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Draft Minutes

J. Goeman said in Section 6.3, the applicant is looking at what needs to be included in their application. “Problematic areas” are not defined and that will be left to the Fire Chief. J. Goeman said that definition of Problematic areas may be best in an appendix. K. Walker asked if we should give the guidance beyond just that it is an area and include size, number of lots and configuration. Area only looks at geography. A. MacMartin asked the Fire Chief, what if someone comes in with a site plan, you are looking at the fire suppression based on what they are proposing. Is there a way to quantify “problematic areas?” K. Walker said referring to the Site

42 Plan revision, if the proposed Site Plan creates sufficient potential problems with water supply as
43 determined by the Fire Chief. She proposed a similar language in the Subdivision. Size,
44 topography, and configuration of the subdivisions cause problems with water supply. This should
45 be similar in all three regulations. This will give guidance to applicants.

46
47 J. Goeman said in the review checklists, he will edit this so the set of checkboxes will be
48 matching the language in above. The Board discussed various wording and decided on
49 Independent Fire Suppression System since this could include either a cistern or a sprinkler
50 system. J. Goeman said these changes will be made across all three sets of regulations. This will
51 give applicants a better idea of what to expect. In the future, a separate regulation may be
52 something to do. The Board discussed having a sub-committee.

53 54 Active and Substantial Development

55 J. Goeman said that in definitions, active and substantial is defined. This would need to be
56 agreed to by the applicant and agreed to by the Planning Board for each case. He read the
57 definition.

58
59 N. Faiman said that K. Walker had raised the concern that defining this norms the concept.
60 Definitions should be definitions and this is a blend of rules and definitions. You can define it as
61 having no substantial gap without being specific. You can use the definition in a rules section. K.
62 Walker suggested putting it in 5.12.

63
64 K. Walker asked about 12 cumulative or consecutive months since it looks like consecutive but it
65 is unclear. The Board discussed being specific. Adding in "a period of 12 consecutive months or
66 should it be cumulative." N. Faiman said if they meet the milestone and took a vacation in the
67 middle of the two-year period, that should still meet the benchmark. For whatever reason, it
68 doesn't make sense to start until 12 months into the two years, you can still meet the milestone.
69 K. Walker said the question is once you reach active and substantial at two years, then you don't
70 do anything and it is vested at 5 years from zoning changes.

71
72 D. Toumala said there are different ways to look at that. You give them 5 years to complete a
73 project. A. MacMartin no, once they have reached their milestone at two years, they lose vesting
74 at 5 years and are subject to then current zoning. D. Toumala said that you have preconstruction
75 meetings, if you had a sheet of the expectations that you had two years to complete, they could
76 cut the trees, and build a road. But if they wanted a building permit, they would have to get a
77 bond. That bond is a ticking time bomb for them, if they aren't actively doing anything you have
78 leverage. N. Faiman said if the same work is bonded and defined the criterion for active and
79 substantial development this would much more clear. A. MacMartin but completion of a road
80 wouldn't be active and substantial. D. Toumala do you require a two year maintenance bond? In
81 Merrimack she said that they use a 10% of total costs. A. MacMartin said that in recent

82 experience, the Town requires a road overwinter. D. Toumala you are still holding money for
83 two years so if things aren't looking good, then you can fix it.

84
85 J. Goeman asked about removing 12 months from active and substantial and moving to 5.12.
86 Going to the next definition as the next threshold. Cleaning up the defini and adding
87 requirements to 5.12. N. Faiman said that proposed by the applicant and determined by the PB.
88 The applicant is suggesting it but the PB is the one who defines it. J. Goeman when we go to
89 section 5 he will pull in what they are normally defined as and what they will vest into. K.
90 Walker in light of what N. Faiman, add the PB SHALL determine the milestones for the
91 definitions of both active and sub for each project.

92
93 J. Goeman adding part of the Plat standards reflecting these in the checklist.

94 95 Wetlands

96 J. Goeman reached out to D. Toumala, who is a wetlands scientist and former Planning Board
97 member, to share with her about what the Planning Board has been working on. When they
98 talked they had a spirited discussion of WRA. What is the intent of the update and what is the
99 way she suggested.

100
101 K. Walker we wanted to know whether or not our list of wetlands and wetlands-related areas
102 could be delineated by a soil scientist on a map. D. Toumala said we don't use those words in
103 delineating a wetland. There are three criteria for wetlands. 1) hydrology, 2) soils, and 3) plant
104 life. If you are missing any of these, they are not wetlands. Once you have determined an area,
105 you take the bogs, marshes, etc you define it further. Then you can define the function of the
106 wetland.

107
108 N. Faiman said the state says if you use "wetlands" in your ordinance, this is what it means. But
109 we want this to include other areas.

110
111 D. Toumala if you start calling something that is not a wetland a wetland, you are doing a taking.
112 A. MacMartin wetland definition does not include what is in the river, land adjacent to the river.
113 A. MacMartin said that D. Toumala said we could regulate that with buffers. D. Toumala said
114 the rivers are water bodies. A. MacMartin the state has their own idea about what is a wetland
115 but we don't have the expertise, to determine if all the wetlands we want are included. What
116 about vernal pools? D. Toumalashe suggests that if you suspect something is on that property,
117 you have that reviewed. A vernal pool is a wetland. If you know what you are looking at, there
118 are changes in the soil. She would suggest that bodies of water could have buffers, N. Faiman we
119 could define buffers as buffers from wetlands or bodies of water. K. Walker if we leave the
120 definition in the hand of a wetlands soil. N. Faiman the confusion is that the language in the
121 statute and the ordinance are different but they may mean the same thing. K. Walker but neither

language includes rivers and vernal pools and we leave it to the soil scientists. DT waterbodies still have the same setbacks. N. Faiman compared with definition of wetlands The Board and D. Toumala discussed adding “water bodies” so they would include the wetland or water body. A. MacMartin said that wetlands D. Toumala asked if you want to hold the definition of a water body based on a high flood line (mean high water mark) of any waterbody. N. Faiman asked if wetlands and waterbody cover what we want to protect? D. Toumala said yes, it does. D. Toumala said wetlands can be water bodies. The boundary or perimeter is determined by the changes in the soils and plants.

The Board discussed adding “mean high water” definition to the ordinance. J. Goeman reviewed the changes:

The Board decided to:

- Start with the state statute
- Reword wetland-related area and change to Water bodies - rivers, ponds, streams, lakes, etc.
- Define mean high watermark
- Create a buffer that is marked from mean high water mark (setbacks refer to perimeter of a wetland or the mean high water mark)

Escrow Accounts

M. Decoteau was directed to ask Debra Harling about the status of the escrow accounts.

Map and lot

Do we need to come up with language for the land use boards that will point out that there is a dichotomy and explain what applicants need to provide. A. MacMartin suggested asking people for the description from the deed or a subdivision. The challenge is when lots are subdivided more than once. The Board directed M. Decoteau to come up with a list and J. Goeman to add a note that the Map and Lot numbers should be derived from a recorded deed or plan for applications to the Land Use Boards.

5. Annual Report

The Board made some comments on the annual report language.

6. Correspondence

Janice Pack, Select Board Administrative Assistant asked for the Planning Board’s feedback on a new RSA for adoption: Title V taxation. The board agreed that the new update made sense. M. Decoteau will share that Janice Pack.

Public Hearings

162 Is there a script? M Decoteau said she has one, but A. MacMartin said they have a traditional
163 way to do this. When you get to the point where you vote to put it on the warrant, we do that
164 at the end. This is not expected to be completed on Dec 18. The Board discussed various
165 meeting structures.
166

167 **7. Motion to Adjourn**

168 B. Hunter MOVED to adjourn at 9:31 PM. N. Faiman SECONDED. All in favor.
169

170 Respectfully submitted by Michele Decoteau, Land Use Administrator