

Draft Subject to Review, Correction, and Approval at Following Meeting

1. **Call to Order**

The Chair called the meeting to order at 7:04 p.m.

Planning Board members present:

Don Hammond – Chair
Melissa Walker
Mike Bonanno
Mike Fenn
Todd Bigelow
Rick Ladd – ex Officio
Tara Krause -- Alternate

Planning Board members excused: Lynn Wheeler

Planning Board members absent: none

Also present: Ed Ballam, Clerk

Members of the public present: Harry Burgess, Jeff Elliot, Cindy Bishop, Jeff Bishop, Natalie Martel, Joseph Martel, Jos Blair, Gary Martel, Mike Bishop, Dick Fabrizio, Wayne Fortier.

2. **Designation of Alternates**

None

3. **Agenda Approval**

Motion was made by Mike F. to accept the agenda, seconded by Mike B. – unanimous. Chairman Hammond requested the public hearing on Jeff Elliot’s Route 116 major subdivision be moved up to item number 5 on the agenda. A motion to do so was made by Mike F., seconded by Melissa W. The vote was unanimous.

4. **Approve Minutes of Previous Meeting**

Motion was made by Mike F. to approve the minutes of the July 20, 2010 meeting as written, seconded by Mike B. The vote was unanimous.

5. **Scheduled Public Appearances**

None

6. **Correspondence/Communications**

The board discussed a letter from the Town Manager regarding Subdivision Road design plans. Rick L. said the problem is some of the subdivision have gone through three or four revisions of the subdivision regulations. They were approved under one set, reviewed under another, gone through several owners. He said he’s sure the board will follow the regulations regarding new applications that come in the way it should come in.

Chairman Hammond said that the current board had nothing to do with Benedict’s and Trinity ways. Yet we’re being held accountable.

Rick L. said the problem goes back to when Susan Brown was chairman of the planning board.

Chairman Hammond said he believes the board has had “a pretty good grip” on the newer subdivisions.

Rick L. said Benedict’s Way has been a sticker.

7. **Reports of Committees**

none

8. **Pending Business**

None

9. **New Business (Applications)**

a. Major subdivision: Jeff Elliott – Tax Map 413 Lot 48.1 and 48.2

Motion was made by Mike B. to accept the application of Jeff Elliot, Tax Map 413 Lot 48.1 and 48.2 Major Subdivision, seconded by Rick L. The vote was unanimous.

The Chair opened the Public Hearing at 7:10 pm.

Harry B. and Jeff E. were both in attendance to present a nine (9) lot major subdivision with a private road.

Harry B. provided the board with new plans that incorporated some of the items missing on the check list, including the state approval number. Clerk Ed B. distributed the Plat Content Check Sheet and pointed out there were required information items missing. The chairman asked for a motion to open the public hearing made by Mike B. and seconded by Rick L. The vote was unanimous.

Chairman Hammond asked why the power lines on the adjacent lot were not on the plan. Harry B. said the power lines were not on the parcel in question and were more than 100 feet from the lots.

Harry B. said the private road into the subdivision is approximately 750 feet long and he submitted road profile plans which he submitted as part of the application at the meeting. Harry B. also said each lot was perc tested and the soil is very well drained, almost all gravel. The information was submitted to the NH DES for subdivision approval because the lots were less than 5 acres. He said the approval was granted at the end of July. He commented the approval number was on the new plan. The state has been out and looked at it.

Harry B. also pointed out there were wetlands on the southwest corner of the subdivision and there’s a brook on the east boundary which is considered wetland, but all the proposed work is on dry land. He said the road is being built as the application was being considered. Because of the length of the road is less than 2,000, Harry B. said the applicant did not need an alteration of terrain permit from the state because less than 100,000 square feet is being disturbed.

Tara K. asked if there was a need for a road agreement with all owners to cover the maintenance of the road. Harry B. said, yes, he believes that to be true.

Chairman Hammond asked about the existing house on lot nine (9). Harry B. said the house remains and is accessed off Route 116. A barn once stood on the remainder of the property which has since been removed.

Harry B. said the applicant has received a driveway permit from the N.H. DOT for the access of the private road and for Lot Nine (9).

Harry B. submitted a road plan and profile at the meeting. A road plan shows the grades. He said it's a very flat road the grade off of Route 116, is 1.3 percent. He said that instead of having a culvert going across the middle of the field, the ditches will be stone lined and water will drain to the cul-de-sac where there's a natural drain. He said the plan is to strip the top soil and loam off of the field and then replace that with bank run gravel and then crush gravel and then finish grade on top of that. Harry B. said he was told that Road Agent Sam Clough has been stopping out there on a regular bases and watching the construction.

Harry B. also submitted test pit data for the nine lots. He said Connecticut Valley Designs in Littleton did the perc test.

Harry B. said he had questions about the need for a performance bond and the irrevocable letter of credit. He said he believed the letter of credit was needed if the road had not been constructed, if you build the road and the road is built, it was his opinion that the letter of credit was not needed.

Clerk Ed B. said he had been out on the property and the road is roughed in all the way to the hammer head.

Chairman Hammond then asked the public for comments and questions.

Abutter Jeff Bishop, owner of lot 52 and 51 asked about water for the homes. Owner Jeff E. said he had not yet found water for the lots. Jeff B. said he had spent \$11,000 for his well and he hopes finding water for the nine lots in the subdivision doesn't affect his well.

Jeff E. said the existing house has water rights that will remain with the property. He said that the existing water supply for the existing house will only serve it and will not be tapped to supply the other property in the subdivision. He said each lot will have its own well or water supply.

Jeff B. said he has no problem with the lots or the subdivision, but he is concerned about his water supply.

Mike Bishop, owner of Lot 53, also expressed concerns about water rights. He mentioned there are leaks in the supply to the existing house and asked if Jeff E. might be willing to fix them. Jeff E. said he did not believe that was something the Planning Board should or needed to consider. He said when and if he sells the existing home, he will recommend the new owners put their own well in. Mike Bishop said the horseshoe driveway at the existing home causes damage to the waterline.

Harry B. said there's a proposed well on lot 9. He also said the state wants the horseshoe driveway closed means the driveway is being moved.

Richard Fabrizio asked about the need for a roundabout at the end of the road and question if the proposed hammerhead at the end of the road was sufficient. Chairman Hammond said the regulations call for either a roundabout or a hammerhead. He said the hammer head makes up a little less of a foot print than a cul-de-sac or a roundabout.

Richard F. also questioned about site work being done before the plan had been approved. He said when he was on the board that was not allowed and wondered if

the rule had changed. He pointed out the road has already been largely built. Chairman Hammond mentioned the road work being done to Town Manager Glenn English and Chairman Hammond said the Town Manager didn't seem too concerned. Richard F. said he has no objection to the plan as it stands, he just wondered about the construction being done before approval.

Chairman Hammond said it's not supposed to happen, but no one wants to enforce it. He added the Planning Board has no enforcement powers.

Rick L. said he believes the Planning Board does have statutory responsibility and authority according to the RSAs. He said the Planning Board is separate and unique from the Town Manager. He said he did not believe the Town Manager has the authority to enforce as the authority is with the Planning Board by statute.

Clerk Ed B. said he had a brief conversation with the Town Manager about the issue. To take action to stop the work would require court action in the form of a cease and desist order and there's no interest in doing that at this point. If the plan is not approved, that the applicant will have constructed the road for nothing and it will have been done at his risk.

Richard F. recommended that in the future the Planning Board should stick to the rule that no site work be done without approval.

Jeff E. said he thought it was kind of hard to restrict a private piece of property. He said if he is willing to build a road in the middle of the field. He knows that if he didn't get his approval of the subdivision. He said he has every right to build it at his own risk. He also said he didn't do it just to get away with it. He said construction season is so short in this area that he wanted to get the work done when he could and when his equipment was available.

Jeff E. said that the lots are slated for very high efficiency 5-star energy log homes. He said he has no intention of turning around and selling the lots for trailers. He said the houses are going to be designed for retirees and baby boomers who want a little easier living. The site will also have underground utilities.

Mike Bishop also asked about septic system. Jeff E. said each lot will have its own system and the sites have been approved by the state for septic systems.

Hearing no additional comments from the public, Chairman Hammond asked for a motion to close the public hearing which was made by Mike B. and seconded by Melissa W. The vote was unanimous.

Chairman Hammond closed the Public Hearing at 7:33 pm.

Chairman Hammond then asked for deliberations and thoughts from the Planning Board members.

Rick L. asked about item number 8 on the checklist regarding an irregular lot number 6. He said the ratio is supposed to be 1 to 4, but if it's accessible and useable, there's a way that it can be approved. He said it's the lot at the end of the road with 50 feet frontage. He read aloud the regulation 4.1.8. Rick L. then commented that the question is whether the lot is useable and accessible.

Harry Burgess said it is accessible and is one of the bigger lots in the subdivision. Jeff E. said it's probably the nicest lot in the subdivision because it has a little plateau drop down with an ideal flat space for a building location.

Rick L. said he didn't have "a gut ache" over it.

Chairman Hammond asked if there was a tower on lot 8. Tara K. noticed a symbol for a tower on that site.

Harry B. said there's not tower on the property and Jeff E. confirmed that. Harry B. said the tower symbol shouldn't be on the plan as there is no tower on the property.

Rick L. asked Jeff E. when he planned to put the surface down on the road. Jeff E. said he would like to put the binding surface down on the road as fast as he can. Rick L. asked if it was the same surface as was placed on Benedict's Way and Jeff E. said it was. Benedict's Way was approved with a bituminous concrete finish of a 2-inch base and 1-inch top coat.

Rick L. asked if the applicant had been working with Sam Clough with on the road. Jeff E. said Sam C. has been involved since he started breaking ground on the project.

Chairman Hammond read the plan, saying it calls for 12 inches of bank run, six inches of crushed gravel and blacktop bituminous concrete.

Mike F. made a motion to approve the plan with the condition the road being built to town specifications. Mike B. seconded the motion.

A question was voiced by an audience member about the water issues and the board members said it was not something they could address.

Rick L. asked about the performance bond and letter of credit requirement. Clerk Ed B. said it was only raised as an issue for discussion, to make sure it wasn't needed. He said in this case, with the road already being constructed, it probably was not necessary. Mike F. said the planning board wouldn't sign the Mylar without the knowledge the road was done correctly.

Chairman Hammond called for a vote which was unanimous to approve the application and thanked the public for participating.

After the vote, Harry B. said when the road is completed, the applicant will supply the town with an "as-built" plan.

The road plan was left with the clerk who said it would be given to Sam Clough in the morning. Approval of the plan was passed by a unanimous vote.

9. **Pending Business**

There was no pending business to discuss.

10. **Other New Business**

State driveway permit Daniel and Nicole Whyte, Tax Map 205 Lot 61 was discussed. Chairman Hammond said the only reason it was before the board was to make sure

the permit was in order. There was a question on the application that looks like a scratch or typographical error that made the number 13 units instead of three. Rick L. asked the clerk to follow up on that discrepancy and make sure it's not perpetuated.

11. **Public Appearances (Not Previously Scheduled)**

Natalie Martel asked for time before the board. She said the Faithful and True Farm subdivision was started in 2004 and it's now 2010 and she is still waiting for a decision from the town. She said the subdivision was approved by the state in 2007 and in the beginning of 2008, the Attorney General's office gave its approval. She said she's been waiting and waiting for the local decision so she can sell the lots. She said Benedict's Way is built to town specs, according to a letter she received from Sam Clough. She asked for help with getting approval to sell the lots.

Chairman Hammond said he thought it was all taken care of as of the last meeting. Clerk Ed B. submitted a proposed letter to the board which stated that once the shoulder work has been done, the lots could be sold.

Joseph Martel, Natalie Martel's son, said his family has been doing exactly what the town and the state have requested since 2004. At every step of the way, they've promised if you do this, you'll get the approval. All the while, they've been paying taxes on the property. He asked that the town do the right thing and sign off on the property.

Natalie M. said that Jeff E. plans to buy the lots in Benedict's Way. She said she planned to hold out one lot for abutters who don't want to have houses next to their lot. She said Jeff E. is concerned that when he puts in electricity to the lots he'd have to tear up the roads. She said that Jeff E. want to put the top coat down later.

Chairman Hammond said the Planning Board is not making her put the top coat down now.

Mike F. said the board had a meeting last month and decided the top coat could be done at a later time.

Natalie M. asked about the requirement for a bond. Mike F. said the board did not talk about a bond.

Chairman Hammond said the Planning Board made a decision at the July meeting that you were to be given the green light to go. He said that Sam C. said at some time, it has to be top coated and the shoulders.

Mike F. said the Martels are paying taxes on the property as building lots. He also said he recused himself from discussion of the plan, but then said the Martels shouldn't have been stopped when they were stopped a year ago. He said the town wrote a letter saying the Martels didn't need a bond or a letter of credit because of the letter from the attorney general.

Chairman Hammond said the planning board did not address anything about a bond, or the timing of when the top coat should be applied. He said the board just wants the applicant to dump a little gravel on the sides of the shoulder so the tar won't break up.

Chairman Hammond read a proposed letter from Clerk Ed B. and authorized him to sign it.

There was further discussion about letting the Martels sell the lots without doing the shoulder work. Chairman Hammond said that if Jeff E. said he would do the shoulder work, he believes it will be done and there's no need to hold up the sale of the lots. Chairman Hammond told the Martels to go ahead and sell the lots.

12. **Comments of the Clerk**

Clerk Ed B. said that Todd B. had missed three meetings in a row without being excused and that is supposed to trigger a letter to the selectmen. He said Todd B. attendance and participation in the meeting is appreciated and cancels the need to write a letter to the selectboard.

13. **Comments of the Planning Board**

Rick L. asked if the Planning Board is actively looking for a new Planning Board member. Chairman Hammond said the board would welcome one adding that there are times when at least three members of the board would be off working on a job out of town. Rick L. said it would be good to have another member. Chairman Hammond said having Tara K. is a good thing and it will help the Planning Board meet quorum requirements. He added it would be good to have another member. Todd B. said he's going to try his best to make the meetings and when the winter comes, it will be easier for him to do so. Chairman Hammond asked that the board members give email address to Clerk Ed B. He asked the clerk to provide notice for the meeting to the members as a reminder. He said it's difficult to remember and a reminder would be a good thing. Rick L. said it used to be that the Wednesday before the meeting, board members would submit what they might like to have on the agenda. On Friday, Rick L. said, the agenda was emailed out to all planning board members and put in their boxes. That prevented confusion, he said. Clerk Ed B. said he had no problem sending out the agenda ahead of the meeting as a reminder. In exchange for that, he asked the members to be courteous and call if they can't make the meeting. Chairman Hammond said a reminder is a good thing. Mike F. said it's easy to forget the meetings.

14. **Other**

Chairman Hammond pointed out there are two programs happening, one is the Ammonoosuc River Summer Series Program, and the Role of Municipalities in Regulating Ground Water Withdrawals.

15. **Adjournment/Next Regular Meeting**

Motion was made by Rick L. to adjourn the meeting at 8:20 pm, seconded by Mike B. The vote was unanimous.

The next meeting is scheduled for Sept. 21, 2010. The deadline for submitting items is 4:30 p.m. on Sept. 1, 2010.

Respectfully submitted,

Ed Ballam, Planning Board Clerk