



Home of Waterville Valley Resort

WATERVILLE VALLEY PLANNING BOARD
Summary of the Minutes for the
Regular Planning Board Meeting
Held on Thursday December 10, 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, Bob Guilbert, Wendi Rathgeber (left meeting at 11:25 am), Ex-Officio Bill Larsen
 - Alternate Members in Attendance: Ray Kucharski, John Recine (left meeting at 10:10 am), Cheryl Saenger, Harry Notowitz (left meeting at 11:30 am)
 - Members Absent: Nancy Knight, Vice chair Cyndy Piekos
 - Alternate Members Absent: Kathy Chandler
 - Alternates Seated: Ray Kucharski, John Recine, Cheryl Saenger
 - Public in Attendance: Mark Decoteau, Bill Cantlin, Jan Stearns, John March, Tom Myrick, Tim Smith, Ken Johnson
- **Review and Acceptance of Minutes from November 12, 2015 Meeting**
 - Mr. Larsen made a motion to accept the regular meeting minutes of November 12, 2015 with amendments (as follows):
 - *Lines 52 – 58 correct numbering to reflect thousand instead of point*
 - *Line 407 – change to read “made of wood and do rot”. Change wording of following sentence to reflect parking easement is on that lot and easements were waived for skateboard park placement.*
 - *Mr. Kuckarski's response to comment from Line 465 is as quoted “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. “*

Mr. Guilbert 2nds the motion.

Motion carried by unanimous vote – November 12, 2015 are approved with amendments.
- **Old Business**

○ **PUBLIC HEARING**

Proposed Amendments to Waterville Valley Zoning Ordinance

- Public Hearing is opened at 8:05 am.
- Mr. Larsen read the proposed wording for storage units (wording attached to these minutes) *Special Exception for C1 zone; Section H Commercial District*
- Mr. Larsen commented they can wait until the January 2016 meeting to approve the proposed changes.
- Ms. Rathgeber asked if a larger parcel were divided into a lot could there be one multi-family home and four duplexes. Mr. Larsen answered only if it could be demonstrated that is the only thing that can be done; putting more multi-families there would not increase the density. The Zoning Board of Adjustment (ZBA) could grant the special exception if the criteria were met.
- Mr. Waite said he would like to see the word "lot" added. Mr. Larson added "lot".
- There was discussion regarding the wording "In designing a multi-family development that includes two family unit(s) the minimum space between separate buildings on the lot may be reduced to **twenty feet**."
- Mr. Larson said the setbacks will not change. The ZBA could turn down a plan if the abutters were against the plan. These changes will create more flexibility to get higher density
- Mr. Waite opened the public hearing for public comments.
- Bill Cantlin stated a concern he has is the particularity of meeting ZBA requirements to get a special exception and being able to demonstrate not decreasing density.
- Mr. Larsen commented it will come down to being a judgment issue. The ZBA does have the power to say no and they are not trying to further restrict this.
- Mr. Guilbert asked if it would be advantageous to have the space between buildings be 30' instead of the stated 20'.
- Mr. Kucharski replied he agreed with reducing the space to 20' as it would create more density.
- Mr. Larsen commented the intent of the SE (Special Exception) is to keep the concept of integrity. The C1 zone was created as a higher density zone and this would allow a little more flexibility. He said he will also write a general statement for the ZBA.
- Mr. Waite said this won't decrease the number of family units constructed on a lot.
- Mr. Larsen will eliminate item C. Will keep 20' due to the consensus of the Planning Board members. A preamble will be added to continue this item at the next meeting.
- Tim Smith commented he found Item 4 to be repetitive to Section 8 of the powers of the ZBA.
- Mr. Larsen said they can't add anything new to this for the next meeting but they can repair grammatical errors.

- Mark Decoteau asked that if town counsel says something is of concern what does the board want to do.
- Mr. Larsen said turn it down and try again next year.
- Mark continued if the ZBA is not approving a project would they would be granting a SE for the piece of property to have a duplex or multiple duplexes. The planning board will still need to do a site plan and subdivision (if required) approval. The ZBA can limit the number of duplexes as a condition of approval.
- Bill Cantlin suggested adding market conditions to item 2. Mr. Larsen replied it would be best to not go that far and that could be addressed at a later time if this passes.
- Public Hearing is suspended at 8:40 am and will be continued at the January 2016 meeting. Public Hearing will be renoticed.

○ **PUBLIC HEARING**

Amend wording of Zoning Ordinance (storage facilities)

- Public Hearing is opened at 8:40 am.
- Mr. Larsen opened the meeting by commenting on the VC Zone (Village Commercial) and asked if a storage unit is a garage. He continued that in reviewing the Zoning Ordinance he had found there is a definition for a storage unit but it is never referenced in the regulations. A storage facility is a building or portion thereof for the public at large for storage. But nowhere are they actually ever allowed. There is a definition of a word that is never allowed in the regulations. Mr. Larsen continued he is proposing they change the definition of storage facility, drop the word commercial and building, or portion thereof, provided to the public as storage space. Under Village Commercial District Mr. Larsen said he would propose under Accessory Uses By Right a statement be added that reads "Storage facilities up to 20% of square footage of that or other allowed use buildings"; if a garage project is being built up to 20% of those could be storage units. This would make it clear that storage units can be allowed but also make it very clear there is a limit. This would not allow someone to construct a storage unit facility. Storage units cannot be the primary intent.
- Mr. Waite suggested removing the word "other" due to the implications. Mr. Larsen agreed and will remove "other".
- Discussion on what zoning currently allows and disallows, and definition of garages and storage units.
- Bill Cantlin asked if there was any basis choosing 20% and if it could be increased.
- Mr. Larsen replied it would be up to the planning board.
- Mr. Larsen would prefer to leave the wording as "accessory use". This would be allowed with the wording "accessory use" being left in.
- Mr. Waite said the intent of this was to prevent storage buildings being built throughout the town.

- Mark Decoteau asked if existing commercial properties would be able to add on. Can there be an existing commercial use adding on to the building to do this.
 - Mr. Larsen replied yes. Mark said he wanted to be sure for a discussion with town counsel.
 - Mr. Waite said he was in favor changing the percentage. Mr. Larsen replied they would stay with the definition they have. Will be up to the planning board by site plan review. Planning Board would have to make the judgment if storage facilities were to be accessory use and not primary use.
 - Public Hearing suspended at 9 am and will be continued at the January meeting.
- **PUBLIC HEARING (*postponed until January 2016 meeting as requested by applicant*)**
- SITE PLAN & SUBDIVISION REVIEW ~ Moose Crossing Townhouses**
Tax Map 105-010.25 Brownstone Way
- Planning Board granted additional month extension if it is needed.
- **PUBLIC HEARING**
- SITE PLAN & SUBDIVISION REVIEW (cont'd from 11/15 meeting)**
Waterville Company Tax Map 107-003 Tripoli Rd./Clearwater Lane
Waterville Valley Garages ~ 41-unit condominium garages
- Bill Cantlin addressed the issues requested by the planning board at the previous hearing.
 - Site plans needed to be changed from proposed storage units to garage units. Change was made.
 - Requested utilities behind the wastewater treatment facilities be shown on the plans. Changes were made on sheet C3 of the site plan.
 - Regarding discussed safety issues. A 6" white line was requested to be placed in front of the garages and that is now reflected on the plans.
 - Bill Cantlin said they changed the numbering of the garage units. There are now 43.
 - Discussion on size of garage #13. Not large enough to fit a car therefore cannot be considered to be a garage unit. Mr. Larsen suggested Bill Cantlin agreed to not sell this unit until the other issue (ordinance) is cleared up. 9'x19' if covered or enclosed is the requirement for garage space. Bill Cantlin suggested, for the time being, he combine this unit with a neighboring one and go back to 42 units (combine units 12 & 13).
 - Mr. Larsen suggested he not sell the smaller unit as a garage.
 - Mr. Waite asked for comments from the public. There were none.
 - Mr. Kucharski made a comment about the size of the 11x17 plans that were supplied. The plan did not fill out the size of the paper. This will fall into the discussion regarding what is being asked to be supplied to the board.

- Mr. Larsen made a motion to approve the subdivision plan for a garage development on Cleanwater Lane, conditional upon receiving the mylar by January 10, 2106. Motion seconded by Ms. Rathgeber. All in favor.
- Application for Site Plan is presented and was discussed at the November meeting. Mr. Larsen made a motion to approve the application. Motion seconded by Ms. Saenger. All in favor. Application is approved.
- Public Hearing is closed at 9:20 am.

- **New Business**

- **SUBDIVISION DESIGN REVIEW ~ Waterville Valley Realty Trust
Tax Map 104-40/041 ~ Snow's Mountain Rd.
4-lot subdivision**

- Presented by John March representing Mr. Gutierrez
- There is deeded access through two properties to get to lot #2. A few years prior installing town sewer was considered and found to not be feasible. Installing the driveway into another area was considered but was found to be too steep.
- Test pits were dug for private sewer and submitted. Engineer is working on drainage and landscape plans.
- Ms. Rathgeber asked how the access road runs. Proposing driveway be off the existing loop. There is an existing deeded access to lot 2. Driveway grade is 12% at steepest section.
- Abutter, Ken Johnson, commented regarding the easement that was granted to get to lot two. The intent was to not hurt the Foster house. He never thought the land would be subdivided. Rather than coming around another way they granted the easement but the only intent was to give access to a lot with no entrance. It was never intended to have heavy equipment using the dirt access.
- John March replied the deeded easement is only for lot two. Mr. Johnson asked if they could extend the loop/road up a bit further for access to lot two. That is his only objection – his driveway being used for more than it was intended to be used for. Mr. March said he would look into doing this.
- Mr. Waite asked about the septic systems. Mr. March said they are already designed. The size shown on the plans are accurate. Test pits showed no bedrock at 8'.
- Mr. Kucharski asked about hooking up to the town sewer. Mr. Waite added the town is trying to get everyone hooked up the sewer. Mr. March said this was looked at, previously, by the town engineer. Mr. Waite said he has a problem with that plus creating more land-locked parcels.
- Mr. Johnson added he and a neighbor have been sharing the expense of that driveway. If someone else is going to use it the expense will need to be shared by that person.
- Mark Decoteau said that in order to hook these parcels up to town sewer it would be quite a run. They don't want to cut across the golf course or

create any further easement. Sewer would have to run up Snow's Mountain Rd. just above Greeley Hill Rd. and it was almost 2000'.

- John March commented they are looking for solutions.
- Mr. Waite asked if there were any restrictive covenants to which John March answered he did not believe there were any.
- Mr. Larsen said he has concerns with the slope of the lots and the drainage, and he wants to know if these lots are suitable for building.
- John March replied every lot on Greeley Hill is steep and homes have been on those lots of decades.
- Mr. Notowitz thinks the steepness of the slope and short distance of the driveways will make water control difficult. Mr. Larsen said it is suggested the driveways be a pervious surface.
- John March informed the board a drainage engineer has been hired.
- Mr. Larsen commented the regulations state the board may ask for a statement from a qualified individual regarding the build ability of the lots. Do they have a statement from an engineer stating houses could be built in this area? John replied this is part of the engineer's job.
- The board was reminded this is a design review. Mr. Larsen mentioned he is concerned with the access; the right-of-way and the intent.
- Discussion on the intent of the right-of-way with Mr. Johnson.
- Mr. Larsen would like to see resolution on the access to lot two which doesn't involve the right-of-way going through Mr. Johnson's property. John confirmed he will consult with his client regarding changing the access to lot two.
- Mr. Notowitz wondered if the conservation commission should look at this plan. Mr. Waite replied this will be a challenge to erosion control.
- Discussion on water flow/drainage from the proposed subdivision.
- Mr. Waite said this being a subdivision design review their purpose is for feedback. He asked for further comments. He asked Mark about looking into expanding town sewer into this area.
- Mr. Larsen mentioned the planning board can ask for studies to make sure these are buildable lots. Mark said to plan on having the town's engineers review this plan.
- John said he gets the impression they feel three lots would be preferable. Mr. Waite said it depends and Mr. Larsen said the contours are what bother him the most. John said he would like to add he works with steep slopes, outside of the valley, all the time.

○ **Conceptual Consultation – Horse Stable Area in C1 Zone.**

- Tim Smith left the meeting and will present the plan at a later time.

- He had withdrawn his application from the ZBA until a later time.
- **Tom Myrick (resident) consults with the board regarding his lot line adjustment before he submits his application.**
 - Tom Myrick of Lost Pass Rd. explained the corrected drainage issue his neighbor had which is why he wants a lot line adjustment.
- **PUBLIC HEARING**
 - **Amend wording of Subdivision and Site Plan Regulations**
 - Public Hearing is open
 - Mr. Notowitz reviewed amendments regarding submissions for Site Plan Reviews.
 - Proposed wording in Site Plan Section V Submission Items. Site Plan shall be submitted in the following formats: one 22x34 paper print copy, electronic in .pdf format, fifteen 11x17 paper copies. This is in reference to plan submissions.
 - Same paragraph suggested amendments "Maps shall be at a scale of not more than 100' to the inch; shall be of sufficient scale to clearly depict details of the project and shall contain a bar scale.
 - Amendments to Subdivision Regulations:
 - IV C: "A site location Locus map locating the subdivision boundary, proposed streets in relation to at least two existing street intersections and other major features shown on town tax maps.
 - Section E: Application Plan Requirements "The application plan may be drawn in pencil and shall be submitted in the following formats: one 22x34 paper print copy, electronic .pdf file, fifteen 11x17 paper copies. "Maps shall be at a scale of not more than 100' to the inch; shall be of sufficient scale to clearly depict details of the project and shall contain a bar scale.
 - Section E II Existing and Proposed Site Conditions: A site location (Locus map) as the scale of the official map (100' to the inch) identifying exactly the subdivision location and proposed street in relation to at least two existing streets and intersections and other major features shown on the town tax maps.
 - Mr. Waite commented, to clarify, .pdf submission refers to the map of the plan.
 - Mr. Waite asked for public comment.
 - Mr. Notowitz said Mr. Kucharki's point regarding the 11x17 copies encompassing the entire sheet was correct. Mr. Waite said that doesn't need to be put into the wording, just mention it to the submitter of the plan. Also the .pdf also refers to just the map submission.
 - Mr. Notowitz asked if there was a situation where the features are small, on an 11x17, can a map be divided into multiple sections for easier viewing. Mr. Kucharski said there are criteria on size of lettering so that won't be a problem.

- Mark asked about the intent of having fifteen copies submitted. Mr. Waite said in order to be passed around the meeting. Mr. Notowitz would like to see them available at the Town Office as well.
 - Mark continued by mentioning that storage at the town office is a problem. They could be mailed to the planning board members as they came in. It is determined the plans can be mailed as they come in.
 - Mr. Waite said he prefers to have the plans on his computer and not have one mailed to him.
 - Mr. Waite would like to keep the 15-copy requirement and they don't need to be mailed. Mark suggested a one-copy requirement and copies will be made as needed.
 - Mr. Notowitz confirmed take out 15 and make it one copy.
 - Mr. Larsen made a motion to approve revisions to Subdivision and Site Plan Regulations relative to the application requirements, as amended. Seconded by Harry. All in favor.
- **PROPOSED ZONING CHANGES ON LIGHTING REGULATIONS**
- Public Hearing open at 10:25 am
 - Presented by Ms. Rathgeber. Bill Cantlin and Jim Stockman, lighting expert from Portland, spent a lot of time on the project.
 - Page four #11 Holiday Lighting instead of having 2-month limit it was suggested to read "temporary holiday lighting from November to April shall be exempt from the provisions". Mr. Larsen asked why November to April Ms. Rathgeber responded this is when the ski area is open and businesses are encouraged to decorate.
 - Mark added the comments regarding that were due to trees in town are put up just before Thanksgiving but stay up through the end of ski season.
 - Page three #8 the way it is worded is too general. If a lodge was going to redo their parking lot fixtures obtaining an engineer report would be expensive. The goal is to make the wording less restrictive, and clear it's only needed when something major is being done – not just changing over light bulbs. For instance...when outdoor lighting fixtures are modified. It is determined this does not need to be changed as any major modifications would require approval.
 - Mark they need to review with town counsel when changes are agreed on. Have to make sure the authority is proper. There is one comment the Select Board can waive anything.
 - Mr. Larsen asked what criteria is used for lighting levels? He doesn't know why the Select Board should be given this task. It should be given to the ZBA. As written it is too open ended.
 - Bill Cantlin said he suggested this for a couple of reasons: #1 some venues might be very short term. ZBA is difficult to do and selectmen enforce zoning.
 - Bob asked if this includes condo projects. The answer was yes but sticky point is they don't require site plan review on existing projects. It is up to

the building inspector to review what is being planned. If regulations aren't met it's up to him to turn it down.

- Page four #5 temporary night time sport and event venues will require permission from the board. Mr. Larsen suggested taking out the last sentence if there is not going to be a yearly review. Also will they make any comments regarding up or down lights? Will this apply to the tubing hill. Answer this is about dark skies.
- Discussion on how the lights are directed at the tubing hill.
- Mr. Notowitz had a question on item #2 on page one regarding intent. Clarify no lighting is acceptable and encourage where other methods are used to create a safe environment which includes flashlights and reflective materials.
- Ms. Rathgeber said the overall intent is to have enough safe lighting to encourage people to get out.
- Bill Cantlin commented there was no intent to skirt safety issues. The question was do you need it? If not don't light it.
- Mark Decoteau suggested minimum necessary lighting is required to maintain a safe environment to clarify the wording. The word "no" suggests cutting down all the light poles. Bill Cantlin suggested removing that wording completely. It is taken out.
- Mr. Notowitz asked if Temporary Outdoor Lighting should state a number of days between uses. This was carried over from previous wording. Ms. Rathgeber suggested removing this. The intent was to keep someone from lighting something for a few days and have it considered temporary and then light it again a few days later. Mr. Waite commented "if it ain't broke don't fix it". It hasn't been a problem. It is determined to leave it as is.
- Ms. Rathgeber said the chart is new and hopefully easier to use.
- Bill Cantlin told the board Jim Stockman impressed him. His knowledge of lighting was good and practical. Bill suggested it would be worth the money to ask Jim to sit with Chris Hodges and review what should be looked at when a building permit is submitted. Jim would also be a good option to hire to look over a large site plan review.
- Revisions will go on meeting for January.

○ **CIP (Capital Improvement Plan ~ 3rd draft)**

- Mark Decoteau presented the CIP committee's recommended plan to go to Select Board for the budget.
- Mr. Waite asked the board members if there were any further comments regarding the CIP.
- Bob made a motion the CIP be forwarded to the Selectboard. Motion seconded by Mr. Notowitz. Mr. Larsen abstained. All in favor.

○ **Communications**

- NONE

- **Committee Reports**

- NONE

- **Tickler Files**

- C1 Density (Mr. Kucharski suggested they remove this item from the Tickler Files due to Mr. Larsen's proposal. Mr. Waite agreed. Mr. Larsen commented there was a broader thing regarding C1; making an effective deal with Cantlin they will rezone something if other changes were made. That still has some validity. He commented he sees his proposal as a stop gap to allow a little more flexibility. It is determined to leave this one the Tickler File.)
 - Shared Parking
 - Restricted Parking

- **Adjournment**

Mr. Larsen made a motion to adjourn the meeting at 11:37 am

Ms. Saenger seconded the motion

All in favor

Respectfully submitted,

Mary Pelchat

Planning Board Coordinator

Waterville Valley Town Office