

**TOWN OF EPSOM  
PLANNING BOARD  
MARCH 24, 2010**

**In Attendance:** Philip Demeritt, Vice Chairman; John Dodge; Jay Hickey; John Keane; Deirdre Davis; Sharon Burnston; Keith Cota, Selectman's Representative

**Other Attendees:** Vichelle Naugle; Russell Bartlett; Marilyn Key; Roger Bennett; Barbara Clark; Eric Reid; Mark Brodeur; Webster Stout; Robert Carson; David Cass; Cynthia Larsson; Norm Gentry

**Phil opened the meeting at 6:32 PM.**

**Administrative Session**

**Minutes:**

The minutes of March 10, 2010 were reviewed and amended.

Keith made a motion to accept the minutes as amended, Jay seconded the motion. The motion passed.

**Election of New Officers:**

Phil noted the Board had to elect new officers: Chairman, Vice Chairman and a new position on the Hazardous Mitigation Committee. Phil explained the new position.

Jay motioned to nominate John Dodge to the Hazardous Mitigation Committee with Sharon Burnston as the alternate, John Keane seconded the motion. The motion passed. Phil asked John and Sharon to let Joanne Randall know they would be representing the Planning Board on the Committee.

John Dodge nominated Deirdre Davis as Vice Chairman, Jay seconded the motion. The motion passed, Deirdre abstained.

Sharon nominated Phil Demeritt as Chairman, Deirdre seconded the motion. The motion passed with 6 in favor and 1 no vote (Phil).

John Dodge agreed to continue as the ZBA representative.

Keith noted the Board should have a member to the Central New Hampshire Regional Planning Commission's Transportation Committee. Sharon nominated Jay Hickey to represent Epsom on the CNHRPC Transportation Committee with John Keane as the alternate, John Dodge seconded the motion. The motion passed.

Betsy noted the Board needed two members to attend the quarterly Central NH Regional Planning Commission meetings; currently Chris Porter and she are the representatives. The Board determined they would like to have Board members as the representatives. Betsy will continue as a representative with Phil being the other representative.

Sharon nominated Norm Gentry as an alternate member of the Board, Jay seconded the motion. The motion passed.

Final minutes approved by the board.

3/24/10

### **Voluntary Merger – Rita Lafleur – U17 Lot 23 and U17 Lot 24 – Route 28**

Barbara noted the two lots were non-conforming and would create a non-conforming lot.

Jay motioned to approve the Voluntary Merger of U17 Lot 23 and U17 Lot 24, Deirdre seconded the motion. The motion passed.

Barbara noted the Board of Selectmen reviewed the list of roads for traffic counts submitted by the Planning Board, it was approved. The list has been forwarded to the CNHRPC.

Barbara has spoken with Matt Monahan of CNHRPC. He will be creating copies of the Master Plan for the Board to use for review and a copy for the office. Matt is willing to meet with the Board if they desire before or at the public hearing. It will be several weeks before the material is available.

Public Service Company has forwarded information regarding Transmission Line Easement Encroachment Review Requirements asking the Board to review and use the guidelines when approving items on properties with easements. Phil suggested everyone review the information to be prepared for its use.

Phil noted the Annual Planning Conference would be held on May 8, 2010 in Nashua. He gave the Board information. Phil had information on an Agricultural Commission Workshop to be held April 12 by the CNHRPC.

### **Continued Public Hearing / Wood Cote / Phase IV Subdivision / R9-19 & 23**

Phil received an e-mail from Joe Wichert requesting a continuation as the review has not been finalized between HTA and their engineer.

Keith motioned to continue the Woodcote Subdivision Phase IV until April 14, 2010, John Keane seconded the motion. The motion passed.

### **7:12 PM Public Hearing / Can Do Properties / Subdivision / R13-01**

John Dodge motioned to open the public hearing. Jay seconded the motion. The motion passed.

Web Stout reviewed the plans, noting the existing drainage swales and the need for drainage easements for them. He reviewed the profile for the driveway for Lot 1-2 and Note 8 on the plan indicating the drive needed to be 14 feet wide. Its maximum grade is 10%. Barbara has approved the numbering of the lots. The test pit has not been completed for Lot 1-1 so they do not have State approval. They have made the Right-of-Way on Lockes Hill Road 50 feet wide; with the Town to be given the land as well as an easement for a turn around. The turn-around is now 50' X 85'.

Mark Brodeur asked why the houses were so far back on the lots. Mr. Stout explained it was due to the Town's regulations and the location of the buildable area on the lots. Mr. Brodeur was concerned with noise from his new abutters. He asked how far the homes would be from the brook, Mr. Stout noted the plan shows 140 feet but the buildings could be anywhere on the lots.

Final minutes approved by the board.

3/24/10

Cynthia Larsson asked about the plans for Lockes Hill Road. Mr. Stout noted the owners would be granting the Town the Right-of-Way and a turn-around; the class 6 portion is not being opened.

Keith commended the property owners for laying out the 50 foot right of way asking if it would be turned over to the Town as fee. Mr. Stout indicated it would be done as the Town wanted.

Keith noted the driveway to Lot 1-2 should be 14 feet wide if it is over 300 feet long. There are no specifications for the material to be used on the driveway. Keith requested a note that crushed stone or gravel sufficient for fire equipment be used. Keith requested the turn around be constructed with crushed gravel or stone; it should be constructed and approved prior to the issuance of any occupancy permits.

Robert Bennett noted the turn-around was not at the end of the traveled portion of the road. It was explained the turn-around was for emergency vehicles.

Keith noted Plan 1 was missing the property lines, Mr. Stout will correct this.

Jay noted the Board has not done any conditional approvals in a long time, he is uncomfortable doing one. Keith noted the Road Agent was lifting the ban (road postings) this week. He suggested a continuance until next month.

Jay motioned to continue the public hearing until April 14, Deirdre seconded the motion. The motion passed.

Robert Bennett noted there is a great deal of swamp land on lot 1-2; he asked if anything regarding extra drainage was considered. Phil noted it was considered as part of the plan.

### **Continued Public Hearing / Towle Farm Estates/ Subdivision / R13-36-01**

John Keane motioned to open the continued Public Hearing. Keith seconded the motion. The motion passed.

Russell Bartlett noted he was present to update the Board. A meeting was held last week with Keith, Phil, Joe Wichert, his attorney, Town Counsel and himself. The two attorneys are to communicate regarding the process and benchmarks for the various phases and remedies if the developer defaults. The attorneys have not completed their work.

Keith noted in the concept they are looking at the approach with the phase development. The question is how to protect the Town with the growth ordinance and other regulations. Keith discussed the potential agreement. Keith noted the developer would lose any vested rights based upon the amount of time allowed to develop the property. Keith noted Town Counsel had surgery this week, but the attorneys have agreed to work quickly on the agreement.

Keith noted a portion of the property was in Chichester, approval from Chichester should be obtained or the Bartlett's could retain ownership of that property. Russell needs to discuss this with his attorney to determine how to handle it. Keith noted if they go to

Final minutes approved by the board.

3/24/10

Chichester for approval this Board should not make a decision until they obtain approval from Chichester.

Keith noted the board is reaching a point when they will be making a decision. He suggested Board members make a list of the conditions that would be appropriate. Keith noted the Board needed to determine the timing of the off site improvements.

Russell requested an extension of the application approval for 90 days from April 14.

John Keane motioned to continue the application and Public Hearing for 90 days from April 14, Jay seconded the motion. The motion passed.

Mrs. Naugle noted there is a lot of water on the property. Mrs. Key noted she has walked her property lines; Mr. Bartlett has cleared to the property lines. Her land in this area abuts the conservation land.

Russell noted there were areas that were not cleared; it depended upon the timber and the location. Keith felt it would be appropriate for this Board to get reconfirmation from the potential easement holder they will still hold the easement.

Deirdre is concerned there is open space with no access to it upon approval of Phase 1. Keith noted that is something that has to be determined.

Mrs. Naugle asked who would be liable if someone goes to the conservation land and is injured. It was noted the property owner.

Mrs. Key asked when the conservation easement would take place, Phil noted upon approval which is why access is needed to the area. Keith noted they should keep in mind the legal responsibility for the conservation land is not the responsibility of the Town, but the entity holding the easement. Keith indicated rights would be granted to the holder of the easement as they are going to require access to the site.

Keith motioned to continue the public hearing until April 28 at 7:00 PM, John Dodge seconded the motion. The motion passed.

**The Board recessed from 8:10 PM to 8:17 PM.**

**Mail:**

Phil noted the Board had a letter from the Fire Department regarding the cistern at Wood Cote. The Fire Chief has indicated Mr. Towne will be able to install the same cistern in all locations within the development with the Fire Department choosing the locations.

The board has received a review of the drainage report for Wood Cote and Albert Nye from HTA.

**Old/New Business**

The default budget was reviewed with amendments made to some lines.

Jay motioned to approve the default budget as amended, John Dodge seconded the motion. The motion passed, Keith abstained.

Final minutes approved by the board.

3/24/10

Jay noted the old Agway property behind the tobacco store is contaminated, and DES is funding a clean-up of the site. Material is being removed and the ground water treated.

**Jay motioned to adjourn, John Dodge seconded the motion.**

Phil adjourned the meeting at 8:45 PM.

Respectfully submitted,

Betsy Bosiak  
Substitute Secretary