

Planning Board
October 27, 2022
7:30pm

Members present: Barry Hantman, Chris Smith, Charles Underhill, Leo Traverse

Others present: Gail Turilli

The meeting minutes from 10/13/22 were reviewed by the Board. No changes or comments. Chris **made** and Leo 2nd a **motion to accept the minutes as written**. All in favor with Charles abstaining, **motion carries**.

Barry mentioned that one item on tonight's agenda, WellingHall Farm Wedding Venue Site Plan, has been postponed to the November 10 meeting.

Frye Road Extension / Route 111 Access Way:

Charlie Zilch, who represents the above project, is unable to attend the meeting as planned tonight but, the Board will proceed without him. Documentation with the latest update has been sent via email and distributed to the Board for review. Boraczek's Septic & Drain with Charlie Zilch and Chris Giordano have been working with DOT and District 6 to get this access opened up. Conditions were sent back in August, the Planning Board reviewed these conditions and had made some comments. Charlie took those comments back to District 6 and is now coming back to the Planning Board with an update. The Board reviews the documentation that was sent by Charlie.

Charles mentions two takeaways he got from the letter: The request for the Selectboard to send communication to DOT and suggests that the Planning Board draft a letter for them as he feels this Board has more of a history with the project. Barry believes that the Planning Board did send a letter originally. He states that this seems to be looking for a specific application but, not sure what that is. A letter was drafted previously which the Planning Board and Selectmen signed, and sent in to start the process. Barry asks that Gail get in touch with Charlie as to what is needed for the Planning Board for signature. There were six previous conditions and with the exception of one, that it seems as though DOT and District 6 are looking to be reasonable. They understand the need for some kind of threshold in trying to go back for an application, easements cannot be suddenly taken away from property owners. They have asked for a traffic analysis to get the existing condition which is acceptable. Charles asked who pays for the traffic analysis and could we go to Rockingham County for a traffic study to be done in the town or does the town pick up the cost. He noted that Charlie will be getting an estimate for this. The original work was done by someone else but, the project was never followed through. Charles is hoping that Charlie gets permission to use the previous work as a foundation going forward.

Barry stated that up until now, all costs have been borne by Boraczek Septic & Design as they are the ones who wanted to develop that land to get there. If they come back and ask the town to fund that, it would be up to the Selectmen to determine to do so, given that there is an existing

47 traffic study that was done years ago and there hasn't been much new development along Frye
 48 Road and Johnson Road since then. Charles noted that it's more of the assessment for potential
 49 development over time that will add to that study. Barry doesn't feel it will be much different
 50 from last time. Previously, the proposal was for a continuing care facility and a shopping plaza
 51 and there is nothing else that comes to mind that would cause more traffic than that. Charles
 52 stated that the Board is riding those coattails as Charlie pushes for the development with
 53 significant benefit to the town. Barry noted that there are various ways that the Selectmen could
 54 cover the cost such as, town budget, put a warrant on the ballot for vote, or use a federal grant.

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 56 Charles stated his experience has been outside of New Hampshire where he had regional
 57 planning commissions with experience to do more detailed analytical work that the towns needed
 58 to support what they were doing but, didn't have access to themselves unless an outside entity
 59 was hired to do so. Barry noted that we are not currently members of the RPC. Chuck mentioned
 60 that the Board talked about putting this in the budget for the upcoming year. Barry stated that it
 61 didn't make it into the budget but, doesn't mean they can't be hired, we just wouldn't get the
 62 member rate. The RPC is not inexpensive and, in some cases, have proposed things that have
 63 not been a benefit to this town. When the Planning Board were members, we were not satisfied
 64 with their services. There is money in the budget for Master Plan funds and similar, and we
 65 could always look for a grant to hire a consultant through the RPC. Charles feels that having a
 66 preliminary discussion about this is useful and we need to see how things develop.

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 68 District 6 has indicated the unwillingness to consider either two curb cuts or matching
 69 intersection and that information as to why is not conveyed in Charlie's letter. Charles feels that
 70 it would be beneficial to find out what their concerns are, if they are addressable, things that the
 71 town wanted factored in to it's planning going forward for development. Either (A) it's never
 72 going to happen, (B) there are conditions to it happening that we may or may not be able to meet
 73 or (C) there is a lack of information that makes District 6 comfortable with that kind of decision.
 74 He would like to explore the background on the point made. Barry noted, based on discussions
 75 in the past, they are loathe to approve new access on a highway like 111. They want to have a
 76 minimum number of curb cuts in a two mile stretch. If looking at developments over time, an
 77 intersection today may not need a traffic light but, may need one 15 years from now. They want
 78 to limit traffic lights and not have them every seven feet. The Planning Board has to determine
 79 whether that is an acceptable condition. Barry's personal thoughts are that this Frye Road
 80 connection has been talked about for the last 15-20 years with no success but, we are getting
 81 close here. There was talk about a connection on the North side of the road for the last three
 82 months. It won't happen anytime soon but, was thrown out there looking forward. Barry's gut
 83 says, take what you can get and come back to District 6 at some point in the future.

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 85 Charles agrees with the approach but, growth happens. He states that it is the Planning Board's
 86 responsibility to the town to do what we can to manage that growth and understanding where
 87 some of the impactful limits are going to be. This will help in figuring out whether we're
 88 pushing the noise problem to the other end of the road because we can't use 111 for truck access.
 89 Barry noted if a curb cut was put in on the North side, he doesn't think it would align. Charles
 90 states that one thing that is often done with a major highway and want to limit curb cuts to it,
 91 there is an access road that runs parallel to it. There doesn't seem to be a consistent approach to
 92 curb cuts on state highways. Barry mentioned that if looking at 111, there are some sections that

have lots of curb cuts and others that don't. He feels we should accept that condition for the moment and revisit at some point in the future. Charles states he would like to understand what the reasoning is. Barry notes he would like to get District 6 to accept that while we are not requesting a second curb cut at this time, to leave the option open for the possibility to come back at some point and discuss the feasibility for a North side connection. Chris points out that we are asking them to provide written reasons just as the Planning Board is requested to do. Barry states there are three things that need clarification: 1. What needs signing by the Board 2. What is their rationale for not supporting a potential second access and 3. Any future requests for curb cuts along the Danville stretch of 111 will need to be reviewed and approved by NH DOT District 6 with a separate consideration. Charles noted that the Planning Board will wait and see if the client will pursue this on his own or come back to the Planning Board. Barry states if the the applicant comes back to the Planning Board stating that the traffic study will cost a large amount of money and feels that the town should cover that, it's kind of a catch 22. The last bullet point in Charlie Zilch's letter was that the state was going to come up with a cost to basically give the town the land in the ROW to build the road. The town has to front the money for that cost. The cost will be passed to the applicant as a betterment fee to use it. If they ask that the town cover the cost of the traffic study, it just means that the betterment fee will increase because the cost was more. The consensus of the Board is to continue with this project. It opens up those two big lots on the Southern side of 111 to potential development.

Other Business:

A report from Dennis Quintal was received for Ward Way requesting the release of remaining Bond as all work has been completed. This will be forwarded to the Board of Selectmen.

A letter was received from a resident regarding a neighbor with truck issues and farm business . Barry states that agricultural use has special notice, in general, Farming/Agricultural is permitted anywhere in the state. Restrictions cannot be made as to make it not able to do. There are restrictions on 18 wheelers in the residential zone and we need to know if the vehicle in question is related to the farm. If it requires code enforcement, it will need to go before the Board of Selectmen. The Planning Board could maybe clarify in the ordinance, what isn't permitted without a site plan for agriculture. Charles questioned the town wide noise ordinance and if in violation, will need code enforcement. Barry stated the ordinance may not cover that, the lot in question was not an existing farm, had no animals but, in the last year has cleared a section of of the lot and acquired two cows. Up until recently, the truck wasn't there and may not necessarily violate the ordinance. The resident with the concerns will come to the next Planning Board meeting for a discussion. Chris mentions that he hopes the resident with concerns has spoken with the neighbor.

Leo mentioned the changes that the Heritage Commission brought to the Planning Board at the last meeting. According to house bill 1661, requires the language that was presented. Barry states that it is required to be put in the procedures, not the ordinance. That would need a town vote which is only done once a year. There are lots of procedures that are followed but are chosen not to be put in the Zoning Ordinance.

138 Charles **made** and Leo 2nd a **motion to adjourn**. All in favor, **motion carries**. **Meeting**
139 **adjourned at 8:30pm**

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141 **Agenda for next meeting:**

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143 1. Continuance of Wellinghall Farm Wedding Venue, 567 Main Street. Map & Lot 1-
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145 2. Discussion of Residential/Agricultural Zone for Farming issues and Commercial
146 Vehicles requested by Sandra York of 199 Colby Road

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148 Respectfully

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150 Gail Turilli

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