



SALISBURY PLANNING BOARD

**Planning Board – Public Meeting
Academy Hall
April 5, 2021 @ 7 p.m.
Approved Meeting Minutes**

Doug Greiner, Chairman -Present
Ray Deary – Vice Chairman/Secretary-Absent
John Herbert – Selectman Ex-Officio- Present
William MacDuffie Jr –Alternate -Present
Wendy Pavnick, Recording Sec. - Present
April Rollins - Assistant - Present

Jeff Nangle- Alternate - Absent
Loretta Razin - Member- Present
Joe Schmidl – Member- Present
Vacant – Alternate - N/A

Visitors: Nick and Ted Jarvis, Alexandria DeSantis, LeAnn Wesoja, Craig Bailey, Engineer for Jarvis family

Zoom Attendees: Brandon Gallagher, Agent for Nick Jarvis; Chris Hilson, Attorney for Neil and Elena Santerre

Chairman Greiner opened meeting at 7pm

Election of Chair and Vice Chair - Motion was made to maintain current chair, Seconded and unanimously approved. Vice chair status was questioned, Loretta Razin was elected by write in. However, alternate may need to be Vice Chair, possibly Ray Deary but he needs to be present to act as Vice Chair. Joe Schmidl volunteered to be Secretary, Chairman Greiner motioned to accept, all in favor unanimously, Motion to keep Doug Greiner as chair, all in favor unanimously.

Planning Board Membership - List is provided, April Rollins will advertise for open positions: 3 Alternates are needed; Chairman Greiner Appointed Bill McDuffie as a voting member.

Review & Approve the draft minutes of March 1st. The Board reviewed the March 1, 2021 draft meeting minutes. Joe Schmidl notes a correction is needed. Second page, Current sentence states: “Joe Schmidl states this subdivision has a bad layout and he **can** support the plan as

proposed.” CAN should be changed to CAN NOT.

Chairman Grenier made a **motion** to approve the meeting minutes of March 1, 2021 with correction. Schmidl **seconded** the motion and the **motion passed unanimously with correction.**

Public Hearing for a 1-lot minor subdivision at 289 New Road, (Tax Map 254, Lot 1.1) the parcel is owned by Timothy & Kathleen Jarvis and is located in the agricultural zoning district. - Chairman Greiner states application appears to be complete, No waivers have been requested. Abutter information was confirmed: 4 Abutters: Landry Family Trust Map 254 Lot 1.00; Neil and Elena Santerre, North Road, Map 253 Lot 10.2; Christopher and Angela Center, Map 253 Lot 10.1 Bruce Battye Map 254 Lot 1.02;

Chairman Greiner states that he has reviewed the application in detail and the application appears to be complete. Brandon Gallagher is the Applicant and it is present via Zoom, Authorization from the owners is present. Section 1 is complete, John Hebert motion to approve, seconded by Joe Schmidl.

Applicant Nick Jarvis states that the current lot: tax map 254 Lot. 1.01 Existing lot is 17.58 acres, the proposed subdivision is one lot of 5.96 acres (proposed single family residence occupied by Nick Jarvis), and the other lot would be 11.62 acres (would remain in the ownership of Ted and Kelly Jarvis).

Craig Bailey: single lot of 17 acres: Goal Is to develop another residential home lot on is 5 .96 acres, the current lot has an active home that is a vineyard, new home would be on the west side, all testing has been done, certified wetlands, low traffic road. No state approval needed because the lot is over 5 acres lots. Chairman Greiner has a few concerns: a flood zone, proposed driveway will have to go through an active flood zone, there is no ordinance to cover this. The wisdom of this plan is questionable. The proposal is creative in making the lot over 5 acres, but does not eliminate the challenges of building this house. The layout of the driveway, grading of the driveway, erosion control, rough idea of where the house will go, will the house have a drive under? Other questions: the landscaping: seeding regimen to help mitigate the erosion. The board would also like to see the footprint for the house and grading around the house, where the septic will be put in and where the well will be placed (which depends on where the well driller can drill). Craig Bailey states that the current plan has the edge of the septic about 50 feet from the wetlands. There needs to be a plan to be sure access and drainage is planned out, to mitigate impact of erosion on the site. There also needs to be a plan showing that there is enough room for fire truck access and grading of the road. Chairman Greiner states that with the current plan there does not seem to be enough room to turn a fire truck around, and will the proposed driveway impact grading of the road. Road Agent MacDuffie states that there is plenty of width in the driveway and will not impact grading of the road.

The rest of the board was asked to weigh in, there were no other concerns discussed.

There are concerns about the closeness to wetlands, driveway location. Red Flag on Zone A: Can construct a Driveway on this Zone? Craig States that the 591 and 591.7, are the corner stakes of the house. Chairman Greiner asks if the plan is still an under house garage? Applicant Nick Jarvis states that he is willing to keep the drive under garage style plan to help mitigate any erosion concerns. House footprint and grading needs to show the mitigation of erosion (per chairman)

Subdivision Application Plan Requirement Checklist: Section 1: Complete; Section 2: Complete; Section 3: Complete; Section 4: **percentage of the soil types on the lot**; Section 5: Complete; Section 6: **Proposed driveway/erosion plans**; Section 7: Complete; Section 8: N/A/Complete; Section 9: **Erosion and Sedimentation Control Devices Detailed, Notes and Sequence**; Section 10: N/A; Section 11: N/A

Attorney Chris Hilson represents Neil and Elana Santerre who reside in an abutting lot Map 253/Lot 10.2, is present on Zoom Meeting: logistical questions if the plan is completed how will it be handled: Chairman Greiner: states that there will be no conditional approval at this time without concerns and missing checklist items presented and reviewed at a new meeting, so that board can look at it and ask questions.

Chris Bailey states that the requested information does not affect the rest of the plan, or subdivision approval, he would like to hear the concerns from the lawyer and all other public statements from abutters tonight instead of waiting another 2 weeks so that he is able to address concerns.

Brandon Gallagher: speaks in regards to the driveway: in previous conceptional meetings: what was presented has not changed, except for the location of the driveway, previously the driveway was closer to the wetland, the driveway is now further from the wetland. In regards to the ability to turn around: the proposed driveway is 20 feet in width, (the requirement for a parking space is 18 feet), this gives room to turn around. Regarding the grading plan for the house: without a plan for the site, they are not able to make a building plan without approval of the site plan. It will need to be a whole separate plan, which was not asked about in previous meetings. Regarding erosion control the plan is to have landscape plantings, and a gravel driveway which is a porous surface to help with drainage, location is to help with the least amount of invasion to the property and the grade of the property.

Chairman Greiner: plans do not show the driveway. Gallagher states that there should be a driveway on the plan. Gallagher states that he may have submitted the wrong plans, Chairman Greiner states that there is a lot of work needed to prevent erosion of the exposed slope and erosion of the proposed site.

Chairman Greiner asks the attorney to discuss the concerns that his clients have; Chairman Greiner states that there is no issue with the layout of the lot. Chris Hilson, attorney states that there is a concern that there are easements that affect the proposed building of the house: there is forested area where the proposed house location is; easements that prohibit subdivision of the lots, subdivision is prohibited; Hilson states that he feels legally that it is not appropriate for the board to approve this subdivision request because the land is not appropriate for subdivision/developmental: due to the pork chop leg configuration of the property which is not appropriate for subdivision.

Chairman Greiner responds: it is our understanding that because there is no HOA to manage and administer the lands, (this was brought up previously when the Jarvis's came to the board to expand the winery), the board discussed with the town attorney and he stated that due to the absence of the HOA as long as the check lists are met then there is no reason to not approve the proposed subdivision or lot expansion. There are easements to leave forests and fields.

April states that this was previously reviewed in 2013 by the town attorney and was shown that the easements are null and void.

The tree line has all been logged, so there is no forest to be concerned about, the easement states that there is no removal of trees, however there are no trees. Any concerns Chris Hilson, Attorney regarding the easement needs to follow up with a civil matter. Hilson states that if the land has been logged then the trees need to be replaced. Joe Schmidl states that this has been taken into account preciously and the town attorney has reviewed this and the board has no need to worry about this particular easement. Chairman Greiner: town counsel previously stated that the board can conditionally approve the lot and the house plans, however if someone would like to pursue this matter then it would be a civil matter which would override the board's decision.

Chairman Greiner states it is the not boards intention to change the plans of the house, if the applicant can not demonstrate that the driveway plan and erosion plans work then the board can approve the subdivision, if the proposed plans do not work then the subdivision can not be approved. The site is a very challenging site to build on.

Public Meeting is Closed. Zoom and public comments have been heard and comments are now closed

Reviewed Checklist

Series of Concerns that need to be addressed: Details due to a challenging site then when the changes have been met, the board will vote. The following needs to be presented to the board:

- 1. Design of Driveway in regards to lay out and design**
- 2. Site section through the driveway in regards to its relationship to the wetlands and slopes**
- 3. Landscape plan to mitigate disturbed area (up to the applicant, Suggestions: seeding with hydromulch to keep in place are possible, to mitigate the impact to the wetlands)**
- 4. House footprint, what type of house (drive under or not), Grading to show impact**
- 5. Location of the foot print of the septic system**
- 6. Location of the foot print of the well**

Motion for continuation of the matter of 1-lot minor subdivision at 289 New Road, (Tax Map 254, Lot 1.1): Loretta Razin, second for continuation: John Hebert; Motion passed unanimously

Amendment to the Subdivision Regulations – Removed Section XV, Controlled Growth - was removed from the voting ordinance but was not removed from the regulations. The Board reviewed the Amendment to the Subdivision Regulations - Removed Section XV, Controlled Growth.

Other Business: None

NEXT MEETING – MONDAY, APRIL 19, 2021 AT 7 P.M.

ADJOURNMENT: Herbert made a **motion** to adjourn at p.m. Schmidl **seconded** the motion and the **motion passed unanimously.**

Prepared by Wendy Pavnick, Recording Secretary