

**PLANNING BOARD
RINDGE, NEW HAMPSHIRE
February 6, 2007**

DATE: February 6, 2007 TYPE: Public Hearing Date Approved 02/22/07

TIME: 7:00 PM-9:35 PM. Kim McCummings Chair

CALL TO ORDER, at 7:00 PM

ROLL CALL: Kim McCummings, John Vorfeld, Keith Halloran, Jed Brummer, Art Fiorelli, James Hoard, Doug Gutteridge, Dick Isakson, Dr. Gerald Parker, Judith Griggs, Robyn Payson

ALTERNATES Dick Isakson for David Tower, Keith Halloran for Deb Sawyer

Announcements

Southwest Regional Planning Commission's Winter Dinner Meeting to be held at the Keene Country Club February 20, 2007. As this is a regular meeting night, the Planning Board Public Hearing has been re-scheduled for Thursday, February 22, 2007 at the Rindge Meeting House.

The Office of Energy and Planning is holding its Annual Spring Planning and Zoning Conference. Reservations will be made after Town Meeting for those who wish to attend.

Roberta Oeser said from the audience the Planning Board neglected to put language in the published warrant that reflected the changes to the Business Light Industry District on the map with the Zoning changes in the Ordinance. She said the warrant only addresses the Gateway District and the Village District and does not address the Business Light Industry District that will be remaining. The change she was referring to was to expand the zoning line to include entire properties.

Judith Griggs pointed out that typos and erroneous omissions would be corrected, Roberta contended that this change to the Business Light Industry District was never voted on.

John Vorfeld pointed out the changes were specifically discussed in the minutes of January 16th.

Kim McCummings said that the Map was approved with all changes accepted which included those to the Business Light Industry District.

James Hoard pointed out that the following motion was made by David Tower at the meeting included the appropriate language of January 16, 2007 which stated:

“David Tower made a motion to approve the proposed zoning amendment as posted for tonight's hearing and that the zoning amendments as posted for tonight's hearing be placed on the official ballot for vote at the 2007 Annual Town Meeting. Keith Halloran 2nd motion carried unanimously.”

The motion covers the vote on the issue and if the language was not included on the warrant it constitutes a typo.

Roberta said she did not know what wording was in the posting, and she did agree that the issue was discussed at the hearing.

Kim said that Dave Tower and Town Counsel would be consulted and the omission on the warrant would be addressed.

Committee Updates

No Committee Updates

OLD BUSINESS

Meeting Minutes

January 2, 2007 James Hoard made a motion to approve Jed Brummer 2nd, motion carried unanimously.

January 9, 2007 Dick Isakson made a motion to approve James Hoard 2nd, motion carried Kim McCummings Abstain, Art Fiorelli Abstain

January 16, 2007 Art Fiorelli made a motion to approve James Hoard 2nd, motion carried Kim McCummings Abstain

PUBLIC HEARING

NEW BUSINESS

Proposed Exterior Changes

Map 6 Lot 99-5-1 Sonja Drive

KFC/Taco Bell

Ron Giles, CEO Sanweco. Inc.

Judith distributed sketches of proposed change to the outside of the existing KFC/Taco Bell. Mr. Giles would like to keep the design of the building “as is” but cannot do this without a letter from the Planning Board rejecting the proposed Design.

John Vorfeld made a motion to deny the request to refurbish the building in favor of the new proposed design, as it is in direct conflict with the intent of The Town of Rindge’s Master Plan. Art Fiorelli 2nd, The proposal was denied unanimously. A letter will be written by Judith and forwarded to the applicant.

Rescission of Merger for La Du property

Map 48, Lot 87+88 Thayer Rd.

Rescission of the Voluntary Merger is necessary because there is a dwelling on each of the two properties that were merged. Town Ordinances do not allow two dwellings on a single lot so the merger must be rescinded. The signature of the Chair is necessary so the Rescission can be registered at the Cheshire County Registry of Deeds. A copy of the Rescission of Merger document is on file in the Planning Office. John Vorfeld made a motion to approve signing the Rescission of Voluntary Merger, Jed Brummer 2nd, motion carried unanimously.

Minor Subdivision

Map 10, Lot 3-2, Fitzgerald Rd,

Multer, Multer and Goodspeed Multer

Attorney Tom Mullins of Tower Crocker & Mullins presented the Minor Subdivision plan located on Fitzgerald Road (designated a scenic road in 2006) on behalf of Robert K. Multer Peggy Goodspeed Multer and Richard W. Goodspeed. This subdivision will divide 16.94 acres of land into three lots. Lot 3-2-1 will be 2.004 acres with 299.20 feet of frontage, lot 3-2-2 will be 4.093 acres and have 488.98 feet of frontage and lot 3-2 which will be 10.842 acres with 555.02 feet of frontage.

This subdivision is the result of litigation between the two applicants. The Mulders will keep the 10.842 and the 2.004 acre lots and the Goodspeeds will retain lot 3-2-2 which is the 4.093 acre piece, which is located directly across from his house. Because they are less than 5 acres, the septic plans for lots 3-2-2 and 3-2-1 has been submitted to the state of New Hampshire and approval is pending. Lot 3-2 does not require state septic approval, as it is over 5 acres. The applicant is also requesting a waiver for contour lines on that parcel.

Attorney Mullins said that he understood that an issue was raised regarding drainage and possible wetlands impact and impact to Grassy Pond. It was his understanding that there were no wetlands impacts with this subdivision at this point. There is no current proposal for development on this site. Mr. Moulter's intent is to sell the two remaining parcels of land.

Attorney Mullins acknowledged that he had faxed to Planning Director Judith Griggs, a statement that there was no intent to "clear or develop the property at this time" Mr. Moulter has since corrected Attorney Mullins on that point but Mr. Moulter said that he does not have a Purchase and Sale agreement on either parcels at this point.

Attorney Mullins said that he was of the understanding that the Sabia's (abutters) might be interested in purchasing one of the lots. Evie Goodspeed said that the Sabia's had every intention of buying that parcel.

Judith suggested that the Planning Board visit the site to view the low spot. There is no grading shown on the road and is considered by DPW and the Fire Department a particular spot of hazard mitigation. It is significant that the slopes are not shown on parcel 3-2. Judith and Art estimated there to be a 10:1 slope from the highest point down to the road. Directly across from the heavily treed area is an intermittent stream and wetlands area which goes up to the road. Because of the slopes, if trees are removed from this lot, significant erosion can take place.

Rick Goodspeed, said that he agreed that those conditions exist but asked if it might be more appropriate to address those issues when the site is developed rather than at Subdivision. Art pointed out that just last year, the future use of a subdivision had addressed by the Planning Board when they stipulated a that a driveway could not be located directly across from an abutter's home.

Jed Brummer said that what is under consideration is whether or not they can subdivide. If they wanted to develop it, they would have to come back to the Planning Board, and that is when the Board would address issues like drainage.

Art Fiorelli said if this Subdivision is approved and this lot is sold, the person who wants to build a house on this lot does not come back to the Planning Board. The person will only need to get a building permit.

Attorney Mullins said that if the land were to be subdivided further, it would be necessary to come before the board again.

Art said we need to go through the Subdivision Check list to determine whether or not it is complete.

Information Missing From Plan

- Existing Foliage Lines.
- Missing the second culvert under the road.
- Location of proposed and existing storm water drainage lines, drainage structures, and drainage ways shown.
- A statement of contours and/or topography.
- State septic approval (if lot is less than 5 acres) **(pending)**.
- Contour lines may be required to extend 100 feet beyond subdivision boundary.
- Identification, location, elevation, grades, and/or contours for existing and proposed drainage ways, drainage easements, drainage structures, and water bodies.
- Flood hazard prevention details and specifications.
- Wetlands Shown across the street.
- Show 250 foot Shoreland Protection Line.
- Show possible driveway locations to ensure safe and legal access.
- Contours on the road to show the “dip”.

Judith asked if “Location and identification of proposed soil erosion, sediment control, and flood hazard prevention measures” was an applicable requirement. Art Fiorelli said that this brought up a point that applies to this project. He described problems that arose on properties that were developed after subdivision that could have perhaps been avoided if issues of erosion and grading had been addressed by the Board when the Subdivision was being reviewed.

Attorney Mullins said he didn’t know how he could come back with a Subdivision proposal that meets those requirements in the absence of any idea of what anybody is going to do with it.

John Vorfeld said the practice on large lots is that they are clear cut shortly after purchase. The Planning Board doesn’t have any control over it. Then situations come up that the Board has allowed the creation of a hazard to roads and abutters because they didn’t know what the contours of the land are. If you create a problem on your land that crosses over on to other people’s property or on to the Town’s property we need to install some kind of mechanism that allows the Board to address these problems.

Art Fiorelli said that he thought there was a provision in the Subdivision Regulations to address this issue and suggestion that could be made as part of the accepting and approval process as far as erosion control and sedimentation control measures.

Evie Goodspeed pointed out that if the stone wall was to be broken, there would have to be a Scenic Road Hearing.

Attorney Mullins asked if there was some mechanism that allows the board to attach its requirements to the approved Subdivision following approval.

Art said that any conditions would be listed on the plan and if its part of the subdivision approval it will be registered along with the plan.

Keith said that it was reasonable to expect the applicant to comply with the checklist and it is also reasonable to suggest legal safe access to the three lots be shown on the plan, which could include a Right of Way that does not require perforation of the stone wall of the third lot.

Doug Gutteridge said he was concerned about asking for driveway locations prior to a building permit application, because there is no way of knowing where a house and garage will be located on any of the lots.

Attorney Mullins said he understood the request which was to show a driveway access that would be otherwise be permitted whether or not they would put it there.

Art said all this demonstrates is that the lot is accessible.

Dick Isakson made a motion to continue this until March 6, 2007 Keith Halloran 2nd , Motion carried James Hoard voting no.

WORK MEETING

Building Permits Available for 2007

The number of building permits allowed in the Town of Rindge for 2007 is 22. Of those, five (5) are reserved for Single Lots of Record or Subdivisions of three lots or less, and the balance seventeen (17) are available for Major Subdivisions. Jed Brummer made a motion to accept the number of building permits available for 2007 Dick Isakson 2nd motion carried unanimously.

Members files of information

Judith described the new procedure of each Planning Board Member and alternate having their own folder to be kept in the Planning Office. Each folder will contain information for each agenda item at the upcoming hearing, as well as any other information that needs to be distributed to the members of the board. Applicant's will also be asked to provide 10 copies of plans and supporting documentation which will be available for board members and department heads to have their own copies to review and comment on.

Kim asked if the Board agreed with this.

Dick Isakson said that the current regulations determine the number of copies applicants are required to submit. Those regulations will have to be updated to if there is an increase of the number of copies of plans submitted to the board.

Kim said that a list should be made of proposed procedural changes to the Rules of Procedure and Site Plan and Subdivision Regulations for the Board to consider at the first work meeting following Town Meeting in March.

It was agreed that all folders will be up to date in preparation for the meeting ten days prior to the Planning Board Hearing.

Ethics Guidelines

Judith distributed copies of the new Ethics Guidelines from the Ethics Committee.

Kim said that the Board needed to review the Rules of Procedure to ensure they are in line with the Ethics Guidelines.

Minutes Procedures

Meeting Tapes-Meeting tapes will be kept only until the minutes have been approved as suggested by the Local Government Center.

Kim asked who would need a hard copy of the minutes and who would prefer to receive them via e-mail. She felt a hard copy was necessary for the meeting.

Doug Gutteridge said he would like to receive a hard copy in his folder. Dr. Parker will also have a hard copy in his folder.

GOALS

Reviewing Sign Ordinance.

Upgrade Interaction with Conservation Commission.

Updating the filing system.

Monthly Report

There will be a report delivered to the Planning board on a monthly basis detailing the ongoing daily business of the Planning Office.

Budget

There was discussion about the current state of the Planning Board budget. Art said that a variance report should be received from the Bookkeeping Department detailing the budget. Judith said that she had not received this report yet. Art said he would make sure that the Planning Office received this report.

Upgrade Planning Office Charges

Robyn distributed lists of what local towns charge for services and applications for future discussion by the board. Recommendations for updated charges are forthcoming.

New Sign Ordinance Committee

Rewriting Decision

Re-write the decision to include information currently in the Regulation to address Pre-construction, During Construction, and Post Construction check box form.

Master Plan Remaining Chapters

October 1st.

Spread Sheet Complete Applications-Showing what they were approved for and final outcome.

Track Impact Fees and Escrow Accounts-Art said that this is being done by the Accounting Department. The Planning Board cannot take control of that legally. The Planning Director will receive monthly reports. If she does not Art wants to know immediately.

Kim asked how long after the end of the month can the report be expected. Art said that the middle of the month would be reasonable but not beyond that.

Planners Commissioner's Journal

Published in Vermont addresses small town issues. Judith asked if the board wanted to receive the periodical. Art Fiorelli made a motion to subscribe to the Planners Commissioners Journal Dick Isakson 2nd motion carried James Hoard voting no.

FYI

Judith distributed a copy of a letter from Jason Czekalski to the Secretary of State and the Planning Office's response.

Jed Brummer complimented Judith on the amount of work she has done in so short a period of time.

James Hoard made a motion to adjourn Art Fiorelli 2nd.

Meeting Adjourned 9:35 pm

NEXT MEETING

February 22, 2007

Respectfully submitted,

Robyn Payson