

Planning Board
July 28, 2016
7:30 pm

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

Excused Members: Chris Smith

Others Present: Kevin Hatch, Walter Baird, Carol Baird, Ed Delorey, Leo Bourbeau (and others), David LaPlume

Minutes:

Chip made and Chris G. seconded a **motion to accept the June 23, 2016 minutes as amended.** Barry abstained. The motion **passed.**

Correspondence:

- From DES, AofT issued for Sapphire Woods
- From DES, regarding Meetinghouse Subdivision, notice of application for subdivision approval
- Supply Lines with the Source newsletter
- Stormwater Management & Sediment and Erosion Control Plan
- From Kevin Hatch, wetlands delineation report for MH subdivision, dated March 31, 2016
- Emails between PB and UNH regarding online survey
- Abutters notice from Brentwood, mtg on August 4th for cell tower installation
- Letters from Heritage Commission (HC), both dated July 27, 2016
- Letter from Kevin Hatch, dated July 26, 2016
- Letter from Peter Loughlin, dated July 28, 2016
- Letter from Judy Jervis, former chairman of the Conservation Commission, dated July 26, 2016

Meetinghouse subdivision, Map and Lot 2-75

Barry explained there have been many conversations between several people regarding this application, some involving town council, Peter Loughlin. He and town council had visited the property and reviewed photographs from what the road looked early 20th century. Carol Baird of the HC was thanked for her work regarding this application.

Barry stated there are many areas of concern. Mrs. Baird's research on behalf of the Heritage Commission has been forwarded to both town council and Mr. Hatch and is part of the application paperwork. Barry read a letter from Judy Jervis who has dealt with this particular property. Barry stated this Board will enforce all regulations, although the applicant may apply for a waiver or variance.

Barry proposed to the applicant that the suggestions from Judy Jervis be considered, including proposals that will help protect water resources. These can be discussed with this Board.

Barry then read the two letters from the HC, both dated July 27, 2016. He then mentioned the picture with the two triangles drawn on it. The right triangle, or the one to the southeast, shows the southern boundary, is along the second wall near the cemetery, not the first wall that's along the cemetery. The left triangle, more to the northwest, comes down to the same edge and includes the frontage that is shown on the Delridge Plan.

Barry read the July 26th letter from Kevin Hatch. It was mentioned that Mr. Hatch has spoken with Peter Loughlin.

Barry indicated that deeds from the early years of this country often referenced trees which may or may not exist today. The July 28th letter from Peter Loughlin was read.

Barry said he's reviewed all of the information provided thus far and believes there are four specific areas of concern. They are:

1. There appears to be an area in back of several of the lots that ownership is called into question. That area isn't owned by the town. This suggests to a boundary dispute with other potential owners.
2. There's a question about a piece of land on the east side, going to the south side of the cemetery. There is some question regarding the deed for this parcel. It does not appear the town owns the parcel. This suggests a potential title issue
3. The larger triangle which is 1/3 acre in size, and on which the meetinghouse sits, appears to extend further south than what is shown on the plan. If that is correct, it calls into question 68' frontage claiming for the northern lot.
4. The second triangle overlaps land in subdivision and calls into question ownership of land shown in the northern lot. It appears this is land owned by the town. The HC has provided their opinion regarding the ownership of this.

Barry said there are some details regarding a subdivision that will probably be more easily reviewed with this Board. The location of the two triangles and the exact boundary of the property will take more time to resolve. He proposed a two-phase approach to resolve those issues:

1. Hold a meeting with Carol Baird, Kevin Hatch, and Peter Loughlin to review all of the information provided and see if any conclusions can be made. Barry recommended doing this as quickly as possible.
2. Hire an independent person who is experienced in deed research and land surveying, who is mutually agreeable to the town and the developer, and have that person give an opinion.

Mr. Hatch said he had a chance to speak with Peter Loughlin this afternoon about some of the issues. He is willing to meet with him again with Carol Baird also. He is still considering the idea of a third party reviewing the research.

Barry said a name had been obtained from the town engineer, but that person declined due to their relationship with both the town and Kevin Hatch.

The possibility had been posed to town council that the subdivision could be done in two parts, dividing the north lots from the south. This approach would require a two-lot subdivision, but would still leave everyone with the same problem of agreeing what the overall boundaries are. It was asked if the southern lots could be developed, leaving the north lots as open space. This would not answer the question of ownership. Chris G. stated that if the plans were drawn to match the metes and bounds, we wouldn't have this discussion right now.

Kevin was asked how he'd like to proceed. He said it may be profitable to involve another surveyor with the meeting with Peter and Carol, as this may speed up the surveyor's work. Jim suggested the outside person could do his/her own research first without seeing Carol's or Kevin's. Barry said the decision of what surveyor to use could be delayed until after meeting with Peter.

Barry said that he wouldn't be surprised, considering the span of time, if deed descriptions have overlapping parcels or land was conveyed without a recorded deed.

Barry asked the Board how they would like to proceed finding a surveyor. Chip made and David seconded a **motion to empower Barry with the task of finding an outside surveyor/deed researcher**. The issues of payment will need to be worked out later. The motion **passed** unanimously.

Mr. Hatch presented to the Board copies of the Stormwater Management & Sediment and Erosion Control Plan, prepared by Steven Cummins, dated July 20, 2016. Letters from Dennis Quintal, July 26, 2016, and Mr. Hatch, dated July 27, 2016, were reviewed. New plans were given to the Board members.

Mr. Hatch explained note 12 on Mr. Quintal's letter: Mr. Quintal misinterpreted some material presented by Mr. Cummings. Regarding the drainage easement near lot 3, this was drawn here and maintenance spelled out for it. Mr. Quintal added that the cost of maintenance should be incurred by the landowner. Mr. Hatch explained that this is in line with the new Alteration of Terrain rules, which are state rules, and of which the federal government is forcing upon on the states. It seems Mr. Quintal is concerned the town will get the fines for water quality due to this small drainage if it becomes impaired. Chris G. said this has to be addressed at the subdivision approval level. This is something that will also need to be written into the deed. The Board agreed this should be addressed with any subdivision application and that the subdivision regulations should be reviewed.

Barry asked about the locations for alternate septic systems. Mr. Hatch said he's shown a septic and reserve area to meet that requirement. Also a vegetative buffer has been shown adjacent to the cemetery. Mr. Hatch said he adds vegetative buffer zones to the septic plans that he draws.

Mr. Hatch was asked to review the letter from Mrs. Jervis. Mr. Hatch said many of those concerns are already incorporated into the subdivision regulations and best management practices. It was discussed that often homeowners do not always get building permits or are aware of requirements for setbacks. Barry suggested drawing a line on the plan or having a note on the plan stating no permanent structures can be built in the setbacks. Mr. Hatch said this is already on the plans and that he incorporates this into septic plans he draws. The regulations are noted on the plans that will be recorded.

The meeting was opened to the public for questions. Carol Baird asked about the upcoming meeting with Peter Loughlin. Barry will contact Mr. Loughlin and schedule the meeting. Walter Baird asked about the Meetinghouse lot and the reference to an oak tree. Mr. Hatch said he could not remember the type of tree mentioned in the deed. Mr. Baird asked if the back point is the same as the northwest corner of the cemetery. Mr. Hatch said it was.

Mr. Hatch submitted a letter asking for a continuation until the August 25, 2016 date. Chip made and Roger seconded a **motion to grant the extension to August 25, 2016**. The motion **passed** unanimously. This will be first on agenda. Mr. Hatch said he will bring copies of the septic plans for the Board members.

Site Plan Review for Rock Rimmon Cooperative (Four Seasons Campground), tax map and lot 4-14, 112 Long Pond Road--proposing to install a mailbox kiosk and reconfiguration of the front entrance.

Chris Albert, engineer with Jones and Beach, introduced himself and the Board members for Rock Rimmon Cooperative: Leo Bourbeau, president; Michelle barsley? Treasurer; Michelle ?, secretary. Mr. Albert has a letter from the Cooperative stating he has authority to act as their agent. He said the upgrades are cosmetic and to repair potholes and drainage issues. The proposed sign is in the right-of-way and will be placed outside it.

A waiver has been requested regarding the engineer review fee. Mr. Albert amended the application to state this. The abutter's notices were verified. There were no questions regarding the application. Chris G. made and Chip seconded a **motion to accept the application**. The motion **passed** unanimously.

The waiver was discussed. Mr. Albert said the changes proposed are cosmetic rather than structural. The kiosk meets US Postal service standards. The Board reviewed the criteria for granting a waiver. Chris G. said the dollar amount could be reduced and there appeared to be some drainage that may need to be reviewed. Mr. Albert said that the grading is shown on the plans per the request of the Board and is to address the puddles that form on the roadway. The side slopes have a riprap swale, creating stormwater collection areas. Chris G. said this is something else that may be reviewed by the town engineer. Barry pointed out this is a private road.

The Board agreed this is improving an existing condition. Mr. Albert said the MS4 deals with closed drainage systems and this is an open system. He said that re-grading the road to eliminate potholes and adding drainage systems where none existed is maintenance rather than redesigning the site. Barry stated the change in ownership and moving the sign does require a minor review. Typical maintenance does not require review by the Planning Board. Chris G. and Roger said they thought this plan should go out for engineering review. Chip and David did not think this needed engineering review. Jim abstained, stating he did not know enough about the site or circumstances. Barry said he did not believe this needed a town engineer review. Chip made and David seconded a **motion to grant the waiver**. There were no questions regarding the motion. Chris G. and Roger opposed. Jim abstained. Barry, Chip, and David voted in favor of the motion. The motion **passed**.

Mr. Albert explained the location of the mailbox kiosk. The design has been reviewed by the post office and meets US Postal regulations. The sign location was noted. It has been moved out of the town ROW and is proposed to be 4x8 in size. Barry said that any lighting needs to meet town regulations. The Court order from 1993, which allows 77 park models, was mentioned. This is noted in the coversheet of the plans, noting the number of sites and buildings as of July 4, 2016 as follows:

- One office building
- One wooden shed
- 69 park models
- 38 recreational vehicle sites
- 18 empty sites

Mr. Albert said they have every intention of abiding by the court order. The court order does not mention recreational models, other than to say that Annex Way can have seasonal park models. Mr. Bourbeau said they have already sold five units and are diligently working toward each site being owner occupied rather than rented.

There were no questions from public. Chris made and Chip seconded a **motion to close the public hearing**. The motion **passed** unanimously.

Chip made and Roger seconded a **motion to approve the minor site plan application**. The motion **passed** unanimously.

Barry thanked the Board for their patience with the Meetinghouse subdivision application, saying this is the most complex application yet to be reviewed by this Board. Chris G. reminded the Board of the RSA stating the applicant pays for reviews.

Chris mentioned the importance of having plans reviewed by the town engineer who is better able to determine compliance with runoff. He mentioned the fine recently levied against Plaistow for the noncompliance with stormwater drainage. Barry said he was thinking of the piece in the Zoning Ordinance which mentions making improvements to nonconforming uses, yet the improvement still may not make it conforming. He said he saw this as a bad situation being improved, rather than simply letting the situation stay status quo, which would be worse.

At 9:20pm Chip made and Roger seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet Denison
Land Use/Assessing

Aug. 25, 2016 agenda

7:30pm Minutes and Correspondence

7:40pm Meetinghouse subdivision, Map and Lot 2-75

8:30pm preliminary discussion with Wayne Morrill of Jones and Beach regarding Tuckertown Road, Terra Realty

Sept. 8, 2016 agenda

7:30pm Minutes and Correspondence

7:40pm preliminary discussion with Charlie Zilch regarding subdivision of M&L 3-140