

# Planning Board

July 18, 2006

**Members Present: Barbara Freeman (Chair), Bill Weiler (Vice-Chair), Ron Williams, David Thayer, Al Bachelder, Deane Geddes (Alternate), Ken McWilliams (Consultant) and Lacy Cluff (Alternate).**

**Mrs. Freeman called the meeting to order at 7:08 p.m.**

## **Administrative Business**

The Board reviewed the minutes from June 20, 2006 and made corrections. A motion was made to approve the minutes as corrected. It was seconded. All were in favor.

Mrs. Freeman said that Ivor Freeman was willing to Chair the C.I.P. committee again this year. Dennis Pavlicek and Ken McWilliams were also going to be on the committee. Mr. Geddes, Mr. Williams and Mr. Thayer volunteered to be on the committee. She said that the committee still needed a Selectman. She said that she would also talk to Tom Vannatta about being on the committee again this year.

## **Case: 2006-011 – Conceptual Review - George McClean – Annexation/Lot Line Adjustment – 11 Great Island – Map 005 Lot 040-077 & Map 005 Lot 015-047.**

Tom Dugdale introduced himself as George McClean's authorized agent.

Mr. Dugdale explained that Mr. McClean owned two abutting lots on Great Island that he wished to sell. There was an existing boat house that had been there since the early 1900's. However, the boundary line ran through the middle of the boat house. He said that he was looking for advice on how to resolve this problem. The lots had been surveyed, one was 0.35 acres and the other was 3.55 acres. The larger lot had 265 feet of water front. He would like to do a lot line adjustment and give the smaller lot 24 feet of water front so that the boat house would be on that lot. In doing that, the boat house would also meet the 15 foot side setback requirement. He said that he was looking for guidance from the Board because he would like to advertise the smaller lot as a buildable lot.

Mr. Geddes said that he thought that Great Island had a common septic.

Mr. Dugdale said that it did, but he needed to make sure that there was space reserved for this property.

Mrs. Freeman said that as far as the Planning Board was concerned, the lot was grandfathered. As long as they were able to fit everything in the building envelope, they could build on it.

Mr. Williams asked if the owner would be averse to transferring more land in order to make room for a septic should they need it.

Mr. Dugdale said that they would be willing to do that if it were necessary. Mrs. Freeman said that if they were able to use the common septic, they would not need to do that.

Mr. McWilliams said that when they made their final application, they needed to address the septic.

**Case: 2006-010: Final Review - Roger Hardy Construction, LLC – Minor Subdivision – 176 South Road – Map 044 Lot 562-348.**

*Notice is hereby given that the Planning Board will receive submission of an application from Rodger Hardy Construction, LLC for a final hearing for a Minor Subdivision at 176 South Road, Tax Map 044 Lot 562-348, on Tuesday, July 18, 2006 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 on the accepted application will commence at the same meeting.*

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

Mrs. Freeman read the above public notice.

Art Cicilliano introduced himself as Roger Hardy's authorized agent. Mr. Hardy was also present.

The Board reviewed the application to determine if it was complete. The following items were missing:

1. *The density report was incomplete because there was no deer wintering area analysis.*
2. *Approval block needed to have seven lines.*
3. *Test pits and/or approved septic.*
4. *Written soils report.*
5. *Wetlands permit for driveway crossings.*
6. *Subdivision approval from D.E.S.*
7. *Access permit from Road Agent for driveway.*

Mrs. Freeman said that some the items could be included in a conditional approval like D.E.S. approval and wetlands permit.

Mrs. Freeman said that in talking with Mr. Cicilliano prior the meeting, there was an issue with an existing house.

Mrs. Freeman was concerned because the existing house was not built on one contiguous acre and felt that this was a way of getting around the regulations. She said that this would need to be addressed in the regulations.

*The application was not accepted as complete because the above items were missing.*

Mr. Weiler recused himself because he was an abutter in the next hearing.

**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 receive 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 read the above public notice and explained that this hearing has been continued.

Mrs. Freeman said that the Board was reviewing a lot of new material. She explained that she wanted David Eckman, Eckman Engineering, to present the new information, have Lou Caron, LC Engineering, comment, open the hearing to public comment, and then either deliberate and make a decision or continue the hearing.

Mr. Eckman explained that they now had 37 lots with 49.5% open space (67.9 acres). He noted the detention ponds on the plan. They were designed to balance the pre and post development flows and provide some treatment to the runoff. The detention pond that was adjacent to Lake Todd was an extended detention pond that provided extra treatment. He submitted materials showing the temporary and permanent erosion control measures.

Mrs. Freeman asked if the detention ponds were going to have standing water.

Mr. Eckman said that that was not the intention.

Mrs. Freeman asked what they were going to look like.

Mr. Eckman said that they would probably have wetland vegetation in them, but they were intended to be dry.

Mr. Eckman discussed the right of way and deeded easements and said that the details of the deeded easement (existing driveway) were on C1.

*Mrs. Freeman said that it needed to be shown as an easement on the plan.*

*Mr. Eckman said that it would be shown as a deeded easement on the recorded plan. He said that it was in the existing deed to the Pickmans.*

Mr. Eckman explained the fire protection plan. He said that there was a dry hydrant that was shown on plan C1 and plans F1 – F3 showed details of the cistern. The fire chief said that he preferred a cistern and the location was where the fire chief wanted it. They have put a bus turn around on Old Sutton Road where they were originally going to put the cistern. He also noted that all of the driveways were graded, not just a rough grade.

Mrs. Freeman asked what the maximum slope of the driveways was.

Mr. Eckman said that none exceeded 14%, but most of them were not even close to 14%.

Mr. Eckman commented that both the road agent and the fire chief had signed off on the off site improvements.

Mrs. Freeman said that they signed off on that they would allow the Pickmans to do the improvements.

Mr. Eckman said that on Gillingham Drive they were proposing to replace the existing culvert with a 3 x 5 box culvert with a critter crossing. They were also proposing to raise the road about 18 inches because they were told that it currently floods.

Mr. Geddes asked about the area on Gillingham Drive where they were proposing to chip off an area of rock to gain sight distance.

Mr. Eckman said that it was part of the plan pending approval from the land owner.

Mr. Eckman said that they were proposing similar improvements to Old Sutton Road. However, it was going to be a little more extensive. The length of road that they would be improving was about 2/10 of a mile. The road would be raised 2 feet where they were replacing a culvert. The culvert would be replaced with a 3 x 6 box culvert with a critter crossing.

Jim Pickman said that they were also planning on widening the road from 18 feet to 20 feet where the development was.

Mr. Eckman said that he went over the major changes and asked for any other questions.

*Mrs. Freeman asked about the legal documents. She referred to page 92, #3. She said that she did not like how that item was worded.*

*Susan Hankin-Birke, Pickman 's Attorney, said that that language was typically in documents to allow for individual housing plans. She said that they would have to come back to the Planning Board for approval.*

*Mrs. Freeman said that it needed to say with Planning Board approval.*

Mrs. Freeman also had a concern about #4. It was her understanding that the common land was not just for the property owners.

Mr. McWilliams said that common land can be private or public.

Mrs. Freeman asked for the Board's opinion.

The Board was considering it private land.

Mr. Geddes said that the primary purpose of it was to protect the wetlands.

*Mrs. Freeman said that #13 referred to further subdivision and harvesting timber. She said that that item also needed to say with Planning Board approval and according the regulations.*

Mrs. Freeman said that she also did not see any drafts of deeds. She said that there were some deed restrictions and she wanted to see a sample deed.

Ms. Hankin-Birke said that the deed would just reference the plans.

Mrs. Freeman asked if they would reference the building envelopes and driveways.

Ms. Hankin-Birke said that those would be on the plans.

*Mrs. Freeman asked that she provide the Board with sample deeds.*

Ms. Hankin-Birke said that she would, but that they would just refer to the plan and covenants.

Mrs. Freeman said that she wanted strong language referring to the plans.

*Mrs. Freeman said that she understood that these lots would not comply with regular zoning because it was a cluster development, but they still needed to show the building envelopes.*

Mr. Eckman said that he did feel that they had building envelopes because there was 100 ft. buffer.

Mrs. Freeman said that it needed to be called out in the legend as a building envelope and maybe have a heavier line.

Mrs. Freeman said that the regulations said that the Planning Board determined the minimum lot size. The Board needed to approve a minimum lot size.

Mr. Caron commented, on the subject of building envelopes, that some of the 100 ft. setback lines were in steep slopes, so that could not be counted as a building envelope.

*Mrs. Freeman told Mr. Eckman that he needed to revise the setback drawing to show the building envelopes.*

Mr. Bachelder said that he wanted to look at the development density. He did not feel that it was clear on page 40 where the numbers came from.

*Mrs. Freeman said that she did not see an analysis of developable land in the density report. She said that it was broken down by lot, but the Board needed to see the analysis of the entire area.*

Mrs. Freeman said that in order for the Board to assess how they feel about these lots and what the minimum lot size should be, they needed to see the building envelopes.

Mr. Caron commented that they showed the grading for the driveways, but not the site. The note said that they did the site grading, but they did not.

Mr. McWilliams commented that the driveway on lot 32 went through the wetland setback.

Mrs. Freeman asked Mr. Caron to review

Mr. Caron's primary concern was the number of detention ponds. He did not see the point in cutting down all of those trees for detention ponds. He felt that the number of detention ponds could be reduced. He felt that the purpose of these ponds was to hold the water back so that peak flow came later, but the same volume of water would be flowing off site just at a different time. He said that he would rather see an acre or so of trees saved.

Mrs. Freeman asked for Mr. Weiler to comment.

Mr. Weiler said that there were a lot of concerns about Lake Todd because it rises so fast. Last October, the lake rose 4.5 feet in 12 hours. He was concerned with allowing more runoff.

Mr. Caron said that reducing the number of detention ponds would not allow for more runoff. He said that the total volume was going to be the same whether it was over a 2 hour period or a 4 hour period. It was not going to change the impact on the lake, just the time that it was impacted. He said that a detention pond only delayed the runoff. He said that if the soil was right, they could design an infiltration system to allow the runoff to soak in. However, in this area, caution needed to be taken because it could freeze.

Mr. Eckman said that the soils did not lend themselves to an infiltration system. It was not feasible. He said that an extended detention pond could retain water, but it would eventually drain out.

The Board discussed and agreed to have Mr. Caron and Mr. Eckman discuss the issue and work out a plan.

Mr. Pickman was concerned because the Board did not vote on whether or not the lot sizes were suitable.

Mrs. Freeman said that that was because they needed more information.

Bob Stewart, RCS Designs, asked what the criteria was for the building envelope.

Mrs. Freeman said that the Board needed to be as objective as possible because the purpose of a cluster was to be more flexible with the lots in order to preserve more open space. However, if the items that should be in it were not, that would be unsatisfactory. For example, on plan B12, Lot 5 showed the house sitting in the wetland setback. She said that that was considered unsatisfactory.

*A motion was made to continue the hearing to August 15, 2006 at 8:00 p.m. It was seconded. All were in favor.*

**Case: 2006-012: Conceptual – Kurt Dutcher – Annexation/Lot Line Adjustment – Blye Hill Landing – Map 030 Lot 685-227.**

Mr. Dutcher explained that he wanted to do a lot line adjustment to accommodate his house plans.

Mrs. Freeman told Mr. Dutcher that the plan needed to show what was on the other side of the lot line. They would need to see where the nearest house was.

Mrs. Freeman told him that he first needed to get approval from the association, then he needed to go before the ZBA for a variance because he would be encroaching in the 50 ft. setback around the cluster development and he would then apply to the Planning Board for a lot line adjustment.

Mr. Weiler explained to Mr. Dutcher that when applying to the Zoning Board for a Variance, he was going to have to prove hardship.

**A motion was made to adjourn. It was seconded. All were in favor. Meeting adjourned at 10:45 p.m.**

Respectfully Submitted,  
Lacy L. Cluff  
Recording Secretary

