**Planning Board**

**December 20, 2016**

Approved April 4, 2017

**Members Present:** Bruce Healey, Chair; Bill Weiler, Deane Geddes, Mike Beaton, Members; Russell Smith, Ex-officio Member; Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 7:00 p.m.

**CASE:** **Conceptual** – Lot Line Adjustment Review – Walter Goddard II Trust at 49 Blodgett Landing Road & property of Mary Thayer at 16 Pine Street: move boundary lines, Blodgett Landing lots under 2 ac.

Doug Gamsby, CLD Engineering, agent, described the proposed lot line adjustment as follows: a corner portion of Mary Thayer’s lot will be sold to Walter Goddard, resulting in a new boundary line between Ms. Thayer’s property and Mr. Goddard’s lot. Also, Ms. Thayer will lose road frontage. Mr. Gamsby reviewed the proposed lot line adjustment on his plans.

Mr. Gamsby noted that Mr. Goddard has drainage issues on his existing property and cites this as a hardship. Combine this with the loss of road frontage for Ms. Thayer and the Board concurred that situation requires a Variance.

Mr. Healey noted that he will send a letter to the applicant referring them to the Zoning Board of Adjustment for a Variance. He informed Mr. Gamsby that a Variance is needed before the Planning Board may consider a Lot Line Adjustment.

**CASE: Conceptual** – Site Plan Review – Adventure Lifestyles LLC – 2 W. Province Road – new owner. Reconstruction of B&B, expand deck.

Mr. Healey reviewed the history of the property and noted that the previous owner used the property for a retail business. He added that the Planning Board in 2005 approved a Site Plan Review for a B&B and Spa. However, the property was never used in that capacity. Mr. Healey noted that in 2013 the state legislature enacted a law regarding expiration limits of variances and special exceptions. Upon review of this property, and with town counsel input, it has been determined that the applicant must start at the beginning and that all previous Board approvals do not apply.

Rudy Franklin described the plans he and his wife have for the property – namely a B&B and a geriatric pool aqua therapy spa. He described the work done on the house so far and plans for pool location, etc. He noted that he will need a Special Exception for the proposed use. He added that he wants to move the proposed pool location further up the hill to minimize the road noise for clients.

Mr. Beaton asked about the septic system. Mr. Franklin said a large system has been installed and is totally renovated.

Mr. McWilliams asked whether Mr. Franklin has an easement from other property owners for the leach field and septic system. Mr. Franklin said yes.

Mr. Healey noted that Mr. Franklin will need a Special Exception for the spa but not for the B&B. The former added that the B&B will need a Site Plan Review. He added that the spa falls under the category of a commercial recreational facility.

Mr. Healey stated that the 2005 Variance is for the building since it is located with the shoreland setback of Johnson Brook.

There was discussion regarding enlarging the proposed deck area.

Mr. Healey summarized as follows: A Variance is needed for the enlarged deck since it is located within the shoreland setback of Johnson Brook; and a Special Exception is needed for the operation of a spa as a commercial recreational facility.

**CASE: Final Hearing – Minor Subdivision** – Michael & Sue Quimby, for property located at 651 Route 103A, Newbury, NH. Tax Map 028-789-456.

Mr. Healey read into the record the following Public Notice:

*Notice is hereby given that the* ***Planning Board*** *will receive submission of an application for a Final Hearing for a Minor Subdivision from* ***Michael & Sue Quimby****, for property located at 651 Route 103A, Newbury, NH, Tax Map 028-789-456 on* ***Tuesday, December 20, 2016,*** *at* ***7:30 p.m.*** *in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting. Copies of the plan are available for public review at the Town Office Building during regular business hours. Interested citizens are encouraged to attend the public hearing and express their views. Signed written comments will be accepted during business hours at least one (1) business day prior to the meeting at the Land Use Office. Land Use Office hours are as follows: Monday, Tuesday, Thursday, and Friday from 8:00 a.m. to 12-noon.*

The application was reviewed for completeness.

Mr. Smith made a motion to accept the application as complete. Mr. Geddes seconded the motion. All in favor.

Mr. Healey opened the hearing.

Bob Stewart, RCS Designs, agent, presented to the Board.

He said the application is for a 2-lot subdivision. He said the existing property is 8.42 acres and the applicant wants to subdivide the lot as follows: Lot 1 = 5.369 acres and Lot 2 = 3.057 acres.

Mr. Stewart referred the Board to Note #6 on the plans and noted that the three conditions stipulated by the Board have been met regarding not cutting the existing trees. Also, he reviewed the septic plans, the stormwater management plan, and the plans for a drip line trench for the roof runoff. Further, he outlined the installation of a drywell to catch portions of the roof runoff via a gutter system that run off onto impervious surface.

Mr. Healey asked about the DES subdivision approval permit.

Mr. Stewart noted that when the DES issued a subdivision approval permit, a woods road was included in that permit. He noted that a driveway permit will be needed and may be included as a condition of approval. Discussion followed.

The Board expressed concern regarding the inclusion of existing trees and the establishment of a vegetated buffer. Mr. Stewart said a line may be added on the plan that states the existing tree buffer from the right-of-way back 60 feet into the lot on the west side will be a natural vegetated buffer that will be retained. He added that this may be a condition precedent of approval. He added that a Note on the plan will be added to accommodate this.

Mr. Healey reviewed the conditions as follows:

* That a stormwater management plan be implemented per Article 21 Stormwater Management of the Newbury Zoning Ordinance.
* That the well be relocated outside of the 75-foot wetland setback.
* That the existing buffer of trees located on the property along Route 103A be retained.

There being no further questions from the Board, Mr. Healey opened the public portion of the hearing.

Jack Witemeyer, abutter on the northern side of the property, stated that he was in favor of the project. He asked about the size of the building footprint that will be allowed.

Mr. Weiler explained that a building envelope is used to determine the suitability of the site for construction. The building envelope takes into account steep slopes/wetlands/etc.

Mr. Stewart said the building design is for a 3-bedroom house.

Mr. Witemeyer asked if there will be a well dug. Mr. Stewart said it will be a drilled well.

There being no further comments from the Public, Mr. Healey closed the public portion of the hearing and the Board went into deliberations.

There being no further deliberations by the Board, Mr. Healey called for a Motion to Vote.

Mr. Weiler made a motion to approve the application for a Minor Subdivision as submitted by Michael & Sue Quimby, for property located at 651 Route 103A, Newbury, NH, Tax Map 028-789-456 with the following conditions:

* That a stormwater management plan be implemented per Article 21 Stormwater Management of the Newbury Zoning Ordinance.
* That the well be relocated outside of the 75-foot wetland setback.
* That the existing buffer of trees located on the property along Route 103A be retained.

Mr. Geddes seconded the motion.

Mr. Healey called for a Roll Call vote.

**In Favor:** Mr. Geddes, Mr. Smith, Mr. Beaton, Mr. Weiler, Mr. Healey

**Opposed:** None

**ADMINISTRATIVE BUSINESS**

**Minutes**

The Board reviewed the minutes of November 15, 2016 and made no corrections. Mr. Weiler made a motion to approve the minutes as corrected. Mr. Smith seconded the motion. All in favor.

**ADU Amendment Review**

The Board reviewed the proposed amendment language for the Accessory Dwelling Unit (ADU) regulations. Mr. McWilliams reviewed the proposed changes that were suggested at the PB work session meeting that was held on December 6, 2016. He noted that these changes will be presented at the PB Public Hearing on January 10, 2017. There was further discussion on ADUs pertaining to septic system size requirements. Mr. McWilliams referred to Article 3 General Provisions Section 3.2 Sanitary Systems in the Newbury Zoning Ordinance which covered the aforementioned concerns under discussion.

Mr. Healey noted that when an amendment is proposed that is more restrictive than the existing regulation, the former become effective once noticed within 120 days of Town Meeting. However, when a proposed amendment is less restrictive than the existing regulation, the effective date is when the amendment is voted on at Town Meeting. He added that the ADU amendment (and the proposed Wetlands definition amendment) are less restrictive and, therefore, are effective when voted on at Town Meeting.

**Master Plan Work Session**

Mr. Healey informed the Board that on January 10, 2017 at 7:00 p.m. The Board will meet for a work session with Resilience Planning & Design to review the Master Plan update progress and discuss the land use chapter of the document.

**Design Review for Site Plan Review**

Mr. Healey discussed the warrant article on the proposed changes to the Site Plan Review regulations, namely to include a Design Review option when applicable. He reviewed with the Board the notes justifying the warrant article which will be read at Town Meeting by Mr. Geddes in Mr. Healey’s absence. The purpose of a Design Review is to allow all parties involved and/or affected by a project to participate in the discussions at an early phase. This allows for any questions/problems/etc. to be worked out prior to moving the application into the Final review stage. Discussion followed.

Mr. Weiler made a motion to adjourn. Mr. Beaton seconded the motion. All in favor.

Meeting adjourned at 9:24 p.m.

Respectfully submitted,

Meg Whittemore

Recording Secretary