

Planning Board Minutes 08/25/2014

Planning Board
Preliminary Meeting Minutes –
Recorded by Sharon Rossi
August 25, 2014

Members present: RMarshall, PRenaud, SFox, SChicoine

7:10 p.m. Minutes

PRenaud began reading August 11, 2014 meeting minutes. Several spelling, punctuation and replacement of words were done. One substantive change was made:

Add at line 89: KO'Connell and PRenaud questioned whether approving this as a permitted use as a hotel in the residential district. In light of the large events outlined in the application, we would be expanding the definition of a hotel that is not explicitly stated in the Zoning ordinance definition.

7:25 p.m. PRenaud motioned to accept the August 11, 2014 minutes as amended. SFox second. Vote unanimous in favor.

7:30 Public Hearing on Scenic Roads Tree Trimming

RMarshall handed out a sign-up sheet to the audience asking for names and address for the tree trimming on Zephyr Lake Rd and dirt portion of Slip Rd. RMarshall went over protocol and procedure for the public hearing. He also noted that the public hearing notice was in the August 14, 2014 issue of the Monadnock Ledger.

TMurray, DPW Supervisor, presented to the audience the reason the DPW will be doing tree trimming on these two roads. Our intent to trim the branches in areas not trimmed by PSNH near the power lines to make the roads safe and passable. A lift will be rented and up to 14' level, we will trim living and dead branches. RMarshall read the trimming procedures that were established in 2012.

TMurray said branches only will be removed, no trees. The trimming will begin in late October. APatt and CShaw will be sending out written notices to all abutters.

PVincent said she wanted clarification on what will be removed. "If you should need to take a tree down, will the owner will be notified?" RMarshall reiterated that the town will be sending notices to all concerned. TMurray again said, "No trees will be taken down, branches only and on the opposite side of the road from the PSNH cuts. PVincent said, "I love my trees, and would like the town to work with me when the tree trimming begins." TMurray said he would be glad to work any owner and that they should, once they get their notification, call him at the town barn or e-mail him.

BWood asked if the lift would it be up to 14' but not 15'. TMurray said we will do our best. BWood also commented that she can't see why you would trim branches when there are no leaves on the trees at that time of year, and there is plenty of sunlight on the road.

CDumas, who lives on the dirt section of Slip Road which is a scenic road, said I can handle the 3' off travel way and 14' height, I am requesting that DPW Supervisor walk the road before they begin to cut branches. We tap those trees and I want a consultation if anything needs to be cut, if I haven't already done so. If this is a public safety issue, which means to me a branch leaning down, why isn't this being done to the whole town? TMurray said we are working around town in sections and due to costs, can only rent the lift for a month. Also APatt and CShaw said notification to the entire town would be too cumbersome. TMurray commented, "I am compassionate to your concerns and will gladly work with you." CDumas said I do not want the "Flail" machine on my property. TMurray said I saw what that machine did and we will not use that machine.

SKokal said she saw what was done to Cornwell Rd, and asked if this was a precursor to the road widening that was done in the past. TMurray said I haven't widened one road in this town. RMarshall asked SKohl and TMurray to meet to discuss SKokal's concerns of widening.

EDumas asked to have read the part again about the 3' travel way. She said, "So trimming will be only as wide as the travelled way, unless the property owner gives permission? I travel on the South Franchestown Road, and have seen

that when the grader removes the edge of the road, that becomes the travelled way. There was a strip of grass before the lilacs on my property, and the town has removed that strip. I take exception to the non-widening of the road statement."

AWood said I, too, take exception to the travelled way. It should go from the center of the road and not from the edge of the road. I know what my road looked like after the ice storm, and the trimming that's been done. I don't want any trimming done. RMarshall urged him to respond to the letter that will be sent out. AWood said, "I don't see any value in opening up my road for sunlight. No point. Branch dangling in road, safety, yes, remove it."

KVincent said you are violating the definition of trimming parameters. TMurray stated he can't simply rent the lift in the winter time, as we are in our winter maintenance mode, and because we've been very busy this summer, October is the earliest we can do the trimming.

KVincent, said the trimming should be done next year to stay within the set parameters. . TMurray said we have 2 roads to do each year and this is the time for Zephyr and Slip.

BWood asked, "Do we have permission to refuse this tree trimming?" TMurray referred to RMarshall for an answer. He said the town has a legal obligation to provide a safe way to travel. TMurray is attempting to provide safe streets and he has to maintain those streets. The letter will allow you to have a response to DPW. BWood said, "So we will be having a discussion with Tim."

AWood is still concerned with definition of scenic roads as it doesn't include paved roads and my road is very scenic.

PRenaud asked "How will the Woods get a letter?" TMurray said he doesn't have an answer about that. AWood said I don't want to be in an argument with TMurray when the cutter is going, so it would be better to have it figured out earlier before this begins. BWood again asked, "Where is the 3' travelled way on a paved road." TMurray said, "There are no records about travelled ways in the town. If we can just simply work together, if you get a letter, please call or e-mail me, and we'll walk the land and figure it out." RMarshall pointed out there will be 30 days to arrange an appointment with TMurray.

AWood said "In the past there was a misunderstanding with tree trimming and my land and trees were abused, under the guise of not having the trees too close to the power line, I don't want that to continue. I will try to work through it and there is a lot of sensitivity on this issue."

TMurray commented, "I am trimming trees on the opposite side of the Public Service trimming side of the road. I will take it slow in trimming the trees." RMarshall said "In reference to the notification being sent out, let's see what works and what doesn't. We will be very interested in what the response to letter will be. Feedback is very important. If there are changes that you would like in the letter, please let us know. This is the first time using this letter and we want to work with it until we get a letter and process that works.

PVincent commented, "Since the ice storm, we have had very minimally disturbance of power interruptions. We bought a generator, so we don't need any more trees trimmed on my land."

8:16 p.m. Public hearing closed.

8:30 p.m. Mail received:

- American Planning Association brochure
- State of NH Drive Permit for Jane O'Donnell, 906 Broomstick Hill Rd, Littleton, NH for R9, Lot 18 driveway permit
- Application for Driveway permit from Steve Ek, R9, Lot 27-4
- Cash receipt for Michele Perron, Lic/Perm, R 5 Lot 34-1

8:17 p.m. Allrose Farm – Site Plan Review continued

RMarshall said he had an opportunity to contact MPerron today and had a conversation as to where she was with her application. MPerron stated she was working on application today, and at this time, I am withdrawing my application and will resubmit at a later date. RMarshall queried, "You are going to seek some professional guidance with the application?" MPerron said "Yes."

RMarshall said that our Site Plan Review Regulation and Application are inaccurate in the notification procedure. Issues have been raised by Atty. JCronin, last week. RMarshall noted that because the application has been withdrawn, the Board is no longer in deliberation. JCronin wanted to raise points that are problems:

JCronin said, "I don't practice by ambush, I practice by putting issues on the table. I see two major concerns:

1. Your Site Plan Review application and checklist does not reflect recent changes to notification procedures since it does not identify holders of conservation, preservation or agriculture easements [See page 590 of your RSA's handbook 674:4, I, (d), (1)] which abut the property. These were not included on the abutters list and thus have not

been properly noticed of the meeting, and in this particular case, conservation easement holders need to be noticed. This renders further action on the application subject to appeal based on this technical failure.

2.~~ The determination of the Board that this size of use (potential 22 guests) constituting a hotel, as prescribed by our definitions, requires extensive septic design standards for a hotel as prescribed by the state. RMarshall informed him that we were aware of that and had required that she provide a design application that she had submitted to the state for same.

The town needs to update their application as it does not appropriately identify the easements. In this case no notices were sent to conservation or agricultural easements and the application wasn't available for public to read.

JCronin said, "I understand the Board was trying to be helpful to applicant, but in changing the application, from a B&B and wedding event location, to what the Board said it was really more like a hotel, it would suggest a possible change of use, and brings in a possible ZBA review. To be fair to all, it would seem important for the application to spell out exactly what is being sought. This should be analytical review.

Addressing MPerron, RMarshall said, "In light of the complexity that has emerged, it is important that you get professional assistance in completing your application: We have worked successfully with Monadnock Survey in Wilton and Fieldstone in Milford. In preparing this application, please make sure we have correct abutters, and have all historical, conservation, and /or agricultural easements added to the application."

JCronin advised that it would be prudent to have the Board obtain legal advice as to whether this proposal is a legal use under our regulations.

RMarshall said the Planning Board has to update the Site Plan Review Regulation and the application as well.

MPerron said, "She would have preferred to have legal representation with me tonight. If I was notified earlier, I would have made sure I had representation. I need to let everyone know that I no longer feel safe. I feel intimidated and I feel I have been ambushed. I will no longer attend these meeting without a lawyer present."

8:50 p.m. Allrose Farm – Site Plan Review concluded.

PRenaud motioned to move the October 13th meeting to October 6. SFox seconded. Vote unanimous in favor.

RMarshall said the final charrette planning meeting will be Tuesday, August 26 in the town office meeting room at 7:00 p.m

RMarshall advised the Board that he will be attending NHMA Municipal Law Lecture Series 2014 which starts September 3rd. He will attend lectures on How to Run a Land Use Board and Impact Fees in New Hampshire on September 10. PRenaud will join him.

RMarshall said that we will need a public hearing to change our Site Plan Review Regulation and application form and checklist.

At the September 8th meeting, PRenaud will update the Planning Board about the last EDAC meeting and make sure the Board gets the UNH information that was received that night. The EDAC survey will be sent out early Sept and will run through early Oct.

9:17 p.m. PRenaud motioned to approve the tree cutting and notifications on the scenic roads. SFox 2nd. Vote unanimous in favor.

9:20 p.m. adjournment

PRenaud motioned to adjourn SFox seconded. Vote unanimous in favor.