

MINUTES
PLANNING BOARD MEETING
SEPTEMBER 21, 2016

PRESENT: Bert Hamill, Chairman, Paul Termin, Liz Freeman, Tim Jones, David Lage, Ned Nichols, Louise DelPapa

The meeting was called to order at 7:30 p.m. at the Town Office.

The Board reviewed the minutes of the September 7, 2016 meeting and the following corrections were made: the second page, fourth paragraph, second sentence and fourth sentence; change omissions to **deletions** and assurity to **surety**. The third page, first paragraph, third sentence; omit **model ordinance**. Bert accepted the minutes as amended.

Bert stated Mr. Litchfield, Builders Land Co. contacted him to confirm Jacqueline Drive and Green Farm Road paving plans included the installation of curbing. Bert reviewed the plans and confirmed the curbing is to be installed. Bert will compose a letter to Mr. Litchfield requesting the paving schedule/time frame for the paving of both roads.

Bert stated the new start time is 7:00 p.m. for the October 5, 2016 meeting and he will not be attending the meeting.

The Board discussed the 2017 important dates for SB2 March Town Meeting.

7:40: USA Properties, Mr. Bruce Simpson, President and Holden Engineering, Mr. Robert Holden, President – Continuance of hearing for a 47 lot subdivision application, Stowell Rd.

Mr. Simpson stated at the last Board meeting the Board requested a list of items to be completed. Mr. Holden addressed the wells in the subdivision and their close proximity by submitting a report done by another firm for the Craven Development. According to Mr. Holden a hydrogeologist for the Craven Property looked at the situation and determined it would not be a problem to have the wells close together and stated this project is similar in territory and distributed the evaluation report from Northeast, Inc. The Board agreed to have Kent Brown review the report and offer his opinion as to whether the applicant needs a new Hydrogeologic Evaluation for this project. Mr. Holden distributed three new sets of plans with the only change being the combination of lots 47 and 48. He also distributed the individual plans which show the lot, building set back, slopes, the 4000 square foot area for the septic system and the location for a house. Mr. Holden discussed the map showing steep slopes. The area shaded in green indicated 12% to 15% slopes, the pink area indicated 15% to 25% slopes, the dark pink area indicated 25% or greater slopes and the blue is the disturbed areas.

Mr. Simpson requested clarification on item number eleven which requested the roads that cross over other people's property must be removed from the plan. Bert stated the Board determined USA Properties cannot show a roadway on land that they do not own or control.

Bert read a motion Attorney Gary Kinyon filed for a telephonic hearing to clarify/provide further instructions on the Supreme Court Remand Order. Mr. Simpson's attorney filed an objection to the motion and the court denied the telephonic hearing. Mr. Simpson requested the Board to accept the dead end road ruling. The Board discussed the Superior Court and Supreme Court decisions on the dead end road issue. Ned made a motion accept the Superior Court decision which determined it is not a dead end road and Paul seconded the motion. The motion was denied with Paul and Ned in favor and four members opposed.

The Board discussed collecting all of the required information and basically starting the application process again and making a decision after reviewing the information. The Town Engineer will also need to review the application. Bert stated the Board is very willing to work with the applicant to move this project forward. Mr. Simpson believes he will be able to complete gathering the information in six months and DES usually takes 30 days after the application is submitted for the State Subdivision approval. The Alteration of Terrain permit can take up to six months and the Town Engineer will need to review it.

Bert reviewed the list of items that are still outstanding. The Board discussed the last section of Stowell Road regarding upgrading the road from a class VI to a class V. Dave stated in 1990, Mr. Holden petitioned the Board of Selectmen to upgrade the road and Mr. Holden agreed to do the work on the road and the Town would supply the gravel. Mr. Holden was to record the agreement at the Hillsborough County Registry of Deeds and the recording was not completed. Mr. Simpson confirmed the recording was not done because the former developer prevailed in court that the taking of the property by Mr. Holden as a mortgage for non-payment of engineering services was not legal. Mr. Simpson stated the Town maintains Stowell Road and Dave stated the Town does not maintain the class VI portion of the road. The road is not graded and the snow is plowed up to the end for convenience where the truck can turn around. The Board stated USA Properties will need to petition the Board of Selectmen to get the last section of the road upgraded to a class V. Bert stated the Board needs an evaluation completed for off-site improvements for Stowell Road and listed the following engineers to choose from: Kent Brown Engineering, Ed Rogers Engineering, Keach/Nordstrom Associates, Stantec or Steve Pernaw. Mr. Simpson will decide on which firm to use and let the Board know. Bert began to offer Mr. Simpson a selection of engineers for the Drainage Report and Liz stated that Kent Brown should review the report as he is our Town Engineer, after a discussion the Board agreed. Bert requested Mr. Holden submit the new Plans with an engineering stamp and the Drainage Report to Kent Brown for his review at the applicant's expense. Bert noted that Mr. Holden is not a licensed professional engineer in the State of New Hampshire.

Bert asked Mr. Holden if he had a financial interest or ownership in the property and Mr. Holden stated he had none. Bert stated there is an administrative suspension on the corporation (USA Properties) from the Secretary of State for filing fees and annual reports. The corporation has been suspended for more than 15 years. Bert provided the regulations for reinstatement to Mr. Simpson and stated the Board cannot approve a non-entity.

Liz requested Mr. Holden provide a map to show common land, open space and private land and Mr. Holden said it would be too difficult to do and Kent Brown can review the calculations. The Board is requesting Kent Brown to review the location of the wells and connections on the common land at the applicant's expense. Liz stated Kent reviewed the initial plans which did not show the wells. Kent will need a copy of the updated Plans and Mr. Holden will submit the Plans electronically.

Mr. Holden will wait to see if Kent Brown's reviews requires any changes and then he will submit the Alteration of Terrain permit. Mr. Holden would like to continue the hearing to November 2, 2016 to see how Kent has come along in his review. Bert made a motion to continue the hearing to November 2, 2016 at 7:10 p.m. Dave seconded the motion and it passed unanimously.

Mr. Simpson agreed to a six month extension of the statutory deadlines.

The meeting adjourned at 9:15.

Respectfully submitted by:

Louise DelPapa, Land Use Clerk

