

PLANNING BOARD

June 17, 2021

MEMORIAL BUILDING

7:00 P.M.

The following are to be considered draft minutes only until approved by the Board at their next meeting.

Present in meeting room: Tim Bray, Dan Saulnier, Bryan O'Day, Ken Jacques and Mike Howard

Others present in the room: Alex Belensz of UVLSRPC, Jim Yager, Justin Hastings, Jill Burke, Pat Cloutier and Art Conkey

Others present via ZOOM: No zoom participants.

The meeting began at 7:00 p.m. Dan Saulnier was asked to sit in as an alternate.

Tim announced that tonight's meeting will be the last meeting held over ZOOM.

Minutes of May 20, 2021: page 1: The Board told Peter he will ~~and~~ need to verify slopes and soils data because the Planning Board cannot create a non-confirming lot. Page 3: Tim noted there is a lot that needs to be done before the Board can ~~decide~~ comment because this is a difficult site and there is a lot to do to clean it up. The impact on this property is concerning. Steven is new to the area and is curious about what he can do with the land. Page 4: There is question of the road width and there some sloping to the road as well. Tim noted ~~there~~ this is a piece of undeveloped land at the end of a well-established residential development. Tim suggested Mr. O'Neil review the issues already described, and then if he finds favorable results to the questions the Board has proposed, then he could come back with an actual plan of the land and how it intersects with the road so there can be a more concrete idea of the challenge he has ahead of him. Page 5: There is currently not ~~on~~ one for the Town. Tim suggested reaching out to have one available, so that if a subdivision comes in and the town does not have anyone lined up, it ~~should~~ could cause delays. This should be something that is worth doing. Tim made a motion to accept the minutes as amended, seconded by Ken and unanimously approved.

Minutes of Work Session on June 10, 2021:

Ken made a motion to accept the minutes as written. The motion was seconded by Mike and unanimously approved.

Signature:

Tim signed the Pandiscio merger application.

James Yager – Subdivision Consultation:

Jim presented maps to the planning board to show what his plans of the subdivision are. Tim informed Jim that whatever is said in this discussion is non-binding. Jim stated the proposed subdivision would take place on George Hill Road. Jim pointed out the lots that he owns and showed what he would like to subdivide. Bryan explained that it takes 200 feet of class 5 road or better to make a lot. Jim would like to just leave a 50 foot right of way. Ken thinks that would

create a non-conforming lot by not leaving 200 feet for that back piece of land, which the planning board can not approve. The board provided options to Jim on ways he could do the subdivision that would be okay with the town. Jim asked if information on slopes and soils are available online. Ken said the slopes and soils are available for the town and the wetlands are available too. Jim was informed that he needs his application in seventeen days before the meeting; all information needs to be complete and in order when the application is submitted. It was recommended by the planning board for Jim to contact Whit Smith and explain that he wants to annex one lot into another.

Jill Burke/Pat Cloutier – Follow up regarding construction of duplex on Stoney Brook Road: Pat provided the board with the slopes and soils calculations that he received from Tom Dombrowski. Tim reminded the board the property owners are wanting to build a duplex on 5 ½ acres. Ken added that Dombrowski did the Laurie's calculations and, if he remembers correctly, the numbers were wrong. Pat stated that Tom has come up with a pump system because of the ledge. The board reviewed the slopes and soils calculations. Bryan made a motion to give local approval for construction of a duplex on this lot. The motion was seconded by Mike and unanimously approved, the motion carries. Tim signed the approval.

Art Conkey – Sanborn Hill Property/bond requirements etc.:

Art is aware the planning board wants a bond for the hauling, he was told the bond was for both the road and for clean-up. Art is hoping for a breakdown of the bond so he can bring it to a bonding company. The board believes it is just the road that the bond covers. The board discussed the history of the Sanborn Hill property. Ken asked if the board was at a point where they would ask town counsel what the options are, because the planning board doesn't seem to know what they are. Tim stated this is not a process he's familiar with. It is Tim's understanding that the road agent would meet with town counsel; the road agent would inspect the road. Ken does not remember the planning board setting the bond amount. Art informed the board that the bond was originally \$55,000 then when Al Lindquist took over as the owner it was raised to \$135,000. Ken and Bryan discussed this and remember that Lou Caron was hired to come in and video the road and check the condition of the road. Art says this is just one issue, the other issue Art has is that he doesn't understand how a dump truck has to put up a bond but yet you can have logging and chip trucks go up and down the same road, hauling heavier loads and they don't need a bond.

Tim asked what the selectboard had said to Art at a prior meeting. Art believes the selectboard told him the agreement was made with the planning board. Art said it doesn't really make sense that one person carries a bond but nobody else does. Bryan feels that a bond was required because of the length of time this project was going to last. Mike asked if the current bond has lapsed. Art believes the current bond, which is under Al Lindquist, expires next week. Ken said it was Lou Caron that came up with the dollar amount. Tim said the road agent needs to say to the select board what the risk and potential damage to the road is and it needs to be covered with X amount of dollars, and there needs to be a time frame; otherwise, it's not a project anymore it's a business. This project was supposed to be two years long and the people on that road are fed

up with it because it is essentially an ongoing business. Tim stated this is a selectboard issue and they need to speak with the road agent if they want a bond for the road. Ken agrees.

Tim would recommend that the selectmen consider bonding the road again but putting a definite timeline on the removal of these materials. Because in effect, it's a non-conforming business. Art added that if you put a timeline on it and there is no one to take the materials and that time runs out we are right back in the same place as we are today. Tim said that is incorrect, we will have a mess like we do now, but we won't have truck traffic in and out of a residential neighborhood so, we would be in a better position. The ideal position would be that everything was removed within a two-year period and the truck traffic stopped, but that didn't happen. Now we have to abate the damage that has been done. The best we can do with that is give you some time to finish up, but there has to be an end period to it. That is the motion Tim is making. Dan said that the original plan wasn't to sell the materials out of this site, it was to truck the materials somewhere else and sell it from there. Dan asked if it is worth the board mentioning that in the recommendation; maybe the recommendation should be that all of the asphalt has to be removed in this 6 month or two-year time frame, or whatever it is, and whether that is selling to a customer or getting the loads out to Bog Road so at the next expiration of the bond we aren't in this same position. Tim said that is a good amendment to the motion; to prioritize asphalt and other unnatural materials. Tim seconded the amended motion made by Dan. The motion was unanimously passed.

Michael Howard – RE: Piispanen property on Stoney Brook Road:

Mike stated that Mr. Piispanen hired him to jack up his building and put in a new foundation. After hiring Mike Mr. Piispanen hired a general contractor, he's the one that was going to get the permits and spoke with Whit. Whit told him that if you are just putting in a foundation and the footprint of the building is not going to change a zoning permit is not needed. The homeowner then decided he wanted to put living space down in the new cellar, right now it's just a crawl space. After that Whit said that it is a non-conforming structure, and Mr. Piispanen is changing the use of it so he would need a conditional use permit for that. Tim started receiving forward emails between the owner, Steve Piispanen, and Whit. This went back and forth, multiple emails. The long and short of it is Whit said that a conditional use permit isn't needed if you are just going to repair foundation, even if you are lifting it up a bit. Then Whit got information that Steve was going to make a rec room downstairs, and that started the chain of events where Whit said now you're changing the non-conforming use of the building because currently it is just a crawl space. Things got heated after that and the Mr. Piispanen emailed Tim. Tim replied saying he can not comment on the case but said he was welcome to attend the meeting. Mike informed Steve not to attend the meeting.

Bryan doesn't see the difference between a finished and unfinished basement. Mike just got the updated dated plans and informed the board that he is putting a bathroom in the basement, which is the first he's seen of this. Ken asked if the house is on currently. Mike said the house is on post and piers with some foundation. It is Ken's opinion that a zoning permit is needed for this work, because that is the only way the town is going to pick up the revaluation of that property; that is increasing the value of the property. If you are going to change what is involved, now it's

not just a foundation there is living space being added, you certainly need a zoning permit for that. Tim said this is ever evolving. Tim when through several emails back and forth and a bathroom is never mentioned. Mike said that Paul Beeble, the designer, is a totally up-front guy. Ken asked if there were any bedroom space on the plan. Mike said it's a rec room with a bathroom, refrigerator and a sink. Ken is concerned that there will be a septic issue. Mike said he will be raising the building six feet so it is out of the water table.

Mike feels the board needs to tell him that what he is doing is adding a bedroom, regardless of what you are calling it. Mike said we need to say that to the board it looks like he is putting in another bedroom and the board needs to see the septic plan. Whit has already told him that if he just puts in a cellar, he does not need to have a zoning permit. Ken stated we need to find out exactly what the use is and either way we should look at the septic design and find out what it is set up for loading; that's the basis for everything. If it is set to be a four-bedroom system, then maybe it doesn't matter what he is doing down there, maybe he just has to get his permits. Tim said he would get a conditional permit for a bedroom and a bath. Mike said it would be for an expanded use of a non-conforming lot. Ken asked what he was doing with the drainage. Mike said the house is coming up six feet; the lowest part of his basement now is going to be filled a little bit and that is where the footings will go. Steve has already received his shoreland permits, he is all set there.

Tim said he needs to apply for a conditional use permit. Mike asked if we had an application process for that. Jill looks for an application for a conditional use permit and we do not currently have one. Jill will double check with Janet on Monday. In looking at the plans Mike explained that the walkout is already there and there is a five-foot basement under part of the building. Ken feels the applicant should be told that he needs to come up with an exact plan and he needs to provide whatever information he has on the existing septic system and then go from there. Mike will talk to the designer and find out what is going on and will call Whit as well.

The planning board stated to get a conditional use permit Mr. Piispanen has to come forward with a septic plan and an accurate plan of what he's trying to do, something definitive. The conditional permit will site that plan specifically so it needs to be dated and labeled just like anything else. Mike asked if the board agreed that if he wanted to back the scope of work back to just a straight foundation, lifting the building up and putting a new foundation in, he's good to go without a permit. The board agrees with that statement because it wouldn't change any use. Mike explained putting a full basement in under there basically corrects drainage issues that are there and improves the houses structural character and he could still use it for storage. Mike explained that it is not currently a crawl space. There is one section of it that is, but the majority of the basement is a cement block basement that's probably 5 1/5 to 6 feet tall that he uses for storage. Tim said what the board needs to be cautious of is as soon as you put in a ceiling height that is over six feet you never know what is going on down there. Mike will keep the board informed.

Miscellaneous Business:

The board reviewed the flow chart that Peter made. Dan stated one question that people might have, in the third column over, third block down, "if planning board contests findings, seek professional consultation", does the board pay for that. The board does not pay for that service, so they will add an asterisk to that. Mike suggested that Whit be sent the minutes of the work session as well as the flow chart requesting his comments on it. Tim also asked where this document will live, as things like this get lost in minutes somewhere. Ken has given that some thought. In the past, he is pretty sure the planning board was the recommended group to come up with some sort of a flow chart, regarding the wetlands, and then that was given to the selectboard with the assumption they would implement it in their process of evaluating zoning permits. So, the assumption was made that was where it would live. As Ken said, we were getting requests that a planning board member wasn't going with the selectmen to do the reasonable man course filter review, but they were using Bruce Allen for quite a while, who was very well qualified. From the planning boards perspective, they are thinking everything is running great, and then a couple of people disappear and now nothing is happening at all. Tim said it's not part of any system. Then new selectmen come in and it just falls through the cracks, that's what Ken sees.

Mike suggested the planning board initiate some type of standard operating procedure folder that has the nuts and bolts of how the planning board operates. Tim said it could be a file held by the administrative assistant, it can be a package to hand out to someone that comes in for a zoning permit. Ken said that would be useful information for an applicant. From everything Bryan understands, if an applicant reads the rules, understands how things apply to him, you can really go to any board you want first. In state law, there is no actual flow chart. If you know you need a variance because you are too close to something you can go straight to zoning. If you know you don't conform to the rule there is no sense in going to a board that can't grant you what you are looking for. Tim said that is true with setbacks and things like that, then you have the problem with the soils and slopes we ran in to tonight. It totally bypassed the system, and the board of appeals didn't even know how much of a variance they were giving. Tim said going forward we have to be clear about what can go right to the zoning board. When you are talking about sizing lots or putting in a second dwelling or ADU you have to go to the planning board first. Ken said this is a learning process for everyone on everything. Tim said now we need to have a system where someone walks in the door and can be provided a packet that gives the process you follow, the flow sheet, contact numbers and someone can run with it.

Tim reviewed the course filter document. The first thing he did was research what it meant and where it came from. The course filter is specifically referring to the conservation overlay area and no other wetlands. The process has been changed so we would have to change parts of it anyway. Tim thinks this should be widened up to any wetlands. The wetlands in the conservation overlay area have buffer zones, but the other wetlands don't have buffer zones. Tim wants to site that in there so people know that just because they aren't in the conservation overlay district there still may be wetlands on their property that could affect their ability to build a house, put in a septic, etc. The flow sheet would be part of this; they could follow where it says wetlands issues. They could determine if they were in the overlay district, if not the flow

sheet says they need to follow state law. You would have the town come and look at it, the planning board along with a selectman, whatever process we want there, and say yes there is an issue, or we aren't sure; then you would need hire a wetlands scientist. Mike agrees that is how the flowsheet should work. Tim will work on that for the next meeting and provide a draft that everyone can review.

The meeting was adjourned at 9:03 p.m.

Jill Hastings
Deputy Administrative Assistant