

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
July 16, 2013**

**DATE: July 16, 2013**      **TYPE: Public Meeting**      **APPROVED: August 6, 2013**

**TIME: 7:00 pm**

**CALL TO ORDER:**

**ROLL CALL MEMBERS:** Chairman Kirk Stenersen, Vice Chair Kim McCummings, Hank Whitney, Phil Simeone, Bruce Donati, Charlie Eicher

**ROLL CALL ALTERNATES:**

**EX OFFICIO:** Roberta Oeser

**PLANNING DIRECTOR:**

**PLANNING SECRETARY:** Susan Hoyland

**APPOINTMENT OF ALTERNATES**

**OTHERS PRESENT:** Seven audience members including Steven Johnson, Alison Heon, Sean Dwyer

**1. ANNOUNCEMENTS**

Kim McCummings said that the Farmer's Market was going well with a good variety of vendors and products.

**2. APPROVAL OF MINUTES**

a. June 11, 2013

Vice Chair Kim McCummings pointed out an editing error on page two of the minutes of June 11, 2013.

**MOTION:** Roberta Oeser moved to accept the minutes of June 11, 2013 with the aforementioned correction. Phil Simeone seconded the motion. Vote: 7-0-0

b. June 27, 2013 Community Input Meeting

**MOTION:** Phil Simeone moved to accept the minutes of June 27, 2013 as written. Kim McCummings seconded the motion. Vote: 7-0-0

**3. OLD BUSINESS**

**4. NEW BUSINESS**

a. **CONSIDERATION OF** an application for a Minor Subdivision submitted by Kohlmorgen Housing -2 LLC. The property is located at Tax Map 8, Lot 7-4 Wallace Road. The applicant is seeking approval for a two lot subdivision. Paul Grasewicz of GRAZ Engineering will be presenting this proposed plan.

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Chairman Stenersen invited Paul Grasewicz to address the Board on behalf of the applicant, Rick Kohlmorgen, Kohlmorgen Housing LLC.

Paul Grasewicz said that this is the lot on the right hand side, at the end of Wallace Road. He said that he and Mr. Kohlmorgen came before the board on April 16, 2013 for a Conceptual Consultation and have returned now, having completed the survey work, perc testing, test pits, and lot loading calculations. Paul brought a copy of the preliminary plan with him today that has been signed by a certified wetland scientist. Paul said the lot loading calculation show, that despite a fair amount of wetlands, they are at 169% of the minimum. He said that the plans tonight show the existing road, the proposed well radius, and setbacks.

Chairman Stenersen asked the Board for questions about the completeness of this application.

Hank Whitney said that he had used the Subdivision Checklist to review this application. He said that everything appeared to be okay.

**MOTION:** Hank Whitney moved to accept the application as complete. Kim McCummings seconded the motion. **Vote: 7-0-0**

Chairman Stenersen opened the Public Hearing. He said that he would start with the Planning Board members and then invite the audience to share any questions, comments or concerns.

Roberta Oeser said that she had concerns as to the applicant's right to allow a new owner of a newly created lot of land to pass and repass over the existing Right of Way, which is someone else's land. She requested that the applicant seek a Title attorney to find out if this is an allowable use and provide the Board with some documentation to that end.

Rick Kohlmorgen said that he understood what Roberta Oeser was saying but that he did not understand why this was an issue.

Chairman Stenersen said that the right to pass and repass to a newly created lot is a good question, and one he does not have an answer for. This will require further research.

Bruce Donati said that he had researched Mr. Kohlmorgen's current deed which does not have a metes and bounds description. He said the prior deed is a foreclosure deed (with no metes and bounds) and the deed before that shows a 50 foot ROW for the first 354 feet, and then a 25 foot ROW on the northerly portion.

Chairman Stenersen asked the applicant if he had met with Rick Donovan as it relates to fire and safety issues. He said that the Planning Board will need something in writing from Rick Donovan addressing his fire access requirements. Chairman Stenersen said that, while this Planning Board has not asked Mr. Kohlmorgen to rebuild the cul-de-sac, public safety accessibility and any potential issues must be addressed.

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Roberta Oeser said that the plan referenced utility poles on the new lot 7-4-2 that are for the benefit of lot 7-4-1. She said that the power company may not allow this anymore. Paul Grasewicz said that there would be an easement to address this.

Bruce Donati asked for a clarification of the measurements on the plan which referenced both 176.42 and 230.27 feet on the boundary line between the existing house and newly created lot. Paul Grasewicz said this was an editing error and would be fixed on the next plan.

Bruce Donati said there is an existing gravel drive that appears to be encroaching lot 7-4-2. Paul Grasewicz said this was a parking area. Chairman Stenersen said that if its use will be continued, they will need an easement. Paul Grasewicz said that they would discuss that. Vice Chair McCummings said that they may want to speak with Rick Donovan about it. Perhaps it was used by Public Safety?

Chairman Stenersen invited the public to offer any comments and questions.

Alison Heon who resides on Bancroft Road asked if there would be any easements for septic, sewer or wells. Rick Kohlmorgen said no.

Chairman Stenersen asked for additional comments from the Board or the Public. There were none.

Roberta Oeser asked Mr. Kohlmorgen who he used for title work and suggested that he seek information on the ROW situation.

**MOTION:** Roberta Oeser moved to continue this public hearing until August 6, 2013 at 7:00PM. Charlie Eicher seconded the motion. **Vote: 7-0-0**

b. **CONSIDERATION OF:** an application for a Minor Subdivision submitted by Richard P. Drew LLC on behalf of Daniel Ketola. The property is located at Tax Map 5, Lot 9-5-1, Abel and Bean Hill Roads. The applicant is seeking approval for a two lot subdivision.

*Chairman Kirk Stenersen recused himself from this case as for reasons he does not quite understand, he was noticed on this case.*

Vice Chair Kim McCummings invited Dick Drew to address the board on behalf of the property owner, Dan Ketola.

Dick Drew said that his client is seeking approval of a two lot subdivision of Tax Map 5 Lot 9-5-1 at Abel and Bean Hill Roads. Mr. Drew said that the subdivision road is still under construction and not ready for use at this time. The gravel is not in and the drainage is not complete.

Phil Simeone asked if the road had a name. Dick Drew said he did not know and that he is calling it Subdivision Road at this time. An audience member and Bruce Donati said that this road is called Gillis Lane.

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Vice Chair McCummings asked the secretary to retrieve the file for the subdivision when Tax Map 5, Lot 9-5-1 was created. She read parts of a memo from former planning director, Jane Pitt, which outlined Mr. Alan Choquette's original request for a 4 lot subdivision which was revised to a three lot subdivision.

Dick Drew said that Lot 9-5-1 consists of about 21 acres and what they are doing is taking about 6 acres from it to create the new lot which he has called 9-5-5 on this plan\*. The frontage for the new lot is entirely on subdivision road (i.e. Gillis Lane). Dick said that the total frontage you see on the existing lot 9-5-1 is the frontage accounted for only on the subdivision road. He said there is an additional 137 feet on the Able Road. Dick said that the half-moon shape on the plan is a 20 foot wide access easement. The reason for this is that the topography of the lot would create quite a bit of disturbance should this access be on its own lot. There would be less distance to travel and leave more woodland undisturbed with this approach.

Roberta Oeser said that she thought there could be no more subdivisions of this lot based on conditions placed on the earlier subdivision.

Dick Drew said that there is nothing at the Registry of Deeds saying that,- neither binding decision nor vote.

Phil Simeone asked Dick Drew about the access from Abel Road. Mr. Drew showed Mr. Simeone that access on the preliminary plan.

Roberta Oeser asked about the bond on the road and said that a subdivision could not be approved on a road unless the bond had been released.

Vice Chair McCummings asked the Board for any questions as to the completion of this application.

Hank Whitney said that he had done a review of this file using the subdivision checklist. He said he found everything to be in compliance with the exception of the lot numbering\*.

\*Kirk Stenersen (from the audience) read from the subdivision regulations as to the process for lot numbering. It was agreed that these proposed lots should be numbered 9-5-1-1 and 9-5-1-2.

**MOTION:** Roberta Oeser moved to accept this application as substantially complete. Phil Simeone seconded the motion. Vote 7-0-0

*Vice Chair Kim McCummings opened the Public Hearing.*

Dick Drew said that he has shown frontage, met area requirements, and is not sure why he cannot subdivide.

Roberta Oeser said that Mr. Drew is showing 250 feet of frontage but it is not access. Roberta Oeser said that more research needs to be done on this before a decision can be made.

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Kirk Stenersen (from the audience) said that he could provide some history as he was the engineer on the earlier subdivision. He said that multiple things had been proposed over the years, one of which was a request for a four lot subdivision. At that time, the Planning Board did not like the configuration, so Al Choquette cut it back to two lots to appease that board. Mr. Stenersen said that, in his opinion, Mr. Choquette could have obtained approval for a four lot subdivision but chose not to.

Sean Dwyer of 158 Able Road said that this piece of land has become a perennial hash. Many things have been proposed and rejected by the Planning Board. He said that a lot of this land is in wetland areas, it is a narrow access road that has become a wide trench that one could move a scud missile through. It ends in a ditch for one house, then the road banks off to the side and ends in a hill of sand for the other proposed house. Mr. Dwyer said, that in his opinion, it is far too close to the wetlands. He said there is very little land on which to build another road and this is a poorly located area for additional housing.

Steve Johnson of 162 Able Road said his memory of the prior subdivision application differs from Mr. Stenersen's recollection. He said it was pretty much unanimous that there should be no more than two house lots allowed on this land. He said it was agreed that the back side could not be worked on until the road became a class V road. He said that suggesting that we now come up this same road and put in another lot would be totally against what the Planning board had in mind in year's past. Mr. Johnson said he thought the Planning Board should come take a walk on this property to see what the conditions are at this time. Mr. Johnson said that another house lot should not be allowed.

Dick Drew said that, first of all, the road is not yet complete. He said that Dan Ketola had put in a plastic pipe so his wetlands crossing permit would not lapse. The rest of this road is still under construction. Mr. Drew said that as far as suitability for building, there is an area inside the setbacks and about 5 acres or more within the other setback with plenty of room for a house and a driveway.

Bruce Donati said that he would like to have further research done on this before moving forward, to have a better understanding of what has taken place. Vice Chair McCummings and Dick Drew agreed that more information was needed.

Vice Chair McCummings said that a site walk would be a good next step. Dick Drew said that he would like notice to arrange for a wetlands scientist to attend the site walk.

After a brief discussion, August 6<sup>th</sup> was agreed upon as a date that would work for all parties.

**MOTION:** Roberta Oeser moved to continue this Public Hearing until 5:30PM on August 6, 2013 at the site. Hank Whitney seconded the motion. Vote: 6-0-0

Steve Johnson asked if he could attend this site walk. Vice Chair McCummings told him this would be fine as this is a Public Hearing process. Dick Drew said he would meet the Planning Board at the site.

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*Chairman Stenersen returned to the table.*

c. **CONSIDERATION OF** Notice of Voluntary Merger, ((RSA 674:39-a) Map 5 Lots 19-1 and 18, submitted by David and Judylee Quimby.

**MOTION:** Roberta Oeser moved to approve this Voluntary Merger. Kim McCummings seconded the motion. Vote: 7-0-0

*Chairman Stenersen recused himself from this case.*

d. **CONCEPTUAL DISCUSSION:** Kirk Stenersen, on behalf of Sam Seppala of 285 Middle Winchendon Road, Rindge, NH, on a possible consolidation and subdivision of Tax Map 6 Lots 52-3 and 52-6 located between Middle Winchendon Road and Lord Brook Road.

Vice Chair Kim McCummings invited Kirk Stenersen to address the Board.

Kirk Stenersen of Higher Design, LLC is representing Sam Seppala. Mr. Stenersen said that Lot 52-6 has frontage on Lord Brook Road, Lot 52-3 has frontage on Middle Winchendon Road. He said that Mr. Seppala wants to consolidate the two lots (25 acres) and create a PURD. He said that based on his preliminary calculations, there could be 11 or 12 units/proposed lots.

Roberta Oeser asked where this was located. Mr. Stenersen said “Windswept Acres”. He said there was once a house on this property as well as a barn and swimming pool but that it has been torn down.

Mr. Stenersen said that what Sam Seppala would like to do would be to utilize the existing road and extend it out to create a cul de sac. He would do this rather than create a sweeping curve, going through stone walls, and disturbing large areas to create a new road. The current road is in excellent condition. Mr. Stenersen said that Mike Cloutier has seen this and has no issues with its current design. The current road is 20 foot wide, a paved road. Mike would like the inside corner to be flattened out and he would like the applicant to use the Soils Inspector that the town uses to verify information.

Mr. Stenersen is here this evening to get some input from the Planning Board on this conceptual design.

Vice Chair Kim McCummings suggested that the applicant check with Rick Donovan for his input on this design.

Hank Whitney asked if this would have to be a 25 foot road. Mr. Stenersen said no. Hank Whitney said this road looked to be in pretty good shape.

Vice Chair McCummings asked what roads would be used for access. Kirk Stenersen said that would have to be researched and addressed at a later date.

Hank Whitney said that whatever Rick Donovan and Mike Cloutier would require, that is what the Planning Board will require.

**5. Work Meeting**

a. Letter from Mike Cloutier re: Ernie Kirslis

Mike Cloutier has asked Mr. Kirslis to come into the office to fill out an application for a driveway permit. This is an existing driveway but Mike discovered that the records were incomplete and asked that this be done by Mr. Kirslis as a courtesy to the Town of Rindge to update our files. He asked that the fee be waived.

**MOTION:** Phil Simeone moved to waive the fee for driveway permit for Ernie Kirslis Kim McCummings seconded the motion. Vote: 7-0-0

b. Performance Management Process Update - Planning Secretary/ Planning Director Job Descriptions.

Chairman Stenersen said he would like Carlotta Lilback Pini to provide the Planning Dept. with a marked up copy of the changes that have been made from the original job descriptions to this new version so that it is easier to see what has been changed.

c. Letter from Steve Pelkey, Atlas Firewords as it pertains to Dave Duvernay's letter regarding prohibited signs.

Hank Whitney said that the Planning Board should send a memo or letter to Mr. Pelkey stating that while we understand his concerns, perhaps Dave Duvernay is correct. Mr. Whitney suggested including a copy of our ordinance for Mr. Pelkey.

**MOTION:** Roberta Oeser moved that vertical flapping signs and flag type signs displayed at Atlas Fireworks and JP Stephens are prohibited signs under the Town of Rindge Sign Ordinance. Phil Simeone seconds the motion. Vote: 7-0-0

d. **DISCUSSION:**

Planning Director Position-applications are in and Kirk and Kim will begin the review process.

e. **DISTRIBUTION:**

The Planning Board members received a hand-out on Impact Fees to be discussed at 8/6/13 meeting

f. **CPG Steering Committee meeting:** Kirk Stenersen said that Roger Hawk would like to meet with the Steering Committee for an update and feedback. It was agreed to tentatively plan this for July 25, 2013, Thursday night.

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Adjourned at 9:30 pm

Respectfully submitted,

Susan Hoyland  
Planning Secretary