



## ***SALISBURY PLANNING BOARD***

### **Planning Board – Public Meeting Academy Hall December 7, 2020 Meeting Minutes**

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Doug Greiner, Chairman	- Present	Stacia Eatsman–Alternate	- Present
Ray Deary – Vice Chairman/Secretary	- Present	Jeff Nangle– Alternate	- Present
Loretta Razin - Member	- Present	William MacDuffie Jr –Alternate	-Present
Joe Schmidl – Member	-Absent	Vacant – Alternate	- N/A
John Herbert – Selectman Ex-Officio	- Present	Kate Wilson, Secretary	- Present
		April Rollins - Other	- Present

**Visitors:** Marcus Zuech, Jason Pelletier, Faith Partridge, Mark Sargent, Gayle and Joe Landry, Mary Ellen Shaw, Louise Andrus, Jonathan Crowdes, Nan and Kevin O'Neill, Davin Summerville, George Sweatt III, Paul Hynes, Charles Motta, Gayle Henry, and George Manyan, Steve Miller, Pat Charfella, Heidi Kocher,

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Chair Greiner opened the meeting at 7:00 p.m.

**Review & Approve the draft minutes of November 16, 2020** – The Board reviewed the November 16, 2020 draft meeting minutes. John Herbert made a **motion** to approve the meeting minutes of November 16, 2020 with minor corrections. Jeff Nangle **seconded** the motion and the **motion passed unanimously**.

**Public Hearing Continuance @ 7:00 p.m. - 11-lot major Subdivision at 260 Raccoon Hill Road, (Map 236, Lots 15 & 16) the parcel is owned by 240 Locust Limited Partnership / Eugene Pelletier located in the Agricultural Zoning District.**

Chair Greiner opened the floor to the applicant. Mark Sargent began the discussion by showing the map area of the subdivision plan on Raccoon Hill Road. Proposed to combine lots 15 and 16 and create an 11-lot major subdivision. During the site walk the board noted that lots 15.9, 15.10, and 16 had difficult driveways. The owners have decided to construct those driveways as marketing to sell the lots. The Traffic Memorandum was completed, and it stated the weekday peak in the morning would be 9 VTD (vehicle trips per day) and afternoon peak would be 12 VTD. The total would be 114 trips per day when completed. It would be a minor traffic increase as it falls below 500 trips threshold. John Herbert asked

about the current traffic. Mark Sargent said it was 115 trips per day currently but still under 500 to maintain a minor traffic increase.

Chair Greiner asked if all members received the memorandum.

Open for public hearing at 7:05.

Louise Andrus spoke about the impact on Racoon Hill, the speeding, and the traffic study. Louise asked about roads, transfer station, and school impact. She asked what is the cost to the taxpayers and what changes will the town have to make?

Jeff Nangle spoke to Louise Andrus questions. He stated the town will need to cover those costs. Louise asked about impact fees. Jeff Nangle said that subdivision language is very good to offset mitigation and enforce rules and regulations. You are absolutely correct, after these lots are sold and these homes are constructed there will be a time of about 5 years at best when one of the new homeowners will come to the Selectmen and demand that a paved road be constructed to appropriate highway standards and we will have to pay for it.

People on a fixed income can't afford the taxes or they will have to move. People with large pieces of property will have to sell part of their land to pay increase taxes, which only leads to more development.

Marcus Zuech asked if new owners of the lot would have to be responsible for maintaining the impact. Jeff Nangle spoke to this answer and said that it will not fall on the individual owners but a transportation management fund which will have to be administered by a new Zoning Ordinance.

Marcus Zuech asked about the agricultural zoned area lots being changed into residential lots. Chair Grainer spoke to the agricultural lots and clarified that they are not viable agricultural lots because they are wooded and sloped. Agricultural zones allow for residential lots. The lots in question are not potential agricultural lots.

Marcus Zuech asked about the impact of the traffic study and if the study reflects the past subdivision and will we stay under 500 trips for both subdivisions. Chair Greiner spoke about cumulative impacts and the fees and zoning. Current regulations do not have cumulative impact language or regulations. They would have to be written, reviewed by the public via multiple Public Hearings and then voted on and approved at town meeting. Marcus Zeuch discussed the traffic study numbers and the past subdivision and stated it's a lot higher than the 114 presented. Chair Grainer said the board cannot go backwards on the traffic impact from the past subdivision. Issue of moving forward. Marcus Zuech continued to speak to the increased impact from all subdivisions not just the one up for discussion.

Marcus Zuech asked about the subdivisions and how they would be built and developed. Would they be sold to a builder or individual homeowners? Jason Pelletier answered and said it is up to the buyers and how they would like to build and how many lots they would like to buy. Marcus Zuech said that is not ideal for Salisbury because lots developed in

bulk are not ideal to Salisbury. John Herbert spoke about the current rate of lots selling and stated these lots may sell quickly. Marcus Zuech expressed his concern in those lots being sold in bulk to one contractor. Jason Pelletier spoke and said that is not the current issue in the other subdivision, as those lots are being sold to families.

Chair Grainer spoke about Salisbury not being the area where large developers are buying up lots and developing. Lots are currently being sold individually.

Marcus Zuech spoke about the rehab flip on Old Turnpike Road and the impact on the demand in the rural town due to working from home increasing and wanting to leave the city. Marcus Zuech noted we cannot look at historical trends but need to look at this year as the new trend due to changes in where people want to live. Chair Greiner spoke about Salisbury being outside of the bullseye of where people want to live.

Marcus Zuech spoke about telework changing how we work and the impact of tract development with an increase in families moving to town. Marcus Zuech spoke to the master plan that this subdivision is not in line with the plan for Salisbury and the general philosophy of what Salisbury is supposed to be.

John Herbert spoke about the traffic impact on Racoon Hill and said it may need to be updated in the future. John Herbert made a comment to the road not being up to code from what he heard from the road agent. Kevin O'Neil asked about the road not being up to code and asked if developers should bring it to code? Mark Sargent asked about the code and said he never heard that it wasn't was not to code. It is currently in line with Class 5 gravel road standards; it has ample width and is well maintained. Chair Greiner said it is a well maintained, a wide gravel road with positive drainage. Marcus Zuech asked about frost heaves. Nan O'Neil spoke of changes in buyers and a sale to one developer is not a guarantee.

Joe Landry suggested an improvement to the road from the Pelletier's. Chair Greiner said that was because Oak Hill was in a different condition. Racoon Hill is not in the same condition. Chair Greiner said that the planning board cannot require improvements to Racoon Hill Road because of the current criteria. Chair Greiner asked Jason Pelletier if he wanted to speak but said that it is not his responsibility to update Racoon Hill Road for impacts that are not due to his subdivision. Chair Greiner said we do not have ordinances to ask for improvements.

Joe Schmidl asked what criteria is missing. Chair Greiner said we don't have ordinances to ask for improvements to be made. Joe Schmidl spoke about the traffic study and said it is still a low use road due to the study of less than 500 VTD. Joe Schmidl said the greatest impact to our roads are the big trucks and not the residential cars daily use.

Kevin O'Neill asked if there is a comparable road that can be looked at.

Marcus Zuech asked about drainage. John Herbert asked if they would be wet lots. Mark Sargent said they had a wetlands scientist look at the lots and that the back of the lots may be but no different than 90% of lots in New Hampshire.

Kevin O'Neil asked about wetland restrictions and the new homeowners. Chair Greiner said the town has no ordinances that deal with wetlands.

Jeff Nangle spoke and showed a map to the public on how Racoon Hill is not fool proof. Jeff Nangle showed that Racoon Hill gets additional ~~driving~~ traffic from different cut throughs from Andover and Franklin. Stated that he believes there will be a signal at Center Street and Route 4 one day. Jeff Nangle said we cannot stop growth - we can manage it. The growth is here. Jeff Nangle asked to have a working meeting to discuss some of the issues with the developer. Discussed local road usage. Jeff Nangle suggested the use of a cul-de-sac and presented it to Mark Sargent and Jason Pelletier and suggested possibly using one in the subdivision. Jason Pelletier spoke about the time put into this plan. Mark Sargent said he did not see how it would work to change the plan at this time. Chair Greiner said this cannot be a new site plan discussion.

Chair Greiner moved the discussion forward.

Public hearing closed at 7:52

Review of application checklist - all items were addressed in the site walk, traffic study, and driveways. April Rollins said the driveway permits were outstanding. Mark Sargent asked if those would be the responsibility of the buyer. April Rollins said they would need a preliminary sign off and then the buyer/builder would get the final approval.

Open session for planning board. Chair Greiner addressed issues raised in the email received from Louise Andrus. Chair Grainer spoke to each issue and read the email for public record. Chair Greiner spoke about needing a zoning ordinance to impose impact fees but there is not a requirement for this subdivision plan. The qualitative roads and traffic study were addressed in the discussion and the memorandum stating 114 vehicle trips as an add to the development. Chair Greiner said he could not answer that question about going dirt to pavement. Chair Greiner said would need a zoning ordinance to guide the process. Paved roads increase speed on roads. Impact to the transfer station is unknown. Chair Greiner said it is a small impact and cumulative impact. Planning board ~~doesn't~~ does not have a bag of tricks to handle perceived environmental impacts. Need a Zoning Ordinance to address environmental impacts and one to guide open/green space preservation. Plant and animal impacts can be verified via the NH Heritage Bureau data check tool. Chair Greiner said school impact does not appear to be an issue with the decrease in student population numbers currently being experienced at the Salisbury Elementary School or transportation via the bus. Chair Greiner opened to the board to comment on the email. John Herbert said there were no other items.

Board Vote on the approval of subdivision plan or continuation needed:

Jeff Nangle - abstained

John Herbert - yes approve

Ray Deary - yes approve

Joe Schmidl - lost phone connection

Loretta Razin - yes approve

John Herbert made a **motion** for conditional approval of the application with driveway

plans. Loretta Razin **seconded** the motion and the **motion passed unanimously**.

**Public Hearing @ 7:30 p.m. - Boundary Line Adjustment at 299 South Road, (Map 240, Lots 3 & 4) the parcel is owned by George A. Sweatt III located in the Residential and Agricultural Zoning Districts.**

Chair Greiner reviewed the application.

Loretta Razin made a **motion** to accept the application as administratively complete. Ray Deary **seconded** the motion and the **motion passed unanimously**. Joe Schmidl abstained from vote.

Jonathan Crowdes from TF Bernier INC. Presented the board with the plan. Increase in the small lot (already developed) by taking from the big lot (9 acres). Owner plans to create a driveway easement into the adjusted large lot as well as on the north side of the small lot he currently lives on. Ray Deary asked about state driveway permit. Driveway has been there and is permitted as per the current owner. George Sweatt discussed the visual clearance or sight distance on Rt 127 of 250 feet both ways. Chair Greiner asked about moving the driveway more to the north side. George Sweatt said you lose site visuals at that location. George Sweatt discussed the need for more usable land on his home site. Chair Greiner asked about future sale of larger land lot. John Herbert asked where the house is currently.

Open for public hearing at 8:20. No public comment. Public hearing closed at 8:20

Open session for planning board. Chair Greiner went through the checklist. April Rollins stated the abutters list was all set.

Section 1 - complete

Section 2 - complete

Section 3 - complete

Section 4 - waivers received

Section 5 - not applicable

Section 6 - waivers received

Joe Schmidl asked if it was a non-conforming lot. Chair Greiner double checked road frontage. Chair Greiner reviewed the waivers. Joe Schmidl asked about state approval on the small lot. Johnathan Crowdes said that is not an issue because it is creating a larger already established lot. Joe Schmidl asked about the driveway. Owner stated the driveway is preexisting but may need to be sloped. Johnathan Crowdes discussed why they had not included the topography on the map because it is such a large lot.

Ray Deary said the planning board should have some foresight and suggested a site walk. John Herbert and Jeff Nangle asked for more detail on the plan. Chair Greiner said they need to be more specific to what detail they want. Chair Greiner spoke to 500 feet would need to be mapped as in previous subdivisions. Topography, wetlands, and driveway description/buildable area for the house is needed. Test pit for a buildable lot is needed. Johnathan Crowdes said there is no wetlands so there should be no issue with septic.

Joe Schmidl made a **motion** to deny waiver requests. John Herbert **seconded** the motion and the **motion passed unanimously**.

Jeff Nangle made a **motion** for continuance to include topography, wetlands, driveway. John Herbert **seconded** the motion and the **motion passed unanimously**.

**Public Hearing @ 8:00 p.m. - A merger for a 2-lot Subdivision at New Road, (Map 247, Lots 19, 20 & 21) the parcel is owned by CV Building Concepts Inc. located in the Agricultural Zoning District.**

Chair Greiner reviewed the application. Ray Deary asked if there were driveway construction design criteria. Chair Greiner said yes, it is in the Town's Driveway permit.

John Herbert made a **motion** to accept the application as administratively complete. Jeff Nangle **seconded** the motion and the **motion passed unanimously**.

Jonathan Crowdes from TF Bernier INC. Presented the board with the plan to take 3 lots consolidating them and then turn them into 5 lots. Jonathan Crowdes explained the movement of the current lot lines and the new proposed lot lines. Three of the lots would have a shared driveway. If the lots did not share a driveway then it would impact adjoining wetlands. Ray Deary asked about the common driveway easement and driveway width. Ray Deary suggested a site walk. Chair Greiner stated that the common driveways as a positive due to the fact it reduces impacts on the adjoining wetlands. Ray Deary asked about salt and sand on the driveway. Chair Greiner spoke about the benefit of the 3 driveways combined and a decrease in sand and salt usage when they are shared. John Herbert asked about the location of houses. Jonathan Crowdes explained where the test pit areas are located.

Open for public hearing at 9:18.

Joe Landry spoke about the wetlands. Joe Landry asked about how this is a 5-lot subdivision and wants to know how this isn't a major subdivision? Brought up the concern about a shared driveway and people getting along. Joe Landry said it looks more like a private road. Joe Landry wants to know what the difference of a lot line adjustment vs a merger. Joe Landry asked about the stakes for boundaries. Joe Schmidl agreed with Joe Landry about this possibly being a major subdivision but didn't have the book on him to confirm.

Charles Motta asked how this is a 5-lot subdivision. He feels like it is a major subdivision plan instead.

Louise Andrus spoke about the road and the impact to the taxpayers.

Chair Greiner spoke about the road. Bill McDuff Jr. spoke to the possibility of an easement needing to be put in.

Joe Landry asked about electrical lines.

Bill McDuff Jr asked about the length of the driveway - 400 feet - and wanted to assure rescue trucks to be able to get through.

Chair Greiner spoke to the need to have language in the deeds of the two lots served by a shared driveway addressing responsibilities for shared maintenance, etc.

Ray Deary asked if the building inspector has information on shared driveways.

John Herbert asked about existing lines. He believes it is a major subdivision, Joe Schmidl and Jeff Nangle agreed.

Public hearing closed at 9:37

Open session for planning board.

Chair Greiner and the board will investigate this to see if this is a major subdivision during an internal discussion.

Jeff Nangle made a **motion** for continuation. Joe Schmidl **seconded** the motion and the **motion passed unanimously**.

Jonathan Crowdes asked for next steps. Chair Greiner said the board needs to come to a consensus on the type of subdivision this is. Jonathan Crowdes asked for more clarification and Chair Greiner mentioned the subdivision checklist. Continuance to January but subdivision issue will be determined prior to that date.

**Joint Public Hearing @ 9:00 p.m. - A Special Exception (Article III) and a Conditional Use Permit for Site Plan Review has been received in order to operate an Assisted Living Facility, located at 863 Old Turnpike Road, (Map 232, Lot 11) the parcel is owned by Scioto Properties SP-16, LLC located in the Residential and Agricultural Zoning Districts.**

Roll Call of Zoning Board at 9:45

Arthur Garvin - present

Dave Kelley - present

Loretta Razin - present

Dave Merin - absent

Dave Strogness - absent

Chair Arthur Gavin swore in Pat Chartella and reviewed the application which was submitted to have the number of residents decreased from 7 to 5 as per the ordinance for a residential facility.

Open public hearing 9:57.

Mike Farrell spoke. Lives in an abutting lot. He asked about the number of residents and

population of the residences. Pat Chartella said they will have five residents with neurological needs. April Rollins stated Mike's questions would be better for the planning board which will be hearing it after.

Public Hearing closed 10:00

Dave Kelley made a **motion** to grant special exception to a 5-unit residence. Loretta Razin **seconded** the motion and the **motion passed unanimously**.

Zoning Board adjourned 10:01

Chair Greiner and the planning board reviewed the application to open an assisted living facility. It was determined that the application was not complete and some parts of the application are zoning related issues. The waivers do not address site plan review.

Jeff Nangle made a **motion** to continue this application and site plan review of the assisted care facility. John Herbert **seconded** the motion and the **motion passed unanimously**.

Abutters asked how they would be notified of the continuation meeting. April Rollins stated it would be posted 24 hours before the meeting.

Questions on the application were revisited. Chair Greiner stated the application is not complete and gave clarification to the applicant representative. Reviewed some checklist items. Ray Deary asked about a license from the state. Chair Greiner stated this was not the time for that discussion. Chair Greiner stated the Site Plan Review Checklist form is the same as is used for a Subdivision Review, but the Conditional Use Permit review is different from that of a subdivision plan.

Chair Greiner stated there was already a vote to have a continuation and this is a discussion that will take time. The vote to continue stands. April Rollins will email the applicant more clarification so they can get the application administratively complete.

John Herbert made a **motion** to continue on December 28th at 7:00pm. Jeff Nangle **seconded** the motion and the **motion passed unanimously**.

**Public Hearing @ 8:30 p.m. - Boundary Line Adjustment at 567 North Road, (Map 248, Lot 17 & Map 249, Lot 12) the parcel is owned by David & Mary Ellen Shaw located in the Agricultural Zoning District.**

Chair Greiner reviewed the application. Webb Stout reviewed the plan to annex a +/-2.5 acre area that includes a barn and silo from its +/- 40.8 acre lot and add this small area to a +/- 129 acre lot to the south. The resultant +/- 38.3 acre lot is being sold. The abutter to the west is purchasing the land but the dairy farm operations area is being moved to the large lot to the south.

John Herbert made a **motion** to accept the application as administratively complete. Jeff Nangle **seconded** the motion and the **motion passed unanimously**.



Open for public hearing at 10:40.

Public comment from purchaser of land and its abutter, Charles Motta, stated that he wants to maintain the land in its current state.

Public hearing closed at 10:45

Open session for planning board. Reviewed the checklist. Waivers were reviewed.

John Herbert made a **motion** for the waivers to be accepted. Jeff Nangle **seconded** the motion and the **motion passed unanimously**.

John Herbert made a **motion** for approval. Jeff Nangle **seconded** the motion and the **motion passed unanimously**.

**OTHER BUSINESS** - None

**NEXT MEETING** – December 21, 2020 at 7:00 p.m.

**ADJOURNMENT** – Jeff Nangle made a **motion** to adjourn, Loretta Razin made a **second** to the motion, **motion passed unanimously** 11:05 p.m.

prepared by Kate Wilson, Secretary