

**Hopkinton Planning Board**  
**Minutes**  
**February 14, 2006**

Vice Chairman Timothy Britain opened the Hopkinton Planning Board public hearing of Thursday, February 14, 2006, at 7:00 PM in the Town Hall. Members present: Bethann McCarthy, Michael Wilkey, Celeste Hemingson, Jane Bradstreet, and Cettie Connolly. Members absent: Bruce Ellsworth, Clarke Kidder and Richard Schoch.

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Mr. Britain began by informing those present that he would be chairing the meeting, but would recuse himself from the Ransmeier and Ehlinger applications. The actual order of review of the applications will be as follows: Wilson, Parmelee and Hogblom, Ransmeier, and Ehlinger.

**I. Review of the Minutes and Notice of Decision of December 13, 2005, January 10 and January 26, 2006.**

Review of the Minutes and Notices of Decisions were deferred to the March 21, 2006 meeting.

**II. Conceptual Consultations—**

Charles Dibble addressed the Board presenting a plan that had previously been reviewed and denied by the Board. Mr. Dibble asked for guidance as to what would be acceptable to the Board in trying to achieve a lot line adjustment configuration. Mr. Dibble presented the plan also showing a long narrow strip of land or a pan handle configuration in order to achieve a perpendicular side line to the Clement Hill Road. The leach field of the property of his mother's estate is located over the property line onto Mr. Dibble's property. The proposal is to adjust the lot lines evenly exchanging acreage so to change the configuration of the Estate's property so that the leach field is located on the property.

At this point in time, the Board reviewed the different options of reconfiguring the lot lines with one member suggesting that an easement be given to the Estate's property for the leach field. Mr. Dibble advised that the easement could be written in such a way that the lot lines would remain the same, but the use of certain areas of each property would be limited by each property owner. Mrs. Hemingson believed that the easement would solve Mr. Dibble's concern with regards to the property for the leach field and would eliminate the creation of an irregular shaped lot.

Mrs. Hemingson didn't see a compelling need to make the changes in the lot lines creating an irregular shaped lot. Again, she believed that the goal could be accomplished by way of an easement.

Mrs. Hemingson referred to Section 4.4.1 (a) and (b) of the Subdivision Regulations which reference the design standards. Mr. Dibble believed that the design configuration proposed addresses the natural features of the lot. He agreed that the pan handle configuration looks terrible, but he did not see where the Regulations prohibit that configuration. Mr. Dibble would have preferred the proposed configuration that was previously denied by the Board.

Mr. Wilkey suggested squaring off the configuration of the Estate's property, rather than trying to make up the difference in acreage by creating the pan handle. In response, Mr. Dibble believed that the configuration suggested by Mr. Wilkey would also create a pan handle, but in a different location.

Mr. Britain questioned whether it would be possible to square the Estate's property in two different locations. Mr. Dibble stated that the lot line would then be jogged in many places. Then, if someone were to construct a fence along the property line it would look odd in that it would be jogged.

Mr. Wilkey believed that there are other ways to adjust the lot lines to accomplish Mr. Dibble's goal.

Mr. Britain suggested to Mr. Dibble that if he wished to propose the pan handle configuration that he should apply to the Planning Board. Mr. Dibble expressed concern with the expense of additional surveying with no certainty that the configuration would be accepted.

Mrs. Robertson questioned whether the jog in the lot line that Mr. Britain had suggested or the pan handle configuration proposed by Mr. Dibble would be less obtrusive. Mrs. Hemingson believed that the jog in the lot line would be less irregular than the pan handle configuration. Mrs. Bradstreet also preferred the jogged lot line.

Mr. Dibble suggested that a member of the Board could vote to reconsider the prior vote concerning this matter. Mr. Britain concurred.

### **III. Applications—**

#2005-27 Francis Chase—Applicant was to request approval of six (6) single-family residential lots accessed by a proposed new roadway. The property is owned by Francis & Ellen Chase, located off Irish Hill Road in the R-4 (residential/agricultural) district, shown on Tax Map 237 as Lot 36. This was to be a continuation of the January 10, 2006 public hearing.

The Board was in receipt of a letter from Mr. Chase's surveyor requesting that the application be continued to the March hearing. A motion was made by Mrs. Hemingson, seconded by Mrs. Connolly, to continue Application #2005-27 to the March 21, 2006 hearing. Motion carried unanimously.

#2005-28 Shadrack Wilson, Jr.—Jacques Belanger representing Mr. Wilson requested approval of eleven (11) single-family residential lots accessed by a proposed new roadway. The property is located off Clement Hill Road in the R-2 (medium density residential) district, shown on Tax Map 209 as Lot 45.1. This was a continuation of the January 10, 2006 public hearing.

Mr. Belanger began by explaining that at the January 10 meeting the Board had directed the Applicant to meet with the Conservation Commission to review the proposed subdivision. In response to the Commission's review and comments, Mr. Belanger had adjusted the lot lines of Lot 45.10 thereby making the lot more rectangular shaped and providing additional building area that is further away from the wetlands. With respect to the Commission's concerns with the potential impact to

wetlands and to the steep slope, Mr. Belanger proposed a 50-foot buffer around the wetlands and a buffer along the steep slope that is in the rear of the development. Additionally, the proposed roadway had been shortened by approximately 75-feet which increased the building area of those lots that are affected by the steep slope.

Mrs. Hemingson referred to a letter from the Conservation Commission in which they had three suggestions that Lot 45.10 be split and combined with the abutting lots due to the extensive wetland soils that are scattered throughout Lot 45.10. Secondly, the Commission recommended requiring a buffer zone around the wetland areas and a non-disturbance zone along the steep slope. Mr. Belanger noted that the non-disturbance zone had been previously proposed along the steep slope.

Mr. Britain noted that one of the concerns of the Commission was that even though there may be sufficient uplands to comply with the Ordinance, the development of Lot 45.10 may adversely impact the wetlands. He wasn't sure that the Applicant particular addressed the concerns of the Commission with respect to Lot 45.10. Mr. Belanger noted that Lot 45.10 now has two (2) acres of contiguous upland which includes the designated buffer around the wetlands.

Mr. Britain questioned the location of any proposed septic system on Lot 45.10 and its proximity to the wetlands. In response, Mr. Belanger indicated the area available, explaining that the soils for the wetlands are classified as poorly drained; therefore, requiring a 50-foot setback.

Ronald Klemarczyk on behalf of the Conservation Commission addressed the Board stating that the increase in size of Lot 45.10 appears to have addressed the Commission's concerns. Mr. Klemarczyk reiterated the recommendation that the wetland buffer boundary be clearly marked so to avoid encroachment during construction of the residences.

Mr. Klemarczyk explained the Commission's concerns with the steep slope which is that the sandy soil may erode. The Commission's recommendation is that the non-disturbance buffer zone encompass the entire steep slope. Again, the buffer zone should be clearly marked so to avoid removal of trees or the channeling of drainage onto the slope.

At this point in time, Mr. Britain asked Board members if they were comfortable with proceeding with the configuration proposed. Mrs. McCarthy asked to view the conservation subdivision design that was presented at the previous meeting. Mr. Britain noted that the plan did not meet the requirements of the Conservation Ordinance because the design did not have fifty (50) percent of open space. Mrs. McCarthy questioned the amount of open space that was shown on the conservation plan. Mr. Moser noted that a conservation design would have eliminated approximately five (5) lots in order to comply with the open space requirement. Mrs. McCarthy believed the Board should consider a conservation subdivision design for the property, especially due to the length of the proposed roadway. Although the Board agreed to waive the 1000 foot limitation, the proposed roadway is twice the length recommended in the Subdivision Regulations. A conservation subdivision design would require a much shorter road, which would address concerns of the Town's Road Committee in Board allowing long dead-end roads.

Mr. Britain believed the question raised at the previous meeting was whether they could prepare a design that could meet the Conservation Ordinance. Based on review of the conservation plan it was shown that they could not meet the open space requirement of fifty (50) percent.

Mr. Belanger discussed the design configuration of the proposed roadway, explaining that the road alignment was so to avoid impact to wetlands. Mr. Belanger noted that the conservation design had been considered, but with the location and amount of wetlands it appeared that it would be difficult to configure the subdivision without impacting the wetlands. Mrs. McCarthy then questioned whether a house lot was proposed inside of the cul-de-sac when considering the conservation subdivision. Mr. Belanger replied no, explaining that the size of the cul-de-sac had been reduced and would have been too small.

Mr. Britain stated that it is ultimately up to the Applicant to design how they wish to present their application to the Board. If they decide that the conventional subdivision configuration is what they wish for the Board to review, then the Board has an obligation to review the application. The Applicant had presented a conceptual conservation design that was not in compliance with the Ordinance. The Applicant had also worked with the Conservation Commission to address wetland concerns that were raised at previous meetings.

Mr. Britain questioned the width of the total right-of-way of the proposed roadway and the width of the pavement. In response, Mr. Moser stated that the Subdivision Regulations require an 18-foot paved roadway based on the average daily traffic, so the Applicant is proposing 18-feet of pavement with 2-foot shoulders. The total right-of-way width will be 50-feet.

The Board asked for clarification as to the number of lots proposed with Mr. Belanger stating that the total number of lots proposed is eleven (11). It was noted that the public notice had incorrectly referenced ten (10) lots.

Mrs. McCarthy then inquired as to the proposed ownership of the cul-de-sac. In response, Mr. Belanger stated that 1/11<sup>th</sup> interest will be deeded to each owner of the development. Mr. Britain stated that the common ownership of the cul-de-sac should be noted on the plan and the Applicant should provide the Board with a sample deed as to ownership of the cul-de-sac.

Mr. Britain inquired as to the status of the Traffic Impact Study. In response, Mr. Belanger stated that Mr. Wilson had contacted Steve Pernaw and has yet to provide the information.

Mr. Britain then inquired as to the completion of a phasing plan. Mr. Belanger stated that he had not completed the phasing plan as of yet.

It was noted that the Board is waiting for the phasing plan, traffic impact study and Vollmer's review of the engineering design. Mr. Belanger concurred, questioning whether the engineering plans should be directed to Vollmer or to the Planning Board. Mr. Britain asked that the plans be directed to Mrs. Robertson.

Mrs. Robertson inquired as to the time frame for submittal of the traffic impact study, noting that the Vollmer would need the information approximately two (2) weeks in advance of the next scheduled Board meeting so to allow sufficient time for review. Mr. Belanger stated that he would follow-up with Mr. Pernaw.

Mr. Britain assumed that the Board is comfortable going forward with the 18-feet of pavement and 2-foot shoulders. The Board unanimously agreed.

Mr. Wilkey questioned whether sprinklers will be required for the homes. Mr. Britain replied yes, advising that sprinklers are required for all homes. This was a requirement that the Fire Chief had requested with respect to the subdivision. Mrs. Bradstreet assumed that the requirement was due to the length of the proposed roadway. Mrs. Robertson replied no, referring to a memo that Fire Chief had written requiring sprinklers in all homes. Mr. Wilson stated that he had not agreed to provide sprinklers in all homes, but rather the homes beyond 1000-feet. Mrs. Robertson noted that following receipt of the memo, dated February 6, she had spoken with the Fire Chief for clarification. Chief Schaefer's response was that he was referring to all homes. It was noted that Chief Schaefer is requiring the same of the Francis Chase subdivision which consists of five (5) lots.

The Board then reviewed a memo from Fire Inspector John Pianka, dated April 2005, requiring sprinklers in all homes beyond 1000-feet. Mrs. Robertson again referred to the memo from the Fire Chief dated February 2006. Mr. Britain stated that his review of the minutes was that the Chief was requiring sprinklers in all homes. Mr. Britain asked that Mrs. Robertson confirm with the Fire Chief his intentions. Mrs. Robertson questioned whether the Board would prefer to have the Fire Chief present at their next meeting. Mr. Britain replied yes, and suggested that Mr. Wilson also discuss the matter with the Fire Chief.

Motion made by Mr. Wilkey, seconded by Mrs. Hemingson, to continue Application #2005-28 to the March 21, 2006 hearing. Motion carried unanimously.

#2006-2 H.J. Parmelee & Anders Hogblom—Carl Foley of Meriden Land Services addressed the Board to request approval of a lot line adjustment involving properties located off Patch Road in the R-4 (residential/agricultural) district, shown on Tax Map 260 as Lot 19 and on Merrimack County Registry of Deeds Plan #17531 as Lots 19 and 19-1. A prior subdivision of the property was approved by the Board in 2005; however, due to a misunderstanding by the Applicants the original configuration of the fifty (50) acre parcel was incorrect. Since then the Applicants have come to an agreement with regards to the size of the parcel. The lot line adjustment removes approximately 9-acres from the 50-acres and re-joins the 9-acres with the overall remaining lot. After the proposed lot line adjustment the remaining parcel will consist of 281.7 acres. Mr. Foley then requested waivers from showing topographic features, contours, wetlands, soil locations and types and setback dimensions. These waivers are similar to those that had been granted in August of 2005 when reviewing the prior subdivision plan.

Motion made by Mrs. Bradstreet, seconded by Mrs. Connolly, to accept Application #2006-2 for consideration. Motion carried unanimously.

Mrs. Connolly inquired as to whether both parties were in agreement with the proposal. Mr. Foley noted that Mr. Parmelee and Mr. Hogblom are present and both agree with the proposed lot line adjustment.

There was no one present wishing to give public testimony.

Mr. Wilkey asked if there was an intended use of the remaining acreage. In response, Mr. Foley stated that the currently the 41-acre parcel has a farm house located on it and the remaining acreage has power lines running through the property. There is no current proposal for the property.

Motion made by Mrs. Bradstreet, seconded by Mrs. Hemingson, to approve Application #2006-2 as presented. Motion carried unanimously.

At this point in time, the Board took a brief recess before reviewing the next two (2) applications. In returning, Mr. Wilkey took over as acting chairman while Mr. Britain left the hearing.

#2006-1 Joseph S. Ransmeier—Webster Stout representing Mr. Ransmeier and the Hopkinton Village Precinct addressed the Board presenting a proposal to annex Lot 59 consisting of 32,603 sq. ft. to Lot 64 and to subdivide Lot 64 creating one new lot consisting of 2.8 acres. The properties are shown on Tax Map 259, located off Putney Hill Road and Old Putney Hill Road, owned by the Joseph S. Ransmeier and the Hopkinton Village Precinct, shown in the R-3 (low density residential) district.

The new 2.8 acre lot is to be deeded to the Hopkinton Village Precinct and to be used for the construction of a water tank at some point in the future.

Motion made by Mrs. Bradstreet, seconded by Mrs. Connolly, to accept Application #2006-1 for consideration. Motion carried unanimously.

There was no one present wishing to give public testimony.

Mrs. Bradstreet inquired as to the road classification of Old Putney Hill Road. In response, Mr. Stout stated that the road is Class V and is Town maintained.

Mr. Ransmeier addressed the Board explaining that he was a member of the Hopkinton Village Water Board in the 1960's. At the time, the Water Board laid out the location of the wells and pipes through the Village they were told that the location of the property that is currently owned by the Precinct would be adequate for a future tank; however, years later it was found that it was not true.

Motion made by Mrs. Hemingson, seconded by Mrs. Bradstreet, to approve Application #2006-1 as presented. Motion carried unanimously.

#2005-30 Larry Ehlinger—Mr. Wilkey noted that review of the information concerning Mr. Ehlinger's application is a continuation of the January 26, 2006 hearing at which time the Planning Board approved the application with the condition that the Applicant provide the Planning Board with the following information:

- 1) Receipt of detail information as to the proposed lighting so to determine whether the lighting will be in conformance with the Town's Lighting Ordinance.
- 2) Assurance of the use of Best Management Practices in operating the horse farm.
- 3) Receipt of detail information as to the proposed manure storage. Manure storage shall be in accordance with Best Management Practices.
- 4) Receipt of detail information as to the proposed drainage design so to determine whether the drainage design will adequately accommodate runoff.

The property is located at 100 Chase Farm Road in the R-4 (residential/agricultural) district, shown on Tax Map 243 as Lot 20.

Mr. Wilkey recognized the fact that Chief Schaefer wished to address the Board concerning fire safety and that the Board was receipt of a letter from an abutter that was received following the January 26 approval.

Attorney Stephen Gould addressed the Board representing property owners Mr. Ehlinger and Ms. Levesque. Attorney Gould noted that at the previous meeting of the Planning Board there was approval of the proposed 24 horse barn with the requirement that the Applicant address certain issues. Attorney Gould then provided hand-outs addressing the proposed drainage, manure storage and lighting fixtures.

In reviewing the proposed lighting, Mrs. McCarthy questioned whether a 26-watt light is actually considered a flood light. Mrs. Bradstreet noted that the light is proposed with 1800 lumens. Attorney Gould pointed out the detail information provided relative to wattage and lumens proposed.

Mrs. Hemingson stated that it appears that two types of lighting are proposed. One type is a shielded light that would be located every ten feet along the wall from the house to the barn and the other type of lighting is a 26-watt flood light. Mr. Ehlinger stated that the flood lights would be mounted so that there would be two lights along each side of the barn. The lens of the lights would face down.

Mrs. Bradstreet questioned whether the lighting would be on timers. Mrs. Levesque replied yes.

In reviewing the Lighting Ordinance, Mrs. McCarthy stated that it appears that the lighting proposed is in conformance with the Ordinance as long as it is not directed towards the adjoining properties.

Attorney Gould recalled the proposal previously was to have the run-off from the roof system to go through French drains which would then drain into an existing swale. However, there were many concerns about the amount of run-off that naturally travels into the swale and eventually into the dirt road or path. Since then the Applicant has been working with the U.S.D.A., Natural Resource Conservation Service. As a result, the Conservation Service prepared a new drainage plan recommending that the Applicant redirect the existing swale so that the run-off would be redirected into a level spreader. At this point in time, the Board members reviewed the drainage plans while Attorney Gould provided a description of the level spreader.

The second issue of concern with regards to run-off was with the run-off from the barn roof. Again, based on meetings with the Conservation Service the Applicant has

decided to redirect the runoff by constructing a roof gutter system. The water would then be directed to drop inlets that are to be located on opposite sides of the barn. Following the inlets, the water will be directed to a dry well. Detail cross-sections were provided to the Board.

Mr. Wilkey assumed that the representations provided would now be considered part of the application and would be completed. Attorney Gould replied yes.

Mrs. McCarthy noted that the first page of the plans indicates “advanced copy, subject to change”. In response, Attorney Gould stated that he was made aware that the plans were going to be conceptual plans. He believed that the Conservation Service considers final plans “as-built” plans. Since the project has not been built they have designated the plans as advanced copies subject to change; however, the Applicant is prepared to submit the plans presented as the plans upon which the Planning Board can rule on as final plans.

The last information that had been requested involved the manure handling facility. Attorney Gould referred to a hand-out providing technical information as to the structure. The configuration proposed for the interior dimensions of the bay is 16 feet by 64 feet. There will be three bays as recommended by the Conservation Service so that the manure can be in various stages of composition. The floor of the facility is inclined so that the water runs to the back. The open face of the composting facility will be directed towards the woods, not towards the barn and will be located adjacent to where the Applicant will eventually construct an addition to the barn.

Mrs. Bradstreet inquired as to whether the composting facility would be covered. Attorney Gould replied no, explaining that there is no need to cover the facility according to the Conservation Service.

Mrs. McCarthy questioned why a level spreader wasn't suggested to accommodate the existing runoff from the hill. Attorney Gould explained the flow of water and their attempts to address the main source of water flow.

There was brief discussion concerning the size of the proposed composting facility with Attorney Gould confirming that the size now proposed is smaller than what was represented at the January 26 hearing. It was also noted that the size of the barn referenced on the plan does not coincide with the size represented by the Applicant; however, it was agreed that the error was not of a concern as the discrepancy was minor.

Fire Chief Rick Schaefer addressed the Board explaining that he had reviewed the proposal and had submitted a memo to the Board expressing concerns with fire safety. One of the requirements was the widening of the road from 13 feet to 20-feet and to provide an adequate turn-around for the Fire Department. Currently, the Town plows the road using a one-ton pick-up truck because the road is so narrow. The other requirement was that a dry hydrant be placed in Deer Meadow Brook. Mrs. Connolly recalled the Applicant previously agreeing to provide the dry hydrant. Attorney Gould concurred.

Mr. Wilkey stated that the request for the widening of the roadway to 20-feet would be a requirement of the Applicant. Mrs. Connolly and Mrs. Bradstreet disagreed, stating

that Chase Farm Road is a Town road. Mrs. Robertson noted that the requirement of changes or improvements to Town roads has been required of other applicants in the past. Mrs. Bradstreet believed that it would be a hardship to the Applicant. Mrs. Connolly recalled previous conversations with regards to the Fire Chief's memo to the Board. She recalled the confusion in interpreting Chief Schaefer's letter and believed that the dry hydrant was the only item required. She further recalled discussions about Chase Farm Road being a Town road. Mrs. Robertson agreed, and directed the Board's attention to the minutes of the January 26 hearing in which Chairman Ellsworth had requested that she follow-up concerning the matter with Chief Schaefer, that is why Chief Schaefer was present.

Attorney Gould believed it to be a substantial investment to widen the road. He agreed with Mrs. Connolly in that the only clear requirement in the original memo from the Fire Chief was the requirement of the dry hydrant. He recalled members of the Board agreeing that there weren't any other issues in the memo that were clearly identified. Attorney Gould explained that in order to obtain a certificate of occupancy for the barn the certificate of occupancy would need to be signed by the Fire Chief. At that time, it gives the Fire Chief the opportunity to take a position with respect to enforcement of the Fire Code. He noted that there is a process by which the Applicant can apply to the State for a variance from the State Fire Code requirements.

Mr. Wilkey asked the Fire Chief to explain the significance of the change that requires the roadway to be widened. In response, Chief Schaefer stated that the Applicant's are proposing a change of use. The roadway is fine in its present condition if everything were to remain as is; however, the Applicant is proposing a use that includes the construction of a very large structure. Chief Schaefer then referred to his original letter sent to the Board outlining the three issues that needed to be addressed by the Applicant. In response, Mrs. Connolly stated that the letter seemed confusing. Mrs. Robertson believed that Chief Schaefer's letter cited NFPA Code requirement that a width of 20-feet is required.

Mr. Wilkey asked the Applicant whether he was agreeable to widening the roadway from 13-feet to 20-feet. In response, Attorney Gould stated the Applicant would like the flexibility of approaching the State with other alternatives to widening the road.

Mrs. Hemingson suggested the Board consider the issues before them and what decisions can reasonably be made. The Attorney for the Applicant has suggested that the Planning Board not rule on the width of the road; however, Mrs. Hemingson questioned the liability, if any, that there may be on the Town should the Board fail to make widening a requirement.

Mrs. McCarthy stated that the Board had already approved the application and there were no conditions as it relates to the roadway width. She questioned whether the Board could address the matter after the fact.

Mrs. Bradstreet reviewed the items that were requested of the Applicant, noting that the use of Best Management Practices could only be evaluated when the farm is operating.

Chief Schaefer advised of a conversation that he had with Chairman Ellsworth and as a result there was a letter sent to the Selectmen advising that if the requirements of

the Fire Chief were not agreed to then the Selectmen should not sign the building permit application. Mrs. Robertson agreed, stating she had sent an email to the Town Administrator on behalf of Chairman Ellsworth that it is Chairman Ellsworth's understanding that the Applicant would comply with each requirement outlined in Chief Schaefer's memo to the Planning Board dated January 21, 2006. In response, Mrs. Connolly and Mrs. Bradstreet stated that they did not recall the same interpretation as Chairman Ellsworth.

Mrs. Hemingson suggested that the Board follow the decision of January 26. Mrs. Hemingson reviewed the requested additional information noting that the Applicant has submitted the requested information.

Mr. Wilkey opened public testimony for comments concerning lighting, drainage and manure composting.

Conservation Commission member Ronald Klemarczyk addressed Planning Board stating that it appeared that the Applicant had addressed the Conservation Commission's concerns. Mr. Klemarczyk stated that the drainage method proposed would need maintenance and should be periodically inspected by Town Officials. He further noted that in creating the new swale there may be a need for a Dredge and Fill Permit from the NH Wetlands Board. He cautioned that wetlands may be in the area and should be considered before any construction or change in the drainage.

Mr. Klemarczyk also noted that he is a forest firefighter and understands that there may be concerns with access to the building, especially from a narrow road and with the building being located up on a hill.

Mr. Wilkey then asked whether the Applicant would agree to allow periodic inspections of the property. Attorney Gordon replied yes. Mr. Ehlinger expressed concern with someone inspecting the property that is not familiar with Best Management Practices. Mrs. Hemingson explained that at a time when she was Selectmen she had come across an issue that required inspection and at the time the Selectmen reached out to a professional for assistance.

Abutter Stephen Amsden addressed the Board expressing concern with the potential affects of the run-off onto his property. He discussed how his property is served by a water shed that originates during the spring high above the fields of Chase farm. Of the four major tributaries that flow year-round by his homestead one services the drinking water to his families camp. Additionally, there is another tributary that passes within ten feet of his well. He expressed concern with the possible contamination of his well by fecal matter and urine. Mr. Amsden advised of his interest to protect his interest in his property, preserve the pristine nature and character of the land, and to maintain the purity of his water. He questioned the legitimacy of the Applicant's plan and classification of the proposal as a farm.

Marc Jalbert of 86 Chase Farm Road asked who from the U.S.G.A. had gone out to the property and had completed the field work. Mrs. Levesque advised that it was Mike Lynch.

Donna Beth Murphy (Jalbert) questioned who would notify the State should a Wetlands Permit be required. She noted that there is a seasonal stream that through

the property and Mr. Amsden had stated that he receives his water from the water than runs through the property. In response, Mr. Klemarczyk explained that if this were a subdivision the applicant would be required to have all wetlands identified by a Soil Scientist or Wetland Scientist. However, if the applicant did not believe that there were wetlands on the property the Board would require a letter from a Wetland Scientist, as has been required in the past, indicating that there are no wetlands on the property.

Mr. Wilkey believed that if there are wetlands on the property and they are going to be disturbed then the Applicant would have to go forward and seek the necessary permit. Mr. Klemarczyk agreed, stating that the Applicant would then need a Dredge and Fill Permit.

Mrs. Hemingson asked Mr. Klemarczyk if he were requesting that the Planning Board require the Applicant have a Soil Scientist certify that there are no wetlands on the property. Mr. Klemarczyk indicated that if the Applicant is digging a ditch that has mud and water in it then someone could say that the Applicant is digging in wetlands which would then require the State to be called in to see if there was actually a violation.

Mrs. Connolly asked Mr. Klemarczyk if he were stating that it would behoove the Applicant to have someone determine whether or not there are wetlands on the property. Mr. Klemarczyk agreed, explaining that if the Applicant were to dig in a wetland then it would be a violation of State law. He stated that the topographic map shows a drainage area and the Jalberts have indicated that there is a drainage area on the property, but what is unknown is whether it is a seasonal stream or run-off. Mrs. Bradstreet suggested that the Board could connect the issue of wetlands with the requirement for detail information with regards to drainage. In response, Ms. Levesque stated that she has walked the property and has never found wetlands.

Mr. Klemarczyk stated most people assume if there is a spring up above the property that drains into the swale there is a good chance that the swale could be considered a wetland. Furthermore, if the drainage diversion is to affect a wetland the Applicant is required to obtain a permit from the State. Mrs. Hemingson again asked Mr. Klemarczyk if he was providing a warning to the Applicant with regards to wetlands. Mr. Klemarczyk replied yes, stating that if they dig a ditch where there are wetlands then the Applicant is in trouble.

At this point in time, Chief Schaefer re-addressed the Board expressing his concerns with the width of Chase Farm Road and advising that the requirement of 20-feet is a national fire code requirement. He questioned whether a variance would ever be granted by the State since Fire Chief is the authority having jurisdiction concerning this decision. Lastly, Chief Schaefer noted that he had conversations with the State Fire Marshal concerning this issue.

At this point in time, public testimony was closed and the Planning Board reviewed the items requested to determine whether the information provided adequately addressed the Board's conditions of January 26, 2006.

Mrs. McCarthy thought that the Board was going to receive more detailed information with regards to the drainage design. She assumed that the Board would have received

plans that would have shown contours and the flow of water. Mrs. Connolly recalled discussions at the January 26 hearing concerning the run-off from the barn. Mrs. McCarthy asked if the Board had requested the drainage information to determine whether the drainage design could adequately accommodate roof runoff. Mrs. Connolly explained that there were concerns that the barn would affect the runoff. Mrs. Bradstreet agreed, stating that the concern was with the addition of the impervious surface of the barn. Mrs. Hemingson believed that the drainage design presented diverts the water from the path and allows it to go over a more vegetated area.

The Board reviewed each issue requested to determine whether the Applicant had provided sufficient information.

- 1) Receipt of detail information as to the proposed drainage design so to determine whether the drainage design will adequately accommodate runoff.

The Board unanimously agreed that the Applicant satisfied the requirement. Mrs. McCarthy concurred, noting that if the intent was to address roof run-off then she believed the Applicant had addressed the issue; however, she would have requested the Applicant to address more than just roof runoff.

The Board briefly discussed whether to require the wetlands delineated by a wetlands scientist with members agreeing that it would not be required, but rather that the Applicant had been warned of the possibility of impacting wetlands.

- 2) Receipt of detail information as to the proposed manure storage. Manure storage shall be in accordance with Best Management Practices.

The Board unanimously agreed that the Applicant satisfied the requirement.

- 3) Receipt of detail information as to the proposed lighting so to determine whether the lighting will be in conformance with the Town's Lighting Ordinance.

The Board unanimously agreed that the Applicant satisfied the requirement.

- 4) Assurance of the use of Best Management Practices in operating the horse farm.

The Board unanimously agreed that the Selectmen on behalf of the Town would be the officials to oversee compliance with Best Management Practices.

The Board then discussed the Fire Chief's request concerning the roadway width and turn-around with the Board agreeing that the enforcement of the State codes is that of the Board of Selectmen.

Motion made by Mrs. Hemingson that if the Board of Selectmen decides that Chase Farm Road must be widened to 20-feet and determines that they would like to attach an exaction fee, then the Selectmen may refer the matter back to the Planning Board. Mrs. Bradstreet seconded the motion and the Board unanimously agreed.

#### **IV. Any other business to legally come before the meeting.**

- ❖ The Board briefly discussed review of the Conservation Ordinance, agreeing that the Board will ask Carolyn Russell, Planner for DES to review the Ordinance and provide recommendations.

### **III. Adjournment.**

Acting Chairman Michael Wilkey declared the meeting adjourned at 10:35 PM. The next regularly scheduled meeting of the Planning Board is Tuesday, March 21, 2006 at 7:00 PM in the Town Hall.

Karen L. Robertson  
Planning Director

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In accordance with RSA 677:15, any person(s) aggrieved by any decision of the Board concerning the application(s) may present to the Superior Court a petition, duly verified, setting forth that such a decision is illegal or unreasonable in whole or part and specifying the grounds upon which the same is claimed to be illegal or unreasonable. Such petition shall be presented to the court within thirty (30) days after the Board's final decision regarding the application in question has been filed and becomes available for public inspection in the Planning Office.