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**TOWN OF WILTON
PLANNING BOARD MEETING
DRAFT**

DATE: November 19, 2008

TIME: 7:30 P.M.

PLACE: Wilton Town Hall Courtroom

PRESENT: Wilton Planning Board Members: Chairman Jeff Kandt, Alec MacMartin, Neil Faiman, Brian Sullivan, Matt Fish, 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
- November 5, 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.) PB08-018-SPR: Household of Faith
- 7.) PB08-022-SD: Parker
- 8.) PB08-019-SD: Simoni
- 9.) PB08-020-SA: Center for Anthroposophy
- 10.) PB08-021-SA: Color Shop & More
- 11.) Other Business
- 12.) Adjournment

Chairman Jeff Kandt called the meeting to order at 7:37 p.m.

Walter Zuber joined the Board as a voting member, in place of Michael Cooley, at 7:38 p.m.

1. Minutes:

- November 5, 2008

A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to approve the minutes of November 5, 2008 as amended.

Voting: 7 ayes; motion carried.

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.

Ray Shea, from Sanford Survey, appeared before the Board at 7:43 p.m. and explained that he has met with Dennis LaBombard, of LaBombard Engineering, and they have tried to find places where they could detain, or infiltrate, water run off. He explained that they have found two or three places and they both agree that these are the only places available to address the increased run off. He stated that they are in the process of revising the plans and adding some small retention areas. Mr. Shea stated that Mr.

1 LaBombard feels that if these areas are added then the applicant will have done the best
2 they can. He stated that he is hoping to have approval from Mr. LaBombard next month.

3
4 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue*
5 *the application to December 17, 2008.*

6 *Voting: 7 ayes; motion carried unanimously.*
7

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

11
12 Dawn Tuomala, of Monadnock Survey, appeared before the Board at 7:45 p.m. and
13 submitted drainage calculations, legal documents, and plans to the Board to be evaluated
14 by the Conservation Commission, the town's engineer, and the town's counsel. She also
15 noted that the wetland application has been submitted to the state.

16
17 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue*
18 *the application to December 17, 2008.*

19 *Voting: 7 ayes; motion carried unanimously.*
20

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

23
24 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue the*
25 *application to December 17, 2008.*

26 *Voting: 7 ayes; motion carried unanimously.*
27

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

30
31 Donald Slowick appeared before the Board at 7:48 p.m. and stated that the view easement
32 and common drive maintenance agreement have been revised and approved by Town
33 Counsel. He explained that he did not bring mylars this evening because he needs to know
34 how many markers are needed to mark the bounds. He also explained that he relabeled the
35 house lot to B-031-03-04 and the language regarding the structures allowed in the view
36 easement area is now contained in the easement documents.

37
38 In response to a question from Mr. Faiman regarding the new zigzag boundary line between
39 lots B-031-3-2 and B-031-3-4, Mr. Slowick stated that this line was necessary in order to get
40 2 dry acres of land on the house lot. Mr. MacMartin stated that the applicant needed to come
41 up with a better way to define the property line and also needs to add a note on the plan that
42 identifies the area as also being the edge of wetland. Mr. Kandt suggested a separate entry in
43 the plan legend that portrays the specific line under discussion. Mr. Faiman noted that each
44 point will need to be marked at the site. Mr. MacMartin explained that a marker needs to be
45 set at every boundary point to protect future buyers. In response to a question from Mr.

1 Slowick, Mr. Faiman explained that the Board would only approve without the pins if there
2 was a particular hardship and a bond in place.

3
4 Mr. Fish noted that it would be easy for this lot to quickly become non-conforming, for
5 instance is a beaver built a dam in the wetland.

6
7 The Board discussed how the applicant might make the property line straighter and still have
8 the acreage he needs.

9
10 The applicant stated that he needs to find out what the bounds will cost.

11
12 Mr. Kandt noted that the Board has received a letter of approval from Town Counsel.

13
14 Mr. Slowick noted that the Conservation Commission approves of the plan also.

15
16 Mr. MacMartin stated that a note similar to Note #11 should be added to the plan for lot B-
17 031-03-02.

18
19 *A MOTION was made by Mr. Sullivan and SECONDED by Mr. Fish to continue the*
20 *application to December 17, 2008.*

21 *Voting: 7 ayes; motion carried unanimously.*

22
23 **6. PB08-018-SPR: Site Plan Review – Household of Faith –** Lot J-038 on Maple Street –
24 Applicant is proposing changing the common use areas that were approved by the Planning
25 Board in March of 2008.

26
27 *Alec MacMartin left the Board as a voting member at 8:06 p.m.*

28
29 Peter Manha appeared before the Board at 8:07 p.m. and stated that the application had
30 been waiting on approval from Town Counsel and that this approval has been received.
31 Mr. Kandt confirmed the receipt of a letter of approval from Town Counsel and noted
32 that the application was accepted at the last meeting.

33
34 *A MOTION was made by Mr. Faiman and SECONDED by Mr. Fish to approve the*
35 *application.*

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

37
38 *Mr. MacMartin returned to the Board as a voting member at 8:16 p.m.*

39
40 **7. PB08-22-SD: Subdivision – Parker –** Lots B 35-1 on Pead Hill Road – The applicant is
41 proposing creating two new lots from the existing 23 acre lot.

42
43 Dawn Tuomala, of Monadnock Survey, appeared before the Board, at 8:17 p.m., for the
44 applicant and explained that last month the Board granted her requested waivers and
45 since then the bounds have been walked by Mr. Kandt. She also noted that she labeled
46 Pead Lane as surface after grass and changed Note 11 as requested. She also changed the

1 legend as requested and added stake and stone delineations. She then submitted a
2 requested release of mortgage to the Board.

3
4 Ms. Tuomala explained that the applicant had recently opened a home equity loan and he
5 may have to redo the entire mortgage to get the paperwork the Board needs. She noted
6 that the right of way is already in existence and the only thing that is being changed is the
7 creation of a maintenance agreement for access. She stated that the applicant would like a
8 waiver as the right of way is already in the deeds.

9
10 Mr. MacMartin explained that if the mortgage is foreclosed on then the obligation to
11 maintain the road would no longer be in effect as anything that happens after a senior
12 mortgage was recorded is null and void if the mortgage is foreclosed on. He also
13 explained that there is a process in which the applicant can get a partial release.

14
15 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to accept the*
16 *application.*

17 *Voting: 7 ayes; motion carried unanimously.*

18
19 *A MOTION was made by Mr. Faiman and SECONDED by Mr. MacMartin to continue*
20 *the application to December 17, 2008.*

21 *Voting: 7 ayes; motion carried unanimously.*

22
23 **New Applications:**

24 **8. PB08-019-SD: Subdivision – Carlo & Anne Simoni** - A Subdivision Application by Carlo and
25 Anne Simoni to divide Tax Map H Lot 56, on Badger Farm Road and Issac Frye Highway, into
26 6 lots.

27
28 Ray Shea, of Sanford Survey, appeared before the Board for the applicant, at 8:28 p.m.,
29 and explained that the applicant is proposing dividing a 22 acre lot that is South East of
30 the intersection of Badger Farm Road and Issac Farm Highway into 6 lots; 2 reduced
31 frontage lots and 4 conventional lots. He noted that there is some wetland on the
32 property. Mr. Shea explained that they are proposing private way which would service
33 two conventional lots and a reduced frontage lot. The other reduced frontage lot will be
34 taking access from Issac Frye Highway.

35
36 Mr. Shea explained that Ordinance 6.3.5 says that a private way can only service two
37 reduced frontage lots and two conventional lots and he questioned whether it can service
38 three conventional lots and one reduce frontage lot. Mr. Faiman noted that Mr. Shea is
39 adhering to the spirit of the ordinance but not the letter. Mr. MacMartin suggested that
40 the applicant try to get a variance from the ZBA.

41
42 Mr. Shea stated that the subdivision will have one wetland crossing with about 1500 SF
43 of impact. He also noted that the ultimate goal of the applicant is to preserve the front
44 field.

45

1 In response to a question from the Board, Mr. Shea confirmed discussing realigning the
2 snow mobile trail but not eliminating it and noted that there is not currently a formal
3 easement.

4
5 A concern was expressed from a member of the public regarding water run off from H0-
6 056-06.

7
8 Mr. Fish noted that he would like to see the snow mobile trail preserved because there is
9 a trail to the east and west and he thinks it is nice that he wants to preserve the hay fields.

10
11 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to continue*
12 *the application to December 17, 2008.*

13 *Voting: 7 ayes; motion carried unanimously.*

14
15 **9. PB08-020-SA: Sign Application – Center for Anthroposophy** - A Sign Application by Center
16 for Anthroposophy to affix a painted wood sign on the building at 43 Main Street.

17
18 After discussion the Board decided that they could not approve the application as it exists
19 because the sign needs to be hung no lower than 8' from the ground.

20
21 *A MOTION was made by Mr. Faiman and SECONDED by Mr. MacMartin to continue*
22 *the application to December 3, 2008.*

23 *Voting: 7 ayes motion carried unanimously.*

24
25 **10. PB08-021-SA: Sign Application – Center for Anthroposophy** - A Sign Application by Center
26 for Anthroposophy to affix a cloth sign on the building at 43 Main Street.

27
28 *A MOTION was made by Mr. MacMartin and SECONDED by Mr. Faiman to approve*
29 *the application subject to the condition that the sign be securely fastened to the building*
30 *at the top and bottom of the sign.*

31 *Voting: 7 ayes, motion carried unanimously.*

32
33 **11. Other Business**

34 The Board discussed other business.

35
36 **12. Adjournment**

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

39 *Voting: 7 ayes; motion carried.*

40
41 Chairman Kandt declared the meeting adjourned at 9:22 p.m.

42
43 Respectfully Submitted,
44 Heather Loewy Nichols
45 Wilton Planning Board Clerk

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