



Home of Waterville Valley Resort

WATERVILLE VALLEY PLANNING BOARD
Summary of the Minutes for the
Regular Planning Board Meeting
Held on Thursday November 12, 2015 at 8:00 am

- **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, Vice-Chair Cyndy Piekos, Bob Guilbert, Nancy Knight, Wendi Rathgeber, Ex-Officio Bill Larsen
 - Alternate Members in Attendance: Ray Kucharski, John Recine
 - Members Absent: Harry Notowitz
 - Alternate Members Absent: Kathy Chandler, Cheryl Saenger
 - Alternates Seated: Ray Kucharski
 - Public in Attendance: Mark Decoteau', Bill Cantlin, Jan Stearns, John March, Alan Ward, Tom Myrick, Tim Smith, Luke Matheson
- **Review and Acceptance of Minutes from October 8, 2015 Meeting**
 - Mr. Guilbert made a motion to accept the regular meeting minutes of October 8, 2015 with amendments (as follows):
 - *Line 59* – Semiperious should be **semi-pervious**

Ms. Piekos 2nds
Motion carried by unanimous vote

Mr. Waite determined there would be a change in the agenda by hearing the Old Business of the Moose Crossing Townhouse Application change.
- **Old Business**
 - **Site Plan Application ~ Moose Crossing Townhouses**
Tax Map 105-010.25 ~ Brownstone Way
 - Public Hearing continued from the October 8th Planning Board meeting. Hearing reopened at 8:05 am.
 - Mr. Waite asked for public comments. There were none.
 - Mr. Waite suggested the board go through the list of changes requested of John March from the last hearing.

- **Zoning Change** was corrected to reflect the correct zoning designation of VC.
- **Cross section for retaining walls.** Mr. March has reflected that on the plans as requested.
- **Show landscaping between the walls.** Mr. March has reflected that on the plans as requested.
- **Retaining walls photo of material face.** Mr. March shared a black and white copy of the retaining wall face material.
- **Changes in drainage.** Mr. March reflected the change on the plans.
- **Fix contours on sheets two and three.** Mr. March did not get a chance to do that. It is shown on sheet one. He removed the drainage swale as requested. Mr. Waite commented that one of his concerns was the contours at the back as he doesn't believe they are accurate based on what the plans show in regards to the height of the wall. Mr. March replied he had looked at raising, as well as lowering, the building. What he shows on the plans has the best compromise due to the possibility of ending up with a steeper slope going into the garages.
- Mr. Waite replied the cross-section shows the back of the building (units 4 & 5 – east side of the elevation) will be at approximately 1,535. Mr. March agreed. Mr. Waite continued that looking at the contours it appears to be closer to 1,537 against the building which is what the drainage is based on. His concern is they won't be able to make it drain. Mr. March replied the contour behind the building is 1,536 and they would like the owners to be able to walk out of the building without having a huge ditch there. Mr. Waite asked if 1,535 can be shown as the contour on the plan as he wasn't sure how they would do that in the field if it can't be shown on the plan. Mr. March said he will revisit it to which Mr. Waite replied the building would have to be raised, the retaining wall made higher or the drainage wouldn't work. Discussion regarding the changes. Mr. March replied they decided to raise the building a foot and it will still fall within the height limits.
- Mr. Waite asked John March to make a statement, for the record, that the changes just discussed were the changes that were made and no other changes were made since the last review. Mr. March replied he had the list and checked items off as they were met and the only changes that were made were the ones discussed.
- Mr. Waite asked if there was any further discussion regarding this application. Mr. Kucharski asked if this would be recorded at the Registry. Mr. Waite asked John March if he understood this subdivision had been previously approved for five units to which John March answered yes there are condo documents on file and recorded as five units but he wasn't 100% sure of that. Alan Ward added the lawyer said everything was at the state and on file. Mr. March said he will supply a copy to satisfy the board that they are recorded and these two units will fall under that.

Mr. Waite reminded him that if these two units are not included in those documents a subdivision application would need to be submitted.

- Mr. Waite commented he did not want to give contingency approval until the contour issue is cleared up. The rest of the board agreed. Mr. March will rework the contours in front of the garage.
- Public hearing will be continued at the December meeting when the issues will be readdressed
 - Change of contours on sheets one and three.
 - Change of contours on sheet two to match sheet one
 - Confirmation of condo documents showing the two new units

- **New Business**

- **Tom Myrick** (not on agenda) gave the Planning Board a brief conceptual on why he needs to apply for a minor lot line adjustment
 - Drainage correction for neighboring driveway ended up on his property. Would like to submit a minor lot line adjustment to add that 400' of property onto his lot.
- **PUBLIC HEARING ~ Amend wording of Subdivision Regulations**
 - Public Hearing opened at 8:35 am
 - Harry Notowitz was not present.
 - Bill Cantlin commented, regarding presenting .pdf files, it is not as simple as thought.
 - Bill Larsen agreed the files are too small to read.
 - This is in regards to the Public Hearing for Waterville Company.
 - Bill continued he has no problem submitting the files but due to the size of the files and email constraints it was difficult.
 - Mr. Waite replied the intent was to make these files (application and supporting plans) available to the board members. If just the plans are sent as .pdf he doesn't see why there should be a problem with submittal.
 - Discussion on what documents as part of an application should be included.
 - Mr. Waite would like to delay the Public Hearing on this item until Mr. Notowitz returns.
 - Public Hearing is closed at 8:55 and will be brought up at the next meeting. *The intent is to have both subdivision and site plans amended.*
- **PUBLIC HEARING Waterville Company**
Lot 107-003 ~ Tripoli Rd./Clearwater Lane
Waterville Valley Garages ~ 41-unit condominium garages
 - Presented by Bill Cantlin
 - Mr. Larsen questioned, on the site plan application, one line refers to the proposed storage units and another line refers to Waterville Valley garages. Garages are defined in zoning whereas storage units are not.

Mr. Waite asked Bill Cantlin if he wants to make that change to keep it consistent. Bill Cantlin replied the engineer can do that easily.

- Mr. Waite asked for a motion to accept the application as complete. Ms. Piekos made a motion to accept the application as complete; motion seconded by Ms. Rathgeber. All in favor.
- Mr. Waite opened the Public Hearing at 9 am.
- Bill Cantlin introduced Horizons Engineer Justin Daigneault who prepared the Site Plan.
- Impervious areas are the buildings and parking area with the road along the Shoreland Protection Act and they cannot create any further impervious areas. 42-garage units which vary in size are proposed. All supporting documents along with Site Plan Review and Condo docs are included.
- Mr. Larsen asked if the project falls under the guidelines for the Shoreland Protection Act to which Bill Cantlin replied it does and the permit has been submitted.
- Mr. Waite asked about the easement going around the property which the town granted to Waterville Company. Mr. Cantlin said an easement was also granted to Waterville Holdings which includes the pump station for snowmaking purposes.
- Mr. Waite commented he has a problem with the access to the units since the road into the transfer station is also there. There is no separation between the access road and parking for the garage units. He would like to see some form of division. Mr. Cantlin responded he doesn't agree. There is a parking apron which is quite common. There are only 8 garages which are in that area with 20' between the buildings. The parking lot becomes very wide. Chances of there being a lot of vehicles in there at one time are very slim. Mr. Waite commented vehicles are a part of the activity with U-Hauls and vehicles unloading. What Mr. Cantlin is proposing is a vehicle-related activity.
- Mr. Cantlin responded the project is marginally profitable and it might not happen. He said he is not sure how anyone would turn around with an island there and they would lose units.
- Mark DeCoteau commented he had discussed striping with Jim Mayhew which would offer a visual definition. The concern is people parking in front of the Public Works garage in order to access their units. Striping traffic patterns will help with control. He said he did not realize the primary access would be below which is a concern due to deliveries and maintenance traffic. That area would have to be clearly defined.
- Justin explained drainage. Impossible to shape the parking area so water will run away with buildings at the same level so the buildings are "stepped". Various sections will be at different levels (floors) which will create a slope away from the storage units so water and snow won't sit. Parking area will be pitched to allow water to flow away. Site will be graded keeping the natural flow.

- Ms. Piekos asked if the site has been marked and if they could do a site visit. Mr. Cantlin said that would be easy as there is an existing road. Site is more than 50' away from the trail.
- Justin said the project is within the Shoreland Protection Act regulations. Setback is 50' which is called Waterfront Buffer; 50' and 150' Woodland Buffer. Limited within the 50' buffer. Can do very little work. They stayed out of it. Plan notes this. They maintain a wood/tree buffer between the trail and the site which will be maintained. Woodland Buffer 25% needs to remain untouched. They are well over the 25%.
- Ms. Piekos asked if there are any restrictions on salt usage with the DES. Justin said no but there are restrictions on fertilizer use/type which they have noted on the plan.
- Lot is in the Village Commercial Zone. Mr. Larsen asked what greenbelt was on the map. Mr. Cantlin said the property behind the sewage treatment plant is greenbelt. Waterville Company granted, to the town, a greenbelt easement but has nothing to do with zoning. The easement is for the trail.
- The lot is two acres and Mr. Larsen would like to know about the land that isn't being developed. It is wetlands but is not a prime wetland. Wetlands are shown with hash marks on the plans. As wetland it is compromised, with Shoreland Protection Act and greenbelt easement.
- There will be 42 garages with one being a double. Mr. Kucharski asked if some were to be storage. Bill Cantlin responded there are no provisions in the regulations to come in with an amendment. He asked if he had to come back in if he should have amendments. Mark DeCoteau suggested they ask town counsel (for example if Mr. Cantlin wanted to change the number of units). Mr. Cantlin said to keep it simple, right now; they are not proposing any changes.
- Mr. Waite asked if Bill was sure they couldn't find any other way to gain access to the buildings.
- Continued discussion on access to the units and traffic at the site.
- Mr. Guilbert said conceivably they could have a tractor trailer pull in there to unload to which Mr. Cantlin replied it could happen.
- Mr. Larsen said a dilemma he has is the chief abutter is the town and the Select board hasn't been briefed on this application. He thinks they should have a chance to review this. Mark said there are plans in place to hold a joint meeting. Mr. Larsen said he is reluctant to vote on this without the Select board having a chance to review it. Mark would also like department heads to review this. Mr. Cantlin said he has reviewed this with Chris Hodges.
- Mr. Waite asked if the public had any comments.
- Mark said the planning board has a completed application in front of them. Mr. Larsen can no longer talk to the Select board about this application as there is no communication outside of a legal planning board meeting. Mr. Waite asked if they continue the public hearing in

December Mr. Larsen could discuss it with them there. Mark will talk to town counsel about this. Mr. Larsen felt it was clear that once the application was approved and they get to deliberations they cannot talk about this.

- Mr. Waite suggested they keep the plans available at the Town Office for review and they could continue the discussion at the next meeting.
- Both Site Plan and Subdivision Review were noticed.
- Mr. Cantlin asked the board if he made the units smaller what the process might be. Mr. Larsen said he was asking them to go into sketchy territory since they hadn't yet deliberated what is in front of them. Mr. Waite reminded him the public hearing is still open so they can. Mr. Larsen said he thinks there is a dilemma as the current regulations say they can have parking spaces but he cannot find anything in zoning that allows storage units. He is struggling with approving something that doesn't seem to be allowed.
- Mr. Cantlin suggested they talk to town council about uses. They do not specify every allowed use that is allowed in a zone.
- Discussion regarding use in zones.
- Mark suggested a meeting with Mr. Waite and Mr. Cantlin due to the town being the abutter.
- Discussion on storage units versus garages. Mr. Cantlin would like clarification from town counsel.
- Mark commented ordinances set the use; planning board has to vote to allow the use. The application is not about creating storage units, they are for garages. The question from Bill is can he amend this to storage units and if he does how long would that take. Mark doesn't want this to be just a phone call or email. He would like to have another member of the board ask the questions and hear everything the attorney has to say. Will set up a conference call or a meeting.
- Discussion what comes first – subdivision or site plan. Only reason to have a subdivision review is Mr. Cantlin is presenting the garages as condominium units. He has condo documents so he has to go through subdivision approval. He feels separating these two processes is confusing. Mr. Larsen answered this was done on the advice of town counsel. Mark said town counsel said they can hear these at the same time but vote separately.
- Mr. Waite said they have accepted the subdivision application as complete.
- Property notices were given/fees paid for site plan application. Mr. Waite asked for questions or comments regarding the site plan application and there were none. Mr. Larsen made a motion to accept the site plan application as complete; Ms. Piekos seconded the motion. All in favor.
- Mr. Waite opened the Site Plan application Public Hearing at 10:10 and asked the public if there were any comments to which there were none.

- Mr. Kuckarski wanted to know why there was no title block on sheet one to which Justin Daigneault said the program doesn't have that.
 - On sheet two the "as-is" shows an enclosure. It is the old dumpster building.
 - Mr. Cantlin said part of the application is relocating the power lines. \$60,000 to \$80,000 is the cost estimate to do this which could stop the project.
 - Mr. Recine exits the meeting at 10:15
 - Mark will have the plan looked at by department heads as well as the Select board.
 - Mr. Waite asked about maintenance. Mr. Cantlin said the easement states the cost of maintenance shall be borne by the town. Easement does not mention paving specifically. Town has to have access around the entire treatment plant and it doesn't matter what type of road it is. They need to be sure they can maintain the treatment plant which is what the easement has always been for. Mr. Larsen suggested having the water treatment staff look at this to make sure there won't be a problem with going around this.
 - Mr. Waite asked if there were any further questions regarding the site plan application.
 - Mr. Larsen said if the intent is to build all garages it's okay; other than that they will have to debate. He feels they will have to do that before they vote. The current application is for garages. Since the application states garages that is what they have to vote on but still want input from the Select Board. Mr. Cantlin asked how this would impact the treatment plan as the roadway isn't going to be changing. Mr. Larsen said it wouldn't but wants to make sure in the future they won't be able to block the access.
 - Mr. Waite said there would be no vote at this public hearing. The public hearing will be continued at the December meeting. Mr. Waite and Mark will work on having an answer from town counsel within a week.
- **Bus Stops/Shelters (presented by Cyndy Piekos)**
- Only changes are locations at Golden Eagle Lodge and Snows Mountain chairlift and there will be two buses. As part of pedestrian study they needed a printout of all the bus stops. The mountain will eventually have a meeting with the group. Difficult to cut down on the number of bus stops due to complaints. Changes are due to safety issues.
 - Mr. Guilbert asked if the cost to build the shelters will be split. Ms. Piekos said the cost will probably be placed in the Tiger Grant. They are hoping to put as much infrastructure improvements into that grant as possible. This is still preliminary.
 - Mr. Larsen said the mountain did come to the Select Board to request new temporary bus stop signs. Mark the signs they had last year were reapproved for this year.

○ **Conceptual Consultation ~ Horse Stable Area in C1 Zone**

- Tim Smith told the board his intent is to find out their feelings on having the horses and stables within the town. He presented a document that describes the plan, which was created by April Smith with Bob Perry who operates the sleigh ride.
- The next document shows where the paddock will be placed on Waterville Company property. Proposed sleigh ride route also presented. This year they plan a route change as it has been requested to make it more off-road.
- Horse stables will only be in place for the winter months.
- Mr. Larsen said there are two requirements: #1 is to meet the 5-acre requirement which this property does. #2 is to meet the state requirements for housing the horses.
- Mark answered ZBA would approve the Special Exception then it will come to the planning board for site plan review. Tim knows this and is working on it.
- Tim asked if they meet all ZBA requirements and if they do the site plan review with the planning board would they have to wait another 90 days. He would like to be able to push this through in order to have the horses in a stable this winter. He would like to know if the items he presented today would be sufficient.
- Mr. Waite said he thinks this is a beneficial service to the town. He doesn't like the board to hear things at last minute and asked the board if they could look at this plan and give approval on a temporary basis.
- Mr. Guilbert would like clarification – is this proposal for a permanent facility use year-round. The answer was no just seasonal. This proposal is just for seasonal sleigh rides.
- Mark informed the board the parcel is 18.9 acres. Tim will need to identify the 5 acres the Special Exception will be granted for. As long as Bill Cantlin doesn't come in with a plan that infringes on those five acres he could subdivide the other 18 acres as long as it doesn't impact those five acres the SE stays in place. If Bill changed things in the future and it included those five acres another SE would be needed. The five acres must be identified. If Bill abandons the use the SE goes away. Special use will be granted for the use and it will not change the zoning.
- Mr. Larsen commented that as long as it's approved and they meet the other conditions and they don't change (for example having four horses) they can have four horses year after year. If the property owner abandons the SE use the SE goes away. It is not a variance which stays with the land forever.
- Tim wanted to know what he needs to bring in for the Site Plan Review. He would like to use Google Earth.
- Mark will need to notice abutters for the Site Plan application. Planning Board will have to let him know what they want to see in the application. There is a requirement for an engineer plan.

- Mr. Waite said he finds it hard to offer an easy road for one establishment as opposed to others. He would prefer the standard process but understands time is a problem. It would be preferable for applicants to come in on a timely basis. Tim said they had a lot of hurdles to overcome just to get to this point.
- Mr. Cantlin says the sleigh rides are an asset to the resort in the winter time and would like to see the planning board work with Tim Smith. He suggested waiving strict requirements in a situation like this.
- Mr. Larsen said this is all about handling horse waste and smell and meeting the state regulations.
- Mark said 5 acres footprint can change only with another SE which would require another visit to the ZBA.
- Mr. Waite would like to see a certified copy of the parcel with a Google Earth overlay. Mr. Smith said it would be a very basic plan but he can put a scale on it to show the boundary lines.
- Mr. Waite said for a one-year situation he has no problem with this.
- Discussion on how the agreement worked with the skateboard park which never went through site plan review.
- Mr. Cantlin said their agreement will be on a year-to-year basis and if they get to the point where they want to do something else with it their agreement won't be renewed.
- Mr. Waite suggested they accept some form of application that gives necessary information to make a decision. With the understanding they haven't been given everything on this list and they may ask for it. If they feel comfortable with what they are given they can make the decision at that point. He feels it is a good use for that spot.
- Ms. Rathgeber said they need to know the abutters have been notified.
- Mr. Larsen commented that if the ZBA grants the special exception how would the planning board override that and say they can't keep horses there. If ZBA says it is allowed what does the planning board have to decide. Mark says site plan review; the question is the way they propose to keep horses there – would that being appropriate per site plan review regulations. Allowed use is answered; so now it would just be the way they are doing it. Access to it, where tent is located, etc. whatever the site plan review regulations say they can ask.
- They can grant a temporary site approval on the condition of the decision per Mark. Site Plan review approval doesn't have to be permanent.
- Mr. Waite said because this isn't binding
- Mr. Larsen said the whole issue is a ZBA discussion. They need to meet state agricultural requirements. He plans to attend the ZBA meeting to make sure everything is covered.
- Mr. Kucharski said he is concerned with lines of the map. Can't tell what Mr. Guilbert also said he is concerned they need to know exactly where the footprint is.

- Mr. Waite commented that if an area that can't be easily determined to be wide enough he would like it to be noted. He is not requesting a formal survey be done; just asking to use existing material as best they can.
 - Mr. Guilbert replied there is plenty of land there and he would like to see where the footprint of what they are going to us is shown.
 - Ms. Rathgeber said that as a board they should be able to agree they can make a decision on this next month with abutters being notified. Ms. Knight agreed there will be things they want to talk about after the ZBA has their meeting.
- **Skateboard Park Notice of Renewal ~ Public Hearing**
- Presented by Luke Matheson, Park Manager for the resort. He asked for permission to continue using the skate park for another year (through December 2016).
 - Skate Park was established in 2001.
 - Footprint will never change but the ramps do from time to time as they are made of wood and do rot. There was a parking easement on that lot. Mark said the easement was waived when they approved the skateboard park. There was unused excess parking spots.
 - Bill Cantlin said parking easement for Town Square is exclusive. It was a requirement Booth Creek had when they did some financing for Town Square.
 - Mr. Larsen asked what period of time an established use becomes permanent. Mark said it is adverse use. Ordering not to have skateboard park but letting it happen after a certain number of years it would just happen.
 - Mr. Waite said one issue is to avoid the expense of a site plan. Mr. Larsen doesn't know why it was temporary.
 - Mark said this was an experiment in the beginning. Mr. Waite said, right now, why isn't this coming to them as a site plan application. Discussion seems convoluted. The discussion should be part of the issue and then discussed. Every year they have to chase them down to bring the agreement back in. By doing this right all these issues won't be left hanging. Mr. Larsen agreed and wondered how much paperwork they are going to make them file. Mr. Waite commented there is still a process they would have to go through.
 - Mr. Waite would like to see some form of application with as much information as can be gathered and given to the planning board, and he would prefer to make it permanent and not have to repeat this every year.
 - Mr. Larsen made a motion to approve a temporary 1-year extension on the skate park. Ms. Rathgeber seconded. All in favor.
 - Mr. Larsen also made a recommendation that September 2016 they come in with a modified plan for the skate park and go through the

process. Or they could come in any meeting – just no later than September 2016.

- Mr. Larsen then made a motion for them to come in no later than September 2016 to come in with a more formal site plan review for the skateboard park.
- Mr. Guilbert asked Mark if this was okay with the town.
- Ms. Rathgeber seconded Mr. Larson's motion.
- Mr. Larsen asked how they would handle the parking problem with Town Square which would fall into the planning board's lap. This would be a serious discussion on the parking surface.
- Mr. Waite asked if there was any further discussion.
- All in favor so the agreement is set for another year.

○ **Proposed Zoning change**

- Mr. Larsen would like the Planning Board to propose a zoning change which would allow accessory use by right in the Village Commercial zone. Storage buildings as an accessory with use by right, not as a primary use. The definition would be for storing property. The board needs to get this to the town meeting this year. This will get them out of the discussion regarding what is a garage. This would also allow more flexibility and will also clarify what is now murky. Mr. Larsen commented he does not want a big storage unit complex building. Mark commented they need to get the language voted on at the December meeting in order to move it forward.

○ **Bill Cantlin regarding C1 Density**

- Bill Cantlin referred to meeting minutes from 2011 regarding how the C1 was created and allowed a duplex to be built if it was part of another multi-family housing. They would like to create a duplex at Green Peak. The minutes referred to reflect the intent of the board and he would like the planning board to hold a public hearing on this in December. When the C1 was formed they were trying to preclude single-family homes. They were going to allow duplexes but this issue fell by the wayside.
- Mr. Kucharski responded he didn't think this was the case and part of the overlay showed more density. One of the proposals showed the dwellings would be over businesses and what they have is a compromise.
- Mark said this should be moved to New Business. A public hearing would need to be proposed as a change was to be discussed.
- Mr. Waite said he doesn't think they can make this happen this year. Mr. Cantlin responded he would like to see this happen this year.
- Mr. Waite replied they had no proposed language on this issue.
- There was a brief discussion regarding the history of this same issue and the area in question.
- Mark said Bill Cantlin is talking about allowing duplexes in that zone, in that overlay area, as long as there is more dense development within the remaining C1 area.

- Mr. Kucharski commented it was dropped before due to the issue hitting a stalemate.
 - Mr. Larsen asked Mr. Cantlin if he wanted to build a duplex there to which Mr. Cantlin responded yes. Mr. Larsen said he would work on the wording.
- **CIP (requested by Mark Decoteau)**
 - Mark said they needed to add, to New Business, for the December meeting Capital Improvement Item that they need to approve so it can go to the budget.
- **Communications**
 - NONE
- **Committee Reports**
 - NONE
- **Tickler Files**
 - C1 Density
 - Shared Parking
 - Restricted Parking
- **Adjournment**

Mr. Guilbert made a motion to adjourn the meeting at 11:50 am
 Ms. Knight seconded the motion
 All in favor

Respectfully submitted,

Mary Pelchat

Planning Board Coordinator
 Waterville Valley Town Office