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**TOWN OF WILTON  
PLANNING BOARD MEETING  
Approved 8/20/08**

5 **DATE:** June 18, 2008

6 **TIME:** 7:30 P.M.

7 **PLACE:** Wilton Town Hall Courtroom

8 **PRESENT:** Wilton Planning Board Members: Chairman Jeff Kandt, Alec MacMartin,  
9 Matt Fish, Brian Sullivan, Neil Faiman, Michael Cooley, Alternate Walter Zuber, Board  
10 of Selectman Representative Bill Condra, NRPC Representative Steve Wagner (arrived  
11 late), Clerk Heather Loewy Nichols.

12  
13 The agenda was amended as follows:

- 14 1.) Minutes
- 15 - May 21, 2008
- 16 - June 5, 2008
- 17 2.) Perham Woods- Cluster Subdivision
- 18 3.) Gary & Betty Raymond – Subdivision Application
- 19 4.) Cadrain & Lusheer – Lot Line Adjustment
- 20 5.) First Light Farm – Cluster Subdivision
- 21 6.) Lindquist – Subdivision Application
- 22 7.) Hillside of Wilton, LLC – Subdivision
- 23 8.) Donald Slowik – Subdivision
- 24 9.) New Sparton Properties – Excavation Permit Renewal
- 25 10.) Hansen – Caveat Lot Consolidation
- 26 11.) Eastview Condominium Association – Sign Application
- 27 12.) Other Business
- 28 13.) Adjournment
- 29

30 Chairman Jeff Kandt opened the meeting at 7:35 p.m. and with the support of the Board  
31 stated that this evening they would not be taking any new applications after 10:00 p.m.  
32 and that the Board would be spending no more then 20 minutes per case. He also noted  
33 that this evening the Board would be using Google Earth mapping on the projector to  
34 display the locations of the applications.  
35

36 **1. Minutes**

37 - May 21, 2008

38 **A MOTION was made by Alec MacMartin and SECONDED by Brian Sullivan to**  
39 **approve the minutes of May 21, 2008 with the following amendments:**

- 40 • Page 5, Line 16; change “RSA 674. D2” to “RSA 674:41 I d2”
- 41 • Page 6, Line 33; change “in place temporary” to “in place of temporary”
- 42 • Page 8, 3<sup>rd</sup> motion; change motion to read “A MOTION was made by Neil  
43 Faiman and SECONDED by Alec MacMartin to conditionally approve the  
44 application contingent upon the addition to the plan of a note stating that any  
45 change in the driveway requires Planning Board approval and a note regarding the  
46 restricted access on the gravel drive.”
- 47 • Page 9, Line 24; change “the prevalent paperwork” to “the relevant paperwork”

48 **Voting: 7 ayes; motion carried.**

49

1 - June 5, 2008

2 **A MOTION was made by Alec MacMartin and SECONDED by Brian Sullivan to**  
3 **approve the minutes of June 5, 2008 as written.**

4 **Voting: 6 ayes; motion carried with Matt Fish abstaining.**

5  
6 **Continuations:**

7 **2. Cluster Subdivision - Perham Woods** – Lots B-020 on Dale Street in the Residential &  
8 Agricultural, Wetlands and Flood Plain District. Applicant is proposing a 29 unit cluster  
9 subdivision.

10  
11 Chairman Jeff Kandt noted that the Board had received a request to continue the  
12 application.

13  
14 **A MOTION was made by Neil Faiman and SECONDED by Alec MacMartin to**  
15 **continue the application to July 16, 2008.**

16 **Voting: 7 ayes; motion carried.**

17  
18 **3. Subdivision Application – Gary & Betty Raymond** - Lot E10-2, 789 Gibbons Highway –  
19 Applicant is proposing converting an existing duplex into a condex.

20  
21 Chairman Jeff Kandt explained that the applicant has requested a continuance.

22  
23 **A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to**  
24 **continue the application to July 16, 2008.**

25 **Voting: 7 ayes; motion carried.**

26  
27 **4. Lot Line Adjustment – Kenneth Cadrain and Victor Lushear** – Applicants are proposing that  
28 0.105 acre be annexed from Lot D106-3, on Seagroves Street and Burns Hill Road, to Lot L05, on  
29 Seagroves Street. A variance was granted (Case #10/9/07-4) on October 2007, with conditions.

30  
31 Dawn Tuomala, of Monadnock Survey appeared before the Board for the applicant and  
32 stated that at the last meeting there were two outstanding issues. The first was a concern  
33 about the remaining lot having more than an acre of dry land, which she addressed in note  
34 14. The second concern was regarding an existing drain which she located as being on the  
35 property line abutting Lot L-04. She noted that she added the approximate location of the  
36 drain line to the plan and Note 15 with regards to an easement for repair of the drain. In  
37 response to a suggestion from Alec MacMartin, Dawn Tuomala added a notation on the plan  
38 highlighting the outfall of the drain. Dawn Tuomala then reviewed with the Board a letter  
39 from Town Counsel. In response to a question from Chairman Kandt, Dawn Tuomala stated  
40 that she did not prepare an easement to allow passage to fix the drain; she has just included  
41 the language on the plan.

42  
43 **A MOTION was made by Bill Condra and SECONDED by Matt Fish to accept the**  
44 **application.**

45 **Voting: 7 ayes; motion carried.**

46

1 Chairman Kandt called for public comment and saw none.

2  
3 **A MOTION was made by Matt Fish and SECONDED by Brian Sullivan to approve the**  
4 **application.**

5 **Voting: 7 ayes; motion carried.**

6  
7 The Board noted that they would contact Dawn Tuomala regarding the necessary fees.

8  
9 **5. Cluster Subdivision – First Light Farm, LLC – Lots F-095-02,03,07,13,14 and 15 on Isaac**  
10 **Frye Highway in the Residential/Agricultural district. Applicant is proposing 22-unit cluster**  
11 **subdivision.**

12  
13 Ray Shea, from Sanford Survey, appeared before the Board and explained that for the last  
14 few months they have been working with Dennis LaBombard on his engineering reviews.  
15 His initial review had 27 comments that they responded to and the plan was re-evaluated  
16 and the applicant received six comments about the revised plans. Ray Shea explained that  
17 they are waiting to finalize the plans until after they receive state approval. He also noted  
18 that they have been drilling wells for the state water approval. They have also spoken to  
19 Chief Ray Dick and he had three minor comments that they will address.

20  
21 In response to a question from the Board, Ray Shea explained that the actual grading on  
22 the lot will depend on the actual house design that is put on the lot, for instance the  
23 retaining walls shown may not need to be put in depending on the houses that the buyer  
24 wants. He noted that he would prefer not to be specific about the grading because they  
25 are just examples.

26  
27 In response to a question from the Board, Ray Shea explained that he did not show road  
28 profiles on the interior roads because they are trying to put them on the existing grade so  
29 there are no cuts and fills.

30  
31 In response to a question from Alec MacMartin regarding drainage off the 12% grade,  
32 Ray Shea explained that the roads will be gravel with small peaks and flows and that  
33 there is a short 12% grade which Dennis LaBombard is aware of and has not commented  
34 on.

35  
36 Mat Fish requested that the applicant specify 1.5” gravel, not .75” gravel, on the 12%  
37 grade areas.

38  
39 Ray Shea noted that they are working with Clean Solution on the septic systems and  
40 Clean Solutions has completed their part of the design and the applicant will be  
41 submitting it to the state.

42  
43 In response to a question from Matt Fish, Ray Shea explained that the well in question  
44 was on an abutting property.

45

1 In response to a question from Matt Fish, Ray Shea stated that the proposed grade of the  
2 riprap flume is approximately 14%, which Dennis LaBombard has reviewed.

3  
4 The Board and Ray Shea discussed water run off peak versus volume. Donald  
5 Sienkiewicz explained that, on this site, infiltration would be a nightmare and very  
6 expensive although if it was possible he would have liked to have done it. Ray Shea  
7 explained that they have addressed the run off issue with individual leaching areas, but  
8 that roads create more run off.

9  
10 Alec MacMartin questioned what impact this subdivision will have off site in a  
11 significant flood event. Ray Shea explained that if 100 more of these sites were added it  
12 would make a difference but this subdivision will not make a significant impact and he  
13 noted that the regulations look at the current properties, not what could be built in the  
14 future. He further explained that they are adding culverts and actually reducing the flow  
15 through the existing culverts and redirecting it to a new one which is designed for a storm  
16 and directing the water to the detention pond.

17  
18 Matt Fish and the applicant discussed 15” culverts versus 18” culverts and Matt Fish  
19 questioned how the new culvert is sized in relation to the increased amount of flow.

20  
21 Donald Sienkiewicz stated that he had submitted easement documents to put the culvert  
22 under the road and asked for direction in this matter. Alec MacMartin suggested that the  
23 applicant take up the issue of the culvert with the road agent and the Board of Selectman.  
24 Bill Condra told the applicant to consult with the road agent.

25  
26 In response to a question from Matt Fish regarding meadow phasing, Ray Shea explained  
27 that they would like to keep the description loose because they want to see what happens  
28 with the drainage when the trees get cut down. They plan on clearing and stumping the  
29 front half and leaving the back half of the meadow to be completed later or possibly not  
30 at all.

31  
32 Alec MacMartin stated that at some point the applicant will have to deal with  
33 construction phasing and bonding for the road.

34  
35 **A MOTION was made by Brian Sullivan and SECONDED by Matt Fish to continue the**  
36 **application to July 16, 2008.**

37 **Voting: 7 ayes; motion carried.**  
38

39 **6. Subdivision Application – Al Lindquist** – for acceptance and approval of a lot line  
40 adjustment and creation of 3 new residential building lots (total 4) located on  
41 Lyndeborough Center Road on Map/Lots B-026 and B-027 in the Residential/Agricultural  
42 District.

43  
44 Mike Todd appeared before the Board for the applicant and explained that they have set  
45 the bound for the town line marker but they have not had a chance to have a site walk.  
46 Jeff Kandt explained that Town Counsel had expressed concerns about the easement not  
47 being long enough. The Board explained that Town Counsel is requesting the 200’

1 easement so that the abutting lots do not build in an area which would make access to this  
2 lot impossible. The Board suggested “in the event of future construction of a road over  
3 the proposed 50’ right of way then the driveway of the lot must enter that road at least  
4 200’ from the center of the road.” They also suggested that the applicant show the  
5 location of future access on the plan.  
6

7 **A MOTION was made by Alec MacMartin and SECONDED by Matt Fish to**  
8 **continue the application to July 18, 2008.**  
9 **Voting: 7 ayes; motion carried.**

10  
11 Matt Fish volunteered to confirm that the new boundary marking has been placed.  
12

13 **7. Subdivision – Hillside of Wilton, LLC** – Lot D-084 on Pead Hill Road in the  
14 Residential/Agriculture District. Applicant is proposing to subdivide said lot into seven (7) lot  
15 subdivision.  
16

17 *Alec MacMartin and Neil Faiman left the Board as voting members at 8:48 p.m.*  
18

19 Chairman Kandt explained that Town Counsel was asked to come to the meeting but was  
20 unable to appear. Cappy DeMontigny appeared before the Board and stated that they have  
21 revised the plan and on the revised plan the surveyor has certified and included in a note, as  
22 requested, that there is an easement benefitting lot D-85 but it does not encumber lot D-084.  
23 He also noted that, in order to stay within the ZBA ruling, they have moved a house and  
24 pulled the access off of Pead Hill Road so now six driveways remain on Pead Hill Road and  
25 they are back within the guidelines set forth by the ZBA.  
26

27 The Board requested that the applicant change the road demarcation to a dotted line.  
28

29 Cappy DeMontigny went on to explain that the third issue remaining is the classification of  
30 Old Stage Road. They have received a letter from Steve Elliott stating that he was unable to  
31 find any information on the status of the road. Also Town Counsel submitted a letter stating  
32 that Old Stage Road was sometimes referred to as Old Rye Road and even though it was  
33 called a road in 1988, it was actually a path. Cappy DeMontigny noted that the 1999 plan  
34 refers to “a path formerly known as Old Rye Road.” In the deed, recorded in Volume 672  
35 Page 102, it never refers to Old Stage Road at all rather it only refers to the dotted line going  
36 to Dale Road. Chairman Kandt stated that Town Counsel advises that the status of Old Stage  
37 Road can be left unexplored. The Board stated that they are satisfied with the investigation of  
38 the road.  
39

40 The Board discussed, with the applicant, Town Counsel’s suggestion that a note be included  
41 stating that if the Road should be determined to be a town road it shall not bifurcate the lots.  
42

43 The Board and the applicant discussed the previously proposed easement. The Board noted  
44 that the easement is no longer on the plan and suggested that it should go back on the plan to  
45 allow for public passage on Old Stage Road.  
46

1 Cappy DeMontigny stated that they have received the site specific and alteration of terrain  
2 permits. He also explained that they have met with the Board of Selectman and have received  
3 approval to name the private way Hawthorn Road and have agreed on an offsite contribution  
4 for each lot. He further explained that they received 14 comments from Dennis LaBombard  
5 and have addressed each of them and resubmitted the plan. Currently they are just waiting for  
6 his final approval.

7  
8 The applicant asked for a conditional approval and the Board stated that the following items  
9 need to be addressed before they can give their approval:

- 10 • Note about the road not bifurcating the lots
- 11 • Changing the woods road to a dotted line
- 12 • Possible public easement
- 13 • Approval from Dennis LaBombard

14  
15 The Board agreed that the disputed easements and Old Stage Road are now a private matter.  
16 Chairman Kandt asked for public comment and saw none.

17  
18 **A MOTION was made by Brian Sullivan and SECONDED by Matt Fish to continue the**  
19 **application to July 16, 2008.**

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

21  
22 After the applicant left, the Board asked the clerk to communicate with the applicant that  
23 they would like a note on the plan stating the following “ per the ZBA decision, lots  
24 illustrated as having access off of Hawthorn must take access off of Hawthorn” and also Lot  
25 D-084 should be changed to Lot D-084-01.

26  
27 *Alec MacMartin and Neil Faiman returned to the Board as voting members.*

28  
29 **8. Subdivision – Donald Slowik –** Applicant is proposing to subdivide Lot B 31-3, located on Pead  
30 Hill Road, into three single family lots.

31  
32 Donald Slowick appeared before the Board and explained that in the two months since the  
33 last time they appeared they have been granted a special exception by the ZBA, and Meridian  
34 Land Services has completed a high intensity soil survey. Still pending is application  
35 approval from the Department of Environmental Services, the Expedited Wetland Impact  
36 permit, Dredge and Fill permit, state subdivision approval, and a common driveway  
37 maintenance agreement. Spencer Brookes noted that the Wilton Conservation Commission  
38 has approved and signed off on the Expedited Wetland Crossing permit after finding it quite  
39 satisfactory. Donald Slowick noted that the plan now has one culvert instead of two and  
40 wetland impact has been reduced by more then 50%. Neil Faiman noted that any ZBA action  
41 should be stated in a note on the plan with the language of the decision as the decision was  
42 brief.

43  
44 Alec MacMartin suggested that the Board contact Town Counsel about the regulation which  
45 he has talked about in earlier cases this evening and determine if it applies to private roads or  
46 not. He also explained that whoever is creating the driveway conveyances for the applicant

1 should be able to create a conveyance that states the bounds of the viewing preservation and  
2 what can be done on it.

3  
4 The Board noted that the main lot number needs to be changed to B-031-3-1. They also noted  
5 that if the applicant can forward the conveyances to the clerk, she will have them reviewed  
6 by Town Counsel. The Board discussed view shed conveyances with the applicant.

7  
8 **A MOTION was made by Brian Sullivan and SECONDED by Neil Faiman to continue**  
9 **the application to July 16, 2008.**

10 **Voting: 7 ayes; motion carried.**

11  
12 **9. Excavation Renewals- New Spartan Properties, LLC** – Applicant is proposing renewal of  
13 Excavation Permits for Lot F-122, M-059 off Abbot Hill Road and Map/Lot F-173, E-022, E-023, E-  
14 017 and E-021 off Route 31 South

15  
16 Matt Fish explained that he and Jeff Kandt reviewed the pit and Tom Quinn had erected a  
17 bright orange fence along the deep excavation areas that Matt Fish thinks is better than the 4'  
18 high berm. He stated that the rest of the inspection was satisfactory.

19  
20 With regards to removing the phasing requirements as discussed at the last meeting,  
21 Chairman Kandt stated that after seeing the site he is concerned about what members of the  
22 public or members of the Board thought when the plan was created.

23  
24 Tom Quinn explained that currently the slope can not be restored until last and if the Board  
25 were to allow the change he could start the reclamation sooner so as to make it look better  
26 sooner. In response to a question from the Board, Tom Quinn stated that he would like to  
27 think it could be reclaimed in three years but he is not positive and he noted that it is going to  
28 look worse temporarily.

29  
30 After discussion between the Board and the applicant regarding phasing and total open face  
31 amounts, Tom Quinn agreed to focus on that area if the Board were to change the phasing  
32 requirements.

33  
34 **A MOTION was made by Matt Fish and SECONDED by Alec MacMartin to amend**  
35 **the site plan for Lot E-022 to allow incremental excavation in one third increments**  
36 **lengthwise along the 100' forested protected buffer to be carried out in one third**  
37 **increments along with the condition that excavation in any adjacent Phase 2 area will**  
38 **only commence after the installation of loam and seeding on the previous third of**  
39 **excavated area.**

40 **Voting: 7 ayes; motion carried.**

41  
42 In response to a question from the Board, Tom Quinn indicated that the 2 to 1 slope on the  
43 plan will be closer to a 5 to 1 slope.

44  
45 ***New Applications:***

1 **10. Caveat Lot Consolidation – Hansen** – Applicant is proposing to consolidate Lot L-012 and L-  
2 034.

3  
4 Otto Hansen appeared before the Board and explained that the application is to  
5 consolidate two lots; Lot 12 on Adrian Ave, which his house is on, and Lot 34 in the  
6 back. He explained that he needs to cut some trees down on the boundary line and, after  
7 checking with his home owner's insurance, he discovered that the secondary lot is no  
8 longer being covered and can not be covered until the two lots are consolidated.

9  
10 **A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to**  
11 **approve the application.**

12 **Voting: 7 ayes; motion carried.**

13  
14 **11. Sign Application – Eastview Condominium Association** – Applicant is proposing a 8' x 3',  
15 freestanding, sign constructed of 2" sign foam with a metal frame.

16 This application will be heard on July 2, 2008.

17  
18 **Pre-Application:**

19 **12. Matthew Fish on behalf of Town of Wilton** -- Carnival Hill basketball courts

20 Matt Fish explained that Stuart Draper's family is going to donate \$75,000 to build two  
21 basket ball courts on Carnival Hill and questioned what the Planning Board needs in  
22 terms of an application. Chairman Kandt stated that as a courtesy they should let the  
23 Board know what is being done. Spencer Brookes noted that there is an easement on the  
24 land.

25  
26 **13. Other Business**

27 - NRPC presentation regarding Managing Groundwater Protection Areas  
28 After hearing the presentation by Steve Wagner regarding Protecting Groundwater  
29 through Voluntary Inspection Programs, the Board decided to discuss the matter further  
30 on July 2<sup>nd</sup>.

31 - Proposed Zoning Amendments (a)

32 **A MOTION was made by Neil Faiman and SECONDED by Matt Fish to designate**  
33 **Alec MacMartin and Jeff Kandt to form a Planning Board Committee to study the**  
34 **concept of T.D.R. and, if they deem it appropriate, draft an amendment to the**  
35 **ordinance as a whole, hold meetings at their discretion, and invite members of the**  
36 **public as appropriate.**

37 **Voting: 7 ayes; motion carried.**

38  
39 **14. Adjournment**

40 **A MOTION was made by Brian Sullivan and SECONDED by Bill Condra to adjourn.**

41 **Voting: 7 ayes; motion carried.**

42  
43 Chairman Jeff Kandt declared the meeting adjourned at 11:20 p.m.

44  
45 Respectfully Submitted,  
46 Heather Loewy Nichols

1 Clerk