

**PLANNING BOARD  
RINDGE, NEW HAMPSHIRE  
August 7, 2007**

**DATE: August 7, 2007      TYPE: Public Hearing      DATE APPROVED: Sept 4, 2007**

**TIME: 7:00 PM-12:00 AM      CHAIR Kim McCummings**

**CALL TO ORDER, at 7:00 PM**

**ROLL CALL MEMBERS:** Kim McCummings, Deb Sawyer, James Hoard, John Vorfeld, Roberta Oeser

**ROLL CALL ALTERNATES:** Keith Halloran, Art Fiorelli,

**EX OFFICIO** Patricia Lang Barry

**PLANNING ASSISTANT:** Robyn Payson

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**ALTERNATES Seated:** Art Fiorelli for Dave Tower

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**Also Present:** Jo Anne Carr of South West Regional Planning

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Kim McCummings opened the meeting at 7:00pm.

**Announcements**

Kim announced that the contract with Southwest Regional Planning lapsed at the end of July. Tim Murphy has agreed to extend the contract one more month. Jo Anne will be coming in to the office one day a week during that time.

**Committee Updates**

**Agriculture Committee**

Keith announced the upcoming meeting to be held on August 9, he also stated that he will be stepping down from that committee, leaving a vacancy on the Agriculture Committee for another Planning Board Member.

**OLD BUSINESS**

**Review minutes June 5, 2007** Roberta Oeser made a motion to approve the minutes Pat Barry seconded. The motion carried unanimously.

**Review minutes June 12, 2007** James Hoard made a motion to approve the minutes, Pat Barry seconded. The motion carried unanimously.

**Application Review**

**E-mails**

E-mails regarding the Aquifer Protection District were exchanged between members of the Planning Board. These are filed with the minutes

**Other issues**

Kim questioned whether Roberta should consider recusing herself on the Minor Site Plan of Tim Halliday, because she had on a prior case. Roberta said that she had a financial interest in the case she had recused herself from, but she had no financial interest in Mr. Halliday's current case before the board.

**Minor Site Plan**  
**Map 3 Lot 4-7 Dolly Ln. and Route 202**  
**Tim Halliday**

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Sitting on this case: Kim McCummings, Deb Sawyer, James Hoard, John Vorfeld, Roberta Oeser, Pat Barry, Art Fiorelli for Dave Tower

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Robyn read the plan review written by Jo Anne Carr. Jo Anne reviewed the history of the mapping of the Aquifer Protection District. Roberta Oeser said that the only Aquifer Protection District map that is relevant is the one presented to the voters when the ordinance was adopted in 1991. Art Fiorelli said that it states in the ordinance that if there is any question as to whether or not a property was located in the Aquifer Protection District, the Planning Board or the applicant had a right to engage a geologist to make that determination.

Mr. Halliday's attorney, Silas Little said that the Board had three alternatives,

1. Accept the application based on the 1991 Aquifer Map.
2. Ask the applicant go through the process to determine geologically if the property is in the Aquifer Protection District.
3. The applicant can apply for a conditional use permit.

Keith Halloran asked if the Town specifically adopted a map or an ordinance. He said that the intent of the ordinance is to protect the aquifers.

Pat Barry said that the language of the ordinance provided for questioning the boundaries of the Aquifer Protection District. She asked Mr. Halliday what the easiest solution would be for Mr. Halliday.

Mr. Halliday said that obtaining a conditional use permit would be the simplest course of action for him.

Kim suggested Tim meet with the Planning Office prior to the hearing in order to expedite matters.

Art Fiorelli made a motion that the portion of Map 3 Lot 4-7 that is to the west of old US RTE 202, based on the most recent USGS data pertaining to the outline of Aquifers in the Town of Rindge, and as incorporated in the Water Resources and Protection Plan of Rindge NH 2002 is in the Aquifer Protection District. Pat Barry seconded, motion carried 5-2 with Roberta Oeser and James Hoard voting No.

Roberta Oeser said that the map referred to in the Water Resources Plan is the 1991 Aquifer Map that does not show the Halliday property located in the Aquifer Protection District. The Ordinance does not refer to the map as modified. Roberta said that there should have been a change to the Ordinance voted on at Town Meeting that would allow for periodic changes to the map.

Attorney Silas Little stated that he and his client would not contest that the property was located in the Aquifer Protection District based on the 2002 Water Resources and Protection Plan. He will use re-grind and the catch basin control system that was suggested for those parking areas in the Aquifer Protection District.

Art Fiorelli said that he had other concerns with this application.

1. The plan has an engineers stamp showing on it when there have been changes to the engineered plan.
2. There is no definition of Minor Site Plan in the regulations-all he could find was discussing expedited review when there were no significant site impacts. It was his opinion that this plan included significant impacts, which included the Aquifer Protection District.
3. There are no dimensions on the plan.

Mr. Halliday was asked to put dimensions of the parking areas on the plan.

Pat Barry made a motion to accept the application, John Vorfeld seconded. The application was accepted unanimously.

This matter is continued to September 4<sup>th</sup>, 2007.

**Major Subdivision -  
Map 5 Lot 4 Abel Rd/Whicker Drive  
Matt Sauvola**

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Sitting on this case: Kim McCummings, Deb Sawyer, James Hoard, John Vorfeld, Roberta Oeser, Pat Barry, Keith Halloran for Dave Tower

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Kirk Stenersen reviewed the plan first presented June 5<sup>th</sup> 2007. The Special Exception Mr. Stenersen needed for the proposed dredge and fill was granted by the ZBA July 24, 2007, the Dredge and Fill application has since been submitted to DES. This property is located in the Aquifer Protection District, and that fact is indicated on the plan. This plan complies with the Aquifer Protection District Ordinance.

Pending Permits Include:

- DES Dredge and Fill
- Subdivision and
- Septic

James Hoard made a motion to accept the application, Keith Halloran seconded. The motion carried unanimously.

Art Fiorelli asked how the Tarbell watershed was going to be protected from run-off during and after construction. Mr. Stenersen said that there would be appropriate silt fencing and hay bales to prevent run off during construction and the builders would adhere to the Wetlands Ordinance..

John Vorfeld asked if the Planning Office has received any opinion or response from the Conservation Commission regarding the Tarbell Watershed.

As of this hearing, specific response has not been received by the Conservation Commission or the Road Committee.

Jo Anne suggested that any recommendations made by the Conservation Commission should be noted on the final Mylar copy of the plan to ensure that the when the Building Permit is applied for, Building Department and Code Enforcement will be aware of lots where additional protection measures are necessary.

The road is an expansion of the current “Whicker Drive“ and will be a 20ft wide gravel road with four foot shoulders on each side. This project will be named “Tarbell Estates” and the road will be named “Delton Drive”.

There was discussion of the necessity of the road being that wide. Mr. Stenersen said that it was to allow for future planning possibilities.

The Board decided that specific questions would be asked of the Conservation Commission, and the Road Committee in preparation for the meeting of September 4, 2007. Until feedback has been received the Board did not feel that they could recommend third party review.

Mr. Stenersen asked if the Board would decide if there were to be third party reviews now, so not to hold up the process.

Following discussion, they decided that they could not decide whether to send this project out for third party review until input was received from the Conservation Commission and Roadway Committee.

Keith Halloran made a motion to continue this matter to September 4, 2007 Pat Barry seconded motion carried with James Hoard voting No.

### **Major Subdivision**

#### **Map 11 Lots 36-1 & 36-2 Cathedral Rd.**

#### **Phillip Stenersen**

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Sitting on this case: Kim McCummings, Deb Sawyer, James Hoard, John Vorfeld, Roberta Oeser, Pat Barry, Keith Halloran for Dave Tower

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Kirk Stenersen made a statement regarding Art Fiorelli recusing himself. Art then responded. Abutter Cindy Sands said that the Planning Board had stated that they would determine through discussion whether or not this Planned Unit Residential Development was in the “spirit” of the ordinance.

The Planning Board went through each of the PURD objectives and voted on each one individually.

- A.** Preserve the natural beauty of existing rural roads, topography, and wooded areas, and to provide usable open space and recreation facilities in close proximity to dwelling units.

Vote as follows, Deb Sawyer –Yes, James Hoard-Yes Roberta Oeser-Yes Keith Halloran-No, Kim McCummings-No, John Vorfeld-No, Pat Barry Abstained. **Result-3 in favor 3 against 1 abstention.**

- B.** Encourage a less sprawling form of development which makes more efficient use of land requires shorter networks of streets and utilities and fosters less consumption of rural and/or agricultural land;

Vote as follows, Deb Sawyer –Yes, James Hoard-Yes Roberta Oeser-Yes Pat Barry-Yes, Keith Halloran-No, Kim McCummings-No, John Vorfeld-Abstained. **Result-4 in favor, 2 against 1 abstention.**

- C. Provided an efficient procedure which can insure appropriate, high quality design and site planning, and a high level of environmental amenities;

Vote as follows-Deb Sawyer –Abstain, James Hoard-Yes Roberta Oeser-Abstain Pat Barry-No, Keith Halloran-No, Kim McCummings-No, John Vorfeld-No. **Result-1 in favor, 4 against 2 abstention.**

- D. Avoid development of portions of sites which have poor soil conditions, high water tables, are subject to flooding, or have excessive steep slopes;

Vote as follows-Deb Sawyer –Yes, James Hoard-Yes Roberta Oeser-Yes Pat Barry-Yes, Keith Halloran-No, Kim McCummings-No, John -No. **Result-4 in favor, 3 against 0 abstention.**

- E. Provide a variety of housing opportunities for a wide range of ages and need.

Vote as follows-Deb Sawyer –Abstain, James Hoard-Yes Roberta Oeser-Yes Pat Barry-No, Keith Halloran-No, Kim McCummings-Abstain, John Vorfeld-Yes. **Result-3 in favor, 2 against 2 abstention.**

Following a lengthy discussion, Pat Barry made a motion to expand the third party review to include potential driveways and septic systems on the specific lots with steep slopes. John Vorfeld seconded. The motion carried with Roberta Oeser and James Hoard voting No.

This matter is continued to September 4, 2007.

Planning Assistant

**Meeting Adjourned 12:00am**

**NEXT MEETING**

**September 4, 2007**

Respectfully submitted,

Robyn Payson