

**TOWN OF EPSOM
PLANNING BOARD
FEBRUARY 11, 2009**

In Attendance: Dan McGuire, Chairman; Alan Quimby, Vice Chairman; Jay Hickey; Phil Demeritt; Keith Cota; Betsy Bosiak, Alternate

Absent: Chris Porter; Norm Gentry

Other Attendees: Donna Cadose; Gary Morin; Rose Kimball; Butch Kimball; Vichelle Naugle; Karen Hunt; Ashley Hunt; Diane LeSage; Jim LeSage; Mike Dempsey; Janet Henry; Charles Henry; Deborah Katsirebas; Tristan Anderson; Mark Racine; Claire Racine; Joy Tyrrell; Peter Arvanitis; Barbara Taylor; Dan Verville; Russell Bartlett; Marilyn Key; Roger Bennett; George Carlson; Gabe Estabrook; Cindy Estabrook; Marley Taylor; Seth Bostock; Kevin Mitchell; Donna Berberian; Kurken Berberian; Janet Ware; Angela Boucher; Jeff Lewis; George Taylor; Don Bartlett; Reed Davis; Deidre Davis; Pamela Hoyt-Dennison; Bernice Jetto; Bernadette Dempsey; Gordon Ellis; Barbara Clark; Rachel Clermont

Dan McGuire opened the meeting at 6:30 PM. Dan announced Betsy would be setting in for Chris Porter.

Administrative Session

The minutes of February 4, 2009 were reviewed and amended.

Keith made a motion to accept the minutes as amended with Phil seconding the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed with 4 yeases, Betsy and Alan abstained.

Dan reviewed the mail received since the last meeting.

Mr. Frank had sent a letter regarding the driveway of U17-18-2. Gordon Ellis noted the driveway was over 12% and discussed issues with the driveway. A swale was constructed that Gordon felt would fail with the water going onto the neighbor's property. Gordon felt the guardrail was a good idea. Dan asked if Gordon felt it was reasonable for the Board to ask Mr. Frank to lower the grade of the drive, Gordon felt it was.

Keith asked if Gordon feels the water would create road problems, Gordon felt it would not, but would on the neighbor's property.

Keith asked Gordon his concerns with the steepness of the driveway. Gordon noted if it was slippery a car could slide into the road. Keith noted this driveway was similar to his driveway and it was his responsibility for his driveway.

Keith noted the State maximum for a residential driveway was 15%, the town's maximum is 12%, and he discussed the waiver granted.

Jay reviewed George Carlson's past letter for what should be required. The grade of the driveway was discussed along with the underground utilities which may have to be relocated if the driveway grade was lowered. Keith noted to modify the driveway now would require removing the drive pack, change the utilities and redo the ditches. It would be expensive and the Board needs to decide if it should grant another waiver. The drainage has been addressed with any problems between the neighbors it would be a civil matter.

Keith noted to resolve the issues the Board could grant a waiver or request the owner build the driveway to a consistent 11.3% grade.

Alan made a motion to grant the waiver with Keith seconding the motion.

Dan asked if there was any discussion on the motion.

Jay said it would be easier for him to make a decision if he knew if the underground electrical lines would have to be moved. He felt the Board should request the driveway be built per plan.

There being no further discussion on the motion, Dan called for a vote. The motion passed with 4 yeses and 2 nos.

The Master Plan was discussed with the public hearing being set for 4 weeks.

Public Hearing – Marley Taylor – Circle Child Care – U5-65

Phil made a motion to continue the Public Discussion with Jay seconding the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Phil was concerned with the parking space closest to the building and gate. He felt a car parked there could hit the building behind it as it tries to leave the parking space. He suggested making a parallel space or removing that space.

Betsy has a concern with the parking and children walking in front of or behind the cars with no sidewalks to walk on.

Keith asked who drew the parking layout. Ms. Taylor noted it came from a previous site plan by Holden Engineering. Keith scaled the parking spaces noting they were greater than required. He suggested doing a space requiring a 90° entrance. The last two spaces could be parallel parking for staff with the remainder being 9' X 18'. The perpendicular parking would give a better traffic flow.

There was no one from the public present who spoke.

Phil made a motion to close the public hearing with Alan seconding the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Keith made a motion to approve the site plan for Ms. Taylor, Circle Child Care, U5-65 with the condition the parking be reconfigured to perpendicular (9' X 18' spaces) with two parallel spaces in front of the Custom Concepts building and for the Board to receive a new plan showing the parking change, Jay seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Informational – Janet Ware – Children’s Playroom – U4-39-1

Jay noted he had spoken with Ms. Ware and was not sure if she should come before the Board.

Mrs. Ware discussed they wanted to open a children’s playroom with play structures and attractions for children to do. The parents would be required to remain with the children.

Phil asked if they would be selling anything, Ms. Ware noted packaged snacks, birthday parties and family reunions could be held there. They would also have T-shirts and small toys for sale.

The playroom would be open from 9:00 AM to 7:00 PM Monday through Saturday and 12:00 PM to 5:30 PM on Sunday. There would be no arcade games.

Keith asked the traffic load. Ms. Ware noted they projected no more than 48 children per day with a maximum of 12 families at a time. The signage would coincide with Kosmos Pizza’s.

Keith noted the use was within the scope of the original approval, he had a concern with the parking. Ms. Ware noted there were 21 spaces in front of the building with additional room in the rear of the building. Jay noted the Fire Department and Health Officer would be doing an inspection. Ms. Ware also planned to have the State do an inspection.

Phil made a motion the children’s playroom by Janet Ware is consistent with the site plan and no further action would be required by the Board, Jay seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Public Hearing Continued – Bartlett Subdivision – Goboro Road – R13-36-1

Dan noted the Board had not formally accepted the application for this subdivision.

Phil made a motion to accept the application, Jay seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Keith made a motion to reopen the continuance of the public hearing, Phil seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Two letters sent in by the public (Henry & Sarah Krycki and Roger Bennett) were read and then the Board received public input. Dan requested comments not repeat previous comments, but people just state they were in agreement or not with previous statements.

Phil exited the meeting for Emergency Response.

Public input was received as follows:

Barbara Taylor: Agreed with statements in Mr. Bennett's letter. She noted the town was also faced with growth whether the residents liked it or not, she asked how to keep it at a reasonable level.

Rachel Clermont: Ms. Clermont was not in favor of 42 homes, she had wetland concerns. Ms. Clermont felt Goboro Road could not handle the traffic. She would rather see low-income or elderly housing.

Kevin Mitchell: Agreed with previous statements.

Brenda Mitchell: Agreed with previous statements, the roads can't handle the traffic, people already drive too fast on the road.

Claire Racine: Agreed with previous statements, she thought the traffic was too much.

Marc Racine: Agreed with previous statements.

Mike Dempsey: Agreed with previous statements, he was concerned with traffic in the summer with Lazy River Campground being open. Also getting onto Route 28 could be a problem. The corner of Depot and Goboro Road is a problem. He did not think this development was a good fit for the area.

Pam Hoyt-Dennison: She has been a vocal advocate of dropping the speed limit on Goboro Road. It is too narrow and not designed for more traffic. She suggested dropping the speed to 20 MPH; it is an accident waiting to happen.

Joy Tyrrell: Agreed with previous statements. She walks Goboro Road; the traffic in the summer is horrific and would be unsafe with 42 additional cars.

Chris Anderson: Is opposed to the development and agrees with the previous statements, he has concerns with environmental impacts.

Deborah Katsirebas: Moved to Epsom for a small town atmosphere, is opposed to the development.

Gary Morin: Agreed with previous statements.

Jim LeSage: Agreed with previous statements.

Diane LeSage: Agreed with previous statements.

Donna Berberian: Agreed with previous statements.

Rose Kimball: Agreed with previous statements.

Butch Kimball: Agreed with previous statements. He was disappointed as this is a nice piece of property with a lot of wetlands. He knows it is the Bartlett's land and doesn't know if they can stop the development; it is a bad place to have 42 houses.

Reed Davis: They have a case in court. People with money can hire people to say what they want and then leave town once a project is done.

Deidre Davis: She asked where the town would be coming up with the money for the upgrades for the roads, schools, etc.

Pete Arvanitis: He is against the development due to the location; the headlights would shine into the Naugle's driveway. He did agree with the developer's statements of less than .5 children per house.

George Carlson: He is against more people coming into town; he hopes they will make road improvements.

Ashley Hunt: Is opposed to the development.

Karen Hunt: They have had vehicles in their lawn; it is dangerous where the road is coming out. She is against the size of the development; she thought maybe a lower scale development due to the road and amount of people.

Vichelle Naugle: She lives on the inside of the corner and is shocked where the road is coming out. She has an open mind but wants more information as she is very concerned with the corner. Traffic goes too fast to have an entrance on the corner is dangerous. There are too many safety issues; drainage on the corner is bad.

Janet Henry: She can relate to the speed limit and the condition of the road. She is not in favor of a 42 home development; maybe they could do something less.

Charles Henry: The town has had a default budget for 4 years, he did not agree with the number of children. He is assuming \$6,000.00 per year in taxes for each house with it costing \$10,000.00 a year to educate a child. He thought this could have a negative impact on Epsom. The economy is not that good; he did not know why they would try to develop the property now.

Dan Verville: If the campground had year round sites it would create more impact than Mr. Bartlett's development. Environmentally he would rather see Mr. Bartlett develop the property than an out of stater.

Cindy Estabrook: Agreed with previous statements and with all that was said at the last meeting. She noted the board said to check Copperline that has 43 approved houses. Only 15 to 18 are built, the town has not felt the full impact of that development; two houses are back on the market. She felt the speed limit on Goboro Road should be lower.

Gabe Estabrook: Agreed with his wife.

Don Bartlett: The developer is a relative. The curve was redone in 1989 or 1990. There is no clear way to make the curve safe other than to lower the speed limit. At one time the town was going to put in a stop sign, but then agreed to not do that.

Marilyn Key: Is against the project.

Dan wanted to hear from the Road Agent.

Gordon Ellis, Road Agent: Goboro Road is bad, it needs improvements. He is sure the Planning Board will have the developer do them. As to the speeding, he suggested the Police Department give out tickets; that is a separate issue. He felt the roads within the project should be bonded until the project is built out with the roads not accepted by the town until the development is built out. Regarding the location of the new road, if the corner is to stay the same, he suggested moving the road to make it safer. He suggested the purchase of the house on the corner and reconfigure the road. He has drainage and other issues. He felt the engineer undersized all the culverts on the roads. With regards to the detention basin, the engineer says the water is to stay on the property but the town ends up with the maintenance expense. The Planning Board should take this into consideration; he does not like the ponds.

Rachel Clermont: Asked if the process the developer was going through with the Planning Board was regulatory. She knows they have to fix the road. She asked if there was something the Board could say as the town does not want the development.

Dan: The Planning Board is a regulatory board. People have a right to do what they want on their property. The Planning Board is to see there is no impact on the neighborhoods or the town. The Planning Board does not have the authority to say people can't develop their property because people don't want it. The town has regulations as to how developments can go forward, they could find a regulation to kill a development, but eventually a plan to meet the regulations will be found with conditions, etc.

Rachel Clermont: Asked if the Planning Board had the power to grant variances, with Dan responding some. Dan noted the question is "are they violating the regulations?". Public opinion is important when asking for improvements.

Keith Cota: The developer is not asking for variances. Only through the ZBA can variances be granted if something can't meet the zoning regulations. This Board works within the regulatory process, it has statutes. The process starts with the Master Plan, identifies zones and looks at many items. That section of town is Residential - Agricultural. The Planning Board develops regulations that are voted upon and they have to follow them. Keith discussed the zoning regulations. Cluster development brings units together with less road and more land left alone for wildlife habit. This Board needs to weigh in the cluster development. In the process of trying to show us they are meeting the regulations, nothing gives the Board the right to deny a development. It is a gray area with strong concerns with the size of the development. As a Planning Board we need to determine what needs to be addressed. The Board may direct the developer to do a traffic study and how it affects the road. Keith also

discussed the subdivision regulations and what they contain. Keith discussed having an engineer, based upon an escrow account, review the plans. The Board will not tell the developer to go home based on the comments tonight. If they satisfactorily address the concerns, the property will be developed. Keith discussed the growth ordinance and the intent for the town to absorb growth. He appreciates the comments from the public.

George Taylor: At one point the intent was to get access from the land to New Orchard Road.

Russell Bartlett: I have spoken with abutters in the past, but it is not part of this development.

George Taylor: He is concerned with the land being so heavily wetlands. He asked how they could build when they were affecting wetlands.

Keith Cota: Explained the hydrology report is looked at, the number of wetland systems being affected. He noted it is also reviewed by DES.

Donna Berberian: Asked if more meetings would be open to the public and asked to hear comments regarding the Capital Improvement Program.

Dan: All meetings are open to the public with the agenda being posted at the post office and town office.

Discussion occurred regarding posting on the Website. It was asked to have agendas put in the Suncook Sun, the Board does not have the money and it is a timing issue.

Keith Cota: The Board will be continuing the hearing process; all abutters have been given notice. The Board had accepted the application; a formality with the developer providing information to start dialog. The Board has to make a decision in 65 days. If it does not have all the information a waiver can be requested from the Selectmen. The Board has until April 19th to render a decision.

No further public comment was offered.

The Board recessed from 8:35 PM to 8:45 PM.

Dan began discussion of the Board addressing the SFC letter of February 11, 2009. Discussion ensued regarding loop streets, cul-de-sacs and the 1,000 foot limit. The Board also would need to determine if they would want to require a wider road from the entrance of the development until the loop begins.

It was discussed if the Board wanted to possibly make the area a 26 foot collector road. Mr. Bartlett noted the plan is the same as the Board saw in July. He had walked away from previous meetings with the idea the road was acceptable. He asked if the design was tied to the other cul-de-sac. Mr. Bartlett noted they have made a wetlands application based upon the plan. DES has noted the wetlands and some lots may have to be removed due to their impact.

Keith noted this Board has not approved the road layout and going through the regulatory process is their risk.

Attorney Bostock would like a determination of how the Board feels.

Keith discussed the way the Board has made decisions in the past; he noted the question is the internal cul-de-sac with it sounding like there may be issues anyhow. He would support a loop road with no fingers off of it.

The waiver for the loop on Stillwater Estates being at 1,200 feet being granted was asked about. Betsy noted it was granted based upon engineering input for road grades, sight distance, etc.

Discussion of a wider road for the first 700 feet occurred. Mr. Lewis felt they could be comfortable with complying with this request.

Alan noted the Board heard discussion regarding the location of the road. Mr. Bartlett used to live in the house on the corner; he did not think the headlights would affect it.

Betsy asked to have the centerline of the road flagged. Mr. Wichert said flags are in for the road. He noted he could locate the house if the neighbor gave permission to enter that property. Mrs. Naugle wrote out permission and gave it to Mr. Wichert.

Discussion continued with Keith asking for a Board consensus if the entrance road was a collector vs. local road. The ordinances were reviewed regarding road classifications.

Phil rejoined the meeting.

Keith discussed RSA 36:55 – Regional Impact and read the six criteria. He felt the following qualified the development as a regional impact:

- The number of units
- Proximity to the neighboring town
- The transportation network, admission of light, exhaust, etc.
- Proximity to surface water (Suncook River)
- Shared Facility – BCEP

Keith felt having met five of the criteria Chichester and CNHRPC should be given notice of the development as a regional impact. This would allow Chichester the same authority as an abutter.

Keith felt the developer should address the traffic impact with input for a traffic analysis be done with regard to the impact to the intersection of Route 28 and Depot Road.

Keith noted the junction of Goboro and Depot Roads should be reviewed with the limited sight distance. He noted they need to determine if Goboro Road can safely handle the traffic and the criteria for internal intersections needs to be addressed. The sight distance needs to be addressed.

Keith felt the Board should request a traffic study based upon today's traffic and the traffic 10 years out with an engineering assessment of where their road meets Goboro Road.

Keith made a motion according to RSA 36:55, the definition of regional impact the Epsom Planning Board finds the proposed development of Towle Farm Estates,

Tax Map 13, Lot 36-1, proposed 42 unit cluster development has regional impact to Chichester and grants Chichester the same status as abutters, Phil seconded the motion.

Dan asked if there was any discussion on the motion.

Jay asked if Pittsfield and Barnstead should be notified, it was determined they did not need to be.

There being no further discussion on the motion, Dan called for a vote. The motion passed unanimously.

Keith noted the items that need to be provided to the town of Chichester and the Central Regional Planning Commission. He noted the information should be provided to Epsom who would forward it to the appropriate agencies. Keith noted notice needed to be sent by certified mail to the Town of Chichester within 144 hours.

Keith made a motion to request the developer complete a traffic impact study based on NHDOT traffic impact requirements and consider the 10 year projected traffic analysis.

Mr. Wichert noted Mr. Bartlett had met with Bill O'Donnell and had an e-mail from Mr. O'Donnell as to what DOT would be requiring. A copy of the e-mail was given to the Board. Further discussion as to what should be required ensued.

Keith changed his motion to have the developer complete a traffic study based on guidance of the District 5 Access Engineer, Betsy seconded the motion.

Dan asked if there was any discussion on the motion.

Mr. Lewis said the recommendation from Mr. O'Donnell was to use existing data. Discussion as to how the traffic study was to be done occurred.

There being no further discussion on the motion, Dan called for a vote. The motion passed unanimously.

Keith felt the Board needed to have the intersection looked at and does it have ample sight distance and what would need to be done to have a safe intersection with the town road. Mr. Lewis indicated they have a plan and will submit it to SFC for comment.

Dan asked about the comments regarding the speed and traffic on Goboro Road.

Mr. Bartlett has spoken with the Police Chief being told there have been no dramatic accidents in the area.

Keith noted the Board should be looking at the evaluation of more than just sight distance, but decision distance also, where is the logic of a 32 foot road going into a 21 foot road.

With regard to the comments by SFC, Mr. Wichert felt they could submit comments and address most of SFC's comments within a month. Some will have to be addressed with the Board.

Keith has gone through SFC's evaluation; he has some concerns the Board needs to discuss. He is concerned with the runs of the ditches without outflows, the catch basins on 2:1 slopes and access to them. He was concerned with the transitions of short curves and would like to see information on the super elevations. There was a Board consensus Keith forward his concerns to SFC and the applicant.

Keith made a motion to continue this public hearing until March 11, 2009, Jay seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

New Business

Schedule Public Hearing for Beaton-Snyder Lot Line Adjustment – U19-59 & 60

Betsy made a motion to go to public hearing for the Beaton-Snyder Lot Line Adjustment on March 25, 2009, Alan seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Jay discussed the growth ordinance is in effect, the Board has not set a permit limitation. Jay will obtain the school information and talk to Regional Planning.

Keith made a motion to adjourn, Jay seconded the motion.

Dan asked if there was any discussion on the motion, there being no discussion on the motion, Dan called for a vote. The motion passed unanimously.

Dan adjourned the meeting at 10:40 PM.

Respectfully submitted,

Betsy Bosiak
Substitute Secretary