

## **Planning Board**

**Thursday, December 9, 2004**

**Members Present: Barbara Freeman (Chair), William Weiler (Vice Chair), Al Bachelder, David Thayer, Ron Williams, Lacy Cluff (Alternate) and Ken McWilliams (UVLSRPC).**

Mrs. Freeman called the meeting to order at 7:00 p.m.

The Board signed plans for Tom Behren's Mountain Edge Resort. Although this was not a condominium project, the State was not familiar with timeshare and therefore needed to be filed as condominiums with the State.

Mr. Weiler made a motion to go into an executive session to receive legal advise concerning Angel Hawk. It was seconded. All were in favor.

### **Angel Hawk**

Mrs. Freeman said that she spoke to Bart Mayer, the Town's Attorney, and he said that the Board had three options with respect to their decision on the Angel Hawk Subdivision. Those options were as follows:

1. Leave the decision as it stands. If it goes to court, he does not feel that the Board would win because the fire chief, road agent, Town's consulting engineer and selectmen all signed off on the plans.
2. Go to court, but negotiate so that the project could come back to the Board with a reduced number of lots. This opportunity for negotiation is not likely as at that point the appellant will likely want to follow through to achieve the entire project.
3. The Board could vote to rescind their decision on condition that the developer provides a letter stating that he would hold the density to fourteen lots, along with any other conditions.

Mrs. Freeman said that when she spoke to Mr. Reeves, he said that he would be willing to submit a letter to the Board holding the density to fourteen lots and possibly other conditions.

The Board decided to rescind their decision. They planned to do this at the January meeting because the hearing had to be published and abutters needed to be notified.

The Board decided on the following conditions:

1. The development will have no more than fourteen lots.
2. There shall be no road construction or development in the steep areas between stations 1375 and 1475 on the current subdivision access road. This section of the road must be relocated or removed.
3. Reduce the number of driveways entering onto Sutton Road. In particular, reduce the number of driveways in proximity to the curve on Sutton Road, in the vicinity of Poor Farm Road. Improve sight distances for all driveways to meet AASHTO standards (Design Controls for Stopping Sight Distance and For Crest of Vertical Curves). Provide drawings documenting sight distances for all driveways on Sutton Road.
4. For all lots sited on the ridge of the development, limit cutting of trees to the specifications found in the Town of Newbury Zoning Ordinance Skyline/Hillside Conservation Overlay District (Article XVIII). Deed restrictions and the homeowners association documents on these lots shall assure that these regulations are followed in perpetuity. The homeowners association documents shall contain a provision for Town enforcement of the restriction.
5. Define the location of the Building Envelope for each lot. The Building Envelope is defined as the entire area where the house, accessory structures, septic and well are permitted to be constructed. The Building Envelope shall exclude zoning setbacks and any undevelopable areas including wetlands, the 75 foot wetland buffer, surface waters, the 75 foot shore land buffer, 100 year flood plains, steep slopes and deer wintering areas. Indicate on the plan how the Building Envelope shall be accessed from the street. Deed restrictions and the homeowners association documents shall indicate these as the only areas where construction will be permitted. The homeowners association documents shall contain a provision for Town enforcement of this restriction.
6. Map deer wintering areas on the subdivision plans. There shall be no fragmentation of deer wintering areas by construction of roads, buildings or any other development. The development's homeowners association by-laws and covenants and the deeds to lots will prohibit construction and development of any kind in these areas.
7. Map all stone walls and cairns (cultural features) on the subdivision plan. These cultural features shall be preserved. Restrictions on their removal shall be included in the development's homeowners association by-laws and covenants and the deeds to individual lots.
8. Provide easements and guarantee the preservation of the existing trail and public access for the length of the trail where it is on the development parcel. Provide and show an easement for a new trail connected to this trail on lots now shown as 20 and 8. The homeowners association by-laws shall provide for the maintenance of the trail.

It is understood that these may not be the only issues brought up in the further review of the Angel Hawk major subdivision. It is also understood that these changes do not guarantee the Planning Board's approval of the subdivision.

A motion was made to keep the minutes sequestered relative to the legal advice, consistent with Article 91-A:3III.

**A motion was made to adjourn. It was seconded. All were in favor. Meeting adjourned at 9:00 p.m.**

Respectfully Submitted,

Lacy L. Cluff  
Land Use Board Coordinator