

PLANNING BOARD MINUTES

September 14, 2022

APPROVED: 9/28/22

AGENDA: **NON-PUBLIC SESSION PURSUANT TO NH RSA 91-A:3, II - I**
CONTINUED 22SUP09 – Amy Manzelli, Esq. – 481 West Shore Road - #203-067 Sub #001-002
22SUB01 – Alan Barnard for George & Cecile Girouard - 91 School Street - #114-016
DISCUSSION OF PROPOSED MUNICIPAL ASSIST GRANT APPLICATION
2023 PROPOSED BUDGET

ATTENDING: Randall Kelley (Vice Chair), David Shirley, Donald Milbrand (Select Board Representative and John Miller (Alternate)

ABSENT: Denice DeStefano (Chair) and Elizabeth Seeler

OTHER: Christina Goodwin, Land Use Manager; Amy Manzelli, Esq., Matt Barnard, and Alan Barnard

As Vice Chair, Mr. Kelley called the meeting to order at 7:03 pm with a quorum present. With the absence of Mrs. DeStefano and Ms. Seeler, he stated that Alternate John Miller would be a voting member this meeting.

Mr. Milbrand motioned to enter Non-public Session pursuant to NH RSA 91 – A:3, paragraph I. John Miller seconded. Motioned carried by roll call vote 4-0-0.

Mr. Shirley motioned to close Non-Public Session and return to public session at 7:17 pm. Mr. Miller seconded. The motion carried by roll call vote 4-0-0.

NEW BUSINESS:

22SUP09 – Amy Manzelli, Esq. – 481 West Shore Road - #203-067 Sub #001-002

Mr. Kelley opened the continued hearing for 22SUP09, a Special Use Permit to build a home within the Wetlands Overlay District setbacks at 481 West Shore Road, #203-067 Sub #001-002. Ms. Goodwin updated the Board about postings and abutters notices. The Department and Committee comments were included in the Board packets. Mr. Kelley asked the applicants to present their plans.

Amy Manzelli, Esq., and Matt Barnard were representing the owners of the property for this hearing. Attorney Manzelli proceeded with presentation. She stated that the original 2004 approved subdivision was for two (2) lots, which were recently merged. She went on to list all the steps the applicant has taken to minimize any wetland impacts on the approved buildable lot. These included the following:

- Merging two (2) buildable home lots into one (1) lot, thereby reducing environmental impact by half
- Siting the home and septic system in best spot
- The design of a modest home rather than mc-mansion
- Agreeing to creating a vegetative buffer in the form of a rain garden as requested by Conservation Commission

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- Receiving approvals and abiding the conditions of Shoreland and Septic Design Permits

Attorney Manzelli went on to talk about Town staff concerns for water service and a change to now locate a private well on the site, which is in process and not yet indicated in plans. Mr. Barnard presented and discussed the plans with Board members. He commented that the septic design was for a specialized EnviroSeptic design suited to the site and that siting the home and septic closer to the road was to have the most minimal impact.

Mr. Shirley commented that merging of the lots looked good and stated he had questions about elevations and delineations of Shoreland, Wellhead protection, the Wetlands setbacks, and other distances as they relate to home site and septic. Mr. Barnard pointed out these on the plans and went on to explain the Shoreland Protection Permit and conditions and the Septic Design approvals already received.

Mr. Milbrand asked about site conditions and elevations of fill noted for homesite and septic. Mr. Barnard explained that the fill and new elevations were needed to address topography and flooding concerns. He stated that he, Town staff members, and Attorney Manzelli walked the homesite area. A video of the visit and site was shared while Mr. Barnard referenced where the homesite and septic locations would be located.

Mr. Miller asked where test pits are located on the map. He also asked about a darker line indicated on the plan. Mr. Barnard explained the test pit information and indicated that the dark line was the initial placement of water service, which is no longer planned.

Attorney Manzelli explained that the intention was to locate a private well on the site and right now the owner is in process of getting quotes. She stated that they were agreeable to Planning Board asking for a condition of siting and other information for this as consideration for approval. Mr. Barnard stated the requirements of location at least 75' away from land behind shed on property and 50'-75' from septic tank. He expected that it would be located on the lot where it would not change for Shoreland or Septic Permits.

Mr. Miller expressed a concern for stabilization of slopes created by fill. There was discussion about the vegetative buffer/rain garden suggested by Conservation Commission and additional plantings on slopes to stabilize these. Attorney Manzelli stated that this would not be averse to the applicant. Condition #2 of Shoreland Permit required 3-1 slopes to have stabilization.

Mr. Milbrand commented that applicant looked to have all State permits in place with Shoreland and Septic. Attorney Manzelli stated that they may not have all permits in place yet, as the Conservation Commission asked them to verify whether they needed a State Wetlands Permit. That was still to be determined.

Mr. Milbrand asked Mr. Barnard about 100-year flooding considerations for the Septic Design and what impacts such flooding might have for the septic system. Mr. Barnard explained the benefits of the

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EnviroSeptic design and procedures to rejuvenate and clean a system following a flood situation which would be the responsibility of the installer. He stated that the system will be elevated as well. He also stated that once more information was attained about the well siting it would need to go to the State to update Septic Permit.

With no more questions from the Board, Mr. Kelley asked for any questions from others in attendance. With no other comments or questions heard, Mr. Shirley motioned to approve the 22SUP09 permit for 481 West Shore Road with the following conditions:

- Inclusion of suggested recommendations from the Conservation Commission
- Upon approval of the private well site and submittal of approvals and plan
- Adherence to the approved Shoreland Permit and all its conditions
- Installation of Vegetative plants to stabilize all slopes created by fill on site

Mr. Miller seconded. Discussion of the motion followed with Ms. Goodwin asking for clarification concerning the condition of inclusion of Conservation Commission recommendations. She stated all three (3) of the Conservation Commission recommendations included review of the Water Department memo and the proactive, and reactive comments and whether the full memo should be included in the conditions.

Attorney Manzelli commented that she interpreted the memo to have three (3) components for their consideration: 1 - FYI information; 2 – Proactive action items for the here and now; and 3 – Reactive items to be addressed later as necessary when the house was built. She went on to state that many of the proactive items were addressed with the Shoreland Permit conditions and private well and she felt the flooding possibilities were a buyer beware situation that could be addressed with best practices and elevation changes as well as vegetation installations. She also stated that applicant could take into consideration the propane vs. oil comment, but she felt that the Planning Board did not have authority for conditioning this. Ms. Goodwin agreed.

Following this discussion, Mr. Shirley moved to amend his motion to only include the second two (2) recommendations from the Conservation Commission. Mr. Miller seconded. The motion carried 4-0-0.

Mr. Shirley motioned to approve 22SUP09 permit with the conditions as amended Mr. Miller seconded. The motion carried 4-0-0.

Ms. Goodwin stated that the Notice of Decision would be ready for applicants next week.

22SUB01 – Alan Barnard for George & Cecile Girouard, 91 School Street - #114-016

Ms. Goodwin read the application into the record, stating that the application was to subdivide a 2.2-acre lot at 91 School Street into two (2) lots. She listed all the abutters notified and locations for postings and advertising. She said there were no comments from the public or abutters. She received two telephone calls from people who had questions, but no problem with the plans. There was one (1)

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comment from the Water and Sewer Department outlining the process for connecting to services when needed and another comment from the Highway Department regarding a required driveway permit. A letter from owners authorized Alan Barnard to represent them in this hearing.

Mr. Barnard was asked to present, and he used the Planning Board Checklist to outline and review that all items were addressed and included with the application. He stated the purpose for subdivision was to create a residential lot and that original residence on remaining lot would stay the same. After review with the checklist, Mr. Milbrand motioned to accept the application as complete. Mr. Miller seconded. The motion carried 4-0-0.

Mr. Kelley asked Mr. Barnard to present the plans. Mr. Barnard stated that the new lot and remaining lot size were keeping the frontage requirements and minimum lot size requirements of the Village Residential District. He mentioned the layout of the fence bordering the school side of the property and stated that part of the fence was placed on the Girouard property. The survey completed shows this line. There was discussion with the Board regarding when that fence was replaced by the school. It was placed in a previous location without paying attention to a 1980's survey. Mr. Miller asked if there was concern for fence being in use for so long on the property. Mr. Barnard stated it is not an issue for ownership or adverse possession as both parties are aware of actual property line. Mr. Milbrand asked if an easement was in place or needed. Mr. Barnard said there were no easements.

Mr. Kelley noted the frontage and setbacks all seemed in order.

Mr. Barnard also noted a tree on the plans as it was identified by a Champion Award for its age and size and should be preserved as such. He shared a copy of the award designation as part of the application.

Mr. Kelley noted that there was no public comment as no others were in attendance. Mr. Milbrand motioned to approve the 22SUB01 subdivision plans as presented. Mr. Miller seconded. The motion carried 4-0-0. The plans and Mylar were signed by the Board.

Discussion of Proposed Municipal Assist Grant applications

Mr. Kelley asked Ms. Goodwin and the Board if they could postpone this discussion to next meeting. Ms. Goodwin stated that the deadline for the grant application was September 23, 2022, so it would need to be discussed at this meeting to meet that deadline.

Ms. Goodwin shared questions that Chair DeStefano had outlined concerning this grant application. These included the Board seeing a copy of the complete application, the requirements of the grant, reporting requirements, and oversight responsibilities. Ms. Goodwin shared an outline provided by Bill Dowey of the Economic Development Committee and list of three (3) potential grant options. She stated he usually does grant applications with a Cover Page, a narrative, and goals.

Mr. Miller was concerned for the deadline, and asked if the Board needed to have the answers to all the questions before submitting the application. Ms. Goodwin replied that it would be important to understand requirements, oversight, and other information before applying to be sure of what would be

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Discussion of Proposed Municipal Assist Grant applications continued

necessary to meet if grant was received. Mr. Milbrand asked if it was requiring the hiring of a staff member rather than contracting with outside company as that was the intention for the Master Plan. Ms. Goodwin reviewed the grant staffing requirements with the Board. Mr. Milbrand stated he could not support adding staff. Mr. Miller commented that the requirement to hire a Community Housing Navigator within three (3) months was not in keeping with what the Planning Board originally thought this grant money could be used for especially relative to Master Plan work.

It was determined that this grant would not work for the Planning Board's purposes and no action was taken to move forward with the application.

2023 Proposed Budget

Ms. Goodwin stated that she had not yet prepared a 2023 budget document for the Board, but she did want to touch base about the anticipated work on other chapters of the Master Plan and what the Board wanted to see in 2023 budget. There was discussion of the earmarked encumbered funds from 2021 and what was budgeted for 2022 for Master Plan. Because there were plans for moving ahead with the Economic Development Chapter in 2023 it was agreed to keep that line at \$6,000. Ms. Goodwin stated that other line items would be based on history and cost comparisons, and she would put together the budget and the Board agreed.

MINUTES:

Mr. Kelley asked if there were any comments or questions on the minutes. Hearing none, Mr. Shirley motioned to accept the minutes of August 24, 2022, as written. Mr. Miller seconded. The motion carried 4-0-0.

COMMUNICATIONS: None

REPORTS:

Ms. Goodwin update the Board about dates for upcoming Select Board, Historic District Commission and Capital Improvements Committee meetings. She also reported on activities of the Conservation Commission meeting held on September 7 and the Commission's September 10 conservation properties site visits and easement monitoring.

She updated the Board about the start date of September 19 for the new Land Use Administrative Assistant.

She reported on another situation this week resulting in an application after the fact for construction of a mancave in a barn. She stated that a kitchenette, bathroom and living area was constructed, which would require a Variance for unattached living space. She asked the Board if they recalled what was done in a similar situation in the past to advise the property owner how to address the dwelling unit. After discussion, it was felt that it would have been to eliminate the kitchen, as a stove and working kitchen is required for most occupancy situations.

NEXT MEETING: September 28, 2022

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ADJOURNMENT:

With no other business before the Board, Mr. Shirley moved to adjourn. Mr. Milbrand seconded. The motion carried 4-0-0 and the meeting adjourned at 9:31 pm.

Respectfully submitted,

Janet Cote

Land Use Associate