

Planning Board
October 21, 2019
Meeting Minutes

Acting Chairman Joe Parisi called the meeting to order at 7:00 PM. Present were Joe Parisi, John Pieper, Roland Vollbehr, Davis Peach, Joe Brodbine, Jon McKeon and Susan Rigg as substitute secretary. Jon Pieper was seated for John Koopmann. No one was seated for James Corliss, as he may be called during the meeting.

Review of Minutes: Changes were noted by the secretary. *Brodbine made the motion to prove the minutes of October 7, 2019 as amended. Pieper seconded the motion and it was approved unanimously by roll call vote.*

Review of the budget: McKeon reviewed the budget with the Board. McKeon explained that \$3,317 will be added to the Secretary payroll for the 2020 year. The additional hours will be used to update the Town record retention process to make it compliant with State RSA. Parisi suggested an increase to the postage budget from \$800 to \$1,000. All agreed the budget is acceptable as amended. No motion was needed.

Discussion of Camp Spofford: The Plans were reviewed to determine if they were ready to be signed. The four conditions were met by the applicant, said Parisi. After review of the conditions by Parisi, it was determined no condition was included regarding the deepening of the trench. As such, the plans were signed.

PUBLIC HEARING: Parisi read the information for the public hearing:

Paul Comptois & Miller Family Revocable Trust - Application for a Lot Line Adjustment for property located at Old Swanzy Road (Map 20, Lots A6 and A7) consisting of approximately 57.56 acres in the Rural Agricultural Zone.

It was agreed at the last meeting that the application was complete, said Parisi. *Brodbine made a motion that the application is sufficient enough for review. Pieper seconded the motion and it was approved unanimously by roll call vote.*

Jim Phippard addressed the board on behalf of the applicant. He reported this is a boundary line adjustment in which 7.7 acres of the Miller lot would be conveyed to the Comptois lot. No new lots will be created. Phippard said the original plans were adjusted to orient the abutters properly and correct spelling on some names. Parisi asked for input from the public. There were no questions, so he proceeded to Board discussion. Parisi asked if there are homes on both lots. Phippard said yes, and no further development is proposed. *With no further discussion, Pieper made a motion to accept the application as presented. Vollbehr seconded the motion. The motion was approved unanimously by roll call vote.*

Next on the agenda was the Pine Grove Spring Country Club application. Parisi read the summary into the record:

Pine Grove Springs Country Club, Inc – A continuation of an application for a Major Subdivision for property located at NH Route 9A (Map 5K B8 and Map 5N B9.1) consisting of approximately 93 acres in the Residential zone

Mike Ploof from Fieldstone Land Consultants represented the Applicant. He reported that the section across Channel Road on the Lake side that was divided into 5 sections is now divided into 4 sections. Now the lots across Channel Road are directly aligned with each new lot.

Mr. Ploof read a letter to the Planning Board regarding the request for waivers. This letter is to be included in these minutes. The first waiver he would like is the requirement for a site development plan.

Ploof said, at this time, the building on the lots would be conceptual, as there are no actual plans for development. The future owners would be the developers of the lots, and there is no guarantee they will be developed. The Shoreland Development Permit will require actual plot plans, building plans, septic plans, etc. The State will look at the drainage, septic, etc. when/if a home is to be built. The applicant will not actually dig any dirt or develop the lots. The erosion issues will be addressed in the septic design plans, he continued.

Brodbine asked about the length of the lots and the Shorelands Protection requirements. The Shoreline Protection Act requires 250 feet distance from the lake, said Ploof, but the Lake Spofford Lake District requires a 500-foot buffer. The Town rules this will set any development 500 feet from the lake. This will be enforced through the Building department, said McKeon.

Parisi asked about protections for the wetlands. Ploof said there will be no net gain to the wetlands as engineered controls will take care of the drainage. Parisi said it is currently draining through more than one lot and asked how do you address the adjacent lot impact? No more is going to be added to the wetlands, Ploof said, drainage will stay the same.

Brodbine said where there is no plan for buildings at this time which makes the decision difficult as there is no way to determine how the new lots will be used.

Parisi asked for public input:

Valerie Starbuck said there are issues regarding how to control property under development. Homeowners regularly ignore rules and she cited a case on highway 9A where trees were cut without permission. She asked how development is kept safe for the Town and the lake once the lots are sold. How will it be controlled, she asked. Mr. Ploof said the development will fall under the rules of the state Shoreland Protection Permit with NHDES.

Pam Walton spoke and said she agrees with Starbucks comments and questions. She would like written guidelines to minimize erosion and run off and limit the ability to cut trees existing near the lake. She thinks the development can be done with limited impact on the lake.

Cheryl Maibusch stated that the lots are on the channel, not directly on the lake.

Pat Panciocco, Attorney for the Maibusch's said that water runoff to another lot would require an easement as common law requires you keep the water on your own lot. In addition, there are no trees in the area where a home may be constructed. A State Shoreland Permit will impose fines if plans are not followed. Many protections are in place regarding future development, she said.

Brodbine questioned the runoff which currently goes through two channels. Parisi said this would be addressed with a drainage analysis and no analysis is available. The Shoreland Permit measures the drainage said Panciocco. She stated we should trust the State who will review this on a per-lot basis; rather than a Planning Board looking at this as a whole. Each lot will be evaluated individually and any analysis, at this time, would be speculative, said Panciocco.

Barbara Girs said at the last meeting there was a suggestion of an environmental study of the subdivision, this could include information on water runoff.

Parisi said the discussion right now is just regarding the waiver being requested. We don't have a baseline for runoff at this time, said Parisi.

Panciocco summarized: This is zoned "residential" and the lots meet the 2-acre minimum. The development of the lot is a different matter, she said. Parisi said it is important the Board understand the impact of the subdivision. Parisi said, given the potential impact of the four lots, he is not willing to waive the items asked for. Peach reminded the Board that we are just gathering information at this time.

Starbuck said there is wisdom in establishing the guidelines for major site plan developments. That each lot is unique is not valid, the land is in a sensitive spot regardless of the channel.

Ploof said there is a distinction between minor and major subdivision. On a major subdivision there is more impact. This subdivision is minor impact in nature because they are frontage lots.

Pam Walton stated that 80% of shoreline owners on the lake are not following DES Shoreline Protection rules. Fines can be levied, but the biggest fine was only \$2,000. She would like to see true controls at the Town level. She asked the Board to do everything to check on erosion and water flow.

Jeff Scott said he agrees. There are lots on the lake that are in violation and it is difficult to get DES to force compliance. In potential subdivision he would like to see redundancy in the work that needs to be done.

With no further public comment, the Board started discussion. Brodbine said to treat each waiver request individually. McKeon stated that we must take each waiver request individually but need to look at the request holistically to see what the waivers amount to in whole.

Regarding Item #1 404.5 - B: Final surface water drainage management plan: *McKeon moved to deny the request for the waiver for section 405.5b based on the Board's need to understand this to aid in a decision. Brodbine seconded the motion. After further discussion, the motion was approved unanimously by roll call vote.*

Regarding the Hydrological Analysis: Brodbine read item 404: 5 – C into the record. Parisi asked for Public input. Linda Snorek said a study of the wetland area is important to the whole development.

Val Starbuck said the Hydrological study would be about the amount and quality of water being conveyed in soils and rocks. She said the Hydro study is about what is staying in the wetland and the content of the water, which is different than the wetland study.

McKeon made the motion to deny waiver of item 404.5- C: Hydrological analysis based on the Board needing this information to evaluate the project moving forward. Peach seconded the motion. Without further discussion Parisi called for the vote. The motion passed as follows: Pieper abstained, Brodbine yes; Davis yes; Parisi yes; Vollbehr yes; McKeon yes.

Next was the discussion of the waiver of Erosion and Sedimentation Plan: Maibusch asked as they are not "turning dirt" on the land, what is the impact? Parisi said we cannot rely solely on the State of NH to manage the assume development to follow.

Panciocco said the erosion and sediment must be designed in any proposed future construction or development. This would be addressed in the building and shoreline application, she said.

Brodbine read "Part D: 405-D -Erosion control plan" into the record and said it makes sense to defer this requirement to the purchaser/potential builder. After discussion, Pieper made a motion to accept the waiver to exclude item 405.D – erosion and sedimentation. Vollbehr seconded the motion. It was noted that this can be imposed on the purchasers of the lots if the plan gets approval. With no further discussion, Parisi called for the vote. Vollbehr yes; Peach yes; Brodbine yes; McKeon yes; Pieper yes; Parisi no. The motion passed.

Site Impact Analysis waiver request: After discussion, McKeon said the applicant does not think they need to provide this, but he thinks it is a strong need. It was discussed that this analysis would aid the applicant and any third parties. Pieper made a motion to deny the waiver for item 404.5 E. David seconded the motion and it was approved unanimously by roll call vote.

Driveway easements discussed and Ploof said the State will allow three cuts to access the property.

Brodbine said there are trees on Channel Road which cannot be touched as they are on Town property. This would also need State approval.

Starbuck said the State has a point system to determine if a tree can be removed. Walton is concerned there are ways to "get around" the point system. Maibusch wanted to let everyone know that two trees came down last week in the storm and took out power. He also said they are not proposing any tree removal, although a future owner might.

Brodbine says he has no issue with the actual lot division and Piper said it seems reasonable to cut the land into strips as designed.

Parisi mentioned that if there is a mortgage on either lot the mortgage holders must be notified. It was confirmed by Maibusch that no mortgages exist on the lots.

McKeon said at the last meeting we directed Koopmann to work with the applicant and come up with options for environmental study. Maibusch said he tried to contact Koopman. As of September 26, 2019, he still had not received any estimates of costs and names of companies who could do the study from Koopmann. He then contacted an attorney because he was concerned about the implication of not having the study complete. McKeon said the study was to establish the potential impact for the full development on the lake, the surrounding area and the channel. Panciocco said this is redundant and the cost is expensive. McKeon stated the concern is the development will impact the lake, and this is part of the lake, even though it is on the channel, he said. He said the goal was to have three companies and estimates of the cost. Maibusch said Koopman would not share the information with him. Two estimates for an environmental study were in the file, one for \$3,200 with Normandeau and the other was for \$4,700 (no business name available). The applicant did not find the costs excessive. It was agreed the firm chosen to do the study should be licensed in the State of New Hampshire. Ploof said his firm can do these studies. They could then have a third party review the results to avoid any potential conflict of interest.

Panciocco shared a report from the New Hampshire Natural Heritage Bureau. She said the report stated there is nothing of any concern regarding the wildlife in the area.

Maibusch said he had concerns about the September 9, 2019 minutes. He brought the changes to Koopman. He also said he was unable to get draft minutes for at least three weeks after the meeting. Parisi said he cannot explain this as these items are not discussed outside of noticed meetings. This is new information to the Board.

Pieper said he would like to visit the site. As the other Board members already have visited, it was agreed not to make a formal visit. Any member can go walk the site individually. They will just need to report back when they went and what they talked about to the next Board meeting.

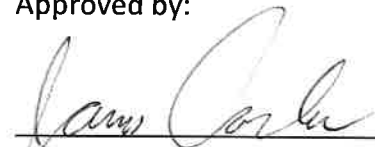
Ploof said he can have information ready for the November 18, 2019 meeting. Pieper suggested we discuss what the content should be included in the environmental study. It was agreed to define the needs of the environmental study and which firm will do the study at the November 4, 2019 meeting.

McKeon made a motion to continue the Pine Grove Springs Application to November 4, 2019 at 7:30 PM at the Town Office. Brodbine seconded the motion and it was approved unanimously by roll call vote. Parisi suggested the applicant formally request an extension in writing. Panciocco said this can wait until November 23, 2019.

With no further business to discuss, Vollbehr made a motion to adjourn at 10:00 PM. Davis seconded the motion and it was approved unanimously by roll call vote.

Respectfully submitted
Susan Rigg, Interim Secretary

Approved by:



James Corliss, Chair

18 Nov 2019

Date