

Planning Board
August 4, 2009
Approved September 1, 2009

Members Present: Tom Vannatta, Chair; Bruce Healey; Bill Weiler; Dick Wright, Alternate Ex-Officio, Ken McWilliams, Advisor

Mr. Vannatta called the meeting to order at 7:30 p.m.

CASE: 2009-003: Conceptual Amendment to Site Plan Review – Baker Hill Golf Course – addition to Clubhouse Kitchen

Present to discuss an amendment to the existing Baker Hill Golf Course Site Plan Review was Dick Chase representing the Baker Hill Golf Course Board of Directors, Rick Flint from Old Hampshire Designs, and Bob Turcotte, Maintenance Manager for Baker Hill Golf Course.

Mr. Chase informed the Board that the reason BHGC has asked to meet with the Board is to bring the Board up to date with their plans for renovations, which would require an approved amendment to the existing Site Plan Review. He explained that since the economy has dropped, the timing is not right to go to the Membership and ask for funds for \$2 million of capital improvements. Therefore, they would like to seek approval to expand the clubhouse kitchen by 625 sq. ft. which would entail minimal but necessary improvements and would be on a less costly basis. This expansion is greatly needed for safety issues as well as efficiency.

Mr. McWilliams pointed out that according to Article 3, only additions of more than 500 sq. feet would need a revision to the site plan approval.

Mr. Chase stated that it is necessary to add 625 sq. ft. even if it means a site plan review amendment. He explained that the refrigeration is on the basement level, which makes for unsafe and inconvenient access. He emphasized that the Club is not changing the scope of what it is currently operating under. The use will continue to be for members only.

Rick Flint commented to the Board that the scope of the project is not big. He pointed out the area of the proposed addition on the plans presented. Currently, the kitchen area wraps around the walls of the bathroom which is a great loss of space. The view of this addition from the road would not be very different. The line of sight will not exceed the existing height of the building. Therefore, it will have no impact on the scenic views of the abutters. There will be no new clearing or earthwork.

Mr. Weiler asked Mr. Chase if there was going to be other work proposed as well or if the kitchen addition was all that would be part of the proposed amendment.

Mr. Chase stated that the Club would also like to install windows in the existing screened porch on the west side of the club house. This porch is currently unusable on a rainy or cold day. As part of the porch improvements, the decking would be replaced with carpeting. There are no other proposed improvements or amendments to the existing site plan at this time. Mr. Chase

stated that they may be back in a few years to address the Pro Shop, cart barn facility, and the parking lot improvements, but not at this time.

The Board advised Mr. Chase that the next step is for him to prepare a Final Site Plan Application to amend the previous approval for the purpose of expanding the existing kitchen. Sign off's from all department heads are also necessary. An updated map showing the addition will be required in order to comply with the site plan requirements and maintain accurate records for the file.

MINUTES

The Board reviewed the minutes of July 7, 2009 and made corrections.

Mr. Weiler made a motion to approve the minutes of July 7, 2009 as corrected. Mr. Healey seconded the motion. All in favor.

CASE: COMMITTEE REPORTS – Workforce Housing

Mr. Dezotell was not present; therefore the Workforce House Committee report was not discussed.

CASE: COMMITTEE REPORTS – Sign Ordinance

Mr. Healey informed the Board that the Sign Committee will be meeting again before the August 18 Planning Board meeting and will have more information to discuss. Between now and then, the Committee Members will be meeting with business owners in Town and receiving input from them in order to compile a report to the Board.

Mr. Wright informed the Board of issues that the Board of Selectmen has been having with temporary signs and off-premises signs. The Board of Selectmen has adopted a policy on how to deal with sign permits in order to keep track of the dates of issuance and expiration.

Mr. Healey commented that the sign committee is already aware of these issues and has taken steps to address them in the draft in progress.

CASE: ZONING BOARD OF ADJUSTMENT

Mr. Vannatta advised the Board that the Zoning Board of Adjustment has requested a discussion with the Planning Board to address interpretations and issues that have been problematic for the Zoning Board of Adjustment.

The sense of the Planning Board was that a discussion with the Zoning Board of Adjustment would be good and productive.

Mr. Vannatta stated that he will invite the Zoning Board of Adjustment to the Planning Board's September 1, 2009 workshop meeting.

CASE: 2004-006: Angel Hawk Subdivision - Jamie Gould aka Advanced Conception Property Development, LLC – Development Agreement

Mr. Vannatta reminded the Board that on July 7, 2009, the Board postponed the hearing to consider revocation of the Angel Hawk Subdivision until August 18, 2009. He explained that in the interim, he received a call from Andrew Davis who was working with Jamie Gould to set up a bond to cover the offsite road improvements. Mr. Vannatta stated that it was evident during the conversation that Mr. Davis did not seem to know the persona of Mr. Gould, nor the history of Mr. Gould's dealings with the Planning Board. Mr. Vannatta stated that he read the terms of the development agreement to Mr. Davis, who was not aware the development agreement existed. Mr. Davis has not called back since that discussion.

Mr. Weiler commented that he found it interesting that the term "bond" was used instead of 'Letter of Credit'. A Surety Bond Company will look into the work history of the client. Perhaps that is the reason for Mr. Davis' call.

Mr. Vannatta informed the board that he had received a call from Bart Mayer earlier in the day. Apparently, Mr. Mayer had received a letter from Michael Fuerst, Counsel for LaValley's Building Supply. It appears that LaValley's does own Lot 7 and Lot 8. (**NOTE:** Please see Planning Board Minutes of August 19, 2009, for updated information concerning ownership of Lot 7 and Lot 8.) The sequence of events puts LaValley's first in line of preference. Mr. Vannatta stated that Mr. Mayer advised the Board to go through with the hearing on August 18, 2009 but to remove Lot 7 and Lot 8 from the revocation. Consequently, the revocation hearing would be addressing five lots instead of seven lots.

Mr. Weiler supposed that Mr. Gould may be illegally passing title of lots since the mortgage deed date to LaValley's was November 17, 2008 and the date the development agreement was signed was November 18, 2008. Therefore, Mr. Gould signed off on seven lots knowing he could only own five lots.

Mr. Vannatta commented that should Mr. Gould come forward to the Board again, the Board may not look kindly upon that applicant.

Mr. Weiler asked if the Board should give Mr. Vannatta direction to discuss the transfer of lots to LaValley's with Bart Mayer. He also commented that Mr. Gould appears to be using the same lots (7 & 8) as security with separate mortgage holders.

Mr. Vannatta informed the Board that he has asked for a copy of the letter from Mr. Fuerst.

Mr. Wright suggested that the Board should get Mr. Mayer's opinion on the legal issues in order to determine if the law authorities should get involved.

Mr. Healey asked if a mortgage deed is equivalent to a lien and what is the difference between owning a property and having a lien.

Mr. Vannatta stated that yes; a mortgage deed is equivalent to a lien. Mr. Gould can pledge those pieces of property in promise of payment which only ensures that when they get sold the lien holder gets paid. And, Mr. Mayer says that the Planning Board cannot revoke Lot 7 and Lot 8 now.

Mr. Wright stated that the Board should revoke all seven lots and let LaValley's go after Mr. Gould civilly. The mortgage deed is only a lien; and therefore, the Board can revoke the lots.

Mr. Weiler commented that he does not understand Mr. Mayer's reasoning.

Mr. Vannatta emphasized that it is Mr. Mayer's opinion that Lot 7 and Lot 8 now belong to LaValley's. He said he will speak to Mr. Mayer again to seek clarification. Additionally, Mr. Mayer's feeling is that the Town would be best served not to have him at the meeting on August 18th especially if there are other attorneys that may be present. That way, careful, thought-out decisions can be made without the pressure of an audience.

Mr. Wright commented that it makes no sense to remove Lot 7 and Lot 8 from the revocation because they would still be in Mr. Gould's name.

Mr. Weiler commented that the Town should be able to revoke all lots in Mr. Gould's name. The Board should not be concerned about the mortgages; but if title passed, then it is a problem.

Mr. Vannatta asked Mr. McWilliams for his opinion about the effective date of the development agreement.

Mr. McWilliams stated that the agreement date signed on November 18, 2008 stands, not the date Mr. Gould gave the agreement to the Board.

Code: Subdivision Regulation Clarification

Alison Kinsman, Mountain Road, asked the Board for clarification regarding whether or not a road dividing a property constitutes a subdivision of that property.

Mr. Wright commented that he had the same issue with property he owns. It was determined that if a piece of property is divided by a road, it automatically becomes two lots of record. That is a system that was put in place years ago, although the Planning Board may have a different view.

The Board and Mr. McWilliams reviewed Article 1.4.3. The lot divided by a road automatically becomes two lots of record if they comply with zoning.

CASE: Board Members – Alternates

Ms. Kinsman informed the Board that she has been interested in becoming a member of the Planning Board and now that her family life is changing, she has the time and ability to commit to the responsibilities of being a Planning Board member.

Mr. Vannatta stated that he will set up a time to meet with Ms. Kinsman for an interview.

Mr. Weiler made a motion to adjourn. Mr. Wright seconded the motion. All in favor. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary