



WATERVILLE VALLEY PLANNING BOARD
Summary of the Minutes for the
Regular Planning Board Meeting
Held on Thursday July 14, 2016 at 8:00 am
FINAL

Minutes of Waterville Valley Board

- **Chairman Terry Waite called the meeting to order at 8:00 am**
- **Roll Call and seating of alternates**
 - Full members in attendance: Chairman Terry Waite, Wendi Rathgeber, Cheryl Saenger, Harry Notowitz, Ex-Officio Bill Larsen
 - Alternate Members in Attendance: Ray Kucharski, Richard Rita, John Recine
 - Members Absent: Vice-Chair Nancy Knight, Bob Guilbert
 - Alternate Members Absent:
 - Alternates Seated: John Recine, Ray Kucharski
 - Public in Attendance: Janet Carlisle (Wig-Wag reporter), Bill Cantlin, Matt Hess, Tara Bamford North Country Council Senior Planner
- **Review and Acceptance of Minutes from June 9, 2016 Meeting**
 - Ms. Rathgeber made a motion to accept the regular meeting minutes of June 9, 2016 as amended.
 - Ms. Saenger seconded the motion

Motion carried by unanimous vote
- **Public Hearings:**
 - **SUBDIVISION DESIGN REVIEW ~ Waterville Valley Realty Trust**
(cont'd from December 2015; request continuance until August 2016 meeting)
Tax Map 104-40/041 ~ Snow's Mountain Rd. 4-lot subdivision
 - John March had requested an extension to hear this at the July meeting.
 - Mr. March was aware there would be a re-noticing requirement of this item and when asked if he was going to attend the meeting he stated he was unable to so re-noticing did not happen.
 - Mr. Waite asked for this item to be listed under old business for the August meeting with an extension and without re-noticing.

37 ○ **Old Business**

38 ○ **Site Plan Application~ Moose Crossing Townhouses**

39 Tax Map 105-010.25 Brownstone Way

- 40 ■ Mr. Waite reminded the board there have been several extensions and
41 they are under obligation to act within 65 days of acceptance of the
42 application. Applicant has allowed for extensions since May. They are still
43 waiting for two of the required items in order to approve the application.
44 ■ The application has been reviewed and the requested changes were
45 made. They are still waiting for letters, from the property owner, one
46 stating he would pay for inspections if required by the town and provide a
47 letter stating a bond would be provided if required by the town. The
48 property owner has, through John March, said he would provide these
49 items but the Board is waiting for the letters to be supplied on his
50 letterhead.
51 ■ Mr. Waite said the board either acts on the application today (July 14
52 meeting) or provide another extension. Mr. Waite asked the board
53 members if they had any comments on this.
54 ■ Mr. Waite said the board wasn't running out of time as they have been
55 granting the extensions when asked for. At the May meeting they did
56 decide this would be the final extension.
57 ■ Ms. Bamford of the North Country Council asked why they have avoided
58 conditional approval. Mr. Waite answered that granting conditions of
59 approval has proved hard to track in the past. A conditional approval on
60 this application may not be picked up on when the building permit is
61 issued.
62 ■ Mr. Larsen said the board has not made a decision if they are going to
63 require a bond or the inspections. They are saying if they do require these
64 items the owner will have to abide by them. He continued he believes the
65 best thing to do is request an extension at this time and deal with it at the
66 next meeting; otherwise they have to decide if they are going to require a
67 bond or inspections and they aren't ready to do that at this meeting. They
68 need to be more specific.
69 ■ Mr. Waite agreed. An extension is offered and Mr. March will be notified
70 with a request for an extension of time (until the August meeting).
71

72 • **Committee Reports**

- 73 ○ Mr. Waite introduced Tara Bamford, Senior Community Planner, with the North
74 Country Council. Ms. Bamford is going to be helping the board with zoning issues;
75 density requirements which can help them get toward one of the master plan
76 goals of helping to become a self-sufficient town.
77 ○ The planning board has had discussions regarding how to deal effectively with
78 density and zoning issues.
79 ○ Ms. Bamford said she needs to hear their issues and what some of their discussions
80 had been. Mr. Waite said the planning board would like to see the C1 district be
81 developed as a business-like zone. They decided they couldn't omit residential

housing from the commercial zone, but it was being developed into condos and houses rather than businesses. Their dilemma is should they eliminate residential from their commercial zone or allow some density in the commercial zone. There were several areas the planning board members were disappointed in the past about the developments.

- Ms. Bamford asked about planned developments and if this was subject to a PUD (Planned Unit Development). Mark said it is not set up as a PUD.
- Ms. Rathgeber explained the Town Core Group.
- Mark said they have discussed allowing duplexes but they ran out of time to come up with correct wording for the town meeting vote. Calculating density requirements was difficult to do. Ms. Bamford said they don't have a density requirement and Mark answered that is the problem. Minimum lots sizing is generally the way it's done. Ms. Bamford said what they are facing is the same as other communities when they say they want density around the village/commercial areas but they generally don't have the political will to change the zoning. One answer would be to add lot size averaging to the C1 so they decide what the density is for that entire district but it is averaged out. Mr. Larsen asked how they do that if they have a situation with multiple owners and they grant the first owner a lower density and then burden the second owner with higher. Ms. Bamford said that works better in a larger community.
- Bill Cantlin (Waterville Company) told Ms. Bamford they feel that property should be developed into "hot beds" (developed to the highest density). A master plan of that property was done. This was shared with the planning and select boards showing maximized density. He suggested a meeting with Ms. Bamford to go over this master plan. He stated he felt this was the best plan for the future in maximizing density with what they have.
- Mr. Notowitz commented that there is a demographic that is being ignored. He continued there appears to be an aging out of the population in Waterville Valley as they don't have the type of housing that is suitable to senior citizens; one-floor living with easy access in and out.
- Mr. Larsen said the vision Bill Cantlin described is a vision the planning board shares. There are details they could argue about but their dilemma is Mr. Cantlin could sell that land tomorrow. They have a vision but today's market doesn't support that.
- Discussion on how the Balsams is working on their regulations.
- At the end of the meeting Mark told the board they have been asked to submit their transportation alternatives grant. There is about 6 million dollars for the grant program with 66 towns being approved to submit applications. They are looking at about ½ million per award.

• **New Business**

- Mr. Waite moved the meeting to Green Peak Subdivision presented by Bill Cantlin of Waterville Company.

- Mr. Cantlin said the Green Peak Subdivision phase has come up again. He said he had attended a meeting last year and thought they had all agreed this was a phased development. He shared a page from the Subdivision Regulations with the Board (attached to these minutes). He asked the planning board to read the regulations and ask what they felt it meant.
- Mr. Notowitz asked how he defines the word "outline". How do they understand what it means? Is it an outline of the whole concept or just the space?
- Mr. Waite said how he sees it is a subdivision site plan application is brought before the planning board because the plan is to develop it and say they want to subdivide a certain amount out of a parcel and they want to build four condo townhouses in phases. The planning board is told they are only looking for approval on one phase and they would then review it as they would any application and if they approve the subdivision at that time, the subdivision is approved as a phased subdivision. Mr. Cantlin said he doesn't believe they have to approve the entire subdivision. What he would like to have answered is they believe they submitted all the material as part of phase one of Green Peak as a phased subdivision and they sought approval for one parcel. If they want to finalize another phase do they have to come in with a completed application process or can they come in with an application for final approval of the next phase. That is their big question. He has all the materials that were previously submitted to the planning board (sewer/water lines, land profiles, building locations, road profiles, etc.) along with declarations and bylaws. He asked if anyone had read any of the application materials. No one answered. He felt the submitted materials made it clear they were seeking approval for a phased subdivision. He continued that he would like a definitive answer from the planning board. Does he need to resubmit another completed application for the building site or can he submit a final for the next building site. Mr. Waite asked what he planned on coming in with. Mr. Cantlin asked if they had looked at the final application for the building site to which Mr. Waite said there was no such thing. Mr. Cantlin said that was not true and looked for the information. Starting on page 10 application for subdivision approval submission of data.
- Mr. Waite said at the end it has to be put in a form that is acceptable for the Registry of Deeds. The final plat plan must show everything that was included in the final approval, a summary of information that was in the application. Mr. Cantlin asked if this was an application for a phased subdivision or does he have to go through the process again for each one. Mr. Waite asked him what he would come in with to show the board. Mr. Cantlin answered what he has here but for the next piece of land. What they have is the information that is required for a plat. Mr. Waite said he has a subdivision approval for the one lot but he does not have approval for the other pieces of land.
- Mr. Larsen said the subdivision regulations suggest to him that part of a phased application mean he would identify the other plats to be submitted and those plats would not change. Mr. Cantlin said they wouldn't change much. Mr. Larsen

171 said such things as setback, footprints of buildings, etc. He continued with he has
172 been struggling to remember the discussions they had previously on this.

- 173 ○ Mr. Kucharski said the planning board had so many questions on that proposal
174 they never approved the overall plan. Mr. Cantlin said no one ever told him what
175 was not complete. Mr. Kucharski said it wasn't that it was not complete the
176 planning board had too many questions and concerns. Mr. Larsen said when
177 the initial one was submitted a question was what was going to happen to
178 Nelson Path and they never finished those discussions and he isn't sure why.
- 179 ○ Mark told the board there was one vote in July 2013 that approved the
180 subdivision of Phase One. The recording has not been listened to but the written
181 minutes reflect this. There was no site plan approval according to the minutes.
182 There was never a vote taken on the entire thing that Mark could find. Mr. Cantlin
183 argued the fact that it says Phase One should show there were more phases
184 intended. He had withdrawn the Subdivision Application. He doesn't want
185 subdivision approval for phase 2. He is not looking for final approval now but he
186 would like to know where he stands on this project and if he wants to do a
187 phased subdivision what does he have to do. Mr. Waite suggested taking
188 information from the phase one application and alter with information for phase
189 two. Mr. Cantlin answered he isn't doing a phase two application now; he is
190 asking if he has approval for phase two subdivision now. Mr. Larsen said
191 everyone knew what his intent was but they figured he was going to be taking
192 this a chunk at a time.
- 193 ○ Mr. Cantlin shows, on the board, the concept for lot line adjustments between
194 the buildings of the various phases.
- 195 ○ Mark said the plan doesn't show the concept of those future lots and how do
196 they show future planning boards what transpired. How do they let them know all
197 he has to come in with is a site plan? Mark said everything that was submitted
198 was fine but there is nothing to look at on a piece of paper. Bill answered
199 everything that is submitted is here. Mark said the problem is the actual votes
200 that were taken and what was recorded at the registry shows nothing about
201 other phases. The plat of the actual parcel is there but the entire plan does not
202 show other phases. Bill answered that is not what the planning board
203 recommended. Mark said if the other phases were shown there would be no
204 question as to what the intent was.
- 205 ○ Mr. Waite said if they approve the whole subdivision without meets and bounds
206 Mr. Cantlin can come in and say he's approved and here is where I'm going
207 to put the lot lines. Mr. Waite continued Mr. Cantlin is trying to say they
208 approved the subdivision without meets and bounds. The only one that shows
209 meets and bounds is phase one. Mr. Waite said he didn't understand why Mr.
210 Cantlin didn't want to come in with changes he needs to make. Mr. Cantlin
211 answered signage is the problem. Mr. Larsen commented he thinks it goes
212 deeper than that. Mr. Larsen asked him if he would like approval for the whole
213 thing. Mr. Cantlin said he would like recognition from the planning board that
214 this is a phased development. Mr. Larsen said this goes right back to the
215 question of is the application complete for the entire thing. He said he agreed

216 with Mr. Cantlin he has a right to submit a phased application which their
217 regulations permit.

- 218 ○ Mr. Waite asked Bill Cantlin if he would be willing to come in one more time with
219 the other phases. Mr. Cantlin said he would think about it. Mr. Waite said 95% of
220 the information he would need he already has. Mr. Waite said the only thing in
221 question is the subdivision information to which Mark replied they aren't
222 approving a subdivision they are approving the concept. They are taking the big
223 plan and saying if he is building the other buildings they would be in a certain
224 configuration and of a certain size. This would be based on the initial
225 application of the entire thing. They never took a vote on the other phases. Bill
226 Cantlin reiterates his application stated this is a phased subdivision. Mr. Waite
227 said the planning board, at that time, understood they were approving one
228 phase. Mr. Cantlin said sidewalks were a major discussion. Mr. Larsen said this
229 does raise a question about phased developments, due to lot line issues, there
230 needs to be some kind of mechanism that says conceptually they approve the
231 entire plan. Otherwise the next planning board questions the lot lines. Mark said
232 this is something they need to clear up; that they have something they can point
233 to that says this is what they have.
- 234 ○ Mr. Waite said if a final plat is submitted there is no approval process for that. It is
235 intended to reflect the original information.
- 236 ○ Mr. Larsen said he felt this should be done in two votes: one to accept the entire
237 concept and then to do phases. Mr. Notowitz said Section F states a specific
238 application is required for a phased subdivision but doesn't lay out the process.
239 Mark said phased development, first phase/actual lot, and site plan, that would
240 make it very clear.
- 241 ○ Mr. Waite asked Mark for a packet so they could review the information. Mr.
242 Larsen and Ms. Rathgeber leave the meeting at 10:05. Mr. Rita is seated as a full
243 member.
- 244 ○ Mr. Waite tabled the Green Peak issue until the August meeting. Bill Cantlin said
245 he might not be able to attend. Mark suggested a workshop meeting at a time
246 that would be convenient to Mr. Cantlin after they continue the discussion at the
247 August meeting.

248
249 • **Old Business (continued)**

- 250 ○ C1 zone discussion
251 It is decided to wait on this continued discussion until Ms. Bamford can attend.
252
- 253 ○ Definition of condo/hotel
254 Due to Ms. Rathgeber and Mr. Larsen having to leave this meeting this item will be
255 heard in August; review of counsel's suggestion will also be heard at the August
256 meeting.

257
258 • **Request for Conservation Commission Planning Board Ex-Officio**

- 259 ○ Conservation Commission member, Irit Levy, said they are back to square one. It
260 was suggested they dismantle the commission and start over. This is something

261 the Board of Selectmen has to do. The issue has been brought to the Select
 262 Board but no discussion has occurred to date. Mark suggested someone present
 263 this to the Select Board and put the item on the agenda for their next meeting.

- 264 ○ Discussion on whose duty it is to inform the Select Board about the wish to
 265 dismantle and start the commission anew.
- 266 ○ Mr. Recine asked what would happen if members of the planning board didn't
 267 show up every month. Don't they get asked to step down and why wouldn't that
 268 apply to the Conservation Commission.
- 269 ○ Mr. Notowitz said there is something in the bylaws that state if a member misses
 270 more than two meetings they can be asked to step down but in this case they
 271 don't have meetings. Mark said the issue is meetings have been called and since
 272 people don't show up they don't have a quorum so they can't call it a meeting.
- 273 ○ Mr. Waite suggested they get the consensus of the planning board and have a
 274 member go to the next Board of Selectmen meeting to present to the Selectmen
 275 the planning board is concerned about the Conservation Commission's lack of
 276 activity. They need to impress upon the Select Board that the issue needs to be
 277 addressed. Mr. Recine offered to go to the Select Board meeting with Mr.
 278 Notowitz. Conservation Commission member Irit Levy will also attend.

279

- 280 ○ **Communications**
 - 281 ○ Mr. Waite said he has been approached by a resident of Waterville Valley about
 282 traffic situations. He asked Mark if this should be addressed at the planning board
 283 or should the individual go to the safety dept.
 - 284 ○ The individual was concerned about high speed traffic on Boulder Path. This
 285 person asked about speed bumps being placed there. Mark suggested they talk
 286 to the police department as it is an enforcement issue.

287

- 288 ○ **Tickler Files**
 - 289 ○ Research on lighting
 - 290 ○ (to Old Business September 2016)
 - 291 ○ Town Roads

292

- 293 ○ **Adjournment**

294 **Mr. Notowitz made a motion to adjourn the meeting at 10:30 am**

295 **Mr. Recine seconded the motion**

296 **All in favor**

297

298 Respectfully submitted,

299 *Mary Pelchat*

300 Planning Board Assistant

301 Waterville Valley Town Office