

TOWN OF WILTON
Planning Board

DATE: January 19, 2022
TIME: 6:30 PM
PLACE: Wilton Lyndeborough Cooperative High School, 57 School Street
PRESENT: Alec MacMartin, chair; Karon Walker, vice-chair; Neil Faiman; Bart Hunter; Shannen Coffey; Matt Fish
Absent: Randy King
Staff: Caleb Cheng, NRPC Circuit Rider; Michele Decoteau, Board Secretary
Attendees: Peter Howd, Matt Arel, Jim Buchanan, Bill Keefe, Nate Chamberlin, Ellie McGettigan, Jim McGettigan, Roy Tilsley, Michael McGettigan, Mark McGettigan, Jon Rokeh, Mike Kline, Dawn Tuomala, Kenny Lehtonen, Steve Yurish, Shannon Linn, Andrew Burnes, Nick Germain

1. Preliminaries

A. MacMartin opened the meeting at 6:35PM and introduced the Board.

Minutes of 01.05.22

Line 83/4 - add " " around "Mill Brook Dam at Frye Measure Mill" for clarity.

K. Walker MOVED to accept the clean copy of the minutes of 01.05.22 as presented to the Board and further amended at the meeting. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (4-ayes, 0-nays, 2-abstentions (M. Fish and B. Hunter)).

2. Cases

SD07 – 0818 –Talisman. An application by Aria Hill, LLC and Talisman Properties LLC, to subdivide the 37.24 acre lot F-088 into a nine (9) lot cluster subdivision development.

A. MacMartin opened the public hearing by reading the public notice.

The applicant requested a continuance and an extension of the 65-day period in a letter provided to the Board.

K. Walker MOVED to extend the 65-day period for approval and continue the case to February 16, 2022, at 6:30 PM. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

SD01 – 0520 – Buchanan. An application by Arthur F. Siciliano, on behalf of Buchanan Construction Corporation, Wilton NH, for the subdivision of Lot K-105-3 off of Pine Valley Street sewer.

A. MacMartin opened the public hearing by reading the public notice.

B. Keefe and J. Buchanan presented the final plans and legal documents to the Board for review. C. Cheng suggested that the Board review the checklist. All the final requested corrections had been made.

K. Walker MOVED to approve the application, subject to payment of fees. M. Fish SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

A. MacMartin and K. Walker signed the plans.

SP01-0122 – Booth. An application by George and Linda Booth for a site plan for the installation of a 13 foot by 31 foot ground-mounted solar electric system rated for 8kW at 719 Abbott Hill Road, Lot H-100 (5.8 acres, 391 feet of frontage). The array will generate power for use on the property only. The lot is in the Residence and Agricultural District and is on private well and septic.

A. MacMartin opened the public hearing by reading the public notice.

G. and L. Booth reviewed the history of their lot. They provided copies of the site plan and an additional picture. The house currently has passive solar only. The Booths expressed concern that the site plan approval process may prevent people from installing ground mounted solar systems. The Board explained that the requirement addresses how a ground mounted system would interact with the neighbors, how it relates to boundaries and screening, and how it would affect drainage.

G. Booth said that there would be no glare from his panels, although he could not recall the name of the manufacturer.

In response to a question from K. Walker, G. Booth indicated that the height of the panels would be less than 11.3 feet. K. Walker asked about erosion along the drip line; G. Booth said that there are gaps between the panels that let water through, so erosion should not be a concern. A. MacMartin noted that Grace Electric had a note on the plan that said that, if needed, a trench with stones will be added.

C. Cheng noted that anti-glare information about the cells was included in materials that had been submitted but not yet presented to the Board.

C. Cheng noted that erosion control appears to be the only outstanding issue. He said that the screening seems adequate with the garage and trees. There are no residences on the south side of the lot. C. Cheng said that the applicant had submitted a list of requested waivers. He indicated that the requested waivers are for items not essential to the purpose of this site plan.

K. Walker MOVED to grant the waivers to sections 6.1.f, 6.1.m, 6.2.b, 6.3.a, 6.3.c, 6.3.e, and 6.3.h of the site plan requirements. M. Fish SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

K. Walker MOVED to accept the application. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

The Board discussed erosion control. It noted that if during construction the soil is disturbed, this could lead to erosion.

K. Walker MOVED to approve the application, including the schematics provided by the electrician there, which require a trench with stones to address erosion if the needed. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

SD02 – 1220 – Rivers Edge. An application by Better Built Homes on behalf of Roger Chappell, LLC, to subdivide Tax Map Parcel D-099 (20.06 acres, 326 feet of frontage) for a cluster development.

A. MacMartin opened the public hearing by reading the public notice.

M. Arel and N. Chamberlin presented a new yield plan. They had made changes to the last yield plan in response to Board comments, including keeping the dead-end portion of the road to 600 feet, and showing the aquifer protection district. A. MacMartin noted this plan shows all lots at ½ acre or more. M. Fish asked for clarification on the road length and how it was not a dead-end as measured from Rte. 101.

A. MacMartin said that the frontage is not shown. N. Chamberlin said that each lot has the required frontage.

M. Fish said lots 10 and 22 both appear to depend on wetlands crossings and the setback is a good portion of each lot. He expressed concern about being able to build without grading, and noted that changing drainage by changing the grading in the wetland setbacks is prohibited.

In response, N. Chamberlin said that he did not believe that the yield plan had to be fully engineered. S. Coffey reminded the applicant that the Board had asked for a yield plan that was not dependent on any waivers.

The Board confirmed that the applicant had received a Special Exception for a single wetland crossing. N. Chamberlin said that based on this plan, the applicant would have to get additional Special Exceptions for wetland crossings.

A. MacMartin said the Board needs to resolve whether this yield plan should be based on the entire parcel, or only on the portions of the lot permitted to be used by the ZBA's decision. The Board discussed current frontage of the lot and what it supported for a yield plan. The Board also discussed whether it needed further topographical information to make this decision.

M. Arel said that he expects to keep the elevations about the same as they are currently, although the hill in the middle could be removed to allow for lots in that area. M. Fish expressed further concerns about the wetlands there. A. MacMartin asked the applicant to add the topographical information so any impact to wetlands is clearer.

The applicant asked for a precise list of what more is needed for the yield plan. A. MacMartin said that the Board needs to be sure that what is being proposed in the yield plan can be built without waivers or exceptions, so, for example, it would need to address road grades and show no grading into the wetland setbacks. M. Fish said there are 6 lots with wetlands crossings or that would need wetland setback grading: Lots 1, 2, 10, 11, 20, and 21.

M. Fish MOVED to continue the case to February 16, 2022, at 6:30 PM. K. Walker SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

SP02 - 0421 – Sherman's Pit Stop. An application by Stephen and Diane Yurish for the amendment of the site plan on C-104 (0.70 acres, 170 feet of frontage) on Gibbons Highway.

A. MacMartin opened the public hearing by reading the public notice.

S. Yurish reviewed the letter from the Nature Conservancy. The Board agreed that the letter satisfied the access issue. S. Yurish confirmed that a car parked in space 1 had enough space to exit the space. He explained to the Board the access to the gravel lot is 22 feet wide, 2 feet shorter than is required, but immediately widens to 51 feet. He requested a waiver for the width of the access point.

K. Walker MOVED to grant the applicant's waiver request with respect to Section 9.7.2 of the Site Plan Regulations. M. Fish SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

S. Coffey MOVED to grant waivers to Sections 6.3t and 9.8.2 of the Site Plan Regulations. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

S. Yurish said that he was planning to use the studio apartment as a dwelling. One parking spot would be designated for that apartment. The Board indicated that this use will require 2 spaces, but that leaves 18 spaces, allowing the occupancy of the restaurant to be 54, one more than what the Fire Chief specified. The Board asked that the site plan include a note designating the parking spot numbers allotted to tenants, employees and customers. S. Yurish confirmed that there is enough space for the tenants to enter the apartment if employees are parked in their allocated spots.

C. Cheng said that S. Yurish had withdrawn his request to permit Special Events on the property.

In response to a question from K. Walker, S. Yurish confirmed that the plan addresses signs, lighting and their dimensions. A. MacMartin asked that the plan note that sign number 3 utilized downcast lighting.

The Board asked about outdoor food services. S. Yurish said that there are tables outside and indoor seating capacity is limited based on seating outside. A. MacMartin said that the plan should have a note to the effect that the total capacity of 53 is a combination of indoor and outdoor seating.

The Board asked that the use of the temporary sign be noted on the plan, and for a separate note that there will be no outdoor music or special events. The Board indicated that, if there was a future desire to have special events on the property, the site plan would have to be amended.

K. Walker MOVED to continue the case to February 16, 2022, at 6:30 PM. N. Faiman SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

SP03-0621 – Kline. An application by Michael Kline for a site plan at 41 Main Street (0.06 acres, 22 feet of frontage) for a gallery, retail boutique, and residence. This lot is in the Downtown Commercial District and served by Town water and sewer.

A. MacMartin opened the public hearing by reading the public notice.

M. Kline said he had decided to move away from constructing a small apartment downstairs. He was considering making a three bedroom residence on the basement and second floors, and/or a small coffee shop downstairs. The Board reminded the applicant that the Fire Chief will have to review any plans, that there may be limitations on building upward there, and that residences are prohibited on the street level on that portion of Main Street. The applicant will require fee simple title to at least three spaces.

The Board asked about the back of the building, which, if it is to be used, will have to be addressed in the site plan.

C. Cheng said that the gallery is the primary permitted use. If the applicant chooses to add the dwelling or café, he can seek an amendment to the existing site plan or he can start a new application at that time.

K. Walker MOVED to continue the case to February 16, 2022, at 6:30 PM. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

SD05-0921 – Dragonfly Farm. An application by Bradford Volz dba Dragonfly Farms to subdivide Tax Map Parcel A-009 (56.8 acres, 1450 ft. of frontage) into 2 residential lots, A-009-1 (7.039 acres, 301.99 ft. of frontage) and A-009-2 (49.66 acres, 1148 ft. of frontage).

A. MacMartin opened the public hearing by reading the public notice.

K. Walker MOVED to continue the case to February 16, 2022, at 6:30 PM. S. Coffey SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

EX05-1999 – E-023 Reclamation Plan Amendment. Quinn Brothers Corporation has applied for an amendment to the Excavation Site Plan for reclamation on lot E-023 only.

A. MacMartin opened the public hearing by reading the public notice.

T. Quinn and D. Tuomala said that they had appeared before the Select Board to discuss the engineers report but the Select Board sent them back to the Planning Board.

A. MacMartin summarized the remaining concerns: top soil depth, drainage and the duration of the bond. T. Quinn said that he had not imported material to spread at the site. He estimated that 4.5 to 5 inches of loam was spread from other locations at the site. He hired a company to haul the loam that was onsite; there were 193 loads/20 yards per load. That is 38,600 cubic yards of material, which works out to in excess of 4 inches' coverage. The company also moved some by loader and triaxle that wasn't tracked.

M. Fish explained that the objection from the Select Board was the process. The work was done without prior planning or review. He would like to have the peer review engineer check the depth of loam and review the drainage calculations.

T. Quinn agreed that the process could have been improved and that his intention is to come to an agreement acceptable to both parties.

A. MacMartin explained that the Board had assumed that its new engineer would approach this review done the way Dennis LaBombard would have, and it should have been more specific. M. Fish said that future permits will follow the process we put in place now.

A. MacMartin reiterated that the Board needed to instruct the engineer to verify top soil depth and review the drainage calculations. A. MacMartin said that 4 inches of loam would be adequate.

D. Tuomala said that in 2015, when the plans were all woven together, there was more than 10 feet of material above ground water. She noted that the grass would not have come in as well as it did if there weren't adequate loam. . D. Tuomala said that there isn't anything in the detention ponds because the soil drains so well.

T. Quinn asked for confirmation that only two issues remain to be addressed: drainage and soil depth. A. MacMartin agreed, but added the duration of the bond. A. MacMartin said once we get the drainage calculations and have the engineer review the depth of top soil, the Board will consider approval. M. Fish stated that this process will be the standard going forward.

K. Walker MOVED to continue the case to February 16, 2022, at 6:30 PM. B. Hunter SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

N. Faiman stepped off the Board.

ESP01-1121 - Isaac Frye Holdings LLC. An application for an Excavation Site Plan Review for Lot F-003-2 (8.85 acres, 58 feet of frontage) for the removal of 5,183 cubic yards of material from this lot to develop an area for a single family home and driveway. This will include a required reclamation plan. This lot is in the Residence and Agricultural District and in the Aquifer Protection overlay district.

A. MacMartin opened the public hearing by reading the public notice.

K. Lehtonen, J. Rokeh, and R. Tilsley spoke for the applicant. R. Tilsley reviewed the lot background and the variance issued by the ZBA. He confirmed that the applicant was seeking a permit for the excavation under the Excavation Site Plan Regulations, as required by the ZBA. J. Rokeh provided the existing plan. The Board asked about the original conditions plan, which is required by the Regulations.

R. Tilsley said that the excavation has already taken place. He said that the plan presented to the ZBA would have covered the removal of a total of 26K cubic yards, but the applicant changed the request for a variance to permit removal of only that which had already been excavated. In response to a question from M. Fish, R. Tilsley confirmed that the amount already removed included more material than was necessary for a driveway. A. MacMartin raised the issue of whether the application was complete. He said that the Board needed to know what was in place before the excavation, and agreement on a realistic bond estimate, among other things, before it could consider this application for a permit. He suggested that the application revisit the calculation. J. Rokeh said that they had a new calculation that was about \$15K.

A. MacMartin said that the amount of the bond needed to cover the potential full cost of restoring the property, not just the cost of the proposed reclamation because if all necessary permits and approvals are not granted, the lot would have to be restored to its original state before any excavation.

A. MacMartin said that the Board estimated \$88,231 as the cost to restore the property. He explained that this was an after-the-fact excavation; if this had been done in accordance with applicable law and regulation, the bond might be different. R. Tilsley said the applicant was not prepared to post the bond for the restoration of the property and would like to talk to Town Counsel.

K. Walker MOVED to continue the case to February 16, 2022, at 6:30 PM. S. Coffey SECONDED.

Discussion: None

Voice vote: All in favor: (5-ayes, 0-nays, 0-abstentions).

N. Faiman returned to the Board.

3. Correspondence and Invoices

M. Decoteau provided the Board with Town Counsel's review of the proposed Ordinance changes. K. Walker wanted to have a conversation with Counsel to understand his enforcement questions. The Board agreed with Town Counsel's first comment that there was a typo in one section and what read "5.5.5" should have read "5.5.4," and further agreed that, as this was a typo, there need not be another public hearing scheduled to change it.

4. Other Business

Sand Hill Reservoir timber plan

B. Hunter thanked M. Fish for his email about the reservoir. A. MacMartin said that we need to check with Town Counsel to see if our regulations/ordinances are superseded by state forestry laws. M. Fish said the sole purpose of that district is to protect the Class A water source. This zoning district has been in place for 100 years and the forester hired to manage the timber project is saying there is a problem with the protections. S. Coffey said that the state does preempt, according to the NH Municipal Association, which says that when there is a conflict, state law is preeminent. The Board discussed talking with Town Counsel for clarification.

5. Adjourn

B. Hunter MOVED to adjourn at 10:05 PM. S. Coffey SECONDED.

Discussion: None

Voice vote: All in favor: (6-ayes, 0-nays, 0-abstentions).

Respectfully submitted by Michele Decoteau, Board Secretary
Approved on 02.02.22