

Planning Board
October 2, 2007
Approved November 6, 2007

Members Present: Barbara Freeman, Chair; Bill Weiler, Vice-Chair; Travis Dezotell; Deane Geddes; Jim Powell, Ex-Officio; Tom Vannatta; Ken McWilliams, Advisor

Mrs. Freeman called the meeting to order at 7:10 p.m.

CASE: Code-002 – Residential Building Code Update

The Board discussed a request from Paul LaCasse, Building Inspector/Code Enforcement Officer to place an amendment on the ballot in March 2008 to update the Residential Building Code to the current 2006 Codes.

Mr. McWilliams advised the Board that this update needs to go through the same process as the zoning amendments.

Mr. Weiler suggested that the amendment be placed on the ballot without a year designation so that the Building Inspector/Code Enforcement Officer will have perpetual authority to use the current Residential Building Codes.

The sense of the Board – all in favor.

CASE: Adm1-061 – Masterplan – Public Forum

Mr. McWilliams asked the Board to decide on a date to hold a public forum on the Land Use Chapter.

The Board discussed available times and decided on the following schedule:

November 6, 2007: Worksession – Review Conservation Plan

November 10, 2007: Public Forum – Land Use Chapter

(This meeting has been changed to Nov. 3 9am-11am)

The Board discussed dates and times of upcoming seminars. Mrs. Freeman encouraged those members able to attend to do so.

The Board reviewed the minutes of September 4, 2007.

Mr. Weiler made a motion to accept the minutes of September 4, 2007 as written. Mr. Dezotell seconded the motion. All in favor.

CASE: Adm1-061 – Masterplan – Land Use Chapter

In the interest of time, the Board agreed to discuss and correct content issues only.

Mr. Weiler commented that a number of issues listed are not stated as issues. The need to be reviewed to verify that they correspond with the recommendations and to make sure the issues are not perceived as comments or recommendations.

Mrs. Freeman suggested that the State Park land and Ski Resort be added as a seventh item in the list of patterns of land use on page 45. She suggested that the original land grants and agricultural subdivision of lands be recognized as magnets for development, and the significance of forestry practices in Newbury's development should be mentioned. She also suggested that Chalk Pond and Bay Point be added to those areas of intense development.

Mrs. Freeman suggested that the NEWBURY CENTER VISIONING PROCESS section be placed at the end of the Land Use Chapter in order to maintain a consistent flow for the reader.

Mr. Dezotell suggested that item five of RECOMMENDATIONS: LAND USE on page 64 be deleted since there appears to be no data to support that recommendation.

Typographical, set-up and font changes were also suggested and will be made accordingly by Mr. McWilliams.

CASE: Code-017 – Driveway Ordinance – Driveway vs. Road

Mr. Weiler informed the Board that there several situations in Town where paper roads exist and homes are being built on substandard roads which are designated as driveways in order to obtain building permits. The question arises 'How many homes may be built on a driveway before the driveway changes designation to a road?' Mr. Weiler commented that he has information which leads him to believe that there is a Supreme Court decision which states no more than three homes may be on a driveway.

Mr. Powell commented that the Emergency 911 system likes there to be only two homes on a driveway.

Mr. Weiler suggested that this issue be researched and clarified in order to avoid future problematic situations.

CASE: Code – 025: Roads – Policy and Procedures for Class VI Roads

Mr. Weiler commented that he has been concerned for quite a while about building permits being issued on Class VI roads. The law allows people to build a house where emergency vehicles cannot go, and that is wrong. He referenced the home on Stone House Road, which is a Class VI road and suggested that the Town ought to be prepared to regulate those situations.

Mr. Powell stated that there was a house built on Poor Farm Hill Road, but the homeowner was required to bring the road up to town specifications as a condition of approval. He agreed with Mr. Weiler that the building permit applications should be reviewed very carefully.

Mr. McWilliams suggested that the Board contact the Town of Plainfield for a copy of their regulations. Plainfield has adopted an ordinance that prohibits building permits on Class VI roads.

Mr. Weiler commented that the April 2007 issue of Town and City magazine has an article that discusses the issue of paper roads that may later be brought to the Town by a developer to be developed.

Mr. Powell explained that there is a process for all rights of way where the Select board can hold a public hearing to discontinue a road. The difficulty with that process is that some land owners on the effected lots may now have no access and some parcels may become land locked.

CASE: Adm1-070 - Recording Easements and Restrictions

Mr. Weiler commented that easements and restrictions should be recorded at the registry of deeds as separate documents and referenced in the deeds. Often when easements and restrictions are recorded on the plat, they go unnoticed because title searchers do not look at plans, they look at documents. Therefore, if the easements and restrictions are not recorded in a document, they often get overlooked and/or lost. Therefore, any conditions that the Board wants the homeowner to follow should be recorded in a separate document.

Mrs. Freeman suggested that Bart Mayer, Town Counsel, should be consulted to advise the Board about what needs to happen to make that a requirement.

CASE: 2004-006 – Angel Hawk – Letter of Credit – Offsite Improvements

Mrs. Freeman commented that there has been some activity around Angel Hawk and concern that Angel Hawk may not be completing the required off-site improvements. She suggested that the Board invite the Developer to a Planning Board meeting to discuss what is/is not going on and what they intend to do before the Town calls in the letter of credit. The developer needs to make a commitment to the Board and phone calls have not been a very effective way of communication in the past.

Mr. McWilliams advised that the Town cannot call in a letter of credit until the deadline on the letter of credit has expired. The regulations state that the letter of credit can be renewed for up to three years. If the developer wants to extend the time beyond three years, they need to come to the Board for permission.

CASE: Code-039 – Comprehensive Shoreland Protection Act

Mrs. Freeman commented that the Board needs to look closely at the revised Comprehensive Shoreland Protection Act to be adopted in April 2008 and make sure the Town regulations are in line with the CSPA

Mr. Geddes suggested that the Board assess Newbury's regulations in relation to the CSPA in conjunction with the Sunapee Area Watershed Committee's suggestions.

Mr. Dezotell made a motion to adjourn. Mr. Powell seconded the motion. All in favor.
Meeting adjourned at 9:15 p.m.

Respectfully submitted,

Linda Plunkett