

PLANNING BOARD

April 18, 2006

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

Mrs. Freeman called the meeting to order at 7:06 p.m.

Elections

Mr. Bachelder nominated Mrs. Freeman as chair of the Planning Board. Mr. Williams Seconded it. All were in favor.

Mrs. Freeman nominated Mr. Weiler As vice chair. Mr. Williams Seconded it. All were in favor.

Minutes

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

The Board reviewed the minutes from March 21, 2006 and made corrections. A motion was made to accept the minutes as corrected. It was seconded. All were in favor.

Administrative

Mrs. Cluff brought up that Sara Bullis had submitted an appeal to the ZBA.

Mr. McWilliams commented that the Board needed to determine if they the applicant had substantial new information, an error in procedure or a legal position. It had to be something of substance. The Board would determine that before hearing the case.

Case: 2005-015: Final Review – Peter and Lauri-ann Smerald – Minor Subdivision – 43 Haynes Road – Map 037 Lot 658-130.

Notice is hereby given that the Planning Board will receive submission of an application from Peter and Lauri-ann Smerald for a final hearing for a Minor Subdivision at 37 Haynes Road, Tax Map 037 Lot 658-130, on Tuesday, April 18, 2006 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 on the accepted application will commence at the same meeting.

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

Mrs. Freeman read the above public notice and explained the hearing process. She said that the applicant would make a presentation, the Board would ask questions, the hearing would be open to public comment and assuming the Board was satisfied with the material presented, they would deliberate and make a decision.

The Board reviewed the application for completeness. There was a waiver request to waive the requirements to the wetlands map and contour of the section uphill of the stone wall.

Mrs. Freeman said that he also needed a waiver request for contours in lot # 2.

Mr. Smerald had a letter he had submitted previously (see file) that addressed the request for the waiver in lot #2.

Mr. Williams read the letter and was concerned that there was an error in his reference to the eastern side of the lot. It should say western side. It needs to be changed in two places.

Mrs. Freeman said that since he was here, he could change it by hand and initial the changes.

A motion was made to grant the first waiver request (the lot with the existing house). It was seconded. All were in favor.

A motion was made to grant the second waiver request. It was seconded. All were in favor.

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

Mrs. Freeman said that the Board was familiar with what Mr. Smerald was looking to do from the conceptual.

Mr. Bachelder asked that he review it briefly.

Mr. Smerald explained the location of the property. He said that he wanted to split the lot uphill from the stone wall to include the back field. He said that he was proposing one new lot on corner of Baker Hill and Haynes Road and then an existing lot with an existing house.

Mrs. Freeman asked why he did not use the stone wall as the boundary.

Mr. Smerald said that he did not use the stone wall because of the wetlands and for possible driveway access.

Mrs. Freeman asked why he included the back field.

Mr. Smerald said that he did that for tax purposes, so that it could remain in current use.

Mrs. Freeman asked if there were any steep slopes.

Mr. Smerald said no.

Mrs. Freeman asked for any questions from the Board.

With no questions from the Board, Mrs. Freeman opened the hearing to public comment.

There were no comments from the public.

Mr. Weiler asked what the area of wetland #5 was.

Doug Sweet said that it was 3,500 square feet.

A motion was made that the proposed subdivision be approved. It was seconded. All were in favor. The Board signed the mylar.

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.

Mrs. Freeman read the above original public notice.

Mrs. Freeman asked if they had submitted an extension.

David Eckman, Eckman Engineering, said that one had been submitted.

Mrs. Freeman said that there were two outstanding waivers, one for the site distance and one for the curve radius.

Mrs. Freeman explained the process for the hearing. She said that Mr. Eckman would present the information that was requested at the last meeting, the Board would ask questions, the hearing would be open to public comment and assuming the Board was satisfied with the material presented, they would either deliberate and make a decision or continue the hearing.

Mrs. Freeman said that at the last meeting, the Board asked them to locate the driveways and provide the Board with road cross sections.

Mr. Eckman passed out copies of the plan to the public. He referred to the 1st sheet of the plans. He said that the road started at a 2% grade and eventually went up to a 10.09% grade. The 10.09% started at about the second driveway. The curve was 260 which was good for a speed of 30 mph. The regulations required 390 feet. He commented that he added the driveways as requested and also added some open space.

Mrs. Freeman commented that it was a lot of fill in the wetland and that they were also showing some detention ponds.

Mr. Eckman said that they were not finished designing those, they were waiting until the waivers were approved.

Mrs. Freeman said that she would like to have Mr. Caron and Mr. Prussman respond to the road profiles.

Mr. Caron said that in looking at plan, they eliminated lot #2. There were now three lots instead of four. Eliminated where the steeper cuts were. Looking at profile, it was very close to original land. As far as driveways, it looked fine. There was an area that was very steep, but there were no driveways on that section. Regarding the alignment, he did not have a problem with it.

Mrs. Freeman asked if he had any issues with the profiles.

Mr. Caron said that where it matches the road, it was fairly flat and that he did not have any issues with it.

Mr. Eckman said that the driveways were 8 to 9% and fairly flat where they met the road.

Mrs. Freeman asked for Mr. Prussman's comments.

Mr. Prussman said that at the last meeting he said that he was okay with the 10.09% grade. His only concern was the second curve and whether or not it was going to be back far enough for snow removal.

Mr. Eckman said that it would start at the back of the ditch line, 12 feet from the edge of the pavement out.

Mrs. Freeman asked how many acres of open space they now had.

Mr. Eckman said that they now had more, but was not sure exactly how much. They still had the same number of lots.

Mr. Geddes said that on the plan, the amount of open space was different in two sections.

Mr. Eckman said that he would have to look into it and make corrections.

Mrs. Freeman opened the hearing to public comment concerning the new information.

William Weiler, Gillingham Drive, asked if they had any ideas where the houses were going.

Mr. Eckman said that at this point, they did not show the houses.

Mrs. Freeman said that they would eventually need to show the building envelope and since it was a cluster development, the Board could ask, specifically, where the houses would be located.

Mrs. Freeman said that in previous subdivisions, the Board had requested that there be a 75 foot well radius that did not overlap a road that would be salted.

Mr. Weiler wanted to know how close the houses were going to be to the subdivision boundary.

Mrs. Freeman said that the regulations required a 100 ft. setback for cluster developments.

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

Mrs. Freeman appointed Mrs. Cluff and Mr. Geddes as voting members.

Mrs. Freeman read the written waiver request for section 13.11 (please see file).

Mr. Bachelder asked if there was some way to indicate that this was not to be considered precedent setting.

Mrs. Cluff said that that was why they had to meet the requirements in the regulations.

Mrs. Freeman said that was a good point and the Board needed to decide if they met the requirements.

Mr. Bachelder said that he felt that it was unique to the situation.

Mrs. Freeman said that steep slopes and wetland were not unique in Newbury.

Mr. Geddes said that they were not unique in Newbury, but was unique at that site. The alternative impacted the wetlands much more. This was the 3rd design and he felt that this had the least impact of all 3 and that it was a hardship because he did not see another way to exit the site.

Mrs. Freeman said that this layout gave more cohesive open space.

Mr. Bachelder agreed with Mr. Geddes, that this was the best design out of the three.

Mrs. Freeman said that they were trading up to a better solution. They were preserving more of the wetlands and sensitive areas.

Mr. Dezotell said that he felt that the 8% requirement was a public safety issue, but in terms of the situation it was a better design to have it at 10.09%.

Mrs. Freeman said that both the consulting engineer and road agent said that it was a safe design and the Board needed to rely on them.

A motion was made to grant the waiver. It was seconded. All were in favor.

Mrs. Freeman read the waiver request for the curve radius, 13.11.1 (please see file).

Mr. Bachelder said that it seemed that this waiver and the first were interlocked and the same comments as the first, applied to this as well. The consultant and the road agent indicated that it was a safe design. He suggested a condition of having the speed limit posted.

Mr. Williams agreed with Mr. Bachelder that the two waivers were interlocked. He felt that with this design, they did not end up with a fragmented open space area. There would be no precedent set because it had to be taken in its context. He said that it was a tough area and to accomplish the separate exit and entrance, this was a good design.

A motion was made to approve the waiver for the curve radius with the understanding that the posted speed limit would be 30mph or below. It was seconded. All were in favor.

Mr. Caron went through his letter written in January (see file).

Mr. Eckman said that they were working on responding to the concerns in that letter.

Mr. Caron went over his letter dated April 17, 2006 that went over the waivers that were approved tonight (please see file).

A motion was made to continue to 8:00 p.m. on June 20, 2006. It was seconded. All were in favor.

A motion was made to adjourn at 9:05 p.m. It was seconded. All were in favor.

Respectfully submitted,

Lacy L. Cluff
Recording Secretary