

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
July 17, 2012**

DATE: July 17, 2012 **TYPE:** Planning Board Meeting **APPROVED:** August 7, 2012
TIME: 7:00 pm –9:00 pm
CALL TO ORDER: 7:00 pm
ROLL CALL MEMBERS: Chairman Kirk Stenersen, Vice Chairman Kim McCummings, Mike Quinlan, Phil Simeone, Hank Whitney, David Tower,
ROLL CALL ALTERNATES: Burt Goodrich, Charlie Eicher
EX OFFICIO: Roberta Oeser
PLANNING DIRECTOR: Matt Henry
APPOINTMENT OF ALTERNATES: Burt Goodrich
OTHERS PRESENT: Mike Kundert, Jean Kundert, Susan Casey, Dennis Casey, Randall Burt, Paul Grasewicz, Jim Qualey,

CALL TO ORDER:

Chairman Stenersen called the meeting to order at 7:00pm. Burt Goodrich was seated for Dave Tower.

ANNOUNCEMENTS

APPROVAL OF MINUTES

1) July 3, 2012

The following corrections to the minutes were made:

- Change “going” to “doing” on page 1.

Motion: Roberta Oeser moved to “approve the meeting minutes of July 3, 2012”. Phil Simeone seconded the motion. Vote: 4-0-1

OLD BUSINESS

1. **CONSIDERATION** of a minor Site Plan Review for a change of use submitted by Mike Kundert to convert existing restaurant to a retail facility at Map 2 Lot 60-1. If accepted as complete, a Public Hearing will follow or be scheduled.

Matt Henry said that the application was a simple change of use that included no new construction or impervious surface area. Therefore, requiring the applicant to provide grades, drainage, contour intervals, and soils data would be irrelevant in this case.

Motion: Roberta Oeser moved to “accept the application as complete”. Mike Quinlan seconded the motion. Vote: 7-0-0

Motion: Roberta Oeser moved to “grant the following waivers:

- 1) **Section V, 2.B.2 – Requiring grades, drainage, and contour intervals**
- 2) **Section C, 3.C – soils data”.**

Phil Simeone seconded the motion. Vote: 7-0-0

Chairman Stenersen opened the public hearing.

Matt Henry explained that the lot was subdivided about a year and a half ago. There is a common driveway easement to benefit the lot that was created. There is more than enough parking where it exists and overflow parking in the rear. He is recommending that a condition be added to the approval that states that traffic circulation shall not enter into Map 2 Lot 60-1-1 without an easement of some sort registered with Cheshire county.

Burt Goodrich stated that the only issue that he sees with the application is the existing travel encroaching on the abutting property and if the property is sold in the future, it could become a future dispute. Mike Kundert said that there would be some sort of agreement should he sell in the future, but for now he would like to see a statement added that an easement should only be necessary if the two properties are not under the same ownership.

Chairman Stenersen closed the public hearing.

Motion: Hank Whitney moved to “approve the application with the following conditions:

- 1) **Any condition placed on other governmental entities shall be considered a condition of this approval.**
- 2) **Traffic circulation from the overflow parking area for this retail facility shall not cross into Map 2 Lot 60-1-1 if the two lots are not in the same ownership unless an easement or other legal agreement is entered into and registered with Cheshire County Registry of Deeds. ”**

Roberta Oeser seconded the motion. Vote: 7-0-0

2. **CONSIDERATION** of an application for a Major Subdivision submitted by GRAZ engineering, on behalf of Randolph Burt, to subdivide approximately 68 acres (Tax Map 9 Lot 13) into seven lots of various sizes. If accepted as complete, a Public Hearing will follow or be scheduled.

Matt Henry explained that the applicant has provided information that necessary to make an informed decision. They are requesting a waiver from requiring 2 foot contour intervals for the entire site and requiring a full drainage report. The applicant has provided two foot contour intervals where they are relevant, for the driveways, and drainage calculations showing a 1 inch increase Taggart Meadow pond for a 50 year storm to justify not requiring a full drainage report.

Chairman Stenersen said that he thought the 1 inch increase in water level was very cautious. By his estimation there would not be a one inch water level rise for a 50 year storm. Phil Simeone asked how many culverts there were along that property. Paul Grasewicz said that there were four culverts spread out along the entire frontage of the existing property.

Roberta Oeser asked how drainage would be impacted if somebody wanted to clear the entire 68 acre parcel. Matt Henry said that if they disturb a more than a certain threshold they would need to pull an Alteration of Terrain permit. Chairman Stenersen said that he remembers the threshold as 100,000 sq. ft.

Motion: Mike Quinlan moved to “accept the application as complete and grant the following waivers:

- 1) Section V, 2.B.2 – Requiring 2 foot contour intervals for the entire site**
- 2) Section C, 3.C – Requiring a full drainage report”.**

Phil Simeone seconded the motion. Vote: 7-0-0

Chairman Stenersen opened the public hearing

Paul Grasewicz began by explaining the particulars of the application. It is a subdivision that would be creating 6 additional lots. He went over acreage, topography, wetlands, and soils. He said that NHDES has approved the lots that were less than 5 acres and they are still awaiting a NHDOT driveway permit.

Paul Grasewicz explained the placement of septic systems and the frontage requirements that the lots meet. He said that they abide by the wetlands overlay district and meet all of those applicable setbacks. He explained that access to Map 9 Lot 13-3 is accessed via Bemis Tavern Road which is a Class VI highway. The driveway will then be constructed off of Bemis Tavern Road. Map 9 Lot 13-2 also has a Class VI road with about 900 ft. of frontage. Paul Grasewicz said that this proposal has minimal curb cuts and the houses will inevitably be built setback quite a bit due to the nature of the land.

Roberta Oeser asked if Elm Road was used for access. Paul Grasewicz said it is currently used for access but turns into a Class A trail beyond the property line. There was a general discussion regarding specifics of a Class A trail.

Paul Grasewicz said that he was aware that Selectmen need to approve building on a Class VI road at the time the building permit is issued but it has been past practice to allow it. Matt Henry said that he is recommending that language be added to the decision that spells out what is required regarding approval via a Class VI road so the town is upfront with the owner of the property when they decide to build.

Matt Henry explained that condition #16 was at the request of the Conservation Commission. They are concerned that filling an existing divot to construct a driveway will cause water backup into the isolated wetland. The Town of Rindge does not consider that isolated wetland as such because it is less than 3,000 sq. ft. Phil Simeone said that the Conservation Commission’s concern is that it will cause the wetland to enlarge if the path is filled in.

Paul Grasewicz said that the current water drains into the ground but a large storm could cause additional drainage so adding a culvert could be reasonable to protect against larger storms runoff. Phil Simeone asked about septic setback. Paul Grasewicz said that the setback is placed 75 + feet from the wetland.

Hank Whitney said that adding the culvert would not increase the flow but simply protect it from increasing flow.

Chairman Stenersen asked if there were members of the public who wished to speak. The following members of the public expressed their questions and concerns:

Dennis Casey said that he is concerned that the wetlands on Map 9 Lot 13-8 is a vernal pool. He asked Paul Gracewicz if there was currently standing water at that location. Mr. Gracewicz responded that the location is damp and there is no standing water. Dennis Casey also said that he is concerned with the slope of the property and the possibility of debris accumulating and becoming a "stump dump". Susan Casey said that she is sure that the wetland is a vernal pool and there is only one real location a home could be built due to where the septic is proposed as well as the wetlands located there.

Jim Qualey said that he owns parts of Taggart Meadows Pond and asked for clarification of a 50 year storm. Paul Grasewicz said that a fifty year storm has the chance of occurring once every 50 years and there would be a one inch water level rise in that event following all lots being built out.

There was additional discussions with regard to water levels. Paul Grasewicz said that on smaller lots, detention ponds and sophisticated drainage would be necessary. However, for the sale of single lots such as this where we do not know where/how homes are going to be built it would be unreasonable to require them. Matt Henry said that the Conservation Commission asked where the homes would go but the town does not regulate placement beyond setbacks from roads, lot lines, and wetlands so drainage calculations are made with a lot of assumptions.

The Planning Board discussed the following possible conditions:

Regarding Class VI Roads (Bemis Tavern Road & Elm Road):

- 1) Approval of this subdivision in no way constitutes an approval of any portion of Class VI roadway as a Class V roadway, nor does it obligate the Town to maintain any portion of the Class VI roadway, including snow plowing, grading, or drainage nor does the Town assume any liability for any damages resulting from the use of said road(s).
- 2) In accordance with Vachon V. Town of New Durham, approval of this subdivision in no way guarantees the issuance of a building permit for Map 9 Lot 13-3 or Map 9 Lot 13-2 if accessed via the Class VI road.
- 3) Prior to the issuance of a building permit for homes accessed via Class VI roadways, it may be necessary for Bemis Tavern Road and/or Elm Road, or a portion thereof, to be reconstructed to Town specifications. This shall be a decision of the Board of Selectmen at the time the building permit is issued. Any expense therefore shall be the responsibility of the subdivider or any successor(s) in title for said lots.

- 4) In accordance with RSA 674:41 I (C), prior to the issuance of a Building Permit to develop Map 9 Lot 13-3, the applicant shall:
 - a. Be issued a class VI road waiver from the Board of Selectmen. Such a waiver shall state that future owners shall be responsible for maintaining respective sections of road, including winter plowing, grading, and drainage.
 - b. Submit as part of the Building Permit application, a notarized letter stating that the municipality assumes no responsibility for road maintenance, nor liability for any damages arising out of road use.
 - c. Record with the Cheshire County Registry of Deeds a notice that limits responsibility & liability on behalf of the municipality. This document shall be reviewed & approved by the town attorney prior to being registered and costs associated with review shall be borne to the applicant.
 - d. The Board of Selectmen, after review and comment by the Planning Board, shall specifically permit building along the Class VI road.

Regarding general intentions and governmental requirements:

- 5) It shall be the duty of every seller of this land to so inform the potential buyer of any lot of these restrictions prior to the buyer making any binding commitment to purchase said lot.
- 6) ~~This subdivision is intended for the sale of single residential lots.~~
- 7) Prior, during, and after recording the final plat, the applicant shall be made aware that any conditions placed on this subdivision through other governmental or permitting agencies are hereby included as a component of this approval.
- 8) Prior to recording the final plat, the property corners of all lots shall be set.
- 9) Prior to recording the final plat, the applicant shall obtain all applicable governmental permits which may include, but is not limited to the following:
 - a. NHDES approval of septic system (s) or subdivision approval
 - b. NHDES approval for Site Specific, wetlands or other applicable permits
 - c. NHDOT approval of access to a state road.
 - d. USEPA – NPDES construction permit as may be applicable.

- 10) This subdivision is subject to the Town of Rindge Impact Fee Ordinance. Impact Fees shall be collected prior to the issuance of a Certificate of Occupancy.
- 11) This subdivision is subject to the Town of Rindge Phased Development Ordinance. ~~The following schedule shall apply for the issuance of the building permits:~~
 - ~~2013—3 lots~~
 - ~~2014—3 lots~~

Regarding the shared driveways:

- 12) Prior to recording the plat, the driveway easements shall be submitted to the Town of Rindge. This is intended to ensure there is an adequate maintenance plan in place so the health, safety & general welfare of the buyer will not be compromised.
- 13) Prior to recording the plat, a note shall be added stating that the shared driveways are not intended for public use and there is no intention to petition the town to accept them in the future. This is intended to assist the Town of Rindge making an informed decision regarding its acceptance should a resident petition for acceptance in the future.
- 14) All shared driveways (and homes) noted on the subdivision plans shall conform to the recommendations of the NH Enhanced 911 naming & numbering system as managed by the Rindge Fire Chief.
- 15) Prior to recording the final plan, a note shall be added stating that Common Driveway #2 will be pitched in a manner to direct any runoff away from both the isolated wetland on Map 9 Lot 13-6 and the wetland located on Map 9 Lot 13-8.
- 16) A culvert shall be added to common drive #2. This is intended to divert runoff where it feeds into the existing culvert running underneath NH RT 119.

Chairman Stenersen said that he feels condition #6 should be eliminated because the “intention” could later be interpreted to mean that the property could not be further subdivided in the future. He also said condition #11 should be altered to be less specific. (Changes noted with a ~~strike through~~). He said that he feels condition #11 should simply state that the subdivision is subject to the Phased Development Ordinance. Matt Henry said that the reason for condition #6 is because the drainage waiver was granted under that assumption so it helps explain why the waiver was granted. Matt Henry said that if infrastructure was added in the future the applicant would have to come back in anyway so he does not see any issues with eliminating it. The Planning Board agreed to make Chairman Stenersen’s proposed changes to the conditions.

Motion: Mike Quinlan moved to “approve the application with the aforementioned conditions with the elimination of condition #6, the change to condition #11, and the addition of the Conservation Commissions culvert recommendation. Roberta Oeser seconded the motion. Vote: 7-0-0

NEW BUSINESS

Dave Tower was seated and Burt Goodrich returned to alternate status.

1) DISCUSSION: Community Planning Grant

Matt Henry announced the community planning grant award of approximately \$8,000 to conduct a regulatory review to analyze whether our current zoning complements our town Master Plan, REDI, and the Plan NH Charette. The larger grant for the neighborhood heritage district was denied since the application called for guidelines as opposed to regulations. The panel conducting the interview felt that it did not meet the grant’s intentions by producing a “regulatory result”. What is beneficial about obtaining the regulatory review grant is that it awards priority status points for round 2 (2013).

The Planning Board discussed the award of the community planning grant. The Planning Board decided to not offer SWRPC the contract but reach out to them in case they wished to submit their RFQ. Kim McCummings said that if they offer the RFQ to everyone, they will get the best result and SWRPC is welcome to be in the competition. Matt Henry distributed a copy of the RFQ for the Board to review.

2) DISCUSSION: Hawk Associates Progress Report

The Planning Board reviewed the progress report from Hawk associates. They agreed that they are going in the correct direction. The Planning Board also reviewed the previous TIF map and agreed it should extend to West Ringe and mountain road as the Charette calls for. They are hoping Hawk Associates would provide some input on this when they complete that aspect of the contract. They also agreed that a joint meeting between the Economic Development Task Force and the Planning Board should be scheduled when their work is complete this fall.

PLANNING DIRECTOR REPORT

Matt Henry briefed the Planning Board on the following:

- 1) Subcommittee meeting times and their progress.
- 2) Candice Starret’s interest in the Economic Development Task Force. Burt Goodrich has been elected chairman. Burt Goodrich and Matt Henry met with her to ask her to join. She agreed to be a part of it and was on the Planning Boards “short list”.

Motion: Kim McCummings moved to “appoint Candice Starrett to the Economic Development Task Force as the Planning Board’s appointed citizen representative.” Phil Simeone seconded the motion. Vote: 7-0-0

Burt Goodrich explained that the Task Force will meet monthly and has agreed on the charge that the Selectmen and Planning Board has tasked them with. Their first step will be to prioritize the action items so they tackle a few items at a time.

- 3) The Planning Secretary search. Interviews will be held the week of July 30.
- 4) The Rt. 119/202 streetlight discussion with NHDOT. Charlie Eicher said that NHDOT seemed to indicate that all lights that met the criteria passed down by the commissioner will be shut off and unless there was a vehicular safety concern. They now rely on headlights for illumination.
- 5) DOT has indicated that if Rindge was to add landscaping at the Rt. 119/202 intersection we would need to draft a plan and take over maintenance of the islands. Matt Henry said that it could be one of the “easy” achievements that could beautify the area and build public support.
- 6) SWRPC charges traffic data in 6 hour blocks:
 - a. Weekday: \$417.85
 - b. Weekend: \$567.85
- 7) The selectmen have been discussing obtaining a free modular unit for the police/fire stations. The Planning Board expressed aesthetic concerns regarding adding a mobile structure in our town center. Matt Henry said that he has stated his desire for the selectmen to undergo Site Plan Review as a courtesy since there are design concerns if this is to happen. The Planning Board asked Matt Henry to draft a letter stating their concerns to the Board of Selectmen.
- 8) Master Plan public hearing to adopt the Charette is scheduled for August 7, 2012.
- 9) Meeting with NHDOT Planning & Community Assistance is scheduled for next week. They will discuss some funding sources for 119/202 redesigns and what needs to happen procedurally.

ADJOURNMENT

The meeting was adjourned at 9:00pm.

NEXT MEETING

August 7, 2012

Respectfully submitted,

Matt Henry
Planning Director