



TOWN OF WILTON  
Planning Board

**DATE:** December 15, 2021  
**TIME:** 6:30 PM  
**PLACE:** Florence Rideout Elementary School  
**PRESENT:** Alec MacMartin, chair; Karon Walker, vice-chair; Neil Faiman; Shannen Coffey; Randy King; Matt Fish  
**Absent:** Bart Hunter  
**Staff:** Mason Twombly, NRPC Circuit Rider; Michele Decoteau, Board Secretary  
**Attendees:** Tom Quinn, Esq.; Sam Proctor; Dawn Tuomala; Mike McGettigan; Mark McGettigan; Chris Guida, Fieldstone Land Services; Bill Keefe, Esq.; Nikki O’Neil; Cheryl Allenberg, Ellie McGettigan; Jim McGettigan; Ryan Arel; Matt Arel; Nate Chamberlin, Fieldstone Land Services

**I. Preliminaries**

A. MacMartin opened the meeting at 6:30 PM. He reviewed the rules of procedure.

Minutes of 12.01.21

**S. Coffey MOVED to accept the minutes of 12.01.21 in the redline version presented to the Board at this meeting. K. Walker SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (4-aye, 0-nay, 2-abstain (M. Fish, R. King)).

**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. T. Quinn and S. Proctor addressed the application.

T. Quinn asked that the Board clarify its acceptance of the location of the driveway on lot 4 (proposed F-088-4), which is across from the existing driveway on Lot 105 (F-105), and which has been removed as an outstanding issue from the Staff report.

**N. Faiman MOVED to confirm the Board’s acceptance of the proposed t location of the driveway to serve Lot F-88-4. K. Walker SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

The next topic was the shape of the 4K areas. T. Quinn noted that the Town Engineer confirmed that there is no requirement for a particular shape, but rather the issue is whether a compliant septic system, approvable by the State, can be designed for that lot. The Board expressed some concern about the size of the lots and if they were all able to support

compliant septic systems S. Proctor indicated that the Building Inspector and Stormwater Manager will have an additional chance to review finalized plans.

**K. Walker MOVED to confirm the Board's agreement that the final septic design will be produced by engineers notwithstanding the size and shape of the 4K areas depicted on the present plan, and asked that the minutes reflect the Board's concerns about the preliminary 4K areas on the present plan. N. Faiman SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

T. Quinn next raised the possible impact of the slopes of certain proposed driveways on the design of the septic systems, which is not an issue according to the Staff Report. He referred the Board to the letter from engineer Broeder, which confirms that slope is not a concern. The Board concurred that this is not an issue.

T. Quinn then noted that the proposed driveways serving lots 4, 9 and 10 are in the 75-foot well radii areas, an outstanding issue noted in the Staff Report. He cited the DES regulation that requires the 75-foot radius to be identified, as well as and Env. -wq 1008.06 and 7. He noted that DES does not restrict impervious surfaces on a residential well. A. MacMartin said that, as long as the driveways serve the same lots as the wells, there is no problem, but others noted that a common driveway passes through the well radii for lots 9 and 10.

**K. Walker MOVED to confirm the Board's agreement that the locations of the proposed driveways serving lots 4, 9 and 10 within the 75-foot well radii are acceptable, provided that legal documents for the housing association limit de-icing and other chemical applications thereto, and asked that the minutes further reflect the Board's concern at the level of activity to take place for the development of Lots 9 and 10. N. Faiman SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

T. Quinn then addressed the issue raised by the Town Engineer with respect to the slope on Lot 4, which would require an amount of fill that could affect drainage. He reiterated that the locations of the proposed homes have not yet been finalized, and the plan presented is illustrative. Prior to construction, the septic plans, slopes, and driveways will be presented, and if necessary, the Building Inspector and the Stormwater Manager can refer those plans back to the Planning Board for reconsideration. M. Fish noted that the Town if Engineer had identified an issue, so the Board was required to consider it. K. Walker noted that neither engineer had addressed the Board's question, which was whether there was a location on the lot where a house could be placed so that slope and other issues were not a problem. N. Faiman said that the Board had no indication that there is a way to develop this lot in compliance with applicable regulations. The applicant agreed to provide additional engineering letters to the Town Engineer for comment. The Board noted that it still needed legal documents for review.

**K. Walker MOVED to continue this case to January 19, 2022, at 6:30 PM. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

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.

A. MacMartin opened the public hearing by reading the Public Notice. B. Keefe spoke for the applicant.

The Board discussed remaining open items with B. Keefe, representing the applicant. The legal documents need final approval from Town Counsel. The applicant agreed to extend the 65-day action period to the next meeting.

**K. Walker MOVED to continue this case to January 19, 2022, at 6:30 PM. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

R. King stepped off the Board and sat in the audience.

SD02 – 1220 – Rivers Edge. An application by Glendale Homes on behalf of Better Homes LLC to subdivide Tax Map Parcel D-099 (20.06 acres, 326 feet of frontage) into 20 residential lots and two open space lots.

A. MacMartin opened the public hearing by reading the Public Notice. The Board asked the owner to send a new authorization for the new applicant. N. Chamberlain indicated that the new applicant/developer will be eliminating septic systems and tying into the Town sewer. A. MacMartin asked if there had been agreement with the Town Water and Sewer Commission with respect to this development; N. Chamberlain said he would provide information when that was confirmed.

N. Chamberlain then presented the yield plan previously requested by the Board. The Board asked that Shoreland Protection setbacks, as well as indication that other Shoreland Protection requirements, including shoreland frontage, be added to the yield plan, and that stormwater provisions, including any necessary detention ponds, also be addressed.

N. Faiman noted that, if a detention basin is needed for any development, its exact location is not required for a yield plan, but some amount of land should be set aside for it in order to have a credible plan. N. Chamberlain said that the applicant could do low impact development (LID) on each lot or pervious pavement, and neither would show up on a yield plan.

A. MacMartin asked the applicant to present a yield plan that did not rely on the assumption that a waiver to have a 1600-foot road would be granted. He noted that the Board wanted a yield plan was to evaluate what was allowed on the site, not what could be done if waivers

were granted. . N. Faiman then asked if each of the lots on river side of the road had a full half acre apart from wetlands.

R. King, from the audience, asked about conditions imposed on the lot by the ZBA when the frontage variance was granted, and noted that anything other than a cluster subdivision would require a different variance. He also noted that some of the lots have 25 -foot grade changes.

N. Chamberlin asked how much detail the yield plan required A. MacMartin responded that it needed to that deal with any necessary infrastructure.

**K. Walker MOVED to continue this case to January 19, 2022, at 6:30 PM. M. Fish SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (5-aye, 0-nay, 0-abstain).

R. King returned to the Board.

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. Prior to the meeting, the applicant provided a written requested a continuance.

**R. King MOVED to continue this case to January 19, 2022, at 6:30 PM. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

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.

**K. Walker MOVED to continue this case to January 19, 2022, at 6:30 PM. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

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.

C. Guida provided new plans. Note 15 addresses access to the cemetery. Flowage and other easements have also been noted on the plan. The plan shows the relocated driveway requested by the Board and the plan indicated that the old timber access road will be abandoned. There was some further discussion about the access to the cemetery.

**K. Walker MOVED to conditionally approve the application as presented, subject to ministerial changes to eliminate “Bradford Volz dba,” from the plan, correct the reference to the lot in Note 15, and amend Note 12 to refer to the future driveway.**  
**N. Faiman SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

ALL in favor.

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. D. Tuomala reviewed the Recommendations and Closure report:

1. Slope: She noted the recommendation to keep an eye on this slope.
2. Site Reclamation Standards: This standard is met.
3. As-built grades: While the Town Engineer’s letter indicated that he hadn’t done a survey, he said everything looked reasonable. D. Tuomala said she had done a survey and it was accurate.
4. D. Tuomala said that the applicant would continue to inspect and maintain all sediment related elements in accordance with BMPs, which it had been doing for years.
5. Include E-23 in the closure plans for surrounding sites; this will be done naturally since T. Quinn seeded beyond the lot lines in order to overlap the edges.
6. D. Tuomala noted that identified wetlands are not on E-23 but are close to the lot line.
7. EPA permitting: D. Tuomala reported that T. Quinn had said that his uncle had determined that a Construction General Permit (CGP) from the EPA wasn’t required, but they are still looking for confirmation. She believes that the EPA doesn’t require a CGP on town-owned property.

A. MacMartin asked about memorialization of an agreement going forward. He noted there are bonds in place and there will be a tail period to make sure everything continues to grow.

M. Fish said that he had a list of concerns about the engineer’s report. For example, the report says no stockpiles were observed, but stockpiles clearly exist. He said further that regulations require at least 4 inches of loam coverage, but the engineer had merely taken the applicant’s word for it and had not done an independent measurement. He said that the report wasn’t in depth enough and no engineering calculations on the sizing of drainage structures had been undertaken. D. Tuomala said that that wasn’t necessary because there was more drainage than required She said that the point of the report was to review slopes. She said the proposed contours resulted from the monitoring wells. She said the applicant checked them and the water table was stable.

M. Fish said that he was not concerned about the depth of the water table, but that there were no drainage calculations. D. Tuomala indicated that the applicant added a drainage pond that more than exceeds drainage needs. M. Fish said that nevertheless, the peer review engineer should have done new drainage calculations.

M. Fish said there are two concerns with reclamation: depth of topsoil and drainage. He repeated that if the drainage was changed there are no calculations to show the changes. He said that there is no independent indication of how much loam is there.

D. Tuomala reminded the Board that this plan was approved in 2004 and would not be required to meet the 2014 regulations.

A. MacMartin asked whether the changes from the original reclamation plan and the current as-built still meet applicable regulations.

M. Fish also raised the separate issue of encroachment on Webb Road.

M. Fish and A. MacMartin discussed the requirements of an engineer's report from the different perspectives of the Planning Board and the Select Board, which represents the Town as owner of the lot. A. MacMartin asked M. Fish to have the Select Board identify its concerns. M. Fish agreed and noted that the request before the Board was not tied back to the existing reclamation plan, which it should be.

A. MacMartin said that when the Select Board had listed what it was unhappy with in the report, he would ask the engineer to address the issues if he could or explain why he could not.

R King asked about a site walk. If there is interest, M. Decoteau will arrange one.

**K. Walker MOVED to continue this case to January 19, 2022, at 6:30 PM. R. King SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

N. Faiman left the Board and joined the audience.

### **3. Public Hearings on new cases**

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. Walker MOVED to continue this case to January 19, 2022, at 6:30 PM. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).  
N. Faiman returned to the Board.

#### **4. Correspondence and Invoices - noted**

#### **5. Other Business**

##### Proposed Warrant Articles

**K. Walker MOVED to set public hearing for the proposed changes to the Ordinance for January 5, at 6:00 PM at the Wilton Lyndeborough High School Cafeteria. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

##### Expenses

The Board reviewed a report.

##### Public Notice on website

The Board reviewed a proposed form of Public Notice for the Research and Office Park Regulations on the Town Website. They did not believe it met the requirements set forth in the RSAs for public notices. They asked M. Decoteau to review with Town Counsel.

##### Recording of Plans

M. Decoteau asked about mailing plans to the Registry. The Board expressed concern about rejected submissions. The Board discussed including a mailing fee and return postage in the Town's list of fees.

##### Conflict of Interest

M. Fish asked about adopting an ordinance about conflict of interest. He noted that there are RSAs that restrict membership on Land Use Boards, but this is not the case with other boards. The Board determined that this should more likely be memorialized in a policy or town ordinance, rather than a Land Use law or regulation.

#### **6. Adjourn**

**K. Walker MOVED to adjourn at 9:18 PM. S. Coffey SECONDED.**

Discussion: None

Voice Vote: All in Favor. Motion carried (6-aye, 0-nay, 0-abstain).

Respectfully submitted by Michele Decoteau, Land Use Administrator  
Approved on 01.05.22