

Town of Epsom  
Planning Board  
10/14/09

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

**Not in Attendance:** Norm Gentry

**Also in Attendance:** Roland Lafleur; Marylou Lafleur-Keane; Joe Wichert; Marilyn Key; Russell Bartlett; Seth Bostock; Shane R. Stewart ; Eric Reid; F. Webster Stout; Prudence Gagne; Linda Sawyer ; Robert E. Sawyer, Jr.; David Vincent; Robert Elliott; Carl Sherblom; Mark Cutting; Skip Cutting

**6:30 PM Administrative Session**

Betsy will be sitting in for Norm Gentry.

The minutes of 9/23/09 were reviewed. Phil made a motion to approve the minutes as written. John Dodge seconded the motion. All in favor.

Mail was reviewed.

A letter was received from Gordon Ellis with some requests for changes to the Subdivision Regulations. The Planning Board will discuss these requests further with Gordon at our meeting on 10/28.

A letter was received from NHDES in regard to Claudia Morrison's application for a Shoreline Permit (and FYI, no action necessary).

John Keane recused himself from this next hearing. Deirdre Davis will be sitting in during this hearing.

**6:40 PM**

**Public Hearing / Lot –line adjustment / John & Marylou Keane / R9-17 & R9-17-5 / 270 Center Hill Road**

John Keane stated that there have been no changes to the plan since the conceptual plan was presented.

John & Marylou are 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 grandfather, Roland Lafleur.

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

Jay made a motion to approve the request. Betsy seconded the motion. All in favor.

John Keane rejoined the board.

**6:50 PM Public Hearing / 40 lot subdivision / Bartlett / R13-36-1 / Goboro Road / Off-Site Improvement Proposal & Phasing**

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

Russ approached the Board with a detailed request for bonding of the road. Russ & Seth highlighted that our regulations conflict with the GMO, in that it even if he wished to fully build out the entire subdivision immediately; he would be unable to do so per the GMO. Jay suggested that the GMO pertains to building permits – not development of lots, and said the developer has the right to apply for a variance to the GMO from the ZBA.

Betsy asked for the towns that Seth has worked with that allowed for road phasing, as she plans to follow up with those towns for input. Seth offered to have the engineers that have worked for those other towns, send copies of past bonding agreements, which can be reviewed.

Dan stated that it seems Mr. Bartlett is asking this Planning Board to reconsider its earlier discussion/decision to require full bonding of the road. Dan stated that he is sympathetic to Mr. Bartlett's request.

Joe Wichert stated that they feel the "rolling bond" is sufficient to protect the town & all other parties involved. He said they would intend to have the Town's Engineer & the developer's engineer meet & affix a dollar value for Phase 1 – including the cistern & some off-site improvements & 2 lots. Then as each phase is completed, the next phase would be bonded. He suggested that the Board request Tony Soltani to review their proposal. Some members agreed it would be appropriate to have Tony review the proposal. Keith & Sharon reviewed the prior issue of "worst-case-scenario" if the developer was not able to complete the project and the road was left unfinished, yet the entire subdivision had been recorded and lots had been sold.

Dan asked if it's possible to record Mylars in phases. Seth replied that it can be done as long as there is appropriate language to protect the developer.

Deirdre also noted that if this project was not finished & the back portion of the road was not complete, then there would be no access to the conservation land. Joe & Seth stated that if that is a real concern, they would address access to that land & resolve the issue. Sharon suggested bonding the remainder of the road when Phase 3 has begun and wondered if that would be a solution. Betsy said she is concerned about the steepness of the road – and might feel differently if the road was flat; as she is thinking of road maintenance issues.

Keith said we have two options: full approval of the subdivision in the beginning and phase building/bonding; or approve a "master plan" for their subdivision, then approve each phasing and building/bonding phase by phase, and Mylars recorded as each phase is begun. He also said that the Planning Board has the ability to extend the deadline for substantial completion. Russ presented a letter requesting an extension of their application. Betsy made a motion to grant an extension to January 14, 2010. John Keane seconded the motion. All in favor.

Betsy made a motion to continue this public hearing to Tuesday, November 10. John Dodge seconded the motion. All in favor.

#### **8:45 PM – 8:50 PM Break**

#### **8:50 PM Public Hearing / 2-lot Subdivision / Robert Elliott / U11-2-1 / Black Hall Road**

Phil made a motion to open the public hearing. Betsy seconded the motion. All in favor.

David Vincent, surveyor presented the plan for a 2-lot subdivision. They have an existing 4.04 acre lot with 400' of frontage— directly across from Towle Pasture Drive. The wetlands are indicated on the plan; test pits have been done, town water is available. There are no structures

currently on the lot, though there is an old foundation on the lot. They are working on State Subdivision Approval. They are requesting a waiver for the angle of the lot line as it comes off the road, or the 1 acre of contiguous buildable area in order to meet the requirements of 2 acres, 200' frontage & 1 acre contiguous buildable area.

Keith read the subdivision regulations regarding contiguous buildable area, as this plan includes the buffer / setbacks in the contiguous buildable area. Our Subdivision Regulations state that the wetlands include a 50' buffer to wetlands. David asked what our Zoning Regulations state the definition of wetlands – and our Zoning Regulations follow NHDES guidelines for wetlands. David does have a plan prepared which would not require any waivers, but the lot line would have a significant zigzag (however this plan also includes the buffer / setbacks in the buildable area). There was some discussion about whether the buffer / setback can be included in the buildable area, and whether a driveway can be built in the buffer.

There is a water line located on the front of the property of Lot 2-1, which is currently used by the Water District. However there is no defined easement that grants access to the Water District. However, David indicated that they would be willing to grant one.

Dan asked if any members of the public have any comment. Prudence Gagne lives across the street and is concerned about the drainage, as this property sits slightly lower than Black Hall Road, so she's wondering if it will be built up. Currently she has issues with water in her basement when there is a heavy rain. David replied that it will be built up as necessary to build the houses. Linda Sawyer wanted to ensure there will be just one single family home on each lot. Robert Sawyer asked about the existing cemetery – David responded that they are required to keep a 25' setback to the cemetery and the deed does include an easement for access to the cemetery.

Discussion about contiguous buildable area: Keith indicated that this board has the right to grant a waiver to its own regulations, and so suggested that we grant a waiver to the contiguous area, as long as the applicant presents a detailed site plan. Keith also noted that he would be looking to be sure that all setbacks / radii be included on their own lot.

Carl Sherblom presented the plan to build a 12' wide bridge across the wetlands on lot 2-1-1, as opposed to a culvert. Phil is concerned about it not being wide enough – it should be 14' wide for emergency vehicles, and it needs to have guardrails. Keith suggested that this needs to be reviewed by a structural engineer. The applicant has not yet met with the Fire Department or the Conservation Commission. Phil stated they need to meet with these departments before the Planning Board can come to a decision.

Keith noted that an 18" culvert goes under Black Hall Road, which leads to a 15" culvert farther up the property; that is likely what has caused the poorly drained jurisdictional wetlands at the front of the property. Betsy said on Lot 2-1, they show the wetlands ending between 4'-5' from the property line, and she thought that seasonally the water ran all the way to the property line. Carl said he'll take another look at it. Betsy would also like to know what the amount of contiguous area is in the front of 2-1.

Sharon questioned how town water would be brought to 2-1 without impacting the wetlands. David said they will likely put in their own well.

It was discussed to continue this Public Hearing so the applicant can come back with a revised plan showing a straight lot line, complete site plan, and contiguous buildable area which does not include setbacks or buffers.

Phil made a motion to continue this Public Hearing to Wednesday, December 9. Betsy seconded the motion. All in favor.

**9:15- 9:25 PM Break**

**9:15 PM Informational / 5-lot subdivision / Can Do Properties, LLC / R13 Lot 1 / 111 Lockes Hill Road**

Web Stout, Surveyor, is representing Eric Reid, property owner, who wishes to subdivide a 25.86 acre lot on the westerly side of Lockes Hill Road. There is an existing structure at the top of the hill. The lots range in size between 3.26 acres & just over 7 acres. Currently a large portion of this property is planted with corn. The property is located just before the Class VI road. The town maintains the road beyond this property, though he does not know how far. A portion of the road in front of this property is paved, the rest is gravel. They wish to create 4 new residential lots, and they all meet the 2 acre, 200' frontage requirements. The plan he has presented shows that there is more than the minimum 1 acre contiguous buildable area on each lot. Betsy pointed out that they have included buffers in the contiguous area, so Web said he'll have to reset the property lines. There are a couple of cemeteries located just north of the property. The lot with the existing building has a well, and the well radius goes off the property. Web stated that the entire property is in Zone C of the FEMA flood plan.

Phil noted that this is considered a major subdivision and could require a cistern, and said they need to meet with the Fire Department, and also the Conservation Commission. Kieth stated the lot line between 1-3 & 1-4 is less than 10 degrees off the lot line. The driveway on lot 1-4 is already "in place" due to the property having previously been logged & the logging road will be the driveway.

Keith stated that the road currently is only about 15' wide and is quite steep. The board will need to consider the road improvements required if this application is approved.

The board would like to do a site walk, but that should take place after the abutters have been notified & public hearing has been scheduled. Web will revise the plan and get it to the town office before our next meeting on November 10, and then possibly schedule a public hearing for December 9.

**10:00 PM Old/New Business:**

Dan mentioned that he'd like to slightly revise the subdivision application to add a line for handwritten name & signature, and the board agreed.

John Keane passed out copies of the regulation in regard to stumps.

Betsy stated that she went to the Workforce Housing workshop in Chichester, and gave Dan the packet of information (draft regulations) she received at the workshop.

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