

**Planning Board Meeting
Tuesday, March 27, 2018
Minutes (Draft)**

Planning Board Members in Attendance:

JP Espinosa, Vice Chair
Will Ryan
Nate Stacey
Rick Sullivan

CEO David Bower in Attendance

Also in Attendance:

Jeff Wright, Gerard Clifford, Alice Espinosa, David Porter, Sabin Beckworth, Thomas Greer, Carolyn Chute, Michael Chute, Todd Crooker, Stephen Anderson, Corey Lane.

Vice Chair Espinosa called the meeting to order at 7:00 pm.

Welcome

The Board welcomed Lisa Hart as Assistant to the Planning Board, and Andrew Yale as Planning Board Alternate.

December minutes Reviewed and Approved

The Board reviewed the minutes from the December 19, 2017 meeting. Mr. Stacey made a motion to approve these minutes and this was seconded by Mr. Sullivan. The minutes were unanimously approved.

February minutes Reviewed and Approved

The Board reviewed the minutes from the February 20, 2018 meeting. Vice Chair Espinosa made a motion to accept these minutes. This was seconded by Mr. Ryan. The minutes were unanimously approved.

Watson Woods Subdivision:

Mr. Espinosa: Discussed Lands Subject to Liquidation Harvesting. Board will seek consultation from a licensed forester or agency to see if a violation has occurred. The Board was polled and all were in favor of seeking guidance.

Thomas Greer: Presented and explained map on display. He listed requested documents that were supplied in packet.

Mr. Espinosa: Expressed his concern that they were given 2 packets since last meeting and these need to be combined into one presentation. He requested that the applicant submit a binder with all of the *current* information.

Mr. Greer: Suggested we go through the checklist.

Mr. Sullivan: Asked for clarification regarding High Intensity Soil Test Class A, B and C and which test was actually performed.

Mr. Greer: Class C was done over the back of the development and Class A test was performed where subdivision is proposed.

Board: They discussed the need for clarification between different classes of soil tests. They will consult with a soil scientist.

Mr. Ryan: Suggested they go back in the minutes to see what they requested.

Mr. Clifford: Has hiked the property and has found no test pits.

Mr. Espinosa: Suggested the Board get the finalized preliminary packet from Mr. Greer and go through the checklist. On items that are questionable or need clarification, we will hire a specialist for advice.

Mr. Ryan: He feels the Board should make the tough decisions and not lean on a consultant so much.

Mr. Clifford: Feels we are going around and around and this needs to be finalized. Look at ordinance. It is incomplete.

Mr. Ryan: Feels the Board just needs to go through the checklist now and see what is missing or not.

Mr. Greer: Agreed to come back with a packet.

Mr. Stacey: Discussed what he sees in the report in reference to soil testing. It is hard to determine which class was done.

Mr. Greer: Misunderstood what was requested.

Mr. Bower: Agreed with Mr. Greer that we revisit this. He advised that the Board hire a consultant.

Ms. Lane: Ask the Board if they would allow comments before voting.

Mr. Crooker: Having been a former Planning Board member and having done a lot of subdivisions, he advises never to vote on a preliminary package. You can delay certain things in that package for knowledge-gathering or negotiation, but all he sees here is paper. No package. It is not a finished binder. He thinks the Board is taking a chance on not having a final project.

Mr. Greer: Requested the Board table the project.

Mr. Wright: Re-addressed the cutting situation.

Mr. Sullivan: We will ask for consultant's advice regarding cutting.

Mr. Clifford:

It is his opinion that the map is not accurate.

Mr. Espinosa: We will table this.

Ms. Lane: Presented package for the Board. Ms. Lane pulled all minutes regarding Watson Woods. She discussed tree harvesting and land gift to the Sargents. Regarding the soil survey - she agrees that the Board should not have to decipher this test. The report is misleading. She would like to see two feet through whole property not just where developing.

Mr. Ryan: *Subdivision Regulations, Article 7 - Preliminary Plan for Major Subdivision, 7.1 Procedure, E: Within thirty days of the receipt of the preliminary plan application, the Board shall determine whether the application is complete and notify the applicant in writing of its determination. If the application is not complete, the Board shall notify the applicant of the specific additional material needed to complete the application.*

Mr. Espinosa: Suggested the Board review the minutes from the June 20th meeting, which they did.

Mr. Crooker: Would make a motion to vote and deny the plan.

Mr. Espinosa: Addressed tree harvesting – The Board will reach out to the Department of Forestry. This goes back to the first question - do we table this or vote? Personally, Mr. Espinosa feels denying something in entirety would be wise. He suggests they table it, scrub the hell out of it. He wants to see everything and seek guidance of infractions of forestry.

Mr. Ryan: Training states they should not be fact-finding. They should be *presented* with the facts. Mr. Ryan feels they should go through the checklist and state what is missing.

Mr. Greer: Suggests the Board table the project, submit a list of what they feel is missing.

Ms. Lane: Gave credit to the Board. The Board should not be trying to figure out what is missing. Mr. Greer is making them work.

Mr. Bower: *Subdivision Regulations, Article 7 – Preliminary Plan for Major Subdivision, 7.1 Procedure, D: Within three days of the meeting at which an application for preliminary plan approval of a major subdivision is initially presented, the Board shall:*

- 1. Issue a dated receipt to the applicant.*
- 2. Notify in writing all owners of abutting property that an application for subdivision approval has been submitted, specifying the location of the proposed subdivision and including a general description of the project.*
- 3. Notify the clerk and the review authority of the neighboring municipalities if any portion of the subdivision abuts or crosses the municipal boundary.*

Mr. Ryan: Expressed his concern that the Board needs to function more efficiently.

Mr. Stacey: Made a motion to table, Mr. Espinosa seconded, to table the vote.

Vote: The motion passed.

Board asked to see a final packet.

Erler Site Plan Review (R04-10, 213 Chase Road)

Mr. Sullivan: Do all small projects like this have to come through the Planning Board?

Mr. Bower: The reason this project is being presented to the Board is because it is non-conforming.

Article I. General Provisions

D. Non-Conforming

2. Built Lots

A nonconforming lot of record that was built upon prior to the enactment of this Ordinance or the applicable amendment to this Ordinance is subject to the following restrictions. The structure(s) may be repaired, maintained, or improved, and may be enlarged in conformity with all dimensional requirements of this Ordinance except lot area, lot width, or lot frontage. If the proposed enlargement of the structure(s) cannot meet the dimensional requirements of this Ordinance, a variance must be obtained from the Board of Appeals.

Mr. Espinosa: What is non-conforming about this project?

Mr. Bower: The setback is non-conforming. Mr. Bower pointed out the sketch. It is non-conforming by road setback.

Mr. Erler: He explained his sketch. He gave the history of the house. He is proposing to add the addition to west side of house. This side of the house would be the least side in violation.

Mr. Espinosa: You own the area across the street, correct?

Mr. Erler: Yes. He also described his neighbor's land.

Mr. Espinosa: Asked Mr. Bower from a code enforcement perspective, did he see other issues.

Mr. Bower: He did not see other issues, but advised the Board to read the ordinance carefully.

Mr. Ryan: Asked for clarification on - increasing nonconformance measurements.

Mr. Stacey: Is there a reason why this could not be on the north side?

Mr. Erler: The landscape drops off a lot on that side. It would have to be a two-story addition. He described what was contained in his package. There was also a permit to enlarge the septic system because the house will go from a two-bedroom to a three-bedroom house.

Mr. Espinosa: Asked if approved, when will construction start?

Mr. Erler: They hope to start in June. It will take about three months to complete.

The Board looked through the Ordinance.

Mr. Bower: Enlargement of non-conforming structures.

Mr. Stacey: Reviewed again Non-Conforming, Built Lots (see above). This is out of their jurisdiction. The applicant is looking for a variance.

Mr. Bower: I believe what has happened in the past was the Planning Board gave their approval with the condition that a variance be approved.

Mr. Wright: A good example and reference of this is the application of an antique dealer 3 years ago.

Mr. Espinosa: With the pictures, map, etc., Mr. Espinosa felt a site walk was not necessary. The Board would be fine foregoing this. All were in favor.

Mr. Espinosa: Made a motion to vote for approval with conditions to move forward to Board of Appeals. Mr. Stacey seconded this motion. All board members were in favor of this motion.

Mr. Espinosa: Informed Mr. Erler that they were granted approval to go forward to the Board of Appeals to request a variance.

Province Lake Golf Pre-Application Meeting

Mr. Porter: By Next meeting they hope to be able to provide enough information to publish. They are waiting for final approval from their insurance company as far as demolition. He feels if they do not have any food or beverage it could be crucial. First they proposed using the big white building next door to

carriage house, but it is prohibited in this area for a temporary restaurant. PLG is dealing with the State also in regards to the septic system. They are proposing a self-contained trailer with a temporary kitchen to go off the back. Ken Gardener has done test pits already. Soil samples were excellent. The design needs to take into consideration a pre-existing 800' deep well that has to be 800' from the leach field.

Mr. Espinosa: Are they proposing a small kitchen in carriage house or bring in a mobile trailer?

Mr. Porter: Will probably bring in a trailer. It is more expensive, but speed is crucial to get employees back to work and get ready for spring. Looking for a change in use? David went through the package submitted.

Mr. Espinosa: Asked about State liquor license.

Mr. Beckworth: Explained his communication with the State. The State liquor license is tied to the kitchen, time lapse is an issue, and they are in danger of losing it.

Mr. Porter: He described their parking plan and the driveway. He described their plan for delivery trucks; they have the ability to pull off the road. He described signage and lighting: Right now they plan to have signage on the building. Setbacks: These lines have been checked and are well within setback measurements. Abutters: Mr. Porter provided an abutters list.

Board clarified that it is a permissible use, but requires Site Plan Review.

Mr. Porter: He provided copy of the deed. He clarified that this is a preliminary meeting. He asked the Planning Board to please share if there is any missing information because he is concerned about the time-frame.

Mr. Espinosa: Asked Mr. Bower if he had any questions from a Code Enforcement aspect.

Mr. Bower: Where will the gray water from the kitchen go? How long do they see using this temporary kitchen? What is their big picture?

Mr. Porter: The kitchen gray water will be tied into the septic. They are hoping to use this kitchen for 6-10 months.

Mr. Bower: Bathrooms are a concern for that long.

Mr. Beckworth: Kitchens that are provided are ready to go, are self-contained, equipped with grease traps, exhaust fans, fire detectors, etc.

Mr. Espinosa: Expressed to applicant that their package looks great. The amount of information provided is much appreciated.

Mr. Bower: The next step is to notify abutters. It is up to the Board if they have a site walk and public hearing.

Mr. Espinosa: Made a motion to consider this an active application. Mr. Stacey seconded the motion. This was unanimously approved.

This is acknowledgment of receipt of active application.

A letter to abutters will be sent out this week.

Edge Lake Farm Discussion:

Mr. Porter: Seeking approval to hold weddings in the barn here. The well and septic locations have been set. Food will be cooked off-site. He will provide a plot plan.

Mr. Stacey: Has the liquor license been addressed?

Mr. Porter: This license will transfer to the barn and will fall under the license for the beer carts.

Board: The first step is to notify abutters. Second step will be to look at the application at next meeting. The Board decided not to hold a public hearing as this is not required. The Board waived the site walk. We will see them back April 17th.

Other Business:

Discussed Chair absence.

Mr. Sullivan: Made a motion to approach the Selectboard and request Mr. Nance be removed for lack of attendance. Mr. Ryan seconded this motion. The Board unanimously approved this motion.

Mr. Stacey: Made a motion to adjourn the meeting. Mr. Espinosa seconded this motion. All were in favor. The meeting was adjourned at 9:30 pm.