



Planning Board Meeting
Monday March 26, 2007, 6:30 p.m.
City Council Chambers, City Hall, Claremont, NH

Meeting Minutes

Meeting Called to order by Chair Alan Grigsby at 6:33 pm

Roll Call

Present: Fred Kuriger, Ralph Swift, Alan Grigsby, Lori Richardson, Russell Fowler, Peter Guillette, Richard Wahrlich

City Staff: Michelle Aiken, Boards & Commissions Coordinator, Jerry Coogan, City Planner

Absent: Anita Engel, Mayor Scott Pope, Erwin Caplan

I. Appointment of Alternates

- Richard Wahrlich and Peter Guillette appointed as regular members

II. Workshop

- **Guest Speaker Carolyn Russell**, Environmental Quality Impact Planner, NH Department of Environmental Services, Concord, NH to provide information on new state and federal Stormwater Management requirements and techniques.

III. Minutes of March 12, 2007 Meeting

Motion to: Minutes of March 12, 2007 Meeting approved as amended

Made by: Mr. Swift

Second: Mr. Guillette

Vote: Unanimous

Mr. Grigsby stated that there is a line on Page 2 that a statement was made by Mr. Kuriger and it was actually made by Mayor Pope.

IV. New Business

- **(06-2007) Clarebank, 145 Broad Street, Claremont, NH 03743** - Applicant desires Minor Subdivision approval for existing 47.93 acre lot. Proposed Lot 1 to contain 2.02 acres with existing Claremont savings Bank on site. Proposed Lot 2 to contain 2.01 acres with existing Huberts Department Store on site. Proposed Lot 3 to contain 43.9 acres. Tax Map 133, Lot 3, Zone B2, Tax Map 133, Lot 2, and Tax Map 134 Lot 7 Zone AR.

Mr. Coogan advised that there were previously 3 lots that were merged together to make 1 lot. These lots are now merged and they now want 3 new lots, 1 for Claremont Savings Bank and 1 for Hubert's department store and 1 for a back lot that will potentially be developed in the future. Schedule A has been passed out showing cross easements, etc. Traffic on Washington Street is problematic and there are approx 150 accidents a year. We would like to recommend a no left hand turn sign and encourage all traffic to use the traffic light, this is the recommendation. The applicant has submitted a request to waiver surveying. The back land is 40+/- acres, they would like the back lot survey be waived since that land is not being used since the last survey was

completed. Mr. Grigsby asked about the agreement between Cumberland Farms and Clarebank. Mr. Coogan advised that this is now a recorded agreement that the applicants can provide discussion. Mr. Guillette asked if this is a private right of way for the development out back. Mr. Coogan stated that at present this right of way provides access to the light, although there is potential for development in back.

Motion to: to accept the plan as complete

Made by: Mr. Swift **Second:** Mr. Kuriger **Vote:** Unanimous

Motion to: to accept the waiver that the back lot does not have to be surveyed

Made by: Mr. Fowler **Second:** Mr. Guillette **Vote:** Unanimous

Mr. McCutcheon advised that Clarebank purchased the entire parcel in 4 different acquisitions and they had 4 parcels adjoining and for purposes of simplicity and they brought it all together to create new lines. They have completed the merger and they have a previous survey of record and they have it referenced on this plan. If they sell lot 2 it is fully developed and has an approved site plan and they came back for the Hubert's addition which was also approved. There are 3 site plans on file for the property. Each lot has its own underground utilities on its own land so there will be no need for any cross easements, the only ones they will need is for travel. The contours of the land are pretty steep and it is pretty steep pine forest. Other than the merger, there was a document that was signed by Cumberland farms and Clarebank and it has now been recorded for travel easements.

Mr. Grigsby stated that it appears the original agreement for cross easements it states that if the road wasn't built in a year then they would revert the agreement to the respective properties. Mr. Kinear stated it would give all the parties the ability to renegotiate. This was a contract that has been recorded and both parties would agree that this is a mutual agreement. This agreement is beneficial to all parties involved. Mr. Grigsby asked how does the road get built in the future. Mr. Kinear stated that they would have to have a new agreement by both parties and the city. Mr. Grigsby stated that he is not clear what the future will be for the road. Mr. Kinear stated that this is an attempt to clean up all properties and have clear lines. Mr. Grigsby asked if the intention is to sell this property to Hubert's. Mr. Kinear stated that he was not privy to discuss those negotiations and that Clarebank is not in the land investment business although it makes sense to divulge that they do have interest into selling this lot to a third party. The sale of this property will be contingent on the acceptance of the current easement. It will be discussed with the purchaser of the property whether they would agree to having the road be built. Mr. Grigsby asked if they would come up with a new agreement for the roadway. Mr. Kinear stated that they will discuss the options with a potential buyer and it would be beneficial to all parties keep the easements agreement.

It is important for this board to be concerned and involved about this kind of intersection in a major thoroughfare and that it is usable and has a future. Mr. Kinear agreed that safety is also their concern although they would not like to give up that opportunity to turn left. Even though this is the purview of the Planning Board to look at this we are talking about unknowns in the future, who will or what will be bought. If they said no left turn forever and if the agreements changed and for some reason they could not use that strip as an exit it will inhibit the bank later on.

Ms. Richardson asked if there are that many accidents from people turning left. She doesn't see that many vehicles at that Claremont Savings Bank. Mr. Coogan advised that the police chief has advised that there are about 125 accidents per year on Washington Street, possibly closer to Bowen Street and the City believes this is a good policy. She understands the Chinese restaurant no left turn, although this part of Washington Street is not as dangerous.

Clay Hawkins advised that we cannot see that far into the future and If lot 1 and lot 2 were to change hands and there was a disagreement or change to traffic flow, the only exit they have rights to is onto Washington street. It is up to the owner's of the lots 1 and 2 discretion, not the city whether or not they can use the exit. Technically it there only curb cut and they are reluctant to give that up.

Mr. Swift stated that he does not see the need for a left hand turn restriction and with the traffic light, it also stops the traffic from time to time. Mr. Coogan stated that they also plan for this section of town may not be busy now, it may be in the future with Lowes coming to town, etc.

Mr. Kuriger stated that with no left turn is that if you have to turn around you have to make a turn in someone's parking lot. Mr. Hawkins stated that without the statistical evidence he would like that not to be embedded in his site plan and if it were to become an issue, Claremont Savings Bank would address the issue themselves. Ms. Richardson stated that no matter which side of the road you are on crossing two lanes of traffic is inevitable. Mr. Grigsby stated that the city is trying to make it easier to get around Washington Street. Mr. McCutcheon stated that he has an office at 492 Washington Street and he knows the risks on Washington Street, although the accidents happen closer to the downtown area than at this end of Washington street.

Open public hearing

Mr. Kinear advised that he does not believe the left hand turn is pertinent for tonight's meeting. Claremont Savings Bank has been a good citizen and this kind of condition may cause problems down the road for this business. If the ability to use the adjoining properties is not available they will have a problem. There are other businesses on Washington Street, it will create more problems if this becomes a condition of approval.

Closed public hearing

Mr. Swift stated he does not believe that we can impose limitations on something that is already there, a site plan that has already been approved. It is a proposed road, but it may or may not ever happen. Mr. Grigsby believes that there is an agreement and he thinks that it is in the cities best interest to make this condition. This is no different than it being someone driveway, he doesn't think it is necessary to nail this discussion down right now.

Mr. Kuriger advised he is concerned about the safety issue also, but there is nothing new going in and he doesn't feel we should make this imposition on them. Mr. Grigsby advised that it is something that is going to help direct the direction of Washington street and it is going to be a bigger and bigger challenge as time goes on. There are lots of land and older buildings that could be removed, used or moved. What we do as planners and promoting safe transit is something we are going to be running into more frequently.

Motion to: to approve the plan as proposed

Made by: Mr. Swift

Second: Mr. Fowler

Vote: 6-1

Mr. Kuriger – Aye

Mr. Swift - Aye

Mr. Guillette – Aye

Mr. Wahrlich – Aye

Mr. Grigsby - Nay

Ms. Richardson – Aye

Mr. Fowler - Aye

Mr. Guillette That will not require the left hand turn. Mr. Fowler advised that Claremont Savings Bank has been here all his life and he has faith in the fact that if it does become a problem it can be addressed later. Mr. Grigsby stated that it may be something that can be discussed at a later date.

- **(07-2007) Roger & Sheila Chicoine, 64 Veterans Park Road, Claremont, NH 03743** - Applicant desires Minor Subdivision approval for existing 9.55 acre lot. Proposed Lot 1 to contain 5.1 acres with existing house. Proposed Lot 2 to contain 4.0 acres. Tax Map 97, Lot 1, Zone RR.

Mr. Coogan advised that this lot has a dam on site and they own the house on the hill. There plan is to subdivide and build a home on the new lot. The proposed driveway was reviewed by Tom Woodley who found it acceptable. They do have a wetlands permit for the pond that is renewed every 5 years. The FEMA flood elevation is 603ft and the proposed house is beyond that. Based on the application that is submitted the application is complete and the City recommend it be accepted as complete.

Motion to: to accept the plan as complete

Made by: Mr. Kuriger

Second: Ms. Richardson

Vote: Unanimous

Mr. McCutcheon advised that on the left side of the plan there is a mobile home lot that they own which abuts this property. There is a total of 9.1 acres that is being subdivided. The mobile home lot is less than an acre and he is renting it out. There are some land/water issues that Mr. Chicoine is working with DES on. If he had to have water and sewer on site he would not be able to, but since he owns the abutting lot he will have access to city water and sewer. The road will remain accessible and that will not change.

There is a boundary line issue with the abutters the Snelling's. 87 years ago there was a plat and there was a development laid out in 1920 and it was known as Winter Street plat. Most of the lots were 50 ft wide and most people have more than 1 lot from this plan in their deed. The Snelling's do have 7 of these lots and there are 3 of them that they will be affecting, 16, 17 & 18, they are up in the corner of the original subdivision. It is by lot numbers on this plan and that is how it was recorded. In 1968 Walter Breckinridge did a survey showing 16, 17 & 18. Then he was working for Steve Plourde and the boundary issues came up and they were on the north side of the lot. The Snelling's hired Bruno associates to do a survey of their property. The northeast corner had a stone monument as a landmark and Bruno stated he couldn't find it. The note on the plan states that the monument was not found, so the northeast corner could not be located. It is not hard to find that corner if you survey the entire property, he agrees the monument cannot be found since the area has been disturbed.

Mr. McCutcheon stated that note 5 on the print states that due to conflicts in original maps and the reference to the physical evidence these should be confirmed thorough quick claim deeds, although this is not going to happen because it is cut and dry where the boundaries are. Mr. McCutcheon advised that he has shown you where the lot lines are.

Mr. Kuriger asked if they approve this subdivision he wants to know if it hurts the case for the abutters. Mr. Coogan advised that this will be an approval for this subdivision and any disagreement would be a boundary line agreement that would have to be settled in court. Mr. McCutcheon advised that the lot line disagreement would have nothing to do with what is approved by the board. This is just background information and it is his responsibility to provide the information to the board.

Ms Richardson asked how much land is in question. Mr. McCutcheon stated it I between 1 and 2/10 of an acre.

Open Public Hearing

Mr. Snelling advised the problem that he has is that he had the property surveyed twice. Now when they surveyed they found pins and Mr. McCutcheon has put his pins in the wrong spot. Mr. Grigsby advised that he believes that this is something needs to be settled outside of the Planning Board at another time.

Mrs. Snelling advised that they are not feuding with Mr. Chicoine and they are not opposing the subdivision, the only thing they have a problem with is the small portion of land that they believe belongs to them. They also stand by their surveyor and they had no idea that they would be in this position, they had their land surveyed at great expense twice. They will contest the survey, they would like it cleared up before the subdivision goes through.

Mr. Fowler asked why they did not present their plans and their plan does state the pins were not found. Mrs. Snelling stated they are just asking for them to go by the pins that were originally there.

Mr. McCutcheon showed the tax map showing the corner and the zoning lines and the property lines do not come together, it is the mayo corner pin that is there, not the Snelling's pins that they are referring to. The plan they had done has a disclaimer stating that the monument wasn't there.

Closed public hearing

Mr. Swift stated that he sees the only problem would be when he tries to sell lot 1, then lot 2 will be good and clean and lot 2 will be contested and it will be between the two parties.

Ms. Richardson asked why not just do the quick claim deed if it is such a small portion of land. Mr. Grigsby stated that it is not necessary because it is clear and does belong to them, so they feel they clearly own it. Mr. Guillette stated that the decision would to approve this plan and the lot line discrepancy is not the boards' problems

Motion to: to approve the plan

Made by: Mr. Fowler

Second: Mr. Guillette

Vote: 6-1

Mr. Kuriger – Aye

Mr. Swift - Aye

Mr. Guillette – Aye

Mr. Wahrlich – Aye

Mr. Grigsby - Aye

Ms. Richardson – Nay

Mr. Fowler - Aye

V. Report from Boards and Commissions

Mr. Coogan stated that the Master Plan Visioning session is on the 29th and this will be phase 1 of the Master Plan.

Mr. Grigsby advised that the Open space committee is still meeting and they are making good progress and they were greeted by Mr. Coogan and Mr. Temple.

Mr. Coogan advised there is a workshop meeting on April 9th to discuss 3rd party review with David Danielson of SEA consultants and David Mann. He has surveyed 9 towns around town about how they handle 3rd party engineering and will provide that information for the meeting.

VI. Adjournment

Motion to: Adjourn

Made by: Mr. Kuriger

Second: Mr. Guillette

Vote: Unanimous

Meeting Adjourned at: 9:01 pm

Respectfully Submitted,

Michelle Aiken

Boards and Commissions Coordinator