

Town of Epsom
Planning Board
1/13/10

In Attendance: Dan McGuire, Chairman; Phil Demeritt, Vice Chairman; John Keane; Keith Cota, Selectman's Representative; Betsy Bosiak, Alternate; Sharon Burnston, Alternate; Deirdre Davis, Alternate

Not in Attendance: John Dodge; Norm Gentry; Jay Hickey

Also in Attendance: Marilyn Key; Robert Elliott; Webster Stout; Adam Towne; Joe Wichert; Peter Arvanitis; Shane R Stewart; Eric Reid; David Vincent; Carl Sherblom; Dave Fiorentino

6:40 PM Administrative Session

Deirdre is sitting in for Norm Gentry. Sharon is sitting in for John Dodge.

The minutes of 12/2/09 were reviewed. Betsy made a motion to approve these minutes as written. John Keane seconded the motion. All in favor.

The minutes of 12/9/09 were reviewed. John Keane made a motion to approve these minutes as written. Betsy seconded the motion. All in favor. Keith abstained.

The minutes of 12/29/09 were reviewed. Keith made a motion to approve these minutes as amended. John Keane seconded the motion. All in favor.

Mail was reviewed.

The Capital Improvement Program is due to be updated, and CNHRPC prepares this report for us. The cost is normally \$3000, but we have a credit on account of \$2500, so the report will cost us \$500. Betsy made a motion to sign the contract with CNHRPC to update the CIP. Phil seconded the motion. All in favor. Keith noted that the BOS has already signed this contract. Phil, Betsy, Deirdre, John, Keith, Sharon voted in favor. Dan voted no. Motion carries.

There are 3 escrow accounts for review:

Wolverine Management (Mike Gruette) has only the landscaping left to complete and he cannot complete that due to it being winter. Dan checked with Jay and he said the only issue with the landscaping is to check to be sure that the landscaping does not interfere with the sight distance and he will be able to inspect that himself. He recommends returning the approximate \$1,000 in escrow. Betsy made a motion to return the remaining escrow amount subject to all other invoices being paid. Keith seconded the motion. All in favor.

Whitetail Drive (Tony Merullo) this project has been completed since 2004, but money remained in escrow because he thought he would continue to do development in town, which has not taken place. There is approximately \$10K left in escrow. Dan spoke with Gordon Ellis and Gordon informed him that there are two lots that have drainage issues and he's not sure if the town has an easement to fix those problems. Also, he said there is not a turn around on that road, and so he suggests waiting until spring to return the money. Phil suggested doing some research to be sure all requirements have been fulfilled. Keith noted this was a phased subdivision, and research needs to be done to see if all of the phases were completed. If it is not complete, and Mr. Merullo does not wish to complete it, then the subdivision needs to be formally closed. It was decided to review the history and plans and then ask Mr. Merullo to come in to discuss this.

Clearwater Trust this was for a subdivision on North Pembroke Road, and the only money left in the account is interest. The Town of Epsom does not return interest amounts. Betsy made a

motion to close this account of approximately \$1275 and have the funds returned to the general fund. Phil seconded the motion. All in favor.

7:15 PM Continued Public Hearing / Robert Elliott / U11-2-1 / 2 lot subdivision

David Vincent presented a new plan to the board for this subdivision. He noted that this plan reflects the buildable area. He showed that he made the lot lines as straight as possible. He stated that they would not be applying for a permit for wetlands crossing, as Carl Sherblom has designed a bridge for the crossing. This new plan shows a proposed 4 bedroom home (48' x 28') and septic systems. The existing driveway will be utilized for lot 2-1-1 so there will be no impact on wetlands.

Test pits have been done. The new plan has 200' frontage & 2 acres each, however he cannot prove there is 1 acre of contiguous buildable area on each lot. For this reason, he has requested a waiver to Section 5 – Design Standards and Requirements for Improvements 5.2 Lot Requirements (A) -Size. He has asked for a waiver due to hardship because of the wetlands location.

Both lots will be served by municipal water. Keith noted that it is not stated on the plan. Carl said that information would be on the application & David noted that municipal water is a requirement of DES for this subdivision and that note is on the plan.

Phil commented that he believes this is a self-inflicted hardship, and he said he would not even consider the waiver, but that the property is on Town Water. Sharon asked if we do not grant the waiver then can a house be built on the lot as it is. The answer is yes. David said all of the water flows toward the back of the property (away from Black Hall Road).

Dan asked if there is any public comment. Peter Arvanitis noted that a duplex could be built on this lot, as the minimum requirement is 4 acres & 200' of frontage.

Dan said he spoke to Tony & was advised that waivers are granted due to the characteristics of the land.

Sharon feels that the amount of contiguous buildable area is far less than the requirement (approx. ½ acre each). Betsy said the reason for the 1 acre contiguous area is to allow for adequate space for homes, and septic systems. Keith asked about the driveway access on lot 2-1-1, to be sure it is all located on its own lot; David showed that the new driveway will travel very closely to the property line. Lot 2-1 has enough room for a driveway to be placed wherever the home-owner would like it.

Phil made a motion to close the public hearing. Deirdre seconded the motion. All in favor.

Sharon asked what the benefit is to being on municipal water. Betsy & Phil explained that a well would require a 75' radius, which is not necessary when the property accesses municipal water. Sharon asked about there being a desire for greater density along Black Hall Road – but Betsy said that was written in the Master Plan which has not yet been approved. She also asked if this could set precedent & Betsy & Phil both replied yes.

Keith said these two lots meet zoning criteria, but the lot does not meet the subdivision regulations. He noted that the Planning Board requested the applicant to show that a home can be built on each lot, and they have done that. He stated he does not have major concerns about granting this waiver, due in large part because they will utilize municipal water. He also stated that a bridge is proposed on this property & said the board should consider whether to require it to be designed by a licensed bridge designer, and also whether we should require any

oversight, or if we can leave it to the homeowner. He also thinks the old foundations should be noted on the plans so future owners are aware of what is on the property.

Phil made a motion to grant the waiver ONLY because they have access to town water, and they are fields, not wooded lots. Both lots MUST utilize town water. There shall be no wells put on either lot. John seconded the motion.

Dan noted that if this motion fails then likely the application for the subdivision will be denied.

All those in favor: Phil, Dan, Keith, John & Sharon

All those opposed: Betsy, Deirdre

Keith made a motion to approve subdivision with the following conditions:

1 - The easements for the municipal water line & drainage culvert on Black Hall Road shall be prepared for review & approval by Town Counsel before recording of the Mylar. The drainage easement shall be defined by a minimum of 30' wide x 40' long.

2 - The design of the bridge structure for access to lot 2-1-1 shall be designed by a licensed professional engineer in the State of NH and submitted with the building permit request application.

3 - Each lot shall have individual driveway access.

4 - Lot 2-1-1 access shall have a minimum width of 14'.

5 - Both lots shall be served by municipal water as granted by the waiver.

6 - Notice shall be given to the potential buyers of the lots that an existing buried foundation exists within the site.

7 - State of NH approved septic system.

8 - Access to the private burial lots through lots 2-1 & 2-1-1 shall be maintained for public access as required by state law.

9 - The site of the residential structures and accessory structures shall be within the designated buildable area.

10 - This decision shall be recorded at the MCRD and a copy provided to the Zoning Compliance Officer.

John seconded the motion.

Betsy suggested that we require an escrow account for the bridge inspection. Keith stated that this will be located on private property, and he feels it would be better to leave the liability up to the property owner.

All in favor.

8:35 PM – 8:42 PM Break

8:42 PM Informational / Can Do Properties / R13-1 / 111 Lockes Hill Road

Dan noted that a decision will not be granted tonight because there is a tax balance due of \$2647.05. He also noted that ordinarily the Planning Board would not hear their case, but he did not have time to notify them before tonight so an exception would be made.

Web Stout presented a revised plan for subdivision. He also noted that after the site walk and review of the off-site improvements, it was determined that the improvements would be very expensive. So he has redesigned the subdivision of 127.5 acres; creating a cluster subdivision

of 8 lots with approximately 500' of road, across the road from his previous proposal. There would be approximately 65 acres of open space with access directly off of Lockes Hill Road. He asked if he proposed this subdivision would the Planning Board require more off site improvements. Keith replied that speaking for himself he would be looking for the applicant to do a traffic study to determine the future needs of the road, and for the applicant to pay their fair share for improvements required. Phil also noted that a cistern would be required. Betsy wondered if 8 lots would fit in that area.

Shane Stewart represents the bank that holds a \$350K mortgage on this property, and they are trying to figure out a way for the Reids to keep the family home and pay the town what it is due.

Web provided another conceptual for the westerly side of the road with a 3 acre subdivision (2 new lots), and asked if the board be looking for any off-site improvements. Betsy replied that she feels the board would still be requiring the road to be brought up to a 50' width. Keith asked if this subdivision were granted, would they be willing to be limited to no further subdivision. Web said it would have to be discussed. Keith said he would consider this a minor subdivision, but due to the distance from the main road, he would be looking for the applicant to pay a share of the improvement to the road, due to its steepness & narrowness. Phil suggested that they investigate the cost of a dry hydrant, as opposed to a cistern and both Keith & Web stated it would require a lot of damming. Phil also suggested he talk to the Fire Chief.

Web said regardless of what plan they propose, there will be an easement and a hammer head turn around at the top of the hill.

9:08 PM Informational / Cobblestone Commercial (Adam Towne) / U8-82 / Partial ownership change & further construction of the road & subdivision

Joe Wichert and Adam Towne are requesting a bond amount to complete the road to 200' beyond the front lot on Rte 28 and an escrow amount for engineering review for the remainder of the road to bank run gravel all the way through. Adam said we should expect to hear from D'Amante in the near future as he believes they'll be moving forward on their project as well. Adam said he'll be building the road for \$260K. Dan will get a bond estimate from HTA. They need to get the Mylar recorded in order to complete an ownership change of Cobblestone Commercial.

Keith noted that there's a risk to recording a partially finished subdivision. Adam said he's willing to produce a \$200K bond.

9:23 PM Informational / Wood Cote Estates Phase IV / R9-19 & R9-23 / Wood Cote & Albert Nye Drive / 25 lot subdivision

Joe said he provided plans back in November, but they were missing sheets 2-21, so he provided the missing sheets.

Joe asked for clarification of buildable area & setbacks. Joe said he has never excluded building set backs from buildable area. Betsy said if you can't build in a setback, then it's not buildable area. Joe said if they cannot include setbacks in the buildable area, then he will have to recalculate these plans.

Adam noted that the first 3 phases of this subdivision were calculated by including setbacks in the build able area. Lots 7, 8, 25, 29 are likely to be an issue. He now feels that this last phase may not be viable unless it is changed to a cluster subdivision.

Joe said he'll have to recalculate these and will request waivers.

Phil said speaking for himself; he has always interpreted Joe's plans that the outline of each plan indicated an acre – which is incorrect. Phil said he would be in favor of granting waivers because he's been part of this project since the beginning, and recognizes his error in reading the plans.

Keith stated that the interpretation of this board is to not include setbacks. However Joe's interpretation since the beginning of this project has been that setbacks can be included. He noted that the Planning Board needs to correct the ambiguity in the Subdivision Regulations. He suggested that Joe show the areas of the lots in question, for the board's review. They would like to be scheduled for a Public Hearing at the next available date.

Adam also noted that instead of providing open space, he'll be donating 45 acres of land to preserve the snowmobile trail. There is 200' of frontage on the public road. Adam said he'll contact the snowmobile club to ensure that they are willing to be "stewards" of that property; Keith would like them to come before the BOS and indicate that willingness.

Betsy said there are 2 vernal pools and questioned their ability to build a driveway between them. Adam said he met with the EPA and because the land is being donated to the town, the EPA has issued a permit.

Dan will need to get an escrow amount from HTA for engineering review.

Keith made a motion to accept the application for Wood Cote Estates Phase IV. Betsy seconded the motion. All in favor.

Betsy made a motion to schedule the Public Hearing for February 24. Phil seconded the motion. All in favor.

Joe requested that if we have HTA comments prior to that date that they are provided to him prior to that date so they can be addressed at the Public Hearing.

10:05 PM Old / New Business

There was a concern raised about the logging that is taking place on Goboro Road and the number of trucks travelling that road. Keith said there is no local noise ordinance, and the town cannot arbitrarily change the weight limitation on Goboro Road. Peter Arvanitis said he is seeing a minimum of 5 -6 logging loads per day. Letters have been received by residents on Goboro Road about the amount of noise generated, the time of day the trucks are travelling by, the speed of the trucks, and a resident whose mailbox was hit by one of the trucks twice. Peter also questioned the area that is being logged, and wondered what area of land is being logged. The board would like Dan McGuire to contact Dan Reed of New England Forestry Consultants and let him know that there are concerns raised amount of logging taking place.

Phil advised the board that he spoke to Jay Hickey and advised him that he is operating an in home business. There will be no public coming to his house, he will be only off-site and internet sales. He's using only a small portion of his kitchen to produce jams & jellies. His facility will be inspected by the Health Officer.

10:25 PM Public Hearing / Excavation Regulations / RSA 155-E

Betsy made a motion to open the Public Hearing. Phil seconded it. All in favor.

Being that there is no public in attendance for this agenda item, and due to the lateness tonight,

Betsy made a motion to continue this Public Hearing to January 27. Phil seconded the motion.

All in favor.

10:30 PM Phil made a motion to adjourn. Deirdre seconded the motion. All in favor.