**Planning Board**

**October 16, 2018**

Approved November 13, 2018

**Members Present:** Bruce Healey, Chair; Michael Beaton, Vice Chair; Regina Cockerill, Howard Maurer, Bill Weiler, Richard Wright, Members; Deane Geddes, Alternate; Russell Smith, Ex-Officio Member; Ken McWilliams, Advisor.

Mr. Healey called the meeting to order at 6:56 p.m.

**Appointments:**

**7:00 p.m. – LSPA –**

1. **Status and operations of EPA Watershed Grant**

Ms. Fichter presented to the Board, and introduced Jeff Lizotte, Gary Daniels and Katheryn Holmes. She distributed some facts about the importance of controlling stormwater. She explained that Lake Sunapee has been having cyanobacteria blooms and that phosphorus feeds this bacteria. She further explained that the best thing to do would be to limit untreated storm water. It is the number one thing the town can do, according to NHDES.

Mr. Lizotte then spoke about the current status of the work being done for the EPA Watershed Grant. He said that they are looking at the runoff coming off impervious surfaces.

1. **Newbury “hot spots” (stormwater-wise)**

Mr. Lizotte said Blodgett Landing and Chalk Pond are hot spots in Newbury. Ms. Fichter said one consultant does the modeling and another consultant will be the engineer analyzing the benefit of putting this into action.

Ms. Holmes further spoke on this topic and what homeowners can do to help with the problem.

**7:15 p.m. – Case 2018-010 – Conceptual Consultation**

Alteration of Terrain NHDES After-the-Fact Permit Application for proposed hay field and horse paddocks for property located at 274 South Road. Mr. Healey came up with a list of questions to ask the property owners. David Eckman was authorized on behalf of the owners (Hiltons) to discuss the project. Mr. Healey explained that the Board has two concerns. First, that it is in a protected aquifer and also that it is in the shoreland district. Mr. Healey said that where the work area is identified in the map it is completely in the aquifer. Mr. Healey asked how they got to where they are today. He said work was started, then it stopped and he wants Mr. Eckman to explain this to the Board. Mr. Eckman said this was created a long time ago. He explained that soils had to be stabilized as soon as they received the Letter of Deficiency (LOD). He said it has been stabilized with loam and seed.

Mr. Healey asked about the AOT application. Mr. Eckman said they went to the state rules before Newbury’s rules. He explained that he did not see on the maps that it was in an aquifer. Mr. Healey asked if the state told him that he did not need a shoreland permit, and Mr. Eckman said yes. Mr. Eckman explained the two phases that will occur in this project. Mr. Eckman said his expectation is that there will be comments back in a letter on this site. Mr. Eckman said this is the lowest part of the property. Mr. Healey asked what has happened to the gravel from this site. Mr. Hilton explained that he was told, when he came before the town several years ago, that he could move as much as he wanted, as long as he didn’t sell it. Much of it has been used on his property.

Mr. Healey asked if the materials will be used commercially in the future. Mr. Eckman said that potentially the owner will probably have the material leave the property commercially.

Mr. Healey asked about specific design concerns. Mr. Maurer asked some questions about the slope. Mr. Eckman explained that it would be a 2:1 slope. Mr. Maurer had concerns that this would not be maintainable. Mr. Eckman said they would seed this area and it could be maintainable.

Mr. Healey said that it is clear that everything slopes into Gillingham Pond. Mr. Eckman said that it will all be captured before it gets to the pond as runoff.

Mr. Healey asked about fertilizer. Mr. Eckman said that there is a restriction on fertilizer, so he agrees that there will be no fertilizer used in the watershed.

Mr. Healey asked if there were any questions from the Board.

Mr. Beaton would like to clarify if the materials will leave the property. Mr. Hilton said yes. Mr. Healey said that he would like the Board members to conduct a site visit. Mr. Eckman said that he can be available to be on the property for a site visit. Mr. Eckman asked if the Board would like to wait until they received the comments from AOT. Mr. Smith said he feels that it should be sooner rather than later due to the time of year. Mr. Healey asked about Tuesday, October 30. Mr. Hilton said that date works for him. The Board and Mr. Hilton agreed on 4:00 p.m.

Mr. Healey said that one of the key things for this project that they were concerned with is whether the material will be on site or taken off site.

Mr. Weiler corrected Mr. Eckman that Gillingham Pond is not a man-made pond. Mr. Wright concurred and said that it is a natural pond.

**7:30 p.m. – Case 2018-011 – Conceptual Annexation**

Albert and Diane Cretella (Owners), 47 Lakewood Manor Road, Newbury, NH, Tax Map – 019-624-446 and Sharon Kindick (Owner), 35 Lakewood Manor Road, Newbury, NH, Tax Map – 019-573-443.

Mr. Cretella wanted to make sure there were no issues with the process before moving forward with the purchase of the property. Mr. Healey said they look at whether the lot would be non-conforming, but that is not the case. Mr. Cretella said that his hope is to annex some property onto his existing property. Mr. Weiler asked if someone is working with him to set up the whole application. He said that Clayton Platt will be doing the drawings. Mr. Weiler asked if he familiar with the regulations and he said yes. Mr. Beaton asked to look at the map. Mr. Cretella tried to keep the lines straight and used existing points. Mr. Healey said everything looks good. Mr. Cretella asked what the timing is for the rest of the final approval process. Mr. Healey explained they need everything from him within 21 days before the meeting. Mr. Smith said he needs to get everything in by Tuesday, October 23 to be ready for the November 13th meeting for a hearing.

**8:00 p.m. – Katheryn Holmes – Shoreland Restoration**

Ms. Holmes said that she sent the changes that she would like made to the shoreland restoration ordinances to Mr. McWilliams but Ms. Holmes claims that she did not receive his emails. Mr. McWilliams asked Ms. Holmes to send him the document in Word so that he can mark it up with his comments.

Ms. Holmes said that she will resend the document in Word.

**Minutes:**

The Board reviewed the minutes of October 2, 2018. Corrections were made.

Mr. Weiler made a motion to accept the minutes as corrected. Mr. Smith seconded the motion. All were in favor.

Mr. Weiler made a motion to accept the CIP. Mr. Smith seconded the motion. All were in favor.

The Board looked at the Voluntary Merger of Lots of Record for Tax Map 16A-133-100 and 16A-333-024. Ms. Cockerill brought up Blodgett Landing and the rules around the regulations around the cottage district. She said that she is concerned about someone putting up a large house when the lots are merged. Mr. Healey said they have a right to merge the lots. Ms. Cockerill said an ordinance should be in place in the future so they do not put a large house in the cottage district because regulations currently restrict expansion of cottages with existing footprints. Mr. Weiler did not think there should be an ordinance.

**Proposed Zoning Amendments**

Amendment 1 – the wording will change from ‘or’ to ‘and’.

Amendment 2 – the words ‘wells and’ will be added.

Amendment 3 – The Board discussed the proposed changes to Article 3. Mr. Weiler made a correction to the word district to make it plural. Mr. Healey went through the proposed changes that he suggests. Modifications were made to 3.3.2.2. Modifications were also made to 3.3.3 and 3.3.4.

Amendment 4 – This proposal would be to add a new section 16.7.6 Termination of Special Exceptions.

Amendment 5 – This proposal would be to add a new Section 16.8.8 Termination of Variances.

Mr. McWillliams explained that Amendments 4 and 5 are due to changes in legislation in 2013.

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

The meeting adjourned at 9:23 p.m.

Respectfully submitted,

Donna S. Long

Recording Secretary