

**Town of Epsom
Planning Board
1/14/09**

In Attendance: Dan McGuire, Chairman; Alan Quimby, Vice-Chairman; Keith Cota, Selectman's Representative; Jay Hickey; Betsy Bosiak, Alternate; Chris Porter; Phil Demeritt; Darlene Phelps, Recording Secretary

Not In Attendance: Norm Gentry, Alternate

Other Attendees: David Fiorentino; Barbara Clark; Gordon Ellis; Gabe & Cindy Estabrook; Frank Quimby; Russell Bartlett; Peter Muse; Marilyn Dey; Roger Bennett; Dan Verville; Fred Carlson; David Tucker; Vichelle & Steve Naugle; Kirken & Donna Berberian; Jeff Lewis; Gloria Miner; George & Annamae Dykstra; Don Bartlett; Marley Taylor; Hedy Graybill

6:35 PM Administrative Session

Alan made a motion to approve the minutes of 12/30/08 as amended. Chris Porter seconded the motion. All in favor.

Mail was reviewed. It was noted that there will be a meeting on with the NHDOT on 1/26/09 at 7 PM for discussion about a proposal to place a traffic light at the intersection of Routes 4 & 107. Betsy made a motion to purchase New Hampshire Town & City magazine for \$22 per year. Keith seconded the motion. All in favor.

We have received notification from CNHRPC that the Master Plan is complete. Dan will get a paper copy, some copies on CD and will put it on line for reviewing. We will discuss at our next meeting. Dan wanted to clarify that he does not support our membership at CNHRPC, but that is his personal opinion and not necessarily that of the Planning Board.

Mrs. Gloria Miner / Merger of U17-25 & U17-26

We have received an application from Gloria Miner for a lot merger. Mrs. Miner's home is located on U17-25 and U17-26 is a vacant lot. She would like to merge the two in order to reduce her tax burden significantly.

Betsy made a motion to grant the lot merger of U17-25 and U17-26. Chris seconded the motion.

Barbara Clark indicated that she legally owns both lots and the taxes are current on both lots. Keith wanted to be sure the proper paperwork is filed with the Registry of Deeds. All in favor.

Public Hearing / Bartlett Subdivision / Goboro Road / R13-36-1

Alan made a motion to open the public hearing. Jay seconded the motion. All in favor.

Russell Bartlett explained that this property has been owned by his family (Bartlett & Towle families) for many years. It is a 260 acre parcel that he would like to subdivide in 42 residential lots with a minimum of 1-1/2 acres each, and a large conservation area of approximately 160 acres. The name of the subdivision will be Towle Farm Estates. The conservation area will be owned and managed by the Forestry Foundation. The land will be open & available to the public for use.

Russ feels that this subdivision will fit the rural character of the town, especially with the amount of open space being offered.

Joe Wichert, Land Surveyor, stated that an escrow amount of \$5400 has been established. 15 of the residential lots would not need to be clustered. The other 27 lots do not meet minimum town subdivision regulations. There are two lots that are slightly less than 1.5 acres. Lots 35, 36 & 37 have been modified from the previous plan. Joe said they have applied for Site Specific Permits & have received comments. They have not resubmitted the application – they are waiting for input from the Planning Board, and the public. They have had a preliminary meeting with DES for their Wetlands Permit (there is approximately 29K SF of wetlands). Their mitigation plan is to place 159.74 acres in conservation. 41 of the 42 lots (all but lot number 8, because it is over 5 acres) will require State Subdivision approval. Their revised plan shows the minimum 1 acre contiguous buildable area on each lot.

Jeff Lewis, Engineer stated that there are multiple wetland crossings. There is a total of 29,509 SF of wetlands. The plan consists of about 6500 linear feet of road. Jeff stated their primary concern about the wetlands is being sure that the storm water run off does not affect the abutters to the west of the development.

Dan read a letter from Ashley & Karen Hunt, 475 Goboro Road. The letter reflects their concerns about increased traffic on Goboro Road. Fred Carlson lives on New Orchard Road and stated that he echoes these concerns.

Dan opened the meeting for public comment.

Marilyn Dey, abutter, is concerned about the open space that abuts her property and wants to know how her property will be protected from the public trespassing on it. She also wondered if this will be a town road or a private road, and how the wetlands will be protected from sand and salt during the winter months. Betsy responded that our engineer and DES will address the road treatment issues. She is particularly concerned about ATV's and snowmobiles on her property. Donna Berberian is concerned also her property being trespassed upon since she abuts the open space. She is also concerned about the impact on our school system and emergency departments due to the increased population, and wonders if anyone looks at the potential impact on different departments. Betsy responded that the applicant needs to obtain comments from several departments in town, plus the Planning Board will provide comments on the plan. Steve Naugle, Goboro Road, wants to know if there are any plans to upgrade the road and what changes will be made to drainage. Cindy Estabrook, Goboro Road, feels that 42 new homes in Epsom is excessive. Right now there are 48 houses for sale in Epsom, and 27 houses for sale in Chichester. She also is concerned about increased traffic, and the demand for more services. She also doesn't want to see this property developed in phases, as it is an eyesore. She also asked where the people who will use the open area, will park. George Dykstra, Goboro Road (on the Chichester side) wants to know why this development is being done as a cluster instead of by standard requirements. Dan explained that the developer must show that the number of houses would be possible using the standard requirements, but they choose to build on smaller lots and leave more land as open space. George would like the board to consider requiring them to develop less lots & larger lots. Don Bartlett asked about detention/retention basins. Jeff Lewis replied that these basins hold standing water for no more than 24 hours, and then it dissipates.

Peter Muse, New Orchard Road, asked how many building permits a developer can take in a calendar year. Jay responded that the number of permits a developer can take is based on a percentage of the total number of permits the Town will issue in a year. Attorney Seth Bostock, replied that they intend to develop this project in phases – perhaps 5 or 6 phases.

Atty. Bostock explained to the public that a Rational Nexis is established to determine what road improvements are necessary. In response to the concerns about public access / trespassing, he stated that there are covenants established for open land; for example they have the ability to prohibit wheeled vehicles.

Roger Bennett asked about controlling traffic on private property.

There was concern about a MA entity managing the property instead of a local company.

In response:

Jeff Lewis stated that they have not yet done a traffic study. There is a formula used to calculate the traffic impact. They have not yet proposed any road or drainage improvements, they are waiting for the town's engineer to make those suggestions.

Joe Wichert stated that in response to the concerns about density, this very large property could withstand a lot more than 42 homes, but Russ Bartlett doesn't want to develop the entire property.

Joe also responded that the reason a MA entity was decided for conservation management is a local entity was not found that would take ownership of the property – and manage it. Also, there are already trails that are in use on this property for hiking and snowmobiling, and it is their intention to not interrupt those trails. There will not be signs placed advertising these trails – it is simply that they remain there.

Joe Wichert said there is a new formula to calculate the number of children expected to occupy these homes – currently it is roughly .5 children per home. School population has dropped since the implementation of the Growth Management Ordinance in 2001. Also, the final build-out of this project is somewhere between 4-8 years.

Joe also responded that in response to traffic concerns – Goboro Road / Depot Road was rebuilt in 1989 – 1990. Joe also said that we have the ability to determine if this project has a regional impact, and there are two lots that straddle the Chichester line, so they need to meet with the Town of Chichester for input as well.

Keith raised the following concerns: Since this project is so close to Chichester, we need to consider whether this has a regional impact, and if so, we would need to notify them so they have the opportunity to come to the public hearings and provide input.

Regarding traffic impact, the formula used is 10 trips per home in a residential area, essentially creating 420 trips per day in/out of this development. We also need to consider where the traffic will go – all the way down Goboro Road to Route 4? Or just down Depot Street onto Route 28? A traffic study or input from NH DOT may be required.

He is concerned about the drainage and intersection site distance on the corner, and feels it is imperative that it is looked at more closely.

There was concern about economic impact from the public, and this board has the right to require a report on this.

Keith has a concern about the road design, but our engineer will address those concerns.

He said there are no soil conditions noted on these plans. Nothing has been stated about utilities, but our subdivision regulations require underground utilities.

There are new regulations regarding water quality, and wants to be sure those new rules are being followed. Joe responded that their application was submitted before the new rules took effect, so they fall under the old rules.

Keith is concerned about wildlife on this property. Also, the culverts being proposed on this property are the same size as two culverts that were currently replaced in another part of town, and DES is requiring a bridge on those, so he wants to be sure that the culverts being placed in this development are the right size, and they should have a natural bottom for wildlife.

Atty. Bostock asked that this board formally accept their application for the purposes of the time limits for a decision. The Planning Board must render a decision within 65 days of acceptance of the application. An extension can be applied for if necessary.

After some discussion, Betsy made a motion to accept the application. Alan seconded the motion. Keith and Chris voted yes. Jay, Alan & Phil voted no. Dan & Betsy abstained. Motion failed.

Atty. Bostock asked for an explanation of why the application is not being accepted. Phil stated he wants to hear comments from the Police, Fire Department and the Road Agent. Joe said he

contacted the Road Agent and he has not responded. The board stated they need input from the 3 departments noted above.

Alan stated they need to note the location of private and public utilities on the plan. Joe said they did not request a waiver, they intend to comply with our underground utilities requirement.

Alan made a motion to continue the public hearing to February 11. Phil seconded the motion. All in favor.

9:15 PM Break

9:20 PM Informational / Non-Residential Site Plan Review / Marley Taylor / Goboro Road / U5-65

Marley Taylor stated this application is for a daycare for children ages 6 weeks – 12 years. Hours will be 6:30 AM – 5:30 PM M-F. There will be 3 employees. The outdoor chained in area for the kids is 100' long x 40' on one end & 60' on the other end. There is external lighting at the front of the building. Jay said that Matt Moulton's concern is that the rear entrance ramp must always be cleared / shoveled. Also the roof is metal & he is afraid the snow & ice will slide right off. So, some snow diverters may need to be installed.

The plan must show lighting, parking (9' x 18'), dumpster location, indicate the abutters across the street, the traffic pattern, scale and compass.

Betsy made a motion to go to Public Hearing on February 11. Alan seconded the motion. All in favor.

9:50 PM Public Hearing / Proposed Zoning Changes

Phil made a motion to open the public hearing. Jay seconded the motion. All in favor.

Article 2 – To amend Article III D. 3.f. Junkyards Delete “of Seventy-Five Dollars (\$75) and insert “as allowed by most current State Statute”.

Chris made a motion that this proposed zoning amendment be placed on the ballot as written. Jay seconded the motion. All in favor.

Article 1 – To adopt an ordinance for Small Wind Energy Systems.

Dan read an email that Norm Gentry sent indicating that he feels the very small systems (400 watts or less) should be allowed without a permit.

Dan feels that those less than 35' should be allowed without a permit. 35' is the Tower height – not counting the blade.

There was discussion about noise, and it was decided to keep at 60 db.

Phil suggested we set a requirement about soil, so we are sure the windmill is placed on a solid foundation. Keith suggested the wording indicate the foundation must be constructed according to manufacturer's guidelines or be designed by a State of NH Professional Engineer, and be included under Section D “Foundations”.

Replace the section about health. Add the table.

Under Section D “Approval” change the wording to reflect that it must be approved by Underwriters Laboratory or a similar list by NH, and remove the references to approval by State of CA or NY.

Section D “Blade Height” minimum blade height from the ground shall be no less than 18'.

Phil would like to require that batteries must be inspected by the Fire Department.

Section D “Batteries” – Batteries installation must be inspected by Fire Department for safety prior to use.

Jay made a motion to include this proposed changed on the ballot as amended. Betsy seconded the motion. All in favor.

Old / New Business

In 2007 there was a Voluntary Lot Merger of Lots U6-09 & U6-09-1 for Lloyd Brower and Canterbury Cove. The merger was completed & recorded, however the deed was never changed, so this merger is not a legal merger. Barbara stated that Tony has suggested the proper language in a notice to be sent to the Registry of Deeds stating that we rescind the merger.

Betsy made a motion to rescind the lot merger of U6-09 & U6-09-1. Alan seconded the motion. Keith suggested the owners be notified by certified mail of the decision of the Planning Board to rescind this merger. This merger stemmed from a ZBA condition that required these two lots to be merged.

All in favor.

Barbara will prepare the paperwork for our review at our next meeting.

Dan asked if the Planning Board is interested in considering Rokeh Consulting for future engineering oversight. The board would like him to come in for a discussion.

10:30 PM Chris made a motion to adjourn. Betsy seconded the motion. All in favor.