

PLANNING BOARD MINUTES
October 13, 2010

APPROVED AS AMENDED & CLARIFIED:

10/27/10 jrl_____

AGENDA: CONT. SPECIAL USE PERMIT: JOHN MESSINA, Holiday Hills Dr.,
#110-049
CONT. COMPLIANCE: TAMI & PAUL ZAREAS/RICHARD BACON,
77 Ravine Drive, #111-084
SITE PLAN REVIEW: MAXTON TECHNOLOGIES INC., Chestnut St.,
#115-026
SUBDIVISION & MERGER: PEMI VALLEY HABITAT FOR HUMANITY
INC., South Main St. (3A), #115-008 & -009

ATTENDING: Dan Paradis (Chairman), Elizabeth Seeler (Vice Chairman), Phil Dion (Sel.
Rep.), Murray Campbell, Janice DellaCroce, Denice DeStefano, Clay Dingman,
Steve Favorite (Alternate)

ABSENT: -----

OTHER: Michael Capone (Town Administrator), Alan DeStefano (ZBA Chairman),
Public

The meeting opened at 7:00 p.m.

CONT. SPECIAL USE PERMIT: JOHN MESSINA

Mr. Messina stated that he met with Carroll Brown and DES will do investigations next week. He then presented the Chair with an original paper by Century 21 which shows the lot description and does not state that it is unbuildable as another previous paper did. Mr. Messina claims that he did not sign anything that says the lot is unbuildable. He did not purchase the lot from Century 21, however, but did buy it later (in 2000). Mr. Paradis assured him that the two papers are not an important part of this hearing.

Mr. Messina asked that his case be continued to the Nov. meeting. He explained that the CWS (Certified Wetlands Scientist), Raymond Lobdell, stated that 9500 sq. ft. had been filled in and a 24" diameter culvert had been installed in a stream. The area around the culvert is less than 900", he added, and then continued to say that it has been claimed that he did the culvert without a permit but he had a permit and also waivers.

E. Seeler made a MOTION, second by C. Dingman, to CONTINUE THE HEARING FOR JOHN MESSINA TO NOVEMBER 10, 2010 AT 7:00 PM. The motion CARRIED.

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CONT. COMPLIANCE: PAUL & TAMI ZAREAS/RIGHARD BACON

Mr. Paradis read the request for continuance by Mr. Bacon. They are still waiting DES approval.

C. Dingman made a MOTION, second by M. Campbell, to CONTINUE THE COMPLIANCE HEARING OF PAUL & TAMI ZAREAS TO NOVEMBER 10, 2010 AT 7:00 P.M. The motion CARRIED.

SITE PLAN REVIEW: MAXTON TECHNOLOGIES INC./PETER DEMARCO

Mr. Paradis explained that we received an abutter notice back today where the wrong address was given. He also mentioned that the Town of Groton was not notified. Due to this, the Board cannot legally open the hearing until proper notice is given. Therefore, Mr. Paradis would like to treat tonight's meeting as a PCC (Preliminary Conceptual Consultation) as there are a few things missing.

Mr. Paradis continued by pointing out that the list of waivers is problematic. Several requests the Board cannot waive as they are part of the Zoning Ordinance (a couple of these the Board can waive as the Ordinance allows the Planning Board to do so). The Board needs a list of the waivers that we can deliberate on, along with the checklist # referred to and the reasons for asking for the waiver. These must be in writing. Mr. Paradis then went through the list with Mr. Demarco. Mr. Demarco explained that some have been done and will not need to be waived and some others are to be asked of the Zoning Board to waived. Mr. Paradis stated that we need a list just for the Planning Board to determine.

Mr. Demarco asked when they wanted the balloon test to be done. It was felt that it should be as soon as possible and Ms. Seeler added that they should put in a notice for the public ahead of the test. Steve Kelleher, owner, stated that they use a helium balloon, which weather affects. He thought that the Saturday before the next hearing might be done. It was felt that earlier would be better in case of inclement weather. Mr. Kelleher will check the weather and then it can be put on the web site, TV, and a local paper.

Mr. Paradis explained that the process for a Site Plan is 2-steps: the first step is to determine if everything needed is complete and then the second is to determine the approval or disapproval of the Site Plan itself.

Mr. Kelleher asked if they need to just re-notice the one abutter and Mr. Paradis said yes and then he added that the law says any town within 20 miles that can see the tower. Grafton was notified instead of Groton and, though they may not be able to see it, they may want to notify Groton.

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MAXTON SITE PLAN continued:

Ms. Seeler brought up the fact that we have a small airport about ½ mile away from the proposed tower and they may want to check into this. Mr. Kelleher stated that he has notified the FAA and they will investigate. They have not applied formally but Mr. Demarco thought that they might be able to do a preliminary. Ms. Seeler stated that they are supposed to have a 500' clearance with a margin of error of 200'. Mr. Kelleher explained that they will still be 400' lower than the ridgeline.

At this time, they showed photos of the balloon test that they had done earlier. Mr. Gallagher questioned what it will look like once the leaves are all down.

D. DeStefano made a MOTION, second by M. Campbell, to CONTINUE THIS CASE TO NOVEMBER 10, 2010 AT 7:00 P.M. THE MEETING TO BE HELD IN THIS HALL (OLD TOWN HALL, 45 SUMMER STREET). The motion CARRIED.

SUBDIVISION: PEMI VALLEY HABITAT FOR HUMANITY INC./ALAN BARNARD

The secretary read the application, the list of abutters notified, stated where the hearing was advertised and stated that there were no telephone calls but there is one letter of communication. Mr. Paradis chose to hold the letter to be read with public comments. He also mentioned that he is a member of the National Habitat for Humanity if anyone has a problem with his being on the Board. No-one did.

Mr. Barnard explained that this is a subdivision with 3 concerns: Cluster housing, wetlands, and steep slopes. He has completed the topography but, for some reason, those did not print out for tonight. The State moved the road (Route 3A) over a few years ago and took some of the land on this side.

Mr. Barnard then introduced Ross Deachman, attorney for Habitat, to the Board. Atty. Deachman stated that the NH Housing Finance Authority has an agreement with Habitat for this property. Mr. Barnard continued by stating that he wants to address the subdivision of lot #-009 first and then ask to merge lot #-008 with #-009.

The subdivision will be Cluster housing with 3 buildings and a common driveway. Mr. Paradis asked why he has no boundaries for the individual "lots". Mr. Barnard stated that the law has changed and we are allowed to have any size lots that we want around each unit. The remaining space then becomes common use for recreation. It will also have the well radiuses and septic easements. There used to be tennis courts above these. Mr. Barnard intends on asking for a waiver on the turn-around (just as we did for the Rent property up at the Lake). He would like the Board's idea as to the size of the private "lots". He added that he will need DES approval as well as the Fire Department's. The State made two driveways when they moved the road. Again, Mr. Barnard stated that he will not ask for the merger until the subdivision for the 3 buildings is complete.

Mr. Barnard continued to say that some areas are at 15% grade and therefore, he is trying to keep the buildings as low on the property as possible. There are a number of wells already there.

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HABITAT SUBDIVISION/MERGER continued:

At this time, the checklist was addressed. Mr. Barnard explained that Peter Cupridot did the wetlands depiction. A drainage plan will be submitted with the driveway plan, he added. They will meet with the Fire Chief and Highway Superintendent before doing these.

Mr. Paradis noted that there are a number of incomplete items on the checklist and he is reluctant to accept this application as complete. Mr. Barnard agreed. He then showed a preliminary plan to the abutters that were in attendance. It was requested that a buffer of existing trees in the upper area remain and Mr. Barnard is fine with that. Mr. Paradis read 4.7E of the Zoning Ordinance which refers to buffers allowed to be part of the plan. Mr. Barnard felt that they can leave those trees and Atty. Deachman added that they will do anything to accommodate the neighbors.

Mr. Paradis asked about frontage. Mr. Barnard stated that this was part of the original subdivision so the private road can be counted as well as Route 3A. He added that these will be individual dwellings and a Homeowner's Association will be done. Mr. Barnard pointed out the 20' boundary zone around the perimeter except between the 2 lots and said that 20' between buildings is necessary. Mr. Paradis felt that the Ordinance is ambiguous in this area. Mr. Barnard felt that 40' around the buildings with 20' along the perimeter would work. Mr. Paradis felt that this is not an unusual interpretation.

Mr. Paradis asked about the setback from wetland. Mr. Barnard stated that he has a letter which states that the wetlands is less than an acre and is therefore irrelevant. He read the letter. Ms. DellaCroce asked why he did not move house #2 further over. Mr. Barnard explained that this is a pretty area and he is trying to separate the wells and septic systems. The Association will be for the recreation and common driveway areas. He explained that the property has areas of 10% grade (driveway), 15%, and also 25% (unbuildable).

Mr. Paradis explained that the NLRA (Newfound Lake Region Association) has found that towns are interested in steep slope legislation. We have an ordinance on this that may need tweaking. Mr. Barnard stated that steep slopes need drainage ability. Mr. Paradis said that this is something that the Planning Board is allowed to handle. Ms. DellaCroce asked if the Board could get some idea of the grades. Mr. Barnard stated that the tennis area and on up is steep, below has some at 10% and some flat. Abutter Becky Moore Galvin, with her mother, asked the size of the buildings. Mr. Barnard stated that they show 24' x 36' which is a reasonable building size.

Mr. Paradis explained Cluster housing for the public, stating that the buildings are placed closer together with common areas left open. Mr. Barnard added that it allows for less disturbance and combining of utilities as well. Mr. Paradis felt that 15,000 sq. ft. is a reasonable lot. Mr. Barnard agreed but said that 100' x 100' is also fairly common. He added that the buildings will not exceed the 35' height required in Bristol. Atty. Deachman said that they are usually single story with basements.

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HABITAT SUBDIVISION/MERGER continued:

A discussion of house #2 followed and Mr. Barnard felt that the design of the driveway will regulate its position. He will try for the 20' boundary setback and 40' private area. He will check this with the Fire Chief, as well. Atty. Deachman thanked the Board for working with them and added that Habitat will probably build one house a year.

C. Dingman made a MOTION, second by J. DellaCroce, to CONTINUE THE HEARING FOR PEMI VALLEY HABITAT FOR HUMANITY INC. ON NOVEMBER 10, 2010 AT 7:00 P.M. HERE. The motion CARRIED.

MINUTES OF SEPTEMBER 22, 2010:

The following amendments and clarifications were made:

Page 2, 1st paragraph, 1st sentence, delete "With the 6 Wheel Dump Truck" and "as Trustee of the Trust Funds". 2nd line, replace "if all the money is not" and replace with "when the money has been". 3rd line, replace "use the balance" with "close the fund". 2nd paragraph, insert "amount for the" in front of "back-up". 6th paragraph, 1st line, insert "Police Department" in front of "cruiser". 2nd line, insert "Department's" in front of "4 x 4".

Page 3, 1st paragraph, 2nd line, replace "them" with "the Board". 3rd line, insert "CIP" before "committee". 8th line, delete "shut down any speaker" and replace with "refute any criticism of specific requests". 13th line, insert "in time" before "works".

Page 4, 4th paragraph, 3rd line, end the sentence after "money" and delete "such as \$10,000 seed money from the town gets \$20,000 in grant money." 4th line, following "categories" insert "for grants" and replace "2. the plan" with "2. Planning". 6th paragraph, 1st line, change "apply for" to "apply to" and add "Alliance" after "Preservation".

C. Dingman made a motion, second by E. Seeler, to approve the minutes as amended. The motion carried.

COMMUNICATIONS:

A letter was received from Jeffrey H. Taylor & Assoc. in regard to free Planning Assistance for Steep Slope Regulation. Mr. Paradis would like to apply to see what we might need to make our ordinance better.

J. DellaCroce made a motion, second by C. Dingman, to support Mr. Paradis and have him apply for this help. The motion carried.

A notice of the OEP Fall Planning & Zoning Conference was received and it was felt that it is mostly for basics and would be better utilized by the Zoning Board with all of their new members.

UNH workshops on landscaping was next and thought not to be relevant to this Board.

A DES Shoreland permit for Cummings Beach was looked at.

Anyone interested in the LGC Conference should see Michael Capone, Town Administrator.

The DES Wetlands permit for Sara Hopkins was read.

The secretary will hold the LGC Publications catalogue for awhile.

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UNFINISHED BUSINESS:

Historic District Commission (HDC): Mr. Dingman stated that they met last night and discussed the CLG (Certified Local Government) application process. The Commission gave Mr. Dingman permission to see the Planner and the Selectmen pending any possible changes.

Selectmen: Mr. Dion stated that they are working on budgets and were to set the tax rate with DRA today.

Capital Improvements Program (CIP): Mr. Campbell stated that they presented the plan to the Budget Committee and it will now go on the web site. He gave the members copies of the two corrected pages for inserting into their books.

NEW BUSINESS:

November Workshop meeting: Mr. Paradis explained that the scheduled meeting is for the day before Thanksgiving. He will not be available and would like to change the date as we have a lot of work to do on the Zoning changes. A couple of other members would also be unavailable, it was learned. It was determined that they would like to hold the workshop on Nov. 22nd instead. The secretary explained that the Budget Committee meets that night. After discussion on other possibilities, it was decided to tentatively agree on Nov. 22nd in the Welfare office. The secretary will look into this possibility.

Subdivision Checklist: Ms. DeStefano asked if they want her to work on redoing the checklist for Subdivisions. Mr. Paradis stated that she still needs to do this but not immediately. We need to talk about Zoning right now. He added that there is an addendum checklist on the web that shouldn't be there. There are also two different copies of the Zoning Ordinance out there. Mr. Courchaine, Bristol Media, stated that he has fixed the Ordinance situation now.

Michelle Bonsteel (Land Use Officer) e-mail: Ms. DellaCroce asked if we have an e-mail from Ms. Bonsteel listing the deficiency's for Maxton Technologies. Mr. Paradis answered that we do.

NEXT MEETING:

The next meeting of the Planning Board will be held October 27, 2010 at 7:00 pm in the Town Office building. It is a workshop and Ms. Bonsteel has asked that we do one PCC.

With no other business before the Board, C. Dingman made a motion, second by E. Seeler, to adjourn at 9:05 pm.

Respectfully submitted,
Jan Laferriere, secretary