



TOWN OF WILTON, NH  
PLANNING BOARD



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PLAN REVIEW rev. 12/13/06

(Yymm-WPB-Type-Map-Lot)

Project Name: Harold James Kennedy

Case Number: 0611-WPB-SD-MF-L3

<b>MEETING DATE:</b> Wednesday, December 20, 2006	<b>APPLICANT(s):</b> Harold J. Kennedy	<b>APPLICATION TYPE:</b> <input checked="" type="checkbox"/> (SD) Subdivision <input type="checkbox"/> (EX) Excavation <input type="checkbox"/> (SP) Site Plan
<b>APPLICATION STATUS:</b> <input type="checkbox"/> Accepted: 65 days <input type="checkbox"/> Approved: <input type="checkbox"/> Extension to:	<b>APPLICANT'S REP:</b> Sanford Surveying and Engineering Raymond Shea, LLS & contact Karl Zahn	<b>REVIEWED BY:</b> Steven Wagner NRPC Circuit Rider

**EXECUTIVE SUMMARY:**

The applicant(s) have submitted an application for acceptance and approval for a proposed subdivision of lot F-3 into 2 front lots. A shared driveway easement is proposed. An estimated 90,000 cubic yards of material will be removed as incidental to construction. The principal reason is steepness/accessibility. A determination will need to be made on how much material removed is "incidental" to development and when does it become an excavation? Removing material from the site or selling for profit is a commercial use. (ExSP 2.0.2, 2.0.6)

The lot is dry, with a small wetlands setback in the NE corner for a pond on lot F-2. Some sheds, now in the lot F-4 setback (appear to cross property line of lot F-2) should be moved or removed. ZBA case 5/9/06-2 for a variance to permit an excavation was denied on 6/26/06. 8/17/06 ended the appeal period.

**BACKGROUND**

**Tax Map / Lot:** Old - F-3 / New - F-3-1, F-3-2

**Area / Acres, Ft.²:** Old - 12.780 acres / New - 3-1 = 5.029 AC; 3-2 = 7.750 AC

**Current Land Use:** Single Family Dwelling with out buildings

**Steep Slopes:** Yes, some > 25%

**Road Access / (Closest Intersection):** Isaac Frye Hwy (Isaac Frye Hwy. & Wilton Rd.)

**Zoning District(s): Overlay Districts:** R/A, Aquifer

Aquifer /  Wetlands /  Floodplain /  Watershed

(FEMA Flood Hazard Zone):  Yes /  No

**Surface Water Bodies:**

Shoreland Protection /  Souhegan River ( Cc: SRLAC):



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ISSUES:

- Waiver(s)  Easement(s)  Special Exception(s)  Variance(s)  State Permit(s)/ Road Cut

Application:

1. Verify fees paid and abutters notified
2. Verify updated Fire letter was received.

Approval:

1. Site Walk?
2. Remove out buildings within setback of lot F-3 and the property line of lot F-2.
3. Review potential for alternative driveway configurations to minimize or eliminate major excavation. An increase of the grade from 6% to 10% along a portion of the driveway may reduce the volume of material to be excavated as much as 50% or from 90,000 to 45,000 cu. Ft. This resulting elevation would be about 10-12 feet higher, but creates a steep driveway.
4. If excavation is deemed acceptable under RSA 155-E:2-a and ExSP 3.0.4 a, (incidental to construction) than engineering review of the proposed excavation including pre and post drainage patterns erosion and sediment control and planned final contours is recommended.
5. No culvert needed at road?
6. Road Agent issues/Driveway Permit for modified curb cut (shared drive)?
7. If excavation is determined to be a commercial use, than the following may apply; RSA 155-E:4 and ExSP 9.0 I, Prohibited Projects.
8. If excavation is permitted, per (SD 5.3) a site analysis is needed to weigh impact on the site (drainage patterns, threatened and endangered species)
9. If the excavation is permitted, a reclamation plan shown on a separate sheet should be provided.
10. A Reclamation Bond as required. See RSA 155-E:5 (ExSP 5.0.3.2) Again outside review should be considered.
11. If excavation is permitted, consider ExSP 6.0.4 (Hours of operation) and 6.0.5 (hauling info) would apply to earth removal.
12. Is a traffic study for hauling necessary? Off- site hauling agreement to control earth removal. Number of trucks per hour/day/week? Size?
13. Discuss need to comply with ExSP 7.0, Operational Standards and 8.0, Reclamation Standards, even if not a permitted excavation.
14. Legal review of shared driveway easement (included in application). The language will change if the driveway characteristics (location and length, etc.) change.

CONDITIONS OF APPROVAL

- Plan copies with professional seals & signatures
- Original Mylar with professional seals & signatures
- Electronic submission (line drawing for tax map update)
- Bond estimate (where applicable) ?
- State Permit approvals (pending) -  Curb-cut,  Subdivision,  Site Specific,  Dredge and Fill
- Verify bounds



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- Off-site improvement agreement (Selectmen letter)
- All fees paid.
- Changes to Plat as detailed in minutes and this report (List)
- Others (List)

**STAFF RECOMMENDATION:**

1. Board and abutter comments on application acceptance
2. Determine compliance as proposed (permitted)
3. Act on application
4. Board and abutter comment on approval
5. Define any issues or information needed
6. Engineering review? (alternative driveway approach and/or review plan)
7. Site walk?
8. Conditional Approval or continue to a date certain.

**ALTERNATE RECOMMENDATION:**

1. Commercial excavation not permitted in the district. Consider denial of application as submitted if determined to not meet the standard for incidental to construction.

**PREVIOUS ITEMS**

- 1.

