

# Draft

## PLANNING BOARD

February 21, 2006

**Members Present: Mrs. Freemanara Freeman (Chair), William Weiler (Vice Chair), Mr. Williams Williams, David Thayer, Al Bachelder, Travis Dezotell, Ken McWilliams (UVLSRPC)**

**Meeting was called to order by Mr. Weiler, acting chair until Mrs. Freeman arrived.**

### **Administrative Business**

The minutes of 1/17/06 were reviewed and corrections were made. Mr. Williams made a motion to approve the minutes as corrected. Mr. Dezotell seconded it. All were in favor.

**AT 7:40 p.m. Mr. Weiler stepped down as chair and Mrs. Freeman took over.**

**Case: 2006-005: Conceptual – Baker Hill Golf Course – Site Plan – construct duplex for employees, expand existing golf cart barn, construct golf cart garage(s) on the course - Baker Hill Road – Map 038 Lot 758-501.**

Mr. Flynn Flynn, Dave White and Bob XXXX introduced themselves as the representatives for Baker Hill Golf Course.

Mr. Flynn said that there were some ideas that Baker Hill Golf Course (BHGC) had been wanting to present to the Planning Board. These ideas had no urgency and could be phased in if necessary. The ideas were:

- 1.) Housing unit for employees
- 2.) Extension of existing cart barn
- 3.) Courtesy cart barns in specific locations around the course

Mrs. Freeman suggested Mr. Flynn concentrate on the housing unit since that was what was originally submitted and will take more attention.

Mr. Flynn explained that the golf course has a large fluctuation in staff members depending on the season. There are many more in the summer than in the winter. The housing unit is proposed to be near the existing maintenance facility, therefore there would be no additional impact of development on the land. There is an existing leech field which could be expanded to accommodate the added facility or another one could be built. This would facilitate essential employees to be onsite at the beginning of the workday 6:00 a.m. The building is proposed where the snow storage was planned. That particular area is not utilized to capacity, partly because the space is not needed for parking in the winter due to the lack of employees since

winter is not peak season for golf. There are only four employees on site throughout the winter. The proposed building would be a duplex consisting of two dwelling units able to sleep six people each. The intention is to have one of the dwelling units for employee(s) and one for visitors. Often times the BHGC has visitors such as turf interns from the university, assistant professionals who come from very far away for an extended period of time. The local housing availability is not favorable for such instances, especially in the summer months.

Mrs. Freeman commented that this application would require site plan review since it is a new use for this course. It is ancillary to the use of the golf course and already in the residential zone, therefore not needing special exception.

Mr. Williams suggested that if this application is approved, it should be conditional upon being a staff related facility only, NOT to become a commercial motel/hotel facility.

Mr. Flynn assured the Board that it would be solely BHGC staff uses only.

Mr. McWilliams asked Mr. Flynn to explain what the winter staff workers do.

Mr. Flynn explained that there are four to five winter staff workers; some do tree work to keep the course clear so there is not excessive spring clean up, there is a bookkeeper year 'round; and general maintenance workers. Additionally, sometimes there is a need to offer an assistant superintendent temporary housing if they are relocating from another part of the U.S.

Mrs. Freeman commented that if the units are full to capacity, there may be a need to use that snow removal area and plow and clear the whole parking lot.

Bob assured Mrs. Freeman that that would not be a problem since it would have to be done for emergency vehicles. Additionally, some staff members would not need to park their vehicle close to the living quarters if they only a short walk across the parking lot from work. They could then use the parking area just up the road at the main entrance of the course.

Mrs. Freeman asked if there was or is planned to be a screening of this duplex from the road.

Mr. White explained that there are already trees between the facility that would remain, and an undisturbed stone wall. The building would be designed to blend in with the existing buildings and carry a more residential character.

Mr. White said the existing buildings were a barn style with ship lap 1x10.

Mrs. Freeman informed Mr. Flynn that the Board will need to see evidence that the septic is adequate, whether expanding the existing one or building a new one.

Sense of the Board - at ease with the proposal as long as it doesn't become a commercial rental.  
This application will be subject to site plan review since it is an expansion of the golf course.

Mrs. Freeman directed Mr. Flynn to go through the checklist in the site plan review regulations in order to present a completed application for consideration.

Idea #2. Add a two story addition to the existing cart barn. There are many members to the golf course and as a result arises a shortage of carts. This addition would provide cart storage on two floors. Again, the construction would tie in with the existing buildings 1X10 ship lap.

Idea #3. Four cart storage garages placed strategically with in the course, suggesting over the 18<sup>th</sup> green; midway between the 11<sup>th</sup>, 14<sup>th</sup>, and 15<sup>th</sup> holes. Sometimes people start out on foot and later become fatigued, or the weather changes and they prefer to finish or return in a cart. There is already electricity wired in the proposed locations, so the carts can be charged during the night.

The buildings would be on skids with no foundations, set on rock. That way if they need to be moved, it can be done with no impact.

Mr. Williams expressed concern for the security of the carts and electrical sources since they are so far away from the main facilities. The danger of vandalism cannot be overlooked.

Mr. Flynn explained that the mobile garages will be locked at night to discourage unauthorized entry or use of the carts.

Sense of the Board - Conceptual ideas of items 1, 2, & 3 look o.k.

**Case: 2006-004: Final Review – Steven and Mrs. Fleming Fleming – Site Plan – convert existing barn into a Church - 229 Old Post Road – Map 032 Lot 271-352**

*Notice is hereby given that the Newbury Planning Board will receive submission of an application for Site Plan Review from Steven and Mrs. Fleming Fleming for a Church located at 229 Old Post Road (Tax Map 032 , Lot 271-352 ) on Tuesday, February 21, 2006 at 7:45 p.m. in the Town Office Building at 937 Route 103, Newbury, N.H. If the application is accepted as complete, a public hearing will commence at the same meeting.*

*Copies of the application are available for public review at the Town Office Building during regular business hours.*

Mrs. Freeman read the above public notice.

Mrs. Freeman reviewed Patricia MacDonald's checklist and noted that there is no sign-off from the Highway Department or the Board of Selectmen.

Mrs. Fleming stated that the sign-off sheets were given to all required departments, including the highway and selectmen. Apparently, they have not yet been returned. Additionally, the landscape plan is on the drawing included in the application.

The requested waivers are written into the summary.

Mr. Weiler moved that the waiver to 10.7.11 be granted since in a previous discussion of the Planning Board, this requirement will be deleted from the Site Plan Review Regulations in the next revision. Mr. Williams seconded the motion. All in favor.

The Board determined that the requested waiver to 10.7.10 is not necessary since photographs were provided that show the existing elevations that will not change.

Mrs. Fleming also requested a waiver from 10.9.4 of the engineering drainage calculations since there are no changes being made that will impact the existing conditions.

Mr. Bachelder made a motion to waive the requirement of 10.9.4 of the engineering drainage calculations.

Mr. Weiler seconded the motion. All in Favor.

Mrs. Freeman noticed that the written summary does not describe the nature of the business but only lists the hours of meeting.

Mrs. Fleming explained that she didn't think it was necessary to reiterate the nature of the business since it was on the first page of the application - 'to change existing barn into a church'.

The Board accepted this explanation on page one in lieu of an explanation in the written summary and determined the application appears complete.

Mr. Weiler asked if there were any permits for approval as required by 10.12, such as a Zoning Board of Adjustment approval.

Mrs. Fleming read the notice of decision from the Zoning Board of Adjustment which satisfied the requirement of 10.12 of site plan review.

Mr. Weiler made a motion to accept the application as complete.

Mr. Dezotell seconded the motion. All in favor.

Mrs. Fleming explained her application to the Board. She would like to convert an existing 24' x 30' barn into a church. There will be changes to the barn necessary to accommodate a meeting facility. A new wheel chair ramp will be added, exterior lighting, a septic system, and 22 parking spaces provided on the outside. On the inside, the existing electrical will be removed and replaced as required by code, a small kitchen for special functions to include a sink, stove for heating purposes only, and fridge. There will be no more than 60 people at any one time.

Mrs. Freeman did a good job deciphering the police chief's handwriting in order to include his concerns as part of public record. Chief Lee expressed reservations with regard to the traffic pattern impact. The site has a close proximity to the transfer station with hours of business overlapping. The nature of this application results in the flow of traffic becoming heavier than

usual at concentrated periods of time - arrival to and departure from meetings. The conditions of Old Post Road do not provide for turn offs or turn lanes.

Mrs. Fleming explained that the Road Agent and Fire Chief felt there was no additional measurable danger. There is also an existing cottage industry that has operated without traffic mishap since it began.

Mrs. Freeman commented that if the Board votes to approve the application, the approval should be subject to Highway Department and Board of Selectmen sign-off.

Mr. Weiler added that a second condition should also be added - that any added exterior lighting should be directed down and shielded from the road, not to illuminate off-site.

Mrs. Fleming explained that the existing lighting already illuminates the proposed parking area, so there will be minimal addition to lighting as required.

Mrs. Freeman suggested that considering the flow and patterns of the parking, which is scattered and unlined, that there should be someone available to facilitate and direct the parking of vehicles for an event of more than 10 vehicles.

Mrs. Fleming assured the Board that that would not be a problem especially since there are not usually that many people at regular meetings anyway.

Mr. Bachelder asked if there were any plans or provisions for heat.

Mrs. Fleming explained that they have not decided if the heat will be fueled by oil as hot air or hot water. The oil tank will be in the basement, and there is already a water supply to the building.

David Thayer made a motion to approve the application as submitted conditional upon 1.) receipt of sign-off from the Road Agent and Board of Selectmen; 2.) new lighting be directed down and shielded from the road; and 3.) a traffic facilitator available for meeting groups of more than ten vehicles. Bill Weiler seconded the motion. All in favor.

Bill Weiler stepped down from the Board since he is an abutter of the next applicant on the agenda.

**Case: 2003-011: Final Review – Pickman and Sons Development – Major Subdivision – Gillingham Drive and Old Sutton Road – Map 052 Lot 607-064.**

***Notice is hereby given that the Newbury Planning Board will received submission of an application from Pickman and Sons Development, LLC for a Final Hearing for a Major Subdivision off Gillingham Drive and Old Sutton Road, Tax Map 052 Lot# 607-064 on Tuesday, December 20, 2005 at 7:30 p.m. in the Town Office Building at 937 Route 103 in***

***Newbury, N.H. If the application is accepted as complete, a public hearing will commence on the accepted application.***

***Copies of the plans are available for public review at the Town Office Building during regular business hours.***

Mrs. Freeman announced that this was a continued hearing and read the above original public notice. She explained that the Board is in the process of reviewing the application.

David Eckman from Eckman Engineering explained that he would like to present the new material and will then request that the hearing be continued to a later date and time certain.

Mrs. Freeman agreed that the applicant will have one hour to update the Board and then act on the request to continue.

Mr. Eckman distributed written requests for waivers of site distance pertaining to the Gillingham Drive and Old Sutton Road as required by the Board. The waivers are being requested because of the unique physical conditions of the site(s). *Lacy, at this point, Eckman read from the Old Sutton Road site distance waiver - last paragraph on page one.* Mr. Eckman explained that this refers to the stopping site distance. *Then he read from paragraph two beginning with 'Compliance...'* Mr. Eckman stated, that in this one location looking east, the site requirement meets 89% of the Town's required site distance. *Then he read paragraph on page two beginning with 'While 89%...'* It could be a large burden on the developer to have to change to layout of the public road.

Mrs. Freeman commented that the applicant repeatedly uses the language of “variance” and “hardship”. This is not appropriate language for the criteria of waivers. The applicant needs to address the public safety issues, not hardship on the applicant.

Mr. Eckman explained that these issues were brought up last month and the applicant was instructed to address them formally in writing.

Mrs. Freeman instructed that the safety issues should be spoken to in relation to site distance, not hardship issues on the developer.

Lou Caron, consulting engineer, commented that in his professional opinion, he has to respect what the towns choose to use as a standard of safety. Relating to stopping site distance criteria, intersection site distance addresses more visibility for the driver to decide whether or not to pull out. Newbury has more than AASHTO requires for stopping site and intersection criteria.

Cal Prussman, Highway Administrator, commented that on these two items on Gillingham Drive and Old Sutton Road, they more than meet AASHTO requirements. Everything he has looked at for regulation always uses AASHTO as a guide. Consequently, he indicated he has no problem accepting the waiver.

Mrs. Freeman opened the hearing to public comment.

John Brooks, resident on Gillingham Drive, disagreed with the measurement of 250' as the line of site. Looking northerly from the existing road, there is not 280' of site distance.

Mr. Eckman explained that the existing road is not where the entrance/exit is going to be located. Perhaps that explains why the site distance does not seem adequate to Mr. Brooks.

Mr. Caron added that part of the issue is that when there is a new road to be considered, the elevation of the entrance/exit may end up different than what is there prior to development as a result of potential cut and fill activity.

James Pickman commented that the engineering and site distances do not need to be re-measured since the road agent was present when the measurements were taken, and it was done right the first time.

Gerry Gold, resident on Gillingham Drive, commented that he would like to see the large rock outcropping remain. It has actually served as a speed deterrent because people see it and slow down for safety. He asked dropping the posted speed limit would change the dynamics in the safety calculations in order to enhance the site distance and retain the rock.

Mr. Weiler, Gillingham Drive resident, commented that the rock will be subject to off-site improvements. He asked Mr. Eckman how close the entrance/exit is proposed to be to the nearby swamp.

Mr. Eckman explained that the entrance/exit was moved further south to improve the site distance and is not encroaching on the wetland.

Mr. Weiler emphasized that the wetland in question is part of Lake Todd, and therefore, has a 50' buffer which extends another 250' of shoreland overlay. Just because the entrance/exit is not directly touching the wetland does not mean that it will not have an impact on the wetland. There is run-off, sand, and salt among other things that need to be considered as a detriment to the water quality. Designing for a posted speed limit does not necessarily mean that a road is being designed safely.

Mrs. Freeman agreed that discussion of the removal of the rock, or not, will take place at a later date.

John Brooks, Gillingham Drive resident and retired police officer, informed the Board that he has clocked vehicles traveling in excess of 50 mph on this particular stretch of road.

Mr. Williams made a motion that the waivers be granted as requested for Old Sutton Road and for Gillingham Drive. Mr. Dezotell seconded the motion. All in favor.

Mr. Williams mentioned that there is a procedure for adjusting a speed limit on a public right of

way through the Newbury Public Safety Committee. The Board may consider recommending a change of the posted speed limit for Gillingham Drive.

Mrs. Freeman asked Mr. Eckman to make sure Police Chief Lee receives a copy of the road design with waivers.

Mr. Eckman presented a request for waivers pertaining to grade and curve radius. He explained that he has been working with Lou CaMr. Williams to create a workable road design. In the latest plan presented this evening, the smallest radius of road is 325 ft. In order to accomplish a wider radius, more impact was put on the wetland. Holding the grade flatter at the bottom results in more steepness at the top. The trade off was to maintain a longer flat distance (900 ft @ 11.9%) impacting wetland, than to have a short steep curve as previously presented. As presented, this plan meets the 352 ft radius required by Newbury regulations, but as a result the topography does not allow for the bottom corner to have an additional 20%. The grade begins at -2% at Gillingham Drive for 125 ft, then climbs up to 5%, then up again to 11.9%. The proposed road will eventually be paved.

Mrs. Freeman asked Mr. Eckman if the issue of run-off has been addressed.

Mr. Eckman explained that if this alignment is approved, there will be a detention basin within the radius of the bottom curve, fed by a ditch line and piping, enhanced by the natural flow. The detention basin is at the lowest point, consequently, the velocity of the water will diminish within the basin.

Mr. Caron commented that prior to this submission, the road design was very dangerous. There was no platform at the intersection of Gillingham Drive, there were sharp turns and steep grades. This is a better platform, better radius. However the profile is steeper at almost 12%. That means a strain on the motor going up, and a strain on the brakes going down.

Cal Prussman expressed concern for undesirable precedent if the Board approves this waiver. The Board, Mr. Caron and Mr. Eckman reviewed the plan in detail and noted the grades and stations. If the road is to be flattened out by a cut and fill action, that would create other issues pertaining to snow removal, run-off and steep driveways accessing the road.

Mrs. Freeman commented that vehicles entering the road at a steep grade is a very dangerous traffic pattern. She commented that she would need to see where the driveways are proposed to be before she felt comfortable considering the requested waiver. One of the main safety issues for the Board to consider is the safety of the road entrance and exit. If a long dead-end road is not acceptable for safety reasons, then the same principal should be held up for a through road with one impassable end.

Jim Pickman commented that the Old Sutton Road entrance/exit meets all of the criteria and is very passable.

The Board reviewed plans of where the driveways are planned, but not yet designed.

*Sense of the Board:*

*Mr. Prussman - don't want to set precedent for waiving to steeper grades. Also, if a 28' cut was made to reduce the grade, that would create bad side slopes for snow removal, run-off and driveways.*

*Mrs. Freeman - very concerned with the number and location of driveways*

*Mr. Bachelder - 12% is too steep for that distance*

*Mr. Williams - If start moving dirt, there creates a domino effect of issues. If the bottom curve is moved up, then the impact on the wetland will be less in addition to lengthening the road, thereby reducing the grade.*

Mrs. Freeman asked the Board if they would feel more comfortable with the request for waiver if there were less driveways on that stretch of road.

Mr. Bachelder commented that the number of lots isn't the whole issue.

Mr. Dezotell commented that he agrees with Mrs. Freeman. If the weather is not good and has created hazardous driving conditions, then the homeowner could always use the other exit. However, the less people coming out onto that stretch of road means less public danger.

Mr. Thayer was in agreement with Mr. Dezotell.

Mr. Caron commented that there are not many alternatives. It is a challenge to balance the earthwork at the bottom with that on the top.

Mrs. Freeman reiterated that there has been a lot of concern expressed from the Board that there needs to be two access points for a safety stand point. Thought and consideration needs to be given to what can make this better.

Mr. Bachelder pointed out that the Board expressed desire for two access points that can be done safely. On the first run, we saw 10%, now the grade is even greater.

Mr. Williams suggested that rather than a -2% at Gillingham Drive, perhaps 0% would lend a little forgiveness to the grade issue.

Mr. Caron asked Mr. Eckman if any test pits or borings have been done on the roadway.

Mr. Eckman said not on the road areas.

Mr. Caron summed-up that long hills are going to encourage higher speeds. Therefore there should be a negative percent of grade at the entrance without steeper sharper curves.

Mr. Weiler asked for an explanation of changes from the last proposal which presented 10% grade and sharper curves.

Mr. Eckman explained that the bottom is now flatter for a longer period of time, so the distance and direction has to be made up.

Mrs. Freeman commented that this road design needs to go back to the drawing board and the designers need to push on it more to address the safety concerns.

Jim Pickman asked the Board what is an acceptable number so they know what they have to work with.

Mrs. Freeman spoke on behalf of the Board and quoted 10% maximum as long as it is not on a sharp curve.

Mr. Williams made a motion to continue the hearing for Pickman & Sons to Tuesday, March 21, 2006 at 8:00 p.m. for a one-hour period. Mr. Dezotell seconded the motion. All in favor.

David Eckman said that he will discuss additional concepts with Mr. Caron and hopefully come back with a solution.

Susan Hankin-Burke submitted a revised declaration of covenants by Pickman & Sons Development, LLC which adds paragraph 15 regarding drainage and slope easements.

Mr. Williams excused himself for the remainder of the meeting.

**Case: 2006-003: Final Review - Frank MacConnel – Site Plan Review – expansion of Bob Skinnners entrance and retail space – 1411 Route 103 – Map 007 Lot 401-105.**

*Notice is hereby given that the Newbury Planning Board will receive submission of an application for Site Plan Review from Frank MacConnell III for an expansion to the existing Bob Skinnners Ski Shop building located at 1411 Route 103 (Tax Map 007, Lot 401-105 ) on Tuesday, February 21, 2006 at 9:00p.m. in the Town Office Building at 937 Route 103, Newbury, N.H. If the application is accepted as complete, a public hearing will commence at the same meeting.*

*Copies of the application are available for public review at the Town Office Building during regular business hours.*

Mrs. Freeman read the above public notice and reviewed the application for completeness.

Mr. Dezotell made a motion to accept the application as complete. Mr. Thayer seconded the motion. All in favor.

Frank MacConnell, owner of Bob Skinner's Ski Shop, explained his request. As outlined on the proposed project summary, the roof of the left hand side of the building is compromised and needs to be replaced. In doing, I would like to facilitate our service of custom boot work which is currently done in the loft. Basically, the business has run out of space and is very cramped. The boot makers work on two people at once, and a custom fitting could take anywhere from one to three hours. I would like to replace that section of roof, raise it up to the height of the main section while maintaining the footprint, in order to accommodate more space for the boot fitting activity. The roof is also proposed to extend over the porch and handicap access, away from the 75' set back from Johnson Brook. The decks are proposed to be enclosed for safety and aesthetic reasons, not to be used for future expansion of the store. The main entrance would be moved westward to help the flow of traffic and allow the planting of a California Maple Tree. There would also be additional landscaping between Murphy's and Skinners, primarily California Maple Trees.

Mrs. Freeman commented that it seems as though part of the porch roof is in the 75' setback.

Mr. Weiler commented that it has no impact since there is already a deck in that footprint and not creating more impermeable surfaces.

Mrs. Freeman commented that a waiver of engineer's calculations for run-off is needed.

Mr. McWilliams researched in the regulations and found that since the setback is measured by the building footprint and the building is already there, run-off is not going to change from the existing conditions based on this addition. Also, alteration which does not conform to dimensional controls is permitted as long as it doesn't make it more non-conforming, which this does not.

Mr. Weiler made a motion to waive the requirement of engineer's calculations for run-off.

Mr. Thayer seconded the motion. All in favor.

Mr. MacConnell addressed the traffic flow. The traffic flow between Murphy's and Skinner's is both an entrance and an exit. There is also another egress west of the main entrance to facilitate the flow. The Skinner's entrance/exit is not denoted. If there is a blockage at the Murphy's entrance due to a delivery truck, the westerly egress leaves options open to keep the traffic flowing.

Mr. Williams suggested before he left that vehicle circulation should be only one way.

The Board discussed denoting the entrance/exit, but decided not to require denoting in order to avoid further confusion since there is another business which impacts one of the accesses.

Mr. Weiler suggested that a condition be put on approval of the application that any new lighting should not be cast out into the road.

Travis made a motion to approve the application with the condition that the lighting be cast

downward and not into the road. Mr. Thayer seconded the motion. All in favor.

### **New Business**

Mr. Bachelder brought up discussion of the Harbor View Subdivision stating that the Planning Board should comment on this application even though it is not located in Newbury. There is a time limit. He suggested that Mr. Caron, the Road Agent and Fire Chief should look at this application and give their input.

Mr. Weiler commented that the Board needs to see a diagram of the project in order to better assess its impact on Newbury.

Mrs. Freeman suggested that further discussion on this issue should take place at the next work session.

Mr. Thayer mentioned that the Blodgett Landing Treatment Plant has a bond issue for Town Meeting and asked the members present to please go and speak to the issue. He will not be able to attend the meeting.

Mr. McWilliams mentioned that the feedback from the survey results may be later than originally planned.

**Mr. Dezotell made a motion to adjourn. Mr. Thayer seconded the motion. All in favor. Meeting adjourned at 10:30 p.m.**

Respectfully submitted,

Linda Champy/Lacy Cluff