

PLANNING BOARD MEETING MINUTES
SEPTEMBER 15, 2021, 7:00 PM AT TOWN OFFICE MEETING ROOM

Roll Call Attendance

Alternate Ron Slocum, Alison Vallieres, Vice-Chair George Holt, Chair Chuck Frost, Secretary Ken Swayze, Brian Pike, Ex-Officio Dave Nault, and Jeff Crosby

Business

The chair confirmed with the secretary that this meeting was posted in two places and on the Town's website. It was noted that a full board was present; Ron Slocum would remain an alternate.

1. **Approval of Minutes:** Ken Swayze moved to approve the minutes of August 18, 2021 regular meeting; Brian Pike seconded the motion. All were in favor.
2. Correspondence – None
3. Selectmen's Report – Selectman Nault said everything has been quiet.
4. Building, Planning and Zoning Department Report – Donna reported the following: a) The ZBA case that is before the Housing Appeals Board has been stayed until after the October ZBA meeting to allow the applicant to submit a different application to the ZBA; b) Matt Monahan has sent a proposed draft of the Workforce Housing Ordinance and is ready to meet with the board for review and discussion. Matt is not available on the nights of our meetings; he suggested doing a Monday evening meeting. This will be scheduled after the group completes their review of the Open Space article.

Conceptual Consultation

Patrick & Paul Bruzga – Lot Line Adjustment/Subdivision on Twist Hill Road, Lots C7-02-02 & D7-01-03. Jacques Belanger of J E Belanger Land Surveying presented a conceptual subdivision plan on behalf of the parties. Mr. Belanger explained the location of the two lots, one being owned by Lewis Fortin and the other, which is landlocked, owned by Wheeler Trust-Helen Champa. The Fortin lot, C7-02-02, is currently just over eight acres with extensive frontage on Twist Hill Road. The proposed plan is to sell a portion of the lot, leaving a five-acre lot with the existing house and shop. Patrick Bruzga proposes to use the acquired acreage, with acreage from the landlocked piece, to create two new lots. Each new lot would be five acres and have the required 300' of frontage. The lots would be bow-tie shaped due to the shared boundary of approximately 158', with building pockets in the front. The remainder of D7-01-03 would remain landlocked.

Brian Pike mentioned that the board has previously talked about creating access to landlocked parcels for future development when possible. Ken Swayze noted that there is no road being proposed here. Jeff Crosby spoke about a previous subdivision done on Grapevine Road where the party was required to put in a cistern because his subdivision put the number of lots of the original parcel over seven. He said he wondered if that should be considered in this situation because C7-02-02 was part of the Audet subdivision. Brian Pike said he thought the board was talking about not creating dog-legged lots. Chuck Frost said he thinks that only pertained to open space lots. George Holt said this proposal would restrict any further subdivision of the remainder of D7-01-03. Jeff Crosby asked to verify that each lot would have enough frontage, building pockets, etc. and no variances would be needed. Mr. Belanger said that was correct. George Holt said if the 'bow-tie' area is wet that could make a difference; some felt it would not be an issue. There was no further discussion.

Old Business – None

New Business

Application #2021-PB-004 – Michael Guiney – Six-lot Subdivision, Lot B6-01-05 on Kelsea Road in the Low-Density Residential District. Applicant Michael Guiney and his agents, attorney Pat Panciocco and surveyor Ed Rogers, were present. Ex-Officio David Nault recused himself from this case; Ex-Officio Alternate Michael Kaminski took his position on the Board. Michael Guiney stated that he would be recording this portion of the meeting.

Donna White introduced the application as follows: The intent of the plan is to subdivide the 46.44-acre parcel into six lots; five newly created lots would be 14.42 acres, 7.68 acres, 5.45 acres, 6.8 acres, and 5 acres, leaving the parent lot with 7.08 acres. Abutter notification has been done, departments/commissions were notified, and the status report was distributed to the applicant and his agents.

The chair stated that one waiver request was received for this application. Ed Rogers explained that the applicant submitted an application and paid all fees in 2016; however, the application was never accepted nor received approval. He said there were issues over the road, a court case ensued, then they returned in December 2020 with this proposal. After some revisions, the plan is being presented tonight and they are requesting a waiver of fees for this submittal. Chuck Frost said there were several waivers involved with the 2016 submittal and the application was not accepted. He read the outline of the fees paid in 2016 as provided on the status report: \$590 = \$50 application fee, \$150 base subdivision application fee, \$300 lot fees (6 lots at \$50 each), and \$90 certified mailing (15 at \$6 each). Mr. Frost said the department does expend some funds on the review and processing of the application and the certified mailing was done in 2016, but it might be appropriate to refund some of the fees paid. Brian Pike asked if the fee structure has changed since then. Donna said it has not changed and based on the time and expense involved with the 2016 application, she would recommend, if anything, that the 'per lot' fees be refunded. Jeff Crosby asked if the number of lots in the current proposal is the same as in 2016. It was confirmed that the number of lots is the same. Mr. Crosby said he would have no problem crediting the 'per lot' fee to this current submittal; Chuck Frost agreed. Brian Pike asked to clarify the portion of the \$590 fees paid in 2016 that would be credited. Mr. Frost said it would be the 'per lot' fee of \$50 each for the six lots, a total of \$300. **Ken Swayze made a motion to grant the waiver as discussed, \$300 (per lot fee; 6 at \$50 each); seconded by George Holt. All were in favor.** Donna explained that the applicant paid the full amount of application fees for this current submittal; she will arrange a refund of \$300 to be sent to the applicant.

The chair stated that the Board would go into administrative action to discuss the review of the plans and consider the receipt of the application. He said there would be no input from the applicant or his agents and no public comment during this time.

George Holt said he went through the checklist during his review and thinks the application/plan is incomplete. He said there are areas that are not structurally defined and several things on the list that have not been met, the big ones revolving around the turnaround area shown on Sheet #3. He said the status of the road has been talked about in the past, noting the extent of the Class V road as shown on the plan. Mr. Holt said it is his understanding that the area at the proposed turnaround is not developed at this point and the area is missing boundaries. He said this is necessary for the subdivision to go through. Mr. Holt said the checklist requires grading and engineering plans, and he suspects the applicant wants to work with the Board to determine this, but it is not the Board's job. He said the Board's job is to review what is presented and they need details of that intersection. Mr. Holt said there is a telephone pole in the middle of the right-of-way and wonders how that will be handled. He said all of this needed to be shown on the plan. Referring to the checklist, Mr. Holt noted the following: #21 – survey monumentation is not shown; #18 – proposed upgrade to town road; no details have been submitted; and #20 – location, name, and widths of existing and proposed streets with their grades and profiles and the elevations of sufficient points on the property; this is not there. He said it is not the Board's job

to design the road. Mr. Holt pointed out that there is a proposed well in the flagged wetland area; a well is a structure and structures are not permitted in the Town's Wetland Conservation District (WCD), nor are wells allowed to be sited in a wetland area. He said a graphical scale is missing, which is a smaller item but should be there. He said it is important to have that portion of the road defined as it is part of the subdivision and frontage for these lots. Chuck Frost said he agreed, and the Board cannot know how the 170' turnaround will be constructed and by whom based on this plan. He said, rather than a 50' x 50' easement, he would prefer to have that area deeded to the Town. He also noted the current road width of 49.5' in that area, saying new roads have to be 60' wide, so he feels the road should be 60' wide and the turnaround be 60' x 60' to meet new road requirements. Mr. Frost said the current turnaround has been considered to be on a Class V section of the road in this design, but he is hearing from some that there is no actual turnaround at this point. George Holt suggested that the selectmen's representative might be able to address that.

Selectman Kaminski said his concern, as a selectman, is the condition of Kelsea Road, saying all know it is not in very good condition and will require improvements. He said this could be addressed through consideration of exaction fees. Mr. Kaminski said with some discussion with the Road Agent, the turnaround could possibly be shifted to the Class V section of the road and the driveway for the last lot on the left be moved slightly to accommodate that shift. He said he feels the applicant/developer is responsible for a turnaround and this could be an alternative, saving some costs, both for the applicant and the Town.

Jeff Crosby said one very important issue to realize is that the Town cannot take over the maintenance or spend money on a Class VI road. He spoke about the Nordle/Purgatory Pond Road case where the matter was brought before the voters, and there was an agreement to bring the Class VI road up to Class V standards of width, gravel, culverts, everything except for paving. He said the Town agreed to the proposal and then took over the maintenance of the road once upgraded. Mr. Crosby said they have worked with other subdivisions, with engineering and recommendations, and he sees no reason that an adequate turnaround couldn't be done in the Class V section of this road that is already maintained. He said he would have no problem with moving this application forward, noting that it needs some tweaking, but give the applicant some direction. He said they need to get away from the Class VI area.

Chuck Frost said the Board has to look at the plan as presented, and it is not the Planning Board's place to be designing the road. Brian Pike asked about the difference between this project and a road such as Overlook, being brought from Class VI to Class V acceptable standards. Jeff Crosby said Overlook was a 60' right-of-way with 24' of pavement. George Holt mentioned finding a middle ground, like the Chan subdivision, noting there was some planning involved. Jeff Crosby again said it would be best to get out of the Class VI area and enhance the Class V area. Mike Kaminski said that would keep the costs lower for the applicant.

Ron Slocum asked to confirm that they were talking about 170' of Class VI being upgraded to Class V. George Holt said they are also talking about a substandard Class V road. Mike Kaminski said the road agent gave some rough estimates of improvement to the road. Mr. Slocum asked what in the regulations is mandating the upgrade or if it is just a good time to get it done. Ken Swayze said the construction of new lots warrants improvements, noting that most road matters are under the oversight of the Board of Selectmen and road agent. Donna had created a summary of past subdivisions and conditions; a copy was given to Pat Panciocco at this meeting. Mr. Swayze said he feels there is a need to sit down at a table to resolve some of these things, then come back to the Planning Board. He said Mike Guiney deserves to have the subdivision, and even though he agrees it is a little loose and needs to get to an acceptable point, he does not agree with everything others have said.

Chuck Frost said Mr. Guiney has the right to subdivide but feels the plan is not complete at this time. He said if this is found to be incomplete, he would ask Mike Kaminski and Jeff Crosby if they could work with the applicant to bring it to that point. Jeff Crosby said he feels it should be done in a meeting as has been done with other subdivisions. Ken Swayze said it could be done at a workshop. Mr. Crosby said it should be a full board decision, with input, not a separate committee or a let's make a deal situation. He said he feels the

applicant needs to give a good product but has no problem with going forward. He said now is the time to correct some of the problem areas.

Chuck Frost said he was not sure he was comfortable to accept the application. George Holt said they could have a workshop meeting. Mr. Crosby asked if he was saying they would have to make corrections and re-submit. Mr. Holt said the Board could continue this acceptance hearing and the applicant could add more details, then come back in a month. Mike Kaminski said all members should speak, making sure all points are covered.

Ron Slocum asked what requires the plan to show upgrades, noting that the checklist says to show what is planned yet they are not proposing anything. He said the discussion of what to do with the road would be part of the approval process, not the acceptance process. George Holt said the area being upgraded is needed. He is looking for plans for the turnaround, not an entire road set. He spoke about the ratio used when considering exaction fees. Alison Vallieres said it is up to the applicant to bring the road up to a more acceptable standard since he is adding lots. She said the Town should not have to spend money on the improvements. Mike Kaminski stated that exaction fees are assessed in these situations, where funds are matched by the Town. Ron Slocum said that can be discussed once accepted. There was general discussion about funding options, in-kind work being done, and how other projects were completed.

Brian Pike mentioned the proposed well in a wetland area, which appears to be part of the parent lot. He said it is unknown if that is an error or a replacement well maybe. Ken Swayze said members should be able to know from looking at it. Chuck Frost said there is more work to be done and asked how the members wanted to proceed. George Holt said they should come to the next full meeting with updates. Chuck Frost suggested doing something at a workshop. Brian Pike said he feels the plan concept is not a problem. Mr. Holt said it would be good if they did a separate plan with more detail for that area.

Ken Swayze moved to continue this application acceptance meeting to the next regular Planning Board meeting on October 20, 2021 and hold a workshop with the applicant on October 6, 2021 at 7:00 p.m.; seconded by Brian Pike. Jeff Crosby said, as mentioned by Ron Slocum and others, if they work in the confines of the Class V section as it exists, a lot of issues would be eliminated and there would be no need to do full blown plans. Ron Slocum said a workshop is technically labeled as non-binding, where the Board can ask for something, but nobody is bound. He said it goes two ways and wonders what the benefit of holding a workshop would be. Ken Swayze said it gives the opportunity to outline what the Board would like to see. **All were in favor of the motion.** There will be no further notification.

Ken Swayze said he thought the Board owed the applicant the courtesy of some dialog. Pat Panciocco said she wants a list of the issues the Board wants to discuss at the workshop. She suggested that the Board talk with the town attorney about applying new road standards to an existing 300-year-old road, as that cannot be done. She said the upgrade of the road would be in the public interest of everyone. Ken Swayze said that was correct, she may have heard that said but that is not what we do, saying he disagreed with some of what was said by other members. Ms. Panciocco noted that the Town had its own consultant survey the road, and there was a meeting in June with the Selectmen about the turnaround and winter plowing. She said all boards represent the Town and all should be involved.

George Holt said a plan is needed for bringing the 170' of Class VI road to Class V standards for a turnaround. Ms. Panciocco asked where in the regulations it says a cul de sac is needed. Chuck Frost said the Subdivision Regulations call for a design to be shown. Ed Rogers said the Board needs to accept the application and he would gladly explain but they are not allowing any discussion. He said what is being shown on the plan is after input from the road agent. George Holt said the application is not complete. Chuck Frost said they need to see the plan to understand how the area will be constructed. Ed Rogers said it is traditional to accept an application as complete, yet they went straight to compliance matters. He said this would help with the subdivision and aid the Town in creating a turnaround. He said they had hoped to have that conversation, dedicate an area, and the Town build a turnaround. Ken Swayze said it does not come under the oversight of current road standards, regardless of what others said. He said the Town has a history of building these as they

can, saying there is a need to sit down, discuss it, and put something together. Pat Panciocco said they cannot discuss it if it is not accepted, they are not being allowed to communicate. Mr. Swayze said he disagreed as they are communicating now. Ms. Panciocco said she would like the Board of Selectmen to be at the workshop, not just Mr. Kaminski. There was brief discussion about the roles of each board, the purpose of the workshop, and the need to avoid debate.

Dave Nault suggested that abutters should be notified of the workshop. The chair said that is not typically done. The continuation will be noted in the minutes and all workshops and meetings are publicly posted.

Dave Nault returned to the Board as Ex-Officio. Mike Kaminski stepped down.

Other Business

Zoning Ordinance review – George Holt and Dave Nault reported they have not had the chance to work on the revision for Article 6, Open Space Subdivisions. They will get together in the next week or two and plan to have something to present at the next meeting.

Donna asked to schedule a time to begin work on zoning amendments for the 2022 ballot. It was agreed to do this at a workshop on November 3, 2021.

Brian Pike moved to adjourn the meeting at 8:34 p.m.; seconded by Ken Swayze. All were in favor.

Respectfully submitted,
Donna White