



**CITY OF  
CLAREMONT**  
**Planning Board Meeting**  
Monday, October 10, 2005, 7:00 p.m.  
City Hall, Council Chambers, Claremont, NH

**MINUTES**  
*Accepted 10/24/05*

Meeting called to order at 7:00

**I. Roll Call:** Anita Engel, Alan Grigsby, Mayor Scott Pope, Heather Bopp, Frederick Kuriger, Jim Hanson, Erwin Caplan, Russell Fowler, Allan Berggren, Bruce Temple

**Present:** Anita Engel, Alan Grigsby, Mayor Scott Pope, Frederick Kuriger, Jim Hanson, Erwin Caplan, Russell Fowler, Allan Berggren (arrived at 8:00 p.m.)

**Absent:** Bruce Temple, Heather Bopp (excused)

**II. Minutes of September 26, 2005 meeting**

- **Corrections:** None  
**Motion:** Approve September 26, 2005 minutes  
**Made By:** Mr. Grigsby                      **Second:** Mr. Caplan  
**Vote:** Unanimous

**III. New Business:**

- Mr. Coogan states that the Planning and Development Office has made a mistake in notification of abutters. Revised Notifications have been sent to abutters regarding this error along with a waiver request. City Solicitor's opinion is that it is appropriate to have tonight's meeting but a hearing should not be held unless all abutters for that case have responded in writing stating that they have no objection to the hearing proceeding due to improper notification. Applicants could be heard this evening and Public Hearing would be continued to 10/24/05 meeting. It is up to the Board how they would like to proceed. Mr. Coogan adds that some applicants have traveled a distance to attend meeting.
- Chair Engel requests information from Suzanne Ripka, Boards and Commissions Coordinator, on how many of the applications have all abutter written waivers been received on. Ms. Ripka responds that one case, the Biron application has received all written waivers.
- Board discusses options and Mr. Coogan reads email from City Solicitor. Mayor Pope's concern is over the legality of proceeding.
- Chair looks for motion on how to handle meeting with a roll call vote  
**Motion:** To hold all applications until meeting of October 24, 2005 when abutters have been properly notified  
**Made By:** Mr. Caplan                              **Second:** Mr. Fowler  
**Discussion:** Mr. Grigsby points out that one application has received all necessary documents therefore it should be heard.

**Vote:**

Chair, Anita Engel	no
Mayor Scott Pope	yes
Alan Grigsby	no
Erwin Caplan	yes
Russell Fowler	yes
Frederick Kuriger	no
Jim Hanson	no

**Motion Fails:** 4 no to 3 yes

Mr. Coogan informs the Board that an applicant has traveled a long way by airplane and perhaps the board should hear his case as a courtesy.

**Motion:** To hear and act on Biron case this evening and post pone all others until next meeting when abutters have been properly notified

**Made By:** Mr. Kuriger

**Second:**

**Discussion:** Mr. Grigsby would hear the case of the person that has flown in as long as the applicant understands that the information received at the next meeting may be what decision is made on. Mr. Kuriger is in favor of amending his Motion to include hearing the applicant for the Phillips case but not acting on it until the next meeting. Mayor Pope requests which case it is that the applicant has traveled for. Mr. Coogan responds that it is the Kelly Phillips case. Mayor Pope is also in favor of hearing case due to circumstances.

**Amended Motion:** To hear and act on Biron case this evening, hearing information from the applicant for the Phillips case but not acting on it until the next meeting and postponing all others until the 10/24/05 meeting when abutters have been properly notified.

**Made By:** Mr. Kuriger

**Second:** Mayor Pope

**Discussion:** Mr. Grigsby feels that all cases should be heard. Mr. Hanson agrees with Mr. Grigsby

**Roll Call Vote:**

Chair, Anita Engel	yes
Mayor Scott Pope	yes
Alan Grigsby	no
Erwin Caplan	abstain
Russell Fowler	no
Frederick Kuriger	yes
Jim Hanson	yes

**Motion Passes:** 4 yes, 2 no, 1 abstain

**A. Robert and Nancy Biron, 70 Pappas Road, Claremont, NH 03743** –Application for Minor Subdivision Approval submitted; proposed Lot 1 - 1.87 acres, proposed Lot 2 – 1.58 acres, proposed Lot 3 – 8.72 acres . Tax Map 179, Lot 3, Zones RR2 and AR

- Mr. Coogan presents information and turns floor over to Mr. Dombroski whom is representing applicant
- Mr. Dombroski states that Mr. Biron proposes three lots and all have test pits on lots. Results are average. Each lot has a 4000 sq ft area for septic. Lot 3 already has well on it. There used to be a house on it. Mr. Biron has been cleaning lots. Owner would like to keep lot 1 and more than likely sell other two lots. Lots 2 and 3 are in RR zone. Lot 3 is located in RR and AR zone. Expect subdivision approval # from DES soon. There are some poorly drained soils and ledges. Mr. Grigsby questioned why state has not approved. Mr. Dombroski states that it is still in the process. Mr. Coogan verifies that this is not premature and approval could be with a condition that information is received from DES. Mr. Coogan recommends application is complete. Mr. Hanson questions Lot 1 use with horseshoe driveway. Mr. Dombroski stated that as far as he knows the owner has no intended use at this time. Mr. Hanson expresses concerns over Hemlock along frontage of lot 3 that could block access view. Mr. Dombroski states that Mr. Biron would more than likely have no objection to clearing some of the branches.

**Open Public Hearing:**

Abutter	Mailing Address	Map	Lot	Noticed	Public Hearing
Robert and Nancy Biron	PO Box 661 Claremont, NH 03743	179	3,4,5, 6	10/3/05	10/10/05
Brian Desmaris Jr	304 Old Newport Rd Claremont, NH 03743	179	2	10/3/05	10/10/05
Jeffrey and Karen LeClair	276 Bible Hill Rd Claremont, NH 03743	178	5	10/3/05	10/10/05
Monique Limoges trust	37 Pappas Rd Claremont, NH 03743	166	37	10/3/05	10/10/05
Thomas Dombroski	19 Myrtle St Claremont, NH 03743			10/3/05	10/10/05

**Close Public Hearing:**

**Discussion:** Mr. Grigsby suggests that a condition of approval be no further subdivision. Mr. Dombroski states that condition of no further subdivision is not fair because there are several things that could be done with the property. It is 8 acres. Mr. Coogan gave information that this would have to be another “pork chop” lot. Mr. Grigsby asked if there is an easement from lot 3 for lot 1. Mr. Dombroski responded that it would not be needed.

**Motion:** To accept subdivision application as complete

**Made by:** Mr. Grigsby     **Second:** Mr. Kuriger

**Vote:** Unanimous

**Motion:** To approve subdivision application contingent upon state (DES) approval

**Made by:** Mayor Pope     **Second:** Mr. Kuriger

**Vote:** 6 yes

Mr. Fowler votes No

**B. Kelly Phillips, 50 Lane Ridge Road, Claremont, NH - Application for Minor Subdivision Approval submitted; proposed Lot 1 - 1.08 acres, proposed Lot 2 – 25.6 acres. Owners Coleen and Sean Tutton, Tax Map 164, Lot 4, Zone RR2.**

- Chair Engel questions Mr. Coogan regarding if applicants had been notified of possibility that case would be continued.
- Mr. Coogan begins to present application and is interrupted by member of audience (Mr. Regan) whom states that he has further information and requests case be postponed. Mr. Fowler would like to adjourn. Chair Engel reminds the Board and attendees that the Board is working under a motion to hear the application – there will be no action and that it is on record that abutters were not properly notified. Chair Engel also reminds room that the chair must recognize in order for a person to speak. Mr. Coogan continues that the Tuttons own the property and use is currently a single family home plus a running camp. Mr. Coogan presents that approval for camp was received by the Zoning Board in 2000. The camp use is seasonal – June, July and August
- The city has some questions on width of road - 2 rod or 33ft wide road based on information at that time applicant received easement in deed. Information for current lot has legal frontage off of lane ridge rd. proposed lot has access past the Gruenbaums and gives access to existing right of way and application shows 50 ft ROW access provided by Lane Ridge Rd if subdivision were to go forward. The City suggests there be a condition that a 3<sup>rd</sup> party review the actual width of Lane Ridge Rd. Possibility of condition that Lane Ridge Road be upgraded. In order for future development to occur the road must be upgraded. Applicant to do more research on exact width through 3<sup>rd</sup> party. Deed prepared by Hinkley states 49 feet. Engel requests if summary. Mr. Phillips represents owner.
- Michael Phillips approaches podium representing 50 Lane Ridge Road Subdivision application.
- Mr. Berggren enters
- Michael Phillips feels it is important to comment on one aspect that has not been brought up his wife had spoken to the Planning office and was told that all notification was received and was told today that one of the applicants withdrew their approval. He was told that it would be decided upon this evening. The Running Camp lot has approval from DES as well as the subdivision would allow the camp to continue. In TRC meeting four or five items needed to be addressed one being current location of septic – another water – currently city water and sewer to house and then from house to property. The applicant is aware that they would have to get around bypassing house. Another TRC concern was for road surveying house and camp. It would seem that the road is sufficient to daycare the subdivision would provide no change in use for road. Currently plow and emergency vehicle access is sufficient. Mr. Phillips believes that they have addressed any and all concerns. Chair Engel questions realignment of lot– water /septic use. Mr. Phillips explains that lot 2 (Running Camp) already has separate. Mr. Grigsby questions easement for utilities across lot 1. Mr. Phillips is unsure. Mr. Grigsby questions 50 ft easement from bottom of lot 2 – ROW, and is this access to all of the other properties. Mr. Phillips explains that Lane Ridge Road is city Road up to just before s-turn. Lane properties use ROW. Applicant will use existing ROW to access lot 2. Mr. Grigsby explained that he was referring to ROW at bottom of Lot 1 which shows existing ROW 50 ft. Mr. Phillips explained that it is not currently in use. Technically speaking at some point it could be actual right of way in deed. Mr. Hanson questions 50 ft road frontage – if ROW on each side where would 50 ft be if this is ROW for properties. Mr. Grigsby questions legality. Mayor Pope referred to map comparisons from Gruenbaum application and Phillips application. Mr. Phillips has no additional information.

- William A Regan III , 38 Lane Ridge Rd, abutter, approaches podium . Mr. Regan would like to request that any action be discontinued due to lack of time to research – prepared information – questions 1<sup>st</sup> being legal definition is 33 feet for width of road. Understands no actions to be taken and provides information for the Board to review. Chair Engel suggests the information be given to Ms. Ripka for the upcoming meeting packet. Mr. Grigsby questions 33 feet reference. Mr. Regan states that lot 1 is being portrayed as 50 feet and Lane Ridge dead ends. Road is not 50 ft wide. Mr. Regan states that he has put a tape measurer to the road. Frontage is not there. If road is widened could change view. Road is adequate for existing and expected use. Would devalue property if increased in size and traffic. Chair Engel questions if camp has been in operation for 4 years how this would devalue. Mr. Regan’s opinion is that once subdivision granted what is to stop further subdivision. Mr. Regan’s feeling is that he has established residence and concerned about his long-term use. Once subdivision granted it leads to further process approval. The one lot was granted as single family and camp use. Where would camp be if home is sold – existing water and electric, run through home. More buildings would need to be built to accommodate, different use and intent.
- Chair Engel will hear additional comment from Mike Phillips. Mr. Phillips states that Mr. Regan’s bigger concern is that view easement was requested from Mr. Phillips and Mr. Phillip’s refused to sign. Mr. Berggren questions input from DPW regarding enlarged road – ROW that would allow development – Chair requests DPW to give information.
- Tracy Pope approaches podium and states that she has been working with the Regans and has spoken to Jane Taylor regarding questions of length and width of Lane Ridge Rd. Ms. Pope states that if subdivision goes through than that is saying the frontage is there.

#### V. Communications:

- Mr. Coogan reported on his site visit to Home Depot and findings. Non-compliant trailer, front area approved for 2 pads and landscaping will be done to compliment businesses when it is determined who will be located on pad and will be included in plan when presented to board. Mr. Hanson noted that drainage was sufficient after storms. Mr. Grigsby reiterated his concern that the site be attractive as agreed upon.
- Mr. Coogan stated that he did receive a letter regarding Advanced Recycling. The state has given Mr. Cohen until 11/18 city to resolve issues. The city will follow suit and wait until 11/18. Advanced Recycling is now aware that City of Claremont is watching.
- Received correspondence from Mr. Dunn withdrawing application for appeal. The Planning Office has no problem with this action as long as DPW approves. Mr. Grigsby gives opinion that the driveway is very steep and may have better line of site but is steeper than driveway that was rejected from line of site served . Concerned with safety.
- Mr. Coogan reported findings on liability research. According to the City Solicitor - Liability insurance – all city officials boards, commissions are covered, if members are acting in good faith and no fraud or malice is involved.

#### VI. Adjournment

**Motion:** To adjourn

**Made By:** Mr. Grigsby

**Second:** Mr. Kuriger

**Vote:** Unanimous

Adjourned at 8:30 p.m.

Respectfully Submitted By,

Suzanne Ripka