

**TOWN OF NEW HAMPTON  
PLANNING BOARD  
MEETING MINUTES  
NEW HAMPTON TOWN OFFICE  
NEW HAMPTON, NH 03256**

November 18, 2014

**MEMBERS PRESENT:**

Regular members Mr. Kettenring, Mr. Mertz, Mr. Luciano, Mr. Conkling, Ms. Gregg, Mr. Love, Mr. Irvine, and Alternate member Mrs. Hiltz were present.

**OTHERS PRESENT:**

Town Administrator Mrs. Lucas and Deputy Fire Chief Lang

**CALL TO ORDER:**

Chairman Kettenring called the meeting to order at 7:00 p.m.

**MINUTES:**

10/21/14

Mr. Mertz made a motion, seconded by Mr. Irvine, to accept the minutes as written. Vote was unanimous.

**CORRESPONDENCE:**

1. ZBA Notice of Decision approving a Special Exception for Linda Collins to construct a new 3-bedroom home with a 1-bedroom accessory apartment in the basement.
2. Squam Lakes Association's watershed report

**MASTER PLAN UPDATE**

Mr. Mertz advised he has nothing to report at this time.

**(Cont) PUBLIC**

**HEARING/ABUTTERS HEARING**

*Michael Sharp; NH Route 104 & Riverwood Drive; Tax Map U-17, Lot 55 – Site Plan Review for health focus facility*

Mr. Kettenring advised that the board has a request to continue this item to the December meeting.

Mr. Irvine made a motion, seconded by Mr. Mertz, to grant a continuance to 12/16/14 at 7:00 pm. Vote passed.

**PRELIMINARY HEARING/  
SUBMISSION OF APPLICATION**

*Kevin Lacasse and Louis & Karen Porrazzo; 80 Lake View Drive; Tax Map R-8, Lot 1A20 & Straits Road; Tax Map R-7, Lot 1 – Boundary Line Adjustment and Subdivision*

Mr. Lacasse, Mr. Porrazzo, and several abutters and Winona Heights residents were present.

Mr. Kettenring read a letter from abutter Regina Nadeau advising that she has no objection to the proposed subdivision and boundary line adjustment based on the proposal that the ROW to access the 10 acre lot is several 100' distance from her side property line as depicted in an attached aerial photo provided to her by Mr. Porrazzo.

Mr. Lacasse advised that due to the previous meeting and site visit there was concern relative to run-off going towards the Matthewman lot. He said to alleviate that issue they changed the ROW accessing the 10 acre lot, bringing it 350' west, so it runs from Straits Road through Porrazzo's lots. Mr. Lacasse pointed out that he was not looking to further subdivide the 10 acre lot, and if that was to happen in the future, it would then be discussed with the Planning Board. Mr. Lacasse asked the board to consider approving the application with the condition that the ROW be moved to its new location. Mr. Kettenring advised that this new location would require a permit from the Public Works Director and a new survey plan. Mrs. Lucas asked Mr. Porrazzo to clarify the drawing provided by Ms. Nadeau showed that the ROW

would now run through lots 1C & 1D and Mr. Porrazzo confirmed that it would go through the middle. There was discussion that it appeared there was a cemetery in lot 1C and Mr. Porrazzo advised it was an old well that was relinquished, and is 30-40' from the proposed ROW.

Mr. Kettenring advised Mr. Lacasse that no further subdivision could be allowed as the ROW is 2,000'+ in length, and regulations don't allow for a dead end road to exceed 1,500' in length. Mr. Lacasse said he has solved this issue with the ROW at Lake View Drive.

Mr. Kettenring asked if there were any restrictions in his deed that could create a civil issue. Mr. Lacasse advised that there was never an association established to regulate deed restrictions and it was not noted in his deed. There was discussion on whether or not there were deed restrictions, or that they are still in place and other abutters and residents advised there were restrictions in all the deeds. Mrs. Lucas advised there were covenants and restrictions in a registered document but pointed out the town cannot enforce them and said one item restricted access. Mr. Irvine read the restriction...*"No right of way for any kind of travel shall be granted or constructed across any lot so as to provide access to another lot or any other property except rights of way granted to the association or reserved by the developer in this declaration."* It was determined that these were legal questions for Mr. Lacasse to research.

Mr. Mertz advised that relative to the submitted plan not showing this proposed change to the ROW layout he considers the plan as incomplete. The board agreed that they could continue the discussion unless it is the consensus of the board to consider the application as incomplete. Mr. Irvine said that at the first meeting on 10/21/14 Mr. Lacasse had been agreeable to adding the restriction that the 10 acre lot not be further subdivided, but at the site visit he had said he did not want that restriction. Mr. Lacasse said he *does not* want to limit further subdivision of the lot. Mr. Irvine pointed out that leaving this option open is item that concerns abutters the most. Mr. Lacasse advised that putting that restriction on the lot will devalue it for either himself or any future owner.

Mr. Kettenring asked for input from abutters and residents.

Winona Heights resident Al Firmin advised that these restrictions were in the deeds but not enforceable by either the town or the state. He expressed concern with Mr. Lacasse's statement that the 2,000' length of the ROW would not be an issue if the lot were further subdivided in the future, because of the ROW coming off of Lake View Drive. Mr. Firmin pointed out that at the meeting of 10/21 Mr. Lacasse said he did not need the ROW from Lake View Drive. Mr. Lacasse said the potential for subdivision still exists whether he owns it or Mr. Porrazzo owns it. Mr. Kettenring advised that the purpose of the ROW off of Lake View Drive was to allow for further subdivision because access from Straits only would prevent that possibility. Mr. Irvine asked Mr. Lacasse if he would be willing to purchase the one and ten acre lots with access from Lake View Drive only, and if he were to consider a further subdivision of the 10-acre lot in the future, he could then come to the

board to obtain the ROW from Straits Road. Mr. Lacasse said he did not want to do that, and wants to move forward as presented.

Winona Height's resident Helen Dinsmore advised it was her understanding that the association exists as a closed body, with no further development, which is why she purchased the property, and does not want to see further development.

Mr. Porrazzo asked for clarification on whether he himself could subdivide lot 1. Mr. Kettenring advised that he would have to bring an access road up to town specs and the length of that road would be limited to 1,500' in length if it was a dead end. Mr. Porrazzo asked if the road looped around back to Straits Road would that make it a permissible road and the board said it likely would, if it met all regulations.

Mr. Irvine expressed concern with allowing the 10 acre lot with the 2000'+ access from Straits Road, knowing there may be a problem with the restrictions in Mr. Lacasse's deed and a ROW off of Lake View Drive. Mrs. Lucas advised Mr. Lacasse to determine whether he was bound by the restrictions in the deed.

Mr. Kettenring advised Mr. Lacasse that he needs a new plan showing the Straits Road ROW relocation and to discuss the restrictions in his deed with an attorney. If this restriction remains valid Mr. Kettenring suggested to Mr. Lacasse that he may want to consider purchasing the one and ten acres lots and merging them both - with his house lot.

Mrs. Lucas asked Mr. Porrazzo if he would be relinquishing the present ROW from Straits Road as to access lot 1, replaced by the new ROW from Straits Road through lots 1C & 1D. Mr. Porrazzo advised that he would likely relinquish the current ROW.

Ms. Dinsmore expressed concern with an attorney deciding the deed restrictions were not in effect as she and other neighbors purchased their property because there were restrictions.

Abutter Denis Mainville advised that having the ROW from Lake View Drive presents the opportunity for further subdivision, which is his biggest concern.

Mr. Irvine suggested that by merging the 11 acres with his current lot the issues the two ROW's create would be prevented. He said that if a subdivision was requested in the future the access could be discussed then. Mr. Lacasse said he wants to keep the 10 acre parcel separate as Mr. Porrazzo has offered to hold the mortgage on it. Mr. Lacasse said he does not want further development in his backyard either.

There was discussion on there being the ability to allow the 10 acre parcel with one ROW from Straits Road, as there is no limitation to the length of a private driveway. It was noted that the 2<sup>nd</sup> ROW from Lake View Drive was a suggested solution to any possible further subdivision. Mrs. Lucas advised the board they would need to consider whether relocating the ROW to run through the center of merged lots

1C & D, would be considered a subdivision. She said it would need to be determined who would own the ROW, whether it be the merged lots 1C & 1D, lot 1, or the new 10 acre lot. Mr. Porrazzo suggested that the merged lots (1C & 1D) would use the present road frontage on Straits Road. Mr. Kettenring suggested that the relocation of the ROW happen at the point where the run-off will be an issue. Mr. Porrazzo said he wanted to keep it away from Ms. Nadeau's property line.

Mr. Mertz suggested that the ROW could be relocated to run along the combined lots 1C & 1D next to lot 1E. Mr. Porrazzo said he felt that would be more of a problem for the abutters across the street on Straits Road, and would be in direct line of sight of the new buyers of lots 1B & 1E. Mr. Matthewman stated his support for the relocation as it would alleviate his concerns with run-off.

Mr. Irvine explained that if the board had been aware of the deed restrictions and the new proposed location of the ROW during the conceptual or preliminary hearing this process would have fewer delays.

Mr. Lacasse advised he would speak with his surveyor and attorney, discuss the legal access issues, and propose a single ROW through lots 1C & 1D, relinquishing the ROW from Lake View Drive. He asked if the board felt this proposal would be approvable which some members said it appeared to be, if Mr. Lacasse addressed all the issues discussed. There was discussion that with a new survey plan being substantially different from the original proposal a re-notification of abutters may be necessary. Mr. Love made a motion, seconded by Mr. Luciano, to start over with a new revised plan from the two applicants and re-notification of abutters. Vote was unanimous.

Winona Height's resident Jerry Heckman expressed his agreement with the board's decision, which allows him the opportunity to see an up-to-date plan.

**PRELIMINARY HEARING/  
SUBMISSION OF APPLICATION**

*Theodore Rand Trust; 187 Old Bristol Road; Tax Map R-12, Lot 10 and Hemlock Trust; 101 Old Bristol Road; Tax Map R-12, Lot 4 – Boundary Line Adjustment*

Paul & Amy MacDonald and surveyor Colin Brown were present to represent the application.

Based on discussion at the meeting of 10/21/14, Mr. MacDonald said that relative to where the PO (Pemigewasset Overlay District) lies on the survey he showed where that was thought to be, at the rear of Mr. Rand's property. Mr. Brown advised they've increased the lot size of Mr. Rand's property (lot 10) to make it 2 acres and reduced the road frontage for lot 4.

Mr. Kettenring advised that the two acres must include soil calculations. Mr. Brown advised he did not have that and could not state whether it met the minimum two acres. Mr. Kettenring advised that the board could make a finding that this rule should not apply in this particular case. Mr. Brown advised that the lot near the road is a "C" slope, with group "3" soils; with the remainder of the lot being a "B" slope, with group "3" soils which would likely bring the lot calculation under two acres. Mr. Kettenring advised that the purpose of this requirement is to be sure there are adequate soils for a septic system and in this case there is an existing septic system and dwelling. Mrs. Lucas confirmed with

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Mr. Brown that only a portion of the Rand lot was in the PO District, with the remainder being in the GR District requiring a one acre minimum lot size.

Mr. Irvine made a motion that as this particular lot has demonstrated that it meets the two acre requirement, to waive the soils & slopes rule. Mr. Kettenring added the finding that the lot is not entirely within the PO District. Ms. Gregg seconded the motion and amendment. Vote was unanimous.

Mr. Mertz made a motion, seconded by Mr. Irvine, to accept the plan as complete. Vote was unanimous.

Mr. Kettenring asked for any abutter's input. There were none present.

Mr. Mertz made a motion, seconded by Mr. Luciano, to approve the plan. Vote was unanimous.

**INFORMATIONAL/CONCEPTUAL**  
*A.V. New Hampton, Tax Map R-4, Lot 90B, 325 NH Route 104, belonging to 325 Route 104 New Hampton Corp., retail store – Site Plan Review*

CLD's Brian Pratt, and Anagnost Investments Alex Vailas were present.

Mr. Pratt distributed conceptual plans for the site, saying an applicant is looking to purchase the property, tear down the existing structure and construct a 12,000 sq. ft. retail space. As there is no letter of intent from the tenant they cannot disclose who that would be. He advised they met with the Selectmen recently to discuss the concept. The conceptual drawing showed parking. Mr. Pratt said they would leave the driveway shared with the nursery, as is, with a possible reconfiguration of the driveway near Dunkin Donuts. He advised they would be removing the overhead canopy, the gas pumps, and tanks. The septic system will need relocation based on where the new building would be. Relative to connectivity with Dunkin Donuts, as the town had previously expressed a desire for this, Mr. Pratt advised that the Dunkin Donuts owner is agreeable as long as it doesn't adversely affect their site.

Mr. Pratt said they were aware of this location being a bus stop for Concord Trailways. Mr. Vailas said that this may still be a possibility but that the stop may also relocate to Subway. Mr. Pratt said a landscape architect could be used to improve the appearance of the lot and that the building style will encourage the small town feel the Master Plan recommends. He said they may reuse the larger sign but will address signage as part of an application. They will address the shared well on the property, determining whether to continue this sharing with the Exit 23 Plaza. There is a PSNH easement through the property and a relocation of one pole may be necessary but that the existing Verizon building will likely not need to move. Paving may be extended behind the building and stormwater management may change slightly. He said NH DOT has said they would likely approve a driveway permit for a change in use, if there is no increase in trip generation.

Mr. Pratt advised that as the town currently requires an engineered survey, the plan for KGI Properties has the details required by the board, so they would be asking for a waiver to use that plan which appears to be current. No members expressed any concern with that request.

Mr. Mertz said that given the watershed under this location, he wants to encourage a treatment swale for the run-off. Mr. Pratt agreed, saying there were several alternatives that would work.

Ms. Gregg expressed concern with what she felt was limited landscaping and Mr. Pratt showed where they could add green space, suggesting they may be able to move the building back further from the roadway to increase the green space.

It was noted that the existing building is about 7,000 sq. ft., 8,000 sq. ft. with the canopy. There was discussion on the 57 parking spaces shown and that they were not based on the requirements in ordinance which are based on the use. Mrs. Lucas asked what the standard distance was between the backs of parking spaces and Mr. Pratt advised it was typically 24'.

He said if the property is purchased the seller will be responsible for removing the pumps and tanks.

Mr. Irvine asked what the anticipated timeline would be and Mr. Pratt said they would like to break ground in spring for construction and early winter for demolition.

Mr. Kettenring reminded Mr. Pratt that if they move the building back they need to maintain the 50% undeveloped lot area. The board advised that if lot development went above 50%, or whatever is developed currently as it would be grandfathered, a variance would be required.

**OTHER BUSINESS**  
**ADJOURNMENT**

There was none  
Motion to adjourn was made by Mr. Conkling, seconded by Mr. Irvine.  
Vote was unanimous. The meeting was adjourned at 9:04 p.m.

Respectfully submitted,

Pamela Vose