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**TOWN OF WILTON
PLANNING BOARD MEETING
DRAFT**

5 **DATE:** August 20, 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 Neil Faiman, Brian Sullivan, Alternate Walter Zuber, Alternate Dave Holder, Board of
10 Selectman Representative Bill Condra, NRPC Representative Steve Wagner, Clerk
11 Heather Loewy Nichols.

12
13 The agenda was amended as follows:

- 14 1.) Minutes
15 - June 18, 2008
16 - July 2, 2008
17 - July 16, 2008
18 - August 7, 2008
19 2.) PB-EX01: Quinn Brothers
20 3.) PB-EX02: New Spartan Properties
21 4.) PB-08-014-SPR: Endefield
22 5.) PB-07-001-CSD: First Light Farm – Cluster Subdivision
23 6.) PB-07-014-SD: Perham Woods- Cluster Subdivision
24 7.) PB-07-021-SD: Lindquist – Subdivision Application
25 8.) PB-07-023-SD: Hillside of Wilton, LLC – Subdivision
26 9.) PB-08-003-SD: Gary & Betty Raymond – Subdivision Application
27 10.) PB-08-008-SD: Donald Slowik – Subdivision
28 11.) PB-08-013-LLA: Don & Dorothy Taylor
29 12.) PB-08-015-SA: Wilton Main Street Association
30 13.) PB-08-016-SA: Wilton Main Street Association
31 14.) Adjournment
32

33 Chairman Jeff Kandt called the meeting to order at 7:35 p.m. and explained that the
34 Board will not be hearing any cases after 9:30 and will adjourn at 10:00 p.m.
35

36 *Walter Zuber joined the Board as a voting member in the place of Matt Fish.*
37

38 **1. Minutes:**

- 39 - June 18, 2008

40 *A MOTION was made by Alec MacMartin and SECONDED by Walter Zuber to approve
41 the minutes of June 18, 2008 as written.*

42 *Voting: 6 ayes; motion carried.*
43

- 44 - July 2, 2008

45 *A MOTION was made by Walter Zuber and SECONDED by Bill Condra to approve the
46 minutes of July 2, 2008 as written. Voting: 4 ayes; motion carried with Alec MacMartin
47 and Brian Sullivan abstaining as they were not at the meeting.*
48

- 49 - July 16, 2008

1 *A MOTION was made to by Alec MacMartin and SECONDED by Walter Zuber to*
2 *approve the minutes of July 16, 2008 with the following amendments:*

- 3 • *Page 5; change “Toumala” to “Tuomala”*
- 4 • *Easement details*

5 *Voting: 5 ayes; motion carried with Jeff Kandt abstaining as he was not at the meeting.*

6
7 *- August 7, 2008*

8 *A MOTION was made by Alec MacMartin and SECONDED by Bill Condra to approve*
9 *the minutes of August 7, 2008 as written.*

10 *Voting: 3 ayes; motion carried with Neil Faiman, Walter Zuber, and Brian Sullivan*
11 *abstaining as they were not at the meeting.*

12
13 ***New Applications:***

14 **2. PB-EX01: Excavation Permit Renewal - Quinn Brothers** – Applicant is proposing renewing
15 permit number 2-16-EX-1-00 for Tax Map B Lot 05 off of Forest Road.

16
17 Tom Quinn appeared before the Board and stated that excavation has not yet begun on
18 the site.

19
20 *A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to*
21 *conditionally approve the renewal of the excavation permit for Lot B-005 subject to*
22 *verification that no changes have occurred to the site over the past year.*

23 *Voting: 6 ayes; motion carried.*

24
25 **3. PB-EX02: Excavation Permit Renewal – New Spartan Properties** – Applicant is proposing
26 renewing permit number E22303132-04 for Tax Map E Lots 22, 30, 31, and 32.

27
28 Jeff Kandt explained that Matt Fish visited the site today and sent an email that stated that

29
30 *A MOTION was made by Bill Condra and SECONDED by Neil Faiman to approve the*
31 *renewal of excavation permit number E22303132-04 for Lots E-022, 030, 031, and 032.*

32 *Voting: 6 ayes; motion carried.*

33
34 **4. PB-08-014-SPR: Site Plan Review – Lisa Edenfield** – Applicant is proposing modifying the site
35 plan approved by the Wilton Planning Board on 11/28/07, on Tax Map F Lot 098-1, for a Home
36 Daycare Occupation to increase the number of children allowed from nine to twelve children.

37
38 Donald appeared before the Board for the applicant and explained that the applicant would
39 like to change her home daycare from accepting six non school age children and three school
40 age children to accept 12 children. He explained that she has state approval for up to 15
41 children but the Fire Chief will only allow her to have 12. He noted that RSA 9.7.3 states that
42 a day care center is required to have one space for each employee and one space for every six
43 children at the center and the applicant is providing four parking spaces; two spaces for
44 employees and two space for drop off and pick up. He noted noted that the previously
45 approved site plan already had these four spaces so they applicant has just changed the
46 number of children allowed on the site plan. In response to a concern from the Spencer

1 Brookes of the Conservation Commission, Donald stated that there have not been and will
2 not be any changes to the outside of the building beyond that of a picket fence in the yard.
3 Spencer Brookes noted the historic value of the property. In response to a question from Bill
4 Condra, Donald stated that the center is open to the public. In response to a question from
5 Alec MacMartin, Donald stated that the hours have not changed and will remain at 7 a.m. to
6 7 p.m. Bill Condra and the Board discussed whether this requires a change of use permit
7 from the Building Inspector. The Board did not think that it would. In response to a question
8 from Brian Sullivan, Donald stated that the state uses the Health Officer and the Fire Chief to
9 oversee the facility.

10
11 *A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to accept the*
12 *application.*
13 *Voting: 6 ayes; motion carried.*
14

15 The Board discussed whether they needed to give specific ages in the approval.

16
17 *A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to increase the*
18 *approved number of children to 12 children, ages 1-12, subject to the following conditions:*

- 19 • *No changes to the exterior of the building*
- 20 • *No signage is allowed*
- 21 • *Hours are to remain 7 a.m. – 7 p.m.*
- 22 • *All conditions of the prior approval remain in effect*

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

25 *Continuations:*

26 **5. PB-07-001-CSD: Cluster Subdivision – First Light Farm, LLC – Lots F-095-02,03,07,13,14**
27 **and 15 on Isaac Frye Highway in the Residential/Agricultural district. Applicant is proposing 22-**
28 **unit cluster subdivision.**
29

30 Ray Shea, of Sanford Survey, appeared before the Board for the applicant and stated that
31 they have submitted the state subdivision and alteration of terrain permit applications and
32 will be submitting the state septic application shortly. He also noted that new plans were
33 submitted to LaBombard Engineering. He explained that the assessor wanted them to
34 change the lot number to F-095-02 but this is one of the original lot numbers. The Board
35 asked the applicant to change the lot numbers back to F-095-16. Ray Shea also explained
36 that they have specified 1.5” gravel on the slopes with more than 10% grade. They
37 also added Note #15 with regard to temporary street numbers during construction and
38 Note # 22, which notes that they will not be allowed to pull a fifth occupancy permit until
39 the construction of the fire pond is complete as the Fire Chief will only allow four houses
40 to be built without the new fire pond. Alec MacMartin stated that there should be a note
41 that states that that no certificate of occupancy can be issued until the infrastructure has
42 been approved by the Fire Chief and the Town Engineer. Ray Shea explained that they
43 amended the hydrant specification to a specific kind, as requested by the Fire Chief, and
44 included that the connections be encased in concrete. The Board and the applicant further
45 discussed bonding issues.
46

1 Jeff Kandt read a letter from the Milford Planning Board that expressed their preference
2 that the drainage issues on Issac Frye Highway be resolved before additional traffic starts
3 using the road. Janet Langdell, of the Milford Planning Board, appeared before the Board
4 and requested that a formal response letter be sent from the Wilton Planning Board in
5 order to keep the lines of communication open. The Planning Board explained that this is
6 a matter for the Board of Selectman.

7
8 *A MOTION was made by Neil Faiman and SECONDED by Alec MacMartin that the*
9 *Wilton Planning Board forward the letter from the Milford Planning Board to the Wilton*
10 *Board of Selectman requesting them to appropriately response to the Milford Planning*
11 *Board.*

12 *Voting: 6 ayes; motion carried.*

13
14 Ray Shea stated that the Road Agent has raised concerns about the drainage from the
15 subdivision. Ray Shea stated that they are addressing the drainage as best they can with
16 the terrain involved and that Dennis LaBombard feels that the rate of run off is being
17 addressed, if not the volume of run off. The Board stated that they will deal with this
18 issue next month.

19
20 Donald presented an updated letter from Fire Chief Ray Dick which reiterated his
21 concerns that there is no second access and stated that he will not sign off on a project
22 that does not meet state code. Donald stated that he feels that the subdivision does not
23 require two access roads. The Board stated that they thought they had solved this issue by
24 requiring a wider collector road.

25
26 *A MOTION was made by Alec MacMartin and SECONDED by Bill Condra to send the*
27 *Fire Chief's comments to Town Counsel for review.*

28 *Voting: 6 ayes; motion carried.*

29
30 *A MOTION to was made by Alec MacMartin and SECONDED by Walter Zuber to amend*
31 *the previous motion to include a request for Town Counsel to render a legal opinion as to*
32 *whether the Fire Chief's ascertain that the fire code applies to this situation, even though*
33 *the Board has already required that the road be wide enough to pass two fire trucks, is*
34 *correct and also as to whether the NFPA access regulations apply to subdivisions.*

35 *Voting: 6 ayes; motion carried.*

36
37 *A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to continue*
38 *the application to September 17, 2008.*

39 *Voting: 6 ayes; motion carried.*

40
41 **6. PB-07-014-SD: Cluster Subdivision - Perham Woods** – Lots B-020 on Dale Street in the
42 Residential & Agricultural, Wetlands and Flood Plain District. Applicant is proposing a 29 unit
43 cluster subdivision.

44
45 Dawn Tuomala appeared before the Board for the applicant and stated that she is close to
46 submitting the state applications and will be resubmitting the plans to the Fire Chief and

1 Road Agent. She also noted that she has to submit the final plans to LaBombard
2 Engineering and is hoping to have conveyances soon so they can be sent to Legal
3 Counsel. She stated that the Board of Selectman has voted to fix the intersection of Dale
4 Street and Route 31 but she noted that members of the Board stated that they did not want
5 the intersection changed. After discussion, the Board stated that it is the role of the Board
6 of Selectman to determine whether it is appropriate to change the intersection. They also
7 noted that the application does need to include any offsite improvements as part of the
8 plan set.

9
10 Dawn Tuomala stated that she has added Note 8, which allows for 10 building permits
11 per year to be issued for three years. In response to a question from Bill Condra, Dawn
12 Tuomala stated that the applicant wants to build the entire road system in the beginning
13 so lots can be built in any order. Alec MacMartin noted that bonds will have to be
14 supplied for the completion of the roads and can be release as the roads get built. Steve
15 Wagner noted that the town will want to make sure that the drainage system is working
16 correctly. Alec MacMartin explained that, due to the fact that oil prices are always
17 changing, the Board and applicant need to come up with a mechanism to change the
18 bonding figure closer to the time of construction, perhaps with a preconstruction meeting.
19 He explained that the applicant needs submit a bonding proposal, including the roads,
20 drainage, and fire pond and the Board will have Dennis LaBombard review it. The Board
21 discussed the phasing options and did not object the applicant's proposed phasing.

22
23 Dawn Tuomala stated that she has no objections to Tracey Tar's latest suggestions and
24 will put a planting schedule in place. The Board decided that they did not need Tracey
25 Tar to make a presentation to the Board.

26
27 In response to a question from Alec MacMartin, Dawn Tuomala stated that there is one
28 well for every two units and a septic system for every two units with the exception of
29 three lots. She has noted that she has delineated which unit is tied to which septic, each
30 unit has its own septic tanks and shares a buffer tanks and leach field, and that the leach
31 fields are sized for four bedrooms houses even though the units on have three bedrooms.

32
33 *A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to continue*
34 *the application to September 17, 2008.*

35 *Voting: 6 ayes; motion carried.*

36
37 **7. PB-07-021-SD: Subdivision Application – Al Lindquist** – for acceptance and approval of a
38 lot line adjustment and creation of 3 new residential building lots (total 4) located on
39 Lyndeborough Center Road on Map/Lots B-026 and B-027 in the Residential/Agricultural
40 District. (*Conditionally approved 7/16/08*)

41
42 Alec MacMartin stated that he will send the letter from Town Counsel to the applicant's
43 counsel and noted that the applicant is prepared to make the necessary changes.

44
45 *A MOTION was made by Brian Sullivan and SECONDED by Walter Zuber to continue*
46 *the application to September 17, 2008.*

1 *Voting: 6 ayes; motion carried.*

2
3 **8. PB-07-023-SD: Subdivision – Hillside of Wilton, LLC** – Lot D-084 on Pead Hill Road in the
4 Residential/Agriculture District. Applicant is proposing to subdivide said lot into seven (7) lot
5 subdivision.

6 *Conditionally approved 7/16/08*

7
8 *Neil Faiman and Alec MacMartin left the Board as voting members at 9:53 pm. Dave Holder*
9 *was appointed to the Board for Neil Faiman.*

10
11 Cappy DeMontegney appeared before the Board and stated that last month he received a
12 conditional approval with seven conditions and explained to the Board that each of the
13 conditions was fulfilled except for approval from Town Counsel. Chairman Jeff Kandt
14 explained that Town Counsel is questioning whether the town or the Subdivision Association
15 should be responsible for maintenance of such things as the fire pond. After discussion, the
16 Board decided that they were satisfied with the documents and that it may be appropriate to
17 discuss their policy towards these responsibilities at a later date. Chairman Kandt declared
18 that all the conditionals had been met except for the payment of the fees.

19
20 *Neil Faiman and Alec MacMartin returned to the Board as voting members at 10:00 p.m.*

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

25
26 Gary and Betty Raymond appeared before the Board and explained they are unable to
27 finalize a mortgage on the two properties until they receive a conditional approval from the
28 Board. Got documents, nothing can be changed because their mortgage company will not

29
30 *A MOTION was made by Alec MacMartin and SECONDED by Neil Faiman to conditionally*
31 *approve the application subject to Town Counsel's approval of the final documents and*
32 *payment of fees; in the event the forgoing is not completed with in 8 months the conditional*
33 *approval is withdrawn and the application is denied.*

34 *Voting: 6 ayes; motion carried.*

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

38
39 *A MOTION was made by Alec MacMartin and SECONDED by Walter Zuber to continue the*
40 *application to September 17, 2008.*

41 *Voting: 6 ayes; motion carried.*

42
43 ***New Applications:***

44 **11. PB-08-013-LLA: Lot Line Adjustment - Don & Dorothy Taylor** – Applicant is proposing that
45 Tax Map A Lot 58-06 be reduced to 28.489 acres and Tax Map C Lot 32 be increased to
46 37.634 acres.

1
2 *Alec MacMartin left the Board as a voting member at 10:11 p.m. and was replaced by Dave Holder.*

3
4 Dawn Tuomala appeared before the Board for the applicant and stated that this
5 application is a lot line adjustment between Lot A-058-06 and C-032 on Duggan Road
6 and the Bennington Battle Trail. She explained that Lot A-058-6 has 55 acres and Lot C-
7 022 is small lot to the west that presently has 11 acres. The applicants want to create
8 more even lots so they are proposing that Lot A-58-6 be 28 acres in are and Lot C-032 be
9 37 acres in areas. Dawn Tuomala explained that Sam Proctor appeared before the Board
10 of Selectman and received permission for the applicants to gain access for a barn off of
11 Bennington Battle Trail. She also presented letters of approval from Fire Chief Ray Dick
12 and Road Agent Steve Elliot, and driveway permits for all three driveways. Alec
13 MacMartin stated that there should be a note referencing that before applying for a
14 building permit the requirements of RSA 674:41 must be satisfied.

15
16 Dawn Tuomala stated that Steve Wagner had suggested renumbering the lots and the
17 Board that they should not be renumbered.

18
19 Dawn Tuomala requested the following waivers:

20 6.2.e – Location of existing septic system leach fields within 100 feet of property lines

21 6.3.c – Area of proposed lots – wet, dry, and total. Waiver for wet and dry areas.

22 6.3.d - Existing and proposed topography.

23 6.3.f- Soil boundaries and types.

24 6.3.g – High intensity soil survey, if required.

25 6.3.h – Locations of all water bodies, watercourses, wetlands, rock/ledge outcrops or
26 other significant natural features.

27 6.3.m – Locations of existing and proposed utilities.

28
29 *A MOTION was made by Brian Sullivan and SECONDED by Walter Zuber to grant the*
30 *waivers as requested.*

31 *Voting: 5 ayes; motion carried with Dave Holder abstaining.*

32
33 *A MOTION was made by Brian Sullivan and SECONDED by Bill Condra to accept the*
34 *application.*

35 *Voting: 6 ayes; motion carried.*

36
37 *A MOTION was made by Brian Sullivan and SECONDED by Walter Zuber to*
38 *conditionally approve the application contingent upon receipt of plans and mylars*
39 *containing a note regarding RSA 674:41, receipt of fees, and confirmation of the set*
40 *bounds.*

41 *Voting: 6 ayes; motion carried.*

42
43 Dave Holder volunteered to walk the bounds.

44
45 Fees to be received:

46 Town of Wilton: \$65.00

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12. PB-08-015-SA: Sign Application – Wilton Main Street Association – Applicant is proposing erecting a freestanding temporary sign, 3.4' in length and 4.25' in width, on Tax Map J Lot 48 on Main Street.

A MOTION was made by Alec MacMartin and SECONDED by Walter Zuber to continue the application to September 3, 2008.

Voting: 6 ayes; motion carried.

13. PB-08-016-SA: Sign Application – Wilton Main Street Association – Applicant is proposing erecting an affixed sign, 1.5' in length and 2' in width, on Tax Map J Lot 48 on Main Street.

A MOTION was made by Alec MacMartin and SECONDED by Walter Zuber to continue the application to September 3, 2008.

Voting: 6 ayes; motion carried.

14. Adjournment

A MOTION was made by Brian Sullivan and SECONDED by Bill Condra to adjourn the meeting.

Voting: 6 ayes; motion carried.

Chairman Jeff Kandt declared the meeting adjourned at 10:40 pm.

Respectfully Submitted,
Heather Loewy Nichols
Wilton Planning Board Clerk