

Planning Board Meeting Minutes  
May 10, 2016  
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6:30 PM

Chairman Scott Burns called the meeting to order at 6:35 PM on May 10, 2016 in Whitefield, NH.

Chairman Burns took roll call:

**Members Present:** Everett Kennedy, Scott Burns - Chairman, Peter Corey – Selectman Rep., Frank Lombardi, Alan Theodhor – Alternate, Michael Carifio – Alternate and Joyce McGee – Secretary.

**Absent:** John Tholl Jr.

**Public Present:** See attached list.

Chairman Burns appointed alternate Alan Theodhor as a voting member in the absence of John Tholl Jr.

**Minutes:** Review and approve minutes – tabled.

**Public Hearing(s):**

**1. Subdivision**

**#598 – Owner(s): Stiles, Robert** – who is/are requesting a Three (3) Lot Subdivision at 63 Maple Street, Tax Map 104 Lot 048 said lot is 1.04 acres. Lot 1 is to be 0.46 of an acre, Lot 2 is to be 0.30 of an acre and Lot 3 is to be 0.28 of an acre, per plan of Donald H. Doolan, Land Surveyor.

Mr. Stiles was present, he stated that nothing more was done to the plans and that several lots around town have utilities running through them. When he was a selectman putting utilities across lots were done. No easements were found on abutters Arthur Hammon or William Hill or any other abutters per Mr. Stiles. Mr. Hill stated that it says it in their deed, after reviewing his deed he brought with him it did reference something about sewer rights. Mr. Stiles indicated that his attorney has informed him it should not be a problem. He can do a deeded right of way but they (abutters) would have to pay for it.

Board was wondering why John Goodwin's line was not shown on the plan as Mr. Hammon had provided a plan showing that line running straight up from Park Street into a manhole. Also, John Foley line not shown. Frank Lombardi stated that two lines are not shown which need to be, so now we are left with the lot size. Lot size based on soil types indicates that each lot should be 1.13 acres which doesn't meet the min lot size requirement. Planning Board looking at variance from the Zoning Board of Appeals. Needs to be surveyed showing utilities. Mr. Stiles -If you are making me do this then you would have to have everyone in town. Are you suggesting that everyone has a deeded right-of-way? If you do for one you need to do for all. Frank Lombardi pointed out that on the subdivision list it asks for all utilities. Robert Stiles - I can sketch it in. Mr. Hill indicated that the previous owner gave them rights

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Robert Stiles 74 Jefferson Rd Whitefield  
RICHARD MARRIS SR & JR 123 OLD EAST WHITEFIELD  
David Scalley 105 Union St #4 Whitefield NH  
Tammy Dubreuil 456 Kimball Hill Rd Whitefield NH.  
Virgil Arthur Hammon 26 Park St Whitefield NH  
Marcia L. Hammon 26 Park St. Whitefield NH 03598  
Althea Hail 65 maple St Whitefield NH 03598  
William E. Hill Sr 65 maple St Whitefield NH 03598  
Kathelyn Dubreuil 456 Kimball Hill Rd. Whitefield NH 03598  
Julia Scalley 105 Union St #4 Whitefield NH 03598  
RALPH McLENN 170 Hall Rd. WHITEFIELD NH 03598

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as he had to replace his line as it collapsed. Mr. Hill also told Mr. Stiles that the garage is on his sewer line.

Mr. Hammon, said that the Town approved not putting a sewer line on Park Street but required all owners to run lines across other people's lots to get to the Maple Street sewer. I did get prior owner of 63 Maple Street approval for so many feet and conditions. Mr. Hammon presented a letter to the Board (see attached).

Chairman Burns told Mr. Stiles that the utilities need to be shown on the map so we can see where they are. Mr. Stiles said the town needed to cut corners on the sewer line project. Chairman Burns – We are trying to protect everyone, need it on the plan if you don't and you sell a lot the new owner will have no idea that there is a line there.

Selectman Representative Peter Corey, stated that Frank Lombardi is correct, the lots don't meet the minimum lot size to support a single family structure. I would imagine that as a developer you would bear the cost of showing where the lines are not the abutters as they are not the ones to develop the land.

Mr. Stiles, you are right just the Foley line we don't know where it is or comes out. I guess you could put die in. I could draw it in.

Mr. Hammon – in order to put a lawn in on the Park Street lot (Lot 1) the steepness of the slope is going to require a lot of fill. We are following what is supposed to be done, our line is brand new and it's to last a long time, if you give Mr. Stiles permission to excavate and dig and the line is damaged I don't want it repaired with duct tape. We used the highest specifications and material for the line. If damage to the line occurs, we want a statement saying that it will be fixed.

Mr. Stiles – We wouldn't be digging down we would fill over it, 6 to 7 ft.

Peter Corey – Is there a line not depicted. Mr. Hammon stated his clean outs are marked with reflectors.

Frank Lombardi - Foley needs to be shown. Mr. Stiles doesn't believe it's tied in, but will die test once he gets home.

House lots on each lot is being presented. Peter Corey – as a minimum we need to see the previous deed on the Hill property, all lines depicted as no easements, need to be accurate, inadequate lot size and slope. Need to investigate indemnification or bond to make appropriate repairs as a contingency and approval of plan.

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To: The Planning Board of the Town of Whitefield, New Hampshire  
From: Art and Marcia Hammon, residents of 26 Park Street, Whitefield  
Re: Proposed subdivision and home construction concerns on Park Street by Mr. Robert Stiles on the Hammon existing sewer line of their 26 Park Street residence.

Background: We would ask the Town of Whitefield Planning Board to consider the following concerns regarding the existing sewer line of the Hammon's 26 Park Street property as impacted by the proposed subdivision and home construction on Park Street. If allowed to proceed, Mr. Stiles' development will impact:

- a. Three sewer lines cross the Park Street lot proposed by Mr. Stiles for excavation and construction (Hammon, Foley, Goodwin). (abutters)
- b. Because there is no town sewer line on Park Street, all residents are required to construct and maintain sewer lines that join the Town of Whitefield connection point which is located near 63 Maple Street, and requires crossing the property of neighbors.
- c. The plan for the existing sewer system (including the exclusion of a Park Street sewer line) was approved by Mr. Stiles during his tenure as Selectman. This included the decision to eliminate a sewer line on Park Street as being too expensive.
- d. In 2010, the Hammons contracted for the construction of a new sewer line to replace an existing line. The route and permission to excavate and install this line was executed by Mr. Roland Abbott of Ben Franklin Plumbing, Littleton. A signed permission was received of Ms. Christina Harriman of 63 Maple Street whose land it crossed. All work was approved and overseen by Mr. Shawn White representing the Town of Whitefield.

e.

Potential problems and questions for the Planning Board

:

- a. If the proposal of Mr. Stiles is approved by the Planning Board for excavation and construction by Mr. Stiles, does that approval imply that the Town of Whitefield gives Mr. Stiles permission to proceed with a plan that might cause damage to the Hammon's sewer line?

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- b. What assurances does the Town of Whitefield provide to the Hammon's that if any damage is done to their sewer line, that a correct and high quality repair will be made to the sewer line by an independent contractor? It is our request that Mr. Stiles should not be authorized to make repairs to any damage to our sewer line that his work has caused.
- c. Mr. Stiles proposes to cover the Hammon's existing sewer line with existing cleanout pipes with enough soil/rock fill to bring the back yard of said home to a level field, approximately an additional vertical 15 feet. If the Hammon's require access to these cleanouts, how are they to find the cleanouts with overburden soil covering them?
- d. If, as Mr. Stiles suggests, that the cleanouts might be extended upward, what assurances does the Town of Whitefield offer that this work will be done properly? There is a concern that in addition to the 8 feet of vertical pipe currently in the ground from surface of the cleanout to the sewer pipe, an additional 15 feet of pipe will be required to allow access to clean out the sewer line properly.

Respectfully submitted, signed and dated May 10, 2016,

Art and Marcia Hammon

Art & Marcia Hammon  
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Mr. Stiles – as long as you do the same to everyone else.

Frank Lombardi – If Mr. Stiles doesn't meet the lot size or the criteria then why have him do all this. He would need a variance.

Mr. Stiles – It was two lots then the previous owner merged together.

Chairman Burns asked if anyone had more questions. Seeing none a motion was made.

**A motion was made by Everett Kennedy to deny the 3 lot subdivision as the lots don't meet the minimum lot size by soil type, seconded by Alan Theodhor. All in favor, motion carries.**

Mr. Stiles was directed to the Zoning Board for a variance if he wished, Joyce will get the paperwork together so Mr. Stiles can pick it up at his convenience.

**Building Permit(s):**

**Martellucci, Paul & Shirley – 171 Jefferson Road, Map 226 Lot 4:** Updating existing porch from 6' 10" x 4' 10" to 9' x 6' 10" with same stairs. **APPROVED**

**Harris, Richard – 23 Serenity Drive, Map 218 Lot 054:** To place a 2016 Colony 14'x76' mobile home with porch and 10' x 10' shed on said lot, this was tabled at the May 3, 2016 meeting as the Planning Board wanted clarification of the water situation in that area. Joyce read the Selectmen's minutes of April 25, 2016: Steve LaFrance said today he wouldn't add any. He suggests that we wait until the system is up and running and see how things go. We want to get our arms around what exactly we are pumping and using before we make a recommendation for the Town to add new users (see attached). Joyce called Mr. LaFrance to see if the prior approvals for hookups (Harris and Northwoods Estates Subdivision) were taken into consideration or accounted for in determining this. Mr. LaFrance said no and advised that no hook ups be granted until the new pump station on Rte 3 is up and running for at least 2 months so that they (Horizons) can look at the data.

Mr. Harris stated that he had paid for this hook up and received approval in 2006.

Frank Lombardi said that a prioritized list on who has paid and received approval should be done. Peter Corey agreed that these should be taken into consideration.

Frank Lombardi stated that a timeline should be done since Mr. Harris was approved as part of the process. Mr. Harris said that he had a vest interest in the 23 units that were approved for water/sewer hookups and that he has substantial completion which would negate time line. Frank Lombardi, if you

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been replaced because it was beyond repair. Mark thinks the last time it was done was 20 years ago. The sidewalks are going to get worse.

Steve explained that we are putting in a new booster system for the Bray Hill portion of the water system. A large water main break up on Bray Hill system happened last July. Some calls were made to DES, which stirred up some concern and Steve attended a meeting with DES representatives and they addressed concerns with Whitefield's water system. Whitefield Water system runs but could use some work. DES was pretty adamant they wanted something to happen in Whitefield. There were folks in town that approached CDFA about a grant to replace the Bray Hill booster system. Bill Thompson, Water Superintendent, didn't think the booster station was the most important thing to be addressed. The Town got a CDBG emergency grant late last fall. The pump station that is being replaced had been identified by DES as a sub-standard booster station. We were originally talking about a very extensive water project and user rates. It is complex. We were able to get a \$350,000 CDBG emergency grant. Bob Stiles donated the land and the project came together. It got rid of a sub-standard booster station with a new above grade system. It bought us some time with DES, and they see the Town is being proactive. It is a better station than what was there before. It was paid 100% by grant money. It does not address all the issues, and it does not mean there won't be another water line break. It provides a station with new equipment, easier access, there are now two pumps that can pump 120 gallons a minute compared to the 90 gallons a minute it is pumping currently. It will keep up with the average day demand. The state has been after the Town to abandon that well as the Town doesn't have protective radius around the well, which can be a health concern if something were to happen in that area. The reality is in Steve's mind is that it is a good producing well, and Steve said he is not convinced we don't need the well. There are millions of dollars in infrastructure in those well. Steve said let's take this carefully and not be shutting wells off until we know it is the right thing to do. The issue at Bray Hill last July was a broken water line.

Steve said there have been questions about adding additional homes to the Bray Hill portion of the water system. Dexter sent a letter a couple of months ago that said you can probably connect 30 more homes to the system. Steve has concerns about adding another 30 homes to that system based on past history and the town has for records between what they pump and what they meter. The town is pumping a lot more water than we are using—not sure where that water is going. Steve can't say exactly how much excess capacity the Bray Hill system has. Steve wouldn't want to add a lot more demand on the Bray Hill system before the booster pump station is even on line. The message Steve is trying to give is he doesn't think adding 30 more homes is a good idea. Is 5 ok? Maybe, Steve said today he wouldn't add any. He suggests that we wait until the system is up and running and see how things go. We want to get our arms around what exactly we are pumping and using before we make a recommendation for the Town to add new users.

Dick Harris said the Planning Board told Dick he could get 23 more hook-ups, and that was figured in to their capacity same for Brown Builders and Mirror Lake. Dick said he has used 19 hook-ups and he has four left, which was in 2006. Wendy said she doesn't know the answer to the question. Dick said at the time the Planning Board gave approval they had capacity at the time so he is not asking for anything more than he was originally granted.

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meet with people every three years to see where they are at with infrastructure then you can see what is going on. Mr. Harris felt a lot of regulations were being inserted in the process all of a sudden.

Mr. Harris, since I was approved for hook up and now I'm not allowed to have it, has the Selectmen voted for a moratorium. Peter Corey stated no vote has been taken but wondered if the Board could approve it on a condition and recognize yours and Northwoods. Is this for the whole town? Chairman Burns stated that this is only for the Bray Hill area.

Mr. Harris informed the Board that he had someone waiting in the balance to occupy this unit. Peter Corey indicated that no intent to deny hookups but need to look at the whole community. Mr. Harris said that generally if you have a problem there is low pressure or no water, we don't have that and there are no pipes broken. Peter Corey, we need to get the data back.

Mr. Hill said his pressure is down and we leave our water running all winter, the Board informed Mr. Hill he needed to see the Board of Selectmen

Peter Corey felt that if Mr. Harris had someone waiting on the trailer that he would proceed to look at it and bring it up at a Selectmen's meeting to see if he could get this hookup approved so Mr. Harris did not have to wait. Chairman Burns said that we would need something from the Selectmen before the Board could proceed.

Joyce advised that Attorney's Jay Riff, Jody Hodgdon and Christine Fillmore are all set for a continuance on Mr. Harris's proposal for Wednesday, June 15, 2016 at 6:00 PM. Mr. Harris was also advised that his road proposal at the May 3, 2016 meeting is part of his overall master plan and that the Board could not discuss it as an Administrative Decision.

**Scalley, David – 11 Main Street, Tax Map 103 Lots 059 & 060:** Mr. Scalley was present and wanted to know why he need to come before the Board for a Site Plan Review that was voted on at the 4/6/2016 meeting. Frank Lombardi stated that we need to look at the site design standards and go through the criteria list. Frank Lombardi wondered if all development permits needed to go through notifying the abutters. Mr. Scalley understood the criteria list but why him not everyone else. The Board stated that it's a larger project. Mr. Scalley stated that it's going to be retail space with 4 apartments and he is pulling the building off the street 12', it's the same use.

Peter Corey stated what has happened in the past things have happened without accountability and observing what you have done in the past you shouldn't have any issues. Mr. Scalley wondered what would have happened if he just had started. Peter Corey stated that we are trying to stop that, we appreciate it being done properly and making it attractive. I come in with survey drawings and not



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cartoon drawings said Mr. Scalley. Mr. Harris told the Board that they have the authority to be flexible as stated in the CDG.

Frank Lombardi looked over the Development/Change of Use Form and felt the site plan was complete and maybe single family home need to fill this out. Mr. Scalley would need to bring in the same information as he did at the consultation meeting and go through the criteria list.

Frank started to make a motion but more discussion took place.

Mr. Scalley stated that he has a Fire Marshall helping him, but if you are making me do this then you need to do for all as it's costing me more money than others. Peter Corey stated that the Board needs to adhere to the Absolute Criteria and you should know that. Frank Lombardi stated that a development permit was issued for demolition and wondered why the building had not been torn down. Mr. Scalley said he did not want to do the demolition until he got approval to build.

Peter Corey told Mr. Scalley that if he saw any construction going on to bring it to the Selectmen and he would do his best to adhere to the ordinance and regulations. Frank Lombardi asked Mr. Scalley if he had filled out a Development Permit that the Board could go through it right then but Mr. Scalley had not filled one out. Mr. Scalley stated that he is on the same team but is very frustrated. Look at the criteria list this is what the Board will be looking at said Peter Corey and Frank Lombardi. Tammy Dubreuil said that this is effecting the pocketbook. Mr. Harris asked why it couldn't have been started in gradually. Frank Lombardi said that this is the normal procedure.

Looking at June 7<sup>th</sup> meeting at 6:30 PM to review Mr. Scalley's application. **A motion was made by Frank Lombardi that abutters did not need to be notified of Mr. Scalley's application and that Board would go through the Absolute Criteria and Development Permit, seconded by Alan Theodhor. All in favor, motion carries.**

#### **Other Business:**

Mr. Stiles wondered if he put a deck on the back of his building that was out over the river if he needed a permit. A Development permit is needed and he was advised to call DES. Everett Kennedy told him that Schillings in Littleton just constructed a deck over a river and maybe he should call them.

Frank Lombardi read the definition of Development (page 35 of CDG) and what constitutes a permit.

Joyce had received a correspondence for the Town of Carroll regarding a Wireless Telecommunications Facility application.

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**Minutes:**

**A motion was made by Everett Kennedy to accept the April 12, 2016 minutes as written, seconded by Alan Theodhor. No discussion, all in favor with Peter Corey abstaining as he was not part of the meeting, motion carries.**

**A motion was made by Alan Theodhor to accept the May 3, 2016 minutes as written, seconded by Frank Lombardi. No discussion, all in favor with Peter Corey abstaining as he was not part of the meeting, motion carries.**

Since Peter Corey is the new Selectmen's Representative it was asked of Mr. Harris whether he wanted him for the hearing or Mr. Lufkin. Mr. Harris stated that his preference is to have someone that had been at every meeting. Peter will check with Mr. Lufkin regarding the June 15<sup>th</sup> meeting.

Michael Carifio will not be available from June 13<sup>th</sup> to July 10<sup>th</sup> and Scott Burns for August 9<sup>th</sup>.

**A motion was made by Everett Kennedy to adjourn at 8:12 PM, seconded by Alan Theodhor. All in favor, motion carries.**

Respectfully submitted by:

  
Joyce A. McGee – Secretary

  
Scott Burns - Chairman