

**TOWN OF ALTON PLANNING BOARD
PUBLIC HEARING
Public Hearing Minutes
September 20, 2011
Approved as amended 10/18/11**

Members Present: Tim Roy, Chairman
Scott Williams, Vice Chair
David Collier, Clerk
Tom Hoopes, Member
Bill Curtin, Member

Others Present: Ken McWilliams, Town of Alton Planner
Randy Sanborn, Secretary, Planning Department
Members of the Public

I. CALL TO ORDER

Tim Roy, Chairman, called the Public Hearing to order at 6:00 p.m.

II. APPOINTMENT OF ALTERNATES

There were no Planning Board Alternates to appoint.

III. APPROVAL OF AGENDA

K. McWilliams stated there were changes to the agenda. Case P11-20 West Alton Marina has withdrawn their application. They are going to come in next month with a new application with a different location for their proposed building. The other change is Case P11-09 Robert Carleton, Lot Line Adjustment. They are requesting a continuance of that until the October 18th meeting.

T. Hoopes made a motion to amend the agenda to read Case P11-09 is continued to October 18th.

S. Williams seconded the motion with a unanimous vote in favor.

IV. PUBLIC INPUT

Roger Sample stated that it was his second Planning Board meeting and he would like to submit his letter to become an alternate of the Planning Board.

V. VOLUNTARY LOT MERGER

Case #P11-29 Robert H. Carleton	Map 8 Lot 49 and Lot 50-1	Voluntary Lot Merger Route 28 South of Traffic Circle
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K. McWilliams stated that the Carleton's are requesting a Lot Merger which was discussed during the Site Plan Review process. They submitted the necessary form, copy of the deeds and everything is in order.

This will merge the properties to provide the road frontage for the RV Park.

B. Curtin made a motion to approve the Lot Merger for Case P11-29 Map 8 Lot 49 and Lot 50-1.

S. Williams seconded the motion with a unanimous vote in favor.

T. Roy signed the lot merger.

VI. CONTINUED PUBLIC HEARINGS

Case #P06-93 Land X	Map 15 Lots 56-3, 4, 21 & 23, Lot 57 and Lots 60-5 through 20	Phasing Plan – Ridgewood Subdivision Route 28
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On behalf of LANDX, Rick Lundy is returning for this continued hearing for the Planning Board to establish an amount of security for Phase I of the subdivision development.

K. McWilliams spoke the George Fredette from SFC Engineering who is the municipal engineer on this particular project who has been working with Tom Selling who is the developer’s engineer. They did work out in the last couple of days and agree on a spread sheet breaking out the cost for the two phases. For Phase I the total including the 10% contingency comes up to a total of \$362,644.90 and that is the amount recommended for the security for Phase I.

R. Lundy stated that he and Tom (Selling) discussed it. Tom Selling’s original cost estimate was about \$299,000 and the Town’s engineer came back with \$362,000.

K. McWilliams stated that he received an e-mail from Mr. Selling after Mr. Fredette had finished his work saying he discussed it with the applicants and they found that an acceptable figure.

S. Williams made a motion that Case P06-93 Map 15, Lots 56-3, 4, 21 & 23, Lot 57 and Lots 60-5 through 20 establish security for Phase I improvements for the Ridgewood Subdivision of \$362,644.90.

B. Curtin seconded the motion with a unanimous vote in favor.

K. McWilliams stated that another issue has risen with this project since the August 16th meeting at which they set some time frames for completion of construction. Don Filete who has taken out a building permit on Lot 21 in the subdivision, communicated with him by e-mail that he planned on trying to get a Certificate of Occupancy for his residence that is under construction sometime in April or May of next year. With that time frame, K. McWilliams the Planning Board needs to reconsider the discussion they had at the last meeting. The conclusion of the discussion at the last meeting was to set January 16, 2013 as the time in which they would need to complete Phase I and Phase II improvements. That would put it several months past when Mr. Filete is trying to occupy his residence. The two things that need to be completed by the time he occupies the residence are 1) completion of the dry hydrant system that is being discussed and designed; 2) the road improvements up to the finished wear course of asphalt. That is a different time schedule than was approved at the last meeting. The Planning Board did not have the information from Mr. Filete about when he wanted to occupy his residence last month.

T. Roy asked the applicant if they had seen the correspondence. They had seen the e-mail.

Mike Don Filete, the property owner of lot 21 and Rick Lundy of Ridgewood introduced themselves.

D. Filete stated that his time frame remains the same, from the middle of April till the early part of May. He has a buyer for his house in New York. He is unable to commit to him.

S. Williams asked Rick Lundy what the construction schedule is with roads, electricity, etc.

R. Lundy stated that in the next couple of weeks there will be power in there. It will be graveled past D. Filete's driveway. They are waiting for the State to get back about the permitting for the dry hydrant system and that will be done before his occupancy.

T. Hoopes made a motion to amend the Notice of Decision in Case P06-93, LANDX, the date of Phase I completion will be the end of May 2012. This will include paving the Phase I roads except for the final wear course of asphalt.

B. Curtin seconded the motion with a unanimous vote in favor.

K. McWilliams asked to clarify in the record his understanding that the intent is to allow Mr. Filette to have a CO in advance if the road is complete except the asphalt and the dry hydrant system is installed.

T. Roy stated that is true.

T. Hoopes motion to add it to the motion.

VII. COMPLETENESS REVIEW OF NEW FINAL APPLICATIONS AND PUBLIC HEARINGS ON NEW APPLICATIONS (If applications are accepted as complete):

Case #P11-24 Marvin R. & Wendy L. Everson	Map 10 Lot 13-1	Final Minor Subdivision Avery Hill Road
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On behalf of Marvin R. & Wendy L. Everson, Ronald A. Johnson LLS is proposing a 2-Lot subdivision of a 35.9 acre parcel. One lot will be 5.61 acres with 1,588' of frontage on Avery Hill Road and the other has approximately 30.3 acres and two (2) frontages totaling about 1,105' of frontage on Avery Hill Road. This is located in the Rural Zone.

K. McWilliams stated that the proposal does conform to minimum lot size and frontage requirements of the zoning ordinance as well as the requirement to show upland area that needs 75% of the minimum lot size. They are requesting three waivers. One is to the metes and bounds survey around the large parcel. In addition they are asking for waiver on topography and wetlands mapping on the remainder of the larger parcel. He sees no issues or problems with those and recommends approval of those waivers. If they find the waivers acceptable then he recommends they accept the application as complete.

S. Williams motioned Case P11-24, Marvin R. and Wendy L. Everson, Final Minor Subdivision on Avery Hill Road to grant the waivers.

1. 7.2.21 Metes and bounds on the remaining land 30.3 acres. A 1986 survey is proposed to be used and believed to be sufficient.

2. 7.2.27 Topography on the remaining land of 30.3 acres. The contrary is sufficient to show there is a buildable area.
3. 7.2.33 Wetlands mapping on the remaining 30.3 acres. Area that was shown as buildable does not contain any wetlands or slopes in excess of 25%.

B. Curtin seconded the motion.

T. Hoopes asked about the 361' of frontage where there appears to be a substantial wetland. He is wondering if it would be wise to limit access to the other frontage if that major wetland would have to be impacted to gain access.

Ron Johnson a licensed land surveyor explained that there is an existing driveway that has been there for a number of years. The new driveway was shown on the map. It was proposed and approved by the Road Agent. There are two driveways. One is for the proposed 5.61 acre lot and the existing driveway accesses the remaining land of 30.39 acres.

T. Hoopes stated that he misread where the brook was so he withdraws his question. He stated it would be helpful to add the word brook to the plans.

All were in favor of the motion.

S. Williams motion that Case P11-24, Map 10 Lot 13-1, Marvin R. and Wendy L. Everson, Final Minor Subdivision will accept the application as complete with waivers.

D. Collier seconded the motion with all in favor making the motion unanimous.

R. Johnson spoke on behalf of Marvin and Wendy Everson. The property is located on the east side of Avery Hill Road. It is 35.9 acres in total and zoned RU. Minimum lot size is 2 acres. 75% or 1.5 acres of those 2 acres is required to be buildable with no slopes over 25% or wetlands. Minimum frontage is 200 feet. It is bounded on the east by the Society of the Protection of New Hampshire Forests and the land of the Everson's. The Ferruccio bound it on the south and on the west by Avery Hill Road. They performed a field survey of the 5.61 acre lot. They also did topography and limited wetlands to prove there are buildable areas on both lots. The entire 35 acre parcel is shown on plans done by George Christensen. The Everson had subdivided their house lot in 1986. They feel the Christensen survey was adequate to reflect the 30.3 remaining acre parcel. They did a test pit on the 5.61 acre lot to prove that they could get a septic system in. Both lots are larger than 5 acres so do not require a subsurface approval from the State. Proposed tax lot 10-13-2 consists of 5.61 acres in total with 1588 feet of road frontage. Remaining land is 30.3 acres with 1105 feet of road frontage. The 5.61 acre lot has 1.54 acres of contiguous buildable land per ordinance. The 30.3 acre remaining land has at least but more than 1.66 acres of contiguous buildable land per ordinance. There is an existing driveway for the 30.3 acre lot that has been there for a number of years and they have a proposed driveway for the 5.61 acre lot which was approved in August, 11, 2011 by the road agent.

T. Roy asked if he knew approximately the square footage of the wetlands on that lot. R. Johnson did not.

T. Roy stated that if it was more than 10,000 square feet they would have to flag it as a no cut area. They would need to post the 25' from the wetlands buffer with the disk.

There was a back and forth regarding the waiving of the wetlands on the lot and the requirements of the subdivision regulations. The consensus was the applicant needed to flag wetlands over 10,000 sq. ft. within 200' of the area to be developed.

T. Roy opened it up to the Public.

There was no public input.

S. Williams motion to approve Case P11-24 Map 10, Lot 13-1, Marvin R. and Wendy L. Everson, the Final Minor Subdivision, Avery Hill Road conditions precedent:

- 1. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the plat prior to plan signing and recording.**
- 2. The approval date by the Alton Highway Department of the driveway locations shall be added in a note on the plat prior to plan signing and recording.**
- 3. A note shall be added to the plat prior to plan signing and recording stating that Best Management practices shall be utilized during any timber cutting on site.**
- 4. A note shall be added to the plat prior to plan signing and recording stating the total acreage of each Current Use Category for each lot where applicable.**
- 5. The following note shall be added to the plat prior to plan signing and recording: This subdivision plan is subject to the Conditions of Approval itemized in the September 20, 2011 Notice of Decision on file at the Town of Alton Planning Department.**
- 6. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development that will disturb the soil or involve removal of trees are to be flagged accurately in the field on trees approximately every 25' with permanent markers identifying them as the wetland buffer. The types of all proposed signage are to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist, the wetland buffer shall be flagged with etal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed on the 5.61 acre parcel prior to plan signing and recording and certified as complete by the surveyor who stamps the plan. These locations would be on the 30.3 acre lot as well as the 5.61 acre lot which will be at the southwesterly side of the wetland by the culvert.**
- 7. An easement for a dry hydrant hookup southwest of the culvert crossing on Avery Hill road shall be provided and noted on the plat prior to signing and recording the plat.**
- 8. The location of the brook shall be clarified by adding the word "brook" to the plat prior to signing and recording the plat.**

Subsequent conditions:

- 1. The applicant shall comply with all of the Town of Alton's Subdivision Regulations.**
- 2. The approval is based upon the plans, specifications and testimony submitted to the Planning board. Any alterations, additions or changes to the plans are not authorized and require additional Planning Board approval.**
- 3. A subdivision plat which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 4. Trees along the boundary of the 25' of wetland buffer of all wetlands greater than 10,000 square feet in size in the area within 200' of proposed development on the 30.3 acre parcel that will disturb the soil or involve removal of trees are to be flagged accurately in the field on trees**

approximately every 25' with permanent markers identifying them as the wetland buffer prior to the issuance of a building permit. The types of all proposed signage are to be reviewed and approved by the Planning Board. Where trees have been previously removed or do not exist, the wetland buffer shall be flagged with metal fence posts displaying the markers, which should be affixed to the posts with bolts. This is to be completed on the 30.3 acre parcel prior to issuance of a building permit and be certified as complete by the surveyor who stamps the plan.

Provided all listed conditions and subsequent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor passing the motion unanimously.

S. Williams recused himself from the Board

Case #P11-26 W & W Inglewood Trust	Map 27 Lot 19	Final Site Plan Review School Street
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On behalf of W & W Inglewood Trust LLC, Scott & Penny Williams are submitting a proposal to build a 4,500 square foot building for Speedy Wash N Go, LLC and to provide three additional 1,000 square foot retail spaces for local businesses to lease. In addition they are proposing a 2,400 square foot addition to the Post Office. This is located in the Residential Commercial Zone.

K. McWilliams spoke about the Department Comments. The Code Official indicated that the septic plans have been reviewed by the Town and forwarded to the State. He has completed an initial review of the building plans. Conservation commented that the project was located within the aquifer protection overlay district and special attention should be given to compliance with the district regulations. Fire, Highway, Police and Water Departments had no concerns. DES Ground Water Recharge Program had received an application for registration of an infiltration structure for storm water. The proposed use is permitted within the Residential Commercial Zone and complies with setback and heights standards in that zone district. As the Conservation Commission has noted this is located within the aquifer protection overlay district. The district limits a maximum of up to 60% of lot coverage and the applicant is proposing lot coverage of 82% so they will have to apply to the Zoning Board of Adjustments for a variance. S. Williams has submitted that application and it will be heard before the Zoning Board at their next meeting.

Section 4.08 (B) of the Site Plan review regulations has landscaping guidelines and a recommended standard of 25%. They are providing 18%. The staff is suggesting that they develop a more intensive landscaping effort to compensate for the increase in lot coverage.

Section 4.01 (B) talks about buffers between commercial and residential. The property to the west is developed as a single family residence. S. Williams has worked with those abutters and is willing to replace the existing fence that is there with a new fence the entire length of the property boundary between those two properties.

K. McWilliams noted some more information about outdoor lighting is needed for the property showing what types of lighting fixtures and lighting locations.

K. McWilliams indicated the location of free standing sign located on School Street more information about signage plans for location, size and elevation for those signs.

K. McWilliams noted the snow storage plans need to have some more information provided.

Planning Board approval block is needed to be added to the Site Plan.

He recommends the Board follow up with those immediate concerns. They will need to get approval from the Zoning Board of Adjustments for the Variance of the Aquifer overlay protection district issue. Provide landscape plans for the property of the owners to the west. Provide outdoor lighting plans, signage plan, snow storage plan, adding the approval block, approval of the septic system from the Department of Environmental Services. They need to clarify to the Code Official whether there is a need or not for handicap restroom facilities for Laundromat and retail office spaces. The execution and recording of the agreement and contract between W&W Inglewood Trust and Finnico (Fiddleheads), that provides a joint access agreement allowing for crossing circulation and joint use of parking.

S. Williams spoke on behalf of W & W Inglewood Trust LLC.

1. He feels the spirit of the overlay district has been met. The idea was to reintroduce the stormwater back into the ground and this is what they will do.
2. Regarding landscaping along the existing garage of the Veterinary clinic they plan on putting a row of forsythia and he showed the places that he would be planting them around the property.
3. The fence has been put on the plans. It will replace the existing fence and extend the length of the Williams property.
4. Outdoor signage plan was explained where they will be located.
5. Outdoor lighting will have LED lighting under the canopy and the parking lot lighting will 250 watt shielded flood light on the telephone pole to the southeasterly corner of the property which will be lit toward the building with care to not shine anywhere else.
6. He showed where the snow storage areas will be and indicated they will truck it away if there is too much snow.
7. Planning Board block will be on the plans.
8. Septic System approval is with the State right now.
9. If they need a handicap restroom they will put one in but there will not be a restroom in the Laundromat except for the staff.
10. The execution of the agreement with Fiddleheads is mostly done except two minor things that need to be agreed upon.

T. Roy asked if the agreement should be reviewed by the Town Attorney. B. Curtin did not feel it was necessary because it is just a private agreement between the two parties.

T. Hoopes requested that S. Williams explain the storm water infiltration system which he did.

S. Williams stated that the addition to the Post Office will not be done at this time. This will be done just for future expansion needs for them. This will hopefully make it more desirable to keep a post office in town.

T. Roy opened it to the Public.

There was no public input at this time.

T. Hoopes made a motion that they have a conditional approval on application P11-26 Site Design for W & W Inglewood Trust LLC with conditions precedent:

- 1. Approval of a variance is needed from the Zoning Board of Adjustment to exceed the 60% maximum lot coverage in the Aquifer Protection overlay Zone.**
- 2. A copy of any necessary Federal, State, and/or local permits shall be received by the Planning Department and the permit numbers shall be added in a note on the site plan prior to signing the plan.**
- 3. The following note shall be added to the site plan prior to plan signing: This site plan is subject to the Conditions of approval itemized in the September 20, 2011 Notice of Decision on file at the Town of Alton Planning Department.**
- 4. A well designed and intensive landscaping plan needs to be provided as a reasonable trade-off for providing 18% landscape coverage in lieu of the standard 25% landscape coverage.**
- 5. Approval of the septic system is needed for NH DES.**
- 6. The applicant needs to verify with the Code Official whether or not handicapped restroom facilities are needed for the Laundromat and the new retail/office spaces.**
- 7. Execution and recording of the Agreement and Contract between W & W Inglewood Trust LLC and Finnico LLC (Fiddleheads).**
- 8. An outdoor lighting plan is needed showing outdoor lighting locations and types of fixtures.**
- 9. A plan indicating the location, type, size and elevations of proposed signs needs to be submitted.**
- 10. A plan for snow storage r removal is needed.**

Subsequent conditions:

- 1. The applicant shall comply with all of the town of Alton's Site Plan Regulations.**
- 2. The approval is based upon the plans, specifications and testimony submitted to the Planning Board. Any alterations, additions or changes to the plans are not authorized and require additional Planning board approval.**
- 3. A site plan which has been filed and approved, conditionally or otherwise, may be revoked, in whole or in part, by the Planning Board when an applicant or successor in interest to the applicant has performed work, erected a structure or structures, or established a use of land, which fails to conform to the statements, plans, or specifications upon which the approval was based, or has materially violated any requirements or conditions of such approval.**
- 4. The applicant has agreed to erect a new fence the entire length of the common property line between their lot and the lot to the west.**

Active and substantial development or building shall begin within 12 months of the date of approval. Active ad substantial development or building shall be considered achieved when site work starts or a building permit is issued.

Substantial completion of the improvements shown on the site plan shall be met when one of the buildings is completed. Per RSA 674:39 Section IV; Four Year Exemption

Provided all listed conditions and subsequent conditions are satisfied, this approval will remain valid for implementation 365 days from date of original approval, unless extended by the authority of the Planning Board after petition by the applicant.

B. Curtin seconded the motion with all in favor passing the motion unanimously.

T. Roy called a recess at 7:20 p.m.

Meeting resumed at 7:25 p.m.

Case #P11-27 Richard Park Wallsten Trust	Map 58 Lot 10 & Map 59 Lot 1-A	Design Review – Minor Subdivision & Boundary Adjustment 16 Wallsten Road
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On behalf of Richard Park Wallsten Trust, James M. Hambrook, LLS has submitted a Design Review for a two-lot subdivision of Tax Map 59 Lot 1-A and a boundary adjustment with Tax Map 58 Lot 10. This is located in the Lakeshore Residential Zone.

K. McWilliams explained that Mr. Wallsten’s surveyor, James Hambrook, would not be attending due to a bad back so K. McWilliams would be explaining the project. He showed what was included on the map. Wallsten Road is a dead end and a driveway system takes off from it and heads toward the lake and serves the two houses on Mr. Wallsten’s property currently as well as the neighbor’s house. The base proposal for the subdivision is to subdivide the existing lot that has two separate houses with septic systems and driveways. They are completely developed and as he understands it, there is no intention to develop further but to subdivide the two houses each on their own lot. The other part of the proposal is to add the southern proposed lot to land across the old railroad right of way which is now owned by the Conservation Commission. The area within the existing home on the south side of the Conservation Commission would be retained as an existing lot.

There are a couple of problems with the proposal. The Conservation Commission owns the former railroad right of way fee simple so they cannot annex land across another ownership to the land on the other side. This was discussed with Town Attorney and he agreed. The other issue is there is a right of way up to the Conservation Commission land. The deed to the land the Conservation Commission gives rights of passage across that to the properties on the far side. On the far side of that land it becomes a system of driveways. There is no street out there, public or private. The issue with the subdivision is that each of the two lots has no frontage on a street and needs to go to the Zoning Board of Adjustment for a variance. There is an existing lot with two houses with no frontage and he wants to split the property with a house on each lot still with no frontage. He needs to get a variance from the Zoning Board for the street frontage and he needs to figure out another way of dealing with not being able to annex across the Conservation Commission land. He could combine the land south of the Conservation Commission land into one lot or propose it as a separate stand alone lot.

Dick Wallsten, the owner of the property bought the land in 1957. The Conservation Commission didn’t own it at that time. Route 11 came down through the marina and then came up over the bridge. It was closed in 1926. The road in that section reverted to the landowner subject to gates and bars. The old road which was a main road moved up in 1926 to Wallsten Road, then that was moved up to 1971 to present route 11. The old road reverted to the owners. He has had two approvals of Wallsten Road to serve the three houses. There was no mention of frontage on any roads at that time. That was in 1987 and he has two plans approved by the Planning Board.

T. Roy stated that regardless of that, today’s regulation require frontage on a town road. He does not believe that the Board can go against their regulations without approval from the Zoning Board of Adjustment.

K. McWilliams stated that he checked with Sheri Emerson and the driveway shown as Walsten Way is not on the E911 so he would have to apply for a different name.

T. Roy suggested he talk to S. Emerson about renaming the road and getting a 911 address. He needs to do that whether he goes to the Zoning Board or not.

The Board referred him to the Zoning Board of Adjustment for the road frontage. They cannot do anything about adjoining the two lots unless he can prove that the land held by the Conservation Commission never had a fee paid to the abutters by the railroad. He should talk to Martin Cornelissen.

T. Roy recused himself from the Board.

Case #P11-28 Robert F. Bollinger General Construction LLC	Map 15 Lot 30	Design Review – Major Subdivision Gilman’s Corner Road
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On behalf of Robert f. Bollinger General Construction LLC, Jeffery L. Green Land Surveying Services has submitted a Design Review application for a 5 lot major subdivision in the Rural (RU) Zone.

K. McWilliams explained the application is in the Design Review phase. They will be coming back for a final application. There will be separate notice to abutters. This is the first step in the process. They are proposing a 5-lot subdivision in the Rural Zone along Gilman’s Corner Road. Most of the lots access directly to Gilman’s Corner Road. Lot 1 is being proposed to be served by a driveway access off Leighton Mills Drive and that is a Class VI unmaintained town road. Also Lot #4 there is an existing driveway that serves the remaining land of tax map 15 lot 30. Currently it comes across what is proposed to be Lot 4 to get to the existing home on the adjacent parcel tax map 15 lot 30. They are proposing a separate driveway access to the new residence proposed on lot 4. So on that lot is two driveways are proposed. In the Town’s Highway Policies and Regulations only one driveway per lot is allowed so they would need to get a waiver from the Selectmen from that standard in the Highway Policies and Regulations. Lot 1 that is proposed to be served by the driveway off Leighton Mills Drive, they have a couple of options. Under the Zoning Ordinance the way street frontage is defined, it requires that the driveway access come off of the same road that you gain frontage so in this case it would mean that the access for lot #1 would need to come off of Gilman’s Corner Road. The issue there is the existence of a wetland that comes all the way down and touches the boundary of lot 2. They are trying to avoid doing that wetland crossing. Then beyond that there is a hillside that they are trying to avoid cutting across that hillside. The proposal is to come up the Leighton Mills Drive, a Class VI unmaintained town road, and come in with a driveway off of that. To do that they would need to get a variance from that definition in the Zoning Ordinance requiring that you get access off the same road that you get frontage. A third option would be to upgrade Leighton Mills Drive to a class V standard road and gain the frontage and the driveway access from Leighton Mills Road. Otherwise the lots meet minimum lot size and minimum road frontage requirements and also the minimum buildable area of contiguous upland.

T. Hoopes felt that the driveways are going to add to an unsafe driving area. He noted as you drive north on Gilmans Corner Road that the road tilts the wrong way after cresting the hill adjacent to the subdivision. In the winter cars tend to slide into the oncoming south hand lane.

Jeff Green spoke regarding the project. He stated that in 1964 Leighton Mills Road was discontinued when they were cutting Route 28. There was a survey done of the Nemsa property and on the other side of Route 28 which is also their property. At that time the road was a Class VI closed road. In 1988 the subject property went to the Planning Board and got a 7-lot subdivision approval that never got recorded. At that time, Leighton Mills Road was going to be used for driveway access to 3 lots on that road. At that time the

road was considered a class VI road and closed which means anyone that has property on that road has the use of that road. They are proposing only one access off Leighton Mills Road now.

S. Williams suggested he research the Colonel Clough Road Inventory book.

J. Green stated that he had just talked to the Highway Department and did his normal research.

T. Hoopes stated that if it is Class VI they will have to go to the Selectmen to get permission to use it to gain access to it.

J. Green stated that where the wetlands start is right on the corner of Lot 1 adjacent to Lot 2 where there might have been an old well. It is now more like a spring. Rather than crossing that they were hoping to use Leighton Mills Road for a driveway only to access beyond the wetlands. The culvert crossing is already on Leighton Mills Road and the road was paved.

Some logging issues went on out there and a logger went out and starting cutting some of the trees down. His thought was to stay out of the wetlands and stay out of the steeper slopes with a driveway. He doesn't have 25% steep slopes but he does have 20% slopes. This is his biggest lot of 4.2 acres but his frontage on some of his lots is limited. They are 200, 200 and 202 so he is limited there. He is maximizing what could be there based on acreage and frontage starting at the left hand side of the map the south end and going north. They have tried to make the best use of each lot.

S. Williams open it up to the Public.

David Lawrence spoke as a land owner that lives on Gilman's Road. He spoke against it as a safety issue because of the driveways.

Lynne Sevey-Nemsa spoke as an abutter. She noted a fatality occurred some years ago with two cars colliding head-on at the bridge. In addition to the safety concerns she has concerns about the use of Leighton Mills Road. There is an historic site on their property very close to the road. It is the old Leighton Mill from the late 1700's. For years they had lots of problems with people dumping trash when the road was first closed but not barricaded. Because of the barricade and the utilities have no need to go in there they are not having any further problems. They have lost the canopy and the barricade is no longer there. They are concerned about retaining the Leighton Mills site and the brook as places for the public to enjoy. The other concern is in how the area was treated with logging prior to a subdivision being approved. The other concern is how this was treated before the subdivision was approved without compliance with Town regulations. They are concerned whether the applicant will comply with Town regulations if approved.

Sylvia Leggett spoke as an abutter. She feels the driveway accesses will be unsafe. She feels that the number of lots could be enlarged with fewer lots to solve the driveway issues. She was also concerned about the lack of the wetlands mapping. She wanted to know what is being required for storm drainage plans.

S. Williams stated that it will probably be dealt with on each individual lot.

L. Sevey-Nemsa asked about the wood that was cut. The wood was cut on both sides of Leighton Mills Road and the good wood was stacked on the other side of the road. She asked what they would do about that.

B. Curtin stated that that was a civil matter and the Board cannot do anything about it.

Mark Northridge spoke as an owner on Gilman's Corner. He spoke against it as a safety issue because of the driveways. His other issue was that the people have worked hard on Conservation for the Gilman Pond area and to have a subdivision come in there does not make sense. He feels they should try to cut back on the number of lots.

K. McWilliams spoke regarding a comment made by the Road Agent that when they come in for the final each of those driveway locations they will need to do a sight distance analysis.

D. Collier asked about there being something on the books in regard to a subdivision and cutting wood.

K. McWilliams explained that one of the abutters came in and complained about the cutting on Leighton Mills Road. At that point it was made clear to the developer that they need to go to the Board of Selectmen to get permission to do anything on a Class VI road. At the same time they found a provision in the Subdivision Regulations (Section 4.1) that talks about once an application is submitted they are not supposed to start developing that subdivision. With this being the road next to the subdivision it wasn't clear in terms of that. The Board of Selectmen reviewed it and approved it subject to Town Counsel's review and concurrence. In his view, the spirit of that provision in the subdivision regulations was that they should hold off on doing cutting, anything to gain an access or anything else related to the subdivision until the developer had gone through the subdivision process and got the approvals. So as a consequence they have not been given approval for continuing of the cutting.

J. Green stated that the only thing that was cut was on the edges of that Leighton Mills Road. The road on the opposite side has got a little bit of a bank on it so the wood is lying on the other side. All the wood is there that was cut down and nothing has been removed. Last he knew it was still all there.

T. Roy asked if there should be a penalty of some sort to coincide with the no cut rule.

J. Green stated that the only thing cut was on Leighton Mills Road. They did not touch the subdivision.

M. Northridge stated that yesterday he found cutting on the subdivision and the equipment is gone now.

L. Sevey-Nemsa stated that the cutting stopped on her side of the road that day but the logger continued to work after that day. Not only has it cut on either side of Leighton Mill but the cut for that proposed driveway has been made and on Gilman Corner Road it looks like he went in with his equipment and cut for one of the other driveways.

M. Northridge spoke regarding his concern of the caliber of the contractor.

D. Collier suggested using a common drive for Lots 1 and 2 instead of the driveway on Leighton Mill Road because of the historical value of the mill.

S. Williams closed public input.

T. Roy returned to Chair.

VIII. Old Business:

There was no old business.

IX. New Business:

1. Date for Draft Zoning Amendments set for Tuesday, October 11 at 5:30 p.m.
2. Date for Draft Site Plan Review Regulations set for Wednesday, October 19 at 6:30 p.m.

IX. Approval of Minutes

August 16, 2011

1. Page 12 middle of the page change he to the.
2. Page 17 down from top of page at should be as.
3. Page 10 Bold the motions

B. Curtin motion to accept the minutes as amended for the August 16, 2011 meeting.

D. Collier seconded the motion. All were in favor making the motion unanimous.

X. Correspondence.

A workshop in Farmington on Wind Turbine starts at 6:30 p.m. on October 4th.

XI. Adjournment

T. Hoopes made a motion to adjourn.

D. Collier seconded the motion. All were in favor making the motion unanimous.

The public hearing adjourned at 9:10 p.m.

Respectfully submitted,

Randy Sanborn
Recorder