

## **Planning Board Feb. 28, 2013**

Members Present: Barry Hantman-Chairman, Chip Current, Phil Emilio, John Russo, Chris Giordano-Selectmen's Representative, Janet Denison-clerk

Others Present: Mary Pinkham-Langer, Charlie Zilch, Tim Lavelle

### Minutes

The minutes of January 28th were reviewed. Chris made and Chip seconded a **motion to approve the Jan. 28, 2013 minutes as written**. The motion **passed**.

### Correspondence

- A notice of a seminar to be held April 16, "Practical Guide to Zoning and Land Use Law"
- An anonymous letter regarding Norman Lee. Barry explained this Board requires every approved application to post a bond as necessary to protect the town from liability if the project is left unfinished. The bond allows the town to finish the project enough to ensure its left in a safe condition.
- A letter from Bernstein Shur, dated February 6, 2013, notice of withdrawal of the Monarch Village application.
- The Source, Winter 2013 edition
- From LChip regarding public hearings for the budget
- From RPC regarding long-range transportation projects. They will be contacted regarding keeping our sidewalks along Main Street
- A bill from Civil Construction, dated Feb. 27, 2013, for review of the Monarch Village plan

Chairman Hantman excused himself from the meeting and Chip took over as acting chair.

Hoyt-Clydesdale Drive subdivision & excavation/restoration: property owned by Al Hoyt and Sons, Inc., Tax Map 4, Lot 28

Charlie Zilch explained the Alteration of Terrain permit issued from DES. The plans were reviewed by Craig Rennie who has given approval without any comment. However, the plans will change due to comments from Dennis Quintal, town engineer, and the revised plans will be sent to Mr. Rennie.

Mr. Zilch said all the items from Mr. Quintal's letter and the items from the site walk will be addressed.

Mr. Zilch explained his idea of developing the property in phases. The first phase was intended to be the restoration of the two lots to be subdivided. He said the Board was reluctant to do that due to the overdig. Chris agreed saying the whole pit had to be brought

back into compliance before anything else. Mr. Zilch said the only thing out of compliance is the overdig and it'll be addressed. In order to do this the phases will be changed such that the first phase will include the restoration of the two lots plus the restoration of the overdig. This will hopefully be followed with approval for the subdivision. The second phase will be the restoration of the larger lot, leaving the rest of the site near the powerlines to be excavated later.

Mr. Zilch explained the Alteration of Terrain permit approves all these phases. Chip said the subdivision application is separate from the excavation/restoration. Mr. Zilch said they have all their state approvals and once the PB is satisfied with phases, conditional approval of the subdivision can be granted. Excavation/restoration (exc/rest) can be fully approved at a later date.

Chip said the exc/rest approval needs to be granted first. He said he personally would have a hard time granting final approval for a subdivision application when this level of completion is needed for a tandem project. It was agreed the exc/rest plan will need to be approved first. Chip said this does not mean the pond needs to be built, for example, but more things need to be in place before approval can be granted.

Mr. Zilch asked what conditions have to be met before the subdivision can be approved. It was explained the restoration plan has to be done and accepted, however he can still incorporate the phasing. The steep slopes and overdig will have to be brought in compliance before the subdivision is approved. Chris suggested conditional approval can be granted once the lot is in compliance physically.

There was a short discussion regarding conditional approval being good for one year with no extensions.

The letter from Mr. Quintal was discussed briefly. Mr. Zilch asked about a 2-5 year timetable for completing the majority of phase 2. The Alteration of Terrain permit is very specific with the state and local inspections. Chris said the time frame is hard to predict and he's comfortable with the 2-5 year frame for the second phase. Chip emphasized that time frame is for the second phase, not the correction of the overdig.

Mr. Zilch asked what constitutes complete and when the third phase can be started. There was a short discussion of inspections by the state and town and that the reclamation plan will need to be accepted and approved. Chris suggested confirmation by the town engineer that the previous phases had been completed per the plan indicates completion. Mr. Zilch suggested setting up a schedule.

There was a discussion of ground water monitor wells and that Mr. Quintal suggests three. Mr. Zilch said the area is less than five acres and the water table is not as deep as they had hoped so the cut will average 3-4' deep. As this does not warrant monitor wells, Mr. Zilch asked if they need to ask for a waiver. Mrs. Pinkham-Langer said the RSAs are specific about test pits and elevations and these cannot be waived. Monitor wells are different than test pits and these are shown on the plans. Chris suggested that one monitor well may be sufficient but we need to check with the town engineer to see why he recommended three.

Mr. Zilch talked about the boundary line between the Hoyt lot and the abutting property owned by Culligan which was a gravel pit. Both pits were excavated to the property line and this is how it was when Hoyt bought it. Mr. Hoyt has an option to buy the Culligan property. The Board mentioned a lot line adjustment can be requested if he purchases it.

Mrs. Pinkham-Langer asked some questions about the plan. The original plan was approved in 1995 or 1996 and predates the town excavation regulations. There were no expiration dates put on the plans and the permit never showed a change of ownership. Mr. Zilch said he was the one who informed DES about the change. Mrs. Pinkham-Langer said the RSAs are still in effect even if town regulations are not. With the new plan, the approval process begins afresh, which is what the Board is currently reviewing. The bonding will be discussed when and if the plan nears a point that it can be approved and the town knows the amount that should be held.

There was a short discussion about an expiration date for the permit. Mrs. Pinkham-Langer said most towns offer an expiration date to coincide with the state required 5-year update timeframe. State law prohibits granting an extension to approvals. By allowing a renewal, our ordinance is less stringent than the RSA and therefore not legal. She also said some people confuse the intent to excavate with the permit, but these are not the same. The RSA does not specify a timeframe for which permits should be granted, but most towns grant the approval period for five years, allowing this to coincide with the timeframe for which an owner must give DES updates. The timeframe can be longer than five years; however, the owner must maintain compliance of the conditions for which the approval was granted.

Mary offered to look at our regulations and offer some guidance. She said we may not want to give an expiration date; the Board may determine that as the plan is presented.

Mr. Zilch requested an extension of the review period. Phil made and Chris seconded a **motion to approve a continuation of the review period for this application to March 28<sup>th</sup>**. The motion **passed** unanimously. The hearing will continue on that date at 7:40pm.

Mary asked if phase 3 is being approved also. Chip said that phase 3 is part of this application.

#### Ruth Griffin subdivision-

Discussion of final approval conditions

Waiver request discussion: III.D.3.b.11; III.D.3.b.12; III.D.3.c.14; III.D.3.c.17

At the August 23, 2012 meeting conditional approval was granted; however the waivers were never fully discussed or voted upon. The five criteria for conditional approval were reviewed.

1. Approval from the Road Agent for the driveway location
2. Show wetland flags on the plans
3. Granting of a waiver for delineating wetlands on the larger parcel
4. Note that the new parcel is outside the conservation area

5. Resolution of comments from town engineer regarding the above four items.

Numbers 1, 2, and 5 were determined to be completed. A note will be put on the plans stating the new parcel is outside the conservation area. The Board briefly discussed the waivers. Chris made and Phil seconded a **motion to grant the waivers as requested**. The motion **passed** unanimously.

Mr. Lavelle asked about a property owner who may want to have a paint-ball facility on his land. The parcel is about 40 acres and in the residential/agricultural zone. As this is a commercial venture, the owner would need to have a variance from the ZBA. He may speak to the Planning Board with a conceptual design at any time.

At 8:45pm Chris made and Phil seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted  
Janet S. Denison

Agenda for Mar. 14, 2013

7:30pm Correspondence and minutes

Agenda for Mar. 28, 2013

7:30pm Correspondence and minutes

7:40pm Hoyt-Clydesdale Drive subdivision & excavation/restoration  
property owned by Al Hoyt and Sons, Inc., Tax Map 4, Lot 28

8:30pm Minor Lot Line Adjustment between Robert & Kathleen Dennis, 20 Colby Road, and Estate of Robert & Lorraine Chase, 24 Colby Road, known as tax map and lots 3-83-3 and 3-83-2.