

Draft

Planning Board

December 20, 2005

Members Present: Barbara Freeman (Chair), Bill Weiler (Vice-Chair), Ron Williams, Al Bachelder, Clay Rucker (Alternate Ex-Officio), Deane Geddes (Alternate), Lacy Cluff (Alternate), Ken McWilliams (UVLSRPC).

Mrs. Freeman opened the meeting at 7:10 p.m.

Administrative

Minutes

The Board reviewed the minutes of November 15, 2005 and made corrections. A motion was made to approve the minutes as corrected. It was seconded. All were in favor.

Case: 2003-019: Briott, LLC.

Mrs. Freeman said that the Superior Court upheld the Board's decision not to grant the waiver to have the road exceed 1,500 feet in the proposed Deer Pines subdivision.

Mrs. Freeman asked Mrs. Cluff to have the decision copied and mailed to all the Board members.

Case: 2003-011: Final Review – Pickman and Sons Development – Major Subdivision – Gillingham Drive and Old Sutton Road – Map 052 Lot 607-064.

Notice is hereby given that the Newbury Planning Board will received submission of an application from Pickman and Sons Development, LLC for a Final Hearing for a Major Subdivision off Gillingham Drive and Old Sutton Road, Tax Map 052 Lot # 607-064 on Tuesday, December 20, 2005 at 7:30 p.m. in the Town Office Building at 937 Route 103 in Newbury, N.H. If the application is accepted as complete, a public hearing will commence on the accepted application.

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

Mr. Weiler recused himself.

Mrs. Freeman read the above public notice.

Mrs. Freeman explained the process of the meeting. She said that the last meeting started the final review, but application was not accepted as complete. The applicant decided that they wanted to do the whole application as a cluster development. She said that the Board would first review the application for completeness. Mrs. Freeman asked Mr. Eckman from Eckman Engineering to come forward to help facilitate the process. She reviewed the items that were missing from the last meeting minutes.

Mrs. Freeman said that the fire chief had not finished reviewing the subdivision and needed more time to see if more than one cistern was needed.

In reviewing the legal documents, Mrs. Freeman noticed that the indemnification was missing.

Mr. Eckman said that it was a working document, so things may change.

Mrs. Freeman said that it appeared that everything else had been submitted except site specific and subdivision approval from the State, but those would come later.

A motion was made to accept the application as complete with the condition of the outstanding items. It was seconded. All were in favor.

Mrs. Freeman explained the meeting procedure to the public. She said that the applicant would give a presentation. The Board would ask the applicant questions and then the chair would open the hearing to public comment. The chair would then close the hearing to public comment and may continue or deliberate and make decision.

Mr. Eckman said that the entire project was now a cluster development. He presented an aerial photo of the project. He showed the additional open space and said that the subdivision now had 44% open space. In doing that, they had to make some of the lot sizes smaller. They had not made any changes in the road. There were now 37 cluster lots. They did not change anything in the Town of Sutton because they got approval from the Sutton Planning Board at the last meeting. A 30,000 gallon cistern was recommended by the Sutton fire chief. The Sutton road agent preferred hammerheads instead of cul-de-sacs. A lot at the lake was eliminated and they were now proposing a detention pond to treat the water at the closest point to the lake. He submitted a sheet showing all the lot sizes. He said that there was no minimum lot size when doing a cluster development, but they needed to meet D.E.S. standards for septic design, so the lot size could not go below $\frac{3}{4}$ of an acre.

Mr. Bachelder asked where the wetlands crossings were.

Mr. Eckman showed him the four locations on the plan.

Mrs. Freeman asked about the wetlands crossings for driveways.

Mr. Eckman said that they had not addressed those yet.

Mrs. Freeman said that according to paragraph 8.5.2 of the Zoning Ordinance they were going to need a Special Exception for all of those as well.

Mrs. Cluff said that according to paragraph 8.5.4 of the Zoning Ordinance the applicant did not need a Special Exception if they had an approval from D.E.S. She asked why the Board could not just make it a condition like they do with subdivision approval and site specific that is required by the State.

Mr. McWilliams said that another part of the ordinance said that if there was a conflict within the ordinance that the more restrictive regulation would apply.

Mrs. Freeman said that she remembered 8.5.4 being included in the regulations to address docks.

Bob Stewart from RCS Designs said that the way the regulation read was if they received prior approval from State, they would not need a Special Exception. Any wetland that was going to be disturbed would need D.E.S. approval.

Mrs. Freeman said that since there was a conflict, she would like to get the consensus of the Board.

The board agreed that State approval from D.E.S. was sufficient.

Mr. Eckman said that in a cluster development the regulations required a buffer of 100 feet around the perimeter of the subdivision that you cannot build in. As a result of this buffer, they had to do five new test pits. He submitted those plans to the Board. He also submitted a final traffic study that was more concise than the one that was currently on file. He said that it was requested by the Sutton Planning Board so they were also providing it to the Newbury Planning Board.

Mr. McWilliams said that paragraph 5.10 of the Zoning Ordinance required a minimum building envelope of one contiguous acre. The plans did not show whether or not this requirement was met.

Mrs. Freeman did not agree that the regulations stated that the one contiguous acre did or did not apply to cluster developments. She thought that the regulations allowed the Planning Board the power to decide what was appropriate. She interpreted the regulations to say that all the requirements were for the Planning Board to decide as long as they met the State requirements for onsite sewer and water.

Mr. McWilliams said that certainly one of the intents of cluster developments was to provide flexibility.

Mrs. Freeman said that if they required the building envelope to be one contiguous acre, it would make this development very inflexible.

Mr. McWilliams still felt that it would be helpful to show the building envelope on the plan.

Mrs. Freeman agreed that it would be helpful to shade the building envelope as done in previous plans.

Mr. Eckman agreed to shade the building envelopes as they did in previous applications.

Mrs. Freeman said that it needed to be clear in the application that the developer was applying for a cluster development. It needed to be prominent on the plans. In the report, she requested a breakdown of the open space and lots. She also noticed discrepancies in some of the math. She said that they were minor mistakes, but made her question if anything larger was missed.

Mr. Bachelder noted that on the topographical plans the cross references did not direct you to the correct sheet.

Mr. Geddes questioned the plans that said that less water would leave the site after the development.

Mr. Eckman said that the peak water flow would decrease because they would have large detention ponds as required by site specific.

Mrs. Freeman said that she would like to address the application point by point instead of with random concerns. She suggested addressing the traffic concern first.

Kim Hazarvartian from Tepp, LLC did the traffic study. He said that the two key things that he looked at were site distances and trip generation.

Mr. Hazarvartian looked at the site distances at the intersections of Old Sutton Road and Gillingham Drive. He said that he measured the site distances with the road agent present and compared those with the "Green Book," national standard. They found that the site distances were between 275 feet and 300 feet on Gillingham Drive and were 290 feet northeast and over 600 feet south on Old Sutton Road. For a speed of 35 mph, the "Green Book" called for a site distance of 250 feet. He said that the site distances were adequate.

Mr. Hazarvartian addressed trip generation. He said that he did this study when the subdivision was going to be 35 lots and it was now going to be 37 lots, so there would be a slight difference. He said that this report was based on the traffic counts at the actual sites. He looked at daily and peak commuter hours. There would be 396 trips per day for 35 lots with 34 trips being during peak A.M. hours and 42 trips being during peak P.M. hours.

Mrs. Freeman asked how he dealt with safety.

Mr. Hazarvartian said that he looked at the site distances and volume. The volumes were low end. If road was safe now, this development would not make it unsafe.

Mrs. Freeman asked how the development would affect the road if it were currently unsafe.

Mr. Hazarvartian said that in that case, there would be no change in the safety of the road.

Mr. Williams said that the study presumed that if the road was in a certain condition, then it was a safe road. He said that could be argued.

Mr. Hazarvartian said that they also looked at how the traffic would be split. If they were to split the traffic three ways, there would be 14 trips total coming down Gillingham Drive, 13 trips total coming down Old Sutton Road and 13 trips total going up Old Sutton Road.

Mr. Rucker asked if he took into consideration where most of the lots were. He felt that the location of the lots would dictate what direction the traffic would be traveling.

Mr. Hazarvartian said that was a judgment call, but no matter how the traffic was split; it was still going to be minimal.

Mrs. Freeman asked what the existing flow was on the two roads.

Mr. Hazarvartian said that there were 130 trips per day on Old Sutton Road; roughly 10% were during peak hours. He said that he did not have any counts for Gillingham Drive.

Mr. Bachelder asked if the "Green Book" did a break down of the type of area, i.e. rural, when calculating the number of vehicles per home.

Mr. Hazarvartian said that it did not break it down, but was based on single family detached housing. He felt that it was applicable.

Mr. Bachelder asked what the "Green Book" recommended for site distances.

Mr. Hazarvartian said that it recommended that a 30 mph road have a site distance of 200 feet.

Mrs. Freeman said that the Town's regulation for site distance requirements were greater than what Mr. Hazarvartian was stating. She said that he needed to follow the Town's standards. She referred him to paragraph 13.3.3 in Site Plan Review.

Lou Caron, consulting engineer, asked if the applicant had identified any deficiencies in the surface conditions on either Gillingham Drive or Old Sutton Road.

Mr. Eckman said that there was an embankment that needed to be cut back, a rock in the road that needed to be removed and an area that flooded frequently.

Mr. Caron asked if these deficiencies were addressed in the application.

Mr. Eckman said that they would work through the issues now that the application was accepted as complete.

Mr. Bachelder asked why the Town's standards were so much higher than the national standard (Green Book).

Mr. Caron said that there were two ways to measure site distances. The first was stopping site distance, the distance at which a car is able to see another car pulling out onto the road. The second was intersection site distance, the site distance at which a car could see another car when pulling out onto the road. He suspected that the Board required intersection site distance and the "Green Book" measured stopping site distance.

Mr. Hazarvartian said that the "Green Book" did use stopping site distance.

Mrs. Freeman read the Road Agent's, Cal Prussman, comments on his sign-off sheet. (see file). She asked him to discuss the off-site issues.

Mr. Prussman said that he was concerned about the condition of Old Sutton Road. He said that it needed to be rebuilt. He said that Gillingham Drive was only 16 feet wide. He said that a large plow would take up most of that space making it difficult for a school bus or other vehicle to pass. He said that he wanted the developer to cut back the banking to increase the site distance on Old Sutton Road. The developer said they had no problem doing that. He said that all of Gillingham Drive had drainage issues that the Town was trying to address with grants. He did not know what kind of impact this subdivision would have on that. He would like to see the culvert sizes increased because there were 100 year storms every year and the Town was already having problems with areas that were considered to have adequate drainage.

Mr. Bachelder said that the road width problem existed now.

Mr. Prussman said that he was concerned about adding to the problem with additional traffic. He said that there was no way to widen Gillingham Drive. He said that only the site distances could be addressed.

Mr. Prussman said that the road by lot 12 ran parallel with the town line. If the road were ever to become a public road he did not know whose responsibility the culvert would be. He said that the Sutton Road Agent preferred hammerheads, but he was not sure.

Mrs. Freeman asked Mr. Eckman if he had had any discussions with the Town of Bradford because the road was in Bradford.

Mr. Eckman said that he had not had any discussions with them yet because the volume was not that large.

Mrs. Freeman said that he needed to do that now.

Mr. Caron told Mr. Prussman that if he were going to be the one maintaining the roads in this subdivision if they were ever to become a public road then it would not make sense for the Sutton Road Agent to make the decision as to whether there should be hammer heads or cul-de-sacs.

Mr. Prussman said that he needed to look at both options.

Mr. Bachelder asked if school buses drove on private roads.

Mr. Prussman said that they did on some. If a student's house was over a mile from the bus stop then the bus had to go down that road.

Mr. Bachelder said that they needed to consider whether a school bus was going to stop at bottom of Gillingham Drive or go over the road.

Mrs. Freeman said that the total road was one mile, so the bus would not go up it.

Mr. McWilliams commented that the grade of the road was over 8%.

Mr. Eckman said that they were requesting a waiver.

Mrs. Freeman said that she thought that the Board had enough new information to review and felt that it would be appropriate to continue the hearing to a time and date certain.

Mr. Eckman agreed to continue the hearing.

A motion was made to continue the hearing to January 17, 2005 at 7:30 p.m. It was seconded. All were in favor.

Case: Code-007: Zoning Amendments

Mr. McWilliams said that the first public hearing on the zoning amendments would be Tuesday, January 10, 2006 and the second public hearing would be held on Tuesday, January 31, 2006.

Mrs. Freeman said that there would be no work session on January 2, 2006.

Mr. McWilliams said that the first notice needed to go in this week to be published on next Tuesday. He went over the notice and amendments.

The Board reviewed the full draft of the Equitable Waiver of Dimensional Requirement first. A motion was made to bring Planning Board Amendment #3 to public hearing. It was seconded. All were in favor.

The Board reviewed the Building Permit Fee Schedule. A motion was made to bring it to public hearing. It was seconded. All were in favor.

The Board reviewed Planning Board Amendment #1. A motion was made to bring it to public hearing. It was seconded. All were in favor.

Mr. Weiler changed the definitions of Variance to read as follows: Variance, use - permission to undertake a use of a land that the zoning ordinance prohibits. Variance, area - permission to relax one or more of the incidental limitations to a permitted use such as setback, frontage, height and lot size.

Mr. Weiler questioned 16.7.6.

Mr. McWilliams said that it was not clear and needed to be reworded.

Mrs. Freeman recommended it say “a use variance, which cannot satisfy the dimensional...”

The Board reviewed Planning Board Amendment #2. A motion was made to bring it to public hearing. It was seconded. All were in favor.

The Board reviewed Planning Board Amendment #4.

Mr. Williams was concerned about if there were ever a time when the Town was without a Code Enforcement Officer. He also said that Paul LaCasse, Code Enforcement Officer, would need a lot of training to be an enforcement officer.

Mrs. Freeman asked where he would get the training.

Mr. McWilliams said Law lectures and Office of Energy and Planning conferences.

Mrs. Freeman said that those were not appropriate for training for a job and asked if he could do a little research.

Mr. Weiler said that he would need to be trained with the help of the Town’s attorney.

Mrs. Freeman said that she was concerned because the Selectmen were cutting back on Mr. LaCasse’s hours because of the decrease in building permits. She said that this decision would have an impact on the budget and that the Board would need to have a discussion with the Town Administrator.

Mr. Weiler said that it was not going to happen overnight. By next year, the Selectmen would realize that they needed to fund this.

The Board agreed.

A motion was made to bring Planning Board Amendment #4 to public hearing. It was seconded. All were in favor.

A motion was made to adjourn at 10:22 p.m. It was seconded. All were in favor.

Respectfully Submitted,

Lacy L. Cluff
Recording Secretary