

**Newbury Planning Board
November 21, 2006**

Members Present: Barbara Freeman (Chair), Bill Weiler (Vice-Chair), David Thayer, Travis Dezotell, Al Bachelder, Ken McWilliams (Advisor).

Mrs. Freeman called the meeting to order at 7:15 p.m.

The Board signed a lot line adjustment mylar for Eric and Debra Fuchs at 193 Route 103.

The Board reviewed the minutes from October 17, 2006 and made corrections. Mr. Weiler made a motion to approve the minutes of October 17, 2006 as corrected. Mr. Dezotell seconded the motion. All in favor.

Case: 2006-020 - Stephen Pitman – representing The Lumber Barn in Bradford, NH

Mr. Pitman informed the Board that the Lumber Barn in Bradford, NH is negotiating a lease agreement with Richard Wright for the retail use of Dickie's Outdoor Sports building. The use would not change, it would continue as retail sales and service for power equipment such as wood splitters, chain saws, snow blowers, etc. There is no further storage areas proposed and no storage outside for security reasons.

Mrs. Freeman commented that there is no change in use, and there is nothing to trigger site plan review.

Mr. Weiler reiterated Mrs. Freeman's comments and elaborated that there is no change in use, retail to retail, and there is not an increase in building size of 500 sq. ft. or more. Consequently, site plan review is not required.

Mr. Dezotell made a motion to waive Site Plan Review for The Lumber Barn at Dickie's Outdoor Sports 94 Route 103. Mr. Thayer seconded the motion. All in favor.

Case: 2006-018 - Scott Falvey – Conceptual

Mr. Falvey said that he was in a position where he needs to make a decision regarding how much effort to invest in this development project. If he subdivides more than 6 lots, he will have to upgrade Southgate Road since it will be impacted as an access to the development of this land. In order to recover the costs of upgrading Southgate Road, he said he would have to plan a minimum of 7 to 15 building lots.

Mr. Falvey presented a conceptual plan to the Board which showed a 250' egress off Southgate Road which then splits into a loop road. If the split takes place at the 250' mark, there will be a greater amount of grade work required than if the split takes place at the 450' mark. He asked for a sense of the Board whether or not an extension of 200' to

the permitted 250' entrance could be granted before he starts the process of expensive road designs.

Mr. Weiler commented that he is against expanding the concept of a single entrance longer than 250'. The single entrance provision was a gift to developers, and the Board should not compromise the safety of residents to accommodate developers. To double that length would create safety issues similar to those of dead end roads.

Mr. Falvey continued on to explain his plan. The wetland areas are indicated in blue and the deer yard is delineated by a dotted line. He said he is aware of the setback requirement from wetlands, and this is just a rough idea of the road layout. He presented a second plan which showed a road layout with two loops connected by a short length of road. (an eyeglass layout)

Mr. Weiler commented that the road has to be off a multi access entrance. Therefore the second plan would not work.

Mr. Falvey presented a third plan which split at 450' to minimize impact on the grade at the entrance and continued around following more closely to the parameter of the property than the first plan.

Mr. McWilliams advised Mr. Falvey that it would be a better road design to cross the wetland area at a narrow point if possible even if that means having to design a bend in the road.

Mrs. Freeman asked Mr. Falvey how many lots he was proposing to develop within this subdivision.

Mr. Falvey said he is not sure how many will be feasible after the road design is accepted. He asked the Board if the road will be required to be paved if the lots are subject to deed covenants directing the road to remain a private road, maintained by the home owners. If, at a later time in the future, the home owners in this development want to propose this road to be accepted by the Town, the home owners would be responsible for bringing the road up to town specifications prior to the acceptance which would include paving.

Mr. Weiler commented that there is no requirement that a new road be paved if it is kept private.

Mr. Falvey asked the Board if he will be required to pave Southgate.

Mrs. Freeman asked if "upgrading" really means paving.

Mr. Falvey commented that Southgrade Road is more in need of a good base.

Mr. Weiler commented that there is nothing wrong with dirt roads as long as they are built right.

Mrs. Freeman asked Mr. Falvey if he knew the grade of the entrance.

Mr. Falvey said he did not know the grade of the proposed entrance, but had agreed to have the steep section paved in order to avoid erosion.

Mr. McWilliams advised the Board to consult Lou Caron regarding the road design, grades and angles. The Board should see the detail and review the road designs from an engineering standpoint before giving an answer.

Mr. Falvey indicated that the access could accommodate two lanes in and two lanes out, but that would require more impact and development than a shared access. The road could be constructed extra wide to accommodate extra traffic in the case of an emergency.

Mrs. Freeman asked Mr. Falvey if he could present two plans so that they could be compared.

Mr. Falvey said he would do that and that he was trying to determine the best use of the land. He discussed potential concepts of road design with the Board.

Mrs. Freeman suggested that Mr. Falvey present the Board with different in-depth alternatives of design for the entrance before completing an expensive road layout for the whole subdivision. Mr. Caron will be asked to review the designs and advise the Board on his findings. She advised Mr. Falvey to run the density calculations considering the wetlands and steep slopes in order to not start out too large and waste a lot of time and money revising his plans. Setbacks from the wetlands should also be considered a priority.

Mr. Falvey was agreeable to Mrs. Freeman's suggestions and commented that he is happy to resolve the entrance first which he considers the hard part. He explained that he has contracted two engineers to create two conceptual plans so that they can be evaluated to see which works the best. The plan that seems to work the best is the one that will be presented to the Planning Board for preliminary.

Mrs. Freeman explained Mr. Falvey that the Planning Board will need Lou Caron's comments before the preliminary hearing.

Mr. Falvey asked the Board if a Cluster Development or a combination of dwelling units is preferred.

Mrs. Freeman commented that the Board would prefer all cluster units. What the Board is looking for is a coherent approach to the site and protection and preservation of its

natural resources. She also advised that Mr. Falvey make sure the engineers are familiar with Newbury's zoning regulations.

Case: 2006-019 - Anthony Shepherd – Allwood Subdivision Lot Line Adjustment

Mr. Shepherd, 21 Allwood Drive, explained that as a result of a survey by Cliff Richard, it has been discovered that Mr. Shepherd's driveway is actually on the property of his neighbors, William and Dina Chambers. The Shepherds and the Chambers have agreed to a lot line adjustment that results in an even swap of land and places Mr. Shepherd's driveway completely on his own lot. Mr. Shepherd presented the plan for Planning Board review on a conceptual basis.

Sense of the Board is that the swap looks fine as long as the road frontage is not compromised on either lot, thereby creating a non-conforming lot with less than 200' of road frontage.

Mrs. Freeman suggested that Mr. Shepherd submit a formal request in writing to the Planning Board to waive the requirement of a complete survey of both lots affected. Paragraph 4.10 in the subdivision regulations explains how to ask for a waiver. Also, the road frontage before and after the lot line adjustment needs to be indicated on the final plan.

Mr. McWilliams informed Mr. Shepherd that if all else fails, Mr. Shepherd could obtain an easement from his neighbor as a backup plan.

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

Mr. Hardy was not present for his hearing. The Board was not able hear the case nor was it able to continue to another date and time certain. Therefore, if Mr. Hardy wants to continue this project, he will have to reapply and re-notice his abutters.

Case: Adm1-041 - Density Report Work Sheet

The Board reviewed the density calculation worksheet that Mr. Weiler drafted. The form was created to help people calculate density requirements. The worksheet should be used by anyone proposing a subdivision as an aid for calculating density. The following changes were suggested:

- Capitalize the word 'Lot' in line one, paragraph one
- Line 1 – change 'contiguous parcels' to 'land'
- Line 10 – after 1, add 'if there are not protected lands'
- Line 12 – insert 'allowable' to read 'Maximum Allowable Density'
- References at the bottom should be generalized to 'See Definitions in Zoning Ordinance'

Mr. Dezotell made a motion to approve the worksheet as amended. Mr. Thayer seconded the motion. Majority in favor. One abstained.

Case: ADM1-041 - Land Use Monitoring Process

Mrs. Freeman asked the Board members to review the handouts on the Land Use Monitoring Process for homework and return with suggestions for revisions at the next meeting. She explained that currently after a subdivision or site plan review is approved, there is no organization or written policy outlining how the conditions are monitored for enforcement.

Mr. Weiler commented that on the application for subdivision, the building inspector/code enforcement officer could make sure that they are not developing before approval and follow up on the conditions.

Mr. McWilliams suggested that the first step of getting the information from the Planning Board to the Building Inspector's desk. The policy needs to be clear what will have to be done. This action will have to be assigned to the Land Use Coordinator.

Mr. Dezotell asked if this is an unfunded mandate. This seems to be adding a lot of work and responsibility on an already saturated position.

Mrs. Freeman commented that it is up to the Board of Selectmen to decide if the Building Inspector/Code Enforcement Officer can do it or not. The Board of Selectmen may need to increase the hours.

Mr. Dezotell commented that lack of enforcement is a big concern from the public.

Mrs. Freeman commented that another issue to think about is what happens when a code is being violated.

Case: ADM1-061 - Master Plan

Mr. McWilliams explained that Deane Geddes has agreed to coordinate volunteers to work on the Historic Chapter. The Board reviewed a list created by Tracy Messer which identifies 26 cornerstones of historic meaning in the Town of Newbury. Mr. Geddes has shortened that list to 10, but the list is not limited. He was just trying to prioritize the original list. The intent is to have pictures of some of these historic sites with a caption describing the history.

Mr. McWilliams addressed the Natural Resources Chapter. The Conservation Commission will cooperate in incorporating the Conservation Plan. Mrs. Freeman is working with Terra Map to coordinate the insertion of maps within this chapter.

Mr. McWilliams stated that the Board should be prepared to finalize and execute the Master Plan agreement. He will email the members the drafts of the Regional Context to

review for the next meeting which will be the December 5, 2006 work session. Additionally, at the December 5, 2006 worksession, zoning amendments and the land use monitoring memo will be reviewed for input.

Mr. Weiler made a motion to adjourn. Mr. Dezotell seconded the motion. All in favor. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Linda Plunkett