

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
June 21, 2005**

DATE: June 21, 2005 TYPE: Public Hearing DATE APPROVED: July 7, 2005

TIME: 7:00- PM. James Hoard

CALL TO ORDER, at 7:00 PM

ROLL CALL: James Hoard, Dr. Gerald Parker, David Tower, Arthur Fiorelli, Keith Halloran, Tom Coneys, Roberta Oeser, Dick Isakson, Robyn Payson, Jo Anne Carr

APPOINTMENT OF ALTERNATES: Tom Coneys for Craig Cypret. Dick Isakson for Roberta Oeser (excused following the Matthew and Tracy Despres Minor Subdivisions/Technical Subdivision). Robyn Payson for Dave Tower (excused from the remainder of the meeting following the Franklin Pierce College Major Site Plan).

OLD BUSINESS

Review of Meeting Minutes

- Minutes 06/7/05 Public Hearing, Motion to accept Roberta Oeser Art Fiorelli 2nd approved unanimously with minor corrections.

Announcements-

Jo Anne shared with the Board information she had regarding a meeting with the Selectmen regarding the Navian Development Phase 10 project on Sonja Drive. The Selectmen discussed the issue of the approved Site Plan amendment which moved the easement from the location of the wetlands crossing approved by D.E.S and the Conservation Commission to the front of the property.

Town counsel was consulted via telephone and submitted a letter to the Selectmen and which Jo Anne read. Town counsel stated that by amending to plan to conform to zoning, the plan is now inconsistent with what the developer told DES they were going to do. At this time the developer has the legal right to locate the right of way only as shown only on the plan submitted to D.E.S. at the wetlands crossing. Navian needs to either acquire a different wetlands crossing permit or a setback variance for the office building setback. Based on that D.E.S. approval the right of way road is located in a particular place and the Developer needs a variance for the building.

Roberta Oeser was of the opinion Navian Development and Phase 10 did not require a wetlands crossing. Dick Isakson asked what this issue had with what was approved. Jo Anne said that approving the relocation of the easement, in a place not approved by the state or by conservation makes that aspect of the project not legal. It needs to be resolved whether the road will go with the easement or there is a re-design and they go back to D.E.S. Dick Isakson asked what the Planning Board had to do. Jo Anne replied that the Planning Board did not have to act, and this was just a status report.

Discussion of filling current Planning Board Vacancy

Due to the lack of a full board in attendance, James Hoard suggested the Board table the discussion regarding filling the vacancy left by Katie Duffy's resignation until the next meeting. Roberta Oeser made a motion to table discussion until July 5, Dr. Parker 2nd The motion was passed unanimously.

NEW BUSINESS

2 Technical Subdivisions/Minor Subdivision

Technical Subdivisions

Map 49 Lots 8, 9, 13, 16, & 17 and Map 49 Lot 12 and Map 49 Lot 12 and Map 46 Lot 38-2

Minor Subdivision

Map 46 Lot 38-2

Matthew and Tracy Ann Despres

Technical Subdivision – Map 49 Lots 8, 9,13, 16 & 17 and Map 49 Lot 12 and Map 49 Lot 12 and Map 46 Lot 38-2; Matthew and Tracy Ann Despres on Contoocook Lake Avenue (formerly Cross Road).

This application of the Matthew and Tracy Ann Depres for two (2) Technical Subdivisions affecting eight (8) lots in total. These are located northerly of Contoocook Lake Avenue (formerly Cross Road) in the Residential District. This case was originally approved by the Planning Board on April 1, 2003, and subsequently appealed by neighbors. Town Counsel has recommended that the proposed lot line adjustments address neighbor concerns.

Minor Subdivision – Map 46, Lot 38-2; Matthew and Tracy Ann Depres on Contoocook Lake Avenue. The minor subdivision is based on prior Planning Board approvals, although one new lot will not have frontage on a public way. Town Counsel has recommended that this minor subdivision does not present further legal problems.

JR Davis, Legal representative to the Despres' and Tom Hannah legal representative of the Walsh's presented a summary of the technical subdivisions, changes in lot areas, and a plan illustrating the case history for the Board.

Abutter, Mr. Hodges of 32 Kawl Rd. expressed concern about future development on the new building lot across the street from him. He asked if there were some way to ensure the driveway of any home built on the lot across from him not be located in such a place that headlights would shine into his home. The board decided that the best way to do this was to add driveway location to the conditions of approval.

Dave Tower made a motion to accept the application Art Fiorelli 2nd the entire application was accepted unanimously.

Dave Tower made a motion to accept the application with the following conditions:

1. Subject to the provision that Revised Map 49 Lot 12, Revised Map 46 Lot 38-2 and Proposed Map 46 Lot 38-3 (as shown on the aforesaid plan) will not be further subdivided in order to create more than a total of 3 building lots; provided however provided however, the size and exact bounds of Revised Lot 12, Revised Lot 38-2 and Proposed Lot 38-3 may be changed in the future via technical subdivision (subject to Planning Board approval) so long as not more than three dwelling units are located on the area currently constituting Revised Lot 12, Revised Lot 38-2 ad Proposed Lot 38-3.

2. The driveway on Lot 38-2 along Kawl Road is to be located at least 50' in either direction away from the existing driveway serving Map 49 Lot 20-2.

Roberta Oeser 2nd. The Plan was approved unanimously.

Any dwellings constructed on these building lots will be subject to the Impact Fee.

Application for Major Site Plan:-Parking Lot

Map 10 Lot 17 Mountain Rd.

Franklin Pierce College

Jeff Kevan of TF Moran presented a new plan for the parking lot, eliminating the retaining walls, reducing the amount of paving area and reducing the number of parking spaces from 100 to 70. Mr Kevan contended that the drainage would not be affected. Jo Anne said that there was a Dredge and Fill permit necessary, the plan presented was new and was not submitted prior to the hearing. Jo Anne added that the paving within 50' of the wetland would require a variance from the Board of adjustment. This matter was continued until July 19, 2005.

Dave Tower is excused from the meeting. Robyn Payson appointed as his alternate.

CONTINUANCES

Major Subdivision-Continuance

Map 3 Lot 72, East Monomonac Rd.

ATA Construction

Craig Francisco from Bedford Designs presented the current plan and reviewed the results of the report from Sanford Engineering following their review of the "Enviro-Septic" systems and the wetland delineation. Sanford Engineering stated that the wetlands delineation was accurate and construction activities were well away from the wetland areas. "The Enviro-Septic" system designs meet or exceed the town and state geometrical constraints relative to wetlands and other setbacks. Sanford Engineering summarized by saying that based on their observations the septic systems should not pose a health threat to the lake if built according to design. They recommended that the town and the developer create a voluntary no fertilizer / no grass clipping or leaf dumping zone (25') adjacent to open water and wetland area.

Art Fiorelli stated that he was disappointed that the surface water, he had been asking to see was still not shown on the map. He suggested water quality sampling during construction and for three years following as a condition for approval. The Board disagreed with the full extent of the testing but considered the idea of testing during construction. Dick Isakson was concerned about the precedent this would set.

Art made a motion for testing the water at a single location near the development during construction. The motion was not seconded.

Dr Parker made a motion to approve the plan and asked for any conditions the board may want to impose. Tom Coneys suggested a 25' zone be delineated to protect the lake as recommended by Sanford. It was pointed out that this issue was already addressed in the Town Wetland Ordinance but Mr. Aho was agreeable to note it on the plan to be sure that residents of the development were informed. Dick Isakson 2nd. The plan was approved unanimously.

Art Fiorelli made a motion to adjourn, Tom Coneys 2nd.
Meeting Adjourned 9:30 pm

NEXT MEETING

July 5, 2005

Respectfully submitted,
Robyn Payson