

Planning Board
May 26, 2016
7:30 pm

Members Present: Barry Hantman, Chip Current, Chris Giordano, Jim Castine, David Cogswell, Chris Smith, Roger Whitehouse, Janet Denison-clerk

Others Present: Kevin Hatch, Ed Delorey, Lisa Mirras, Jimmy Mirras, Robert Newbury, Nancy Newbury, Carsten Springer, Tammy Roeger, Jean LaMothe, Monique Berry, Gary Mignault, Linda Pacheco, Walter Baird, Beth Caillouette, Carol Baird, Mary Ann DiStefano, Rob Roeger, Dave LaPlume, Sheryl LaPlume, Chris Stafford, Sheila Johannesen. Charlie Zilch, Chris Albert, Leo Bourbeau, and Michele --- arrived at 8:30pm.

Minutes

Chris G. made and Chip seconded a **motion to accept the May 12, 2016 minutes as amended.** Roger abstained. The motion **passed.**

Meetinghouse subdivision, Map and Lot 2-75

Barry explained the two step process: the application will be reviewed for acceptability, and then if it is accepted, the public hearing will commence. In most cases, a site walk is conducted in conjunction with the Conservation Commission.

Kevin Hatch introduced himself as the surveyor working for Ed Delorey, the owner of the property. He explained this is a proposed six-lot subdivision just south of the Old Meetinghouse. Four driveway permits have been applied for with the NHDOT. This will eliminate the number of cuts off of Route 111A. Wetland calculations have been conducted. Stormwater information is shown on sheet 7 of 8 in the plans presented tonight. This information has been reviewed by Dennis Quintal. There is no letter from the owner but he did sign the application.

A letter from Dennis Quintal, dated May 10, 2016 was received. A response letter from Mr. Hatch was written May 26, 2016. There are no waivers requested at this time. Chris G. asked if the acreage is correct. He stated the plan can be amended at a future date. There were no further questions about the application. Chip made and Chris G. seconded a **motion to accept the application.** The motion **passed** unanimously.

A letter from the Heritage Commission, dated May 17, 2016, was read aloud. The letter called into question the ownership of the lot noted as 75-1 on the plans. Chris G. stated that a plan was brought to the town several years ago and there was a question about the number of lots that could be created from this lot.

Mr. Hatch explained there were surveys done for surrounding properties and he explained what he understood as the history of the meetinghouse lot and the cemetery lot. He said the cemetery lot came out of two pieces which were originally from the lot now owned by Mr. Delorey. A copy of the letter from the Heritage Commission was provided to Mr. Hatch, who was told to review this letter and respond.

Barry pointed out the frontage of lot 75-1 does not seem to meet the road. He wanted to know where the southern boundary of the Meetinghouse lot is. Mr. Hatch said there was no road at the time the Meetinghouse was built. He said a wedge was taken out of the traveled way and that lot 75-1 has frontage entirely on Route 111A. He said he knows this as there was no other call for abutters in his

research of this property. He said the strip of land is in that state right-of-way (ROW) and that there is no existing easement.

Barry said he is still questioning where the meetinghouse lot ends. He said that as it is drawn, there's no reason to believe it ends anywhere. Mr. Hatch said that he has stamped the plan as a licensed surveyor

Chris G. had some questions about what looked like incongruities on the plan presented tonight and surveys for surrounding properties. Mr. Hatch explained some of the lines on the plan he drew. Chris G. said there can be discrepancies among surveyors as everyone is prone to make mistakes. Barry asked about the well radius for lot 75-1, which Mr. Hatch confirmed is entirely within the lot lines. Mr. Hatch said he will draw typical house footprints for each of the lots.

Frontage and acreage was reviewed. All of the lots are drawn with 200' of frontage and at least 2 acres. The upland soil calculations were reviewed. This is a separate page in the application package.

It was noted that they have the state approval for a subdivision. They will need NHDOT permits. It does not appear there will be any wetland disturbance. Well radii for two of the lots go into the pond which is ok. The wetland flags will need to be numbered and the number noted on the plans. It should be noted that the existing structure will be razed.

There was a question about the exact acreage of the pond which Mr. Hatch said is less than 10 acres and is not listed on the state list.

Chris noted the discrepancies again between plans and surveys. Barry reiterated that Mr. Hatch has some homework to do regarding this.

It was noted that some existing house lots appear to be on top of the test pits. Mr. Hatch said this is allowed. Barry said that those lots that are close regarding lot sizing, Mr. Hatch will need to show a typical house with a septic for a four bedroom dwelling on each of the lots. Barry said he's not convinced everything will fit. Chip said he'd like to see more of the driveways within the building envelopes. Mr. Hatch explained that the plans show a house on top of the test pit within 4000 square feet. The septic system, which takes about 600 square feet, will also fit inside the building envelope. He said there may be additional test pits when the septic plans are designed. He said this Board may be getting lost in the scale of the drawings: the lots on this plan are 3-5 acres in size and yet in Colby Pond the lots are less than an acre and have wells and septic.

The meeting was opened up to the public for questions.

Robert Newbury asked what will happen to the water flow if trees are cut down. Barry explained that the developer is not allowed to increase the runoff.

Carsten Springer asked about the definition of a pond. Mr. Hatch said it is open and continuous surface water, and this is what is shown on the plan. David asked if Mr. Springer's question is in regards to the spring snow melt that would likely increase the area of the pond up to the stone wall of the cemetery. Carsten said it is not but that is a good point. Mr. Hatch said the pond is controlled by the beaver dam and that only so much water can be let through at a time.

Mr. Hatch said the state takes fee ownership of naturally occurring, not manmade, ponds over 10 acres in size. He said there are other considerations for manmade ponds with dam controls. Carsten said this does not match what he and Chris G. were told a few years ago by the NHDES. Carsten said that ponds shrink and grow over time and just because this pond isn't noted on the state list, it may be over 10 acres in size.

It was noted that if this pond is actually more than 10 acres, it couldn't be used for the calculations of the lots. Barry said this Board will need to know the state definition of a pond and how this pond is measured.

Tammy Roeger asked about the beavers and what will happen when their natural habitat is disturbed. She said no one controls the beavers. She had concerns about the wells and that this water feeds their wells on Hawke Lane. She asked who assesses the vegetation to see what can be safely removed. Barry reiterated that a developer is not allowed per state law to change the runoff. Well radii have to be shown.

Chip said that detention basins and swales can be created to control runoff into the pond.

Jimmy Mirras said he did not believe this subdivision will work due to the amount of wetlands in the area. He had to move his pool 95' due to the poorly drained soil. It was pointed out that a soil scientist determines what is wetland. Chip explained the setbacks that are not allowed to be disturbed and this process of determining setbacks was done when Hawke Lane was developed. Mr. Mirras asked who will be liable if his house floods. Barry said that will be a civil issue.

Sheila Johannesen asked about the driveways that will be for lots 5 and 6. Mr. Hatch showed this on the plans and said there is 400' of sight distance. The deed will require that 25' along the road will need to be maintained and cleared.

Mary Ann DiStefano said that no acreage or deed references are on the plans for the Old Meetinghouse lot. Barry said that normally the abutting lots' acreages are not noted on the plans. Chris Stafford said he could not explain the differences between the two surveys for his lot to the north. He said he is attending as a representative of the Old Meetinghouse Association. He said their biggest concern is the 75-1 lot and what exactly are the boundaries of the Meetinghouse lot. He measured the corner of the lot abutting the cemetery and the edge of pavement which is 42.5', well outside of the 50' ROW, if that's even a 50' ROW. Barry reiterated that the surveyor is going to have to prove the lot lines are what he says they are. Barry said that not all surveys are correct and not all abutters are listed correctly on surveys.

Walter Baird asked about deed research done by Mr. Hatch and how far back in time the research will go. Chip said it will go back far enough to convince the Board of what is correct.

Carsten asked if the surveyor used any surveys that are not known to the public to substantiate his work. Mr. Hatch said he used recorded documents, DOT records and searched probate records. He said he did not use any other sources other than those available to the public.

An update will be requested from Dennis Quintal. It was agreed to conduct a site walk on June 5th at 9am. The public is invited to attend. Mr. Hatch was asked to attend the next Conservation Commission meeting. This discussion will continue on June 23rd at 7:40pm.

CIP

Chip explained the final analysis to the Board. Dave made and Roger seconded a **motion to adopt the Capital Improvement Plan as presented**. The motion **passed** unanimously.

Barry said there are sections of the Master Plan that will be updated soon. Chip said the school district CIP is being reviewed and hope to have something published this month.

Preliminary discussion with Charlie Zilch regarding Billy's Way

The resident at 1 Billy's Way has asked Charlie Zilch about a possible subdivision of the property which is just over 6 acres. This is shown as lot 1 on the plan given to the Board members. Mr. Zilch explained

a 50' private ROW was created years ago through lot one as shown on the plan. The residents had built a garage behind the property that could be converted into something else.

Mr. Zilch looked up the meeting minutes from 1976 to see if this can be used as frontage to allow the lot to be subdivided. The former owner had obtained state approval to have one driveway serve more than one house, but the meeting minutes don't offer any other explanation for what is or was not allowed. This was reviewed through the Planning Board which approved a 50' ROW with the frontage used to create lot 3 in the back.

Chris G. explained that the regulations back then allowed a hammerhead. The regulations now require a 60' width with a cul-de-sac. Chip said there is an existing ROW which may not need to increase width. If the width were increased, it would change someone else's lot. He said it would be different if it were not built to town standards. Barry agreed the road would need to be built to town standards.

Mr. Zilch was told that only one dwelling unit is allowed per lot.

Preliminary discussion regarding Four Seasons/Rock Rimmon Associates

Chris Albert introduced himself as the engineer working on the plans to be submitted later to the Board for review. They are working on improving the aesthetic appeal of the entrance and putting a mailbox kiosk near the entrance. They will regrade the entrance.

It was explained that a site plan will be held in order to have the new owners understand any caveats that existed with the prior owner. This will also allow time to review any new items the new owners propose.

It was agreed that the new sign must be removed from town property. The kiosk will be moved to a different location to allow better parking around it. The current placement as shown on the plan may need approval through the Zoning Board. It was agreed that the definition of sign in the Zoning Ordinance will need to be reviewed as signs are generally exempted from setbacks. Barry agreed that if the sign were moved further from the road, it is improving an existing non-conforming use. This may be acceptable to the Board. The placement of the kiosk has been reviewed by the East Hampstead Post Office. The Board will need to see any agreement between the property owners and the Post Office.

The road going into the park is currently partially paved and partially graveled. They plan to pave the entire length. This Board will need to see a detailed slope plan.

The trash problem has been addressed by the addition of two dumpsters. They plan to meet with Casella in a few weeks to discuss possible curbside pick-up. There may be an issue of overhead lines. They have already spoken with Verizon about raising the lines. The entrance is 24' wide. Most of the roads are 22' wide, narrowing to 16' wide in some areas. They plan to install new sewer and water lines and will look at widening the roads at that time.

Mr. Albert said there are 106 occupied units in the park. They are not allowing any more RVs into the park. When a rental unit is vacated, it is replaced with an owner-occupied unit. The street signs indicating "Four Seasons" are being removed.

The prior agreements and court decisions will need to be reviewed at the next meeting.

At 10:10pm Chip made and Roger seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet Denison
Land Use/Assessing

June 23, 2016 agenda

- 7:30pm Minutes and Correspondence
- 7:40pm Meetinghouse subdivision, Map and Lot 2-75
- 8:30pm Site plan review for Uncle Bob's Storage, Map and Lot 4-237, 220 Kingston Road