

**PLANNING BOARD**  
August 14, 2014

**FINAL MEETING MINUTES**

**Present:** Craig Francisco, Chuck Bolton, Neal Kurk, Bruce Fillmore, Jr., John VanLoendersloot, Chip Meany, Code Enforcement Officer and Recording Secretary Wendy Stevens

**Guests:** Thomas Tremblay, Allen George, Tom Giovagnoli, Mike Zienkiewicz, Nancy Zienkiewicz and Art Siciliano

**I. CALL TO ORDER**

The meeting was called to order at 7:10 p.m. by Chairman Craig Francisco. Chairman Francisco noted that Mr. Fillmore was now a full member, having been appointed by the Board of Selectmen to fill the vacancy left by the resignation of George Malette.

**II. CONCEPTUAL /DESIGN/SITE PLAN REVIEWS**

**a. Beverly George** [257 Dustin Tavern Rd., Tax Map 411/Lot 281 (15.8 acres), village district]

Allen George, with permission of Beverly George, wishes to subdivide the lot and build a residence on the newly-created lot. The issues presented were access and frontage. It was suggested by Mr. Fillmore that, were a 10-acre lot created, it would need but 50' of frontage on Forest Rd., a gravel road.

**b. Lorraine Fottler** [332 S. Sugar Hill Rd., Tax Map 406/Lot 28 (140 acres), rural/agricultural district]

Tom Giovagnoli, with permission of Lorraine Fottler, wishes to erect a 46x588' organic layer house for approximately 20,000 birds in a 25,000 +/- sf building. It would be sited 500' south of Dunbar Rd., a class 6 road, and 250' north of the property's southern border. It would be accessed from Dunbar Rd. Three residences on Dunbar Rd. are within ¼ mile of the proposed building. The rest of the property will be used for beef cattle and hay.

Issues raised involved fire equipment access on a class 6 road, IBC-mandated sprinklers in the structure and access from Dunbar or S. Sugar Hill roads. The chairman stated that access to a non-residential structure off a class 6 road does not require a variance. The chairman also requested any application include a topographical plan of the site and 100 ' of the surrounding area.

**c. Robert Silva Revocable Trust** [445 S. Stark Hwy., Tax Map 412/Lot 0247 (5.8 acres), commercial district]

Thomas Tremblay , with permission of the owner, proposed using the existing residence for a real estate office and renting out the barn and garage. The chairman noted that this would change the use of the property from residential to commercial and that any subsequent change of use to residential would require a variance.

Mr. Tremblay wishes to expedite the application. The Board set a site walk for August 28<sup>th</sup> at 6 p.m.

### **III. INNOVATIVE LAND SOLUTIONS LLC CONTINUED SUBDIVISION HEARING** [Tax Map 412/Lot 168 and 109/16, rural/agricultural zone]

Art. Siciliano, representing the owner, presented the Board with revised plans for the five-lot subdivision and the conditional use permit for a shared driveway.

The chairman noted that he spoke with Scott Looney of the state Department of Transportation and learned that since July 1, 1971, a state driveway permit must by statute be issued for any property with more than 500' frontage on a state highway with at least 400' sight distance, without regard to drainage issues. Therefore, drainage issues with respect to the state driveway permit were moot.

The chairman also observed that the driveway plan revised on August 7, 2014, satisfied all of the issues previously raised by the Board. He noted that the engineer recommended a 15" culvert replace the existing 12" culvert under the shared driveway of the downstream abutter.

The chairman re-opened the public hearing at 8:30 p.m. at which Mike and Nancy Zienkiewicz commented that they would like to have their

engineer double-check the minimum appropriate culvert size. The chairman closed the public hearing at 8:45 p.m.

The chairman noted that the driveway design may conflict with town subdivision regulation section 8.4.2.5.h, as the applicant's engineer's study shows an increase in off-site drainage volume as a result of the proposed shared driveway. He suggested that the applicant and the downstream abutters agree on the appropriate culvert types and size and, if the abutters wish to have their engineer evaluate the situation, the cost should be paid by the applicant.

Three issues remain: (i) the town's attorney must review and approve the shared driveway agreement; (ii) an engineer must present a plan modifying the application for a so-called "rain garden" or other appropriate mechanism to comply with section 8.4.2.5.h; and (iii) an agreement must be reached between the applicant and the downstream abutters with respect to a replacement culvert.

Mr. Fillmore moved, seconded by Mr. Kurk, that the Board approve the subdivision plan for Tax Lot 412/168 and Tax Lot 109/16, as revised on August 8, 2014, and grant a conditional use permit for a shared driveway not meeting the maximum slope requirements, as shown on the driveway plan revised on August 7, 2014, provided that (i) the town's attorney approves the shared driveway agreement; (ii) an engineer presents a plan modifying the application for a so-called "rain garden" or other appropriate mechanism to comply with subdivision regulations section 8.4.2.5.h; and (iii) an agreement between the applicant and the downstream abutters with respect to a replacement culvert is received. The vote was 4 – 0, and the motion carried. A brief recess followed.

#### **IV. VOLUNTARY MERGER [380 Concord Stage Rd., Tax Map 202/Lots 47 and 47.1]**

Mr. Bolton moved, seconded by Mr. Fillmore, that the application be approved. In the discussion, it was noted that the application form made it clear to the applicants that the effect of granting the application would be to eliminate a buildable lot and that such lot could only be created in the future through a formal subdivision process. The vote was 4 – 0, and the motion carried.

## **V. COMMUNICATIONS**

The Board was presented with a copy of an email from the Trustees of the Trust Funds indicating they had received a request from Southern New Hampshire Planning Commission for a grant of \$6,000 from the Sawyer Fund to pay for a cost of services study for the town and asking for the Board's input. Members noted that the Board had been interested in such a study when SNHPC had indicated it would be paid for by grant money. Mr. Francisco moved, seconded by Mr. Fillmore, that the Trustees be informed that the Board believed it would be inappropriate use of Sawyer monies to pay for such a study. The vote was 3 – 1, and the motion carried. The chairman instructed Mr. Meany to so inform the Trustees.

## **VI. ADJOURNMENT**

Mr. Bolton moved, seconded by Mr. Fillmore, that the meeting adjourn. The vote was 4 – 0, and the meeting adjourned at 9:45.

Respectfully submitted,

Neal M. Kurk  
Secretary