

Planning Board Meeting Date: March 5th, 2025

Time: 7:00 PM

Location: In-person/Zoom

Attendees In-person: Dee Daley (Chair), Josh Muhonen (Vice Chair), Shawn Talbot (Ex Officio) Bruce Ruotsala, Craig Smeeth, Graham Heagy, Aaron Bertram, Robert Fournier,

Via Zoom: Nichole Talbot,

Citizens In-person: Dixie Blease, Chad Barnon, Chuck Ritchie, Chris Swiniarski, Dave Somero, Jane Elwell, Emily Krook, Ben Krook, Mike Maki, Ray Holmes, Ed Rodgers

Citizens Via Zoom: None

7:00PM: Roll Call/Pledge of Allegiance

Approval of Previous Meeting Minutes

The board reviewed the minutes of the February 19th meeting.

Corrections:

- A typo on page 2: "Masonic" should be corrected to "Mascenic."
- Mr. Crook's name was misspelled (first letter should be with a "K").
- A missing word under "consideration of conditional approval," which affected readability.

A motion was made by Josh and seconded by Nichole to approve the meeting minutes as amended. The motion passed unanimously.

Chair/Selectman/Admin Reports

Town Election Reminder

Sean Talbot reminded attendees that the annual town vote will take place on Tuesday, March 11, from 7:00 AM to 7:00 PM at the Mascenic Gymnasium.

Upcoming Training Opportunity

- New Hampshire Planning and Development Training will cover land use, zoning, conservation, and housing.
- Registration opens on April 4th, and the virtual training is scheduled for May 10th.
- Members were encouraged to attend.

Master Plan Public Forum

- Scheduled for Saturday, March 22nd, at the Mascenic Regional High School auditorium.
- Sessions: 4:00–5:30 PM and 6:30–8:00 PM.
- Recreational activities will be available in the gym for children.

- Volunteers needed – members encouraged to assist.

Town Survey Promotion

- Town households will receive a mailer with a QR code for the Master Plan Survey.
- Members were asked to share the survey with residents via text and social media.
- The library and Land Use Department will assist residents in completing the survey if needed.

Discussion on Town Future Planning

- The board discussed a request from Ashley Saari, who is writing a town development feature for a local publication.
- Topics suggested for inclusion:
 - Future fire station development.
 - Potential commercial growth in town.
 - Importance of conservation and recreation.
 - Survey responses from the Master Plan process.

Floodplain Ordinance & State Reporting

- A 28-page watershed survey was completed with assistance from Cory Ritz of the Souhegan River Watershed Committee.
- An additional state zoning and land use report is due in May.
- The board acknowledged the importance of state compliance and documentation updates.

7:18 PM - Brookhaven Farm LLC Cluster Subdivision Map 6/20 & 6/20-9.

Continuation from: 12/20/24, 1/17/24, 2/8/24, 2/21/24, 3/6/24, 4/3/24, 4/17/24, 5/15/24, 6/5/24, 7/10/24, 7/24/24, 9/4/24, 10/2/2024, 10/16/24, 11/20/24, 12/4/2024, 1/22/25, 2/6/25, and 2/19/25

The Planning Board held a continued hearing for the Brookhaven Subdivision, a proposed open-space residential development on a property that is partially an active gravel pit.

The discussion focused on:

1. Plan Updates
2. Phasing, Sequencing, and Inspections
3. Gravel Pit Reclamation
4. Legal Documents (including Declarations, Road Maintenance, Buffers, and Noise/Nuisance Provisions)

Plan Updates

Detention Ponds and Easements

- **Revised Detention Pond Locations**
 - The engineering team clarified that some stormwater basins were originally shown partly on Lot 3. In this new version, detention structures have been shifted so they lie fully within lot 9 and the open-space land dedicated to this project.
 - Easements have been adjusted and updated accordingly to reflect these changes.
- **Stormwater Management**
 - There are infiltration basins and swales to handle runoff on-site. Given the sandy/gravelly soil conditions, the engineers expect water to infiltrate quickly rather than create standing water. Chad noted these designs will be subject to Alteration of Terrain (AoT) permitting at the State level.

Shared Driveways

- **Existing Shared-Driveway Documents**
 - There is an older, recorded driveway agreement referencing Lot 4, Lot 9, and what was formerly Lot 6-20. Because the design has evolved into a private roadway system, the engineers suggest that any older shared-driveway language would be superseded by an updated “private road” or “access” declaration under the new plan.

Existing Farmhouse on Lot 4

- **Clarification on Removal**
 - The Board and applicant’s team confirmed the farmhouse on current Lot 4 must be removed prior to constructing a new dwelling. The updated plans now include a note stating that requirement so there is no confusion in the future.

Other General Plan Clarifications

- **Retaining Walls**
 - References to retaining walls have been removed; there are no large retaining walls planned for this project.
- **Guardrails**
 - The plans will still include guardrails at the box culvert wetland crossing; the engineering detail is to be coordinated with State wetlands permitting requirements and added to the plans.
- **Blasting Notes**
 - Blasting references were removed, as soil tests did not indicate ledge that would require blasting.
- **Utility Poles**
 - Any note about new utility poles was removed. Service will be placed underground, phase by phase, in coordination with the electric company.
- **Snow Storage**

- Project plans now explain that snow will be plowed along the roadsides and pushed beyond bollards near the fire pond standpipe so that fire access is not blocked.
- **Open-Space Access**
 - The Board suggested clarifying that if there is formal open-space access, it would be via the hammerhead at the end of the new road. Updated notes now mention that access point.
- **Mailboxes and Bus Stop**
 - The Post Office requested a central mail kiosk, and the local school system typically picks up students at the end of private roads. The revised plan notes reflect suggestions that a kiosk location and bus pickup will occur at or near the road entrance on lot 4 (the exact point to be coordinated with the school and USPS).
- **House/Driveway Flexibility**
 - The Board suggests that house footprints and driveway positions have some “wiggle room,” but if there is a significant shift from what is shown, a minor plan amendment or engineering review might be necessary. A note is added that each new septic plan submittal will include an erosion-control sheet showing final driveway and house siting (the Planning Board Engineer will need to approve the Erosion Control Plan as the State evaluates Septic).

Wetlands, Buffers, and Placards

- **Wetland Buffer Placards**
 - The Planning Board had voice concerns about wetland/stormwater infrastructure protections and the applicant suggests installing small signs or “placards” along the wetland buffer/swales to warn future homeowners that these are environmentally sensitive areas or drainage easements, discouraging dumping or yard expansion into these zones.
 - Certain lots near the central drainage swales are expected to have multiple placards so owners can easily identify where their private lawn area ends.

Phasing, Sequencing, and Inspections

Phase 1 and Phase 2

- **Phasing Plans**
 - The engineering team presented a final “Phasing Exhibit” showing:
 1. Phase 1: The new road, fire pond, Lots 9 through 15 and lots 29-38
 2. Phase 2: The remaining lots 16 through 28 and any additional road extension or site work.
- **Inspection Points**
 - The Board suggested that typical inspection milestones (e.g., sub-base, gravel, binder, final coat) be listed more explicitly in the plan or approval conditions, so builders and future Town/Planning Board engineer will know which construction stages require on-site inspections.

Bonding/Security

- **When Bonds Are Required**
 - The project team explained that a bond would be posted prior to selling or pulling a Certificate of Occupancy (CO) for the first phase. The Board recommended ensuring that bond or security is in place **before** any real estate closing or CO in Phase 2 as well.
- **Phase 1 Bond Estimate**
 - The preliminary cost was mentioned as \$835,009, subject to the Town engineer's final review/approval.
- **Final Bond Release**
 - The Board suggests requiring that deeds for the private road and common land be properly recorded to the homeowners' association (HOA) prior to releasing the full security. This ensures the HOA officially owns and is responsible for maintenance of roads and common land.

Road Paving Schedule

- **Mid-Buildout Paving**
 - The Board suggests that the first coat of pavement (binder) is in place around the midpoint of home construction in each phase, so residents are not navigating raw gravel for years. A possible threshold is the 6th CO was proposed in Phase 2 and the applicant found this acceptable.
- **As-Built Plans**
 - While the revised plans discuss not needing an as-built following the completion of building, the Board suggests adding a note requiring final as-built or surveyed verification of roads, drainage, and utilities, unless waived by the Town's engineer or the Planning Board. The Board has found a number of subdivisions that are different from plans regarding road placement, etc, and this compromise would mean if things are built without deviation there could be an exception to the requirement.

Active and Substantial Development

- **Vesting**
 - The applicant proposes that completion of the Phase 1 road and infrastructure be recognized as "active and substantial development," thereby vesting the entire project against future regulatory changes. The Board was open to placing a note on the plan clarifying that after Phase 1 infrastructure is built, the project is fully vested.

8:08 PM: Conceptual Hearing: Old Country Road (Map 12 Lot 95, 95A, 95-1, and 95-2)

- Ed Rogers presented a conceptual plan for two new lots on Old Country Road.

- The proposal included:
 - Adjustments to lot boundaries.
 - A shared driveway to reduce impact.
 - Ensuring compliance with road frontage requirements and continuity of property owned by one of the parties.
- Key concerns discussed:
 - Neighbor feedback, especially Lot 96 owners.
 - Easements and land management restrictions.
 - Options and benefits of back lots instead of a variance
- The board found the plan technically feasible and encouraged Ed Rogers to proceed with a formal application.

8:35 PM: Brookhaven Continues

Gravel Pit Reclamation and Site Stabilization

Because part of the property is an active gravel pit, the Board and applicant's discussed how excavation would transition to subdivision construction:

Reclamation Plan or Sequence

- The engineers propose that upon receiving all final State permits (Alteration of Terrain, Wetlands), the applicant would:
 - Construct stormwater basins, swales, and infiltration areas,
 - Seed/vegetate those basins and crucial slopes,
 - Build the roadway and phase in the house sites as buyers come forward.

Seasonal Stabilization

- The Board suggested including a short narrative or bullet list showing how large open slopes or excavated zones will be temporarily stabilized if construction is delayed, especially before winter. Chad acknowledges that completing drainage features first is standard practice, but it would be difficult to map a timeline.
- Chad reiterates that because of the site's sandy soils and infiltration design, they do not anticipate large runoff issues; however, they agree to specify some form of stabilization plan for inactive areas.

Transition from Gravel Pit to Homes

- The Board's understanding is that each phase's gravel work will be finished and reclaimed in accordance with the new grading plans. If any portion of Phase 2 remains an active excavation, it would be clearly separated and bonded to ensure eventual reclamation.
- The Chair voiced that there needed to be an updated/amended reclamation plan submitted to the Planning Board. While that plan is largely going to include the stormwater

protections, it should include some basic seasonal sequencing to ensure stabilization. While specific timelines may not be possible, there was a significant continuum between no timeline and one that may not be viable... some sequencing basics should be able to be achieved.

Legal Documents & Declarations

Private Road Maintenance

- **Integrated into Declarations**
 - Instead of a separate “Private Road Agreement,” the attorney has inserted all road-maintenance obligations into the Declaration of Covenants and Restrictions for Brookhaven.
 - The Board suggests explicit wording that the Town has no obligation to maintain, plow, or accept ownership of the private road. This is often recommended so there is no confusion by future homeowners. Information from the Planning Board attorney regarding language required to protect the town will be sent to the Applicant’s attorney for inclusion in the document.

Perimeter Buffer (Logging Restrictions)

- **75-Foot Buffer**
 - The Town’s open-space regulations require a naturally vegetated perimeter buffer. The applicant confirmed (and the Board strongly supports) that no logging or timber harvesting shall occur within the 75-foot buffer surrounding the subdivision boundary.
 - This restriction will be highlighted in the Declaration to ensure future residents, or the HOA do not inadvertently cut in that buffer.

C. Noise/Nuisance Provisions

- **Expansion Beyond Animals**
 - The applicant’s attorney initially drafted language prohibiting “nuisance noise” related to animals (e.g., excessively barking dogs, roosters). After public input, the Board suggests expanding it to any noise nuisance from residents or their guests (e.g., continuously loud ATVs, prolonged shooting, etc.).
 - The Declaration will include a statement that owners must not create unreasonable noise levels or annoyance to neighbors, both on their own lots and in the development’s open space. Though “nuisance” is somewhat subjective, the Board believes this general clause will help residents and the HOA address disputes.

8:52 PM: Public Comment

Mr. Maki thanked the Board for clarifying the proposed noise/nuisance language and also revisited the question about ensuring no tree removal within the 75-foot perimeter buffer. The applicant's team agreed to maintain those stands of trees.

Board Deliberates Potential Conditions

The Planning Board begins discussions towards potential conditions that would allow the applicant to pursue State permits.

Phasing & Infrastructure

- It is suggested that the final plan clearly outlines inspection milestones for roadway and utility construction (sub-base, binder, final paving).
- It is recommended that the first coat of pavement (binder) be placed by around the midpoint of Phase 2 (approximately 6th Certificate of Occupancy).

Bonding

- Prior to the sale or Certificate of Occupancy of any Phase 1 lot, the Board encourages the developer to post a bond or security reflecting all incomplete site work for that phase.
- A separate bond for Phase 2 is suggested before selling or occupying any lots in Phase 2.

Gravel Pit Reclamation

- The Board recommends an amended reclamation/sequencing plan describing how and when critical drainage basins and slopes will be stabilized or vegetated, especially if construction extends into cooler months or if any areas become inactive.

As-Built or Final Survey

- The Board suggests that final as-builts for roads, utilities, and drainage be provided to the Planning Board and its engineer, unless the Planning Board Engineer determines a waiver is acceptable.

Road Ownership & Maintenance

- The Board requests the applicant confirm that declarations clearly state the Town bears no responsibility for the private road or associated drainage. A deed conveying common areas and roadways to the HOA should be recorded prior to final bond release.

Noise/Nuisance and Logging

- It is recommended that revised Declaration language:
 - 1. Prohibit cutting timber within the 75-foot boundary buffer, and
 - 2. Expand the “nuisance” clause to cover all potential noise sources (not just animals).
- 2. **Active and Substantial Development**
 - Upon completion of Phase 1 roadway, utilities, and drainage, the Board would like the project be considered “vested” for future phases.
- 3. **Compliance Hearing**
 - The Board may suggest a follow-up hearing once State permits (AoT, wetlands, subdivision) are issued. This provides an opportunity to confirm that all conditions have been addressed before plan signing.

9:45 PM: Motion to Close Public Comment.

A motion was made by Josh to close public comment and seconded by Craig. Vote passes unanimously.

9:47 PM: Conditional Approval

Bruce motions to conditionally approve the Brookhaven Farm, LLC Cluster Subdivision application with the following conditions.

General Requirements

1. Payment of fees and pending legal review fees (escrow account).
2. Submission of required documentation.

Required Documentation

3. Submission of mylars and updated plans.
4. Receipt of executed subdivision HOA covenants.
5. Submission of executed articles of incorporation.
6. Final copy of updated HOA bylaws.
7. Submission of updated and approved gravel pit reclamation plan by the Planning Board.
8. Receipt of executed Declaration of Access Easement to Brookhaven Farm lots 3 and 4

Covenant Modifications

9. Modify the declaration of covenants to insert wording as recommended by the town attorney regarding maintenance and protections for the town consistent with a private road.

10. Amend covenant section 10 to indicate no logging in the 75-foot buffer.

11. Change covenant section 2 regarding nuisance noise:

- Add: "No lot owners shall create unreasonable noise or create a nuisance or annoyance to other lots or abutting properties."

Permits & Approvals

12. Submission of new NHDES wetlands crossing permit for Brook Haven Farm Rd.

13. Submission of alteration of terrain permit/NPDES.

14. Submission of subdivision approval from the State of New Hampshire.

Submitted Plan Adjustments

15. Add guardrail detail on Sheet 22

16. All plan phasing notes should indicate COO or lot sale

17. Update the phasing plan to specify that utilities are divided into Phase 1 and Phase 2 development separately.

18. Add a note to the dead-end road indicating updated length based on plan (approx. 2800 ft.).

19. Provide details for a mailbox kiosk to be constructed in Phase 1 per the phasing plan.

20. Remove emergency access details on Sheet 13.

21. Include details for wetland posting and placards in plans, particularly behind designated lots. All easements should be clearly marked.

22. Add a label for open space on the western part of Lot 6-20, and ensure labeling on the impoundment and northern stream area of lot 6-20.

Phasing

23. Update phasing plan and related notes to reference certificates of occupancy (COO) or lot sales.

24. Prior to the sale of any lot or COO -Deed open space to HOA.

25. All work in Phase 1 will be completed and approved prior to any lot sale or COO in Phase 2

26. Road paving binder coat of asphalt must be completed before:

- The 8th lot sale or COO in Phase 1.
- The 6th lot sale or COO in Phase 2.

27. On Sheet 2, add a note regarding active and substantial development:

- Wording in subdivision regs with a note on completion of Phase 1 infrastructure and road will constitute vesting.

28. Execution of fire pond agreement and fire pond inspection/approval prior to the last lot sale in Phase 1.

29. Prior to the first COO or Lot sale - Submission of performance security: \$835,009 for Phase 1, \$279,788 for Phase 2 (Updated based on work completion at the time of bonding.

30. Add road inspection points to the phasing plan (After drainage/filling has been started, before gravel placement, After drainage installed, before covered, After gravel placed and shaped, before surface has been applied, Thickness check while placing base course and performing shoulder work, Thickness check while placing wearing surface.

31. Each lot must be monumented before issuance of a COO.

Prior to Final Release of Security

32. Submission of as-built plans for infrastructure (unless waived by the Planning Board Engineer).

33. Per the phasing plan, the road must be deeded to the HOA before the final security release.

Nichole seconded the motion and passed unanimously.

Next Meeting (19th):

- No new applications have been submitted.
- The meeting will be an application work session.

Board Composition:

- A new member is expected due to election results.
- The bylaws review may be deferred to April until the board composition is finalized.

10:05 PM: Adjournment

Josh made a motion to adjourn and was seconded by the Board. Vote passed unanimously.

Respectfully Submitted,
Steven Satterfield.