



Home of Waterville Valley Resort

WATERVILLE VALLEY PLANNING BOARD
Summary of the Minutes for the
Regular Planning Board Meeting
Held on Thursday March 10, 2016 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, Nancy Knight, Wendi Rathgeber, Bob Guilbert, Harry Notowitz, Cheryl Saenger , Ex-Officio Bill Larsen
 - Alternate Members in Attendance: Ray Kucharski, John Recine
 - Members Absent: Vice-chair Cyndy Piekos
 - Alternate Members Absent:
 - Alternates Seated:
 - Public in Attendance: Mark Decoteau, John March, Janet Carlisle (Wig-Wag reporter)
- **Review and Acceptance of Minutes from February 11, 2016 Meeting**
 - Mr. Larsen made a motion to accept the regular meeting minutes of February 11, 2016 with amendments (as follows):
 - *Line 51 Mr. Piekos should be Ms. Piekos.*
 - *Line 66 Ms. Guilbert should be Mr. Guilbert*
 - Ms. Rathgeber seconded the motion

Motion carried by unanimous vote
- **Election of Planning Board officers**
 - Mr. Waite informed the board Ms. Piekos has submitted her resignation from the Planning Board.
 - An alternate will be promoted to full member. The Select Board met and they knew of the resignation so tentatively made a selection. Cheryl Saenger was suggested. Ms. Saenger accepted being moved from alternate to full Planning Board member.
 - Ms. Saenger nominated Terry Waite for Chair; nomination seconded by Ms. Rathgeber. All in favor.
 - Ms. Rathgeber nominated Nancy Knight for the position of Vice Chair; nomination seconded by Mr. Notowitz. All in favor.
 - Mr. Waite nominated Ms. Rathgeber for the position of Secretary; nomination seconded by Ms. Saenger. All in favor.

- **Old Business**

- **PUBLIC HEARING (continuation) – open at 9:10 am**

- Site Plan Application~ Moose Crossing Townhouses**

- Tax Map 105-010.25 Brownstone Way**

- Presented by John March of Mountain Mapping.
 - Mr. Larsen asked if this application had been accepted. Mr. Waite responded it had been. There had been a couple of hearings on this already.
 - John March handed out updated plans and went over the requested changes given to him.
 - #1 Condo documents – this was taken care of by Atty. McCormack. Mr. Waite added this subdivision was originally approved for five condominium units of which three have been built. The owner is now looking to build the remaining two. Mr. Waite continued this was a site plan application as they already had subdivision approval.
 - #2 Drainage behind the buildings - Mr. March said he raised everything 6". Mr. Waite responded the top of the foundation looks to be at 1,535. John said due to the grade going to the driveway he is hesitant to go any higher.
 - ◆ Mr. Larsen asked where the drainage will flow to; John showed him, on the map.
 - ◆ John March stated he also added drainage to the utility plan and the inconsistencies in the retaining wall were taken care of.
 - John March confirms, for the record, there were no other changes made than the ones previously discussed.
 - Mr. Kucharski asked if Brownstone Way was going to continue; John March replied at some point yes and it is a private driveway.
 - Mark Decouteau said the driveway to Brownstone was not built to town specs.
 - Ms. Rathgeber asked if there was an issue for emergency vehicles to which Mark replied as long as it was in the parking lot area there was plenty of room.
 - Mr. Kucharski asked about further development by Waterville Co. as the driveway would then have to become a road. Mark responded that would be Waterville Co.'s issue and that was a good question.
 - John March also commented the Moose Run plans predated this project so the driveway is not shown. Mr. Waite said the 2005 subdivision was approved for five buildings so should show the driveway as proposed here. John agreed but is not sure as the Moose Run plans were approved in 2004.
 - Mr. Larsen asked Mark to check and make sure what they approved the last time showed five units including building height, parking spaces, and all that detail. John confirmed this was done. Mr. Larsen read the zoning ordinances regarding drainage overflow and holding the town harmless in case

of overflow. Mr. Larsen asked if a statement could be required noting the town would be held harmless. Mr. Waite responded there is a statement on record with Bill Cantlin saying he has no problem with the drainage going onto his property. There is no formal statement just affirmation in the minutes. Mr. Waite suggested making a formal written statement a condition of approval.

- Mr. Larsen would like a formal letter, not an easement, from Waterville Co. stating the town is held harmless from excess storm drainage going onto lot 105-10.26. Mr. Waite asked John March to get this for the board.
- Mr. Larsen continued with the landscaping plan and asked what was currently there (on the site). John replied it is currently open but he hasn't been there to specifically check it out. Mr. Kucharski responded it looks like a gravel pit.
- Mr. Larsen asked if they are satisfied with the landscaping as pro[posed to which Mr. Waite responded that looking at the contours it's pretty clear it will have to be clear cut.
- In response to a question on lighting John showed there will be building lights, and there will be no exterior mechanical items.
- Mr. Larsen asked if this will be on public water & sewer. Mark said there is a water and sewer main there. Mr. Waite said part of the application is a statement regarding public water & sewer. Mark isn't sure if Jim had done that.
- Mr. Larsen said he would like the water & sewer department to write a statement they have no problem with this. The planning board has the right to have a registered engineer perform inspections as the buildings go up. A letter from the developer stating they will bear all costs would be required.
- John March told the board, in response to a question about the size of the buildings, the footprint is pretty much the same.
- Mr. Larsen asked if a performance bond should be required. John asked if that would be when they apply for a building permit. The answer is yes at the start of construction. John replied they aren't going to be starting construction right away.
- Mr. Larsen asked about the time limit to build when they approve the application. Mark replied this is basically complete since they had approval from 2005 and they have already built three units. They do have 12 months to start construction once the building permit is obtained.
- Mr. Larsen said they do require as-built plans and to have a bond that says if as-built plans aren't provided they don't release the bond.
- Mark responded Chris Hodges gets that as part of the building permit process.
- John March said part of his contract is to do that along with staking out the project location and the as-built.
- Mr. Waite recapped:
 - Any approval would be contingent on receiving a letter from the abutter regarding drainage.
 - A letter from the water & sewer dept. regarding their ability to service this site.
 - A letter from the owner agreeing to pay for inspection services if required.

- The planning board is requiring a performance bond. Mr. Larsen added that is an option the planning board has.
- Mr. Larsen added another consideration is will the developer finish the building. The money from the bond would be used to tear the building down or finish the construction.
- Mark explained the performance bond – they are usually used to build what the developer said was going to be built and if it's not done the town has the funds to either build it or tear it down. The town can hold the performance bond until the as-builts are received.
- Mr. Notowitz said since they added this requirement and voted on it they should set the precedent going forward.
- Mark said Mr. Waite can write a letter to Chris Hodges requesting a building permit not be issued until the owner obtains a performance bond.
- Mr. Waite said the performance bond requirement is part of the application checklist but it wasn't checked off in this case.
- John March asked for confirmation this won't come into play until the start of construction. The answer was yes.
- Mr. Waite reiterated the conditions:
 - Letter for drainage easement
 - Letter from water & sewer department
 - Letter promising to pay for inspections if required.
 - Letter stating the owner understands a performance bond will be required in order to obtain a building permit. The bond amount is to be determined by Chris Hodges, Building Inspector.
- Mark told the board the amount of the bond will be based on the estimate of cost to build. He then asked about one of the conditions the board brought up – in the approval they state how they want to handle the road/driveway and how many units/lots they are considering for future development and service by the road.
- Mr. Larsen said his interpretation of zoning on this is "lots" or "buildings", the liberal interpretation would be this is one lot. There could be three or more lots on this road and zoning clearly states buildings, not units.
- Mark asked if they would like what they are considering to be on record for future developers' clarity what is beyond this.
- Mr. Larsen responded it should be clear this is two buildings. There is an 18' wide road so technically up to five buildings with three more buildings being allowed.
- Mr. Waite said a condition the planning board needs to consider regarding this application is for two buildings. Mr. Larsen added two of the five relative to the number of buildings on a private road that is 18' wide as the regulations allow a private road to be less than 18' wide.
- Mr. Waite asked if this was a driveway to which Mark replied yes at this point.
- Mr. Waite said the planning board considers this application for two buildings relative to the five buildings allowed on this driveway. Mr. Larsen agreed.

- Mr. Larsen continued with if they are going to make a statement for the record he would like to clarify requirement should say "can access up to four buildings or lots and requires the approval of the public safety department". When they say their interpretation is two buildings of the five that are allowed they are not waiving that it would also require approval of the public safety department.
 - Mr. Waite added approval of the public safety department is required.
 - **Mr. Waite closed the Public Hearing at 9:05 am**
 - Mr. March told the board he would get the required letters from the property owner. It is determined if the letters arrive before the April Planning Board meeting approval can then be determined.
 - Mr. Larsen asked if they need a motion they agree to approve upon receipt of these four items. Mr. Waite replied John March was given a 30-day extension to get the required statements to the planning board.
 - Mark reminded the board that since John has granted the 30-day extension the board is now in their window of 30 days.
 - Mr. Waite then suggested they table the application until the four required statements are received from the applicant and the one condition of approval that the planning board has to receive that the application is for two buildings relative to the five buildings allowed and that approval of the public safety department is still required will still be hung onto the approval.
 - John March asked how many mylars would be needed. The answer is two of sheet one. They do not need to be recorded at the registry as the subdivision was previously recorded. Site Plans do not need to be recorded.
- **SUBDIVISION DESIGN REVIEW ~ Waterville Valley Realty Trust**
(cont'd from December 2015; request for continuance until April meeting)
Tax Map 104-40/041 ~ Snow's Mountain Rd.
4-lot subdivision
 - John March was granted permission to continue design review on this issue.
 - Mr. Waite said he was extending the public hearing one more time.
- **Request for Conservation Commission Planning Board Ex-Officio**
(cont'd from February 2016 meeting)
 - Mr. Larsen asked Mark what would happen if they couldn't get a commission started. Mark replied plans that required review by the commission would not be reviewed.
 - Mr. Notowitz said there were certain projects they were supposed to be working on and it hasn't happened since last summer. Meetings could be called but they haven't been.
 - Mr. Larsen said they need to find someone who would agree to serve as chairman. The murky responsibilities of the conservation commission doesn't help. There is no one enforcing what the conservation commission comes up with.

- Mr. Waite said it would be nice to have a trained eye on landscaping plans they approve.
 - Mr. Larsen said it would be helpful to have someone with a background in landscaping.
 - Discussion regarding lack of people to fill boards. Mr. Larsen let the board know Kathy Chandler is no longer a member of the planning board.
- **Communications**
 - North Country Council Drop-in Office Hours (emailed to board members)
- **Committee Reports**
 - Mr. Waite said Ms. Rathgeber and Ms. Knight did a good job with their presentation at the town meeting.
 - Ms. Rathgeber said their meeting was geared on their presentation. No further action was taken. They now wait to see if they get the grant. Town funding was authorized.
 - The grant is from the National Endowment for the Arts.
 - Mr. Larsen said he understands the next stage is to hire someone to do the design. Ms. Rathgeber said yes an artist to conceive the design. Mark said there is a budget line to cover this expense and the next step is to have the Town Core group come in to meet with the Select Board so they can see how that is broken up.
 - Ms. Rathgeber said the Town Core group, or anyone, would work with the artist to come up with a palette of colors. The mountain is involved with this so branding for the resort and the town will match. If the ski area sold the branding will remain the same.
 - Mr. Larsen said any signs will have to conform to the town's sign regulations.
- **New Business**
 - Mark told the board the zoning ordinance change passed. Mr. Larsen suggested he tell the board about the error in the one that was approved and it is being corrected.
 - Ordinance was made a primary right instead of a secondary right.
 - Mr. Waite said the wording for the adopted ordinance is correct. It puts the storage facility as an accessory use by right. It was listed in the warrant as an allowed use. The warrant was listed incorrectly. Town counsel was consulted and he said let it go to vote the way it is. If it passes it can be considered a clerical error because accessory use of right is a more stringent requirement than allowed use by right.
 - Mr. Larsen said he was concerned somebody would say since this got approved they felt they could build storage units anywhere. He continued that he feels they need some document to go into that section that says what was just said.
 - Mark responded that the document signed by the town clerk that the planning board voted on shows very clearly it is accessory use. The language on the

warrant article stated allowed use. Because accessory use is more restrictive that overrides the incorrect warrant article wording.

- Mr. Kucharski asked if regulations had been updated. Mary Pelchat responded she will have to check on this with Sharon Charron.
- Mark said new zoning ordinances and updated maps will be given at the next meeting along with new site plan and subdivision regulations. Also the checklist needs to match regulations.
- Mark informed the board next week there is a North Country Council transportation meeting. It would be in their best interest to have members attend the meetings in regards to getting grants. Mark will attend this meeting but they should have one other person who is available for the meetings if Mark cannot go.

- **Tickler Files**

- C1 Density; Shared Parking; Restricted Parking; Extension of Boulder Path
 - (to Old Business May 2016)
- Research on lighting
 - (to Old Business September 2016)

- **Adjournment**

Mr. Larsen made a motion to adjourn the meeting at 9:40 am

Ms. Guilbert seconded the motion

All in favor

Respectfully submitted,

Mary Pelchat

Planning Board Assistant

Waterville Valley Town Office