

# PLANNING BOARD MINUTES

July 26, 2023

**APPROVED:** August 23, 2023

**AGENDA: REQUESTS FOR EXTENSIONS:**

23IDW01 – Carrigan - #217-133-001 – Hall Road

Continued from June 14th: #23SUB01 - Moniz - #218-011 – Peaked Hill Road

Continued from June 14th: #23SUB02 – Moniz - #218-007 – Peaked Hill Road

**NEW BUSINESS:**

UPDATE: 23MSP01 - DUBA - #112-024 - 265 LAKE STREET

PCC – Howe - #219-020 - 31 Ten Mile Brook Rd

REVIEW: Proposed changes for Steep Slopes in Zoning Ordinance – David Shirley

**ATTENDING:** John Miller (Chair), David Shirley (Vice Chair) **via Zoom**, Scott Sanschagrin (Select Board Representative), and Don Milbrand, Elizabeth Seeler and Steve Carten (Alternate)

**OTHER:** **Staff:** Christina Goodwin (Town Administrator) and Donna Sullivan (Land Use Administrative Assistant) **Applicants, Agents, and Public:** Rick Duba

With a quorum present, Chair Miller called the meeting to order at 7:00 pm.

**OLD BUSINESS:**

**REQUESTS FOR EXTENSION:**

Chair Miller indicated that several requests for extensions were received that require a vote from the Board.

23IDW01 - Carrigan - #217-133-001 - Hall Road - Incorrectly Delineated Wetlands

Ms. Sullivan read the extension request from Mr. Carrigan for continuance to provide additional requested information from his soil scientist. He indicated information should be ready within a month.

Mr. Milbrand motioned to continue case #23IDW01 to August 23, 2023. Ms. Seeler seconded. The motion carried by roll call vote 5-0-0.

23SUB01 – Moniz - #218-011 – Peaked Hill - Continued from June 14th:

Ms. Sullivan read the extension request for a continuance to August 23, 2023, so applicants can provide additional information for test pits for updates to the subdivision plans.

Mr. Milbrand motioned to continue case #23SUB01 to August 23, 2023. Mr. Sanschagrin seconded. The motion carried by roll call vote 5-0-0.

23SUB02 – Moniz - #218-007 – Peaked Hill - Continued from June 14th:

Sullivan read the extension request for a continuance to August 23, 2023, so applicants can provide additional information for test pits for updates to the subdivision plans.

Mr. Milbrand motioned to continue case #23SUB02 to August 23, 2023. Mr. Sanschagrin seconded. The motion carried by roll call vote 5-0-0.

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### NEW BUSINESS:

#### UPDATE: 23MSP01 - DUBA - #112-024 - 265 LAKE STREET

Ms. Goodwin stated that Mr. Rick Duba was present to update the Board about activities and parking conditions since the approval of his Minor Site Plan in May.

Mr. Duba updated the Board about the parking and other activities. He stated that they were unable to come to a parking agreement with the abutter, so they instead bought the abutter's property. A new LLC was formed for the day care business and LLCs were merged. He was before the Board at this time to find out what may be required to allow for decisions on changes to parking with use of the abutting lot and some restructuring of the building.

Discussion followed about the need for an easement on the abutting lot for parking, changes to original parking plans, the required number of parking spaces for both businesses and the possible relocation of entrance to the parking lot.

Ms. Goodwin stated that there has been a change to the site plan with changes to parking and building. She stated that the Board would need to address the following three issues:

1. What changes Mr. Duba has made to his presently approved site plan
2. What changes would be proposed for the Day Care lot which also has an approved site plan
3. Whether an Easement should be required to address the parking agreement for both lots.

Mr. Shirley asked if the proposed changes to parking spaces caused any change to the required spaces for the day care. It was determined that this would not be impacted. More discussion followed regarding the need for amended site plans for both lots because both lots would have changes to the original approved site plans.

Further discussion followed about the easement. Chair Miller stated that an easement would address the agreement for parking for both lots. Mr. Milbrand stated that Mr. Duba was in best position as new owner of both lots to file the paperwork that would give an easement for parking for the Café and allow for this to continue should properties change hands in the future.

The Board agreed that based on the changes discussed, amended site plans would be required for both lots, but hearings would not be necessary. Mr. Milbrand motioned to require the submittal of amended site plans for Map 112 - Lot 23 and for Map 112 - Lot 24. Mr. Sanschagrin seconded. The motion carried by roll call vote 5-0-0.

#### 23PCC06 – Brian and Christina Howe - #219-020 - 31 Ten Mile Brook Road

Ms. Sullivan presented the Board with the preliminary plans and information for re-subdivision of Mr. and Mrs. Howe's property. The applicants were not present to discuss these plans. They were looking to re-subdivide their 4-acre lot back into the original 2-acre lots. Ms. Goodwin indicated that she reviewed the plans to determine if any permits would be needed. She described historic activities regarding this lot to update the Board about previous subdivisions, property ownership, lot line adjustments and other activities. She added that there were wetlands indicated on this lot.

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### 23PCC06 – Brian and Christina Howe - #219-020 - 31 Ten Mile Brook Road - continued

Mr. Shirley disclosed that the lot indicated as owned by Jeff and Beth Goodrum is now his house and the Aigner lot is the one owned by the Howes. He shared information about the subdivision rules, the earlier lot changes and an addition constructed by Mr. Goodrum that put his house in the subdivision setback. He stated that he is doing a minor lot line adjustment with Mr. Howe to correct the setback issue. He also pointed out some of the subdivision information about access off Peaked Hill Road and indicated that there were wetlands along the Peaked Hill Road and Ten Mile Brook Road frontage of the properties. He stated that, for any decisions needed on this application, he would recuse himself due to being an abutter.

Ms. Goodwin stated that issues for the Board and applicant to be aware of were subdivision rules, wetlands, and setbacks. Chair Miller stated that they would have to have State Subdivision approval as well. There was additional discussion regarding the driveway location and other information to show that lot(s) would be buildable if subdivided.

There was a discussion about association approval. Mr. Shirley shared that there is no association, only covenants that all homeowners should follow and are enforceable by any landowner in the subdivision, and Mr. Howe is aware of these. The Howes will be advised of the Board's concerns and discussion.

### REVIEW: Proposed changes Steep Slopes in the Zoning Ordinance - David Shirley

Chair Miller stated that at the last workshop, the Board discussed this information and asked Mr. Shirley to update his document based on the edits suggested. Mr. Shirley stated he removed any reference to restrictions for 15% to 25% slopes and provided the document with all the previously discussed edits and strike throughs. Chair Miller thanked Mr. Shirley for all his time on this and stated it was important to go through the mapping exercise to understand where the steep slopes are located in Town.

Chair Miller asked Ms. Goodwin what the next steps would be for moving this along to public hearing and ballot. Ms. Goodwin stated that the Board can approve the changes made to date and add any others changes later if they occur as a result of the mapping exercise. Once comfortable with the changes and any updates, then the public hearing date can be set.

Mr. Shirley stated that he had additional concern to require lots to be a minimum of 80,000 square feet if needing well and septic.

Chair Miller asked for timeline update for future review and action to properly hold public hearings for those changes needing to go on the ballot. Ms. Goodwin updated the Board about timelines. Chair Miller stated that there still was time then to discuss and decide on the 80,000 square foot requirement and finalize the Steep Slopes/Ridgeline updates at the August 23, 2023 workshop meeting.

Mr. Shirley stated that once the Board is finished with the Steep Slopes, then it can move to Solar. Chair Miller stated that the priority list may be adjusted, and his concern was that attention be paid to any impacts resulting from changes proposed and along with other priorities.

There was some additional discussion about ridgelines vs. peaks and Ms. Goodwin read some definitions for the Board to consider. After discussion, Chair Miller suggested that all follow up continue to the next workshop meeting.

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## MINUTES:

Mr. Milbrand made a motion to accept the minutes from July 12, 2023, as amended with a correction to remove “*via\_Zoom*” following John Miller in the *Attending* line. Mr. Sanschagrín seconded. Motion carried by roll call vote 5-0-0.

## COMMUNICATIONS:

Ms. Sullivan shared a communication from Ms. Liz Kelly of Resilience Planning and Design indicating they would not be attending the meeting in August because the Board wanted to see the interactive mapping first, they plan to be at the September meeting with this information.

## REPORTS:

*HISTORIC DISTRICT COMMISSION (HDC)* – No report

*CONSERVATION COMMISSION* – Ms. Sullivan updated the Board about an Incorrectly Delineated Wetlands application for Carrigan that was reviewed by the Conservation Commission and the Commission requested additional information regarding the location of soil test pits and the new proposed delineation on the plans.

Ms. Goodwin added that the Conservation Commission made some suggestions regarding what should be communicated to the applicants as necessary information for Boards and Committees to review and deliberate on these and other Wetlands Overlay District Special Use Permits. Chair Miller elaborated on the need to require information that will show where the actual location of the new wetland boundary is. Ms. Goodwin added that a conversation was held with CAI Technologies (CAI) to help guide the process to get the accurate information needed to change maps.

*CIP COMMITTEE* – No report

*LAND USE* – Ms. Sullivan shared that Joanne Bailey was on vacation so there was no report.

Chair Miller shared a conversation with Joanne Bailey regarding necessary information and process for Boards, staff, and applicants to update Wetland Maps with CAI. He stated he would like the Board to meet with CAI about this and Steep Slopes discussion. Ms. Goodwin talked about what this might look like in the future after a discussion with the mapping company.

There was some further discussion about the Incorrectly Delineated Wetlands cases in process and information requested of the applicants and their soil scientists. Mr. Miller stated his concern was that the process and documentation be clearly defined for any applicants going forward.

*SELECT BOARD* - Ms. Goodwin reminded Board members that meetings were on video for public viewing and recorded for minutes. She cautioned members about conversations and comments during public meetings and issues that can result from conversations or personal comments shared. She stated members should be aware and understand this and any conflict of interest when it comes to applicants and applications.

Mr. Sanschagrín asked if there were specific requirements regarding members recusing themselves during cases or discussions. He anticipated doing business with someone that may come before the Board and

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*LAND USE* – continued

wanted to be sure of the guidelines. Ms. Goodwin shared the basic guidelines for recusing oneself from decisions. Mr. Milbrand shared his opinion about recusing and some examples.

Ms. Goodwin updated the Board about the “All Committees” meeting planned for August. She stated that there would be an online survey going out to Boards and Committees and a moderator had been selected. Once the surveys are done and the information is gathered, the meeting date will be set, and all will be notified.

**BOARD MEMBER COMMENTS:** None

**STAFF COMMENTS:** None

**NEXT MEETING:** After discussion about agendas and cases moved to August 23<sup>rd</sup>, it was determined that the Board will not meet on August 9, 2023. **The next meeting will be on August 23, 2023.**

**ADJOURNMENT:** With no other business before the Board, Ms. Seeler motioned to adjourn. Mr. Milbrand seconded. The motion carried by roll call vote 5-0-0. The meeting adjourned at 8:12 pm.

Respectfully submitted,

Janet Cote  
Land Use Associate