

Approved

**January 25, 2006      Mason Planning Board**

**In attendance:** Mark McDonald (chair), Dotsie Millbrandt, Meredith Cooper (SWRPC), Joe McGuire (alternate), Chris Guiry (ex-o), Linda Cotter-Cranston (alternate)

**Absent:** Bruce Mann, Pam Lassen

**Call to order:** 7:45 pm

**Next Meetings:** Regular meeting, February 22, 2006.

**Voting members tonight:** Mark, Linda, Dotsie, Chris, Joe

**Old Business:** Approved minutes from December 2005.

**New Business:**

**Public Hearings:**

**06-01 Cynthia Hajjar, preliminary conceptual presentation for a Lot Line Adjustment and Minor Subdivision (Tax Map J-36 and J-40), Rt. 124**

38 acres total. Property contains The Nature School: CSA – Community Supported Agriculture. Programs for children: herbal garden, fruit patches, veggie gardens, woodland. Applying for a grant for a farm stand. Cynthia also wants to open a daycare. She has already met with the selectmen.

Wants to section off house, and place rest of property in a land trust. Eventually a self-sustainable working farm, school, and possible energy generation facilities. Eventually homes "Eco-Village", on small clustered lots. Board indicates the current zoning ordinance requires 3 acres per residence in the GRAF zone, and refers Cynthia to the ZBA.

**05-17 Deer Run Real Estate, minor subdivision, Hurricane Hill Road, Tax Map L-25-1. Land is owned by Eugene Dancause. Stefan Toth of Granite State Surveying is presenting the plan. Mr. Dancause is present.**

Abutters present: Jerry Bird, Susan Bird, Bernie O'Grady, Linda O'Grady, Ken Ingalls

There is a revised plan, but the other issues (below) required discussion before proceeding further, and the revised plan was not reviewed.

A site walk was held on January 14 at 10 am.

Roger Parsons, the Town Engineer asked to evaluate the site, sent the PB his report stating in part:

- o Any steep and/or eroded sides of the fire pond should be reshaped to create a maximum 2:1 vegetated earth slope or be stabilized with stone rip rap.
- o The area of disturbed land south of the fire pond (on lot 25-1) should be regraded to eliminate depressions and mounds, topsoil (6" thick) should be spread over the

- disturbed area, and fertilizer, seed and protective mulch should be applied in the early spring to promote total vegetated cover.
- o The Fire Chief should be consulted to review any siltation effect on the fire pond capacity and to indicate any construction required, such as a gravel way to allow fire vehicle access to the pond.
  - o The Planning Board may wish to request a construction bond to ensure all work is properly performed.

Mr. Parsons submitted an invoice of \$262.50 for his services so far. The town secretary will forward this invoice to the applicant.

Meredith read the cover letter of the Wetlands Restoration Plan approved by the NH Dept of Environmental Services on Dec. 19, 2005.

Chris Guiry questions whether the subdivision can occur before the restoration work has been completed. Wants input from town counsel.

Discussion about the fire pond:

Dotsie indicates that the fire pond area was part of the requirements for the 2001 subdivision of this same parcel. Grading and seeding of the fire pond has not been completed. The board questions whether it should grant any further approval until the outstanding work is complete. Mr. Dancause states that he tried to do the work, but was served with cease and desist orders from both the DES and the town.

Mr. Toth would like to schedule time with Dave Cook and Roger Parsons to observe and approval the fire pond grading and seeding. This is agreeable with Chris.

Discussion about the wetlands restoration:

Soil scientist Richard Bond will supervise the restoration according to the terms specified in the DES Wetland Restoration plan. Plan covers a period of initial terrain reconstruction and culvert removal, and planting of appropriate vegetation. The plan states this should be completed by May 31, 2006. (On the site walk, however, Mr. Bond indicated that it will be too wet to complete this work by the end of May.) Then there is evaluation of the vegetative coverage and further vegetative repair over a period of three to five years.

Bernie O'Grady, abutter, presented the court order from the Milford District Court in May 2003, which finds that a commercial ATV track was constructed and operated in violation of the town zoning ordinances. It states the entire premises should be restored to its original condition. The DES restoration plan only concerns the wetlands, an area of about 3500 square feet. The full parcel is 23.875 acres.

The board suggests that town counsel should provide a written opinion on what should be done and how the board should proceed.

Chris makes a motion that the board solicit opinion from town counsel determining the scope of the remediation process: remediation of the full parcel or remediation of the wetlands only. Mark seconds. Vote: Chris – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye.

Chris makes a motion that work be allowed to proceed over the next month. The road agent and town engineer must set up a list of inspections to be performed as the work progresses. Mark seconds. Vote: Chris – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye.

Mr. Toth would like a list of deficiencies regarding the existing fire pond construction and site appearance. Ask both the town engineer Roger Parsons and the fire agent and road agent Dave Cook for input.

The applicant will extend the 65 day period for board action to May 31, 2006.

Items needing resolution:

- o NH DES Subdivision Approval has not yet been received
- o Fees remaining for town and SWRPC activities: \$172
- o Fees for Roger Parsons: \$262.50

Note the full checklist has not yet been reviewed for the current proposal.

Mark makes a motion to continue the hearing to February 22 at 8:15. Chris seconds. Vote: Chris – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye. The hearing is continued to the stated time and date.

**05-14 (New number 05-18) Tymar Land Development, major subdivision, Pratt Pond Road, Nutting Hill Road, Batchelder Road, and Greenville Road (Tax Map A-22). Mark Martell of Bedford Design Consultants presenting.**

Abutters present: Marshall Buttrick

A site walk was held on January 14. A letter was received from Dick Bond, the soil scientist who was present:

“The wetlands on these lots are accurately delineated on the project plans dated October 4, 2005. As I explained, some of the isolated wetlands on this property are in depressions in the bedrock controlled landscape. The remainder of the wetlands are in well defined valleys where the wetland boundaries often stop abruptly at the toe of the adjacent slopes.

At the time of our site visit it was raining and the site was very wet. Not all of the wet areas observed on January 14<sup>th</sup> are jurisdictional wetlands.”

The selectmen are researching Tymar LLC. There is confusion between the available documents on who the principals of Tymar Land Development are. Chris Guiry asks Attorney Alec MacMartin to clarify this. He will look into this.

Liz Fletcher talked with Dick Bond at the site walk. He did not think a high intensity soil survey is necessary, because the visible vegetation indicates sufficient dry sites on each plot. When Liz asked him about the discrepancies between the current soil survey and one from the early 1990s, Mr. Bond indicated that the current survey has considerable on-site data, whereas the earlier survey was derived from aerial surveys.

Liz recommends flagging the boundaries of the wetlands so that the wetlands will remain undisturbed when construction is performed during a drier season, when the boundaries may not be apparent.

Liz reminds the board that it has the right to request that 15% of the total land be set aside with a conservation easement. That amounts to 12 acres. The conservation commission has a sketch indicating that it would be useful if it adjoined the Potter conservation land along Greenville Road. Mr. MacMartin asks what activities can and can't be done on conservation land.

Mr. Buttrick asks if the easement permitting the town to use a turnout on Nutting Hill Road has been drafted yet. It will be filed concurrently with the subdivision. Mr. MacMartin will send a proposed draft to the town attorney.

Mr. Buttrick asks about a driveway cut on Greenville Road. Chris thinks the road agent previously granted a permit for this driveway cut.

Mr. Buttrick asks Mr. MacMartin if he has considered a phased development approach, given that this has been designated a subdivision with regional impact. Mr. MacMartin has not considered this yet.

Lot A-22 is a 80 acre parcel. Five lots are planned for Nutting Hill Road, four lots on Batchelder Road; the remainder of the lot is a 48 acre parcel on Pratt Pond and Greenville Roads.

The board asks Alec MacMartin about road improvements. He points out that there is already traffic on these roads. A traffic survey should be conducted to quantify the current traffic load on the three roads, and indicate the current type of use. The board can also ask Roger Parsons for his opinion on what level of road improvements should be made, taking into consideration the traffic load, the grade of the road, and the drainage flow.

The applicant intends to upgrade the pond on Batchelder Pond to meet the requirements of a fire pond. The fire chief should sign off on the plan.

Fees: There is current balance of \$46 in the applicant's favor.

Mark makes a motion to continue the hearing to February 22 at 8:15. Chris seconds. Vote: Chris – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye. The hearing is continued to the stated time and date.

**05-19 Shawn Pieterse, Site Plan Review for Dream Barns, Old Ashby Road, Tax Map J-33. Property owned by Sheryl Malouf.**

Abutters present: Isabelle Davis, Greg Lison.

Site plan stipulations:

- o Outdoor lighting: There is one outdoor light; it will only be visible from the rear after the addition is built.
- o Equipment: Heavy equipment will be stored behind the addition.
- o Number of employees: According to ZBA variance, there can be up to 6. There are now 2 employees and no more are planned at this time.
- o Hours: 7 am to 6 pm, five days a week. Sometimes trucks will return at a later time; they will just be parked, not unloaded after hours.

- o Fuel storage: In a movable storage tank, or indoors. The fuel to be stored is 'off road diesel', less volatile than gasoline, much like home heating oil.
- o Noise: Woodworking tools. The applicant will install insulation for noise abatement.
- o Smoke: Use a 15 foot chimney stack on the wood furnace to pick the smoke up and away from the ground where it tends to settle, particularly in the morning
- o Move dumpster to a less visible location (southerly)
- o Improve grading for parking at northerly end
- o Build a shed to stockpile materials so there will be no outside storage

Items remaining to complete:

- o Fees remaining: \$25

Ms. Davis asks if the number of hours per day could be reduced, and questions the amount of traffic going to the office. The board points out that those hours are not uncommon for that type of business. Mr. Pieterse indicates that a portion of the traffic is directed to his home, not to the office, for child care and care of horses.

Joe makes a motion to approve this site plan. Mark seconds. Vote: Chris – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye. The site plan is approved.

**06-02 Conceptual discussion for expansion of commercial uses of lots J-15 and J-16 on Old Turnpike Road (Rt. 124). Kevin Bell presenting.**

Mr. Bell wants to erect three mini-storage units on Rt 124 on property that currently contains a store and an existing storage area. A special exception was granted for the store some number of years ago. Because one of the lots is non-conforming and this is an expansion of a use, the applicant should apply to the ZBA for a variance. ZBA should also consider that this is two separate uses on one lot, which is not permitted by the zoning ordinance.

**Adjourn:** Mark makes motion to adjourn at 11:00 pm. Seconded. Approved.