

Planning Board Meeting Minutes  
August 23, 2016  
6:30 PM  
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Chairman Scott Burns called the meeting to order at 6:55 PM, Board was meeting with Town Counsel. Roll call was taken as follows:

**Members Present:** Frank Lombardi, Alan Theodhor, Scott Burns - Chairman, Everett Kennedy, Mark Lufkin – Selectmen Rep., Joyce McGee - Secretary and Attorney Christine Fillmore – Town Counsel.

**Absent:** John Tholl Jr. and Michael Carifio.

**Public Present:** see attached sheet.

Chairman Burns appointed alternate Alan Theodhor as a voting member.

**Minutes:** Deferred until the end of the meeting.

**Public Hearing(s):**

**1. Phase I of Master Plan – Continuance**

**#594-A Owner(s): Harris Family Trust, Richard S. and Nancy J. Harris Sr., Trustees -** who are requesting to add four (4) manufactured housing units to existing park, Tax Map 218 Lot 053, said lot is 7.35 acres.

Mark Lufkin wanted to know if any mediation had been done since the last meeting. Attorney Riff - no discussion has taken place.

Frank Lombardi advised that the Board had left off with a continuance on the Absolute Criteria, he reviewed what had taken place at the last meeting. The first section of the criteria regarding compliance with existing plans/policy standards was completed at the July 12<sup>th</sup> meeting. The Board continued on with the Community Character Compatibility Standards:

**Conflicts:** Trees/buffers were the concerns.

Attorney Riff, where are the trees? Frank Lombardi stated that the Board is only looking at Phase I of the master plan. The 6' fir trees are to be placed by Carlene Abbotts as a buffer. Attorney Hodgdon said that the conflicts are trying to be addressed by the applicant, he has reorganized the order of his project and the primary focus was to smooth the waters, he has gone with Phase I in the existing park so as not to be visible to abutters. Attorney Riff, any changes in the park is an objection, it's not an isolation. Attorney Hodgdon, essentially the abutters would like to see absolutely nothing, the applicant tried to be respectful, he has a right to develop.

# PB Meeting Aug. 23, 2016

Name

Address

Jody Hodgdon

Po Box 70

Littleton, NH 03561

Richard Harris BR+JR

Whitefield NH

Maack Vand Lough

" "

Dan Wippenman

Salmon Falls

John L. Riffe

Po Box 229, Lancaster, NH 03504

John Bonagalli

Whitefield, N.H.

Hellen Bonagalli

" "

Karen Kopp

Springfield, NH 03598

Edith Worcester

" "

Marsha Lombardi

Whitefield N.H.

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Chairman Burns asked if the Board was in favor of the conflicts having been satisfied, all agreed that the conflicts had been dealt with. Mark Lufkin was hoping that the conflicts would have been dealt with, two meetings ago.

**Scenic Road:** Frank Lombardi, private road done by Rexford, Phase I they are using what is existing in the park. No concerns with the Board as it doesn't affect Hall Road.

**Utilities:** Conditions, if municipal water is not available then a well will be drilled; sewer was okayed by sewer department. Mr. Harris stated that he would hire engineering company when necessary; poles are identified on the plan.

Mr. Harris would like to make conditional the placement of the manufactured homes should the final site be moved more than 50' subject to hitting ledge. Attorney Fillmore, stated the board could request an as-built plan to be filed with the Planning Board. The Board agreed that should the final site location of any of the four new homes move from the proposed location by more than 50', the applicant must request approval of the Planning Board. If the location of any home moves at all from what was on the plan, an as-built plan would be filed with the Planning Board. Frank Lombardi added as long as it meets the setbacks.

**Emergency Access:** Fire hydrant, last one is by Wright residence and Inn at Whitefield. Do you want Fire Chief to check? Mr. Harris stated that the trucks carry enough water to put out a trailer fire, far enough apart from each other. Board would like Fire Chief's input.

**Drainage:** No issues. Mr. Harris stated culverts are in, open area will be grassed in and is to be mowed.

**Lighting:** Mr. Harris, no street lights in park, only what is on at their own homes.

**On-Site Water:** The Board determined that this did not apply to this project.

**Airport Criteria:** The Board determined that this did not apply to this project.

**Geological Hazards:** Frank Lombardi, looked at soil types 647B, less than an acre but you are larger. Attorney Riff, too many houses, reduce by a third per residential unit not per lot. You can't have more than the eight homes. Mark Vander-Heyden, handed out a sketch with calculations (see attached). Mr. Vander-Heyden gave a little history on soil based lot sizing, he noted that the proposed homes are for two bedrooms not 4 bedrooms. Attorney Riff, here is the problem which is an important point. Mr. Vander-Heyden, stated that he was not done and would like to continue.

Chairman Burns advised Mr. Vander-Heyden to continue.

**LOT SIZE BY SOIL TYPE:**

EXISTING LOT : 320,166 s.f. (7.35 Acres)

SOIL TYPE 70 (243,869 s.f.)

SOIL TYPE 647 (76,297 s.f.)

BASIS : 60,000 S.F. \* (4 BEDROOM LOT SIZE)

PROPOSED : 12/TWO BEDROOM UNITS = 24 BEDROOMS

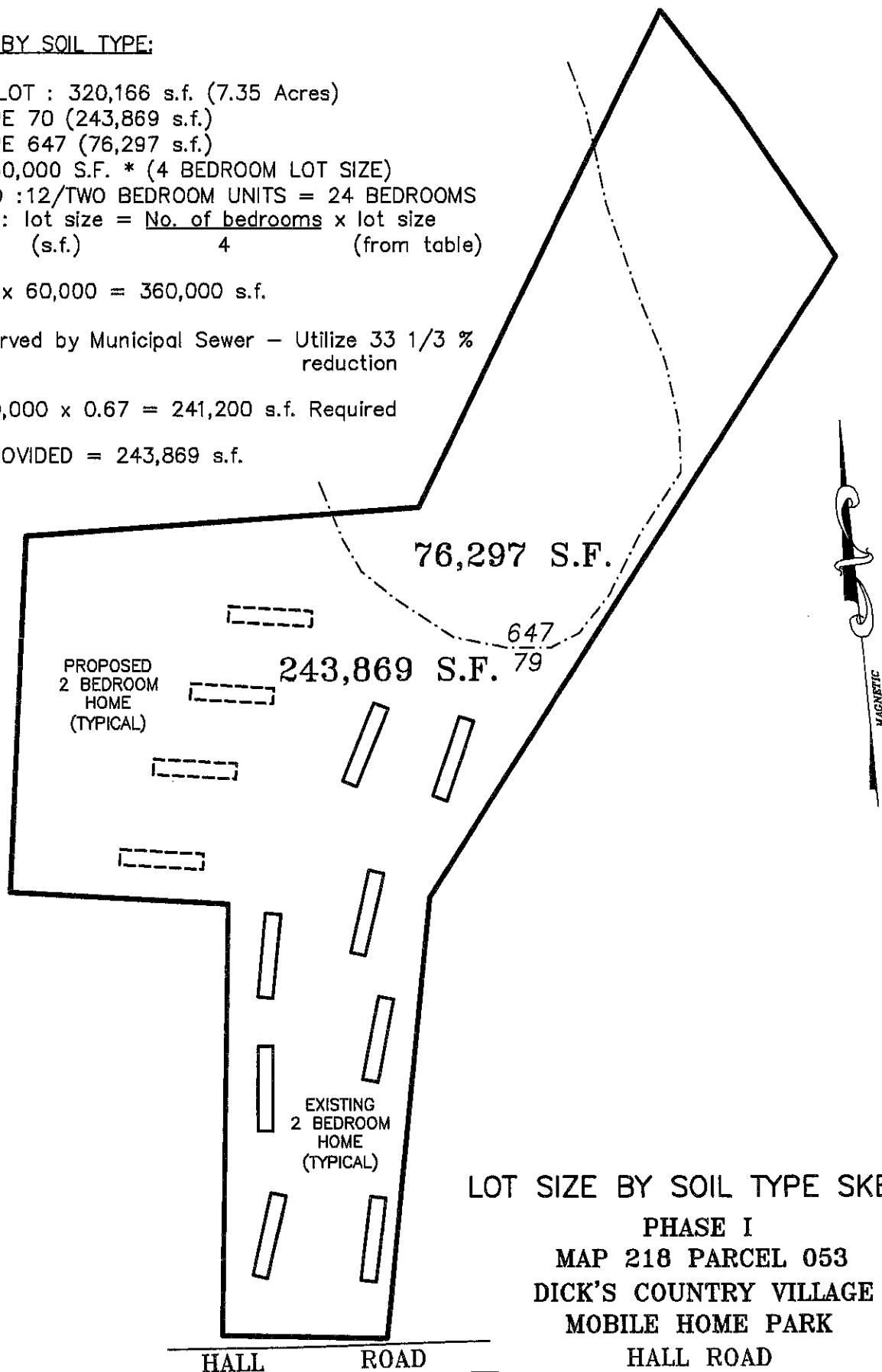
FORMULA : lot size =  $\frac{\text{No. of bedrooms}}{4} \times \text{lot size (from table)}$

$$Q = \frac{24}{4} \times 60,000 = 360,000 \text{ s.f.}$$

\* Lot Served by Municipal Sewer – Utilize 33 1/3 % reduction

$$Q = 360,000 \times 0.67 = 241,200 \text{ s.f. Required}$$

AREA PROVIDED = 243,869 s.f.



**LOT SIZE BY SOIL TYPE SKETCH**

**PHASE I**

**MAP 218 PARCEL 053**

**DICK'S COUNTRY VILLAGE**

**MOBILE HOME PARK**

**HALL ROAD**

**Whitefield , New Hampshire**

**VANDER-HEYDEN LAND SURVEYING**

**Mark T. Vander-Heyden LLS #730**

**P.O. BOX 4 WHITEFIELD, NH 03598**

**(603) 837-9719**

**May 1, 2016**

**Scale: 1" = 100' ±**

**200' 0 200' 400' 600'**



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## **Brief Synopsis of Soil Based Lot Sizing** (aka/ Lotsize by Soil Type )

### **History**

\* Concept of soil based lot sizing to protect groundwater grew out of the “Clean Water Act” in the 1970’s.

### **Purpose**

\* Developed on the premise of necessity to ensure clean water for rural areas that utilize on-site wells and septic systems (urban areas relied on municipal services).

\* Intent was to assure that the area of house lots were adequate to accommodate a potable drinking water supply and septic system on site.

### **Justification**

\* Science based – Soil based lot sizing is based around the capabilities of the soil to assimilate nitrate loading from septic systems (nitrate nitrogen was identified as a contaminate of concern).

### **Validation**

\* Adopted by NH Dept. of Environmental Services and many local jurisdictions.

\* Versions of original concept developed by Soil Scientist and other groups.

### **Key Points**

Key: Concept is for establishing lot size in order to provide for individual on-site well and septic systems.

Key : Lot size reflects a basis of 4 bedroom home constant.

Census data supports occupancy rates

Bedroom count basis for lot size reduction / increase

Municipal services negates necessity for soil based lot size determinations.

**TOWN OF WHITEFIELD  
PLANNING BOARD**

**Objection on Behalf of David Dodge et al**

**to**

**Richard Harris' Final Master Plan (#594)  
and  
Phase I of Master Plan (#594-A)  
and  
Relocation of Cul-de-sac (#599)**

**Addendum to Objection dated July 12, 2016**

NOW COMES David Dodge and others, by their attorney, John L. Riff, IV, and respectfully amend to their July 12, 2016, objection pleading regarding Richard Harris' Final Master Plan (#594) and/or Phase I of Master Plan, and Relocation of cul-de-sac (#599), as follows:

1. In footnote 3, it was erroneously stated that the most favorable soil type was 647A,B Pilsbury Sandy Loam. It is not. The more favorable soil would be the 470B Tunbridge-Peru.
2. However, the calculations for 647A,B Pilsbury Sandy Loam demonstrate that if the soil conditions are 647A,B Pilsbury Sandy Loam, the applicant cannot increase the number of mobile homes.
3. Furthermore, if the soil type is 470B Tunbridge-Peru, which is the more favorable soil type, the result is nearly the same, i.e., the applicant cannot increase the number of mobile home units on the lot. Here is why:


The Guide requires that property consisting of soil type of 470B Tunbridge-Peru, have a minimum lot size of 60,000 square feet, without water and sewer and 43,560 square feet for lots that are serviced by water and/or sewer.

The subject parcel, after the lot line adjustment consists of 7.35 acres. There are 43,560 square feet in an acre. Therefore, there are 320,166 square feet in the subject lot. A 320,166 square foot lot, divided by the minimum lot size of 43,560 square feet for 470B Tunbridge-Peru, requires that no more than 7.9 units be allowed on the lot. The applicant already has 8 units. Therefore, the applicant cannot add any more units and is technically in excess of the allowable units.

4. In summary, it does not matter which soil type you use, or even a combination of the two soil types, using the most favorable calculations and soil types still lead to only one conclusion: the applicant cannot add anymore units to the subject lot.

Dated: 8/23/16

Respectfully submitted,  
David Dodge and others,  
By their attorney,

  
\_\_\_\_\_  
John L. Riff, IV, Esquire  
PO Box 229  
Lancaster, NH 03584  
(603) 788-5599  
NH Bar # 14603

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Mr. Vander Heyden, stated that the Town had adopted the County Soil Types, this lot is high and dry where the manufactured homes are to be located.

Attorney Riff, the guide says for 4 or more bedrooms, he is adding them up, each unit needs to be separate. Only eight units are allowed, adding all as one unit, if it's an apartment building or multiple unit, then yes. Reference to Residential Activity: 3C, Residential not dividing by number of units. Soil type shows he still can't exceed eight units, soil density shows that it simply is not allowed. Mobile Home Parks are not allowed but we kept moving forward and we shouldn't.

Attorney Hodgdon, mobile homes are allowed. Attorney Riff, soil types are used for density development that is what Mr. Harris wants, can't exceed what an individual residential unit is, as the guide tells you to apply this. You can't do it. Attorney Hodgdon, asked the board to consider the expertise on this issue and Mr. Vander-Heyden is the only expert that has presented. Attorney Riff, it's not what the guide says.

Two different interpretations and the board needs to weigh it. Frank Lombardi sees where Attorney Riff is coming from, in the guide all it tells us to use is the reduction of the lot size. Attorney Riff, cause it doesn't apply, it doesn't address oversized lots. Mr. Vander-Heyden, that is why I submitted the information to the board to prove out that it meets the criteria.

Mr. Harris, this should show the Planning Board acknowledges that this example of the guide shows inconsistency and inaccuracies that don't jive with each other.

**Topography:** None

**Flora and Fauna:** Mr. Vander-Heyden stated he did a search and nothing showed up. He will see if he can find it and submit.

**Historic Preservation:** None

**Mineral Deposits:** None

**Fragile Areas:** None

**Open Space:** Nothing in Phase I.

**Air Quality:** Dust was brought up, no concerns.

**Water:** Mr. Harris said the water drains through a culvert away from the site.

**Noise:** None

**Glare/Heat:** All gravel

**Vibration:** None, no long term.

**Lighting Hazards:** Not applicable, no public lighting needed.

**Effluents:** Handled by the existing septic system.

**Site Plan:** Kept within the setbacks, 25'.

**Natural Compatibility:** Board found generally met.



**Screened Areas:** Buffer area is included for abutters (Abbotts).

**Shadows:** The Board noted the plan met setback requirements and that this was previously titled "Shadows" instead of setbacks.

**Traffic:** Within Country Village Road.

**Entrance/Exit:** Two off of Hall Road, direct relation where people would use.

**Bufferyards:** As discussed under Screened Area, okay.

**Building Height:** No problem.

**Parking:** None, not on chart #34. Needs to be added.

Frank Lombardi stated that the Board would now move to the Residential Activities chart, it must earn at least 50% or more, some will not apply.

a. **Mixed Use:** doesn't apply

b. **Energy Conservation:** Mr. Harris stated that all homes are energy star homes, new homes, energy windows – passed out Colony data on energy homes. – very well.

c. **Historic Preservation:** Attorney Riff felt it was not in the character of road. Attorney Hodgdon, it's not a character event. Attorney Riff, it's a negative effect. Mr. Harris, I'm preserving the history of the existing park. Board felt it doesn't apply.

d. **Parking:** very well

e. **Open Space:** Well.

f. **Low/Moderate Housing:** Mr. Harris, low income people, yes. Attorney Hodgdon, asked the audience as some residents were present, it's affordable housing. Mr. Harris stated that 50% get fuel assistance, it's not extravagant. The Board wondered if it applied. Attorney Fillmore advised that they needed to decide. The Board gave it a 1- well.

g. **Recreation Facilities:** Doesn't apply – Mr. Harris stated that none of the land is posted there are walking trails. Frank Lombardi asked if Mr. Harris promoted it? Mr. Harris, I don't advertise it, it's available to the public. Attorney Riff, what Mr. Harris is talking about is status quo, nothing is being added. Doesn't apply.

h. **Character:** Well (missing in guide).

i. **Privacy:** Very Well (missing in guide).

Need over 50% under Residential Criteria, after calculating chart totals the project received 69%.

**A motion was made by Everett Kennedy to approve Phase I with conditions:** Frank Lombardi read the conditions as follows: If town water is not available then the applicant will need to drill a well; get septic approval from town/state; need approval on fire hydrant accessibility and emergency access from the Fire Chief; provide a buffer area of 6' fir trees along Abbott property; if the final site location for the manufactured homes move more than 50' as shown on Phase I, then applicant will need approval from the Planning Board; if the homes move at all from the Phase I plan then the applicant

shall provide the Planning Board with as-built plans showing the new location and must comply with the 25' setback regulations, seconded by Alan Theodhor. Attorney Riff, asked that all the pleadings and objections be incorporated into the decision and be part of the record. Chairman Burns, so noted. Any further discussion, the Absolute Criteria and Residential Chart will become part of the record. Does everyone on the Board understand what will happen going forward, "yes". All in favor, motion carries.

## **2. Relocation of cul-de-sac – Continuance**

**#599 – Owner(s): Harris Family Trust, Richard S. and Nancy J. Harris Sr., Trustees** – who are requesting to relocate a cul-de-sac depicted on the Rexford Subdivision Plan #3148, said cul-de-sac will be reduced in length to provide access to Tax Map 218 Lot 051.2 & 051.3 and Tax Map 211 Lot 014 & 015.

Mark Vander-Heyden stated that the Rexford Subdivision Plan shows a private road set-up to access the different lots with a cul-de-sac at the far end, which is not finished. Mr. Harris would like to relocate the cul-de-sac, right now the private road has a natural place to end the cul-de-sac where a logging yard is located and it would give access to all the lots. On the new plan it shows that cul-de-sac would allow Lots A, B, C and D to retain an easement and give access to all the lots. No changes in lots, if anything happens then it needs to come to the board.

Chairman Burns asked if the board had any questions, seeing none a motion was made.

**A motion was made by Mark Lufkin to approve the relocation of the cul-de-sac, seconded by Everett Kennedy. Any further discussion. All in favor, motion carries.**

### **Other Business:**

**Driveway Permit(s):** Mr. Harris asked about his driveway permit for Tax Map 218 Lot 50. The Board wondered about approving, as it is part of Phase III of Mr. Harris' master plan. Mr. Harris stated that it is grandfathered driveway and that he is moving it to meet the 25' setbacks. Mr. Vander-Heyden, stated he is validating the driveway to meet the rules. Everett Kennedy felt it didn't apply to this meeting, Alan Theodhor agreed. Everett Kennedy also felt it was an abandoned driveway. Mr. Harris stated it's on the master plan, board requested the moving of driveway.

Chairman Burns, proposal is to go from one home to two homes. That is why Director of Public Works Shawn White asked for a new driveway permit. Board wondered by utilizing the driveway would it do anything to Phase III. Mr. Harris stated it's a legal lot, I need a driveway. I've done everything you have asked and it shows on the Master Plan. Everett Kennedy felt the driveway permit was null and void. Attorney Hodgdon, we are looking to use the historical access. Frank Lombardi wondered if the

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driveway was abandoned. Chairman Burns asked the Board for a voice vote on whether abandoned or existing, all members agreed abandoned. Attorney Fillmore advised to have a vote.

**A motion was made by Frank Lombardi stating the driveway on Map 218 Lot 50 is abandoned, seconded by Alan Theodhor. All in favor, motion carries.**

Attorney Riff made an objection that not specific from Phase III. Attorney Hodgdon, it's an access not construction, needs a legal right to get to it.

**A motion was made by Mark Lufkin to approve the driveway permit for Lot 218 Lot 50, no second. Frank Lombardi would like to make an amendment on the motion to, as shown on the master plan.** Mr. Harris wondered what the reason was he couldn't get a driveway permit. Frank Lombardi stated that they needed to be careful as it's a scenic road, impact on surrounding area. Mr. Harris asked if anyone had been down the road, grass has been planted. No further comments. Attorney Fillmore said a conditional motion can be made on location, once approved by Director of Public Works. Frank Lombardi wondered about limitations into the lot. Attorney Fillmore was not aware of anything.

**A motion was made by Mark Lufkin to approve the driveway permit for Lot 218 Lot 50 contingent upon approval from the Director of Public Works on the new location shown on the master plan with the 25' setback indicated, seconded by Frank Lombardi. No further discussion, all in favor, motion carries 3 to 1, with Everett Kennedy voting no.**

Minutes:

**A motion was made by Everett Kennedy to accept the minutes of August 2, 2016 as written, seconded by Alan Theodhor. All in favor, motion carries.**

Other Business – continued:

- Meetings for September will be the 6<sup>th</sup> and 20<sup>th</sup>.

**Building Permit(s):**

1. **Steeves III, Laurence** – 51 Burns Lake Road, Tax Map 241 Lot 034-M09: to construct a 24'x12' wooden structure over existing camper on said lot. **Approved w/ conditions by Joyce on 8/15/16.**
2. **Hoffman, Brian & Kilbride, Nancy** – 210 Mirror Lake Estates Drive, Tax Map 218 Lot 015: to construct a 22'x16' addition with full basement, relocate bathroom. Addition to be a home office. **Approved w/ conditions by Scott Burns on 8/3/2016.**
3. **Waterman, Benjamin** – 36 Brown Street, Tax Map 103 Lot 102: to move a 12' x 16' shed into backyard. Since this is in town the Board asked for approval from abutters since it could be

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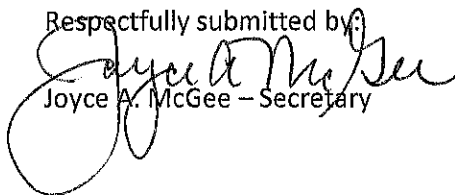
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closer than the 25' setbacks do to lot size. **Approved with conditions, can't be closer than 15' from the property lines.**

4. **Lufkin, Mark & Beth** – 51 Twin Mountain Road, Tax Map 232 Lot 002: to construct a 50'x60' concrete pad at existing grade this will help eliminate ground contamination. Hope to have done before winter, Nobis Engineering Inc. will be doing the work. **Approved**

**A motion was made by Frank Lombardi to adjourn at 8:55 PM, seconded by Alan Theodhor. All in favor, motion carries.**

Respectfully submitted by:

  
Joyce A. McGee – Secretary

  
Scott Burns - Chairman