

Town of Epsom
Planning Board
8/26/09

In Attendance: Dan McGuire, Chairman; Phil Demeritt, Vice Chairman; John Dodge, Jay Hickey; John Keane; Sharon Burnston, Alternate; Keith Cota, Selectman's Representative

Not in Attendance: Norm Gentry; Betsy Bosiak, Alternate; Deirdre Davis, Alternate

Also in Attendance: Rhonda & Harold Estabrook; Corey Woodward; Rick Belanger; Ken Rudolph; Scott Kemp; Ray Brooks; Richard Boucher; Raymond Thibodeau

6:30 PM Administrative Session

Dan stated that Sharon will be sitting in for Norm tonight.

The minutes of 8/12/09 were reviewed. Phil made a motion to approve as amended. John Dodge seconded the motion. All in favor.

The minutes of 8/15/09 were reviewed. Keith made a motion to approve as amended. Jay seconded the motion. All in favor.

There was a brief discussion about David Smith's subdivision which was signed 11/05 and was recorded in 1/06; he will be given 6 years to reach substantial completion according to a new RSA.

6:45 PM Review & Approval of Lake View Road Maintenance Agreement (continued) / Harold Estabrook

Keith stated that the Estabrooks have received ZBA approval (in 2003) to change their home from seasonal use to single family residential use, and one of the conditions was to form a formal Road Association which defines minimum road standards and defined maintenance. Keith stressed the importance of fire trucks / emergency vehicles having the ability to access the homes on Chestnut Pond Road. He said these should not be considered standards, but rather criteria, as this is a unique situation. Mrs. Agnes Stevenson owns the road and she will need to be consulted to see if she will grant more width for right-of-way. Keith's suggestions were reviewed in detail. These criteria would need to be reviewed at a meeting of the Road Association; Dan asked if they would be able to hold a special meeting, and Mrs. Estabrook stated that it is the end of the season, so a lot of people are not still in the area.

Mrs. Estabrook stated that membership in the Road Association is completely voluntary and the other property owners are under no obligation to participate and / or contribute; so this is becoming more complicated. There are currently 5 year-round homes on their road – and only one past theirs. She would like to have the Planning Board's approval of what they have done so far. She is concerned about the requirement of snow removal and winter inspections. Keith explained that all of these requirements are in the interest of safety. Jay stated these are minimum criteria and feels the Town could be held liable if an emergency vehicle is not able to pass down that road.

Dan asked what the timeline would be to complete these road improvements; Jay said it's his belief that these improvements should be made before the Estabrooks could build their addition and convert their home to year-round use.

There was a lengthy discussion about the minimum improvements that need to be made up to far end of their property from Chestnut Pond Road. It was discussed that if the Estabrooks

improve the road according to the criteria provided (with the exception of the turn-arounds) then the Planning Board would consider that they are in compliance with the ZBA conditions. The Estabrooks still need to have these Road Association standards approved by the BOS.

Keith made a motion that in accordance with ZBA Decision of Case # 2003-14 dated 10/16/03 the Planning Board concurs with the development of the Lake View Road Maintenance Standards & Maintenance dated 7/25/09, and further approves by action of the Board the additional Standard of Care (dated 8/26/09) for the short term & long term improvements along Lake View Road. Standards of Care to be registered at MCRD. (See attached). To meet the conditions of the Variance Appeal 2003-14, the requirements of the turn-around as identified in 5(c) is waived for the Estabrooks. Phil seconded the motion.

Discussion: Jay asked if a time-frame should/could be set for this work. Keith replied that they would not be able to get their permit until the improvements are done. Phil would like them to get the 9' wide section corrected before the end of the year. The Board agrees that this should be done as soon as possible.

All in favor.

7:45- 7:55 Break

7:55 PM Public Hearing / Non-Residential Site Plan Review / Carparts / Maggie Senter / U8-93-2 / 1157 Route 28

Phil made a motion to open the public hearing. Jay seconded the motion. All in favor. Scott Kemp said they are planning to leave the buried oil tank. Phil said they should check with the Fire Department to see if they are able to keep it buried, or what requirements they would have to meet to leave it buried.

Scott also said the entrance at the north end of the building is shown on the plan as a driveway. Ray is waiting for an application from DOT to get approval for this use as a driveway. If they are not able to get the driveway permit, they will remove it from the plan and block the entrance with some large boulders.

Ray said they plan to keep the expanded parking area surface gravel. Keith is concerned about parking spaces not being identified. Ray said they don't have a great deal of traffic. Keith suggested that signage be placed in front of the building stating "diagonal parking only".

Rick Belanger asked if their entrance is going to change and Ray replied that they are going to use the same entrance. Rick stated that since there won't be a new door, it is likely that the same parking pattern will continue & expressed his desire for this board to support existing business in town. Sharon also noted that at the prior meeting it was stated that they do not expect this to increase their traffic, as this is just to store more inventory. Ray also stated that they have adequate parking even if there is an increase in traffic.

Phil noted that they need to visit the Fire Department.

Keith noted the rip rap stone shown on the plan at the end of the new proposed building.

Phil made a motion to approve the site plan with the following

*Consult with Fire Dept. about new addition & consultation about underground oil tank, and obtain their written approval.

*Consult with Police Dept.

*Install parking signs.

*either obtain driveway permit from DOT or remove from plan and block the entrance.

Keith seconded the motion. All in favor.

8:20 PM Corey Woodward / U14-10 / New Rye Road / Ongoing difficulties with 12 lot subdivision

Corey is looking for some relief from the bond. The first 20 acres was logged last winter and he'd like to be able to clean up the property to include stumping some of the areas. Corey said on August 17th, he was out of town & the Ray Thibodeau (logger) had gone too far in cleaning up / stumping, and was issued a cease & desist. He is not putting in the road, but he is unhappy with the way it looks right now & would like to clean up the first 20 acres, including some stumping, grading the banks and seeding/planting. He has the time & has the machinery on site & and would like to have the ability to work on the land.

Jay said according to our regulations nothing can be done until the Mylars are recorded. Corey said he paid \$6500 last year to have the Mylars recorded, but they have not been recorded yet. Keith said if the Mylars are recorded it gives him the ability to sell the lots. Corey said he is willing to sign a legal document stating that he will not sell any lots.

Corey said silt fences are in place. NHDES has indicated that they can access the rear of the property as long as the culvert is in place, and the access is along the same footprint as the engineered road.

Rick Belanger stated that if they leave the scrub there – and use conservation mix, it will germinate very quickly & retard erosion. Rick also asked if they were given an option by NHDES to build a temporary bridge. Phil is in favor of a bridge as opposed to a culvert. Ray said he spoke to DES and they preferred the culvert.

It was discussed that an estimate needs to be provided by SFC for oversight, so an adequate escrow amount can be received.

Phil suggested a site visit before giving any approvals; Keith agreed. Jay asked them to flag where the culvert will be located. Ray said there is currently a 24" temporary culvert located there at this time.

The consensus of the board is to allow seeding, but no further clean up until the Board has had time to visit the site. Each member will take it upon themselves to go to the site, as opposed to having a formal meeting.

Phil made a motion to table this discussion until September 9. John Keane seconded the motion. All in favor.

8:56 PM – 9:00 PM Break

9:00 PM Informational / Lot line adjustment / John & Marylou Keane / R9-17 & R9-17-5 / 270 Center Hill Road

John Keane recused himself, as he is the applicant. He is proposing a property line adjustment to their current lot R9-17-5 which is currently 9+ acres. They would like to add an additional 9+ acres from lot R9-17. This is to keep the property that abuts Blake Brook in their family, as it is currently owned by Marylou's elderly grandfather. The applicants asked for a hearing date to be held as quickly as possible.

Phil made a motion to hold a public hearing on September 23 at 6:30 PM. Jay seconded the motion. All in favor.

John Keane rejoined the Board.

9:15 PM Ken Rudolph / Hot Dog Stand at Care Pharmacy

Ken approached the board and said it is a financial hardship to have a public hearing at the ZBA. He has been out of work since last year and is looking to generate some income. He is wondering if he is able to obtain a Peddlers License. According to our regulations, he would need to obtain approval from ZBA. Jay suggested that he call Cec Curran for the inspection, then that would be one hurdle crossed. He was also advised that the BOS has the authority to waive all or part of the application fees for the ZBA. Phil also suggested that now that it's Fair season – he may want to consider selling his hot dogs at the fairs. Ken acknowledged that he has some options and thanked the Board for it's help.

9:30 PM Review of Excavation Regulations RSA 155-E

Keith explained that these are State Regulations to be adopted in the Town of Epsom Zoning Regulations. All regulations are by State Statute, which are already in place and are minimum standards. We are not able to allow lower standards, but can require higher standards. This is necessary in the case of legal action, the Town needs to have its own regulations. Once the Board has a final draft of these regulations, then a public hearing will need to be held for acceptance.

There was a lot of discussion about whether it is really necessary to adopt these regulations when the RSA is already in place in the State Statutes.

Each member will review these regulations and it will be discussed further at our September 23 "housekeeping" meeting.

10:00 PM Phil made a motion to adjourn. John Keane seconded the motion. All in favor.