

## PLANNING BOARD MINUTES

July 12, 2023

**APPROVED:** July 26, 2023

**AGENDA:** 23IDW02 – Schneider - #206-004 – 712 Hemlock Brook Road  
23SUP06 – Faro - #111-010 – 146 Shore Drive

**ATTENDING:** John Miller (Chair), David Shirley (Vice Chair), Scott Sanschagrin (Select Board Representative), and Don Milbrand, Elizabeth Seeler, and Steve Carten (Alternate)

**OTHER:** **Staff:** Joanne Bailey (Land Use Manager) and Donna Sullivan (Land Use Administrative Assistant) **Applicants, Agents, and Public:** Fred Schneider III, Cindy Balcius, Kevin French, Matt Barnard, Fred Schneider IV, Denise Schneider and Andrew Litz

With a quorum present, Chair Miller called the meeting to order at 7:01 pm.

### OLD BUSINESS:

#### 23FSP02 – PAUL FLEMING – 45 LAKE STREET - #113/020

Ms. Sullivan stated that Mr. Fleming's project was approved with conditions previously and he has met those conditions and submitted plans that need the signatures of the Board. The Board members signed 5 copies of the plans.

### NEW BUSINESS:

#### 23IDW02 – Schneider - #206-004 – 712 Hemlock Brook Road

Ms. Sullivan stated that Mr. Schneider has submitted documentation to correct the Wetlands Overlay Map regarding wetlands indicated on his property where he plans to build a home. He hired a soil scientist to conduct a wetlands delineation and provided plans outlining the actual location of the wetlands in the area of planned construction. She stated that the Conservation Commission recommended this with the condition that the Soil Scientist indicate where the test pits were located that determined the new delineation.

After the Board reviewed the materials, Ms. Seeler motioned to accept the application as complete. Mr. Milbrand seconded. The motion carried 5-0-0.

Chair Miller asked the applicant to present the plans and information. Mr. Kevin French, agent for Mr. Schneider, described the plans for the new home and septic, where these would be located, the current Wetlands Overlay area and the proposed actual wetlands area indicated by the Soil Scientist.

Ms. Cindy Balcius, the soil scientist who conducted the delineation, described the process of delineating actual wetlands in the area of the client's project. She stated that the assessment was conducted per the Army Corps of Engineers Manual procedures. She indicated that about twenty-five test pits were dug with an auger to determine where wetlands soils were, and upland soils were. This provides the information needed to provide data points and a corrected map which carries her official Certified Soil Scientist Seal that can be used to update the Wetlands Overlay with GIS.

Board members asked questions about the process and her criteria to re-delineate the wetlands on this property. Chair Miller asked how she determined where to begin the assessment. She indicated that she began with locating the jurisdictional wetland area and then used the three criteria of soils, vegetation, and hydrology to determine where test pits would be done. While conducting test pits, she would take

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### 23IDW02 – Schneider - #206-004 – 712 Hemlock Brook Road - continued

notes about the vegetation and any other indicators present. Mr. Shirley asked more questions about this process to better understand it and how the Town would update its maps as a result of this process.

Mr. Shirley motioned to accept the change in delineation of the wetlands as presented because the Board has confidence in the criteria used, the data and information discussed, and the plans viewed outlining a new wetland border in the area of the proposed construction on the site includes delineation of the slopes to the brook. Mr. Milbrand seconded the motion with the condition that the applicant provide a map with the wetlands soil scientist seal/stamp showing only the area of the Incorrect Delineated Wetlands tested with the area of the map to be corrected and the electronic data needed for the GIS map change. The motion with conditions carried 5-0-0.

Mr. Schneider asked how soon he could start his project. The staff cautioned the applicant about the 30-day appeal period and stated that the applicant was free to move forward with ascertaining the other required permits.

### 23SUP06 – Faro - #111-010 – 146 Shore Drive

Ms. Sullivan read the application for Special Use Permit #23SUP06 for demolition of an existing dwelling to build a new one with new septic system to be located within the 125-foot setback from the Wetland Overlay District. She noted the advertising and posting information required. She read the names of eight (8) abutters that were notified. The Town Departments were notified. The Conservation Commission reviewed the application at its meeting on July 5, 2023, and its recommendation with comments were read for the record.

The Board reviewed the application with its checklist to determine if it was complete. After review, Mr. Milbrand motioned to accept the application as complete; Mr. Sanschagrin seconded. The motion carried 5-0-0.

Applicant's agent, Mr. Matt Barnard, was asked to present the plans and application to the Board. He stated that Mr. and Mrs. Faro own the cottage at 146 Shore Drive and wish to demolish this existing cottage to build a new dwelling and install a new leach field. He stated that a New Hampshire Department of Environmental Services (NHDES) Shoreland Permit was granted, and the 2-bedroom septic design presented was approved for the project. Mr. Barnard stated that the limitations of the lot size and water table determined the type and size of the septic system with leach field.

The Board asked questions regarding the 2-bedroom septic design and leach field and Mr. Barnard discussed the details of the design including the technology used to design a system that would meet requirements with the issues of water table and other conditions of the site. Additional discussion followed about the age of current septic, complying with current regulations, and any future issues for maintenance or failure.

More discussion followed concerning the size of the new dwelling in reference to the proposed 2-bedroom septic design. Mr. Barnard reiterated that it was a 2-bedroom design, and the dwelling was to increase in size.

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### 23SUP06 – Faro - #111-010 – 146 Shore Drive - continued

Mr. Milbrand motioned to grant the Special Use Permit #23SUP06 for the placement of a new leach field within the 125-foot setback at a 118.6-foot setback because the new system will be an improvement from the existing system and the location planned was the best option for this design based on limitations of the size and conditions of the lot. Mr. Shirley seconded. The motion carried 5-0-0.

### **BOARD MEMBERSHIP:**

Chair Miller asked Mr. Andrew Litz to introduce himself and talk about his interest in being an Alternate for the Planning Board. Mr. Litz stated that he had been a seasonal resident for quite some time and now is retired and residing here in his home in Holiday Hills. He added that he would like to offer his service to the Town with participation on a Board or Committee and felt his experience would be a good match for Zoning or Planning. He said it was important to him to protect and enjoy the Lake and natural resources in the area and getting involved would not only give him something to do in retirement but would meet those interests. Chair Miller described the basic duties of the Board with reference to permitting and other work. Other Board members shared their tenure and interests as members of the Planning Board. There was some discussion about the necessary work in support of the Town's ordinances and Master Plan. Meeting dates and other information was shared for both Planning Board and Zoning Board for his consideration. The position of Alternate was described. Following discussion, Mr. Litz was welcomed to apply to serve as an Alternate should he decide that Planning Board was his choice. Ms. Bailey went over the next steps for an appointment by the Select Board.

### **MINUTES:**

Ms. Seeler made a motion to accept the minutes from June 28, 2023, with corrections discussed to change the name Seller to Sellers in a specific paragraph. Mr. Milbrand seconded. Motion carried 5-0-0.

### **COMMUNICATIONS: None**

### **REPORTS:**

*HISTORIC DISTRICT COMMISSION (HDC)* - Ms. Bailey stated that the next meeting would be in August.

*CONSERVATION COMMISSION* – Ms. Sullivan updated the Board about an Incorrectly Delineated Wetlands application for Carrigan being reviewed by the Conservation Commission and the Commission asking for additional information regarding locating test pits and the new delineation on the plans. The Board discussed what should be communicated to the applicants as necessary information for Boards and Committees to review and deliberate on these and other Wetlands Overlay District Special Use Permits. Chair Miller asked that the checklists be a topic for an upcoming Workshop meeting.

*CIP COMMITTEE* – no report

*LAND USE* – Ms. Bailey updated the Board on activities in the Land Use and Assessing Office. As an FYI, she stated she and the office became aware of activities in the Downtown Historic Area that require a Certificate of Approval from the Historic District Commission.

Ms. Bailey added another update to let the Board know about an issue that arose from letters sent out to property owners after the Assessor's review that indicated that changes or upgrades were made to

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### *LAND USE – continued*

properties where there was no record of permits. She stated that a buzz was created on a local Facebook group page, and she answered the comments of the feed on behalf of the Land Use Office and Town.

Another update included an announcement of the approval by the Select Board of changes to the fee schedule for Land Use permit applications and other applications. She stated that the announcement is now posted, and the changes will go into effect on September 1, 2023.

Discussion followed about better communication about Zoning Restrictions, permit applications and other Land Use restriction information for the public. Chair Miller stated there may be an opportunity to better describe what a Land Use Permit or type of permit is. Ms. Bailey stated that there has been a proactive process put in place with letters to Realtors, Contractors, and new residents. She stated that there is also more discussion and brainstorming going on about compliance processes and communications.

**SELECT BOARD** - Mr. Sanschagrin reiterated the Select Board approving the fee schedule. He added that there would be some commendations made to the Police Department Canine Unit for assistance provided to Franklin. Chair Miller asked if there was any further information about the All-Committee Meeting planned. Mr. Sanschagrin stated things are not yet finalized. Other discussions followed about updates for the Public Safety Building, the assistance to Alexandria and issues in Bristol with road washouts, and tours of the Wastewater Treatment Facility.

**BOARD MEMBER COMMENTS:** None

**STAFF COMMENTS:** None

**NEXT MEETING:** July 26, 2023 – 7 pm

**ADJOURNMENT:** With no other business before the Board, Ms. Seeler motioned to adjourn. Mr. Milbrand seconded. The motion carried 5-0-0. The meeting adjourned at 8:34 pm.

Respectfully submitted,

Janet Cote  
Land Use Associate