

II. SPECIAL MEETING CALLED TO ORDER AT 9:29 P.M.

III. DESIGNATION OF ALTERNATE:

Seating all alternates

IV. UNFINISHED BUSINESS

MOTION BY K. GOLDSMITH TO MOVE SP560-07-04 ERICK & PATTY TAYLOR TO FIRST ITEM. SECONDED BY D. DURST. MOTION CARRIED UNANIMOUSLY.

MOTION BY K. GOLDSMITH TO APPROVE PERMIT #SP560-07-04 FOR ACTIVITY ON A SCENIC ROAD WITH THE CONDITION THAT THE DRIVEWAY APRON NOT BE PAVED BUT BE SURFACED EITHER WITH GRID PAVERS OR IF ANY PROBLEM WITH THAT, A SUITABLE EQUIVOLENT SURFACE, SECONDED BY D. DURST.

Discussion: Apron needs to be stable, all-weather surface that can be plowed safely.
Can this be referred to highway foreman for alternative methods?

AMEND MOTION TO: NOT PAVED WITH ASPHALT OR BITUMINOUS OR WITH MATERIALS THAT ARE ACCEPTABLE TO TOWN FOREMAN, TOWN PLANNER, AND APPROPRIATE FOR THE SCENIC ROAD. MOTION CARRIED UNANIMOUSLY.

#558-07-04 Jerold M. Cohen, 50 Bull Hill Rd, 11-lot re-subdivision
#SP 558-07-04 Jerold M. Cohen, Activity on a scenic road: 50 Bull Hill Rd
Continued Public Hearings on June 21, 2007

#563-07-05 Gerald Arpin, Route 197, 4-lot subdivision

John Guskowski provides letter with their position and is representing the Arpin's. CME is requesting the Commission proceed with Public Hearing or consider application. CME and the Arpin's continue to stand by their initial proposal under the provisions of family transfer. PZC is requesting town attorney opinion because the regulations state that the current owner cannot hold onto any lots after transfer to family. Further discussion ensued on when Public Hearing should commence and the need for legal opinion on interpretation. NDDH approval in the file. Terry Bellman, Wetlands Agent, will need to sign off on wetlands application.

MOTION BY D. YOUNG TO SCHEDULE #563-07-05 FOR PUBLIC HEARING IN JUNE BY D. YOUNG, SECONDED BY D. DURST. MOTION CARRIED UNANIMOUSLY.

MOTION TO HAVE OUR ATTORNEY REVIEW STATEMENT LETTER BY D. YOUNG, SECONDED BY J. ADILETTA. MOTION CARRIED UNANIMOUSLY.

(Short recess at 9:55 p.m.)
(Back on the record at 10:00 p.m.)

#SP 565-07-05 Hyde School, Route 169, upgrades to playing fields

D. Young has recused himself. Carol Rogers of CME is presenting application with Hyde School representative, Gary Giambattista. Follow-up on pre-discussion and receipt of special permit application that was submitted to the building office on May 22, 2007. IWWA approval has been given and CME has requested this application be accepted and added to the agenda next month. Pictures will be provided at Public Hearing. Proposed fencing around the field will be black chain link to protect the field. PZC wants CME to consider more agricultural fencing but applicant states the need for security for spectators to remain outside of the area. It's not the preferred method but they will consider. PZC wants the national scenic road to remain in rural character and chain link fencing might not be the best choice if it can be viewed from the road.

MOTION BY D. DURST TO SCHEDULE APPLICATION SP565-07-05 FOR PUBLIC HEARING AT JUNE 21, 2007 PZC MEETING.

Chair Dickinson confirms that application is complete. K. Goldsmith is requesting four corners be marked where screen line is with stakes.

MOTION SECONDED BY K. GOLDSMITH. MOTION CARRIED UNANIMOUSLY.

#541-06-07 GCS Development, Bond Reduction Request, Route 198 14-lot subdivision.
They have met the suggested bond from G. Semprebon. No motion is necessary.

Proposed Subdivision Regulation Amendments
#062107e Chapter IX, Section 2.a. Completion (revised)
#062107f Chapter IX, Section 2.b. Performance Bond (revised)

MOTION BY J. ADILETTA TO SCHEDULE PUBLIC HEARING ON JUNE 21, 2007, SECONDED BY J. BARTOLOMEI. MOTION CARRIED UNANIMOUSLY.

V. PRELIMINARY DISCUSSION

Henry Doughty, Peake Brook Rd, (18e), request feedback on proposed structure
Henry Doughty present for his preliminary discussion. In January of 2005 he was given permission to construct 5100 square foot commercial building. His question is can he still offer this use to a new buyer as far as the commercial building is concerned? Further discussion ensued on Special Permits. Discussion ensued on time limits and sequence of events. The permit is as approved. If the building is changed, Mr. Doughty must return for modification to permit. PZC unsure as to reasonable time frame if applicant never acted on the permit and would like legal opinion. Questions to be posed to the attorney are as follows:

1. If Mr. Doughty was granted Special Permit in 2003 but went through legal issues in 2005 and nothing has been done with it yet, is this Special Permit still valid?
2. If the Special Permit is still valid, can he build a building of similar use that doesn't match the designs that were approved and may be smaller?
3. Can Mr. Doughty use the building for some other uses because it just states "commercial building"?

VI. CITIZEN'S COMMENTS

None

VII. ZEO REPORT

Discussion on Delia's memo to the PZC.

Paquin issue discussed regarding lot line adjustment that made her lot nonconforming. D. Fey sent out notice of violation letter. The homeowner has not returned D. Fey's phone calls and PZC discussed further action. Could PZC put a statement on land records stating it's not a valid lot?

Discussion on complaints regarding the Frohlich's Home Occupation permit for internet ATV business and their noncompliance to regulations.

The Bibeault's on Route 197, discussion on complaints about pool not meeting setback regulations by Maria Boyd and action of ZEO.

VIII. MINUTES

March 15, 2007 regular meeting

G. Dickinson asks the Commission for general consensus on length of minutes and whether so much detail is required. D. Durst states they are required to have Motions made and passed and beyond that, it's the Commission's discretion.

D. Durst has question on April minutes regarding Jeff Erickson's application and conditions for performance bond and whether it was included or not.

K. Goldsmith requests that page 5 under standard conditions, item #3 should be zoning, #5 delete "for subdivisions". Remove "subdivision" under #2 and #3 delete "subdivision" and reference to 8-25 because it's a subdivision statute.

Scott Young of CME Associates on behalf of Mr. Arpin. He describes entire parcel for PZC, noting its 24 acre size and subdivision plan. There will be 4 lots, smallest one being 4.6 acres, next one is 5.8 acres, and then 6.08 acres. S. Young states that this submission would fall under the family transfer subdivision clause so there is no proposal of open space. Letter from Town Attorney is referenced and based on this letter CME, on behalf of applicant, is comfortable proceeding in this manner. He describes layout of plan in detail including driveway location, detention basins, catch basins. Their proposal is more of a classic style rather than LID recommended technique due to the slope of the land. Easement is proposed along existing cart path to the neighbor. They have not heard back from DOT on sight lines, however, has been before them in the past and the layout has not changed since. New letter will be issued from DOT. S. Young describes previous point made by T. Swale on lowering cross section from catch basin, which was done as much as possible. New plan will be provided to the PZC. Further questions from Commission on plan including drainage, Design Professional's recommendations and proposed landscaping. S. Young reiterates to the PZC that the plan is in complete compliance with the stormwater manual. Design Professional's comments recommend wet bottom that CME did not include because of their idea of maintenance free type of design. S. Blodgett states that the stormwater manual provides options, the Town Engineer is recommending one and the applicant is simply recommending another. Both are correct and comply. PZC will request Design Professional's clarification via conference call with S. Young and Galen Sembrepon. Wetlands approval was already given and signed by Terry Bellman. There are no wetlands on property or within 500 ft of property. S. Blodgett notes that Town Engineer in his review of this pending application in the past recommended moving the driveway further west toward the logging road because of the better sight line, less vegetative area. S. Young states as an engineer, they are proposing the best location. J. Breen asks that Delia bring this to the attention of our Town Engineer just to confirm his opinion on the road location. J. Breen notes the family transfer conclusion noted in our Town Attorney's letter and is not convinced that the case cited in his letter is the same situation. The Arpin case is currently under joint ownership between four parties. The letter from the attorney states that if the family transfer is approved, it would be unlikely that a Judge would overturn the PZC decision. J. Breen is requesting a conference call on this issue to discuss for further clarification on whether this is the PZC's discretion. PZC is concerned about future applications and need clarification on the issue. D. Durst states that she would request the Town Attorney to provide further guidance specific to this situation re: a family group purchasing a parcel and then subdividing. She also states that the applicant is submitting this application under the family transfer and believes it meets the criteria, the PZC should continue treating it as such until further information is received stating otherwise. She recommends it go before the regulation subcommittee to discuss the issue in a more generic sense, not attached to a particular application. General consensus from the PZC is for D. Fey to contact our attorney and set up a conference call where he can express his opinion in better detail. D. Fey read for the record her initial question to the attorney. S. Young is requesting a representative from CME be present during any conference calls on this issue as the public hearing is open, just to make sure they have a clear understanding of questions asked and answers provided.

**MOTION BY D. YOUNG TO CONTINUE PUBLIC HEARING ON #563-07-05,
SECONDED BY M. WILSON. MOTION CARRIED UNANIMOUSLY.**

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#SP565-07-05 Hyde School, Route 169, upgrades to playing fields

D. Young recuses himself.

Carol Rogers of CME present on behalf of applicant. Rogers provides new plans to PZC, and presents Powerpoint presentation. There will be no additional parking, no new traffic anticipated. The bleachers will be removable with tractor. Field will be used to play soccer, football, field hockey & track. Kids will be bussed in. Landscaping plan and fencing is discussed and discussion ensued on type of plants, trees and shrubbery to best suit this location. Certification of mailings to 300' abutters was submitted to the PZC office. IWWA approval was given and proof in file. S. Blodgett mentions criteria of zoning ordinance pertaining to storm water drainage on Route 169. Rogers states the entire field will have a series of under drains that will connect into the system and, as stated by Mr. Giambatista, discharges into the brook at the property line south of the cultural center. J. Breen asks about fence as noted in D. Fey's memo. General consensus

of the PZC is that black chain link fence is appropriate for this area. Question whether the fence should have a rubber guard along the top surface of the fence for safety. Field goes about 200' north into the cornfield. S. Blodgett questions the transfer of property, lot line adjustment, the fact there is no frontage along 169 on Lot 12. Further discussion ensued on whether this needs to be addressed. J. Guskowski states that once the property transfer takes place, it becomes part of the whole lot with frontage. The change does not make this lot more nonconforming. Laura Gould of Hyde School responds to question on whether there would be additional bathrooms proposed and she states that presently the kids use the bathroom in the gym in nearby buildings. Additional lighting is not proposed for night time games. Games should be over by dusk. D. Durst commends applicant for their careful consideration of PZC comments during preliminary discussion.

MOTION BY J. BARTOLOMEI TO CLOSE PUBLIC HEARING ON SP565-07-05, SECONDED BY J. BREEN. MOTION CARRIED UNANIMOUSLY.

Proposed Subdivision Regulation Amendments

#062107e Chapter IX, Section 2.a. Completion (revised)

Proposed amendment read for the record. Discussion ensued on 72 hour notice stated and whether it's verbal or written and is logged somewhere. This amendment should be referred to the regulation review meeting for further review. S. Young comments on proposed language and how proposal removes option to do work prior to filing Mylars. He states the regulation will change the way subdivisions are built and the ability of contractors to go in and build the roads at a much lower cost because he doesn't have to post a bond and complete before the Mylars.

MOTION TO CONTINUE PUBLIC HEARING ON #062107E BY D. YOUNG, SECONDED BY D. DURST. MOTION CARRIED UNANIMOUSLY.

#062107f Chapter IX, Section 2.b. Performance Bond (revised)

Proposed amendment read for the record. D. Fey explains that once the amendments are in public hearing she urges the commission to not discuss at the subcommittee. Fey states the public hearing should be closed before referring to subcommittee. Further discussion ensued on the proper procedure that should be followed with amendments. Fey recommends PZC draft the amendments at subcommittees and when it's ready to be voted on, it should be brought to the public at that time.

MOTION TO CONTINUE PUBLIC HEARING ON #062107f AND REFER TO SPECIAL MEETING FOR REGULATION REVIEW BY J. BREEN, SECONDED BY J. ADILETTA. MOTION CARRIED UNANIMOUSLY.

II MONTHLY MEETING

Monthly meeting commenced at 10:05 p.m.

III DESIGNATION OF ALTERNATES

J. Adiletta, E. Vonderheide

IV. UNFINISHED BUSINESS

a. #558-07-04 Jerold M. Cohen, 50 Bull Hill Rd, 11- lot Re-subdivision.

MOTION BY D. DURST TO TABLE TO JULY, SECONDED BY D. YOUNG. MOTION CARRIED UNANIMOUSLY.

b. #SP559-07-04 Jerold M. Cohen, Activity on a scenic road: Bull Hill Rd – 11 lot resubdivision

MOTION BY D. DURST TO TABLE TO JULY, SECONDED BY J. BARTOLOMEI. MOTION CARRIED UNANIMOUSLY.

c. #SP562-07-05 Activity on Scenic Rd: Wendy Melady, 82 Bull Hill Rd, to relocate driveway.

MOTION BY D. YOUNG TO APPROVE APPLICATION, SECONDED BY J. BARTOLOMEI. MOTION CARRIED UNANIMOUSLY.

d. #563-07-05 Gerald Arpin, Rte 197 – 4 lot subdivision
MOTION BY J. BREEN TO TABLE TO JULY, SECONDED BY M. WILSON. MOTION CARRIED UNANIMOUSLY.

e. #SP565-07-05 Hyde School, Rte 169, upgrades to playing fields
 D. Young recused from vote.

MOTION BY E. VONDERHEIDE TO APPROVE, SECONDED BY D. DURST.

MOTION BY M. WILSON TO APPROVE SP565-07-05

Discussion: J. Breen has some concern about approving nonresidential developments and making sure the PZC is careful to note conditions of approval.

1. 4' chain link fence with black vinyl cover on top.
2. Landscape screen at the northeast corner of the site as shown on the plan submitted.
3. Landscape screening density, plant type and size subject to approval by Town Planner. This should include 6' trees and 3' shrubs.
4. Two bleachers at a height of 12 feet maximum to seat 360 total people, to be removed and stored out of sight in the winter months.
5. Any modifications, additional fixtures, storage shed would need PZC approval.

MOTION BY M. WILSON WITHDRAWN.

MOTION BY J. BREEN TO ADD AMENDMENTS TO APPROVAL AS SHOWN ABOVE, SECONDED BY M. WILSON. MOTION CARRIED UNANIMOUSLY.

MOTION TO APPROVE #SP565-07-05 WITH CONDITIONS CARRIED UNANIMOUSLY.

f. #480-03-10 Richard Griswold, Center Circle 7-lot subdivision – request for waiver of guard rails.

Scott Young of CME on behalf of applicant. Young explains plans as originally proposed. There is a wetlands crossing and pipe crossing and the slopes along were proposed 2:1 on either side and guard rail was proposed for safety. Pictures are provided to PZC of location. Questions were raised by Design Professionals in the April 4th letter indicating the guard rails need to be installed as shown on the plan. Young's response to that letter was guard rails are required when slopes along the road exceed 4:1 within 10' of the edge or roadway. The original design called for slopes that would meet that criteria, however the road as constructed, the area is a little flatter than 4:1. Applicant is requesting permission to remove the guard rails from the plan. Young believes the area is safe and does not warrant the installation of guard rails. Riprap splash pads was another issue from Design Professionals, and CME agrees that the riprap splash pads needs to be added at the end of pipe. They are present but have sunk in and CME will address. Additional issue raised from Design Professionals on the cul-de-sac getting runoff from snow piles and the concern of icing. Young states that the cul-de-sac was built as constructed and the driveway blends into the ground and is not an area where the water is going to run off other than onto the pavement. CME did walk the area and are proposing a small swale 1' and ½" deep to the right in the corner to change the flow of water runoff. Young considered Galen Semprebon's advice on solving the problem however he notes mature vegetation in area that shouldn't be removed to create this swale. J. Breen states the PZC had already recommended just shortening the guard rail.

Discussion ensued on whether guard rail was actually necessary. D. Claprood believes they are not. D. Durst has concern with vehicles pulling off the road and safety. After further questions from PZC, Young states there may have been a change on the impact of wetlands. CME has not done any actual measurement but if slopes are flatter, that would imply it went out a little further. D. Fey states T. Bellman, Wetlands Agent, was notified and letter was provided for his review.

MOTION BY D. YOUNG TO ACCEPT MODIFICATION TO #480-03-10 WITH 20' GUARD RAILS ON BOTH SIDES, SECONDED BY J. BARTOLOMEI. D. CLAPROOD OPPOSES MOTION AND THE NEED FOR GUARDRAIL. MOTION CARRIES.

