

Town of Epsom
Planning Board
2/4/09

In Attendance: Dan McGuire, Chairman; Keith Cota, Selectman's Representative; Jay Hickey; Chris Porter; Phil Demeritt; Darlene Phelps, Recording Secretary

Not In Attendance: Norm Gentry; Betsy Bosiak, Alternate; Alan Quimby, Vice-Chairman

Other Attendees: David Fiorentino; Andrew Walton; Rick & Cindy Belanger; Len Gilman; Rob Topik; Joe Wichert;

6:30 PM Administrative Session

The minutes of 1/14/09 were reviewed. Jay made a motion to approve the minutes as amended. Phil seconded the motion. All in favor.

The minutes of 2/2/09 were reviewed. Phil made a motion to approve the minutes as amended. Jay seconded the motion. All in favor.

Joe Wichert sent an email to Dan regarding a lot line adjustment that was approved last year on the McGourty / Landt properties. There is a slight adjustment to the area, and he would like the Planning Board approval to proceed. He will be placed on the agenda for our February 25 meeting for discussion.

There will be a hearing for the case Harris v. Town of Epsom in Superior Court on Monday, February 9 at 1 :30 PM

Mail was reviewed.

Dan passed out copies of the Master Plan on CD to everyone for review. We will tentatively schedule a public hearing for March 25th.

7:10PM Public Hearing / Non-Residential Site-Plan Review / Dave Fiorentino / Fiorentino Asphalt Maintenance

Phil made a motion to open the Public Hearing. Jay seconded the motion. All certified notices were claimed except Gary & Calvin Yeaton. Dan stated he has received a letter of response from both of these abutters.

Dave explained his plan to build a 24' x 42' garage for storage and maintenance of his personal & business vehicles. There was some discussion about whether Dave is permitted to maintain the vehicles, as the ZBA conditions state storage of personal and commercial vehicles only. Rick stated that the ZBA conditions stated storage only - and does not address maintenance. Rick feels that although the minutes of 12/16 state that Dave intends to maintain his vehicles, it was not listed as an approved activity inside the garage. Len Gilman stated he was in attendance at the Public Hearing and stated there was a fair amount of discussion about maintaining his vehicles, and Dave said he would be maintaining his own vehicles. There was discussion about the process for adding the word "maintenance" to the ZBA conditions. Rob Topik stated that it is a usual & customary practice that people maintain their own vehicles inside their own garages.

There was much discussion about the bermed area for storage of the seal coating material. Dave has provided the board with a demonstration of his seal coating material to show that it will not seep through the stone. Dave explained his proposed bermed area. The entrance & exit will be compacted gravel & the lower berm is 3/8" stone. It would be 5" high. The seal coating material is not a hazardous material. He will have no more than a pallet of 5 gallon pails of paint on site. Phil would like Dave to visit the Fire Department with a list of all materials contained on site. Dave said has already spoken to the Fire Department.

He will plow the snow to the area where water naturally runs. There is no public at all at his facility. Any outdoor lighting will not be aimed toward his home or the Belanger home. There will be no signage.

Rick Belanger stated that the 4 abutting properties listed as Rick and/or Cindy Belanger have been transferred into a trust "78 White Birch Lane Realty". He is in favor of the approval of Dave's application.

Len Gilman, abutter, feels the board is making too much of the flammability of the material. This material is not hazardous and is placed on driveways.

The consensus of the board is that Dave needs to go back to the ZBA to ask them to modify the conditions to include the ability to maintain his vehicles. If that clarification is made, then he will need to come back to this board for an updated Site Plan Review - which will not require a Public Hearing - just a visit to the Planning Board.

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

Dan would like to write a letter to the ZBA and request the change be made. The board does not support this. The burden of that is on the applicant.

Keith made a motion to approve the site plan review with the following conditions: *Only one tanked vehicle not to exceed storage of 2000 gallons of seal coating material. *Fire Department review of the materials on site.

*The property map needs to be updated to show the current ownership of all the abutting properties.

*All conditions placed by the ZBA be followed.

Chris seconded the motion. All in favor.

8:20 PM

Informational/Tom True (Michael Ajamie) / Berry Lane / Subdivision / R10-13 & R10-14 Tom True presented his client's proposal to create 6 lots on Berry Lane. Their intent is to build a town road with a cul-de-sac. He believes they will need an extension of about 100' of the 1000' maximum road length. The lots combined have about 27 acres, and each new lot will have between 2.5 - 6.5 acres. Each lot will have 200' frontage. This will be considered a major subdivision. There will be at least 3 wetlands crossings; if each lot has its own driveway, there will be more. The board would like to see the road built at 1000'. Phil noted that all utilities must be underground.

The applicant will need to come for another informational, and will need to provide an updated plan that shows the following:

*Show a maximum 1000' cul-de-sac to the top of the circle.

*Road frontage as in compliance with our zoning.

*Show all driveway designs on the plan.

*Build able area of each lot.

*Verify ownership of the private road (Berry Lane) and if he does not own it, then he will need to gain approval from the owner to be part of this plan.

Tom will notify Dan when he is ready to come forward for another informational. Keith noted that when he does come for another informational, an escrow amount will be determined.

8:45 PM Old/New Business

8:45 PM Andrew St. Godard of Sinclair Construction approached the board about the driveway on lot #U17-18-2, which is owned by Bill Franks on Fowler Road. Mr. St. Godard gave a brief history of the issues regarding this driveway. According to Mr. St. Godard, over \$22K has been invested in this driveway for engineering, surveying, etc. He is requesting that a CO be issued for this property.

Jay stated that Gordon Ellis was not happy with the way the driveway was built and doesn't believe it meets the town guidelines. Mr. St. Godard said he has a waiver for a driveway built with an 11.3% grade. His engineer has provided a profile that shows an 11.4% grade, with the exception of 15'. Keith stated that the engineers plan shows a composite grade - and our requirement was a maximum of 11.4%, not a composite. George Carlson has the original engineered plan which he feels shows a composite grade. There are areas of 15%.

The minutes of the 8/13/08 & 12/30/08 meetings were reviewed and it appears that the Planning Board wanted a design that is safe.

The argument by the applicant is that the driveway has withstood torrential downpours and is working just fine. Dan stated he drove up the driveway a couple of weeks ago - it is steep, but he made it to the top & turned around & came back down, without trouble. George stated the driveway is working well. George said he was given the authority to approve the as built design, and he does not believe he erred in approving the driveway. He feels the plan of 11.3% was presented in good faith.

There was discussion about whether a guard rail should be placed at the bottom of the driveway. George is in support of a guard rail.

Keith made a motion that the driveway be built

Dan stated he asked Gordon to be here at this meeting, but he is not in attendance.

Phil made a motion to continue this discussion until our next meeting, on Wednesday, February 11. This will allow all board members the opportunity to visit the site.

Jay seconded the motion. Chris, Keith, Phil & Jay voted in favor. Dan voted against. Motion carries.

9:30 PM

Discussion regarding R10-23, 23-1, 23-2 Hoit Road Estates with Joe Wichert. A Right-of-Way was originally supposed to be granted by one of the property owners. The agreement has never been signed by the property owner, so their only option is to sue them. So he would like to change the road configuration and the lot configurations of lots 11, 12 & 13.

Jay made a motion to contact the original engineer who reviewed this plan originally, and ask them to review the changes. Phil seconded the motion. All in favor.

9:45 PM

Corey Woodward / U14-10

Dan passed out copies of minutes from October 8, 2008 and October 22, 2008. Dan said he asked Nancy if Corey paid the fee to record the Mylars, and she said yes. However, Jay said the fees have not been received. The minutes of 10/8/08 state that the Mylars were never signed, however Dan said they Mylars were signed on 10/7/08 by James Bowen.

The issue is that Corey wants the bond waived, as he will need to post 80% of the amount to his bonding company, and he doesn't have the cash for that. He is requesting that we not record the Mylar until the road is built.

Phil's concern is that if he can't afford the bond, then can he pay to build the road?

Phil made a motion to deny his request to waive the bond requirements. Jay seconded the motion.

Dan stated he has sympathy for the applicant, because he is having financial difficulties. The rest of the board said he has been claiming financial difficulties for a long time. All in favor.

10:02 PM

Jay expressed his interest in hiring a planner to work for the Planning Board. The job is too much work for the Chairman to have to undertake. Chris said as long as it is fee based, he would support it. Jay suggested that we start with the LGC to get some feedback on rates.

Chris suggested that the CNHRPC may have people who work on a will-call basis.

Phil made a motion that Jay begin the investigation. Chris seconded the motion. Phil, Jay, Chris voted in favor. Dan voted no. Keith abstained.

10:05 PM

George asked if we still want him to review driveways. The minutes of 12/30/08 were reviewed and it was decided then that Gordon will review all driveways and if he feels it needs engineering input, then he will refer it to George.

10:10 PM

Phil made a motion to adjourn. Jay seconded the motion. All in favor.