

Call to Order: J. Dube called the meeting to order at 7:10 p.m.

Members Present: Bruce Holmes, Tom Hoopes, Jeremy Dube, Jeanne Crouse, Bonnie Dunbar, Cris Blackstone, Wally Keniston, and Jim Bureau.

Members Absent: Cindy Balcius, and Pam McLeod.

Appointment of Alternates: Bonnie Dunbar and Wally Keniston

Approval of Minutes: moved to last

Approval of Agenda:

Case #P06-56 Alton Bay Camp Meeting Association has withdrawn their application.

Motion made by T. Hoopes to accept the letter of withdrawal from Case #P06-56 Alton Bay Camp Meeting Association, seconded by C. Blackstone. Motion passed with all in favor, unanimous vote.

Public Input:

None at this time

Applications for Public Hearing:

Case#P06-54

Map 27, Lot 31

Site Plan Review

Robert H. DeRoche

Monument Square

Application submitted by Arthur W. Hoover, Esq., on behalf of the property owner, Robert H. DeRoche, for a site plan review of a proposed change of use of an existing structure located within the Residential/Commercial Zone.

M. Jerkins - They do have some waiver requests. They are requesting a change in use. With what we have done in the past, the applicant is requesting a blanket waiver of the checklist requirement for completeness.

Motion made by T. Hoopes to give the blanket waiver as we have done in the past with pre-existing businesses, seconded by B. Holmes. Motion passed with all in favor, unanimous voice vote.

Art Hoover - I represent Robert DeRoche, who owns the hardware store. The building in question is the building you see out the window behind the board. The hardware store and the building are in the R/C Zone. The hardware stores business has grown and there has been a need to store materials and merchandise, so they have used the property next door for that purpose. I have provided sketch and have identified the area of where that occurs. That has been going on for a number of years and the Code Officer, Brian Boyers, felt that they should point out that maybe they need site plan approval for that type of activity. There is no sales activity and the customers have no reason to be in or

near those places. If someone needs something Bob gets it for them. This is a pre-existing building and there are no changes in the structure.

T. Hoopes - What he is saying is that these are two separate lots and should be used as such?

A. Hoover - yes they are 2 separate lots. I could not find anything in the history of the title of the property to see if that was ever used as a business before. This is a situation where it would be nice to have a minor site review so we wouldn't have to come in and ask for blanket waivers.

J. Dube - We are working on such a procedure that would be a lot easier and it wouldn't require these blanket waivers. Hopefully next year we will have a better process for a change of use. I know the operation and I have seen it operate and I don't have problems or concerns.

T. Hoopes - This has been an on going business since the early 1800's.

J. Dube - Does anyone on the board have anything they would like to address?

T. Hoopes - The question becomes one from the Building Inspector's point of view; which is how do you separate the business end from the apartments? I don't have a problem with the presentation but I do think the building and the exposure should be separated so that there are not things for sale on the building itself. In the barn I see no problem with that.

C. Blackstone - I would like to thank you for mentioning that this is an effort to bring all of the paperwork in order and bring all the documentation into conformance and get a permanent record as to what is going on. I heard that there was an awning between the two buildings where more stuff had been stored.

R. DeRoche - That hasn't been there in 5-6 years and we don't use that anymore.

A. Hoover - What we are requesting approval for is exactly what is shown on the sketch is A-E, which is what is going on anyway, which you can see.

T. Hoopes - In this drawing what you would like to contain is the D area of the sidewalk? You will keep the barn A for storage, what about B?

R. DeRoche - Yes, and B is everything in the back that we are hoping to keep that and leave more room for parking out back.

A. Hoover - It is the same type of inventory.

J. Dube - I don't see anything totally awful with what they are doing. They are just coming in here to file the paperwork and go through the motions.

T. Hoopes - C is all rental apartments.

R. DeRoche - Yes, that is just the porch. We haven't been using it this year.

T. Hoopes - Wouldn't the people in the rentals possibly use the porch otherwise?

R. DeRoche - They can, we are not planning to put anything on the porch.

W. Keniston - What you are saying is that the people in the rentals can enter and leave without any problems?

A. Hoover - There is no obstruction.

Motion made by T. Hoopes according to sketch 2 with attachment referencing of area DAB reserved for the commercial aspects of the hardware store and C and the remainder part of the building be reserved for the rental property, seconded by B. Dunbar. Motion passed with all in favor, unanimous voice vote.

**Case#P06-55
Robert Landry**

Map 5, Lot 42

**3-Lot Subdivision
127 Coffin Brook Road**

Application submitted by Eckman Engineering, LLC, on behalf of the property owner, Robert Landry for a proposed 3-Lot subdivision. The property is located in the Rural Zone.

M. Jerkins - I included an updated plan that the planning staff had recommended get added to the plan and Mr. Zuzgo brought them to the office yesterday. Mr. Zuzgo has requested waivers from Section 7.2.27 - Elevations - it is a partial waiver request for Lot 1. Lots 2 & 3 do show contours on the second sheet of the plan set. Section 7.2.28 - Public Use because no portion of the property will be dedicated for public use. Section 7.2.29 - Future Development - none is proposed at this time. Section 9.14 Parcel Size Ratio - lots 1 & 2 do not meet the ratio.

J. Dube - I have also noticed that we are missing the wetlands stamps. We are missing the stamps on the plans.

Mr. Zuzgo - The ones I brought in yesterday, I can get one on those.

M. Jerkins - Did you copy the smaller set before you had the stamps on them?

Mr. Puzzo - Yes, I did.

J. Dube - I would like to address to the board pertaining to the parcel size ratio, I agree with Bonnie from the other night, it really is a merit of the case and should not be handled in acceptance as part of the application so Monica has worked on the new application that will be coming and is not included and that is coming to the board for

review and other business tonight so I would like to hold off on this waiver even though the application is to address it after we have accepted the application because that really is the proper place to address it because it is a merit.

Motion made by T. Hoopes to accept Case # P06-55 with the following waivers requested 7.2.27 for elevations, 7.2.28 for Public Use, and 7.2.29 for future development, seconded by Bonnie Dunbar.

J. Dube - I have a question so future development, I think we need that information. It is not a big deal for them to include that information even though there is none proposed at this time.

T. Hoopes - I guess what they are saying is that lot 2 is 21.81-acres and that only 7.67 is upland.

J. Dube - I am looking at lot 1. There is some upland area there. It is a large parcel there so even though it looks like a lot of wetlands they might be able to squeeze out enough for an actual buildable lot. It is kind of hard because it is such a big plan and it does look like a small area but when you look at 28-acres they only have to get 25% of the minimum building size.

T. Hoopes - Since lot 1 doesn't meet the parcel ratio but when you divide it is going to be even worse, and I thought the same thing about lot 2.

Mr. Zuzgo - You would have to put a road in.

T. Hoopes - You would have to use the existing road. You wouldn't be able to go through the wetlands like that.

Mr. Zuzgo - You still wouldn't have the 200' of road frontage for both roads.

J. Dube – In the partial waiver on lot 1 for elevations?

M. Zuzgo – When we were here last you requested delineating the wetlands on the rest of lot 1, which we did and you said we wouldn't have to do the topo on that lot.

T. Hoopes – That was because they were retaining it for their own private use. The existing house is there.

J. Dube – does anyone else have any discussion? **All those in favor, passed as unanimous motion by T. Hoopes seconded by B. Dunbar.**

Mr. Zuzgo – We are subdividing ~56-acres into 3 lots, one lot is 28.49-acres, one is 21.81-acres and one is 5.66-acres. We have delineated all of the wetlands and have done test pits on lots 2 & 3. The existing house already has an approved septic system. We have also done water tests that were requested at the last meeting, which were ground

water tests on lots 2 & 3.

T. Hoopes – Where were those samples taken?

Mr. Puzzo – On lot 2 above the proposed well is water test #2 and to the right on the same lot is another water test and also on lot 3 there is water test 3. We also had the pond water tested. No lead was found in the surface water.

J. Dube – Is there anything the board would like to start with?

T. Hoopes – Lot Ratio

J. Dube – With Lot 1, I can understand it not meeting the ratio due to the size of the parcel and the road frontage given and with the two other lots taken out of the middle. Lot 2, I am a little concerned about the ratio of that lot.

T. Hoopes – Where is the break point from going from 3:1 to 4:1 ratio.

M. Jerkins – 10-acres

T. Hoopes – I did not calculate lot 2.

B. Dunbar – How was the ratio calculated? Who did the calculations?

M. Jerkins – They admitted that they didn't meet, so I didn't check it.

J. Dube – 11-50 acres is 4:1 ratio and after 50 it is 5:1.

B. Dunbar – What you usually do is take a grid over the whole thing and take the lot width to length and go along at set intervals both ways and you come up with the average. My guess is that it would meet it.

J. Dube – How I was taught to do it was to take the two side dimensions and the two top dimensions and add them and divide by 2.

M. Jerkins – Mr. Chair, since the applicant requested the waiver and claimed that lot 2 didn't meet the ratio, I would suggest that you ask him how he derived that.

Mr. Zuzgo – Roughly we are at 1:1. 1200' deep and 1100' wide and we only have 300' frontage, we have a short section.

J. Dube – How are we going to measure?

B. Dunbar – There are several different ways to do it, the ratio was meant to prevent the bowling alley lots that ended up access a point on the lake. When you have something like this it basically averages out for width to length. It doesn't have to be 4:1 it can be

1:1, it just can't be more than 4:1.

B. Holmes – This is a lot they won't be able to subdivide, there is not a lot of frontage.

J. Dube – You have a lot with extreme amount of wetlands and lot 3 has a lot of wetlands, my opinion is that it should be a 2-lot subdivision and not a 3-lot subdivision. That is where I address the lot ratio, because I don't think we should grant the waiver. I could go for granting the waiver for lot 1 on the dimensions.

T. Hoopes – There is no other way really to do it because there is no way to get back and forth from lot 1 to lot 2, there is a huge wetland in there. The only way in is to follow the existing woods road, and there is a series of islands of dry lands in there.

C. Blackstone – I know at the most recent Planning Board Meeting I said something to the effect that it is not our job to make sure that applicant gets to build the most number of houses he wants to eek out of a piece of property. However, this piece, this one feels to me sensible even though in the perfect world it is not happening this way. Because Tax Map 5 Lot 43 & 42-1 are already in place, it seems to me to be a border that flows in a reasonable way with the land. It is not like he is asking to put three.

J. Dube – Those two properties in the middle would probably best off if they were not in the lot in the first place.

T. Hoopes – Lot 2 is 21.81-acres. They admitted that only 7.67 are dry upland.

W. Keniston – If we grant this, how are they going to do able to have a driveway in this wetland into lot 2?

T. Hoopes – There is an existing Woods Road there. You would still have to get a driveway cut from the Town Road Agent and for any crossing of the wetlands you would have to have a wetlands permit. One of the problems is that you will be invading the new 25' no-cut buffer. That is permitted as long as you get through, as much as that buffer is reseeded. The only way you can get through a no-cut buffer is with a wetlands permit through the state. Is extra fill going in or any culverts?

Mr. Zuzgo – No

W. Keniston – Does that Woods Roadway lead to what appears to be the natural house site?

R. Landry – Yes, that is why we designed it there.

B. Holmes – can we restrict that to no further development of lot 1 & 2?

T. Hoopes – It can be approved as a single house as opposed to being approved as a multiple housing area.

B. Holmes – Can we ask that they don't re-divide those two lots?

R. Landry – There is a lot of wetlands there, and I don't think there is a way to re-subdivide.

C. Blackstone – I like Mr. Holmes' idea about asking for something to be documented that says no further subdivision.

T. Hoopes – Coffin Brook does flow right into the Merry Meeting Aquifer and Winnepesaukee. I don't have a problem with that proposal.

J. Dube – Would the board like to handle the waiver or wait to the end and grant the waiver.

J. Dube – I will open it to the public. If there is anyone who wishes to speak please state your name for the record.

W. Keniston – Once we take this vote will we then be able to look at other items.

J. Dube – Yes, this is just to get rid of this issue so it doesn't go back and forth.

Mary Soucy – I am the abutter. On this map it does not show the pond that is on my property. It feeds in from the right side facing the pond and goes out to the other pond in the back beyond my property. I would really wish the map would show that pond. My concern is the wetlands that feed that pond not to be disturbed. I have seen rock be pushed around and other stuff being done.

T. Hoopes – Are you saying it is at the back of your property? The wetland we see where the driveway bends drains across the back of your property.

M. Soucy – Yes, into a pond over 10' deep and ~20' across.

Mr. Zuzgo – We don't delineate wetlands on other people's property.

M. Jerkins – Mr. Chair, Section 7.2.20 requires details on abutting properties so it probably should be on the plan.

M. Soucy – The deer come in and feed and the ducks come in and I don't want to lose that.

J. Dube – I am sure during this process there will be a site visit, we haven't talked about it yet but I am guessing the board will want to see it due to how many wetlands there are there. We will be out there at some point and will make that date at some point if you stay here you can hear when it will be and we will definitely want to take a look at that.

C. Blackstone – Do you reckon the pond it feeds to is in back of the piece owned by the Town of Alton.

Mr. Soucy – inaudible

C. Blackstone – The scale is actually substantial.

M. Soucy –Yes

R. Landry – It is a small pond.

T. Hoopes – Is it the same size as your pond or smaller?

R. Landry – No smaller. Do you see where the number 22105 is, it is about dead center on the back and the drainage cuts across to the culvert there and it drains out on the corner of lot 43 & 42, it drains out into the wetlands area. There is no disturbance.

C. Blackstone – As a landowner she's allowed to be really concerned and articulate that concern.

R. Landry – It is a good question. But first of all you've already established the buffer and we can't even go there so there will not be any intrusion in that wetlands.

J. Dube - We do reserve the right to go and check it out and ease the abutters concerns.

J. Dube –Is there anyone else wishing to speak? Seeing none I will close public input.

B. Dunbar – Normally the board would find at least to meet the 4:1 ratio one would say I make a finding that both lots 1 & 2 meet the 4:1 ratio and do not need the waiver, and if there was a second you could vote on it.

T. Hoopes – I will make a second to that finding.

J. Dube – Any discussion? I have discussion. So you just did that math.

B. Dunbar – I have seen these and done this before. To me this one makes it. It is pretty obvious; you know it is the average each way. This one will make it, although it is long and by the time you get through to getting the average it will make it.

J. Dube – I am a little concerned because the applicant came asking for the waiver and it is his field of expertise, but that is just my concern.

C. Blackstone – I would have to vote no because I am not willing to be perceived as to having put words in an applicants mouth.

W. Keniston – Ms. Blackstone's argument makes perfect sense to me.

T. Hoopes – When you were looking at the ratio did you know that there was a shift difference from 3:1 to a 4:1 in volume?

Mr. Zuzgo – These are waivers that were requested by the previous planner that was here and I had been to her a couple times over this and I didn't want to argue with her. The only one I thought wouldn't make it was lot 2 because of the access.

T. Hoopes – Regardless of the actual ratio is because of the size of the lot is where I see I don't have a problem.

B. Dunbar – We need to vote on the motion and if people are uncomfortable about it the will vote no or yes.

J. Dube – All those in Favor the vote was 3 – 3.

B. Dunbar – It usually goes the way the chair votes, so it failed and is a negative.

Motion made by T. Hoopes to grant the waiver 9.14 for partial size ratio for lots 1 & 2, seconded by B. Holmes. Motion passed with a vote of 4 – 1 and 1 abstention.

J. Dube – I see an issue with all the wetlands and proposed building sites and I want to go see the lots with the 4K areas marked out and the lot corners. You don't have to go way in the back but the front lot corners marked out for us, just where it bottlenecks on lot 2. Lot 3 would be nice to have all of the corners marked out and on lot 2, just the corner that abuts the Town of Alton, mark out that corner so we can see where that starts. Just a stake on the 4K areas where they are going to go and the boundaries on the front part of the lot where it goes around the Town of Alton lot and around Mrs. Soucy's lot. Is there anything else the board would like to see marked out?

T. Hoopes – It is walking the Woods Road to see how high and dry it is and how much impact there will be on the adjoining wetlands.

J. Bureau – Is that burying ground clearly marked.

T. Hoopes – It is on the extreme right hand side and I would like to look at it.

Mr. Zuzgo – There was a base stone turned over but there is no evidence of a cemetery there. The previous surveyor had it located way in the back and that is where he thought it was, but I also spoke with the cemetery trustee and he felt it was closer to the road and again there is no evidence of a cemetery.

T. Hoopes – And it was laid out in the deed as a 15'x15'.

J. Dube – Would you like to pick out a date for the site walk. The next meeting is the 15th.

that he wanted all of the area to be inside of the road ROW. He didn't feel comfortable with an easement, he felt it was more appropriate because of the intense use of it for his crews coming in with a backhoe and cleaning it out periodically at such time that it might become a town road. We have shown the road ROW including the entire detention pond, the access roadway, and the drainage coming into it.

C. Blackstone – You have a letter different than this “No Concerns” thing.

D. Voltz – He looked at everything and said he would write a letter and this is what he gave us. The letter is in the package.

J. Dube – I don't feel that it is his place to say where the road ROW should be added extra, it should be the Planning Board jurisdiction and actually it should be the Selectmen if the town would be accepting that. Generally it is done by easement, and I have talked with the town attorney and he didn't recommend going away from the town standards. With the road width his recommendation was to not go with it. With this application I would like to defer it and ask the Selectmen for a written response to what they would like to see. I would also like a written response from the town attorney on the opinion of these flares.

T. Hoopes – There were several times when Alan was on the board and he made specific motions when we were approving applications when we were designated to deal with the road area and how it was to be accepted. There were times when we accepted just the roadway but there were times when there were exceptions made for a drainage piece. I have talked with Ken Roberts several different times and his concern is that when he needs access he needs to be able to get there.

J. Dube – We need to take the right pathway and if the Selectmen say, “there are no circumstances with that there” I will be comfortable with that.

D. Voltz – Do you have the letter from the Highway Department?

M. Jerkins – No, the Planning Department never received that. I would like to make a copy of it though.

M. Jerkins – I can read it in and make a copy later, it is only two lines. “To Whom it May Concern: Due to the access point of the detention basin it would be preferred that the Town of Alton Highway Department own this section and for it to be attached to the roadway deed, Respectfully submitted Ken Roberts.”

B. Dunbar – In other words the Selectmen own it.

C. Blackstone – I am sorry it landed there and the applicant's think that is the end of the line for it, because Ken has no authority.

J. Boudreau – If it did make good sense for a particular project then you would make a

change or allow it and then with projects with people trying to do an end run you wouldn't allow it?

J. Dube – I can't speak for the Selectmen.

T. Hoopes – The jurisdiction of roadways is under the Selectmen not under the Planning Board.

J. Dube – Even if it was to be a private road it would still have to conform with their road standards as if it were to be accepted.

D. Voltz – I did briefly speak with Peer Kraft-Lund on this situation and he did work with DOT for a while. He noted that strictly a 50' ROW is unusual in state terms because they look at the land they think they have to maintain and they will take a ROW around that. I would have preferred to put the cistern inside the road ROW because that is something the Fire Department and the town should have total control of. It also takes the liability away from the property owner. If it is an easement there is still a liability because he still owns the land, same thing with the detention pond.

J. Dube – I would like to speak on Peer's behalf. He has also come in the last couple of weeks and he is only two days a week. He is really not fluent on on-going board stuff, Monica is handling all of the meetings and most of the board things. He is there to kind of help her for extra information. These are guidelines that the Selectmen have in place and they are using.

C. Blackstone – I understand what you are saying so I encourage you to let the Board of Selectmen hear that thought process when it comes up.

M. Jerkins – On Monday I will draft a memo to Russ, as I normally do to keep him abreast of things and make a formal request from the board.

J. Dube – I would also like to be at that meeting.

M. Jerkins – I will let Russ know that I need to know the date that it will be discussed.

J. Dube – We can get it on the agenda and then contact you to let you know when the time is.

D. Voltz – That would be the best way.

C. Blackstone – You could be an appointment. Just give the same speech you just gave, give it to that board. However, don't feel offended or sad and I am in the role in that chair saying wait, stop, you can't keep doing that, this is not the Planning Board.

D. Voltz – If I could get an appointment on the same night the Board is talking about road standards that would be great.

J. Dube – Should I also make an appointment with the Selectmen to address the issues?

Motion by T, Hoopes to appoint Jeremy to represent the Planning Board at a Selectmen’s meeting to discuss the road issues, seconded by B. Dunbar. Motion passed with all in favor.

W. Keniston – How do we lay this aside until we can talk about it?

J. Dube – We can go through, if the board has any issues beside the entrance of the road, the flare there.

C. Blackstone – Either Monday, August 7th or Monday August 21st at 6:00pm

J. Dube – We will try to get you in for the 7th so we can get this done before the next Planning Board meeting.

D. Voltz – I will always take a Thursday night if there is a split agenda.

Motion made by T. Hoopes that Monica contact the Town Attorney to get his input on the road width situation dealing with whether it should be strictly 50’ and the flares issue and to get a comment back in writing from him, seconded by B. Dunbar. Motion passed with unanimous voice vote.

J. Dube – Does anyone have a concern to see the property?

D. Voltz – We haven’t seen the town engineer agreement or review.

T. Hoopes – At the moment we are using CMA. Since the application has just been accepted.

D. Voltz – The engineering wouldn’t change no matter how the ROW looks because the road design, the culverts, the ditches, the size and shape of the detention basin are all going to be the same, whether this turns out to be an easement owned by the town or what ever form it is going to be. The structures are going to be the same.

J. Dube – If they say they want a 50’ easement and then it makes lot 5 a corner lot and you don’t have the frontage and you might need different work there and that is where we would run into and issue. If you can’t have the road than that ties the hands of the Planning Board and then you would have to go to the Zoning Board to lift the frontage requirement for you and then you would be back to us. I am not saying that you couldn’t have that configuration but the process would change. If you are comfortable starting that I am.

Motion by T. Hoopes for Monica to call Eric Reitter at CMA to get an estimate on this application on the engineering, seconded by B. Holmes. Motion passed with 5 in

favor and 1 abstention.

W. Keniston – The well sight is down hill from the turn-around loop, does it create a problem? If so, why? If not, why not?

D. Voltz – DES has minimum radius for each well. They either have to be inside the lot or inside an area that can't have a septic system, which would be a road.

J. Dube – I will open it to public.

David Williams – I am an abutter downhill. My concern and looking at the drawings, I see that the wooded area will remain as a border between the properties. Directly above me last year, the lot next to John's was clear-cut and I have a clay back yard and it since has been a lake. I just want to be assured that the buffer will remain.

J. Boudreau – I could put it into the deed so that the trees will remain, and will do so.

J. Dube – I will close public input.

J. Dube – Your neighbor is proposing an internal road and there was an idea to possibly inter-connect the two roads. Instead of having two separate subdivision roads there would be one and it would be a loop road.

D. Voltz – This is probably a Selectmen's issue, but there is usually a problem inter-connecting private roads.

Motion made by T. Hoopes to continue Case #P06-57 Until August 15, 2006 at 7:pm seconded by B. Holmes. Motion passed with unanimous voice vote.

J. Dube – We will take a short recess.

J. Dube – Meeting called back to order at 9:05pm

Case#P06-58

Map 14, Lot 20

Design review

Daniel Weldon

East Side Drive (Route 28A)

C&D Realty Trust

Request submitted by Joseph M. Wichert, LLS, Inc., on behalf of the owners, for a conceptual design review of a proposed 8-lot subdivision with a proposed interior road. The property is located within the Lakeshore Residential Zone.

J. Wichert – Representative for Dan Weldon. What we have proposed are 4 lots that would front on East Side Drive, an additional 4 lots off an additional proposed road and the road length is ~570 Linear feet and would end in a turn around on the north side. There is ~ less than 2500 square feet of wetlands impact which would cross between 5 & 6 on the south side of the road and lots 3 & 4 on the north side of the road.

J. Dube – The new design has frontage for the Conservation area for access.

J. Wichert – There is a 20' strip at the end of the road if someone chose to walk it. If you look at the profile the road is in a cut. All the lots but lots 2 & 7 have direct access to the Conservation area.

J. Dube – Then that will be proposed for association use then? There is 20' frontage and if we could move the line over than that would meet the frontage requirement for a lot.

J. Wichert – We need to rethink that and we probably would, so we could add the additional 10' and reconfigure that and it would be fine.

T. Hoopes – One of the added attractions of having that conservation area, by wrapping it around the properties they are adding a buffer to all of the properties and to themselves.

J. Dube – I like the changes that have been made. I think it is really positive to have that conservation area there. This road, would that be proposed as a town road?

J. Wichert – Correct, it would be built to town standards.

J. Dube – There would have to be a cistern here. Did you already take into consideration that.

J. Wichert – No, it is not shown.

B. Dunbar – This is about the 30' that was being talked about. In Lakeshore/Residential if it is not a lakefront lot it is 150' not 30' on a road. Usually when it is a conservation easement it is not considered a buildable lot so you don't need frontage but you do need access and usually 20' has been enough.

J. Wichert – On lot 5, currently we have 165' frontage so we could actually slide that over 15' to increase the frontage for the conservation area to 35'. If we were to do that, does that mean we need to go to the ZBA or Conservation Commission to get that approved or does the Planning Board approve that.

J. Dube – If it is a conservation area.

B. Dunbar – It is not a buildable lot and doesn't need frontage it just needs access to the lot. Usually it is determined by the conservation area.

J. Wichert – We would also be happy to put down "Not a buildable lot" for more clarity.

T. Hoopes – That would be conditions and have to be reviewed and approved by the Town Attorney.

J. Wichert – The Chair had mentioned a cistern, I didn't see that in the ordinance. What

would be the size required for the 8 lots.

J. Dube – Anything happen with the new proposal from the Fire Chief?

C. Blackstone – He is coming to the board Monday night.

J. Wichert – We will increase the access to the conservation easement and label that as non-buildable. We will situate a cistern location and call for the specs on that and we will meet with the Fire Chief to make sure it is in an area that he will accept. Is there anything else that the board could see that would help us before we get to the point of final submission?

J. Dube – On lot 5, as shown now you have exactly 150'.

J. Wichert – There is 15' to the south of the wetland where it says L=15'.

T. Hoopes – The hammerhead indent, is there a reason for having so low down or would you want to move it up. It could butt almost to the conservation easement and you would still have the access.

C. Blackstone – The people that are going to live in lot 4 they abut it and there is a little less than ½ the road and goes onto the conservation land.

J. Dube – Think you would have more frontage and then there wouldn't be traffic turning around in front of that lot.

C. Blackstone – If I am the person who buys lot 4, I would like to look out and see on the right hand side the easement and the left then has a thumb thing. It would give you a place to park rather than people walking across the property.

W. Keniston – What would it mean getting to the conservation land from the hammerhead? Would there be a set of stairs there or something?

J. Wichert – There is about an 8' rise from the bottom of the ditch. The slope is 2:1 going up, so that 8' would be a fairly steep slope and if it is desirable to the applicant and possible install a set of wooden walking steps.

W. Keniston – It is nice to have conservation land and if it is there it is also nice to enjoy it.

Motion made by T. Hoopes to open this case to the public if there is anyone wishing to address it, seconded by C. Blackstone. Motion passed with all in favor, unanimous.

J. Dube – Seeing no public input I will close public input.

T. Hoopes – Lots 1 & 8 will access off of Route 28A.

J. Wichert – Yes and the other lots will be off of the proposed new road.

Case#P06-60

**Map 60, Lots 7 & 9-A Boundary Line Adjustment
Minge Cove Road**

**John T. Whitney Trust
Alice V. Whitney Trust**

Application submitted by Dean M. Clark of DMC Surveyors, on behalf of the property owners, for a proposed Boundary Line Adjustment to annex a portion of Map 60 Lot 7 to Map 60 Lot 9-A. The property is located within the Lakeshore Residential Zone.

M. Jerkins – There are waivers requested Section 7.2.27 – Elevations on un-impacted portions of the parcel, so it is a partial waiver request, and Section 7.2.33 – Wetlands, the applicant states there are no wetland areas on the 6-acres of the subject parcel being annexed, and staff review of the plat indicated that the following items are also needed: Section 7.2.4 – Subdivision name would be more accurately stated if it was called a Boundary Line Adjustment to prevent confusion, Section 7.2.15 – There are no tax map or lot numbers on the locus, Section 7.2.17 – During a field inspection it was difficult to find the location of the property because the utility poles only went part way up the road on the plat and there are actually utility poles right to the end of the road, they should be shown if the board is considering doing a site walk at all that they may want to consider requesting the applicant to put the utility poles information on the remainder poles. Section 7.2.2 – There is no abutting details on properties, Section 7.2.23 – Natural and Cultural Features – There was a waiver checked on the checklist but no written waiver request in the file, and Section 7.2.26 – Existing and Future Improvements – They do not show any 4K areas, driveways, or other such items on the plan.

M. Jerkins – Mr. Chair – I do have a waiver request for Section 7.2.23 – Natural and Cultural Features to add.

T. Hoopes – The back triangle will have two accesses.

Dean Clark – It already has two accesses.

B. Dunbar – Why didn't you do a lot merger?

D. Clark – If we did a lot merger you would merge this with that and that is not what they want to do. They want to have a 6-acre lot. Also with this it is making the lot more conforming by giving it 169' road frontage because of the two access points so that makes the lot conforming to the town standard of 150' of road frontage. We are starting with 2 lots and ending with 2 lots.

T. Hoopes – What is the width of the access on the small part?

D. Clark – It is 69.05' on that one and 99.89' on the other one. I was told that if you can combine the two frontages to meet the town standard that was ok.

J. Dube – We haven't accepted this application and we are moving too far ahead.

Motion made by T. Hoopes to grant the following waivers 7.2.27, 7.2.33, 7.2.23, 7.2.26, and 7.2.20, seconded by B. Holmes.

W. Keniston – What details on the abutting property weren't shown that staff would like to see?

M. Jerkins – That is one of the checklist items and I am obligated to report it to you.

W. Keniston – I saw the abutter's list on the bottom is that what you want or is there supplemental information you are looking for?

J. Bureau – If the applicant comes in and says there is no wetlands?

J. Dube – I will explain to you after along with explaining to Wally also.

Motion passed with all in favor.

J. Dube – Jim this is a BLA and generally we don't ask for those types of things because it is already a lot and they are just adding more land to a lot. It is a subdivision, they are taking a little lot and adding more land and making it more conforming. It is the same answer for you too Wally.

D. Clark – The request for having the tax maps in the locus itself; you will never be able to read it. I have every map and lot on the plan itself for abutters. We showed it that way so it was readable.

M. Jerkins – The reason we want to see it on the locus and typically what is done is little tiny arrows put to point to where the parcel is located on the locus and map and lot number is referenced.

T. Hoopes – Did you have trouble finding this?

M. Jerkins – We did, so that is the purpose for requesting it.

D. Clark – You just want the tax map of the parcel on there.

T. Hoopes – Is this land currently in Current Use?

D. Clark – I am not sure.

W. Keniston – When we do get to public input, one thing that would be more helpful is if the names are below the map and lot numbers.

D. Clark – We did that where we could but some of the parcels are very small.

C. Blackstone – Maybe have an Appendix Page.

D. Clark – It doesn't say anything about Current Use on the assessing card.

J. Dube – I will open it to public and if Mr. Slade is here, if you would come up and address your letter

David Slade – I am the owner of Map 60 Lot 5 and in May I was walking the property and there is a woods road between lots 4 & 5 and I noticed orange markers into my property away from the wood road and I wanted to make sure there wasn't a mistake that the Surveyor had concluded that the boundary line over on that side was 20'SW in effect and not perceived to be 20' away from the woods road in what I believe to be my property.

D. Clark – You have exactly what your deed calls for. The orange tags are control points for the equipment.

J. Dube – Is there anyone else wishing to speak? Seeing none I will close public input.

D. Clark- Mr. Fortier was talking with Monica and he was concerned he has a ROW across the northerly side of this property and we added that to the plan in note #9 which is Tax Map 60 Lot 9A subject to an access easement across the northerly side of 60/9A in favor of tax map 17 lot 31. Fortier's lot has some type of access across the frontage of that and it is an undefined point.

T. Hoopes – That note, should that apply to 60/9A pre BLA not post BLA. Lot 1 is also called 60/9A post BLA. You don't want the ROW going across the entire lot.

D. Clark – It only goes across the northerly section. I don't know how to separate that out it is still the northerly side of that lot.

M. Jerkins – Enclosed in your packet is the Quit Claim Deed to Mr. Fortier and it does describe the northerly side of this lot, so I don't think that would be an issue. I don't believe he is concerned because he is not here tonight.

Motion made by T. Hoopes to approve the Case # P06-60 Boundary Line Adjustment for Alice & John Whitney with the following conditions: all Federal and State permits in place, erosion control best management practice, 7.2.24 subdivision name, 7.2.15 on the map with an arrow, and 7.2.17 to include the utility pole numbers, seconded by B. Holmes. Motion passed with all in favor. Unanimous

Minutes:
April 26th

J. Dube – Page 6 - 4th paragraph under K. Menici 5th line “as” the staff.
3rd paragraph down under Mike IZARD change spelling on “include” to one word.

J. Bureau – On page 1 cross me off because I wasn't here.

Motion made by T. Hoopes to approve the amended minutes of April 26, 2006, seconded by C. Blackstone. Motion passed with all in favor.

May 22nd – continuation of May 16th

J. Dube – Page 2 - 3 lines down J. Dube strike out zoning and keep regulations.

Under P06-36 it should be written that C. Balcius recused herself.

T. Hoopes – Page 3 – second from the bottom up, T. Hoopes “need to weigh the benefits”

J. Dube – Page 4 – ½ way down J. Crouse “agrees the road waiver should not be granted”

J. Bureau – Page 5 – Under E. Bagley inaudible

Page 6 – towards bottom under Luanne Varney “only after the last river is poisoned”

J. Dube- Page 9 – 2nd line “still adequate” from correct

Under T. Hoopes – should be “the” not he

Page 15 – 3rd motion from bottom Vote was unanimous

Motion made by T. Hoopes to accept the minutes of May 22, 2006 as amended, seconded by B. Holmes. Five in favor two abstentions.

May 16th

J. Dube – 4 lines up T to J

2nd line down K. Menici stated Con. Comm. statement

J. Bureau – Page 8 – T. Hoopes put inaudible where there are???'s.

J. Dube – Page 9 – under P06-37 should say C. Balcius resumes her seat on the board.

Motion made by T. Hoopes to accept the minutes of May 16, 2006 as amended, seconded by B. Holmes. 4 in favor and 3 abstentions

Motion by T. Hoopes to go have extension past 10pm seconded by W. Keniston.

Motion passed with all in favor.

June 6th

J. Bureau – Page 1 – separates by and re

J. Dube – Page 3 on motions at top, with all in favor.

Motion made by T. Hoopes to accept the minutes as amended, seconded by B. Holmes. Motion passed with 6 in favor and 1 abstention.

June 20th

J. Dube – Page 2 Needs to be discussed when the time comes – change to plural.

2 lines down change speak instead of spoke

Page 3 – 3 lines down – J. Dube – question pertains to the change of use to the building cross out does not.

Page 5 – 3 lines down – board may want to offer instead of may want offering.

Motion made by T. Hoopes to accept the minutes of June 20, 2006, seconded by B. Holmes. Motion passed with all in favor. Unanimous

March 29th

J. Dube – Page 2 – at the very end C. Balcius made motion to increase the cost by \$1.00 seconded by J. Dube.

J. Bureau – Page 1 – Bureau spell incorrectly 2 times.

C. Blackstone – not ex-officio

Motion made by T. Hoopes to accept the minutes of March 29th as amended, seconded by B. Holmes. Motion passed with 5 in favor and 2 abstentions

April 13th

J. Bureau – Page 4 – When fees go into effect – was that checked out? We did have that meeting with Jim.

J. Dube – Page 3 was 5 in favor 1 opposed – Jim wasn't appointed

Page 5 – Where it says regarding Brad Hunter it should say Scott Williams

Motion made by T. Hoopes to accept the minutes of April 13th as amended, seconded by C. Blackstone. Motion passed with 5 in favor and 2 abstentions

Old Business

None at this time

New Business

M. Jerkins – At the beginning of the meeting I handed out a draft of the subdivision checklist – I made a couple of minor changes that I felt were pertinent to discussions we have had as of late. Jeremy has already referred to moving Section 9.14, our subdivision checklist should only include acceptance requirement that are listed in the subdivision regulations in section 7, 9.14 was not required to be on there which is parcel size ratio. I added a line that might help with the some of the other issues and apparently it was to be added some time ago. I changed the checklist starting at the top under applicant to say “the checklist along with the written request for any waivers with an explanation of the reasons for requesting the waivers must be submitted as part of your application for subdivision approval” I added “please note that the board is not obligated to grant waivers, if the board chooses not to grant a requested waiver and the application is not accepted, than fees will not be refunded”.

Motion made by T. Hoopes to adopt the proposal to be formerly adopted at the following meeting, seconded by W. Keniston. Motion passed with all in favor.

Correspondence

1st Law Lecture Series – FYI

Tom Koxx – sent e-mails back – FYI – can be discussed at a future work session

Jeffrey H. Taylor – Letter of services that he does might be of interest to the board in the future. – FYI

Cell Towers – FYI

We haven't had a meeting with Eric Reitter. We are hoping for next week.

C. Blackstone - July 17th letter from Mr. Norman – This issue was never brought to the Association on Black Point and the Association was never polled. There is a mis-portrayal in the letter but he needs to stick to the facts.

The Source from DES

Memo from CMA regarding Chestnut Cove Estates and the inspection reports.

C. Blackstone – Regarding the Landry Subdivision there are comments from the Conservation Commission Co- Chair Justine Gengras and her report speaks of evidence

of recent cutting, piling higher than 8', and the wetlands have been disturbed by piles of other stuff cut and dragged across them.

J. Dube –We will go on a site walk and check it out.

M. Jerkins – Justine's report was done a few months ago and I just photocopied it for your benefit.

Motion made by B. Holmes to adjourn at 11:00pm second by T. Hoopes. Motion passed with all in favor.

Adjournment

Jeremy Dube, Chairman

Respectfully submitted,
Jennifer Fortin
Recording Secretary