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Orford Planning Board

Sept 12th, 2024 Meeting

Minutes

Town of Orford Planning Board

Meeting Minutes – September 12th, 2024, Meeting

Board members & staff present: Paul Goundrey-Vice Chair; Martha Rose-Secretary; Caleb Day-Member; Ruth Hook-member; Tom Thomson-member; Ann Green-alternate; Chase Kling-Selectboard Member; Renee Theall, UVLSRPC;

Board members absent: Mark Adamczyk, Chair

Public attending in-person: Amory Host and Andy Schwaegler, Peak Properties & Development Corp., George Host and Tom Hahn, Foreco.

Nick Castel, 48 LR Property LLC

Public attending virtually: none

Paul Goundrey called the meeting to order at 5:30PM

Paul G. made a motion to seat Ann G. in for Mark A. Chair. Seconded by Chase K. all in favor.

Chase K. made a point of order to introduce the new UVLSRPC representative, Renee Theall. Introductions are made by each board member.

Paul G. asked to pass Item 1 and 2 to the end so we can hear Item 3 first. Then Item 4. Chase K. made a motion to move the items, seconded by Paul G. all in favor.

Paul G. recused himself from item 3 as he is an abutting property owner. Motion to seat Ann G. as Chair for Item 3 discussion. Ann G. is now the Chair.

Item 3: Amory Host, Peak Properties & Development Corp - informal pre-application discussion: Andy Schwaegler and Amory Host started the informal discussion by laying out a map of all the current affected properties, roads and buildings. Andy S. said they own the majority of the land around Indian Pond and he represents his mother, Sarah Schwaegler. Andy S. also said that mostly what they will be discussing is changes to lot lines and a couple of additional lots. He then pointed to the map of existing property lines, pointing out certain landmarks, roads, town line, Indian Pond and driveways. He also showed where in 1991 they subdivided adding 2 lots, and built a road called Bear Tree Road. Andy S. also added that 9 years ago they did some lot line adjustments to prepare for a conservation easement they had hoped to enter, which removed the lots they subdivided in 1991, but that unfortunately fell through. He then brought out the new map with proposed lot line adjustments and said they would like to add back in the two lots that were subdivided back in 1991, add another lot that would be added to a lot in Piermont to make one lot off the Piermont Heights Road. Map numbers currently: 8-22 and 8-21 (need verification of these numbers). He then pointed out that as part of the conservation easement they added a map: 8-29 Lot A, for a caretaker home, then proposed adding another lot next to this lot. The last one is 8-29 lot 3A opposite the town beach to create a homesite off Indian Pond Road. **all map and lot numbers in these minutes need verification**. They would also like to use deeds to align the property line at the top of Indian Pond Mountain (map 8-29C) which would attach a sliver of property in Piermont. Amory H. then explained the two lots that reside in Piermont that they would seek approval from Piermont, but the land is included in the watershed to Indian Pond. There are also two other lots that Amory H. will seek subdivision approval for that would be a single drive serving two lots. His goal is to create low density houses for the watershed. He went on to point out on the map where these proposed lot lines would reside, what driveway would be used and how they relate to the waterfront on the pond. He is also asking if the two lots currently accessible by the Class VI Road, Grimes Hill Road could be extended with an easement to access the other lots. He referred to this as a conceptual agreement and asked if

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conceptually could there be an agreement with Piermont and Orford? Amory H. and Andy S. asked if they could have a lot that is accessed by a road in Piermont, but the lot is in Orford? They asked how to work in an intergovernmental agreement between towns. Tom T. asked if the last end of Grimes Hill Road was discontinued, and they said yes. Chase K. asked them to break down all these requests into individual acts. He felt that each element is a separate act of the Planning Board and added that we cannot tell Piermont what to do and they cannot tell Orford what to do with their town. Andy S. showed us on the map where he thought 3-4 different acts would be considered, and one would now be a major subdivision because it had not been 10 years since the last division. Tom H. then explained about lots that straddle the town line, that need acts by both town Planning Boards to approve. Chase K. asked Tom H. how do the towns provide police and emergency services in these cases? He did not have a direct answer. Chase K. also noted that because of land adjacent to this property that has recently sold, and people want to build homes off Grimes Hill Road, the State of NH has evaluated the intersection of Grimes Hill Road and Route 25A and found that it would need substantial and expensive upgrades to bring the road up to standard and remove it from Class VI Road classification. A Country Lane could be considered as opposed to bringing it up to sub-division consideration. Andy S. said that the three lots in consideration here would be accessed by a Country Lane off Indian Pond Road. Renee Theall added that they would have to have road frontage. Chase K. said that using a "right of way" off a Class VI Road is controversial due to the inability to get emergency and fire equipment to homes. He also said that the power company will not put power out Class VI Roads without the road being maintained for them to reach their lines. Renee T. also noted that to sell lots off Class VI Roads it must be recorded in the County Registry of Deeds that all liability to the town is waived. Chase K. noted that this is RSA 6:74-41. Amory H. asked, without doing a Country Lane, can you use an easement access? Then Tom H. asked if they would request an RSA 6:74-41 waiver? Chase K. explained that the Orford Planning Board and the Selectboard are currently working with this exact question on another request and the town attorney is working with us to see what can be done. Right now, the answer would be no. Tom H. said that what he's seen in other towns is that this would be called a driveway, and the applicant would need to present a design to the town showing that the home(s) are accessible by the driveway for emergency services. Chase K. said in Orford it's called a street plat. Ann G. then asked Andy S. if he indicated they are not sure they have resolved this and he replied, the basics is what they are showing us tonight. He pointed out 4 areas that they have a general consensus of what they want. Tom T. then suggested they take the 4 areas broken out into individual projects, with the tax map numbers and who owns what as well as what they want to accomplish. Then present this to the Planning Board. Tom T. also said we would need the town attorney to answer some of the questions that have come up tonight. Chase K. said this would be 4 separate applications. Martha R. then asked if this entire project was an all or nothing project, are you open to doing parts of it and not being able to do other parts? Andy S. said there are parts they would want to go ahead with in any case. He also said they have tried to design this so that the water shed for the pond is all on one lot. Martha R. asked what the tax map numbers are for the lots that they want to put back (they were previously 2 lots), 7-32 lot 27D and 7-32 lot 27F. Andy S. did say they are all interdependent to one another to accomplish their goal, but they could certainly move forward with some sooner while they work through others. Ann G. suggested they do the most critical first then the others. Andy S. and Amory H. would like more information from the Planning Board to what is possible. Andy S. then asked if they wanted to build on either of the two lots off Grimes Hill Road (Class VI Road) if they would go to the Selectboard. Chase K. answered that they can build on lots off a Class VI Road, but they must apply for a street plat to the Planning Board then go to the Selectboard for approval. He also said it depends on if they will access the lots from Route 25A or the closed-up part of Grimes Hill Road. Ann G. asked them to submit a formal request. Renee T. asked that on the application to provide measurement lengths of what the roads/Street Plats are going to be. Ann G. also asked for them to include the road agent permit with curb cut.

At this point Ann G. thanked them for coming and turned the Chair back over to Paul G. at 6:34PM.

Item 4: Nick Castel, Map 8-108R Lot 58, 48 LR Property LLC - informal discussion on future development of 485 DCH:

Nick Cassel laid out the concept maps. Nick C. from Laconia, he is one of the owners of 485 Dartmouth College Hwy. He showed us what exists there today. A building that houses the Grafton County Public Defender's office and they have been there for 20 years. They are quite anxious to renew their lease. He believes this will be a minor sub-division. He showed us where the flood plain is, building and roads are on the map. They want to sub-divide the existing building just at the footprint by declaration of condominium, this would be a condominium interest. Nick C. then shared why they are going to request the condominium interest. He stated that this is not the Planning Boards department, but one of

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personal interest for him and his business partner. They purchased the property on 10-31 exchange. This is a transaction that defers the tax (in simple terms) to avoid paying capital gains tax. They cannot deed the property out or they will lose the 10-31 classification. This is the reason they want to sub-divide under a condominium plan and after dividing off the current building they want to build 10-12 duplex residents, primarily for rental, but have the flexibility for condominium ownership. After the current building is sub-divided off, they will transfer the rest of the property into an association. Chase K. asked how big the lot is that the current building is on, he replied, just the footprint. The total lot size currently is 4.68 acres. Chase K. said they were not familiar with how the declaration of condominium works and could he please explain this to us. Nick C. said it's state law that a condominium is a sub-division, and he said we have it in our sub-division regs. The current building would be a condominium with certain common area rights and access. Then he will deed out the rest of the property to the association. Their plan is 10-12 duplexes, which are 5-6 buildings. He said they are small condominiums with a garage on the ground floor, then the first and second floor. Ann G. asked him to explain the deeding out. Nick C. said the title stays the same, but the land, all the other after the current building division would be deeded to the condominium association. Then the new title would apply for a major subdivision to build the 10-12 units. He then brought up that the map did not show what the septic system would look like. He had a proposal map for the septic that they are looking to build a 4320 gallon with part of it elevated over the flood plain zone. He then pointed out on the big map an almost 4000 square foot leach field in the flood plain zone that is 30+ years old. They will design the septic system and retire the old leach field. He is working with an engineer now. Chase K. asked him to clarify all of this on the map. They will retire the old leach field, take it out, fill some back to make a chambered septic that will handle all the proposed new buildings and the existing building. Chase K. then asked about where the water supply would come from. Nick C. said the existing building is already hooked up to the water district system. He has checked with the water district, and they say they don't know if they have the capacity, but Nick C. had some engineers to check the system and there is plenty of capacity and he felt confident that they would get the permit for water, but they do not have that yet. He pointed out that that this is all contingent on them getting the districts written authority to do the hook up and added, across the street they have 5 x 2-bedroom apartments. They currently use about 48 gallons per apartment per day which is way under what the state wants which is 300 gallons per apartment per day for a 2 bedroom. He estimates the use for the new duplex's (10-12 1 to 2 bedroom) would be 2000 gallons per day. Then Ann G. said, that's between you and the water department. Chase K. made note that the water system was put in years ago and it is very important to make sure that the system will be able to handle all new buildings. He asked Nick C. if these new duplexes would have sprinkler systems for fire protection. Nick C. said he did not think so, but he has not met with the fire department yet. He also said the water district is reviewing all of this, and he reported that they still have 30,000 gallons per day of reserve water. Ann G. asked about how access would be cut? He said it would be an in and out type off Route 10 (Dartmouth College Hwy). Ann G. asked what type of population he wanted to serve, families, age limited? He replied that there is a significant demand for housing out of Dartmouth College and DHMC. Ruth H. asked how close the duplex buildings would be. He replied 16.5 feet from one another, and those units will be 36' X 40' in dimension and 3 stories high. Chase K. said he just heard a trigger; did he say 3 stories high? Yes, including the garage. Chase K. pointed out that we do not have fire equipment that can go 3 stories high. We don't have that big of a ladder truck. Ann G. said he needs to meet with the fire department about the 3rd floor. Nick C. said first thing tomorrow he would make an appointment with the fire department to meet about the 3rd floor. Caleb D. asked if this is a new condominium association or existing? He replied all new. Ann G. asked about who his business partner is, Nick C. said her name is Nancy Lamarche. Ann G. asked him if he'd done this kind of project before, he said yes. Nick C. reiterated that he will be putting in an application for the minor sub-division, then later the major sub-division. Paul G. stated that the first minor sub-division would be simple, and the major sub-division has the issues to resolve first; the water, septic and fire protection to be gained before the application is filed. Ann G. is concerned about whether families are going to live there, did he find out if the school system can handle more children? Nick C. said they are not designed for families with children. Chase K. said all of this would be taken under advisement and to include our UVLSRPC representative, Renee Theall. Nick C. also said that our town attorney is Christine, and she is also the attorney for the water district, and he is in contact with her to work out the details. He also clarified that the existing building is having no access changes.

Item 1: Review minutes from the previous meeting: Ruth H. gave Martha R. a copy with some corrections. The first thing is the date that the notice was sent had the wrong date from 9/12/24 to 9/5/24 (three times). Martha R. will make the changes. Chase K. made a motion to accept with corrections and Ann G. seconded. All in favor.

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Item 2: Gravel pit application review discussion: Chase K. pointed to the survey map, the reclamation bond and a note to excavate gravel. Paul G. said he could not get into the Planning Board file cabinet; it would not unlock. He also asked Chase K. where the map, bond and note came from and he said the selectman's office. Chase K. reiterated the procedure for the site visit. Paul G. said it was reflected in the minutes that he would be taking care of this and felt he had now wasted his time since it appears that Chase K. has taken care of this. Paul G. said that he would take care of the obligations of the Planning Board to contact the gravel pit owner and make an appointment to do the site visit. Paul G. also told us the permit was issued in June 2014, it's good for 25 years and the last time it was inspected was 2019. Ann G. also suggested checking to see if he has submitted an intent to excavate but the year is not over yet so there is no information if he did excavate gravel from his pit. Paul G. asked if the report of how much he removed went to the Planning Board or the Selectmen. Chase K. answered that it goes to the Selectmen because he must pay taxes on the amount removed in the gravel tax. Paul G. said he would make an appointment for the site visit and Caleb D. said he would go with him.

Other Business:

-Review any invoices/mail: No new mail except the Telecommunications mailing and Martha R. picked those up from Esther M. earlier today. She reported that 117 surveys had been returned; 96 were YES, 3 had questions and 18 said NO. These will be reviewed at a later meeting date.

-New Applications: No new applications.

-Other Business: MVH application review at a public meeting is scheduled for Tuesday Oct. 8th, 2024. Ann G. asked if there was another packet to review all the MVH documents. Paul G. went to make copies for her. Martha R. asked if Vickie had reviewed the application for completeness and Renee T. said she did not know the status of that. She expected that the MVH application would be turned over to her. She also said that Vickie would walk her through the legal posting for the Oct. 8th public meeting. Chase K. wants to make sure that everyone got a packet to review before the public meeting. Martha R. asked if we should have a working session to review all the MVH documentation before the public meeting. Everyone agreed and we set a date for Thursday Oct. 3rd, 2024, at 5:30PM. Martha R. would check with Esther to see if the Niles room is available. Renee T. cautioned us on any discussion about the application that is not at a public hearing.

Respectfully submitted, Martha Rose, Orford Planning Board Secretary

Tentative Meeting Agenda for October 3rd, 2024, 5:30 PM Town Offices'

Paul G. made a motion to adjourn the meeting at 7:45 PM. The motion was seconded by Caleb D. and unanimous agreement followed.