

Approved

February 22, 2006 Mason Planning Board

In attendance: Mark McDonald (chair), Dotsie Millbrandt, Meredith Cooper (SWRPC), Bruce Mann, Pam Lassen, Linda Cotter-Cranston (alternate)

Absent: Joe McGuire (alternate), Chris Guiry (ex-o)

Call to order: 7:45 pm

Next Meetings: Regular meeting, March 29, 2006.

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

Old Business:

New Business:

Public Hearings:

06-03 Martin and Linda Ruggiero, minor subdivision, Tax Map J-22 and lot line adjustment, Tax Map J-22 and J-11-1, on Fitchburg Road and Old Turnpike Road. Phil Toumala is presenting.

Abutters present: Marion Deschenes, Judith and Ronald Ilomaki, Liz Fletcher representing the Conservation Commission which is an abutter.

The intent of the plan is to subdivide two lots, J-22 and J-22-1, out of lot J-22. The remaining 11.32 acres (marked parcel A on the plat) will be merged with lot J-11-1. Lot J-11-1 currently has frontage on Turnpike Road and Bell Road. It will be gaining 250 feet of frontage on Fitchburg Road (State Highway 31).

Board will need to waive requirement for a full survey on lot J-11-1. The board has previously accepted a tape-and-compass survey of that lot (July 1999).

Checklist items needed:

- o Show missing structures within 200 feet of property
- o What is the status of the non-class V portion of Bell Road? Is it class VI, abandoned, or never an official road?
- o Place granite bound on Rt 31 between lot J-22 and J-22-1
- o Need driveway permit from state for shared driveway for lots J-22 and J-22-1
- o Use template for shared driveway
- o Determine location of abutters' septic systems; show on plat if within 100' of property

Fees remaining \$150, plus recording fees.

The owner of lot J-23-2 says her lot spans both sides of Bell Road; she wants to know if it is a class VI road or not. There is also a question about the status of Seven Star Lane. Dotsie will try to find previous hearings on Contryman property (now Pierce).

Mark makes a motion to accept this plan as a Completed Application. Pam seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Linda – aye. The hearing is continued to the stated time and date.

Mark makes a motion to continue this hearing until March 29 at 7:45. Pam seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Linda – aye. The hearing is continued to the stated time and date.

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 and Susan Bird

Mr. Toth expresses concern that the applicant has not received copies of responses received this month from inquiries made after the previous hearing. Specifically, the applicant did not receive a copy of the response for town counsel about the extent of restoration work needed, nor did he receive a copy of the response from the fire chief about work needed to complete the fire pond site. The board explained that it is also seeing these responses for the first time. For next month the board will direct the town secretary to send the applicant copies of responses when they are received at the town offices.

Letter from Silas Little:

Last month Chris Guiry questioned whether the subdivision can occur before the restoration work has been completed. He asked 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. Below is the response.

“With respect to Mr. Dancause, my understanding from talking with the Jeffrey Blecharczyk of the DES, was that Mr. Dancause would [[not???]] receive subdivision approval from the State unless he complied with whatever requirements the DES determine for rehabilitation to the site.

If Mr. Dancause has been given a written determination by DES as to what their requirements are for mediation to the site, then I suggest the Planning Board encompass those in their decision establish a bond to assure they are performed, establish a time period in which they are to be performed, preferably the same as the DES time period and require Mr. Dancause to post the bond before the Plan is signed.”

The board think the letter is a missing word, “not”, as indicated by [[]] in the quote above. Also, the letter does not address the question of whether the applicant needs to comply with just the DES plan (restore just the wetland), or also with the Milford District Court May 2003 decision (restore the entire parcel, which includes the former ATV track).

Mr. Parson states he will extend his activities to include inspection of the work around the fire pond area in conjunction with the Fire Chief to address any concerns of the Planning Board.

The applicant wants clarification about whether he needs to restore just the wetlands or the wetlands and the ATV track.

The board will again ask the selectman to ask Town Counsel, and to make sure this time that the applicant receives a copy of the response. This will expedite the work. Meredith will ask the Town Secretary to speak to the selectmen, and to forward the response to her when it arrives.

Last month Mr. Toth asked for a list of deficiencies regarding the existing fire pond construction and site appearance.

Letter from Fire Chief received in response:

Because the fire pond from the previous subdivision has not been adequately completed and landscaped, the town needs to require a performance bond and establish an inspection plan with the Town Engineer, Roger Parsons. Last month the board asked the Fire Chief what construction was needed to complete the fire pond. He replied:

“The Dry Hydrant needs to be secured with a concrete apron that will support the metal barrel and the lolly columns that protect it. The hydrant also needs to be tested to be sure that silt has not covered the strainer. The area also needs to be graded and stabilized to prevent further washing of silt into the pond.”

Items needing resolution:

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

Mark makes a motion to continue the hearing to March 29 at 8:30. Bruce seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye. The hearing is continued to the stated time and date.

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. Attorney Alec MacMartin is representing the interests of Tymar Land Development.

Abutters present: Marshall Buttrick

Last month the board asked if a traffic study would be feasible. Roger Parson, the Town Engineer, indicated that winter was not at good time because the snow plows tear up the traffic measuring equipment.

Roger Parson would prefer a “real time, real need” basis for determining the amount of road improvement that should be asked of the abutter, as opposed to a traffic count. He does not want to comment on the need for road improvements for say 125 vehicles a day versus 25 vehicles a day. He would prefer to have the board identify real deficiencies and negotiate improvements with the applicant.

Mr. MacMartin contests that the subdivision is not the only user of the roads; the collective impact of previous subdivisions on Nutting Hill Road and Batchelder Road is similar to the impact of the proposed Tymar subdivision.

“Offsite exaction” is the process described in the RSAs for requiring a subdivider to provide a passbook or bond for improvements on roads or other infrastructure outside the boundary of the

subdivision. The work must be performed by the town within 6 years. Any other subdivision benefiting directly from the same improvement must be required to bond a proportional amount.

The board asks Roger Parson to identify areas along these roads that bound this property that need improvement and an estimate of the costs of performing each improvement, at the applicant's expense (estimated \$750 - \$1000). Batchelder Road might be a good target for improvement, because it currently has a relatively lower volume of traffic than Nutting Hill Road (which has Pickity Place traffic) and Pratt Pond road (which has a fair amount of short-cut traffic between Greenville and Milford).

Also Roger should talk to Road Agent Dave Cook about how some unrelated improvements to Batchelder Road have held up. Alec MacMartin will provide a list of road improvements that the applicant is willing to provide.

The board asks Roger Parson to check the line of sight on the driveway on the large parcel.

Roger would also like the Road Agent to look at the turnaround location.

Mr. MacMartin proposed a turnaround easement and it was sent to Town Counsel. A letter has been received in response from Town Counsel. It questions the orientation of the easement, indicates there is no topography shown for these easement, and states there is a utility pole that appears to interfere with the use of the turnaround. In response, the applicant has moved the turnaround. Mr. MacMartin will revise the easement to describe the new turnaround.

The 12 acre conservation easement requested by the planning board as Open Space has been shown on the plan and described in a note.

Last month Chris Guiry noted it was unclear from available documents on who the principals of Tymar Land Development are. Mr. MacMartin's response: There are two separate entities, Tymar Land Development LLC and a real estate trust that used the Tymar name. Daniel Gardiner was associated with the real estate trust, but not Tymar Land Development LLC. The sole member of Tymar Land Development LLC is Gale Risdon, who is married to Daniel Gardiner. Tymar Land Development LLC is the owner of the property being subdivided.

The applicant agrees to extend the 65-day time limit for subdivision action.

Last month 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 spoken to the applicant, who is not interested in a formal phasing agreement. Due to the nature of the property, its development will occur over time. The board does not have a Phased Development regulation.

The board has agreed that no lots will be granted Certificates of Occupancy until the fire pond has been completed. This is in lieu of bonding.

Mark makes a motion to continue the hearing to March 29 at 8:15. Bruce seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Joe – aye, Linda – aye. The hearing is continued to the stated time and date.

06-04 Steven J. Morton and Sally E. Morton, minor subdivision of 2 lots, Tax Map L-34 on Valley Road. Phil Tuomala is presenting.

Abutters: None

This is a two lot subdivision in the Village Residential zone.

Checklist items:

- State subdivision approval is still pending
- State driveway approval for lots K-34 and K-34-1 is still pending
- Granite bound to be set on north and south corners along Valley Road

Impact statements: No comment from road agent, fire chief, or police chief.

Fees paid: Checks received for \$257 and \$67

Fees remaining: \$100 for review fees, \$76 for filing fees

Mark makes a motion to accept this plan as a Completed Application. Pam seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Linda – aye.

Conditions for approval:

- State subdivision approval is still pending
- State driveway approval for lots K-34 and K-34-1 is still pending
- Granite bound to be set on north and south corners along Valley Road

Mark makes a motion to grant conditional approval, subject to the conditions listed above. Bruce seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Linda – aye.

06-05 Public hearing for amendments to the Town of Mason Subdivision Regulations

Changes proposed:

- o Amending the definition of frontage.
- o Defining hammerhead turnarounds.
- o Defining frontage along hammerhead turnarounds.
- o Removing section 3.12 regarding lots divided by a right of way.
- o Adding a statement indicating that hammerhead turnarounds are the preferred turnaround design; cul-de-sac turnarounds are an alternate design.
- o Adding a detailed description of the design of a hammerhead.
- o Modifying some portions of the sections on cul-de-sac design.
- o Amending the subdivision checklist.

Much discussion ensues about section 3.12. Mr. Tucker asks if, with this wording removed, the lots of each side of the right-of-way can be sold independently or whether this existing right is lost. The board will ask Town Counsel.

Bruce states that this section should be part of the zoning ordinance, not part of the subdivision regulations.

Meredith states that all changes to the zoning ordinance or the subdivision regulations should be reviewed by Town Counsel.

Mark makes a motion to exclude the removal of section 3.12 from the items we are amending tonight. This leaves section 3.12 as it is in the subdivision regulations, for now. Bruce seconds.

Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Linda – aye. The hearing is continued to the stated time and date.

Mark makes a motion to approve the amendments to the subdivision regulations, excluding the removal of section 3.12. Bruce seconds. Vote: Bruce – aye, Dotsie – aye, Mark – aye, Pam – aye, Linda – aye.

Adjourn: Mark makes motion to adjourn at 11:35 pm. Seconded. Approved.