

January 19, 2016  
7:00 PM

## **ITEM 1 - ROLL CALL**

Present: Jeff Duncan – Acting Chair, Larry Bouchard, Greg Whalen, Dennis Lentz, Melissa Horner – Alternate, and Christine Bennett – Alternate.

Also present: Kate Pelletier, Planning Assistant.

Absent: Steve Beckert – Chairman (excused).

Voting members: Larry Bouchard, Dennis Lentz, Greg Whalen and Melissa Horner.

## **ITEM 2 – PLEDGE OF ALLEGIANCE**

## **ITEM 3 – MOMENT OF SILENCE**

## **ITEM 4 – REVIEW AND APPROVE MINUTES, AS NEEDED**

Approval of the November 3, 2015 minutes was deferred until the next meeting until the one correction needed was resolved; that at that time only that one correction needed would be considered.

## **ITEM 5 – REVIEW “NOTICE OF DECISION” LETTERS, AS NEEDED**

### **PB15-03: Libbey**

Ms. Bennett said that she had a procedural question; that there were a number of items that were checked that she doesn't actually recall seeing or us deliberating on. She said that one had to do with the soils on Page 8 – (10A) Soil Suitability Construction – that it states that that was not applicable; that we did not require the applicant to provide evidence of soil suitability for construction.

Ms. Pelletier said that you didn't doubt the capability of the soil to adequately accommodate the proposed construction; that the soil was not found to be having poor or very poor suitability.

Ms. Bennett said that she was wondering if we should change the heading for that column to something besides 'not applicable'; that maybe it should reflect the fact that the 'PB did not ask for'.

Ms. Pelletier said that she thought that was a great idea and she has already changed that to say those exact things in the future checklist.

Ms. Bennett asked if we could amend this one because this one is going to be looked at pretty closely.

Ms. Pelletier said yes, that she could do that.

Ms. Horner asked, if a soils test comes back and it's like you said not poor or very poor, then that column wouldn't even be triggered so wouldn't that be 'not applicable' and not that we didn't ask for it.

Ms. Pelletier said that that was what she meant and that was right; that, to Ms. Bennett's point, there are certainly points in the ordinance that say 'if the PB requires', so she completely agrees with Ms. Bennett on that; that this isn't one of them, necessarily, but, generally speaking, she likes that idea; so, 'not applicable' or 'not required'.

Ms. Bennett read Page 9, section 12a *"The planning board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees ( 10 inches or more in diameter)..."* She said that we did not receive that to her knowledge.

Ms. Pelletier said that there was a landscape plan; that it was the very last page in the plan set of the final plans.

Ms. Bennett said that it does not indicate existing trees 10 inches or more in diameter.

Ms. Pelletier asked if they specified that.

Ms. Bennett said that it is part of the code; that we did not have a conversation about that.

Ms. Pelletier said that they supplied one...you had requested it in regards to another section of the ordinance, which she believes is in the specific requirements to elderly housing. She said that it was on Page 20 under Preservation of Landscape. She added that she did not hear the PB specify that and that is one of those examples of the PB *"may require that a proposed subdivision design include a landscape plan"* but it wasn't specified; so, therefore, it wasn't required but they supplied one anyway.

Ms. Bennett said that there were a couple of things that we didn't ask for that were indicated they were submitted. She said that, on Page 12 of the Preliminary Plan it says, *"The planning board shall further require the subdivider to provide accurate cost estimates to the town for the above and other services, and the expected tax revenue of the subdivision."*

Ms. Pelletier said that there definitely was; that it was towards the end and was with the traffic counts submission.

Ms. Bennett said that her other question was on Page 15, which refers to the completion of the preliminary plan. She added that she recalls that there were some requests from the PB on the date of acceptance of the preliminary plan of things we wanted to see in the final plan.

Ms. Pelletier said that she couldn't speak to that one but she could go back and check the minutes on that to make sure.

Ms. Bennett said that she just found it in the minutes of October 20, "*The PB requested several things for the final plan; a typical landscaping plan for a unit, an overlay of the units on the soil, an artists' rendering, footprints, and final submission 14 days prior to the review meeting – November 17.*"

Ms. Pelletier said that they didn't ask for a modification of the preliminary plan.

Mr. Duncan said that that was correct; that those were add-ons; that this is the approval of the preliminary plan within 30 days of the public hearing.

Ms. Bennett said that these weren't changes.

Ms. Pelletier said that it would be like 'the PB approves this conditioned on you changing this thing that doesn't comply'; that she did not recall any specific modifications to that plan.

Ms. Bennett read on Page 20 Accompanying Documents (3), "*A copy of such covenants or deed restrictions as are intended to cover all or part of the tract.*" She said that she saw a draft copy in the 12/1 package but she doesn't recall if there was one in the 12/15 package.

Ms. Pelletier said that the PB, in their final approval, had a condition of approval that they submit the finalized draft with some changes she had suggested to the post-construction stormwater maintenance agreement that allows us to get on-site and inspect the stormwater facilities every year; so that was a condition of approval. She added that she doesn't think the PB ever needed to, or intended to, give it its final blessing; that it's really, for their purposes, to just make sure they had included all that they had submitted plus the stuff about the stormwater.

Ms. Bennett said that, specifically, she was wondering about the draft covenants, the condominium association by-laws and the declarations that were going to be submitted, especially the declarations that would be attached to the deeds.

Mr. Lentz said that that was a condition; that it is Item 6 on Page 22.

Ms. Bennett said that that's just the maintenance agreement that the Town has for stormwater; that she was specifically referring to the discussion that happened at a couple of meetings about the age of the occupants of the units.

Ms. Pelletier said that those are deed restrictions not necessarily in the covenants.

Ms. Bennett asked if they would not be in the homeowner rules and regulations for the condominium association.

Ms. Pelletier said that she believed that they were.

Ms. Bennett said that it says that it will comply with the Town's elderly housing ordinance but that was a specific affidavit that the applicant made that, if anyone was 18 or under, they would only be able to stay for 30 days.

Ms. Pelletier said that they did represent that that would be a deed restriction.

Mr. Duncan explained that, as part of that application, discussion, it becomes one of the conditions even though we don't specifically specify it in the approval; that he thinks that's condition of approval #1.

Mr. Duncan said that this notice of decision is final as it stands.

Ms. Pelletier said that she would change the date to reflect today's date.

**PB15-14: Payne**

Mr. Duncan asked, under Conditions of Approval, if we did not indicate 'same as previous approvals'.

Ms. Pelletier said that that is correct, you did not; that she did go back and check that. She added that it was because the original application that we amended didn't have any conditions of approval attached to it; that his business was allowed to go in there without PB review so we are depending on a Decision letter that was from the early 1990's when we didn't have that list of standard conditions; that, in hind sight, we might have wanted to impose those but she thought we'd be all right; that he isn't doing anything even remotely major there.

This Notice of Decision stands as presented.

**ITEM 6 – PUBLIC APPLICATIONS OR PLANNING BOARD BUSINESS TO BE CONSIDERED**

There were no public applications or Planning Board business to be considered.

**ITEM 7 – DISCUSS STATUS OF OUTSTANDING ACTION ITEMS**

There were no outstanding action items.

**ITEM 8 – CORRESPONDENCE AND PLANNING ASSISTANT, AS NEEDED**

**Response to Hilt, et al appeal of Planning Board decision.**

Mr. Duncan said that this response is in our packets.

Ms. Pelletier said that it has been submitted to the BOA, too.

Mr. Duncan said that our next meeting is February 2<sup>nd</sup> and he thinks we have a couple of action items at that meeting.

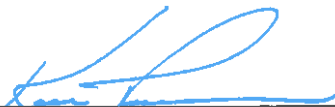
Ms. Pelletier said that you have a public hearing on that amendment to allow accessory buildings in the front yard meeting setbacks; that we changed that so that people are allowed to have a little wiggle room, there; that that was initiated by Victor Castillo, who came before the PB to request that change. She added that we may have another home business application coming in that meeting; that we have Tidewater and the self-storage facility; that she's not sure they will be ready to submit for that meeting but it is a possibility.

**ITEM 9 – SET AGENDA AND DATE FOR NEXT MEETING**

The next regular Planning Board Meeting is scheduled for February 2, 2016 at 7PM.

**ITEM 10 – ADJOURN**

There was a motion and a second to adjourn the meeting at 7:35 PM.

  
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Steve Beckert, Chairman  
Date approved: 3-1-16

Respectfully submitted,

Ellen Lemire, Recording Secretary