

Claremont Planning Board
March 28, 2005, 7 p.m.
City Hall, Council Chambers, Claremont, N.H.

Minutes

Meeting called to order at 7 p.m.

I. Roll Call:

Present: Erwin Caplan, Russell Fowler, Heather Giannuzzi, Michael Demars, Alan Grigsby, Frederick Kuriger, Alan Berggren

Absent: Anita Engel, Chair, and Bruce Temple

Staff: Gerald Coogan, Interim Planner, and Jane F. Taylor, City Attorney

Mr. Grigsby was appointed for Ms. Engel. He introduced the new alternate, Alan Berggren. Mr. Berggren was appointed for Mr. Grigsby.

II. Minutes of March 14, 2005 were reviewed:

Corrections: add "to ZBA" under item 4, add Board Vacancies to the end of the sentence. Under "Old Business," second paragraph, first sentence, insert "this evening" to the end of it. Also on the 3rd paragraph, 6th sentence, insert "perk" testing. Also, 9th sentence, insert "their report does not show a retention area and its capacity."

Motion: To accept the minutes as amended.

Made by: First: Ms. Giannuzzi Second: Mr. Kuriger

Vote: Unanimous

Mr. Demars abstained due to his absence at the last meeting.

Motion: To accept the minutes of 3/14/05 as presented.

Made by: First: Mr. Demars Second: Ms. Giannuzzi

Vote: Unanimous

III. Old Business:

A.J.M Realty, Inc., 55 Main Street, W. Lebanon, NH—is seeking approval for a major subdivision of property on Paddy Hollow Road into 11 residential/agricultural lots sized from 2.5 to 25 plus acres, with proposed road. Map 35, Lot 2,3,4; Zoning District: RR/AR

Open Public Hearing

No Abutters Present

Mr. Coogan commented on Mr. Maranville's proposal to subdivide 79.2 acres into nine lots for residential use. Originally, Mr. Maranville had the road built for agricultural and forestry use. He did receive NHDES approval for the conversion to residential. Mr. Coogan said the applicant has not provided the information in an easy to interpret way. Mr. Coogan distributed a memo from former City Planner, Dan Laroche dated January 17, 2005, which commented on outstanding issues. The application lacks a Claremont Planning Board

complete existing conditions map, legend, and source of the information. Scale is supposed to be an inch per 100 feet and the map's is an inch per 200 feet. Also, the locations of the setbacks are shown on the map, but are difficult to determine. There are buried stumps with insufficient information regarding dimensions. The plan is stamped and signed by a licensed engineer on December, 2004; however, the plan is marked as revised in February, 2004. The signature date should match the date of the last change.

Information is needed regarding the easement that runs through Lot 1 and Lot 2 and on the power line easement. Locations of electricity and telephone poles are not shown. There are concerns that the road would not be built to City standards and whether the road would be private or public. The Fire Department's concerns regard the fire trucks "bottoming out" on the long, steep driveways to the flag shaped lots. Mr. Coogan explained the outstanding issues with the natural resources regarding the location of the outcroppings, brooks, streams, mature trees and wetlands systems. M & W Soils submitted a pre and post development report on drainage. The City staff has concerns with the report regarding the size of the culverts, retention area by Paddy Hollow Road, built out calculations and other issues. In addition, there are concerns that Lot 1 has significant wetlands across the frontage of the property. The proposed roadway is just below the 12% maximum slope requirement which can create erosion problems. The City recommends the application be continued until sufficient information is received in a suitable format and that a third party engineering review be conducted, or the application be denied.

In response to Mr. Coogan's presentation, Mr. Maranville stated he did not receive the information needed for this meeting in a timely manner and presented the board with a several page response from his attorney. He feels the City's concerns have been addressed. His attorney, Aaron Simpson of Lebanon, stated he submitted a letter to the Board through the Planning Office dated March 16, 2005, expressing their concerns with the difficulty in meeting with the Planning staff. He stated that there were only two maps of relevance to the Board, labeled as "B" and "C" which have the proper scale. These show the revised layout with five acre and larger lots. Mr. Simpson said the signature and revision dates of the plan would be fixed. The drawings did not have legends; Mr. Simpson said, however the plan did have labels, which they felt was acceptable. The flag lots have been deemed as being unacceptable; however, Mr. Simpson said, they are legal. Mr. Grigsby asked where water exits the retention area and how was the retention volume calculated? Mr. Maranville advised that the water drains across Paddy Hollow Road into Mr. Limoge's land, which, he said, has a 15-20 acre wetland. Overflow would run through an 18" culvert and is the only one that flows to the east. Approximately, 1.35 million gallons of water can be retained on site, he said.

Mr. Maranville stated the Site Specific Permit and the NHDES ground septic systems have been accepted. The roadway approaches the maximum permitted by the City and is a practical location for the road, he said. The slope is driven, in part, by the nature of the property. Mr. Maranville indicated that he has provided a letter of maintenance and plans to build the road to City standards. In response to the dump stumps, they are both on the lot Mr. Maranville plans to keep for himself. Since they are not in a right of way, this should not pose a problem for future builders, he said.. Mr. Maranville said that Ms. Anna Ford, NHDES, conducted a site visit and stated that there were no problems and that there is no erosion noted.

Mr. Berggren, who had walked the property, asked about the circle representing the septic fields and how that would affect Lot 1? Attorney Simpson responded that any lot under 5 acres is required to have a perk test. Due to concerns of the TRC, Mr. Maranville changed the boundaries to make them larger than 5 acres. Mr. Grigsby asked where the septic Lot 1 is located. Mr. Maranville said he was not qualified to answer that question; however, it could be done by a professional engineer. Mr. Demars asked what regulations, regarding subdivision, govern non-buildable lots? Mr. Coogan stated that the City does not want to develop non-buildable lots, but if they do, it should be clearly written on the recorded plan that it is non-buildable and cannot be used for a single family dwelling.

Motion: To continue the hearing until April 11, 2005 to allow time for the Board to review the information given to them this night.

Made by: First: Ms. Giannuzzi Second: Mr. Kuriger

Discussion followed the motion and Mr. Coogan recommended the City hire a third party engineer to review the plan. Mr. Demars asked about the board's time limit for considering the application. Mr. Coogan, said the board has 65 days from the date the application is accepted to either continue, deny or accept the application, and more time can be available providing the applicant agrees to the continuance. Mr. Demars suggested the Board state what they expect from the engineer. He would be in favor of having a third party engineering firm review the proposed plan. Mr. Demars would also like to know more about the other non wetland issues that are still open. Mr. Kuriger and Ms. Giannuzzi agreed with Mr. Demars.

Ms. Giannuzzi withdrew her prior motion and Mr. Kuriger withdrew his second. Ms. Giannuzzi moved to continue the hearing until April 25, 2005 with a third party engineering review of the subdivision.

Mayor Pope requested the Planning Board do a site visit. Mr. Demars asked if there is any mention in the subdivision requirements of who bears the engineering costs. Ms. Taylor said the City ordinance makes the applicant responsible for the engineering review. Mr. Caplan suggested the engineer receive all the paperwork submitted. Mr. Coogan said the engineer should be hired within a few days. Payment will need to be made prior to the hiring of the engineer. Attorney Simpson stated that Mr. Maranville is concerned about the impartiality of the engineer the city might hire. Mr. Coogan stated the City has selected three engineering firms to review projects, one of which is Vulmar and Associates who has worked on past projects. Mr. Maranville is free to talk to the City Attorney about possibly selecting another firm. Mr. Maranville asked if the report would then become his property since he is incurring the expenses. Ms. Taylor stated he would receive a copy of it; however, the original becomes part of the file.

Motion: Ms. Giannuzzi withdrew her motion to continue until April 11th and moved to continue the hearing on April 25, 2005 with a third party engineering review done.

Made by: First: Ms. Giannuzzi Second: Mr. Kuriger

Roll Call Vote:

Ms. Giannuzzi	Yes
Mr. Pope	No
Mr. Demars	Yes
Mr. Grigsby	Yes
Mr. Kuriger	Yes
Mr. Berggren	Yes

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Mr. Grigsby said that in the future there will be other major subdivisions proposed to the board and decisions will need to be made as to whether the City will require a City officer be present during perk testing and whether sprinklers will be required.

Motion: The Board will conduct a site visit to Mr. Maranville's property on April 21st, at 5:30 p.m.
Made by: First: Mr. Demars Second: Mr. Kuriger
Vote: Unanimous

It was requested by Attorney Simpson the meeting be recorded by a secretary, Attorney Taylor agreed.

IV. New Business

a. **Bond Auto Parts, 11 Main Street, Claremont**—is seeking site modifications for new parking and better access onto Main Street, new landscaping, demolish abandon service garage, new awnings over the windows and entrance doors. Map 120, Lots 40, 41; Zoning District: B1

Motion: To continue the hearing until April 11, 2005
Made by: First: Mr. Fowler Second: Mr. Kuriger
Vote: Unanimous

b. **John and Sandra Aiken, 443 Chestnut Street, Claremont**—seeks Lot Line Adjustment on 10.51 acres from Lot 181-1 to Lot 169-9. New Lot areas are 181-1, 13.74 acres; Lot 169-9, 14.214 acres. Map 181, Lot 1 & Map 169, Lot 9; Zoning District: RR & AR

Motion: To accept the plan as complete
Made by: First: Mayor Pope Second: Mr. Fowler
Vote: Unanimous

Public hearing open.

No abutters present.

Mr. Christopher Paton, Surveyor presented a request for a Lot Line Adjustment of 10.51 acres to Lot 169-9 with proposed well and septic. Both lots have existing homes and driveways. The City staff is in favor of this application.

Public Hearing Closed.

Motion: To approve the application
Made by: First: Mr. Kuriger Second: Mr. Fowler
Vote: Unanimous

c. **Customized Structures, Inc. (CSI), 272 River Road, Claremont**—seeks approval for additional yard storage, and vehicle maintenance building. Map 163, Lot 8;
Zoning District: I-2

Motion: To accept the plan as complete
Made by: First: Mr. Caplan Second: Mr. Kuriger
Vote: Unanimous

Public Hearing open.

Mr. Coogan presented the request to the Board explaining the firm's desire to establish a paved yard storage area on the northerly portion of the site and a gravel yard storage area on the southeasterly side for storage of modular units. CSI also wishes to construct a 30-ft. by 100-ft. vehicle maintenance building. They plan to landscape with a spruce hedgerow of 37 trees along the northwesterly side of the site along River Road. Electrical hook up to the proposed building and snow storage needs to be shown, Mr. Coogan said.. City is recommending acceptance of the plan and conditional site approval with the following conditions:

- 1) \$135,000 security bond be issued for landscaping and construction of the two new yard storage areas.
- 2) The applicant will assist the City in determining if an easement regarding access to Tax Map 163, Lot 9 is feasible, and if so, the applicant will provide the City with an easement.

Mr. Paton reviewed the plan and advised the Board of a small wetland of approximately 984sf that would be filled. NHDES has approved the permit. Mr. Grigsby asked if there will be bathroom facilities in the building and if it will be heated? Mr. Mackland Smith, representative for CSI, responded there would not be a restroom since there is one nearby; however, there will be water hook ups.

Abutter present: Mr. William F. Greenrose, 220 River Road, Claremont expressed his concerns regarding the noise impact. Ms. Giannuzzi did not feel the noise will be an issue since the maintenance building is at the opposite side of the property.

Public Hearing Closed.

Motion: To approve the site plan contingent upon a \$135,000 security bond be issued for landscaping and construction of the two new yard storage areas. And the applicant assist the City in determining if an easement regarding access to Tax Map 163, Lot 9 is feasible and if so, the applicant will provide the City with an easement.
Made by: First: Mr. Demars Second: Mr. Fowler
Vote: Unanimous.

d. **Condominium Development and Conversion:**
Mr. Caplan recused himself.

Ms. Jane Taylor, City Attorney, presented a draft ordinance to the Board. She said the ordinance allows for residential condos to be developed in residential zones and commercial condos in zones where commercial development is permitted. Condos are subject to the Site Plan review process, but are not subject to the subdivision review process. The ordinance outlines what is required for a site plan. In the Mill District there is a 25% limitation on residential use and the ordinance would eliminate that. Minimum floor space required for residential condos is spelled out in the ordinance. Requirements for converting an existing structure to condominium ownership are included, she said.

Attorney Mark Pilaro, Ward 2, who represents developers of the "Veggie Guys" building, on Mulberry Street said forty condominiums are being considered for that site. He raised questions about the application of the proposed condominium ordinance in the B1 district.

Mr. Demars was concerned about condos being bought by a party and rented where eventually the quality of the housing could deteriorate. Ms. Taylor said that because condos are owned their use can not be constrained by the City for leasing purposes. Ms. Taylor said that the City can review the condo documents to insure they would operate properly. Some condo associations, she said, limit the number of units that can be owned by an individual. Mr. Demars asked what would prevent someone from purchasing all the condos and leasing them out. Ms. Taylor responded it could be a condition established by the Planning Board and written into the by-laws of the condo that it cannot be purchased by one person.

Ms. Giannuzzi said she thinks the cost of these condos and the monthly condo fee for maintenance will help maintain the quality of the condos.

Mr. Grigsby said he agrees with this ordinance and thinks they should make a recommendation to the City Council. They have thirty days to do so. Mr. Demars agreed, but was concerned about the possibility of single ownership and substandard housing issues. Ms. Taylor said the bylaws of a condo association sets standards for operations and provides the association the right to enforce the rules.

Mr. Paul LaCasse, Ward 2, was concerned with property tax increases that could be created by the condos if enough bedrooms were permitted to allow families to occupy them.

Ms. Taylor suggested contacting the Manchester Planning Board to discuss how they handle their condo/high rise situation. She will do her best to obtain this information prior to the next meeting. Mr. Grigsby suggested the remaining items on the agenda be continued to the next meeting and all members agreed.

Motion: To adjourn.
Made by: First: Mr. Fowler Second: Mr. Kuriger
Voting: Unanimous.

Respectfully Submitted,

Tracey Hagerman
Recording Secretary