

Planning Board
October 17, 2006
Approved November 21, 2006

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 7:10 p.m.

The Board reviewed the minutes from September 19, 2006 and made corrections. A motion was made to approve the minutes as corrected. It was seconded. All were in favor.

Case: ADM1-058 - C.I.P.

Ivor Freeman, C.I.P. Chair, handed out the C.I.P. final draft and went over it with the Board. He noted what all the changes were from the previous draft.

A motion was made to approve the C.I.P. It was seconded. All were in favor.

Case: 1999-007 - Rainbow Garage

Bob Stewart from RCS Designs introduced himself as the authorized agent for Rainbow Garage.

Mrs. Freeman explained that she had visited the site with Jim Powell because the site did not comply with the approved site plan. Richard Smith wanted to use the site differently than what was on the approved site plan. They requested that he do an as built.

Mr. Stewart presented a plan of the existing conditions on the site (as built). He explained that the amount of parking spaces and where they were located were different from the original site plan. He said that there were also uses that were not on the original plan. In an effort to show exactly what was on the site, he started at the front of the plan with the State right of way. He explained that the property started at the parking spaces. He said that Mr. Smith used those 11 spaces for vehicles that were for sale. Mr. Smith attempted to do some landscaping with some woodchips and perennials. He said that in the past, the Board talked about putting in trees, but that would block the cars that were for sale. He has two tow trucks, but the trucks do not stay on the property overnight. Whoever is on call takes the truck home with them. The State allows them to park in the right of way for no more than 24 hours. It is parked in the right of way so that they can get it out quickly if there was an emergency.

Mr. Freeman asked if they had written permission.

Mr. Stewart said that he did not know, but that he could call and get a written letter or find out if it was a policy or in the state's regulations.

Mrs. Freeman commented that he had temporary signs out, but that they were there everyday.

Mr. Weiler said that there were variations in the signs, but felt that he was pushing the limits. However, it would be difficult to prove.

Mr. Stewart said that he did not feel that it was any different than a business putting out a sandwich board everyday.

Mr. Stewart said that the drainage was shown on the plan and it was reported to go on the abutter's land, but that that was not accurate.

Mrs. Freeman said that at this point, Mr. Smith needed direction. She recommended that the Board do a site plan review using this plan and see if they could approve it or if the Board wanted modifications.

Mr. Weiler said that he has seen cars parked farther down than the plans are representing.

Mr. Stewart said that he may see that early in the morning because people drop off their cars in the evening to be serviced the next day.

Mrs. Freeman asked if it was possible to put in curbing or no parking signs.

Mr. Weiler explained that when you had a site plan, you can only park where it is designated on the plan.

Mrs. Freeman asked if he had permission from the State to park the cars in the right of way.

Mr. Stewart said that he did not know.

Mrs. Freeman said that the point that the Board was trying to make was that they wanted the plan to represent the site.

Mr. Stewart said that he understood and that they would look at a solution to the parking problem, perhaps using signage.

Mr. Williams said that they could also use a physical barrier.

Mr. Stewart said that a physical barrier would affect the drainage.

Mr. Williams felt that it would be possible to put a barrier and not affect the drainage.

Mrs. Freeman told Mr. Stewart that the message was that the problem had to be solved.

Mr. Weiler was concerned that changes were not going to be made because there have been numerous violations in the past that he said he was going to address in the past, but then has not.

Mrs. Freeman agreed, but said that he had made changes to modify the site and that the Board should give him the benefit of the doubt and review the site plan when the application was submitted.

Mr. Weiler commented that in the past they had put on the plan that they were going to pave the site.

Mrs. Freeman said that they were presenting the Board with a new plan and that there was no requirement to pave the site.

Mr. Stewart said that the past site plans did not reflect how he was using the site so they were trying to put together a plan that showed how he was using the site. He said that this plan was an attempt to show how he was using the site, where the storage was etc. This plan represents how he is able to operate his site.

Mrs. Freeman said that he needed to apply for Site Plan Review and asked if there were any other issues.

Mr. Williams said that the signage and lighting needed to be on the plan. As well as where the oil storage was and any waste oil storage.

Mr. Weiler said that something needed to be done aesthetically and that the Board did require that of all applicants.

The Board thought that he could look into getting permission from the State to put in low plantings in the right of way.

Mr. Bachelder said that what started this were the lighting and sign issues.

Mrs. Freeman said that the sign was now turned off.

Mr. Stewart said that the current lighting was on the plan.

Mrs. Freeman said that she wanted him to submit the application so that he was on the agenda for next months meeting.

Case: 2006-018 - Scott Falvey – Conceptual - Major Subdivision

Mr. Falvey said that as the Board knew, the site had limited access. He presented a rough plan to the Board to get their opinion. He said that the road would be 1,500 feet.

Mr. Weiler said that he noticed that Mr. Falvey had purchased the land that abutted this property and said that with that property, he could do a loop road and not a dead end road.

Mr. Falvey said that he could do that, but that he was looking to simplify the plan because he spent so much money on the previous subdivision plan.

Mr. Falvey said that the Southgate subdivision was designed for 30 lots and there were currently 24 lots. He wanted to know from the Board if he were to subdivide his parcel

into 6 lots if he would be required to do upgrades to Southgate Road. He referred to the street design standards in the regulations.

Mr. Weiler asked how far it was to Route 103.

Mr. Falvey said that it was 1/3 of a mile.

Mr. Weiler said that he would only be required to upgrade the area of the road that was being impacted.

Mr. McWilliams asked if there were more houses in the Southgate subdivision that had been approved, but not built.

Mr. Falvey said that there was only one.

Mr. McWilliams asked who else may add traffic to this road.

Mr. Weiler said no one.

Mr. McWilliams said that if Mr. Falvey's subdivision was going to generate more traffic, than it would be his responsibility to upgrade the road.

Mr. Freeman asked Mr. Falvey if he was aware of the new density regulations.

Mr. Falvey said that he was.

Mr. Freeman asked him if he had any other questions.

Mr. Falvey asked how much of Southgate he would have to upgrade.

Mrs. Freeman said that it depended on how many lots he put in and what the traffic study results were.

Mr. Falvey asked if a traffic study was necessary.

Mrs. Freeman said that the Major Subdivision Regulations required it.

Mrs. Freeman said that he could come before the Board with a conceptual of what he would actually like to do.

Mr. Weiler said that a preliminary hearing was also required.

Case: 2006-013 – Kenneth Donaghey – Lot Line Adjustment – Shore Drive – Map 019 Lot 200-015 & Map 019 Lot 194-012.

Notice is hereby given that the Planning Board will receive submission of an application for a Final Hearing for a Lot Line Adjustment from Kenneth A. Donaghey Sr. for property located at Shore Drive, Newbury, NH Tax Map 019-200-015 and 019-194-012 on Tuesday, October 17, 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. The only item that was missing was documentation that Mr. Donaghey owned the trust that owns the land. A motion was made to accept the application as complete with the condition that a document be submitted proving that he is trustee. It was seconded. All were in favor.

Mr. Donaghey explained that this was a very insignificant lot line adjustment that the Board had already heard a conceptual for. He said that this was a very expensive process that he had to go through as though he were a developer when he was just trying to correct an existing problem that he noticed.

Mr. Weiler thanked him for going through the process.

Mr. McWilliams asked if he was making a non-conforming lot more non-conforming.

Mr. Williams said that it was just a right of way.

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

Mr. Williams said that there ought to be two additional monuments, perhaps at the other owner's expense.

Mr. Donaghey did not feel that he needed monuments, just the meets and bounds.

Mr. Williams said that it was required by the regulations.

Mr. Weiler made a motion to not require monuments at the five feet change in direction points. Mr. Dezotell seconded it. 2 were opposed. 5 were in favor. Motion carried.

A motion was made to approve the plan with the condition that documentation the Mr. Donaghey was the trustee of the trust be submitted. It was seconded. All were in favor.

Case: 2006-016 - Bob Turcotte – Baker Hill Golf Course - Conceptual

Mr. Turcotte said that they would like to put up a sand delivery and storage area at the far end of the golf course. He said that they would like to put up a concrete block wall to shield it.

Mr. Weiler did not like that they were shielding the sand from the golfers, but not the public.

Mrs. Freeman felt that it would unsightly to have a mound of sand on the side of the road and thought that it should be shielded. She also felt that the stone wall should be a real stone wall. She did not feel that the block would go with the environment. She said that probably had stone on site that would fit in better with the land.

Mr. Turcotte said that he could look into a stone wall and something that would look a little nicer than a bin to store the sand.

Mrs. Freeman said that they could build a bin so long as it was screened.

Mr. Turcotte said that if they screened it, it would be difficult to get to.

Mrs. Freeman recommended making it look more attractive because it was a very rural area and felt that that was what attracted golfers.

Mr. Turcotte asked if he needed to apply for Site Plan Review. He said that he would take the Board's suggestions under consideration, but asked the Board if they could waive the Site Plan Review requirement.

Mr. McWilliams asked who the abutters were across the road.

Mr. Turcotte said that the property was owned by Baker Hill Golf Course.

Mr. McWilliams asked if they were planning on doing this in the spring.

Mr. Turcotte said yes, to be ready for next year.

Mrs. Freeman said that because it was right off the road, it did require a Site Plan Review.

Mr. Williams asked why they were storing the sand outside the property.

Mr. Turcotte said that the golf course was on the other side of the wall and they could not dump it there.

Mr. Williams recommended putting it somewhere else and screening it.

Mr. Weiler felt that the public deserved the same consideration as the golfers and that it should be shielded.

Mrs. Freeman said that the other issue was on site housing.

Mr. Turcotte said that they had come before the Board for the housing, but that they wanted to put it in a new location. He said that the house would be a seasonal single family home that would be winterized (water drained etc.). He talked to the fire chief about putting in a hydrant from the pond. The fire chief felt that that was a good idea. He said that all setbacks from the pond would be met and that test pits had been done and that there were no problems.

Mr. Weiler asked how employees would be getting to work.

Mr. Turcotte said that there was a foot path.

Mr. Weiler asked if there was a bridge across the stream.

Mr. Turcotte said that there was not.

Mr. Weiler said that they may need a bridge.

Mr. Williams asked if the road needed to be upgraded if the employers had cars.

Mr. Weiler said that it was adequate.

The Board had no further comments, so Mrs. Freeman told Mr. Turcotte that he had the Board's opinions and should apply for Site Plan Review.

Case: 2006-021 - Chalk Pond

Mr. Hirshburg explained that he had been hired by the Environmental Committee at Chalk Pond because there were erosion problems in Chalk Pond. He said that they were looking at drainage and runoff. The area was very concentrated with a lot of steep slopes and everything was running down hill. He said that one way to deal with it would be to create an overlay district. They were concerned because there were existing drainage problems and still a lot of space for development on very small lots.

Mr. McWilliams asked how people were building in the steep slopes.

Mr. Hirshburg said that many of the slopes were at least 25%, but the lots terraced so someone could build and still meet the setback requirements. He said that they were looking for a way to control this.

Mr. Williams said that Blodgett's Landing had a separate district and this area desperately needed some control.

Mrs. Freeman said that they may not need an overlay district which applies only to them because these were problems that the Board ran into all over Town. Maybe they needed to have two categories for steep slopes. For example a 12% -25% steep slope category. She said that it made sense to start working on this and see if it could apply to all of the regulations.

Mr. McWilliams said that a lot of communities were going to a two tier approach to steep slopes.

Mrs. Freeman asked him if he could provide Mr. Hirshburg with the names of towns that were doing that.

Mrs. Freeman said that it was probably not possible for this year unless they could draft something themselves in a short period of time.

Mr. Hirshburg felt that they could do that relative to Chalk Pond.

Mrs. Freeman told him to come up with a draft to present to the Board. However, she could not guarantee that it could be done this year.

Case: Adm1-041 - Abutter List

The Board reviewed the new abutter list form that Mr. Weiler drafted and made one change to include the street number in the address. A motion was made to accept the new abutter list form. It was seconded. All were in favor.

Conservation Commission

Mr. Weiler said that the Conservation Commission had been working on a plan that they would like the Planning Board to review.

Mrs. Freeman requested that he provided the Board with background material.

Mr. Weiler said that he could do that and he also had a presentation.

The Board scheduled a meeting for October 24, 2006 at 7:30 p.m. to review this material.

A motion was made to adjourn at 9:55 p.m. It was seconded. All were in favor.

Respectfully Submitted,

Lacy L. Cluff