

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

**Roll Call Attendance**

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

**Business**

The chair confirmed with the secretary that this meeting was posted in two places and on the Town's website.

1. Approval of Minutes: **Ken Swayze moved to approve the minutes of the November 17, 2021 regular meeting; George Holt seconded the motion. All were in favor.**
2. Correspondence – None
3. Selectmen's Report – Selectman Nault reported the following: 1) BOS awarded the contract for the sprinkler system at the Town Hall; 2) BOS awarded the contract for the Town Hall front steps; and 3) thanked all the volunteers who helped with the COVID vaccine clinic that was held on December 11<sup>th</sup>. Don Larsen arranged for the clinic and volunteers; approximately 180 people attended.
4. Building, Planning and Zoning Department Report – Donna reported the following: a) There have been six inspections done at the Countryside Estates job site; reports have been submitted for each. Jim Donison has submitted an invoice for those inspections. The Alteration of Terrain permit was issued last week; they are still waiting for the Wetlands Permit. b) The building department has issued permits for a couple of ADUs, an addition, a new home to replace one destroyed by fire earlier in the year, a couple of solar arrays, and the usual variety of trade permits.

**Old Business**

Application #2021-PB-005, Charles W Graybill Revocable Trust – Three-lot Subdivision, Lot A3-01-02 on Gorham Pond Road in the Low-Density Residential District. Jacques Belanger, agent for the applicant, sent an email requesting that this application be continued to the January meeting. **Brian Pike made a motion to continue the Graybill application to the January 19, 2022 meeting; Dave Nault seconded the motion. All were in favor.** The meeting will be held at 7:00pm in the Town Office Meeting Room. There will be no further notification.

Application #2021-PB-004 – Michael Guiney – Six-lot Subdivision, Lot B6-01-05 on Kelsea Road in the Low-Density Residential District. Surveyor/Engineer Ed Rogers, Attorney Pat Panciocco, and

applicant Michael Guiney were present. Dave Nault recused himself from this case; Ex-Officio Alternate Mike Kaminski took his place at the table.

The chair asked board members if they felt the application and plan stand on their own and are understandable. Ken Swayze said Donna recommended it as substantially complete. He said the main question is if it complies with the checklist. The chair said he is not hearing anyone bring any issues or concerns forward. **Brian Pike made a motion to accept the application as complete; motion was seconded by Ken Swayze. All were in favor.** The chair opened the hearing. It was noted that Mr. Rogers was on his way and due to arrive momentarily. Pat Panciocco said the biggest question would be if the proposed turnaround submitted by Mr. Rogers meets Mr. Crosby's and the Town's expectation. Jeff Crosby said he would like to wait and have Ed Rogers explain the plan.

Ed Rogers arrived at this point. He asked if everyone had seen the letter and photos from Sharon Monahan on the updated wetlands review and had any questions. All said they had seen the letter; Ken Swayze said it was a very thorough review. Mr. Rogers said since they last appeared, he designed the turnaround which added a fourth sheet to the plan set. He mentioned being able to do a cross slope of 4% and 2% and was able to have the turnaround fit the landscape pretty well without impacting the wetland. Mr. Rogers said he was in touch with Unitil

about moving the utility pole and will have to change the relocation plan. He pointed out where the pole would have to be located, explaining that the current line is maxed out, so it had to be reconfigured. He said it will not interfere with the turnaround. George Holt asked if it could be put on the other side of the road. Mr. Rogers said trees and the existing barn could be issues.

Chuck Frost said it looks like the tip of the wetland is coming into the side slope of the turnaround. Ed Rogers outlined the travel way, showing that it is not impacted. He stated that the design is consistent with ideas suggested by Mr. Crosby, and it meets National Fire Protection codes for large vehicle use. Brian Pike asked if the turnaround would be paved or dirt. Mr. Rogers said he is proposing crushed gravel like the rest of the road. Chuck Frost asked about the centerline radii. Mr. Rogers pointed this out on the plan, noting that the center point falls slightly outside the existing Kelsea Road right-of-way. Mr. Frost asked about plowing and pushing snow into the area that extends onto the Class VI section of the road. Ed Rogers explained that it is within the existing right-of-way. Jeff Crosby agreed. Mr. Rogers said there is no island, it will be all gravel and sloped, not collecting a lot of runoff, so he does not see any concern of erosion. Jeff Crosby said he would agree. He asked about the driveway shown off the turnaround. Mr. Rogers said there would be a culvert. Mr. Crosby said that seems reasonable.

George Holt noted that the graphical scale bar is not shown on some of the plan sheets. Jeff Crosby said he feels Ed Rogers has done a good job, has come up with a good solution, and he commends his efforts. Brian Pike said he likes the turnaround better than a hammerhead. Ron Slocum asked Jeff Crosby about snow at the intersection of Kelsea Road and Mr. Guiney's driveway. Jeff said they will be able to push the snow around and/or across the turnaround, noting there are plenty of places to put the snow. He said there will be some snow at the end of the driveway, as with any other roads and driveways.

Brian Pike mentioned that there was a note on the status report about an existing well radius being in the turnaround. He said he has concerns of future problems with the well and would like to see some assurance that the Town not be held responsible, such as some sort of baseline testing. George Holt said the applicant could acknowledge the well could be at risk for this plan and has no recourse

with the Town. Ken Swayze said the best way to do it is with a note, to be created by the applicant, on the plan. Ed Rogers said they will work up a note and share it for review. The chair asked if there were any other changes since the last meeting. Mr. Rogers said there were not.

George Holt spoke about the letter from the wetland scientist, noting that her review seemed to depict a different image than what is shown on the plan. He said it would be good if Sharon Monahan and Ed Rogers could get together and decide what it is. Ed Rogers explained the wetland sections. He said he mentioned in a letter submitted with the application that he would request the Town take judicial notice of how this has been addressed in the past in this very area. He said if the Board is asking for a full assessment, they have to follow that wetland, and they cannot do that as they cannot leave the applicant's property. Mr. Rogers stated Ms. Monahan is saying it is probably part of the wetland based on the information she has available to her. He said this was addressed when building was done on the Nault Lot 7. George Holt said they need to come up with a decision in some sort of written form. Ken Swayze said the review is not being challenged, they would just like a document to clarify. Ed Rogers outlined the wetland area on the Guiney/Nault side of Kelsea Road. Discussion continued about the area, where the 125' setbacks would fall and what can be in those setbacks, and the need for Conservation Commission review and input. Ron Slocum asked if a utility pole is considered a structure. George Holt said it would seem to go with the roadway, as it is in the same right-of-way.

It was noted that the Zoning Ordinance refers to a Conditional Use Permit (CUP). There was discussion on the CUP format; Ed Rogers said they will address it with a letter/summary. Mr. Holt said that letter should be submitted to Donna by January 11<sup>th</sup>, then he would present it to the Conservation Commission at their meeting on January 12<sup>th</sup>. Mr. Holt said he does not see the wetland matter as an issue with the Conservation Commission, however if there are any concerns, they will come to the next Planning Board meeting to discuss them. It was noted that the Conservation Commission received the subdivision plans when initially received. Mr. Holt said the Commission has been reviewing and discussing them. Jeff Crosby summarized the matter as: Conservation Commission is well aware of the proposal; they would like the plans to equal out/be on the same page; if the wetland scientist finds the wetlands are not contiguous, end of story; if the wetland scientist finds they are contiguous, the building pocket will be adjusted; the Commission will talk about the road at their next meeting; and if any real concerns, the Commission will come to the Planning Board meeting. Mr. Holt said that was correct.

Hearing no further questions from Board members, the chair opened the hearing to the public. Abutter Dave Nault asked when the Board would get into the removal of ledge, etc. The chair said that would be addressed after public input. Mr. Nault stated that Mr. Guiney's deed says the previous owner set up a 50' right-of-way to Kelsea Road. He said this has been narrowed down by Mr. Guiney with posts. He said there are trees growing into the area, there is a tractor tire partially buried, there is no way to maintain the right-of-way and this needs to get addressed. Mr. Nault said he has three lots out there and doesn't have the required minimum distance because of the posts. He said the Town tried to discontinue that section of the road at one point, but the voters did not approve the discontinuation. He noted there is a lot of history with this matter, and it should be addressed. Ed Rogers said a previous boundary line agreement refers to a survey plan that shows the limit of the right-of-way. That was signed by the predecessors of the current owners, and that is why it is represented that way. George Holt said the western end of the easement (shown in the inset) is well defined, but there is no width of the easement on the other end. Mr. Rogers said an 1872 easement established it as a cart road before the boundary line agreement. Mr. Holt asked how the 14' width on the plan was determined. Mr. Rogers

said he followed it out to Black Brook in 2007 and was able to find stone box culverts that were 12-14' wide. George Holt said it does not appear to be part of the subdivision and is not the Planning Board's purpose to resolve. Brian Pike stated that the Board of Selectmen could not resolve the matter, and it is not up to the Planning Board. Mr. Holt said Mr. Nault is always going to drive through that area and Mr. Guiney is always going to watch him go by, it would be best for the parties to come to an agreement.

Dave Nault spoke about the width of culverts on his property and the width of the easement being narrowed by the posts. George Nault said that information is not germane to the subdivision. He said the parties can come to some agreement or leave it as is, but it would certainly resolve a lot of issues if they came up with a plan. Jeff Crosby said in the past the Board has talked about providing a 50' access to landlocked parcels. He said this was discussed on the recent golf course project and others, maybe it should be considered here. Pat Panciocco said when the lots out there were bought, they were bought with that provision. She said Mike Guiney does not have to give up his property rights to accommodate other property owners. Dave Nault said this is part of the Planning Board's jurisdiction. He said having the proper width, particularly for fire department purposes, needs to be considered. He said it needs to be a 50' right-of-way, noting that his daughter plans to build on the third lot in the spring and he wants proper access. Mr. Nault spoke about the court cases involving these properties and concerns. Ed Rogers said if Mr. Nault is referring to building on Lot 9, he has no access on the cart road as only two lots had access.

There were no other abutters or members of the public present. The chair closed the public hearing and brought it back to the Board.

Ken Swayze asked Jeff Crosby about the status of exaction fees for this project. Mr. Crosby said he is completely satisfied with the turnaround. He asked what direction the Planning Board wants to go, in-kind work or exaction fees which are paid by the buyer. Mr. Crosby said the turnaround issue is there and he has no problem addressing that, as the need is there. He said it is the key thing for the Town to do, have the Town construct the turnaround, but feels there should be some sort of assistance from the applicant on other improvements. Jeff said he did a general estimate of improvements needed. Members reviewed that estimate; a copy was given to Ed Rogers at this time. There was discussion on the process of determining exaction fees, what type of in-kind work could be done, and other subdivisions that have done one or the other or both.

Pat Panciocco stated there is value to the land that Mr. Guiney is willing to give to the Town as part of the turnaround, as well as the cost of the pole being moved. She asked why those are not being counted against the exaction. She said they need more particulars of the proposed roadwork and asked where this is coming from and where required. Ed Rogers, referring to Mr. Crosby's estimate, asked what would be entailed with tree removal. Mr. Crosby said it would be along the road to widen it to the typical 22' ditch to ditch. Mr. Rogers said he would consider the road classified as a very low volume road. Jeff said the width is necessary for the passage of vehicles, snow, and runoff, regardless of the volume. Mr. Rogers, again referring to the estimate, asked about cutting the slope back and widening the road on the first 425'. Mr. Crosby said Mr. Rogers has been on the road enough to be familiar with the road being up against the bank and the ledge/rock outcrops. Mr. Rogers said the traveled way is narrow in some areas, and based on the clarification from Mr. Crosby, before the next meeting he would like to prepare a counterproposal on essential work that needs to be done. He will call Jeff if he has questions. Chuck Frost asked if the cost of moving the poles should be included in this too. Ms. Panciocco said an estimate for moving the pole was submitted with her letter. Mr. Frost said this needs

to be looked at in more detail; he recalls the estimate to be \$15,000. Donna said she only has the letter, not the estimate. Ms. Panciocco said she would send it again.

Ed Rogers said he would like to clarify that he heard Mr. Crosby say the turnaround is a benefit to the Town, and the Town will take care of the turnaround. Jeff said he feels that way, and that would be his recommendation to the Board. Mr. Rogers asked if that included moving the pole. Jeff said he is not sure of the cost. Chuck Frost summarized that Ed Rogers will go back and make a proposal, and the Planning Board will look at the exaction fee matter. George Holt asked Jeff if he would be doing a cost estimate for the turnaround. Mr. Crosby said he will put a number to it. He said he feels the turnaround is very important for the Town. Ken Swayze mentioned that in-kind work is done upfront, before a plan is filed.

Jeff Crosby said the board members have talked about the road, and he asked what they thought of the overall concept of the plan. He said it appears it meets all the criteria of frontage and acreage. Brian Pike said he feels it is pretty straightforward. Jeff said he feels they have made good progress with the turnaround. It was mentioned that members should do a site walk to get a better understanding of the improvements needed, the area of the turnaround, and the wetlands. It was agreed to schedule a site walk for Wednesday, December 29<sup>th</sup> at 9:00am. Board members, abutters, and members of the public are welcome to attend.

Hearing no further discussion, **Brian Pike made a motion to continue this application to the meeting of January 19, 2022; motion seconded by Ken Swayze. All were in favor.** The meeting will be held at 7:00pm in the Town Office Meeting Room. There will be no further notification.

**New Business** - None

### **Other Business**

The members were reminded that there will be a workshop on January 5, 2022 to discuss the regulations audit conducted by Central N H Regional Planning and the Workforce Housing Ordinance.

Brian Pike informed the members that he will be stepping down from the Board in March 2022.

**Ken Swayze moved to adjourn the meeting at 8:50 p.m.; seconded by Ron Slocum. All were in favor.**

Respectfully submitted,  
Donna White