

Epsom Planning Board 5/14/08

In attendance: James Bowen, Chairman; Alan Quimby, Asst. Chairman; Chris Porter; Phil Demeritt; Jay Hickey; Keith Cota, Selectman's Representative; Betsy Bosiak, Alternate; Norm Gentry

Not in attendance: Dan McGuire

6:30 PM Administrative Session

Betsy Bosiak is sitting in for Dan McGuire at tonight's meeting.

Mail was reviewed.

James reported that he spoke with Matt Monahan at CNHRPC about the traffic study. He sent a 7 page report for our review. Rather than copy all those pages, James will forward the email to all members for review. We also discussed the traffic counting and discussed what roads we will request to be counted this year.

Chris Porter is going to be the Planning Board representative at CNHRPC for this year.

Adam Towne has sent a request to have his bond reduced on Albert Nye Drive. Since there is some work that has not been completed on Center Hill Road, the board is not ready to reduce the bond at this time. Alan will contact Adam and/or the Selectmen for further discussion.

The minutes of 4/23/08 were reviewed. Chris made a motion to approve the minutes as written. Phil seconded the motion. All in favor.

7:00 WGR, LLC / Elks Lodge / Route 28 South / Request to install horseshoe pit & seasonal outside serving area

Robert Tigges is here tonight. He said he that at the last minute Ken Rudolph was not able to be here tonight. They have decided not to serve food.

James has rec'd comment sheets from the Police & Fire Departments. He has not received the updated site plan or the letter from the property owner. He also did not receive a comment sheet from the Health Officer, however if they aren't serving food, this will not be required.

Jay made a motion to continue this informational session to May 28. Betsy seconded the motion. All in favor.

Public Hearing for Richard Harris / Charles Driesbach / North Road/Barton Road Subdivision / R14-8-3

James recused himself as he was the Real Estate broker on this property. Alan will chair this portion of the meeting. Phil has also recused himself as he is an abutter and Norm Gentry, Alternate, will be sitting in his place. Susan Slack, our Attorney is present for input & guidance. Betsy made a motion to open the public hearing. Chris seconded the motion. All in favor.

Alan stated that we are here to discuss two items only.

Tom True approached the board about the two items.

1 – Cost sharing of road improvements

2 – Whether a cistern will be required

Mr. Driesbach, property owner has offered to eliminate one of the lots on Barton Road – do a voluntary merger of lots 1 & 2, as long as the board agrees to not require any off-site improvements and a cistern. The plan would otherwise stay exactly the same.

Tom stated that the Rational Nexus Test Analysis that he did shows that if we go with the original plan of 4 lots, the town would need to purchase the flowage rights from the property owner in order to allow the increased flow onto their property & that would cost the town \$7000. Keith

argued that there has been no hydraulic analysis done to support this statement. Tom reviewed each page of the Rational Nexus. Tom states that they require 1.98 acres for a drainage easement – the board wonders if that much land is required.

Keith asked if there would be a note on the plan stating there will be no further subdivision. Tom True said no – but if they do want to subdivide again, they would need to come before the board again. He later offered to ask Mr. Driesbach if he is agreeable to putting that note on the plan, but the board is not ready to rule on this tonight anyway.

There was discussion about this being considered a major subdivision – and our regulations require a cistern for major subdivisions. Tom stated that we cannot require a cistern unless we prove one is necessary. Susan Slack clarified that the court stated we could not require a cistern until we have *consulted* the Fire Department.

Phil Demeritt, abutter at 59 Barton Road, spoke in opposition of this subdivision and showed pictures of the flooding that has occurred on his property due to development in his area. He also reiterated that this is a major subdivision according to our regulations.

Reed Davis, lives on Davis Drive, stated that all of the water from up the hill flows onto his property. He also reiterated that this is a major subdivision according to our regulations.

Tom True wants to be on record that any deals we may have made with Dan Ames (the original developer) do not apply to this developer.

Paul Metcalfe, abutter, is concerned about the safety of Barton Road as it is a narrow road and thinks it may be unsafe for rescue vehicles to access. He is also concerned about increased pollution to the pond.

Richard Harris read the final paragraph of the court's decision dated March 24. He stated that he has presented a Rational Nexus of cost of improvements, and is very disappointed that this board did not contact the Fire Department for input regarding the cistern & is not prepared with its own estimate of road improvements.

Keith responded that the developer is responsible for paying for us to gain input & professional guidance & suggests we may need to establish an escrow account to do so. He also feels we should allow Pittsfield the opportunity to provide input since these lots are accessed through Pittsfield.

Tom stated they have received input from the Pittsfield Planning Board saying they would not have any requirements for road improvements. Tom said his perception is that the board feels whatever development was done in the past – the next person would be responsible for all road improvements. He does not feel that we can legally require the current owner to pay for all road improvements even though the current owner did not create all lots in this subdivision. Tom said he thinks this is called an unrecorded lien. Keith disagrees.

The board discussed establishing an escrow account for engineering input and also we need to consult with the Fire Department.

Jay made a motion to have the board consult with the Fire Department regarding the cistern, and to request an escrow account (per 4.3.6 of our subdivision regulations) to get engineering input for road improvements on Barton Road, including a hydraulic analysis of the drainage pipes, and get input from a professional in regard to property values – in order to corroborate Tom True's report. Chris seconded the motion.

Discussion on the motion: Tom True stated they will not pay for hydraulic analysis of the drainage pipes, as they are not impacted by their development. If they are required to pay this – it is done under duress.

Vote: All in favor.

We will consult with SFC Engineering to get a scope and fee of engineering. As soon as we have that, we will contact the developer.

Betsy made a motion to continue this Public Hearing to Wed., June 25. Keith seconded the motion. All in favor. Hopefully we will have results by then.

Richard Harris requested that he be given the results of the report prior to the meeting. The board recognizes this request.

Alan will contact SFC Engineering.

James rejoined the board.

8:40 PM Morgan Farms, Dion Construction / U4-18 / Black Hall Road / Request to revise plan to reflect a phased approach to meet banking & financing requirements

Dan Dion is requesting to have this project considered in two phases, for the purpose of his banking & financial requirements. The roads are all done – the fire hydrants are in, the water is in. He would like to wait until he sells 2 or 3 more units before continuing on with what he is calling “Phase 2”. He will need to record new Condo Documents & will present a copy of them to us.

James stated that he is up to date with all escrow accounts, per Nancy in the office.

We will need an updated site plan – but a public hearing will not be required.

Jay made a motion to approve this with two conditions:

- 1 – an updated site plan
- 2 – revised condo documents.

Alan seconded the motion. All in favor.

8:50 PM Old/New Business:

Phil rejoined the board.

Mr. Robert Elliot has requested a voluntary lot merger on lots U13-51 & U13-52. James stated that his concern is that this case is currently before the ZBA for a variance. Also, James stated that there is currently a tax lien on this property.

Mr. Elliot stated he will bring his taxes current. Mr. Elliot has filed an appeal with the court over the Zoning Compliance Officer’s Administrative decision.

This board feels that this issue needs to be resolved before the board will grant a voluntary lot merger.

James received an updated bridge plan from SFC on Graystone Builders (Wimbledon Rd.).

We received a letter from FEMA regarding the flood maps. We will pass this information along to the Fire Department.

We received a letter regarding the Rolling Meadows project. They currently have an application at DES for a community well. The plan we have is over a year old, and does not appear to be the same plan they are moving forward with. Betsy suggested we check to see how much money they still have in escrow, and contact HTA for input.

9:12 PM Phil made a motion to adjourn. Keith seconded the motion. All in favor.