

Planning Board
June 3, 2008
Approved July 1, 2008

Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Deane Geddes; Jim Powell, Ex-Officio; Bill Weiler; Ron Williams; Ken McWilliams, Advisor

Mr. Vannatta called the meeting to order at 7:10 p.m.

CASE: 2008-011: Bell Engineering - Bob Bell – Chalk Pond Watershed – 4'x30' culvert installation

Mr. Vannatta informed the Board that a letter has been sent to Bob Bell, Bell Engineering with a copy to Kiristen Pulkkinen regarding a Wetlands Board Application made by Mr. Bell to install a 4 ft. x 30 ft. culvert in a wetland near Chalk Pond in order to access his land for timber harvesting.

“It has come to the attention of the Newbury Planning Board that you have submitted an application to the NH Wetlands Bureau to construct a road through a wetland environment, inclusive of a 4 by 30 foot culvert, for the purpose of harvesting trees. This being noted, there are several issues you should be advised to consider should the permit be granted.

The Newbury Land Subdivision Control Regulations, Section 4.1, Road Construction states: “No Subdivision Road or road for any other purpose shall begin to be constructed on land where a subdivision will be proposed before an application for subdivision is approved. The cutting of trees shall be construed as evidence of the beginning of road construction. The Board reserves the right to seek a cease and desist order, and to make relocation a condition of approval.” Therefore, if a future subdivision is your intent, this regulation must be observed. If not, the temporary culvert must be removed at the conclusion of the project.

You are also advised that you must apply for and be granted a Wetland Buffer Conditional Use Permit from the Newbury Planning Board prior to the beginning of the project

If you have any questions concerning this letter, please feel free to bring them before the Board...”

Mr. Geddes asked for clarification on the Planning Board’s stand regarding this issue since property owners have a right to access their land to harvest timber.

Mr. Weiler explained that this particular application proposes to cross through a wetland.

Mr. Vannatta further explained that Mr. Bell has applied to the Wetlands Board for a temporary culvert. Therefore, the culvert will have to come out after the harvesting is complete, and the land will have to be restored to its natural state as it was prior to harvesting.

CASE: 2004-006 – Angel Hawk – Letter of Credit – Offsite Improvements

Mr. Vannatta informed the Board of a second letter that has been sent to Harold Buker, III, Angel Hawk Subdivision with a copy to the Newbury Board of Selectmen and Debbie Sias of Ledyard Bank regarding Angel Hawk's expired letter of credit.

"It has come to the attention of the Planning Board that the security posted to ensure the completion of the improvements shown on the Angel Hawk Subdivision Plan has lapsed. This is a violation of the terms of approval, as well as the regulations of the Board.

I understand that your engineer for the subdivision design, Eckman Engineering, has met with the Town of Newbury's Road Agent and the Town's engineering consultant, L.C. Engineering, LLC, to determine the extent of work that remains to be completed. I have enclosed a copy of the report from Lou Caron for your immediate attention.

If you do not post a new security in the amount of that valuation within thirty days of having received the valuation from us, I will have no alternative but to recommend to the Planning Board that it initiate proceedings for the revocation of the Angel Hawk Subdivision approval in accordance with RSA 646:4-a.

Your very prompt attention to this matter would be appreciated..."

Mrs. Freeman informed the Board that she spoke with Harold Buker, one of the principles of Angel Hawk, and got the sense that he was embarrassed about the status of Angel Hawk, and he did not know how these procedures work. Mr. Buker has also been in contact with Deb Sias from Ledyard Bank in an effort to try to work something out.

CASE: ADM1-042: Alternate to Planning Board

Mr. Vannatta informed the Board that he received an email from Bruce Freeman stating that he will be stepping down as a candidate to become an Alternate to the Planning Board due to time constraints and other responsibilities.

CASE: 2007-011: Final Review – George Carafa, Owner – Jeff Evans, Agent – Minor Subdivision off Newell Road – Map 36 Lot 597-418

Mr. Vannatta informed the Board that a letter has been received from the Bradford Planning Board stating that they have no objection to the Carafa subdivision. The mylar from May 2007 will now be sent to the Merrimack County Registry of Deeds for recording.

CASE: Adm1-058: Capital Improvement Program – Time Line

Mr. Vannatta informed the Board that he has received communication from Mr. McWilliams, which outlines the timeline for the CIP beginning in July. Some members from the past committee have already agreed to serve for the next year, some have not

responded, and other new members will have to be contacted within the next couple of weeks.

CASE: Adm1-061: Masterplan – printing

Mr. McWilliams informed the Board that the Masterplan is complete. He just needs to know how many copies to have printed.

The Board discussed the availability and need for copies and agreed to authorize 3 full colored copies (Library, Board of Selectmen, Planning Board) and 25 black and white copies, which will have colored conservation maps. The Masterplan will be made available from the Town's website and also sold at approximately \$12.00 to cover the cost of publication.

MINUTES

The Board reviewed the minutes of April 1, 2008 and made corrections.

Mrs. Freeman made a motion to adopt the minutes of April 1, 2008 as corrected. Mr. Geddes seconded the motion. All in favor.

CASE: Code – 016: Zoning Regulations and Issues - Conservation Overlay District

Mr. McWilliams advised the Board of his progress creating a Conservation Overlay District. He informed the Board that he has been researching material and presented three books by Randall Arendt; Rural by Design, Conservation Design for Subdivisions, and Growing Greener. These books are good resources and provide suggested language for ordinances.

The Board viewed and subsequently discussed an instructional video by Randall Arendt.

Mrs. Freeman commented that the video does not address affordable housing nor does it address smaller lot subdivisions under six lots.

Mr. McWilliams commented that there are not a lot of incentives for developers to create affordable housing. He advised that the Planning Board could offer incentives to developers to create affordable housing. The Board could also reduce the number of buildable units if the developer opts to subdivide using the conventional 'cookie-cutter' approach.

Mrs. Freeman suggested that using the Conservation maps as an overlay with the existing maps would be very helpful to identify certain resources that should be protected such as

wildlife corridors, streams, stonewalls and ridgelines. The maps would also give the Board an overview of surrounding areas to facilitate connecting green spaces and keeping them open.

Mr. McWilliams stated that the conceptual subdivision application should identify where all of the sensitive resources (flood plains, wetlands, steep slopes, etc) are on the property. Then the Planning Board can look at those things and negotiate with the developer. An advisory meeting prior to engineering would save a lot of time and expense for the applicant and pull together and identify what the resources are on the property. Fact-gathering and communication between the developer and the Planning Board is crucial.

Mr. Weiler commented that the Conservation Commission opted not to identify specific properties within its plan that should be protected. They did, however, make a recommendation that a consultant should be contacted to map out suggested areas for conservation.

Mr. McWilliams commented that he finds the Yield Plan that was described in the video to determine the number of buildable lots is very time consuming. He commented that he prefers the mathematical formula the Board currently uses to determine the density and open space. He informed the Board that the town of Braintree, VT requires that developers view the video [Creating Open Space Networks Through Conservation Subdivision Design](#) prior to applying for subdivision.

Mrs. Freeman commented that the ordinances should be written so that the ordinary person is able to understand and calculate the number of allowable lots before putting money into engineering and subdivision plans. The Board should introduce new aspects of conservation development within the regulations but in separate chapters.

Mr. Weiler suggested that the Conservation Commission should view the video prior to the Planning Board working out changes in the regulations to address conservation subdivisions in order to have thorough input.

Mrs. Freeman suggested that the Zoning Board of Adjustment should view the video prior to adopting any conservation subdivision regulations so that the ZBA members know the intent behind the regulations.

Mr. Williams commented that he believes it is very possible to create an attractive, functional development by mixing cluster and single dwelling lots. The perk tests will determine the best locations and sizes for the septic systems, which will dictate where and how large the units may be.

Mrs. Freeman suggested that the Board should begin to go through the Masterplan and create a prioritized list of what needs to be and can be accomplished in the ensuing year. Also, the Board needs to write a procedure to interface between regulation and enforcement. When certain restrictions are placed on an application, the Code

Enforcement Officer sometimes is not aware of the restrictions or the monitoring for enforcement gets dropped.

Mr. Weiler stated that he has a procedure written which addresses that process and will bring it to the next Board meeting for discussion with the Ex-Officio.

Mr. Vannatta informed the Board that he has worked with Denise Walter, Land Use Coordinator, and has set up a tickler file to help monitor and maintain approval issues such as letters of credit, inspection status and deadlines.

Mrs. Freeman made a motion to adjourn. Mr. Weiler seconded the motion. All in favor.
Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary