

Town of Epsom  
Planning Board  
6/24/09

**In Attendance:** Dan McGuire, Chairman; Phil Demeritt, Vice Chairman; John Keane, John Dodge, Jay Hickey; Norm Gentry; Betsy Bosiak, Alternate; Keith Cota, Selectman's Representative

**Also in Attendance:** Simon Leeming; Dan Weldon; Laurie Evans; Gordon Ellis; Michael & Nick Hoisington; Sharon Burnston; Joe Wichert; Ronald Pinard; Brenda Lee Grant

**6:30 PM Administrative Session**

There was a brief procedural discussion about the use of cell phones during our meetings.

The minutes of 6/10/09 were reviewed. Keith made a motion to approve the minutes as amended. John Dodge seconded the motion. All in favor.

Dan stated he received a phone call from Marc Sabol. He is looking to open a repair shop for hybrid cars on U5-23 (a 20 acre lot), which is on Rte 28 beside C.A.R.S. After a brief discussion it was determined that there may be conditions on that property that would prevent further development, as they already have a plan on file to build a duplex on that property. Dan is going to call him and suggest that he come before the board for a conceptual review. Barbara Clark said he has been into the office & has been advised as to what applications he needs to fill out. He will likely need to go before the ZBA for a Special Exception as well.

**7:05 PM Gordon Ellis**

Gordon said he is applying for FEMA funds to repair scenic Sanborn Hill Road so it doesn't wash out every time we get heavy rain. This will require removing some trees. Dan advised that we do need to have a public hearing before those trees can be removed. The public hearing has been scheduled for Wednesday, September 9.

**7:15 PM Public Hearing / Dan Weldon / R15-2 / 304 North Road / 3-lot subdivision**

Phil made a motion to reopen the continued public hearing. John Keane seconded the motion. All in favor.

(John Dodge stated that he has had dealings with Attorney Leeming in the past, however feels he can be unbiased and does not feel it is necessary to recuse himself.)

Attorney Simon Leeming addressed the board on behalf of Dan Weldon in regard to a shared driveway. He has supporting documentation (from an appraiser, and two brokers) that a shared driveway is less desirable for both parties of a shared driveway, and does reduce the value of a piece of property. Simon said that Epsom Zoning Ordinances do not address shared driveways, and if they did – he would request relief from that ordinance on behalf of his client. In response to wetlands impact, he stated that the Conservation Commission was advised of the plan and has not raised any issues with it, and any approval by this board would be conditional upon State Subdivision Approval. The issue of safety (speeding) is not going to be solved by one or two driveways. Joe Wichert has determined there is a line of sight of 450' at the southerly end of the subdivision, which Simon feels is adequate. They have removed evergreen bushes, trimmed trees and moved the driveway in an effort to improve safety in that area. They have agreed to increase the culvert size, and increase the width of the driveways.

Joe Wichert passed out revised plans. He stated that they are showing the line of sight as if you are sitting in a car at the end of the driveway (which shows 400' in one direction and 450' in the other direction), and also the line of sight as if looking toward the driveway – one way is 385' and the other 340'.

Joe said they revised the driveway portion that was on the last plan at 0% grade, so it now shows a 1% grade.

They did hear back from DES on State Subdivision Approval and that is pending a Dredge & Fill permit. They are still waiting for the sign off from the Conservation Commission.

Keith thanked Joe for looking more closely at the plan and commended the developers for revising the driveway location on the existing lot.

Gordon asked what size the culverts are and Joe replied they are 24' concrete culverts. Gordon also stated that he has seen plenty of shared driveways in town that work just fine.

Mike Hoisington, abutter on North Road, he said at the last meeting there was talk about moving the driveway on the northern side of lot 2-2 closer to his property, and he is not in favor of that.

Phil replied that Simon had stated they would not be doing that. Mike said he'd like to see a buffer between the driveway and his property to prevent lights from shining into his house as the cars drive down that driveway. Dan Weldon is agreeable to that.

Joe stated that both driveways are 14' wide.

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

Discussion:

Phil suggested the following:

A heavy evergreen buffer (arborvitae) should be planted between the new driveway on Lot 2-2 and Lot R10-18 for about 60' starting at the wetland crossing going toward North Road. "Do not cut" placards must be placed on the buffer trees. This is also to be recorded on the deed for Lot 2-2.

The existing house can be renovated providing at least 50% of the structural frame remains, or the existing structure is to be removed and a replacement structure must meet all current setback requirements.

Permanent wetlands delineation markers must be placed.

Stones to be placed in the existing driveway when the new driveway is cut, to prevent use of the existing driveway on Lot 2.

Lot 2-2 the bar way to be blocked off by stones as well.

Keith suggested that a copy of the deed be provided to the Zoning Compliance Officer for review and approval.

Jay also said there has been an issue with boundary markers, so he'd like to see those put in place prior to signing of the Mylar.

State Subdivision Approval & Dredge and Fill Approval (both should be received by July 15).

There is a tax lien on this property, so the taxes must be paid current prior to signing the Mylar.

Barbara stated that for future reference, it must be verified upon application acceptance that taxes are current.

John Dodge made a motion to approve the subdivision with the following conditions:

\* A heavy evergreen buffer (arborvitae) shall be planted between the new driveway on Lot 2-2 and Lot R10-18 for about 60' starting at the wetland crossing going toward North Road. "Do not cut" placards shall be placed on the buffer trees. This is also to be recorded on the deed for Lot 2-2.

\* If the existing residence on lot 2 is removed, which shall include removal of more than 50% of the structural frame, except through an Act of God, any replacement shall comply with the setback requirements of the then present Zoning Ordinances.

\* Permanent wetlands delineation markers shall be placed at least every 75'.

- \* Stones shall be placed in the existing driveway on Lot 2 when the new driveway is cut, to prevent use of the existing driveway.
- \* Stones shall be placed in the bar way on Lot 2-2 to prevent access.
- \* A copy of the deed shall be provided to the Zoning Compliance Officer for review and approval.
- \* Boundary markers shall be put in place prior to signing of the Mylar.
- \* State Subdivision Approval & Dredge and Fill Approval shall be received.
- \* The taxes shall be paid current prior to signing the Mylar.

John Keane seconded the motion. Phil, Dan, Keith, John D., John K. and Norm voted in favor. Jay voted no due to his concern about wetlands encroachment & his favor of a shared driveway. Motion carries.

Barbara asked if the Planning Board is going to place a time limit on the Mylar, and advise the applicant of fees. Dan stated the applicant is aware of the fees due. The applicant was advised that the Mylar must be recorded by September 9, 2009.

#### **8:45 PM - 8:50 PM Break**

There was discussion about ending our meetings at 10:00 PM from now on, as some members have to get going at 4:30 in the morning. It was agreed that this policy was put in place quite some time ago and we just strayed away from it.

#### **8:50 PM**

##### **Old Business:**

##### **Review of Driveway Regulations**

Keith stated that there have been some issues lately with driveways, so the BOS requested that Tony Soltani put together a draft of Driveway Regulations for the Planning Board to review & adopt. It was decided that this should take precedence over the review of the Master Plan. The draft was reviewed at length and Keith made notes to address with Tony for revision. This will be addressed again at our August 12 meeting.

Dan stated that he'd like the Board to consider Sharon Burnston as an alternate to the Planning Board.

Phil made a motion to nominate Sharon Burnston & Deirdre Davis as alternates to the Planning Board. Norm seconded the motion. All in favor.

**10:05 PM** Phil made a motion to adjourn. Norm seconded the motion. All in favor.