



Members Present: Barbara Freeman (Chair), Bill Weiler (Vice-Chair), David Thayer, Ron Williams, Travis Dezotell, Deane Geddes (Alternate), Lacy Cluff (Alternate) and Ken McWilliams (Advisor).

Mrs. Freeman called the meeting to order at 7:13 p.m.

The Board reviewed the minutes from August 15, 2006 and made corrections. A motion was made to approve the minutes as corrected. It was seconded. All were in favor.

Case: 2006-006: Harborview Subdivision

Mrs. Freeman commented that the developer of the Harborview Subdivision has decreased the number of lots and new plans had been submitted.

Mr. McWilliams said that the number of lots had only been decreased by two.

This decrease did not affect the Board's overall opinion of the subdivision.

Case: 1999-007: Rainbow Garage

Mrs. Freeman said that Jim Powell, Selectman, had called to ask what was happening with Rainbow Garage. She said that as far as she knew, they had done nothing to make their site in compliance. The Board had written Rainbow Garage a letter, but they had not responded. She said that the Selectmen were going to write a letter.

Mr. Weiler said that White Star Auction Hall had not come back for Site Plan Review either.

Mrs. Freeman said that Paul LaCasse, Code Enforcement Officer, said that they were responding and were planning on coming in for Site Plan Review, but maybe the Board should send them a letter too.

Case: ADM1-041: Abutter List

Mrs. Freeman said that Patricia MacDonald, Land Use Board Coordinator, was proposing to change the abutter list. She wanted to add a space for the applicant and the agent because they were often overlooked when the applicant paid the fees.

Mr. Weiler did not feel that they should be treated as abutters.

The rest of the Board thought it would be okay to change.

Mr. Weiler said that the Town was not required to send a letter to the agent, just the engineers. He said that he would put a note that the owner was considered an abutter.

Case: 2002-008: Whitman Gravel Pit

Mr. Weiler said that last Monday he went to the Whitman Gravel Pit with Mr. Williams. It appeared that everything was complete and he recommended releasing the balance of the bond, \$5,400 to Mrs. Whitman.

A motion was made to release the balance of the bond to Jean Whitman. It was seconded. All were in favor.

Case: ADM1- 065: Conservation Commission

Mr. Weiler said that the Conservation Commission was recommending naming two streams to be added to the list of streams in the Zoning Ordinance. They were recommending naming the southerly stream Bly Brook and the northerly one Roaring Brook.

Mr. McWilliams said that the Board would need to hold a public hearing to put it on the ballot during the Zoning amendment process.

Mrs. Freeman said that another issue that needed to be addressed in zoning was the conservation overlay Bly Hill and Sunset Hill. She said that there was an area between the two that was not covered in the zoning ordinance.

Case: 2006- 010 – Final Review - Roger Hardy Construction, LLC – Minor Subdivision – 176 South Road – Tax Map 044 Lot 562-348.

Notice is hereby given that the Planning Board will receive submission of an application from Rodger Hardy Construction, LLC for a final hearing for a Minor Subdivision at 176 South Road, Tax Map 044 Lot 562-348, on Tuesday, September 19, 2006 at 7:45 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.

Mrs. Freeman reviewed the list of missing items from the minutes from the last meeting.

Art Ciciliano, authorized agent, said that they did the deer wintering area assessment and those areas were designated on the plan. The test pit data was shown. He said that the wetlands permit was pending. There were two wetlands crossings.

Mrs. Freeman asked about the density report.

Mr. Ciciliano said that they were on sheet 2 of the plan. He also said that they submitted the approved septic design.

Mrs. Freeman said that the calculated density needed to be on the plans.

Mr. Hardy said that they were waiting on the driveway permits.

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

Mrs. Freeman commented that the proposed subdivision was creating a lot that did not have one contiguous acre of developable land.

Mr. Dezotell said that he had an issue with the building envelope in lot 3 because it was right between two deer wintering areas on a 17 acre lot.

Mr. Ciciliano said that the wetlands limited were they could fit the building envelope.

Mrs. Freeman asked if it was the only buildable area on the site.

Mr. Ciciliano pointed out another potential building area.

Mrs. Freeman said that they wanted the deer to have a corridor and was concerned about putting a house in the way.

Mrs. Cluff was concerned as well.

Mr. Geddes felt that once they put in a house, if the owner had a dog, the deer would be gone anyway.

Mr. Weiler and Mrs. Freeman disagreed because they both had dogs and still had deer on their property.

Mrs. Freeman asked for any other issues.

Mr. Weiler said that there were two places where the driveways cut through steep slopes. There were also two areas where the driveways were in the wetlands setback, requiring a Special Exception.

Mrs. Freeman said that she had a concern about creating a lot that did not have one contiguous acre. When they took out the building permit, they had at least one contiguous acre, but with they subdivision, they would no longer have that. She believes that they would be creating a non-conforming lot and that was not permitted in the zoning.

Mr. Weiler asked when the house was built.

Mr. Ciciliano said that they got the septic approval in May and started shortly after that.

Mr. McWilliams said that it seems that they would either need a variance or only subdivide it into two lots.

Mrs. Freeman asked for the Boards opinion.

Mr. Williams, Mr. Dezotell, Mr. Thayer, and Mrs. Cluff all felt that they would be creating a non-conforming lot.

Mr. Weiler said that per the definition of non-conforming lot they would not be creating non-conforming lot.

Mrs. Cluff recommended saying that it would not comply with the subdivision regulations.

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

Mr. Weiler said that they were going to need a variance to build the driveways in the steep slopes or re-route them.

Mr. McWilliams said that they also need a variance to create a lot that did not have one contiguous acre for a building envelope. He said that they could also appeal the Planning Board's interpretation.

Mrs. Cluff asked if they needed a denial in order to appeal the Planning Board's interpretation.

Mrs. Freeman asked for a vote on the interpretation. One was not in favor of the subdivision not complying with the requirement of each lot having one contiguous acre of buildable area in the subdivision regulations. The rest were in favor.

Mrs. Freeman asked the applicant if they wanted to re-apply or continue the hearing.

The applicant decided to continue the hearing.

A motion was made to continue the hearing to November 21, 2006 at 7:30 p.m. It was seconded. All were in favor.

Case: 2006 014 – Final Review – Ann Thornburg – High Meadow Road – Annexation/Lot Line Adjustment – Tax Map 030 Lots 211-346 & 141-370.

Notice is hereby given that the Planning Board will receive submission of an application for a Final Hearing for a Lot Line Adjustment from Ann Thornburg for property located at 240 High Meadow Road, Newbury, NH, Tax Map 030-211-346 and 030-141-370 on Tuesday, September 19, 2006, at 8:15 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.

The Board reviewed the application for completeness.

Pierre Bedard introduced himself as the applicant's authorized agent.

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

Mr. Bedard presented a new plan to the Board because there were a couple of minor errors on the one he submitted with the application. He said that he added Catherine Walky as an owner and changed the acreage to 11.92 instead of 11.8.

Mr. Bedard explained that last fall the Thornburg's started construction of their home and the well was accidentally placed on the Walky's property. They are proposing to trade equal areas of land in order to have the Thornburg's well on their own property.

The Board reviewed the plans and with no questions from the Board, Mrs. Freeman opened the hearing to public comment. With no public comment, the hearing was closed to the public.

Mr. Williams requested that they put the names of the owners on the larger picture on the plan, not just the inset.

A motion was made to approve the application with the condition that the names of the owners on the larger picture on the plan, not just the inset. It was seconded. All were in favor.

Mr. Weiler said that he had amended the notice of decision form. He added two new categories to aid in future enforcement efforts.

A motion was made to approve the revised form. It was seconded. All were in favor.

Mrs. Cluff commented that while we were on the topic, she felt that the applications should be amended to include the property address.

Case: ADM1-061: Master Plan

Mr. McWilliams said that they needed to set a date to have the Master Plan workshop.

The Board decided on November 18, 2006 from 9-12.

Mr. Weiler asked if there was a setback for driveways.

The Board decided that there were not because many properties had joint driveways that ran along the property line.

A motion was made to adjourn at 9:35 p.m. It was seconded. All were in favor.

Respectfully Submitted,

Lacy L. Cluff