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**TOWN OF WILTON
PLANNING BOARD MEETING
DRAFT**

DATE: October 15, 2008

TIME: 7:30 P.M.

PLACE: Wilton Town Hall Courtroom

PRESENT: Wilton Planning Board Members: Chairman Jeff Kandt, Alec MacMartin, Neil Faiman, Alternate Walter Zuber, Board of Selectman Representative Bill Condra, NRPC Representative Steve Wagner, Clerk Heather Loewy Nichols.

The agenda was amended as follows:

- 1.) Minutes
 - September 17, 2008
 - October 2, 2008
- 2.) PB07-001-CSD: First Light Farm – Cluster Subdivision
- 3.) PB07-014-SD: Perham Woods- Cluster Subdivision
- 4.) PB08-003-SD: Gary & Betty Raymond – Subdivision Application
- 5.) PB08-008-SD: Donald Slowik – Subdivision
- 6.) PB08-017-LLA: Abbot Trust
- 7.) PB08-018-SPR: Household of Faith
- 8.) PB08-019-SD: Parker
- 9.) Other Business
- 10.) Adjournment

Chairman Jeff Kandt called the meeting to order at 7:35 p.m.

Walter Zuber joined the Board as a voting member, in place of Michael Cooley, at 7:36 p.m.

1. Minutes:

- September 17, 2008

A MOTION was made by Mr. Condra and SECONDED by Mr. Faiman to approve the minutes of September 17, 2008 as amended.

Voting: 5 ayes; motion carried with Mr. Fish abstaining.

- October 2, 2008

A MOTION was made by Mr. Faiman and SECONDED by Mr. Condra to approve the minutes of October 2, 2008 as written.

Voting: 3 ayes; motion carried with Mr. Fish, Mr. Condra, and Mr. Zuber abstaining.

Continuations:

- 2. PB-07-001-CSD: Cluster Subdivision – First Light Farm, LLC – Lots F-095-02,03,07,13,14 and 15 on Isaac Frye Highway in the Residential/Agricultural district. Applicant is proposing 22-unit cluster subdivision.**

Donald Sienkiewicz appeared before the Board and read a letter, received from Town Counsel, stating that Town Counsel does not feel that the town will be liable if the site

1 does not have a second access as long as the main access is 20' with 2' shoulders as
2 previously agreed upon.

3
4 To refresh the Board's memory, Mr. Kandt read the previous letter of concern from the
5 Fire Chief.

6
7 In response to a concern addressed in the letter, Mr. Sienkiewicz stated that he does not
8 think the barn needs a street number as he feels that 911 will be able to find it. Mr.
9 Faiman noted that the town has gone through a lot of work to make sure the names and
10 numbers of the roads in town are distinguishable. Also he added that he can see how the
11 proposed numbering would be difficult for emergency crews. The Board and the
12 applicant discussed possible road and number configurations. The board and the applicant
13 discussed whether there is a conflict between unit numbers and street numbers. The
14 Board noted that the numbering of houses is not under their jurisdiction.

15
16 In response to another concern from Chief Dick, Mr. Sienkiewicz stated that the parking
17 spots on the road will be for recreational use only.

18
19 Mr. Sienkiewicz offered the following responses to the concerns listed on NRPC
20 Representative Steve Wagner's review.

- 21 • Regarding infiltration, Mr. Sienkiewicz explained that his grant proposal was
22 denied so he will be sending a revision of the infiltration plan to LaBombard
23 Engineering. In response to a question from Mr. Fish, Mr. Sienkiewicz stated
24 that they will still be creating a detention basin across the street on Mr.
25 Sienkiewicz's other property. The applicant and the Board discussed the
26 infiltration options.
- 27 • Regarding private road notes, Mr. Sienkiewicz stated that he will draft the
28 notes and have them sent to Town Counsel for review.
- 29 • Regarding Milford's concerns, Selectman Representative Bill Condra noted
30 that the Board of Selectman felt that First Light Farm was not going to
31 contribute to the drainage problem on Issac Frye Highway in Milford,
32 because the water run off is going in another direction. The Board agreed that
33 this issue could be removed from the list.
- 34 • Regarding a landscaping plan, Mr. Sienkiewicz read the note he is proposing
35 explaining that the description is vague on purpose. Mr. MacMartin noted that
36 an erosion control plan should be in place and also a noted that Planning
37 Board approval will need to reference any erosion control notes. Mr. Fish
38 noted that the erosion control measures will need to stabilize any slopes as
39 they are being created.
- 40 • The applicant questioned whether there will be any phasing restrictions. Mr.
41 Wagner noted that, as of the last numbers the Planning Board has, Florence
42 Rideout was at 121% core capacity and 101% design capacity and the
43 ordinance states that at 80% of capacity the Board can invoke phasing
44 requirements. Mr. Kandt suggested that this issue should be discussed at the
45 next work session.

- 1 • With regard to active and substantial development, the applicant suggested
2 that the Board grant him “grandfathering” at the time he starts the project. Mr.
3 MacMartin noted that the Board usually sets these limits with reference to a
4 completed phase, such as bringing one of the roads to sub grade, not with
5 reference to time. In this case bringing First Light Lane to subgrade would be
6 appropriate. In response to a question from Mr. Kandt, Mr. MacMartin stated
7 that the discussion of extending the time allowed should occur after phasing
8 is discussed.
9

10 *A MOTION was made by Mr. Fish and SECONDED by Mr. MacMartin to continue the*
11 *application to November 5, 2008.*

12 *Voting: 6 ayes; motion carried unanimously.*
13

- 14 **3. PB-07-014-SD: Cluster Subdivision - Perham Woods** – Lots B-020 on Dale Street in the
15 Residential & Agricultural, Wetlands and Flood Plain District. Applicant is proposing a 29 unit
16 cluster subdivision.
17

18 Dawn Tuomala appeared before the Board for the applicant and explained that she has
19 changed the radius of the Beech Lane cul-de-sac from 75' to 110'. In response to a
20 question from Mr. MacMartin, Ms. Tuomala stated that this does not change the proposed
21 access or make the road closer to the wetland. She also noted that overall the open space
22 is about the same and now there is less wetland impact.
23

24 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue*
25 *the application to November 19, 2008.*

26 *Voting: 6 ayes; motion carried unanimously.*
27

- 28 **5. PB-08-003-SD: Subdivision Application – Gary & Betty Raymond** - Lot E10-2, 789 Gibbons
29 Highway – Applicant is proposing converting an existing duplex into a condex.
30

31 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue the*
32 *application to November 19, 2008.*

33 *Voting: 6 ayes; motion carried unanimously.*
34

- 35 **6. PB-08-008-SD: Subdivision – Donald Slowik** – Applicant is proposing to subdivide Lot B 31-3,
36 located on Pead Hill Rod, into three single family lots.
37

38 The Clerk explained that she has received proposed view and driveway easements this week
39 and has forwarded them to Town Counsel for review.
40

41 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue the*
42 *application to November 19 2008.*

43 *Voting: 6 ayes; motion carried unanimously.*
44

1 **7. PB08-017-LLA: Lot Line Adjustment - Abbot** – Lot K-105-1 on Maple Street & K-105-3 on
2 Pine Valley Street - The applicant is proposing transferring a 10' wide strip of land from Lot K-
3 105-3 to K-105-1.

4 Dawn Tuomala appeared before the Board and explained that this subdivision was
5 approved a year ago and at the time the applicant had created a 10' strip extending from
6 Lot K-105-3 out to Maple Street. She stated that she is now proposing removing that strip
7 from Lot K-105-3 and adding it to K-105-1. She also noted that she added Note #9 with
8 regard to encroachments. In response to a question asked last month by the Board, Ms.
9 Tuomala stated that she has confirmed that the setbacks are correct. In response to a
10 question from Mr. Fish, Ms. Tuomala explained that there was a buyer of Lot K-105-3
11 who wanted the path to Maple Street but that buyer is no longer purchasing the property
12 and the owner wants to get rid of the path.

13
14 Ms. Tuomala reviewed the waivers she is requesting, noting that she has submitted the
15 letters she received last year when this plan was approved.

16
17 *A MOTION was made by Mr. Faiman and SECONDED by Mr. Fish to grant the*
18 *following waivers:*

- 19 - *High Intensity Soil Survey*
- 20 - *Letter from the Water Commission*
- 21 - *Letter from the Sewer Commission*
- 22 - *Letter from the Fire Chief*
- 23 - *Letter from the Wilton Road Agent*

24 *Voting: 6 ayes; motion carried unanimously.*

25
26 *A MOTION was made by Mr. Faiman and SECONDED by Mr. Fish to accept the plan.*
27 *Voting: 6 ayes; motion carried.*

28
29 In response to a concern voiced by Mr. Faiman, Ms. Tuomala stated that she would pull
30 the second pin marking the bounds.

31
32 *A MOTION was made by Mr. Fish and SECONDED by Mr. Faiman to approve the*
33 *application subject to the pin being pulled.*

34 *Voting: 6 ayes; motion carried.*

35
36 Fees to be paid:

- 37 \$113.75 to Town of Wilton for NRPC fees
- 38 \$26 to the HRCD
- 39 \$25 to the HRCD

40
41 **8. PB08-018-SPR: Site Plan Review – Household of Faith** – Lot J-038 on Maple Street –
42 Applicant is proposing changing the common use areas that were approved by the Planning
43 Board in March of 2008.

44
45 *Alex MacMartin left the Board as a voting member at 8:52 p.m.*

46

1 Peter Manha explained that at the beginning of this year he received approval from the
2 Board for four condominiums on Maple Street and originally he proposed converting the
3 pool to a garage with each bay assigned to the each unit. However now he wants to be
4 able to assign the garage bays as each owner buys them. The new documents have been
5 submitted to Town Counsel however they did not make sense because he did not have the
6 plans with the documents. At this point the applicant is submitting both plans and revised
7 documents for Town Counsel review.

8
9 Mr. Wagner explained that he had suggested that waiving the \$200 per unit fee would be
10 reasonable as this is a small change to the plan.

11
12 *A MOTION was made by Mr. Faiman and SECONDED by Mr. Condra to waive the*
13 *subdivision application fee and set the total application fee at \$205.*

14 *Voting: 5 ayes; motion carried unanimously.*

15
16 The Board stated that they had no objections to the applicant's proposal.

17
18 *A MOTION was made by Mr. Faiman and SECONDED by Mr. Fish to accept the*
19 *application.*

20 *Voting: 5 ayes; motion carried unanimously.*

21
22 *A MOTION was made by Mr. Faiman and SECONDED by Mr. Fish to continue the*
23 *application to November 19, 2008.*

24 *Voting: 5 ayes; motion carried unanimously.*

25
26 *Mr. MacMartin returned to the Board as a voting member at 9:06 p.m.*

27
28 ***New Applications:***

29 **9. PB08-019-SD: Subdivision – Parker** – Lots B 35-1 on Pead Hill Road – The applicant is
30 proposing creating two new lots from the existing 23 acre lot.

31
32 Dawn Tuomala appeared before the Board for the applicant and explained that this site is
33 at 179 Pead Hill Road and the intent of the application is to subdivide Lot B-035-01 into
34 two single family units. She explained that Mr. Parker would like to sell the lot without
35 the house to his son which would leave an 11 acre lot without a house and a 12 acre lot
36 with the existing house. She explained that they are proposing creating a driveway off of
37 Pead Hill Lane and the Fire Chief is requesting that Pead Hill Lane be upgraded to
38 gravel, that the driveway entrance be widened to accommodate a fire truck, and that
39 brush be removed to improve the site line. She explained that they have added a note to
40 the plan requiring that Pead Hill Lane be brought up to standard prior to a certificate of
41 occupancy being issued. Ms. Tuomala also read a letter that stated that the Road Agent
42 finds that all requirements have been met and a letter from the Fire Chief stating that he
43 has no objection to the subdivision as long Notes #10 and 11 are adhered to. Ms.
44 Tuomala reviewed the list of waivers she is requesting.
45

1 Mr. MacMartin requested that Ms. Tuomala add “surface” after “grass” and marked the
2 access so that it is clear where each lot is taking its access from. He also requested that
3 Ms. Tuomala tie Note # 9 into the driveway shown on the plan.

4
5 Mr. Wagner explained that he is concerned whether the deed language covers
6 maintenance on the driveway. The Board discussed with Ms. Tuomala the necessity of a
7 maintenance agreement and agreed to send the submitted warranty deeds and the
8 maintenance agreement, when submitted, to Town Counsel.

9
10 Mr. Kandt agreed to walk the bounds.

11
12 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to approve*
13 *the following waivers:*

- 14 - 6.2.e: Location of existing buildings, wells, & septic systems abutting property.
15 - 6.3.f: Soils certification of a certified soil scientist or SCS.
16 - 6.3.h: Location of natural features, including wetlands.

17 *Voting 6 ayes; motion carried unanimously.*

18
19 The board discussed Mr. Wagner’s concern about drainage and found now objections to
20 Ms. Tuomala’s proposal.

21
22 The board discussed potential salt issues and found none.

23
24 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue*
25 *the application to November 19, 2008.*

26 *Voting: 6 ayes; motion carried unanimously.*

27
28 **10. Other Business**

- 29 - Granite State Concrete Noise Complaint

30 *Jeff Kandt and Matt Fish left the Board as voting members at 9:31 p.m.*

31
32 The Clerk explained that she is having difficulty finding the requested information for the
33 Board. Mr. MacMartin stated that he will talk to Dick Rockwood and Mark Whitehill for
34 assistance, draft a letter, and then take appropriate action.

35
36 *A MOTION was made by Mr. Condra and SECONDED by Mr. Zuber to continue the*
37 *issue to the November 19, 2008 meeting.*

38 *Voting: 4 ayes; motion carried unanimously.*

- 39
40 - Work Session Agenda

41 *Jeff Kandt and Matt Fish returned to the Board as voting members at 9:35 p.m.*

42
43 The Board discussed putting the following items on the November 5th agenda.

- 44
45 - Wellhead protection area

46 Ms. Tuomala noted that she has the well head report and will forward it to Mr. Wagner.

47

1 - Workforce housing

2 Mr. Wagner noted that NRPC will generate the town's workforce ratio but he will need to
3 know how many single family, duplexes, and multi units are currently in town.

4

5 - Phasing ordinance

6 - Review the previously created list of issues to discuss

7

8 Ms. Tuomala suggested creating a capital improvement committee and the Board had no
9 objections.

10

11 *Matt Fish left the Board as a voting member at 9:45 p.m.*

12

13 Spencer Brookes, Wilton Conservation Commission, discussed with the Board the
14 previously approved Provost Subdivision application. He explained that after the state
15 Wetland Bureau approves an application there is a 30 day window in which the EPA
16 considers the application and the EPA has stated that they are concerned about the
17 detention pond near the vernal pool. Mr. Faiman stated that he does not feel that the
18 Board needs to rescind the approval and that the applicant can return to the Board if they
19 need to amend the application.

20

21 The Board discussed Mr. Kandt's concern that the Board may end up recording plans that
22 have problems. Mr. Faiman suggested waiting until the appeal periods run out before
23 approving projects.

24

25 Bill Condra noted that the Selectman would like the Planning Board to discuss their fees.

26

27 **11. Adjournment**

28 *A MOTION was made by Mr. Faiman and SECONDED by Mr. MacMartin to adjourn*
29 *the meeting.*

30 *Voting: 6 ayes: motion carried unanimously.*

31

32 Chairman Kandt declared the meeting adjourned at 10:08 p.m.

33

34 Respectfully Submitted,

35 Heather Loewy Nichols

36 Wilton Planning Board Clerk

37