

Planning Board Minutes 02/22/2016

Planning Board Town of Greenfield Meeting Minutes

Recorded by Janice Pack

February 22, 2016

Members Attending: Ken Paulsen, Robert Marshall, Paul Renaud, Jim Fletcher, Sherry Fox, Andre Wood, Kevin O'Connell

Public Present: Dawn Tuomala and Matthew Harwood

Meeting Opened: 7:02

Minutes read by PRenaud.

A few changes were noted. PRenaud motioned to accept, SFox seconded, All were in favor

Mail:

Copy of Email from Catherine Shaw regarding query from Leo Brooks (with zoning map)

Unclaimed certified letter to Ronald & Joann Russell (from last Public Hearing for NEFP)

4 more signed receipts for certified letters for same hearing

Note from CShaw to check plans for correct lot numbers

Receipt from CShaw for the 2 NEFP checks totaling \$441.82 given at last meeting

Copy of email from Barbara C. Harris Camp with their minutes (referred to in Minutes of 2/8/16)

Discussion of the Character-Defining Features sheet

RMarshall says that the PB has the responsibility of helping the community meet its objectives, and he feels that the sheet speaks to the aesthetic quality desired by the town to assure that aesthetic and harmonious growth continues to stay on track. PRenaud feels that the contents of the site plan regulations must be valid for the entire town. His suggestion would be to return to this after we do the future land use part of the master plan. It would not be part of the zoning laws, but could be part of the master plan to be used as a guide. We could delineate what we would like to see. RMarshall says that he doesn't think anyone would go to the master plan first; they go through the site plan first. He wants this to be a reference that could be used by anyone coming before the board. PRenaud says the site plan review covers existing structures like a business or multi-family, and he doesn't believe that having the sheet for single family dwellings would be valid. RMarshall says we are proposing changes in the Village district that this would apply to. He says he doesn't care where it goes, but he wants to be sure that we have this as a standard. He feels that this would be where we could point to a standard that would answer the questions of those coming before the board. JFletcher spoke about the master plan being a valid legal guideline, and says that it's up to the board to know what the master plan is, and to point the applicant in that direction. But if someone came to the board, he feels that they would be thorough with their research *before* coming to the board. He feels that it should be part of the master plan. PRenaud says we still have power to make conditions. If we incorporate this into the master plan, Mike Borden could also use it to help people. He doesn't think that we can legally put it in the site plan. RMarshall wants it to be used as a tool and wants applicants to know that it is part of the master plan. JFletcher wants to talk about it again when we discuss Future Land Use. PRenaud says it will be a catch-all part of the 4 year plan. JFletcher says we can talk about it then.

KO'Connell mentioned that the last sentence under Streetscape might need an edit last since "sidewalks and roads lack curbs in the Village district" is not factual. RMarshall does not want to make edits. KO'Connell suggested the change be considered based on facts. **It was agreed to move on as it was 7:30.**

7:30 PCC Matthew Harwood

Dawn Tuomala introduced Matthew Harwood from Lyndeborough, the owner of the lots. She passed out plans for her PCC (preliminary conceptual consultation) and presented her plan for the driveway change. The Board stated

that we would just be making suggestions should she choose to officially submit this change. DTuomala showed on the drawing where lot 7 had an existing house that was taken down in 2011 (according to MHarwood). He has now purchased the lot and wants to put up a smaller house (3 bedrooms). DTuomala says when the subdivision was done several years ago they had picked another location for the driveway, and explained why (sight distance). Permission had been given by the Road Agent. She said that the driveway proposed, however, wasn't ideal and MHarwood wants to use the existing driveway instead. The new house has a smaller footprint (less impact to the environment), and there is room for a turnaround. The proposal is to create an easement or common driveway. The language used was provided on the plan for the two lots down the road previously. DTuomala noted that she had passed out the copy of the driveway permit they were working from, which already has provisions for the common driveway. She also distributed copies of the Road Agent's letter stating he would much rather have the access there because it has much better sight distance. DTuomala pointed out that the language states that one driveway may serve 2 lots (this does), and that an independent survey may be conducted, and that the house numbers for all residents must be placed at the end of the common driveway.

PRenaud asked her to speak to the slopes of the driveways. The proposed driveway is fairly flat. The slope is 8% going into a 4% (downhill). The ridge is where the proposed driveway is. AWood said that since this is a PCC, he would ask "Why is he asking for this driveway?" DTuomala answered "Because he may want to sell one lot in the future." PRenaud had a procedural question: He doesn't recall anyone coming before the PB with just a driveway question, and wants to know if we need to have a public hearing on this. KO'Connell says we aren't really doing anything. PRenaud clarified that they are seeking our approval. Discussion stated that Mike Borden could approve this as it is within the scope of the Code Enforcement Officer. RMarshall said he knows MBorden saw it because he had a discussion with him about it. JFletcher asked if we needed to approve the easement. DTuomala stated that it did not need to be approved. The question was raised again: Who has the authority to approve this? It was determined that the Planning board has the authority, and has granted it to the code enforcement officer. JFletcher clarified that they were here because we (the Board) needed to see the Plan. KO'Connell brought up a previous driveway and the board discussed similarities and differences of the 2, and KO'Connell said "You are supposed to access your driveway through your own property." DTuomala read the definition of Frontage. She mentioned that since MHarwood owns both lots, he has the right to grant himself easement. AWood again stated that we don't usually review just a driveway. KO'Connell asked "What is the reason for having frontage?" He said that the board had created a system where a common driveway could be built. Discussion continued on placement of the driveway. DTuomala said "Nowhere does it state that it has to be down the middle." Under common driveway regulations, it says that a driveway may serve 2 lots. PRenaud says the main issue is safety. DTuomala said that the original driveway has no sight distance.

RMarshall clarified that they are seeking our recommendation here. Driveway regulation page 6 says "PB hereby delegates administrative duties to the Greenfield Code Enforcement Officer who may consult with the road agent." PRenaud says that in our original approval of the subdivision, we had approved a different driveway, so they need to come before us with the change. RMarshall asked how the board wanted to proceed. JFletcher said that this isn't really a PCP. PRenaud states that it is a request for approval. AWood agrees it is not a PCP, so we will need to consult with the experts (code enforcement officer and highway agent). Questioned whether MBorden had seen it yet. MHarwood said that MBorden had told them to come before us first, and that MBorden had looked at the plans. PRenaud questioned sight distance to the east. MHarwood said that sight distance improves by moving the driveway, and the Board agreed on that point. JFletcher says he has issues because of the easements (not so much giving an easement to yourself, but what happens when you sell it?) MHarwood said he'd probably have to sell them together. Jim asked "What about moving the lot line?" DTuomala said "Cost and expense made that unattractive." JFletcher asked if we have situations in town like this already? KO'Connell and AWood noted a few and the board discussed how those had been granted. KO'Connell said that the other quandary is that lot lines have been drawn, but boundaries change over time. AWood stated again "If this is not a PCP, are we actually going to vote to approve this?" Consensus was Yes.

JFletcher reviewed the plans again, and then asked a few questions of MHarwood about his intentions regarding the building of the new house, and the possible future sale of the lots. Asked "If one lot was sold, what would happen?" MHarwood said that he did not foresee himself selling either lot. AWood said "We are not changing the salability of the lot." KO'Connell said "We are trying to stay away from a later argument of whose responsibility it is. What if one owner doesn't want to plow his side?" Said he liked the idea of common driveways, but not everyone makes good neighbors. DTuomala stated that it was all spelled out in the plan. SFox said she is under the opinion that if the lot was for sale, it would come with the easement as part of the sale. JFletcher mentioned that if the responsibility for maintaining was 50%, does that mean that only half of the driveway would be plowed? Does it become a civil matter? KO'Connell asked if the location of the driveway could be placed where they still had 500' of frontage. SFox said "We aren't talking about a proposed division – we are talking about a driveway easement at this point." She restated MHarwood's current plan: to make a safer driveway, an improvement in the line of sight. The Board questioned what was needed and where the lot was. It was decided it was in Rural Ag, so MHarwood would not be able to divide it anyway. AWood says that moving the lot line wouldn't change the value of either lot. RMarshall asked for clarification on how moving the lot line changes the value. JFletcher redirected the discussion to why we are here. MHarwood clarified he just wanted to make it right, make it safer. DTuomala said that changing the lot line would be the last resort. JFletcher says he feels it is probably okay to do it this way. RMarshall says that even though we are not living by the letter of frontage, this way is better. RMarshall says he does not want this Board to become onerous. It's not like we're creating a new circumstance, but that we do need to tailor our decision-making to the individual requests that come before us. SFox and AWood again stated what the owner was trying to do and what problems might come up with maintenance. RMarshall researched the driveway regs (page 5, Common Driveways) and KPaulsen read from the letter from the road agent citing safety, and confirmed that from his personal observation, he agreed that the proposed driveway was safer. AWood said that since this is not a PCP, and MBorden and Neal Beauregard have the final say, he was okay with it.

SFox made a motion to approve the common driveway for the MHarwood properties.

PRenaud seconded. No further discussion. All in favor, except KO'Connell who abstained.

RMarshall said that we needed to send an email to MBorden so that he could issue the permit. JFletcher said he would do that.

8:33 public left

SFox asked if the email from LBrooks was answered? She was assured that it had been.

The board decided to resume the Construction Materials discussion

Rejoined the public hearing for the Construction Materials 8:35

No members of the Public were present

SFox motioned to accept the Construction Materials chapter with the change to the DOT Excavation sites table:

The DOT Garage should be INACTIVE (not active). PRenaud seconded, discussion continued. All in favor, AWood abstained.

RMarshall asked if KO'Connell will tell Lisa to make that change and put this date on it. It can then be signed, and the invoice can be paid. KO'Connell said that he would do that.

PRenaud asked all to bid farewell and thank KO'Connell for his service.

SFox motioned to adjourn, AWood seconded. (KO'Connell abstained) All others in favor

Meeting closed at 8:44

These Minutes were Approved as Amended in our meeting of March 14th, 2016.