that they needed to worry about that.

Mr. Geddes asked where the well was located.

Mr. Platt showed him the location on the topographic plan.

Mr. Weiler asked if he referred to 10.5. If the Board wanted to go with the plan, they should grant a waiver.

A motion was made to waive 10.5. It was seconded. 1 was opposed, 6 were in favor. Motion carried.

Mrs. Freeman opened the hearing to public comment. With no public comment, she closed the hearing to the public.

A motion was made to approve the subdivision subject to DES subdivision approval. It was seconded. All were in favor.

### **Town Planner**

Mr. McWilliams left the meeting.

Mrs. Freeman said that she had some discussions with Jim Powell and Dennis Pavlicek regarding the need for a staff town planner. It has become a concern that it is going to be harder to get people on a volunteer board with it becoming so technical. The Town needs a planner to be pro-active on planning for Town. This would allow the Board to remain a volunteer board because it would have back-up and would not be so time consuming.

Mrs. Cluff asked what the likely hood of filling this position was since it was only part-time.

Mrs. Freeman moved that the Board go into executive session.

A motion was made to come out of executive session at 10:30 p.m. it was seconded. All were in favor.

**A motion was made to adjourn. The meeting adjourned at 10:32 p.m.**

Respectfully Submitted,

Lacy L. Cluff  
Recording Secretary