

Freedom Planning Board
November 19, 2015

Members Present: Les Babb, Pam Keith (alternate), Anne Cunningham, Peter Park, Bill Elliott, Paul Elie, Jean Marshall

Members Absent: Maynard Thomson

Others Present: Dianne Park, Jennifer Molin, Paul Olzerowicz, Peg Scully, Ernie Day Jr., Mark McConkey, Ted Wright, Wright Survey Co., Bill White, Susan Guffield, John Krebs

Minutes recorded by Dianne Park

Meeting called to order at 7:00pm.

Minutes

A motion was made by Peter, seconded by Bill, to approve the minutes from October 15, 2015 as amended. All were in favor.

Page 1, remove everything under the heading of ~~Pre~~**liminary Layout of the Major Subdivision Application of Sherwood Forest LLC of Ossipee Lake Rd. Tax Map#7 Lot#5-1'** and replace it with:

~~Les~~ recused himself as a Planning Board Member and presented the application: Sherwood Forest LLC is proposing an Elderly Housing Complex with 18 dwelling units.

Both Les and Anne gave background information. Anne explained that this is a review of the preliminary layout, the second stage of subdivision review. She read section 5:08 ~~the~~ Board shall submit in writing its recommendations and reservations with respect to the proposed subdivision and the advisability of preparing a Final Plat. Les reviewed Section 902 Elderly Housing from 902.1 through 902.2.12 and 902.3. Units will be 2 and 3 bedrooms, one floor living, each unit will be owned and sold separately on 1/3 acre, have applicable monthly HOA fees with sewage and septic for each unit. Anne questioned the 3 bedroom option, which had not been mentioned in the Informal Discussion. Les said that some people want a third bedroom in case they need a caretaker and want to have a bedroom for family visitors.

Paul Olzerowicz and Bill White asked if the calculation of acreage included roadways. Anne's opinion was that the roads did not have to be taken out of the calculation.

Joe Donovan and Paul E. Gauthier had a question on age requirement and Les explained that one person living in the home must be 55 years of age. Paul E. Gauthier also asked if the project was for Freedom residents only. Les explained the project was not just for Freedom residents. Paul thought this project was a ploy to get younger people in the town and thought the project was totally wrong.

Bill White asked about setbacks. Section 902.2.12 refers to a 25 foot landscaped buffer and Les said that is all that is required. Paul Elie mentioned that the plan does not show a 25 foot buffer around the entire lot. Les noted that.

Check future meeting minutes for any amendments or changes to these minutes.

The board then began the process of reviewing the plan and determining the need for information on the plat as required in section 5B, review of preliminary layout.

Les stated that section 902.2, as the more recent addition to the ZO, controls the setbacks. He stated that the 25 foot wooded buffer is the only setback requirement. He also said that setbacks on the lots are determined by section 902.2.4 says dwelling units shall be separated by a minimum distance of 35 feet and setback requirements in the underlying district do not apply.

The board decided they wanted legal advice on this subject Anne explained the present Town Counsel is working on the project in conjunction with Sherwood Forest and cannot also work for the planning board on this matter. To obtain legal counsel, the Planning Board would need to get another legal counsel.

Les stated that he believed that the subdivision regulations do not apply to this project because it is an elderly housing subdivision. When asked what that means, Les suggested that the board go through the regulations and discuss the various items. The discussion focused on the requirements for the preliminary layout and went on to cover the specifics of sections 5:06, 5:11, and 5:12.

The board reviewed Subdivision Regulations:

- Section 5B Review of Preliminary Layout

5:04 Procedure

5:05 Description of Layout

5:06 Information Required

Anne went through sections a ó m.

a) Name of municipality and subdivision; name and address of subdivider and designer or engineer; names and addresses of abutters (all of these items shall appear on the layout).	Will be on final plat
b) General site location map locating the boundaries of the subdivision and proposed streets in relation to major roads or other features shown on the Town base map.	Will be on final plat
c) Boundaries and area of the entire parcel owned by the subdivider, whether or not all land therein is to be subdivided, references to a Town Highway intersection or USGS bench mark; north point, bar scale, date, and dates of all revisions.	Will be on final plat
d) Boundaries and designations of zoning districts within the subdivision; municipal boundary, if any; land use designations from the Zoning Ordinance.	Will be on final plat
e) Approximate contours at 5 foot intervals taken from a standard USGS map.	Will request a waiver of flat lot
f) Soil mapping units and boundaries as classified by the U.S. Department of Agriculture Soil Conservation Service. Seasonally wet areas shall be delineated.	Will be on final plat
g) Subdivisions and buildings within 100 feet of the parcel to be subdivided; road, streets, and driveways within 200 feet of the	Will check

Check future meeting minutes for any amendments or changes to these minutes.

parcel to be subdivided.	
h) Location of parks and other open spaces, watercourses, flood-prone area, significant natural and man-made features.	Will check
i) Existing and proposed lot lines; existing and proposed easements, deed restrictions, buildings, accessory buildings, and zoning setback lines.	Will show underground utilities. Not sure how to treat maintenance as easement or in association agreement
j) Preliminary road profiles showing grades, existing and proposed street right-of-way lines (including side slopes), widths of streets, proposed names of new streets.	Plan to ask for waiver of road specifications and build a driveway
k) Location of existing and proposed water lines, sewage disposal systems, storm drainage lines, drainage structures and drainage ways; existing and proposed culverts and bridges; existing and proposed telephone, electricity, water, sewer, fire protection lines and other proposed facilities and/or utilities.	Will request to provide electrical plan in as built plans utility cannot say where the lines will be until they are installed
l) Preliminary drainage analysis and computations; watershed areas.	Too costly will ask for a waiver. Will have drainage between units. Some discussion re: whether more drainage information is needed.
m) Location and details as to any existing or proposed community water or sewer systems with information on capacity, usage, cost, any charges direct or indirect, and a description of the entity responsible for the operation, maintenance and service.	Will provide if community system is used. Plan calls for individual septic and well on each lot.

Section 5C Review of Final Plat

5:11 Information Required on Final Plat

a) A boundary survey certified by a land surveyor licensed to practice in the State of New Hampshire.	Will be on final plat
b) Contour lines at 5 foot intervals for the entire parcel to be subdivided.	Sherwood Forest will ask for a waiver. It is a very flat lot.
c) Soil test data, sewage disposal information, and approvals as required in Section 8:5.	Les provided a one page letter from Mark McConkey regarding test pits
d) Boundary survey shall include bearing, distances and location and description of all permanent corner markers. Amended 05/18/06	Will be on plat
e) Existing and proposed lot lines and building sites, angles and dimensions, lot sizes in square feet and acres, consecutive numbering of lots.	Will be on plat.
f) Existing and proposed street right-of-way lines; dimensions of tangents, chords, and radii; location of all monuments to be set at street intersections; points of curvature and tangency of	Will be on plat or waivers requested

Check future meeting minutes for any amendments or changes to these minutes.

curved streets and angles of lots; names of existing and proposed streets.	
g) For all subdivision that involve land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP) the applicant must assure that all necessary permits have been received from those governmental agencies from which approval is required under Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.	Not applicable?
h) For all subdivisions land designated as "Special Flood Hazard Areas" (SFHA) by the National Flood Insurance Program (NFIP), proposals for development of greater than fifty (50) lots or five (5) acres (whichever is the lesser), must include Base Flood Elevation (BFE) data (i.e., floodplain boundary and 100-year flood elevation).	Not applicable?
i) All information submitted for the Preliminary Layout as preliminary or estimated shall be in final form for this application.	(See above)

5:12 Additional Information for Final Plat

5:12.a1 69

1) Basic street and lot layout, with all lots or sites numbered consecutively.	
2) Location of all existing buildings and approximate locations of proposed building, if known.	
3) Contours of existing grade at intervals of not more than five (5) feet. Intervals less than 5 feet may be required, depending on the character of the topography.	Will request a waiver
4) Final identification, location, elevation, grade and/or contours at intervals of not more than five (5) feet for the existing and proposed drainage ways, drainage easements, drainage structures, and water bodies. Intervals of less than 5 feet may be required by the Board, depending on the topography.	Will request a waiver
5) Final identification and location of proposed soil erosion and sediment control measures	Will request a waiver
6) Final drawings and specifications for each proposed soil erosion and sediment control measure in accordance with the standards set forth in Section 8:15.	Will request a waiver
7) Final drawings, details, and specifications for proposed storm water retention facilities for ground water recharge, if applicable. Amended 02/18/10	Will request a waiver
8) Final slope stabilization details and specifications.	Will request a waiver
9) A timing schedule indicating the anticipated starting and completion dates of the subdivision development and the duration of exposure of each area prior to the completion of effective soil erosion and sediment control	Will provide the 1 st schedule. Will

Check future meeting minutes for any amendments or changes to these minutes.

measures.	ask for waiver of second.
-----------	---------------------------

5:12b Subdivision Street and Utility Plan

Les indicated he plans to ask for a waiver of the road specifications and build a driveway instead. The applicant plans to pave the road but, since the base for the road is stable, they would have only one of the required gravel layers to require less earth moving. The applicant proposed 18 feet plus 3 foot sidewalks for a total of 24 foot roadway. Board members said that 3 feet for sidewalks would be the minimum.

Bill and Peter expressed concern that, at a future time, homeowners would petition to have the road adopted as a town road. All board members expressed concern that waiving this requirement could cost the town money in the future. We discussed an alternative of having a provision in the homeowners' agreement giving up the right to ever petition for the town to take the road, which would stipulate that the town would have to approve any future change in this section of the agreement. The board asked Les to see if his attorney felt this provision would be enforceable.

The board also asked about septic. Les said that the acreage for minimum lot size in Appendix A, Table 1, minimum lot size, did not apply to this subdivision because it conflicts with section 902.2 of the ZO. He said that

The board briefly reviewed that rest of 5:12:

5:12c Flood Hazard Plan not applicable?

5:12d Requests for Modifications or Waivers applicant will provide these at the review of final plat

5:12e Information if a Performance Bond is Required from the Subdivider

Public Comments:

Paul Olzerowicz asked if visitor parking would be on the street, on the lot or in the driveway. Les said the parking would be in the driveway.

Bill White asked about the minimum age limit and Les said this question will be brought up with their attorney for possibly being put into the Covenants. Bill also asked if the project was staked out yet and if a comment regarding limiting changes to the outside of any unit could also be added to the Covenants. Les said the project was staked out and he would ask their attorney about changes to the outside of the units being added to the Covenants.

In complying with section 5:08, Anne said that she felt that the board was not ready to advise the applicant to prepare a final plat. The board concurred. Les wanted the Planning Board to vote on the matter of setbacks for the overall lot and individual lots. Anne explained the board was not ready to vote on that subject without legal advice.

This Public Hearing will be continued to the November Planning Board Meeting.
Public Hearing ended 9:00pm.ø

Check future meeting minutes for any amendments or changes to these minutes.

**Continue the Public Hearing for the Preliminary Layout of the Major Subdivision
Application of Sherwood Forest LLC of Ossipee Lake Rd. Tax Map#7 Lot#5-1**

Public Hearing started at 7:03pm.

For the purpose of this public hearing Pam Keith sat on the board in place of Jean Marshall. Ernie Day Jr. sat on the board in place of Les Babb.

Anne opened the public hearing stating that last month the hearing closed with the board having questions for its attorney. Anne had a letter from the board attorney and wanted a vote on whether to make the contents of the letter public or keep it confidential. The board agreed to make the contents of the letter public and instead of reading the whole letter each part will be read as the question arises.

Les read a statement summing up what has happened since they appeared before the board in May.

- Informal hearing in May, 2015
- Board wanted underground utilities ó they changed the plans
- The board had a concern on the lot sizes ó they changed the plans to condo style ownership
- Feels the residence will be safer in this type of environment and the tax rate will be lower as each unit is sold further stating the town needs growth to avoid a tax increase.

Les wanted to present the current plans to the board but the board felt because the plans have not been made public yet; they did not want to see them.

The board went through questions addressed to the attorney.

Setbacks: Section 902.2.12 of the Freedom Zoning Ordinance which states:
'The perimeter of all such elderly housing developments shall be treated with a landscaped buffer zone of a minimum of twenty-five feet (25') which may consist in whole or in part of existing natural growth.'

Anne said the board attorney said the buffer zone and setback area are 2 totally different things and both are needed. Les said the project has been changed to a condo development which will contain 1 building lot of record with each unit owning 1/18 of the land and the setbacks and buffer zone meet the town requirements. Les further stated that the original plans were for 2-3 bedroom units and now they are only 2-bedroom condo units. Paul Olzerowicz asked if the towns Elderly Housing Ordinance allows for condo style ownership and Anne said that any building style in the state allows for condo style ownership. Bill White asked about the vegetation in the setback and whether it was going to be cut down or left natural. Les said it would be left natural.

Roadway

The roadway will be 24ø wide as previously discussed. Included in the 24ø is an 18ø paved roadway, a 3ø paved sidewalk and 2ø wide shoulder. Each resident will walk down their driveway onto the sidewalk. The board still has concerns about the road not being up to town standards/specs. Les explained the covenants will say that the roadway is to be a private road.

Check future meeting minutes for any amendments or changes to these minutes.

The board asked what protects the town from a future condo board amending their documents. Les explained that the PLAT will state the road is a private road. Anne said the board attorney advised them to not accept a sub-standard road and board members agreed the road should be built to town specs. Anne further stated the road plans should be approved by an engineer and suggested that the town road agent look them over.

Septic Design

Mark McConkey spoke of the septic design plans stating that he has presented his soil findings and project specs to the state and they meet the state standards and will support 18/2-bedroom septic tanks and 18/2-bedroom wells. Paul Olzerowicz asked about drainage and water runoff and was told the project will support all drainage and understands this point must be proved going forward further stating that drainage swales are being installed for this purpose. Anne asked that a drainage plan be presented to confirm this.

Susan Guffield asked if the project had hired a professional site engineer. Anne asked what state document says they need to hire a professional site engineer. Susan stated that in Delaware this is a requirement and Anne stated that in NH this is not a requirement.

Paul Olzerowicz asked if there will be shielding around wells protecting them from septic water and Mark informed him that the septic and wells do not fall into each other's radius.

Anne asked if the by-laws will be available for public review and Les agreed.

Peter Park asked if the age limits will be in the covenants and was told yes.

Public Comment

Peg Scully asked if there would be a presentation of the project and was told yes.

Susan Guffield asked what was to prevent other properties from being approved for elderly housing complexes. Anne and Les explained how the Elderly Housing Ordinance works.

Ernie asked if they would build the full project upfront or build as they are bought. Les explained initially 1-2 model homes will be built and then each unit will be built as bought further explaining the entire roadway will be initially completed.

Abutters In-Favor of Project ó None

Abutters Against the Project ó None

Non-Abutters In-Favor of Project ó None

Non-Abutters Against the Project ó None

John Krebs stated he did not think a paved roadway was necessary.

The review of the Preliminary Layout for this project will be continued to the December Planning Board Meeting.

Public Hearing ended at 8:05pm.

Check future meeting minutes for any amendments or changes to these minutes.

Pam Keith left the board and Jean Marshall returned. Les left the meeting.

Community Survey Results

Anne was looking for the board's reaction on what to do with the survey results or how to present them to the town. Anne put together themes from the survey results that relate to the Master Plan. The next step is to present the results to the town and get their input. Bill thought that the charts could be presented with a narrator. Copies of the full survey results will be available at the Library, Town Hall and on the town website. Anne brought up the fact that the board originally wanted to present the survey results in the spring of 2016 so that as many people as possible could be present. Anne wanted this topic reopened and asked if 2 town presentations could happen. Dianne Park thought that a mailing of the original survey would be appropriate. Include the number of people who answered the survey and the number who answered each part of each question. Thereby giving the town's people a feel for how other people in town answered.

2016 Budget

All unused money from the Master Plan will be encumbered for 2016 and Anne will ask for the Planning Board budget for 2016 to be \$2,550.00. Bill Elliott volunteered to be at the meeting with Anne as a board supporter.

Other Business

Peter and Jean passed out questions for Article 8 Off- Street Parking Requirements and asked all board members if they had any other uses to investigate. They will meet again and this will be on the agenda for December.

A motion was made by Bill, seconded by Peter, to adjourn the meeting.
Meeting adjourned at 8:55pm.