Planning Board Meeting
Monday, September 14, 2009
Council Chambers, City Hall at 7:00 pm

Meeting Minutes
Approved 10/12/09

I. Roll Call

Present: Peter Guillette, Erwin Caplan, Paul LaCasse, Deb Cutts, Lori Richardson, Adam Burke,Richard Wahrlich, Catherine MacKenzie
Absent: Brian Rapp, Andy Austin
City Staff: Mike McCrory, Interim City Planner; Katrina Spaulding, Administrative Assistant;

II. Review of Meeting Minutes from August 10, 2009

Lori Richardson asked to have the date on Pg 4 changed from April to the correct month of August.

Motion to: Approve the August 10, 2009 meeting minutes as amended.
Made by: Adam Burke **Second by**: Paul Lacasse **Vote:** Unanimous

III. New Business:

- **(2009-00011) Mark and Sandra Popoloski, P.O. Box 591, Brant Rock MA** seeks Minor Subdivision approval for a two lot subdivision on Chestnut Street. Tax Map 193, Lot 6, Zoning Districts Agricultural Residential and Rural Residential.

Information is presented by Mike McCrory, Interim City Planner.

Project Description:

Two lot minor subdivision along two zoning districts.
The applicant proposes to subdivide the existing 14.39-acre parcel to create one 9.28-acre parcel and one 5.11-acre parcel. Both lots will comply with the minimum lot dimension requirements for the AR District, which is the more restrictive of the two zoning districts.

Motion to: Accept the application as complete
Made by: Deb Cutts **Second by**: Adam Burke **Vote**: Unanimous

Open Public Hearing

Louis Mardanes spoke as an abutter. He feels the land and property is on hillside ledge. There is dirt before ledge and he says the septic design for a new home will eventually run into his well. The well produces at 50 gallons per minute and he is afraid it will be polluted.

Mr. Guillette stated this is for a subdivision not for a building lot. Mr. Mardanes said this will be the end result of the new subdivided lot. He also said it is wet there all of the time.

Mr. Grzanna, an abutter at 612 Chestnut Street, said the land is very wet and the water runs all year long. He feels the lot shouldn't be used as a buildable lot.

Travis Royce from Landmark, representing the property owner, said if the land continues to be owned by the applicant they will speak to the abutters about future use. Wetlands are present and they are bypassing these areas. Septic and well placement will be located in the appropriate locations. A fourteen acre lot such as this one is more than enough for two building lots.

Mr. LaCasse wanted to know in regards to the larger lot if the State has a law or requirement about building within 75 feet from the wetlands. Travis answered if the wetland was poorly drained there is an applicable law but this lot doesn't meet the criteria.

Adam Burke asked if there was a plan to build immediately following the subdivision. Travis said there isn't a plan to build but rather to sell the tract of land upon subdivision.

Mike McCrory said for clarification there is an existing woods road that should be labeled, "not a private road."

Public Hearing Closed

Deb Cutts stressed this was only for a subdivision and not for a building. Mr. Guillette said the applicant would have to following the permitting process if building were to begin.

Mr. LaCasse asked about adding the condition that a "Clean Solution" septic system be used if the lot were built upon.

Mr. McCrory cautioned this system may cause a hardship for the owner at a future point in time. This does need to be design approved by the state and the lot itself does not need DES approval because it is greater than 5 acres. Travis Royce stated this is more than suitable for requirements and this is a very typical lot. The Clean Solution requires constant maintenance and doubles the cost of the initial investment in a septic system.

Lori Richardson said the board looks at the benefit for the neighbors and the area and the water for the abutters. Lori doesn't think the cost should have any play in this instance. She is concerned about the sale of the property when one of the abutters has been interested in buying the land in the past.

Travis Royce said this lot can have a traditional system and the requirements with distances to wetlands and neighbors have all been considered. This property has been for sale for the last couple of years and maybe the offer wasn't what the owner would have accepted.

Deb Cutts asked if the lot sells, and someone wants to build, do they do not need to come back to the Planning Board. The abutters here are concerned and she wants to know where they should go to express their concerns.

Mike McCrory said there is an appeal period for permits issued to property owners. Deb Cutts asked if the City has any responsibility to notify abutters if something is going to be built. Mr. McCrory said this isn't a requirement by the City to notify abutters of a standard building permit.

Deb asked if D.E.S or the State ever notify abutters. Travis said the abutters are not notified of a single septic design prior to installation. Deb said she would like to be less specific to the system required however state "The cleanest system available at the time" for a site specific condition.

Standard Conditions:

1. The applicant shall file for approval of the Final Plat in accordance with Section 4.09: Final Plat of the City of Claremont Subdivision Regulations.

2. The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Building Department.

3. The applicant shall obtain and receive approval for all necessary permits as determined by the City of Claremont Public Works Department.

4. The applicant shall obtain and receive approval for all necessary permits as determined by appropriate state and federal agencies.

Site Specific Conditions:

1. The existing woods road identified on the subdivision plan be labeled, "Not a Private Road."
2. Clean Solution system or a system equivalent, be installed for a septic design if construction begins on a new house.

Motion to: Accept the subdivision with a Clean Solution or comparable system if used to build upon as well as the existing woods road identified on the subdivision plan labeled, "Not a Private Road."
Made by: Paul LaCasse **Second by**: Adam Burke **Vote:** Unanimous

- **Tammy Newton, 1325 Skyline Drive, Weathersfield, Vt** requests a Waiver of Site Plan for Tax Map 165, Lot 4, Zoning District B2. Location **143 Charlestown Road.**

Mike McCrory said the inquiry was from Ms. Newton to use the space for an auto repair business and this is merely a retrofit for their business use. This building has a history of auto repair and auto parts. She had the option to request the waiver for site plan review and under certain circumstances this could be granted.

Peter Guillette asked if there were any plans to do exterior renovations. Mike said it would only be used for parking and would not alter the existing parking arrangement.

Tammy Newton would like to occupy the building for an auto body shop. The use would be for general auto repair. Lori Richardson asked if there would be any sales. The applicant said not at this point in time there wouldn't be any sales taking place. It is a consideration to have a car rental business (Enterprise) in the future.

Ms Cutts asked how long the bakery distribution was there occupying the building and Mr. LaCasse said since the mid 1990's Koffee Kup was there. After that it was used for the sale of outdoor wood boilers.

Tammy said this would be used for smashed vehicles to be repaired.

Ms Cutts asked if another business were to be added or leased from the building would there be a need to come before the planning board. A rental agency, as the applicant has suggested, would be an accessory use and may not require Planning decision.

Peter Guillette said there is concern from the board about where the vehicles that are wrecked are going to be placed in the lot.

Adam Burke asked if there would be a sign and where would it be placed. Tammy said it would be on the building.

The applicant plans to begin business on January 1, 2010.

Lori Richardson said this building already had similar uses. She isn't concerned about this location.

Motion to: Deny the request for waiver for site plan review.
Made by: Paul LaCasse **Second by**: Richard Wahrlich **Vote:**

Peter Guillette: Nay
Erwin Caplan: Abstained
Paul LaCasse: Aye
Deb Cutts : Aye
Lori Richardson: Nay
Adam Burke: Aye
Richard Wahrlich: Aye
Catherine MacKenzie: Nay

Motion has been denied for a site Plan Waiver.

IV. Reports from Boards and Commissions

- Request for Nomination to Upper Valley Lake Sunapee Regional Planning Commission

John Robert Marini the applicant has indicated he would like to serve on this Board. Mr. Bernie Folta doesn't feel this individual is a good match for the UVLSRPC because there is a large commitment and doesn't think the applicant realizes the extent of the commitment. There tends to be complex business that takes place and he doesn't feel the applicant has the experience necessary to serve on this board. In January Mr. Dennis Dube was nominated for the committee and nothing was done with the appointment.

Adam Burke asked what Mr. Folta's concerns are. Mr. Folta said there is a need for knowledge of Regional plans, financial information, and at time very complex content.

Motion to: Approve to appoint John Robert Marini to the Upper Valley Lake Sunapee Regional Planning Commission and research the Dennis Dube application to have both submitted to the City Council if Mr. Dube is still interested in a seat on the UVLSRPC.
Made by: Deb Cutts **Second by**: Paul LaCasse **Vote:** Unanimous

V. Correspondence

- Notification of Annual Fall Planning & Zoning Conference
- Letter from Cheryl Jones
- Notice of Decision for **Blanc & Bailey Construction**

Brian Rapp has some concerns about not being able to attend enough HDC meetings and Peter G. asks if there is another Planning Board member interested in taking his seat to please see him.

Jane Taylor is asking the Planning Board to consider a joint meeting with the Zoning Board to review legislation that will be changed in January 1st.

Bernie Folta asked to speak regarding Boards and Commissions appointments.

VI. Adjournment

Motion to: Adjourn
Made by: Deb Cutts **Second:** Richard Wahrlich **Vote:** Unanimous

Meeting Adjourned at: 9:10 P.M.

Respectfully Submitted,

Katrina Spaulding
Administrative Assistant