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**TOWN OF WILTON  
PLANNING BOARD MEETING  
DRAFT**

5 **DATE:** August 7, 2008

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

7 **PLACE:** Citizen's Hall Lyndeborough, NH

8 **PRESENT:** Wilton Planning Board Members: Chairman Jeff Kandt, Alec MacMartin,  
9 Alternate Dave Holder, Selectman Representative Bill Condra, NRPC Representative Steve  
10 Wagner, and Clerk Heather Loewy Nichols.

11 Lyndeborough Planning Board: Chair Tracey Turner, Mike Decubellis, Bill Ball, Bob Rogers,  
12 Ray Humphreys, Selectman Representative Andy Roeper, Alternate Larry Larouche, and Clerk  
13 Pauline Ball.

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15 The Wilton Planning Board joined the Lyndeborough Planning Board at 8:02 p.m. to hear:

- 16  
17 **1. Subdivision Application - Provost 1993 Trust** –for Lot B-014 Cram Hill Road in the  
18 Residential/Agricultural and Wetlands Districts. Applicant is proposing a 14-lot subdivision  
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20 Tracey Tarr, of Stoney Ridge Environmental, appeared before the Board and explained that her  
21 services had been obtained to review the Provost subdivision in terms of wildlife concerns and  
22 wetland buffers. She stated that she completed a site walk with Robert McKenny and Wilton  
23 Conservation Commission members during which she characterized habitats and dip netted  
24 vernal pools and she has been communicating with Jeff Merritt. She explained that the site is  
25 largely Hemlock/Beach/Pine cover type with a large inclusion of Hemlock in the center of  
26 property. She explained that this cover is important because it provides a dense canopy cover for  
27 deer and porcupine. She further explained that she found the four vernal pools noted by the  
28 applicant and agrees with their stance as to which of the pools are the most productive, but she  
29 also noted vernal pool #5 close to the building site and would not be surprised if there are other  
30 pools in the wetland. After Tracey Tarr completed the site walk she looked at the design of the  
31 plan and, after her initial report, the applicant has now clarified the difference between setbacks  
32 and buffers. She explained that these are important because vernal species spend most of there  
33 time in the upland and trying to protect the viability of the vernal pool, and the characteristics of  
34 the pool, is important. She explained that the applicant has minimized the plan to one wetland  
35 crossing, which is over 2' by 2' as required. She also noted that there are three detention basins  
36 near the vernal pools. She explained that these are of concern because they take away from the  
37 upland habitat by the vernal pool. She noted that new federal guidelines recommend that catch  
38 basins be 750' away from any vernal pools although this is not always feasible. The applicant  
39 has moved the outlet of the basin so the discharge is no longer directed into the vernal pool and  
40 added native shrub plantings around the perimeter of the basins to protect the vernal pool. Jeff  
41 Merritt noted that on sheet 19 and 20 they have added a planting plan for each basin that includes  
42 one shrub every 9 square feet. The plan also requires that at least five of the eleven native

1 varieties listed on the plan be used. Also on the plan is a notation that states that once the  
2 detention basins are planted they should be allowed to grow naturally.

3 In response to a question from Alec MacMartin, Tracey Tarr stated that she thinks that a culvert  
4 that is at least 2' by 2' is appropriate on this site because the crossing is from one wetland to  
5 another wetland and that the proposed baffle and stone culvert bottom is a positive feature.

6 In response to a question from Alec MacMartin, Tracey stated that, with regard to the driveways  
7 and associated drainage, she would recommend making sure that the cutting restrictions stay in  
8 the language and that, once the subdivision is in place, plaques be placed on the setback lines to  
9 make it clear to the owners where the buffers are.

10 In response to a question from Spencer Brookes, Tracey Tarr stated that the easements she had  
11 reviewed allowed for enforcement but specifically stated that it was not required and that the  
12 current wording allows for inspection.

13 Jeff Merritt explained that they have received engineering approval from LaBombard  
14 Engineering and a letter from the Wilton Fire Chief approving the cistern design but questioning  
15 the warranty on the cisterns. Steve Keach explained that they will be using the same tanks that  
16 are used to store petroleum and that the manufacture warranties the product for 50 year as is  
17 required by the Department of Environmental Services. He also noted that if the Fire Chief  
18 prefers, the applicant can put in place a bond to cover the cisterns for a year. In response to a  
19 question from Dave Holder, Jeff Merritt explained that the cisterns are anchored and weighted so  
20 they will not rise if they are emptied and surrounded by water.

21 After discussion about the applicant's conceptual driveway plan, Alec MacMartin suggested that  
22 it should be included in the plan set because of the wetland, length, and grading issues. He also  
23 requested a note that states that if the new owner wants to deviate from the proposed driveway  
24 they will need to receive approval from the Planning Board. Also, he asked that the notes that  
25 refer to approval being needed from the Fire Chief and Road Agent be changed to reference  
26 approval from the Planning Board.

27 After discussion with Steve Keach regarding the recording of mylars, Alec MacMartin suggested  
28 that notes that are requirements of approval or that govern what the new owners are allowed to  
29 do should be placed on the sheets that get recorded. Also he thinks that placing markers at the  
30 setbacks is appropriate and should possibly be connected to the bonding. He also asked that  
31 there be some sort of monuments placed that cannot be taken down so there is some way of  
32 identifying the buffers in the high value area. Alec MacMartin and Steve Keach discussed the  
33 specifics of where and how to mark the buffers and setbacks.

34 Tracey Turner requested that the note that references necessary approval from the Wilton  
35 Planning Board to change the location of driveways should also reference the need for approval

1 from the Lyndeborough Planning Board in order for any change to be made to the driveway in  
2 Lyndeborough.

3 Alec MacMartin asked that the applicant get revised plans, with the new notes on them,  
4 submitted so that they can be reviewed by Town Counsel. He also noted item #11 on the  
5 checklist that requires a note about temporary road and lot signs in case of accidents during  
6 construction and an errors and omissions note.

7 In response to a question, the Lyndeborough Planning Board stated that they were satisfied with  
8 the presentation from Tracey Tarr.

9 Alec MacMartin and Robert McKenney agreed to allow noise producing construction from 7am  
10 to 7pm, Monday through Friday, and 8am to 5pm on Saturdays only; no noise producing  
11 construction is allowed on Sundays or holidays.

12 Alec MacMartin directed the applicant to generate some bonding figures and submit them for  
13 review by Dennis LaBombard. He noted that the figures will have to then go through the Board  
14 of Selectman.

15 The Lyndeborough Board discussed offsite improvements contributions.

16 **A MOTION was made by Mike Decubellis and SECONDED by Bill Ball to accept the**  
17 **applicant's Lyndeborough offsite improvements proposal based on the \$67.50 per ton cost**  
18 **to be used in their formula in arriving at the total amount of apportionment.**

19 **Vote: 7 ayes; motion carried.**

20 In response to a question from Tracey Turner, Steve Keach explained that the applicant will have  
21 Wilton hold the bond for the whole road since so little of it is in Lyndeborough. In response to a  
22 question from the Lyndeborough Planning Board regarding payment for damage to Cram Hill,  
23 Steve Keach explained that this sort of issue would be a liability of the contractor's insurance.  
24 He also suggested that an assurity could be set up for restoration so that both municipalities  
25 could have access to it. The Boards discussed performance bonds and liability insurance further.

26 **A MOTION was made by Bill Ball and SECONDED by Mike Decubellis that the**  
27 **Lyndeborough Planning Board accept the application as complete with conditions that**  
28 **include the successful review of the following documents by Atty. Bill Drescher: Cistern**  
29 **Easement; Declaration of Covenants and Restrictions; Trail Easement; Declaration of**  
30 **Private Way Provost Way; Declaration of Common Driveway and Utilities; as well as the**  
31 **driveway plan. A revision of the Cost Analysis (\$67.50 per ton) and revised change to Note**  
32 **#18 as mentioned in the minutes.**

33 **Vote: 7 ayes; motion carried.**

34 **A MOTION was made by Bill Condra and SECONDED by Dave Holder to accept the plan**  
35 **contingent on the following items:**

- 1       • Adding the proposed driveway plan to the plan set
- 2       • Adding a note stating that approval from the appropriate Planning Board is required to
- 3       deviate from the proposed driveway plan
- 4       • Changing the references to approval from the Fire Chief and Road Agent to require
- 5       approval from the Wilton Planning Board
- 6       • Adding a note requiring setback monument markers around the high value wetlands and
- 7       markers delineating the other setbacks and buffers
- 8       • Adding a note requiring temporary road and lot signs during construction
- 9       • Adding a note with a errors and omissions clause
- 10      • Plans showing the governing notes moved to the recordable sheets
- 11      • A note regarding the allowable hours for noise producing construction

12      **Voting: 4 ayes; motion carried.**

13      **A MOTION was made by Alec MacMartin and SECONDED by Bill Condra to continue**  
14      **the application to September 6, 2008 7:30 p.m. in the Wilton Court Room.**

15      **Vote: 4 ayes; motion carried.**

16      **A MOTION was made by Bill Condra and SECONDED by Alec MacMartin to adjourn the**  
17      **meeting.**

18      **Voting: 4 ayes; motion carried.**

19      Chairmen Tracey Turner declared the meting adjourned at 9:15 p.m.

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