

DRAFT
Planning Board
Minutes of October 21, 2008

Members Present: Tom Vannatta, Chair; Barbara Freeman, Vice-Chair; Deane Geddes; Bill Weiler; Ron Williams; Dick Wright, Alternate Ex-Officio; Ken McWilliams, Advisor

Mr. Vannatta called the meeting to order at 7:05 p.m. The Board reviewed the proposed Capital Improvements Plan for 2008.

Ivor Freeman presented the plan and explained to the Board that the CIP Committee had good support from all of the department heads who have capital expenditures. He explained that there were some changes made from last year, but mostly everything stayed pretty level. The Committee discussed and modified the assessed values of property due to the current economic conditions and decided to set a 0% increase for three years, then return to moderate assessment increases.

Mr. Geddes made a motion to accept the Capital Improvements Plan as presented. Mr. Wright seconded the motion. All in favor.

CASE: 2007-025: New Hampshire Department of Resources and Economic Development/New England Handicapped Sports Association – Conceptual Site Plan Review – Recreation Facility – Tax Map/Lot 013-386-092-00.

William Johnson, Chairman of the NEHSA Building Committee presented a map of the proposed entrance and building. He reminded the Board that he had been to the Planning Board last November to discuss the needs for a lodge that provides close access to the beginner slopes to accommodate the special needs of disabled patrons. At that time, a plan was presented that showed the location of a new facility alongside a lower trail adjacent to the rope tow. The road access, which is dictated by the NH Department of Transportation, was designed to connect the facility near the ski slope with a 23-space handicapped parking area and a remainder of 77 standard parking spaces. As a result of the November 2007 meeting, the committee received general support from the Newbury Planning Board with the recommendation to pay attention to the steep slopes and wetlands. At that time the Board also talked about its concern regarding the impact of the access road. The NEHSA Building Committee has invested about 10 months of time and 15 design iterations for the location of the building, layout of the road and parking area while taking into consideration the steep slopes above and the wet area below. What is being presented this evening is different from what was shared before because the Committee has revisited the issues of concern that were voiced by the Planning Board. Mr. Johnson asked the Planning Board to give him direction regarding is there something that the Building Committee may have missed?; Has the Building Committee done due diligence to find the best fit for this project on this site?; Are there any “show stoppers” that the Building Committee should relook at?; If the Building Committee is going in the right direction, does this project need Zoning Board of Adjustment approvals before Site Plan Review is applied for?

Mr. McWilliams commented that Mr. Johnson needs a referral from the Planning Board to go to the Zoning Board of Adjustment due to the impact on the steep slope and wetlands. It appears that the Building Committee has worked very diligently to make this proposal work. The Steep Slope ordinance allows for ski trail waivers, but not for construction of a building. The wetlands that would be impacted with fill is not considered a highly rated wetland for functional wetland performance, but because there would be filling, it will need an approval from the Zoning Board of Adjustment.

Mr. Vannatta commented that the Planning Board would require the Zoning Board approvals prior to hearing a Site Plan Review application.

Mrs. Freeman asked if the wetland area demarked on the plan would be filled.

Mr. Johnson explained that it will not be filled as much as it may appear from the map because there is a proposed retaining wall that will offset the need for fill, and the proposed deck will be cantilevered over the wetland and not built in the wetland in order to minimize grading and fill of the wetland.

Mrs. Freeman commented that according to the topographical lines on the presented map, there is much flatter land in the southerly direction. She asked Mr. Johnson why the Building Committee did not consider the flatter land for the building site.

Mr. Johnson explained that there is a ski trail very near that flatter land that would be affected, and also a well-established drainage swale that would need to be redirected if the building was built toward the south. He explained that the Building Committee, upon recommendation by DES, was trying to stay away from the swale.

Peter Spears, Wildlife Biologist and Wetland Scientist, explained that although the grade is flatter toward the south, there is more wetland. One of the several versions of this plan did show the building further to the south, but DES requested that the building be moved up in order to protect the swale. It would be the best trade-off there is between the slope impact, wetland impact and drainage impact.

Mr. Johnson advised the Planning Board that when the Building Committee shared this plan with the Goshen Planning Board, they agreed that this location of the building works well as an extension of the proposed retaining wall.

Mr. McWilliams asked Mr. Weiler if he knew what the class of the section of Province Road is that is proposed as the access to this new building.

Mr. Weiler explained that that section of West Province Road is completely abandoned by the Town, and anything that is within the boundaries of the State Park is under State ownership.

Mrs. Freeman commented that she would like to see more clarification between the building and the deck(s) on the final plan. She advised Mr. Johnson that the plans presented to the Zoning Board of Adjustment should also be complete and clear.

Mr. Williams commented that there is a tremendous amount of cut into the steep slope.

Mr. Johnson explained that procedurally, the plan is to grade into the slope. A retaining wall would be quite a bit more expensive than grading. This is a sandy glacial till and therefore whatever material is removed can be used for fill in another area. There will be a landscaping plan to re-vegetate and plant all disturbed areas. The area will be stabilized quickly and then re-vegetated with native shrubbery and plantings. There was no bedrock encountered while digging boring holes, which went 8 ft. – 10 ft. deep. If bedrock is encountered, the plan would be to shrink the plan rather than take on the operation and expense of blasting. Additionally, there was also minimal ground water encountered in only one of the boring holes at about 8 ft. down.

Mr. Johnson stated that it is not the Building Committee's intention to clear cut for development. There will only be a minimal amount of cutting in an effort to blend in with the landscape and be

environmentally conscientious. The architecture of the building will be designed so that this building fits in with the rest of the architecture within the ski area.

Mrs. Freeman commented that there appears to be a lot of ramping within the interior of the building on the different levels.

Mr. Johnson explained that the different levels were always a part of the design feature of the interior of the building. The different levels make the building look less boxy and give the building more of New England Farm House flavor. Also, the ramps enable wheelchair-bound patrons to access the different levels without the use of elevators, which aren't always reliable in the case of fire or loss of electricity.

Jay Gamble, Mount Sunapee General Manager, informed the Board that DES and DRED are supportive of this plan and are satisfied that it does not interfere in the established drainage swale.

Mr. Johnson advised the Board that the Building Committee cannot begin its capital campaign until they are confident that this plan will receive approval by the Town.

Mr. McWilliams advised the Board that the applicant should apply to the Zoning Board of Adjustment as soon as possible before investing more time and money in expensive engineering plans. If the Board sees an issue or problem with the application, then that opinion should be entered into the minutes to that the Zoning Board of Adjustment is aware. Or, if the Board does not see an issue or problem with the application, then that opinion should also be entered into the minutes for Zoning Board information.

Mrs. Freeman stated, on behalf of the Planning Board, this is a doable project, but before the Planning Board can entertain seeing a preliminary site plan review, the Planning Board would like to have the necessary Zoning Board of Adjustment approvals in place.

CASE: 2008-019: Final Lot Line Adjustment – Emily Welsh and James Lord & Joanne Dionne – Shultis Farm Road – Tax Map/Lot 043-592-097 and 043-553-309.

The Planning Board will receive submission of an application for a Final Hearing for a Lot Line Adjustment from Emily Welsh and James Lord & Joanne Dionne, for property located on South Road (Shultis Farm Road), Newbury, NH, Tax Map 043-592-097 and 043-553-309 on Tuesday October 21, 2008 at 7:15 p.m. in the town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.

The Board reviewed the application for completeness.

Mr. Geddes made a motion to accept the application as complete. Mr. Williams seconded the motion. All in favor.

David Eckman, Engineer, explained that the purpose of this lot line adjustment is to return 0.04 acres to Mr. and Mrs. Lord that was lost in a prior land dispute. He explained that there are two written waivers requested. The first waiver is a Monumentation Waiver Request asking for use of iron rods for monumentation in place of granite bounds as required in Section 10.10 of the Newbury Subdivision Regulations since 'the proposed lot line is located in the lawn area near the driveway. It is more appropriate to use capped iron rods that can be easily located below grade with a metal locator. Iron rods are also easier to drive into the ground to avoid interference with a lawnmower.' The second waiver is asking to not complete a full boundary survey as required under Section 7.3.5 of the Newbury Subdivision Regulations since 'the land along the private drive was taken from Lot 576,307 and give to

lot 592-097 due to a court ruling. The current owner of Lot 592,097 now wants to give back a portion of the land adjacent to the drive. The area to be annexed is along an internal boundary/driveway and is not directly related to the external boundary.' The total amount of land to be annexed is 0.04 acres, approximately 1,617 sq. ft.

Mr. Weiler made a motion to approve the request for monumentation waiver . Mr. Geddes seconded the motion. All in favor.

Mr. Weiler made a motion to approve the request for boundary waiver. Mr. Williams seconded the motion. All in favor.

Mrs. Freeman commented that she does not see a notation of the before and after square footage on the plan.

Mr. Eckman explained that the surveyor did not perform a complete boundary survey; therefore, he could not indicate the exact before and after acreage. He suggested that a notation could be placed on the plan that is an approximate change in acreage.

Mr. Weiler made a motion to waive the requirement of Article 7.1.6. to not require the before and after acreage on the plan since the change in acreage is within the margin of error. Mr. Williams seconded the motion. All in favor.

There were no further questions from the Board.

Mr. Vannatta opened the meeting to the public. There were no comments from the public. Mr. Vannatta closed the meeting to the public.

There was no further discussion.

Mrs. Freeman made a motion to approve the lot line adjustment as presented. Mr. Williams seconded the motion. All in favor.

CASE: 2008-020: Final Lot Line Adjustment – Emily Welsh – South Road & Morse Lane – Tax Map/Lot 033-197-164 and 043-592-097.

The Planning Board will receive submission of an application for a Final Hearing for a Lot Line Adjustment from Emily Welsh, for property located on South Road and Morse Lane, Newbury, NH Tax Map 043-592-097 and 033-197-164 on Tuesday October 21, 2008 at 7:45 p.m. in the town Office building at 937 Route 103 in Newbury, NH. If the application is accepted s complete, a public hearing on the application will commence at the same meeting.

The Board reviewed the application for completeness.

Mr. McWilliams noted that there was no notation on the plat per Section 7.1.9 of the Subdivision Regulations.

Mrs. Freeman made a motion to accept the application as complete with the provision that the notation per Section 7.1.9 be added to the final plat. Mr. Weiler seconded the motion. All in favor.

Ms. Welsh explained that this lot line adjustment is to amend the lot line adjustment that was approved last spring. She explained that she thought the line was in a different place and did not realize its actual location until after the initial approval. She stated that she is in the process of selling her property and wants to keep the mature maple grove with the farm house. She commented that she is doing a number of things with the farm parcel so that the farm will never be subdivided. In addition to the farm, she wants to protect the maple grove.

There were no members of the public present for comment.

Mrs. Freeman made a motion to approve the lot line adjustment as presented with the addition of the notation per Section 7.1.9. on the plan. Mr. Williams seconded the motion. All in favor.

Mr. Geddes asked Mr. McWilliams what happens if after a plan is recorded at the registry an abutter appeals the Board's decision within the 30 days.

Mr. McWilliams explained that if an applicant is appealing the Planning Board's decision, any sales or actions that are affected by the decision would go on hold until the appeal is resolved. If the appeal is on the Board's interpretation of the regulations, then the appellant would appeal to the Zoning Board of Adjustment. If the appeal is on the Board's decision, then the appellant would go to the Superior Court.

The board reviewed the minutes of September 16, 2008 and made corrections.

Mrs. Freeman made a motion to approve the minutes of September 16, 2008 as corrected. Mr. Williams seconded the motion. All in favor.

CASE: Angel Hawk Subdivision – Jaimie Gould – Covenant Restricting Lot Sales

Mr. Vannatta informed the Board that he received a covenant restricting lot sales from Mr. Gould within the required time frame, but did not sign it on behalf of the Planning Board because the verbage references a subdivision that has not yet been approved. For example 'will subdivide' should be 'has subdivided' and 'will be recorded' should be 'has been recorded'. He explained that he spoke with Mr. McWilliams regarding appropriate changes in the language in an effort to reflect the current status of the subdivision.

Mr. Weiler suggested that the final document should be faxed to Bart Mayer, Town Counsel, for approval prior to signing. Mr. Vannatta agreed with Mr. Weiler.

CASE: Angel Hawk Subdivision – Harold Buker – Letter of Credit

Mr. Vannatta informed the Board that he received a letter from Mr. Buker asking for the release of the remaining funds in the escrow account to be sent to him personally.

Mrs. Freeman asked if the escrow account belongs to Mr. Buker or the Angel Hawk Subdivision. She warned that depending how the sale documents are worded; the funds may not belong to Mr. Buker.

Mr. Weiler commented that prior to the funds being released, assurance should be made that there are no outstanding bills for Angel Hawk due to Lou Caron or the Town of Newbury for services.

Mr. Vannatta stated that he will verify those two issues before authorizing the release of the funds to Mr. Buker.

The Board agreed to move the regularly scheduled monthly worksession on November 4, 2008 to November 12, 2008.

Mr. McWilliams advised the Board that any zoning amendments to be proposed at the March 2009 Town Meeting need to be ready for public hearing in mid-December.

Mr. Vannatta informed the Board that he received a letter from the Land Use Coordinator in Sutton, Linda Ford, informing the Newbury Planning Board of a subdivision on Baker Hill Road that is just over the Newbury/Sutton Town line. The six lots of this subdivision all have frontage on Baker Hill Road, which may be impacted on the Newbury side. The lots are all 3-acre to 5-acre lots.

The sense of the Board was that six house lots will not significantly impact Baker Hill Road in Newbury.

Mr. Wright commented that Baker Hill Road is already a heavily traveled road and he does not feel concerned that the addition of six houses will adversely affect the condition of Baker Hill Road in Newbury. He added that the Newbury section of Baker Hill Road will be repaved this spring and will be able to hold up under any added use.

Mrs. Freeman made a motion to adjourn. Mr. Weiler seconded the motion. All in favor. Meeting adjourned at 9:00 p.m.

Respectfully submitted,

Linda Plunkett
Recording Secretary