

**CANDIA PLANNING BOARD**  
**MINUTES of January 18, 2017**  
**APPROVED**  
**Public Hearing**

Present: Sean James, Chair; Al Hall, Vice Chair; Tom Giffen; Ken Kustra; Mike Santa; Joyce Bedard, Alt; Carleton Robie, Alt; Dennis Lewis, Road Agent

Absent: S. Komisarek; J. Lindsey, R. Cartier; D. Murray, Building Inspector

Chair Sean James called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

S. James asked J. Bedard to sit in for Judi Lindsey

Minutes January 4<sup>th</sup>:

T. Giffen made a **motion** to accept the minutes of January 4<sup>th</sup>, 2017 as presented. J. Bedard **seconded**. S. James; K. Kustra; and M. Santa **were in favor**. A. Hall **abstained**. **Motion passed (5-0-1)**.

Abutters Present: Phillip Packard of 614 High Street, Candia NH 03034

**16-010 Final Major Subdivision & Lot Line Adjustment Application Continued:** Applicant: 66 Vinton Street, LLC, 56 Manchester Road, Auburn, NH 03032; Owner: same; Property location: 608 High Street, Candia NH 03034; Map 405 Lot 45; LLA Map 405 Lot 44 and Map 405 Lot 45-1; Intent: To create 9 new lots in the Residential District & a lot line adjustment with lots 405-44 & 405-45-1.

Present: Joseph Wichert, LLC, Inc.; Applicant 66 Vinton Street, LLC represented by Cory Hill; Jennifer McCourt of McCourt Engineering Associates, PLLC; and Bryan Ruoff from Stantec.

J. Wichert handed out new plans to the Board. I'm Joe Wichert (*surveyor*) and we're here tonight on behalf of 66 Vinton Street, LLC. Cory Hill is one of the LLC members and he's in the audience along with our engineer, whose back from vacation, Jennifer McCourt from McCourt Engineering. We were here a couple of weeks back and we've gotten to a point where we have maybe 3 technical items that we were trying to work out with Stantec. Jen and Bryan have spoken, sent some emails back and forth. We can go over those after this but what I'd like to do is briefly go over the changes in the plan. We are asking for a little bit of indulgence from the Board. If you go to sheet 1; what we've done is we've called this one Phase II and added a couple of different Deed references that accomplish the transfers from 66 Vinton Street, LLC to the Martels and then the subsequent transfer from the Martel's to 66 Vinton Street, LLC. That was the lot line adjustment subdivision we did over the summer. That's all done, consummated and taken care of. On the cover sheet we added the Dredge and Fill approval number which we provided you with at the last hearing and in the interim; we emailed Andrea the signed application from Mr. Packard along with a notarized letter and signed by Mr. Packard and the LLC. From our point of view, other than some minor drafting edits and note changes we talked about, we haven't made any changes. On the mini-sets of stapled sheets and a single sheet; we're asking to treat this application in two phases. Treat the lot line adjustments with the Packard's and lot 45-1, do that as a Phase I and then do the subdivision as a Phase II. The reason for our request to do that is the LLC has the house at 608 High Street under agreement and it's subject to close on the 20<sup>th</sup>?

C. Hill replied it's supposed to close on the 20<sup>th</sup>. J. Wichert continued and they have a rate lock issue that we're trying to maintain.

C. Hill said Alex and Lindsey are here, they're new home buyers moving to Candia, they like the area and want to be here. We got this deal together with Mr. Packard at the last minute for the lot line

adjustment and they had already started the ball rolling with all their financing and it can be cumbersome. They've got a rate lock until the beginning of February, after that, they lose that interest rate and it will cost them another \$1,000 which I'm sure they don't have.

J. Wichert said that's the main difference from our point of view. As far as the rest of the development, all we're looking for; on this plan, the stapled sheet, it's a blow up of sheet S3. A detail that we had to clean up for the registry but that's all we've done. We've just broken out the areas. Nothing changes in regards to the areas, the intent or the proposal. The proposal's the same, the sequencing is different. The reason we're doing it this way isn't because we're not moving forward with the 9 lot sub-division, it's just that the 9-lot sub-division is going to be; we can't gain final approval until all the loose ends are taken care of. We do have the wetlands permit. The State Subdivision permit has been submitted. We've gotten the initial comments back but the approval was held pending the site review, which I'm sure they've done by now, and the Alteration of Terrain (AOT) permit being issued. The AOT permit was issued....

J. McCourt corrected it was submitted and we're looking probably at next week or the week following for their comments back.

J. Wichert continued so we're getting close with that and we've been working with DOT but I'm not sure what their timeline is with regards to that approval. From this point, a plan or subdivision end, that's the only change that we're asking for and I think what we've done on the plans, the changes are minor and modest. I'll let Jen explain the 3 or 4 technical issues that we've got and we can go from there.

S. James clarified so when this was noticed, it was noticed as both at lot line adjustment and a major subdivision so we've covered both there was some question regarding timing so I think we're good.

J. Wichert replied for notice purposes and application purposes, we're fine. Sequentially we would have preferred to tell you about this earlier but we ran into this obstacle.

S. James commented the box, we have four members of the Board sign, and so we would need a larger box with more lines on there. Does the Phase I note above that really apply?

J. Wichert replied I wanted to make it clear that you're signing for Phase I only and it's not part of the other one. So that's why we added that one sentence in there. S. James replied and then these will reflect Phase II. J. Wichert asked do you only sign plans in meetings. S. James replied said no we can come in. J. Wichert said we have a mylar there but it only has 2 lines, we can print another mylar with additional lines, that's fine. I can have that to you tomorrow. I'll let Jen address the remaining Stantec comments.

J. McCourt said I have with me here the Stantec letter dated December 27, 2016. To get into the engineering comments so that they are on record on page 2, Item #69 *We recommend that a stop bar, street sign and a "No Outlet" sign be added.* That's just a layer problem. They are on there, it's just they need to be labeled and for some reason that layer got turned off, I apologize for that. #73 *Additional details are required for the box culvert, including but not limited to the following: (a). Minimum 5,000 psi,* that's not a problem, we can put that on, it's standard practice for the manufacturers and providing the baffles *(b.)*, I can put a note to that where it says *associated details*, the problem is that every manufacturer does them differently and depending on who does it, they do it differently and seeing that they're going to stamp it anyway, I'd rather have their stamp on it rather than me telling them how to do it and have them say well then you stamp it. Or have it come back to the Board for another meeting to say the baffles are different. So basically I'll add a note saying the baffles are being provided. *(c.) Specify a removable top type box culvert* that's not a problem, there's one manufacturer that actually has them in stock with standard detail for that. *(d). Provide connection hardware and details.* That's the standard seams of the box culvert which is not a big deal to add that note to the plans, which is pretty much the same as *(e). Specify joints with vertical gasketing.* That's all on the same note. *(f). Specify the epoxy coated rebar.* We did a lot of homework on this and we went to DOT and under a special division where they show that they do not use the epoxy rebar and they use the gray bar. It's a huge expense to go forward with that. It's not in your regulations that it is a requirement so we respectfully decline from doing that. *(j). Specify a barrier membrane over the box culvert.* We will do that, that is a DOT item. *(k). Specify that the box culvert will be designed and stamped*

by a PE registered in the State of New Hampshire and with structural calculations and plans to be submitted and approved by the Town of Candia. I know we can get PE stamp I don't know how detailed the calculations will be. I've been running into some push back from the manufacturers on providing the calculations. They will provide a certification that it meets the higher, HL-93 loading that they use now; they'll certify that but actually providing the calculations.

S. James asked who is the manufacturer. J. McCourt replied either Phoenix or Michie are the two we're looking at. S. James said Michie would have no problem providing the calculations. Phoenix? You've used Phoenix, do you get calculations? D. Lewis replied yes but I don't recall.

J. McCourt continued (l). *Provide wing walls, headwalls and an inlet curtain walls.* We'll provide notes for those. (m). *Specify required bedding material and thickness.* That's not a problem. (n). *It is recommended that a minimum 32" high opening be provided for the box culvert to facilitate necessary maintenance of the culvert.* This is the one that has given us the biggest consternation because of the road profile and the minimum amount of cover that we have coming off the road. Let's start with the profile, coming up off the road, the way I designed this is to try to get up and off of it as quickly as possible at a minus 1% grade which quickly transitions into a 5% grade, push the sag point back away from High Street so you have the water going into (*unintelligible*) flowing down into either side. It's this culvert here on the lower side here at the edge of the pavement, the way it's designed now you only have 2 feet of cover. I did do a test pit here myself. The material here is extremely fine sandy silty material. My biggest concern is heaving of that and what came back from Stantec, they are looking at 1 foot of cover over that culvert. Getting down to 1 foot of cover you're going to increase the thickness but my bigger concern is you don't have the ballast and you'll end up with more heaving problems. I've seen this on culverts before. You have an 18" clear this way (*vertical*) and 5 feet clear this way (*width*) and the mean diameter of the stone is 9" so that means you have 18" down to the fines to be able to hold it in place. Plus you heard a few minutes ago that we're willing to put in the baffles to help hold the stone. This box culvert is also laid at the flattest grade allowed to make sure that you get flow through there; it's only 1/2% grade. Being a PE, my recommendation for my stamping of this plan, I want to keep it at that, I don't want to minimize that culvert because of heaving and cracking in the road. It was the year that we had snow for Halloween, was one of the worst heaving years that I ran into. This year this swamp, and I have emails from DOT saying that during big storms, that swamp area fills up but does not reach the road but this year it was empty. That's what scares me the most is that if you get enough water in there to be a wetland, it's not a true swamp where there's enough water to keep it from freezing. Even then it does freeze. With the wetland coming down through here into that large wetland you could easily get some frost underneath that culvert and cause problems. I don't think it's a wise idea and we respectfully decline to open up that opening farther. The next one was (o). *The rip rap must be designed for the 50-year storm,* it is. I have to provide Bryan with those calculations. # 84. Same thing, 50 year storm. I just have to re-do the sheet to show that. I overdesign for rip rap anyways. If it calls for 1 inch I go to 3 inches. It's easily supplied by the manufactures too. Not only do I design, I do tons of construction inspection and I work for Towns and do inspections. I have clients who own gravel pits; I live in Henniker so I know Michie very well. The 3 inch stone is less expensive than doing a smaller stone so I look at the value too. #87 *The proposed box culvert does not pass the 25-year storm event;* yes it does. *The Town's design standard for drainage sizing is the 100-year storm.* We talked about the 100 year storm last time. I put a note in the storm water calculations stating that the AOT 50 year storm is actually the 100 year storm; it's more than the 100 year storm that your regulations were originally written under. The main reason it doesn't appear that this culvert isn't passing the 50 year/100 year storm is because you have this swamp here that is backing up the water into the culvert. The question came up what if DOT comes through and (*unintelligible*) those culverts and High Street, #1 that would drain the swamp and Fish and Game, Fish and Wildlife and a few other people would have some things to say about that and #2 the abutters downstream would have things to say about that because all of a sudden they would have a lot more water charging down through there. I don't see that as a possibility especially since I have the emails from DOT showing that they haven't had problems with the

water over cresting High Street in all of these huge storms we've been having. That's why AOT has gone to the extreme rainfall amounts so that's where you get into the changes from the old to the new. #96 *We recommend that a note be added to the plan stating that: "no future subdividing the proposed lots will be permitted."* We don't have a problem with that. J. Wichert agreed I think we're good on that we've spoken on that and it's been determined.

J. McCourt continued (#97) *We recommend that the proposed box culvert and detention basins be checked to the 100-year storm event to ensure no overtopping berms or the road.* Again, that has been done because you have the 50-100 year storm event, the AOT 50 year storm event is greater than the old 100 year storm event so that has been done. In that event there's actually 1 foot freeboard for all of them because that's a requirement for good engineering practices.

S. James summed up that we're down to two issues, the size and depth. Two box culvert issues. B. Ruoff added and the epoxy coated rebar, which I view as a non-issue. We wouldn't take exception to that just gray bar being provided especially their willing to *spec (unintelligible)* a membrane so I don't see it as an issue. The clear opening of the box culvert, we typically wouldn't design something with a clear opening, smaller than 2 feet as a maintenance concern so we've discussed extensively with Dennis what's accessible, what's possible to clear and what a minimum standard would be. From our standpoint, we don't see a huge benefit to 2 feet of cover vs. one especially since both would be in the frost zone anyway. If there is a concern with heaving on either side of the box culvert that material could be replaced with more select fill to eliminate heaving so we certainly view possible options for gaining a larger opening in the box culvert.

S. James confirmed so the opening is 5 foot by 18 with a removable top? J. McCourt agreed. S. James said I imagine the approach fills anyway would be select because you're going to have to dig it out to put the box in anyway. J. McCourt said correct. S. James continued is the concern on the approach to it as far as the heaving?

J. McCourt reiterated it's because of the location of the wetlands and the swamp in that area, you'll have selects around it but over time you can't 100% protect them. The silting material that is all around it is a big concern and the water that's all around it is a big concern. Even select materials can heave. S. James I understand what you're saying but I'm not sure with 1 foot or 2 what the difference would be. J. McCourt responded with 1 foot of cover because you have the hard surface of the culvert, you have 3 inches of pavement so you have 9 inches of select material so you can get the cracking in the pavement because the culvert doesn't move but the pavement will want to and that becomes a problem with plowing also. If you have 21 inches of material there'd be less concern.

D. Lewis commented from a maintenance point of view 18 inches of opening isn't very much. If you visualize the culvert as longer than this room and the opening is no higher than these chairs. The problem is the stone in the bottom and if that moves from the velocity of the water and get kicked up between the baffles, the stone is minimum 9 inches and it could be up to 18" or a foot in diameter, it doesn't take much before that culvert's blocked. The only alternative for cleaning it is to cut the road and lift the tops off. 2 feet gives us a little more room, it's not ideal but we have one box culvert in town that's 30 feet long with a 2 foot opening and a 12 inch cover and it's never heaved. It's been there 10-12 years now. We have another one with a 5-1/2 foot opening with 30 feet and 12 inches of cover, been in about 4 years and never heaved. If we have to cut the road we'll have seams there anyway if it should crack on either side, I'd rather take that risk over a *narrow or smaller (unintelligible)* opening we'd have a hard time maintaining. We can screen the ends to prevent wood or debris from getting in there but as for scouring of the rocks and piling them up we have no control over that. To build a road we think is going to be hard to maintain, why should we do it. It should be as easy as possible for the Town to maintain.

S. James asked who's requiring the stone in the bottom of the box. J. McCourt replied Fish & Game.

D. Lewis said the baffles help significantly but how far apart are the baffles 6 feet? There is plenty of room for the water to get the rocks moving. J. McCourt replied usually it happens just in the flow area not the

edges so you have room to move the rocks back normally with what you would do with a smaller culvert too. D. Lewis responded your regular culverts are smooth and don't have the rocks to move so a regular 18 inch culvert is pretty easy to maintain vs. one with stone in the bottom.

T. Giffen stated I think Dennis's comments carry a lot of weight. I'm inclined to respect his greater judgment. S. James said I understand your concerns if it does heave in the future it would be Town owned and be a Town problem and the guy that has to deal with it is sitting here. J. McCourt asked does the road have to sit for a winter before the Town takes it over. S. James said no we don't have that requirement. D. Lewis said we keep a performance bond on it, 10% for latent defects for a year, yes. I think it's a year. We do keep a latent defect bond yes.

J. McCourt said so if we're going with a 2 foot opening and I would request that at this culvert area we be excused from that if it does heave or crack, obviously you'll have it inspected so you'll know if it's installed correctly.

S. James said so within 25 feet of the culvert does that sound reasonable? J. McCourt agreed. D. Lewis asked if you were to do that would it just be for the heaving process, not for headwalls or whatever on the culvert, it would just be if it heaves. J. McCourt said I would say any cracking or anything pertaining to the culvert. D. Lewis said but not in the culvert construction itself or the road bed on either side or anything other than heaving. J. McCourt said it's a little bit more than heaving but anything that can be directly put back to the cover issue. B. Ruoff said we haven't seen revised plans yet but discussions indicated we were able to work everything else out.

T. Giffen commented it seems like we've worked out a reasonable solution for all parties. Conditions you've noted seem reasonable and I believe the applicant is in agreement with them. S. James said let's treat these separately as requested so we can have two Notices of Decision. First the lot line adjustment, any comments?

T. Giffen replied I see no reason not to accommodate these folks, no need to create a hardship. It's the same as the old plan, it's just broken out. S. James responded the question I had was the lot 405 45 is in current use. J. Wichert said I had that note on there because I thought it was a checklist item. We can take that off. The only change we're trying to accomplish right now is this will resolve this for the Packard's but that closing can wait. It's this little parcel C which is 2822 sq. ft., .05 acres. So we're removing .05 acres out of the 65.4 acre parcel, so we'll be well above it. I guess I'd have them fix the value of the 10% current use fee but I assume it would be pretty nominal. S. James said that's what I was thinking but mentioned it for the record. So the only comment was the one on adjusting the signature box to accommodate 5 signatures.

P. Packard commented that on the plan, my house is numbered 608, it should be 614. J. Wichert said sorry about that, I'll fix that. J. Wichert confirmed so you want 5 lines? S. James agreed.

### **MOTION:**

A. Hall made a **motion** to approve the Phase I Lot Line Adjustment subject to the correction of signature lines and the house number. T. Giffen **seconded. All were in favor. (6-0-0) Motion passes.**

S. James stated the lot line adjustment is all set. Back to the major sub-division, as a reminder, we previously approved 2 waivers, the high intensity soil survey on lots 5 and 6 and the length of the cul-de-sac greater than 1000 feet. Those were previously approved. The conditions I have, one is bounds to be set in so many days. J. Wichert we would like to roll the corners into some kind of performance bond for the road because if we put the corners in before the road's built, they tend to disappear during the construction process. So we get the backs done before hand but hold off on the fronts until the road is at least to sub-grade. D. Lewis agreed. S. James said rear bound set within 90 days and the front bound upon completion of roadway to sub-grade. We had State Subdivision approval, still pending on that. Adding a note to the plans that no future sub-dividing of the proposed lots will be permitted, the approval of the State Alteration of Terrain and to address the remaining Stantec comments from tonight so with the change in the culvert

size to two feet and not requiring the epoxy coated rebar but requiring the other items we discussed. J. Wichert said we'll make one more submission to Bryan so he can give us his happy letter. S. James said a condition would be the heaving of the pavement within 25 feet of the box culvert would not be subject to the one year warranty bond should that occur. With that I'll entertain a motion.

**MOTION:**

A. Hall made a **motion** to approve the Major Sub-Division subject to the conditions discussed. T. Giffen **seconded. All were in favor. (6-0-0) Motion passes.**

Currier Road Issue:

S. James said an issue came up today related to the approved sub-division on Currier Road. Bryan will inform the Board.

B. Ruoff replied per request of the Town we looked at septic system designs for 3 of the lots for the MDGF sub-division on Currier Road. One of the lots, specifically lot 3, the wetlands were shown in a new location and the wetlands setback was shown in a new location. Those changes made it possible to put both the building and the septic system at the front of the lot where it wouldn't have been possible with the approved sub-division plans so we reviewed and notified Andrea and Dave of those changes from the approved sub-division plan to the septic system plans for that lot. S. James reiterated so the plans we approved show it in one location and then they moved them in a different plan. B. Ruoff replied they were in a different location on the septic plan, that's correct. With the location of the wetlands in the sub-division plan they would not have been able to fit a septic system at the front of the lot like they are showing now. They had too, to make it work. It was a different surveyor so I don't know what the significance of that is.

S. James said so you informed Dave and Dave's informing the owner or the Town will inform the owner. M. Santa asked if building permits were released. A. Bickum replied yes. C. Robie asked Bryan who sent you the septic plans to review? B. Ruoff said Dave Murray. S. James said that's strange. Dave would have been here tonight but he's under the weather so we'll follow up at our next meeting. B. Ruoff said I figured a letter or anything more formal than the email I sent. Whatever you need.

Transportation Plan Approval:

S. James said so second on the agenda, and we have to change it, the Planning Board is holding a public hearing for the Transportation Plan and we talked about this before but recently the committee is getting back together there were some changes so they're not quite ready. D. Lewis said I'm not sure what happened there but I guess some things weren't in the plan that I guess the Board received, there was some information in there that wasn't included and it should have been and then some information was in there that should be in there so Jack Munn is re-writing it and we're going to approve it tomorrow and you can look at it. There were so many different copies floating around with different information on them, some of it we'd already deleted, some of it we added and the one that got to the Planning Board was not the actual final copy.

J. Bedard said so the one on the Town website was not the final? D. Lewis replied I don't know, tomorrow we'll sort all that out. There will be one copy that everyone can look at.

S. James said we already had a public hearing on it but we had a public hearing on the version on the website, which wasn't correct, we're checking with Bart, but we may have to re-notice and re-hold the public hearing. D. Lewis asked can you just continue it instead of re-noticing.

S. James said I suppose we could continue it. T. Giffen commented that the one on the website has enough typos and errors that I lost count. S. James said we didn't officially open the public hearing I just mentioned that we were supposed to have one so I suppose we could officially open it and then continue it to the next meeting on February 1<sup>st</sup>. D. Lewis reiterated we're meeting tomorrow here at 10am to go over that so there should be a revised version I hope by next week.

S. James said so with that we'll continue the public hearing to the February 1<sup>st</sup> meeting.

**Informational Only:** Applicant: Casey Brock, 14 Main Street, Candia, NH 03034; Owner: Brien Brock; Property location: 272 Chester Turnpike, Candia NH 03034; Map 411 Lot 67; Intent: To subdivide this lot into two lots for the purpose of creating one buildable lot in the residential district.

Present: Jim Franklin, Surveyor; applicant Casey Brock; Linda Brock.

J. Franklin said what the Brock family is considering is to sub-divide Map 411 Lot 67 it's on the westerly, north westerly side of Chester Turnpike. It's presently about 29, 30 acres in that range. We did a perimeter survey when we did the lot line adjustment with the Demanche family revocable trust. So I've shown that in its entirety, lot 67, it's in black and the proposed line is in red. To have a 14 acre lot and a 15 acre lot. We have some significant wetlands along the road and we did have the wetlands identified, flagged and we surveyed them last weekend and what you see here is very close to what we have found in the field. It's going to take a major crossing that we'd have to discuss with the land owners and the State before we start the whole process. I would hate to do all the survey work and prepare all the plans and have the State turn around and say no absolutely not. So we want to approach this in a different fashion.

S. James asked what's the width of the narrowest, is that 51? J. Franklin confirmed 51. That was this plan; we can push that line over a little bit more. My thought was the Town's definition of contiguous and it has to be 50 feet or more so I didn't want to get involved with that nitpicking definition. No offense but it seems arbitrary and whimsical to have 50 feet as opposed to 49 or 73. I made that line 51 feet off the corner. Everything in the back and everything in the front from Chester Turnpike can be considered as contiguous. S. James said and there's one house on lot 67 now? J. Franklin confirmed yes, the Brock family.

S. James asked Dennis about driveways. D. Lewis replied there would be no site distance issue there. S. James asked have you given thought to a shared drive for the lots. J. Franklin said that brings up an interesting issue because in the past the Board and the Town Attorney have said each lot has to have its own frontage and it has to have access on its frontage to be considered a buildable lot by definition. I didn't even attempt a shared driveway; it would be advantageous to have a shared driveway. No doubt about it because the driveway is already there. I'm looking at another parcel that's going to have a similar situation. I understand that each site has to stand on its own merits but if the Board is willing to entertain an application for shared driveways we'd look at this project with that in mind. T. Giffen said it would potentially save a wetlands crossing. J. Franklin agreed and on this one it would eliminate it and the other site I'm looking at, it would also eliminate a wetlands crossing completely.

S. James said what if you move the line off Chester Turnpike over a bit more it's less wet there. J. Franklin said it's about the same. It goes to the drive and beyond. When they re-built Chester Turnpike and they raised the grade, directly opposite on the other side of the street, there is a massive amount of wetlands. I would venture 8-10 acres in there. So this was all connected at one time. I would guess historically, maybe this is one of the areas that in the late 80's caused this road to be closed in the spring and you couldn't get all the way through. S. James asked if there was a culvert in this area. D. Lewis replied there's an equalizer pipe basically. It's almost dead level, there's a couple in there. That swamp was deep, when they re-built the road, they went down 25-30 feet, it's all peat under there. I don't know on the driveway issue if the wetlands permit would be granted if you could get one and then you would have proof that you could have a driveway on that lot and then do a shared driveway with the other one, it would save on the construction and going through the wetlands for your driveway. But then there'd be proof that it was a buildable lot with access. J. Franklin said I would consider that. S. James said historically this Board's shied away from them due to problems with them in the past. D. Lewis replied and I agree there are problems with a shared driveway but its (*unintelligible*) a huge expense and some disruption of a wetland. J. Franklin said as it is now, we're looking at maybe a 200 foot crossing, that's pretty significant for a

driveway. Most of the one's we've done, 25-50 feet and this is considerably more. As you stand on Chester Turnpike looking up the driveway, there is a pond on the left side.

S. James said that seems like a reasonable approach if you can pursue the wetlands permit to make sure it's a viable crossing and a lot and then look towards actually constructing a shared driveway. J. Franklin commented we've done similar in Deerfield. Deerfield has an ordinance a citizen's petition, the Smith ordinance and it specifically for subdivisions where there are 4 lots or less. A common shared access and maintenance agreement. Basically you put in a road like here and have a 50 foot wide right-of-way and the width of the traveled way and the material and the composition of it is based on the number of lots. So if you were to have 2 lots you could have 15 feet wide pavement and gravel shoulders and it would still be a road but when you go onto it, it looks no more than a driveway. They've been doing this for 15 years in Deerfield, it's a wonderful tool for this situation when its family involved. I realize, in the long run, one of the family members can sell, you end up with a disgruntled abutter and then everyone starts fighting which is one of the reasons why everyone dislikes *parent* driveways but with the Smith ordinance with a shared access and maintenance agreement it's part of the sub-division approval process. The documents have to be submitted to the Planning Board, they're reviewed by the Town's attorney to make sure everything is tight from a legal standpoint. That way you don't have people fighting and saying well I plowed last year so you plow this year, that type of nonsense. That goes away with these types of written agreements and they're right there, they are recorded with the registry of deeds with the sub-division approval.

S. James said this is an informational tonight but I'm not hearing any objections to move in that direction. We do shy away from it for a lot of reasons but here I think it makes sense.

J. Franklin replied this is a subdivision, a minor subdivision; we're creating 2 lots. There's no potential for further subdivision because of the frontage, one lot has 200 feet and the other has 259 feet so we can't tuck another lot in there. We do not have to get State subdivision approval because of the size of the lots and we're looking for a waiver for the full topographic survey, high intensity soil survey test pits, because none of that information is necessary to prove whether or not these lots are buildable. One is 15 acres and one is 14 acres and during the approval process the Board can walk out there and look and see what areas that we're talking about, they're planning on building in the back of the lot.

S. James said I disagree, they would be further sub-dividable. You could put a road in on this and further sub-divide it, the one that has a house on it. J. Franklin 60 foot wide road with the returns of 30 feet each so that makes it 120. Then the frontage for lot 67 would have to be on the new road, it's prohibitive, it's not impossible.

S. James said is it likely no, is it possible yes. A. Hall said this seems to be the most practical for this particular lot. J. Franklin agreed. L. Brock asked so the first step would be? J. Franklin replied to look at what's involved. We can then decide how to proceed. It's not cheap; the permitting process is not cheap. Something like this would probably have to go to Stantec as well? I hope not.

S. James said I don't think this would, no. T. Giffen said if you wanted to use that wetlands permit and build a crossing it might have to go to Stantec.

J. Franklin asked why would it have to. The State has to approve the entire construction of process, why would you want to turn it over to an engineer, an international firm that's going to charge these people an exorbitant amount of money just to review it, when the State's already approved it. Why would you want to do that? I have no use for Stantec at all; they're international thieves as far as I'm concerned. You don't have to put that in the minutes.

S. James said for something like this I don't think we would need them to. T. Giffen commented if you aren't building a crossing, what would they have to look at?

J. Franklin said well even if they were going to construct it. T. Giffen said I can see your point where you are already going to have State approval. S. James reiterated something like this no we would not have them (*Referring to a review*). J. Franklin said you have a PE design this and then you have the PE and the State DES reviewing it and approving the whole process. You see what they went through with the prior hearing you had tonight, that's a tremendous amount of review that this whole process goes through,



the culverts, you have two PE's looking at it and then another organization that oversees it and says yes or no and then it goes back to the Planning Board, for a roadway, I agree 100%.

Other Business:

S. James so we had a public hearing for Accessory Dwelling Units the Warrant Article a couple of weeks ago and when we submitted that, totally my fault, I was under the impression that when we submitted it to the Town it automatically went to the attorney and it was reviewed. And you asked about that and I assumed it was but in fact it wasn't. The warrant articles don't get submitted until 2 weeks before. That one did not get reviewed. So when Bart looked at it, he had a couple of changes that were important. The crux of it was the heated part and he basically said that's not enforceable. You can build an accessory dwelling unit but you can't require people to heat it. It was a couple of minor changes to it. He said we still had time, not to notice it for tonight, but we are having a meeting on the 25<sup>th</sup> for a public hearing for that revised version of the warrant article.

Elections:

S. James said so we have elections coming up. Myself and Mike are up for re-election. The filing period is January 25<sup>th</sup> to February 3<sup>rd</sup>. Mike is going to run again. I am not going to this time around. I've enjoyed my time on the Board, we have a great group here and I think we've gotten a lot done. Anyone's welcome to run and we do have 3 alternate's if they are interested in running.

T. Giffen said you will be missed. I particularly appreciate the depth of your technical knowledge and also the time that you spent on the Board has given you exposure to a lot of things and you have an excellent memory for the regulations. Al seconded that.

S. James said I have a list I can pass on. I think we should have box culvert regulations. WE should have something on that. For the record, we design those and we put epoxy coated rebar on all of them as it adds about \$100 bucks to a box culvert, it was made to sound like a ton of money but it's not. It's just good belt and suspenders but we don't have anything to enforce it. With a membrane on it and buried, it will be fine. We have our special meeting on January 25<sup>th</sup> and our next meeting is February 1<sup>st</sup>.

MOTION:

A. Hall **motioned** to adjourn at approximately 8:10 pm. J. Bedard **seconded**. **All were in favor. Motion carried (6-0-0).**

Respectfully submitted,  
Andrea Bickum  
Land Use Secretary  
cc file