

**TOWN OF HENNIKER**  
*Planning Board*

**Draft Minutes**  
September 10, 2008

**Members Present:** Kristin Claire, Chairperson; Gary Guzouskas, Vice-Chairperson; Terry Stamps; Jim McElroy; Scott Osgood; Kellie Dyjak; Ron Taylor, Selectman, ex-officio; Leon Parker, Alternate Selectman, ex-officio; Ed Miner, Alternate.

**Others Present:** Laura Scott, Planning Consultant; Jennifer Astholz, Minute Taker; Jennifer McCourt; Jeff and Rebecca Roach; Don Duval; Rik Humboldt (arrived later)

Chairperson Claire called the meeting to order at 7:02 pm.

**Continued Public Hearings**

Case #2008-001. Excavation Application

Map 1 Lot 552 A located at 1236 Old Concord Road in the Heavy Commercial (CH) Zoning District. The applicants, Daren and Kellie Dyjak, are proposing to excavate the property to allow for the future development of the site.

As Ms. Dyjak is a Board member and the applicant, she stepped off of the Board; Ed Miner will be voting in Ms. Dyjak's place.

Ms. Dyjak stated that she is having difficulty meeting with their surveyor. She requested that the case be continued to the October meeting. The Board consensually agreed to continue the hearing to the regular meeting on October 8, 2008. Ms. Dyjak asked for assistance from Ms. Scott, Planning Consultant, in compiling the list of items that the surveyor will need to present.

Ms. Dyjak rejoined the Board, and Mr. Miner returned to his position as an alternate board member.

Case 2008-007 Minor subdivision Application

Map 1 Lot 752-B located on NH 114 in the Commercial Recreational 1 (CR-1) Zoning District. The applicant, Riki Humboldt, is proposing a 2-lot subdivision. Lot 752-B is proposed to be 6.2 acres with 795.1' of frontage and Lot 752-B1 is proposed to be 6.64 acres with 366.25' of frontage. The primary access from NH 114 for Lot 752-B1 will be required to have an access easement for a driveway to cross Lot 752-B

Ron Taylor, Selectman, ex-officio, stated that Leon Parker, Alternate Selectman, ex-officio, attended the site walk for this case. Therefore, Mr. Parker will sit on the Board in place of Mr. Taylor.

Jennifer McCourt was present, but not authorized to represent the applicant. The Board agreed to continue the case to the end of the meeting to give Mr. Humboldt time to get there.

Mr. Taylor rejoined the Board and Mr. Parker resumed his role as an alternate.

### **New Public Hearings**

#### Case 2008-008 Lot Line Adjustment and Major Subdivision Application

Map 1 Lots 351 and 349-H located on Western Avenue and Patterson Hill Road in the Rural Residential (RR) Zoning district. The applicant, Don Duval of Duval Survey Inc., on behalf of A&T Forest Products and Jeffrey & Rebecca Roach, are proposing the following actions:

1. Lot Line Adjustment between Lot 351 and Lot 349-H, which would alter Lot 351 from 83.43 acres to 80.45 acres and from 97.89' to 500' of frontage on Western Avenue and Lot 349-H from 2.94 acres to 5.97 acres and from 1330.13' of frontage to 928.02' of frontage on Western Avenue. Lot 351 will be subject to a driveway easement for Lot 349.-H.
2. Major subdivision (4-lot subdivision) of Lot 351. Lot 351-A is subject to a driveway easement to benefit lot 351 and Lot 351-B is subject to a driveway easement to benefit Lot 351-C. An easement will be granted to the town for future road widening of Patterson Hill Road.

Ms. Scott, Planning Consultant, reviewed materials in the packet, including a letter from Hoyle, Tanner dated 9/4/08. She stated that several items have been taken care of. She stated that the Lot Line Adjustment will be recorded as well as the subdivision even though there is one application for the entire project.

Don Duval, Surveyor, presented the application. He stated that a Lot Line Adjustment is requested to create sufficient frontage on Lot 351 for a 4-lot subdivision. He showed the areas on the plans which would be affected by this change. Mr. Duval stated that the driveway easement is on an existing driveway, and both landowners are present at the meeting.

Ms. Scott stated that the easement is a private arrangement between two landowners and they would record it, not the town. A note will be included on the plans, but it is a private transfer of property.

Ms. Scott stated that her memo dated 8/29/08 shows issues to be addressed. She stated that Item 3.b.i is a minor correction to be made as the Table figures are inconsistent with

Note #3 on the plans. The square footage and acreage figures need to be corrected on the Lot Line Adjustment plan.

Mr. Duval stated that, assuming the Lot Line Adjustment is accepted, the proposal is for a 4-lot subdivision. He stated that original plans called for five lots. The new plan creates two lots (34 acres and 16 acres) off of Western Avenue and two lots (10 acres and 19 acres) from Patterson Hill. Mr. Duval stated that they are requesting waivers from subdivision regulations. One requires that topography on the entire acreage be shown. He stated that sufficient topography has been done to show buildable area. A waiver is requested from the regulation requiring mapping of the wetlands within 250' of parcel boundaries. He stated that wetlands have been shown, and abutting properties are 500'-700' away. Another waiver is requested from showing utilities and drainage as the lots are so large that there is no way of knowing where a prospective buyer would want to build their house. Mr. Duval stated that their only goal is to create the lots, and a note can be added to the plans requiring that utilities and drainage be done at the time that a building permit is pulled.

The Board discussed procedural issues relating to enforcing notes added to plans. Mr. Osgood stated that the codes enforcement officer is really only looking for proper setbacks.

Ms. Scott stated that Regulation 202-9Q has to do with drainage calculations, and it would only be a guess as to where a house may be built on a property this large.

There was further discussion about needing drainage calculations on fairly steep slopes which would drain into the Contoocook River.

A suggestion was made that a note be added to the plans stating that in addition to house plans, the subdivision regulations must be met. This would be an extra measure for the code enforcement officer to see.

Alan Stevens, applicant, asked if the concern came from the paved driveway. He stated that he is going to present the plan to DES but wanted the Planning Board to review it first. He then showed the driveway plans. He showed an old logging road and stated that both houses sit 40'-50' above the ground elevation. He showed where the common driveway is planned with paving to 18' and 45'. He stated that the turn was redrawn which would give room for a firetruck. He described a couple of locations where houses could be built on the property. He stated that there is no indication of any problems with stormwater on the driveways.

Chairperson Claire asked if there is any impact to the wetlands with the proposed driveways. Mr. Stevens showed the location of existing and proposed culverts. It was suggested that a 15" culvert be installed.

Ms. Stamps asked questions about the 120' length at an approximate 12% grade and 80' of 12.5% grade; closer to Western Avenue is 10%-11% grade. There is a point of -2% at

the common driveway. Mr. Stevens stated that DES considers this to be a resurfacing project.

Forestry regulations and areas of preservation were discussed.

Chairperson Claire stated that she is stuck on the driveway permitting issue as there are procedural differences between forestry notifications vs. normal driveway wetlands crossing. A larger culvert is not being put in the wetlands; a 6" culvert already exists in the wetlands. Mr. Stevens stated that there is only about 10,000' of paving that will occur.

The plans for the Patterson Hill driveway were discussed. Mr. Stevens showed 3% grade for approximately 160'-180'; the grade increases another 3%. He stated that the road agent made comments about water runoff onto Patterson Hill Road. A 12" culvert will be put in before paving to direct runoff into a sandy gravel area.

Ms. Scott stated that the applicant is proposing to stop the driveways as shown on the plans. The new landowners would have the option of where to continue the driveway and would have to deal with any wetlands issues, if necessary, at that time. Mr. Stevens stated that Peter Showers reviewed this application.

Chairperson Claire stated that an old road from the 1970's bisected the wetlands. Now it is being used as a residential driveway. Ms. Scott stated that the culverts being proposed are not in the wetlands. The Conservation Commission, Highway department, and Fire Department have reviewed the plans. He stated that the Fire Department liked having a set paved driveway access in place so that they could sign off on the plan. Any other work will have to comply with the Shoreline Protection Act.

Ms. Scott stated that she will ask DES procedural questions.

Chairperson Claire asked the Board to consider the specific waivers as requested from the following regulations:

1) "Section 202-9F, to show all watercourses, wetlands, flood zone locations and base flood elevations within 150' of subdivision boundaries."

Mr. Miner stated that four houses and driveways will not create remarkable changes in this large of an area. He stated that he would like to see where it is being paved.

Mr. Osgood stated that the Board needs to look at the level of accuracy they're asking for. He stated that it is fair to ask for this information as the applicant can show how water will come onto the property. Chairperson Claire stated that given the size of the lots and the size of the subdivision, she's not sure that this is really necessary.

Mr. Osgood stated that it is not necessary to flag the wetlands, but they are looking for the water courses. Mr. Stevens stated that one course is a farm with a stone wall to a field, and a brook goes into a steep area with woods. He stated that it seems like a waste of time to do as it will not show much useful information.

Ms. Stamps asked if there is a way to make the requirement more reasonable for this particular development.

Mr. Parker stated that it is already known where the water flow is on the property.

Mr. Stevens stated that any impact to the wetlands after subdivision approval would have to go through DES process.

After much discussion, Jim McElroy **MOVED** to grant the waiver from Section 202-9F as requested. Terry Stamps **SECONDED** the motion. Motion **PASSED, 6-1**. (In Favor: Ms. Claire, Mr. Guzouskas, Mr. McElroy, Ms. Dyjak, Ms. Stamps, Mr. Taylor; Against: Mr. Osgood.)

The waiver request from Section 202-9Q was discussed next. Mr. Stevens showed the flood range at 440' elevation. He stated that the dam has been removed and the flood plain map has not been redone yet. He stated that the area is comprised of very stable material.

Mr. Osgood stated that the applicant has shown a plan to design and build it to minimize flood damage, so a waiver is not necessary. He stated that the applicant can withdraw the request for the waiver as the plan meets the requirements. Mr. McElroy agreed with these comments.

Ms. Scott stated that they are not proposing any streets which are where drainage calculations are typically required.

Mr. Osgood **MOVED** to deny the waiver on the basis that it is not necessary. Mr. McElroy **SECONDED** the motion. After further discussion, Mr. Duval stated that since it is the consensus of the Board that the waiver is not needed, the applicant formally withdrew the request for the waiver from Section 202-9Q. Mr. Osgood **WITHDREW** the aforementioned motion with Mr. McElroy's approval.

The waiver from Section 202-9J concerning remaining topography was discussed. Mr. Miner asked to see the standard certification that topography was done on the smaller areas. The original plan shows completed topography.

Kellie Dyjak **MOVED** to approve the waiver from Section 202-9J as requested with a note on the plans that buildable area will be shown with 5' increments as required. The ground survey certification of the buildable areas be added to the plan. Ron Taylor **SECONDED** the motion. Motion **PASSED, 7-0**.

A Site Walk, scheduled for Wednesday, September 24, 2008 at 5:00 pm, will be conducted before voted on completeness.

Ms. Dyjak **MOVED** to continue this case to the October 8, 2008 meeting. Mr. Guzouskas **SECONDED** the motion. Motion **PASSED UNANIMOUSLY**.

Case 2008-007 (description above)

Mr. Taylor stepped down from the Board. Leon Parker, Alternate Selectman, ex-officio will vote in his place.

Ms. Scott reviewed her memo dated 8/28/08 and the letter from Ms. McCourt dated 8/27/08. Ms. Scott reminded the Board that the application has not yet been accepted as complete and the public hearing has not yet been opened.

Jennifer McCourt presented the application on behalf of applicant, Riki Humboldt. She reviewed driveway plans that were made after the Board's site walk of the property. She stated that the grade stayed the same, but the profile flattens out at the top. She put in 5' benchmarks in two places. A plan with a 4:1 slope was also shown for comparison. She stated that test pits on the top show a sandy, silty material. Ms. McCourt stated that the plan with a 2:1 slope and five' benchmarks leaves less scarring on the land and the trees and other foliage would remain. Stumps will be removed; though, not cleaning the stumps and hydroseeding the area will make it very stable. She stated that loam is not very organic; stump grindings area better medium in which to grow.

Ms. McCourt stated that they received the letter from the Fire Department, and they will include sprinklers in the new construction as was recommended.

Ms. McCourt stated that the existing units have existing grandfathered access to the building. This plan provides a secondary, or emergency, access for the units. If the other building increases to three units, they will be required to upgrade the road.

Regulations for secondary accesses were discussed. Mr. Miner asked that if this was not shown, and the primary access was blocked, could people drive across the grass in that area. Mr. Parker stated that the area is clear. As it is deemed to be a private matter, it was decided that all comments relevant to the secondary access will be removed from the plans.

Mr. Guzouskas asked questions about the soil and engineering of the 5' deep benches. It was noted that the plan with a 4:1 slope is another option, but makes a bigger scar on the land.

Mr. Taylor asked about snow removal on the property. An area to push snow into a little valley was shown.

The Board consensually agreed to approve the driveway option with the 2:1 slope and 5' benches.

Mr. Osgood stated that it is always wise for buyers to be aware along Rte. 114.

Ms. Stamps **MOVED** to accept the application as complete. Mr. Guzouskas **SECONDED** the motion. Motion **PASSED, 7-0.**

Chairperson Claire opened the public hearing at 9:30 pm. As no one from the public was present, the hearing was closed.

There was discussion about adding clear notes that detail the construction of 5' benches at vertically 15 feet. It is noted that the language the Ms. McCourt used in her letter dated 8/27/08 can be added to the plan.

Mr. Parker **MOVED** to grant approval of this application with the following conditions: 1)NH DOT Permit is required for the new shared access; 2) Final plans are to have all original signatures, stamps and seals; 3)Add note to the plans that residential sprinklers will be installed; 4)Driveway will be constructed with 2:1 slope and a five foot bench at vertically 15 feet with stump grindings from the ditch line to the bench, and then hydro-seeded; the remainder will be loamed and seeded.

Ms. Dyjak **SECONDED** the motion. Motion **PASSED, 7-0.**

### **Meeting Minutes – Review and Approve**

Ms. Dyjak **MOVED** to postpone review of the minutes from the 8/27/08 meeting to the next meeting. Mr. McElroy **SECONDED** the motion. Motion **PASSED UNANIMOUSLY.**

The minutes of the 8/18/08 Site Walk were reviewed. Mr. Guzouskas **MOVED** to approve them. Mr. Parker **SECONDED** the motion. Motion **PASSED, 5-0-4.** (In favor: Ms. Claire, Mr. Guzouskas, Mr. Osgood, Mr. Parker; Abstaining: Ms. Dyjak, Mr. McElroy, Mr. Miner, Ms. Stamps)

### **Miscellaneous**

\*\*NHARPC Conference: Ms. Scott stated that she will prepare the registration for any Board member who would like to go to the conference on 10/25/08.

\*\*CNHRPC Grant: Ms. Scott stated that a memo dated 8/27/08 was received last week requesting additional information. The Conservation Commission is supplying the requested information.

\*\*Henniker was awarded the UNH grant for the Community Profile. Ms. Scott and Ms. Claire are meeting with representatives on 9/24/08.

\*\*Ms. Scott stated that five engineering firms were interviewed today.

\*\*Mr. Osgood shared information about gravel roads for Mr. Guzouskas to take to the Roads Management Committee.

Mr. Taylor **MOVED** to adjourn at 9:55 pm. Mr. McElroy **SECONDED** the motion. Motion **PASSED UNANIMOUSLY.**

Respectfully submitted,

Jennifer Astholz