

Town of Enfield

Planning Board Minutes



September 27, 2017

DRAFT

Present: David Fracht- Vice Chair, John Kluge-Selectman, Kurt Gotthardt, , Rita Seto, Nancy Scovner, Tim Taylor Paula Rowe Stone – Alternate & Recorder, Jim Bonner- Alternate & videographer, Scott Osgood-Town Planner.

Regrets: Dan Kiley – Chairman.

Guests: Tim Sidore; Ledgeworks, Inc., Bruce Hettleman, Ryan Morse- L & M Holdings, , Ryan Aylesworth – Enfield Town Manager, Jean Luc Maynard, Angus Durocher, Jay Welenc, Ryan Morse, Mike Diehn, Michael Bedard, Erik Russell, Janet Lovely, Scott Sanborn, Jeff Auten, Matt & Janis LaBounty, Heather Balch, Wayne Piekarski, Marianne Fassett, Jim Fassett, Rene Demers, Mildred, Marshall Beattie, Michael Michaelonik, Shirley Green.

I. CALL MEETING TO ORDER 7:00

II. APPROVAL OF MINUTES

1. Minutes of Sept 13, 2017 – Kurt noted clarifications to the minutes. John Kluge made a motion to accept the minutes as corrected with a second from David, board approved by consensus

III. SELECTMEN'S REPORT

John Kluge reported that Mascoma Lake will be drawn down in Mid-October about 2 feet. The Rte 4a Water and Sewer project is moving along timely. Ledge blasting has impacted the schedule a bit. Bids for the Shaker Landing pump station are in, with Conkey the low bidder. Smoking Ban on Town Property did not go forward however polite signage was posted for everyone's considerations. The use of ATV's on rail trails was discussed at length and the Board voted to support the request that ATV's will not be allowed on the Rail Trail.

IV. CITIZENS FORUM

None.

V. CONCEPTUAL HEARING – None

VI. PUBLIC HEARINGS

1. Continuation of Site Plan Review 60 Main St Residential Apartments

This hearing started two weeks ago. Three members sitting tonight have recused themselves as they were not present for this meeting; they are Paula Rowe, Tim Taylor and Nancy Scovner. Board discussed and agreed those abstaining could stay at the table and participate in the discussion, but would not be able to vote. Approved by consensus. Sitting in the role of voting members for this hearing is Dave Fracht, Rita Seto, Kurt Gotthardt, John Kluge and Jim Bonner. Vice Chair David Fracht noted a personal connection to one abutter, but did not abstain, there was no objection from the board as to this decision.

Vice Chair Fracht reiterated the history of this application. He noted the first meeting the Board decided the application was considered a Major Site Plan review. With that the Board noted the requirement that the applicant provide a site plan with metes and bound and distance, and a stamp by a Licensed Civil Engineer or Land Surveyor. The copy submitted for this meeting did not meet those criteria. It was stamped by a licensed architect, and did not have the lot boundaries properly marked. John agreed with this position. David noted there are three options for the board 1) Approve the submittal and request, 2) Continue the hearing to a future date. The applicant is to provide the required documentation 3) do not approve the submission.

Kurt noted that the scale is not correct. The graphic scale does not match the measurement by the ruler. It was noted that parking shown to be on Main Street, three lots, would not be approved as there are no lots in front of the building. Tom said he was counting the lots across the street. The board said these spaces can only be claimed by the wood working shop.

John stated he couldn't vote to accept the application and that there is no need to rush it. Asked that the board let the applicant take one more shot at it.

David asked for a motion. Tim, the applicant, asked for reconsideration of the request. He stated this work will entail a significant request. He stated the three buildings have considerable parking areas and asked if identifying the lots in detail could be a condition to the approval. Vice Chair Fracht said no to the request. The board agreed by consensus to not approve conditionally.

John moved to continue the hearing to the next scheduled meeting date. Board asked the applicant if he could meet the next scheduled meeting date which he stated would be difficult to meet. A date of **October 25** was decided as the date for continuance of the meeting. The applicant was reminded that all items noted to be on the plan must be there for future consideration.

John moved and Rita 2nd and the Board voted unanimously to continue the meeting for 60 Main Street to Oct 25, 2017 at 7:00 PM.

2. Two (2) lots Subdivision on 17 & 23 McConnell Drive – Scott Sanborn represented for the Labounty's. There are currently 2 residences on one single lot. The subdivision will allow for them to each have a lot. They will have separate water and sewer connections and separate driveways. No shared utilities. He stated a special exception to the Rte 4 zoning on residential uses and a variance for a setback of a shed within the 20 ft requirement were approved by the ZBA and that no State approval was necessary due to the size of the lots.

John Kluge made a motion to accept this subdivision as presented with a second from Nancy Scovner and passed unanimously. The Mylar was presented for signature and forwarding to the registry.

3. Lot Line Adjustment on Foster Circle Parcel 22-25 & 26 –

Jim Kelliher requested a lot line adjustment between Parcels 22-26 and 22-25 located on Foster Circle on behalf of Lisa D DeGeorge and the Ryan D O'Connell Revocable Trust. Jim explained the plot line adjustment. The adjustment is to take land which contains an easement to the DeGeorge Lot and it becomes the DeGeorge property. Both lots are non-conforming as being less than one acre in the R1 district with no water and sewer with this adjustment remains non-conforming. One lot, the Ryan Lot, is more none conforming. The DeGeorge lot had two residential structures on it, one that was an eyesore and, has been demolished.

The Board noted that this action may require a Zoning Board decision as one non-conforming lot, the Ryan Lot, becomes more non-conforming while the other lot is non-conforming, both in regard to Lot sizes. In discussion the Board asked the Planning and Zoning Administrator if there was any reasoning where the Planning board could decide to act. Town Planner Osgood noted that the land being transferred to the DeGeorge Property has an easement on it which restricts the use of the property and gives passage rights to the DeGeorge lot. The lot line adjustment incorporates land that was subject to this easement.

John Kluge made a motion to accept this lot line adjustment, Rita Seto 2nd this. 6 yes, David, Kurt, John, Jim, Paula & Rita and 2 no, Nancy and Tim.

Scott Sanborn provided a mylar to the Board signature and recording.

4. Site Plan review of a new Coffee Shop at 59 Main Street, Parcel 31-034

Brian Degnan requested approval of a Site Plan to establish a Coffee Shop at 59 Main St on Parcel 31-034. Mike Bedard, co-owner and Chef of this project, presented the request. He informed the public of the plans of his new coffee shop, stressing that they have plenty of parking for this day business. Mr. Bedard noted the lot has nine (9) parking spaces. He also noted the hours of operation are nearly the opposite of the hours of 56 Main St, a restaurant located across the street. The shop will be open 6 days a week, and closed on Wednesdays. John noted it will put the building back to commercial use.

Motion to open the public came forward from Vice Chair Fracht with a second from John Kluge and passed.

Discussion by Board on incomplete plat. Parking areas are shown, but not necessary per the zoning for a commercial lot. Parcel boundaries with distances and angles are not shown. Noted this is not required on a minor site plan.

Motion to close the hearing by Rita Seto with a second from Nancy Scovner Motion carried.

Motion to accept the Site Plan came forward from John Kluge with a second from Nancy Scovner. Motion carried unanimously. Mr. Bedard stated the plan is for the shop to be open in November.

5. Consider Final Acceptance of Conditions for a Subdivision on Evenchance Road, Parcel 10-10.

Notice read : The Enfield Planning Board will hold a Public Hearing in accordance with RSA 676:4 (I) I to consider final acceptance of the Conditions for Approval of the Site Plan for the Evenchance Subdivision by L & M Service Contractors.

Town Planner Osgood informed the board of his review of the Conditions. Twelve conditions were placed on the applicant at the date of conditional approval of the Subdivision. The final condition was that security be put in place to protect the downhill abutters from damage caused by runoff from the site. An agreement was reached between the Town and Developer/contractor. The contractor's insurance policy has adequate coverage to cover damages. At the completion of the infrastructure work a bond will be in place for two years to continue coverage after the work of the contractor is done.

A motion to open the Public hearing came forward from Vice Chair Fracht with a second from Nancy Scovner and passed.

Vice Chair Fracht pointed out a provision that states certain non-coverage; Town Planner Osgood had already recognized this and confirmed the language referred to would not be in the final document. It was included as part of a sample package relating to a wider range of policies. Town Planner also confirmed with Primex, the Towns Insurance carrier, that they would review and comment of the final agreement prior to its implementation.

Evenchance neighbor Jay Welenc asked what is the landowner to do with a drainage problem, asking where he places his complaint. Vice Chair Fracht thought he should file with L & M formally first. Ryan Morse reiterated this and asked for the complaint in writing first.

Evenchance neighbor Sam Sweet informed the audience of sediment in runoff from the drainage swales above the existing Evenchance neighborhood. He noted there are new logging roads and trenches that have very steep grades. He noted he has a stream by his house and the mud in the stream goes into the lake. He asked what was the measurement of mud in the stream that he should start complaining about. Sweet said that there are boulders being used for a crossing of a stream. In addition he noted that Evenchance road has taken roughly from these trucks. He said that he is an abutter and did not get noticed of these meetings. Town Planner noted he will look into the mailings to find the problem. All abutters were sent certified mail noticing the meeting. Sweet provided pictures of some of the road damages and boulders and mud in the streams that now have three dams on this property.

Town Planner Osgood gave the Board an overview of previous complaints and noted that the Town does not have authority to control of logging operations. Previous concerns were brought to the attention of the Division of Forestry and addressed by the Owner. Town Planner reviewed the property earlier today with the Towns Consulting Engineer, Pathways Consulting and Owner Developer Ryan Morse of L & M Service Contractors. Photos of the current condition of the area were distributed throughout the attendees, showing jute mats and wattles, designed to slow the water flow and to trap sediments. Planner Osgood noted he walked the logging road to the top and saw water bars about every 50 feet, designed to slow down and redirect any water so as to minimize how much sediment would be picked up by the flow.

Sweet and Janice Lovely noted that they did not receive notice of this meeting. The Bassett's did not as well. This will be looked into by Town Planner Osgood.

Rene Demers said he has looked at the logging operation and is down front on Rte 4a. He feels that it is a great operation and has had no problems with any water.

Michael Michalenoick, an abutter at the south side of the project and this logging operation in three different places and he has observed the operation and felt he was doing a great job. He walks the property as he lives at the top of Eastman Hill.

Sweet informed the board that Evenchance Road is cracked in several places. Morse said that the Public Works Director noted this before the project started. Vice Chair Fracht asked Sweet to reach out to the Public Works Director. Town Manager Aylesworth said that he would speak with the Public Works Director about this issue and to do a site visit. Town Planner Osgood reminded all that an Engineer will be on site to perform quality control confirmation of the work.

Morse said Pathways Consulting has been hired to produce the Storm Water Management Plan and will be the overseer of the project as a third party. He noted they have obtained storm water management approval. There will be a weekly report provided by Pathways Engineering. This property is well supervised. Janet Lovely said she gets flooding after rain events on her property. There is a culvert that goes under her property. The town has pictures of this. She expressed concerns as she already has had problems before this logging operation. She reiterated conversations with the State regarding culvert and swale maintenance.

Rene Demers asked about the care of Route 4a. Town Planner Osgood said that there are no large scale upgrades are in the 10 year plan. Osgood noted he will look into what the maintenance plans are for this stretch of Rte 4a.

John Kluge made a motion to close the public hearing at 8:43 pm with a second from Nancy Scovner and passed unanimously.

John Kluge made a motion to approve the request presented this evening with all of the conditions completed, Rita Seto seconded this. The Board voted unanimously to approve.

Mr. Morse was asked to provide a copy of the bond and a copy of the Insurance certificate with the Town as co insured.

VII. BUSINESS DISCUSSIONS

1. Review and consider approval of an update of the Enfield Site Plan Review Regulations –Discussion. This needs to be a public hearing properly noticed
2. Review and consider approval of an update to the Subdivision regulations. This needs to be a public hearing properly noticed.

VIII. COMMUNICATION

1. Wetlands Application for culverts on Crystal Lake Road – Town Planner noted there are 7 culverts recently permitted to be upgrade in the shorefront area and some wetlands along Crystal Lake road.

IX. NEW BUSINESS - A Discussion on Registered Return Receipt Requested mail. Town Planner noted the signed receipts would ensure who the individuals are by getting signatures, but would entail far more labor to provide. John asked that this topic be included on a future meeting.

X. NEXT MEETING – October 11, 2017.

XI. ADJORNMENT

Nancy Scovner made a motion to adjourn at 8:55 p.m. with a second from John Kluge and passed unanimously.