

**CITY OF KEENE
NEW HAMPSHIRE**

**PLANNING BOARD
MEETING MINUTES**

Monday, May 28, 2019

6:30 PM

Council Chambers

Members Present

Douglas Barrett, Chairman
Michael Burke
Martha Landry
Councilor George Hansel
Gary Spykman

Staff:

Rhett Lamb, ACM/Community Development
Director
Mari Brunner, Acting Planner
Tara Kessler, Senior Planner

Members Not Present:

Chris Cusack, Vice-Chair
Pamela Russell Slack
Andrew Weglinski
Mayor Kendall Lane

I. Call to order – Roll Call

Chair Spykman called the meeting to order at 6:30 PM and roll call was conducted.

II. Minutes of previous meeting – April 22, 2019 Planning Board Meeting Minutes

A motion was made by Councilor George Hansel to accept the April 22, 2019 meeting minutes. The motion was seconded by Gary Spykman and was unanimously approved.

III. Public Hearing

1. CUCR-01-05, Mod. 4 – 19 & 15 Darling Court – Conditional Use Permit/Site Plan

– Applicant and owner Walter H. Rohr proposes to modify the subdivision plan for Darling Court by replacing a shared driveway with single driveways and relocating the build areas for Lots 1 and 2. The parcels are located at 15 and 19 Darling Court and are in the Rural District (TMP#s 206-019-000 & 206-020-000).

A. Board Determination of Completeness.

Acting Planner Mari Brunner recommended to the Board that Application CUCR-01-05, Mod. 4 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Gary Spykman and was unanimously approved.

B. Public Hearing

Mr. Jim Phippard of Brickstone Landuse Consultants addressed the Board first. Mr. Phippard stated the landowner, Walter Rohr, owns two adjacent land parcels on Darling Court and referred to lot 1 and lot 2 on a plan. Mr. Phippard stated the request before the Board is to amend the driveway layout for lots 1 and 2. The current driveway layout is for one single, shared driveway. He noted Mr. Rohr purchased these properties more than ten years ago. The driveway was never constructed and he would like to sell lot 2. He has found a buyer who wants his own driveway to lot 2. Mr. Phippard stated what they are asking is to go back to a previously approved plan from 2006 which called for a single driveway into lot 1 and a single driveway into lot 2.

As a result of these changes, the total length of driveway one will be 1,100 linear feet and will impact less land than the shared driveway would. Mr. Phippard noted each landowner would need to apply for their own driveway permit to complete the design. This design would include stormwater collection areas near the bottom of the hill, which will then discharge into the onsite drainage system and into the stormwater pond located on the property. There will be no runoff into the city right of way.

Mr. Phippard referred to the driveway profiles and noted the driveway for lot 1 was very long but does not exceed 12% in grade; there will be pull outs every 300 feet and there will also need to be a turnaround at the top for fire trucks and noted this can be accommodated. The driveway for lot 2 is much shorter in length; it is about 340 feet but does get up to 14% in grade and added this was approved previously and felt it can be accommodated on the property.

Mr. Phippard then referred to a steep slope plan and noted the area shown in green is the precautionary slope, which includes slopes of 15% up to 25% grades. The areas in yellow are the prohibitive slopes, which are 25% or greater. The driveways for both lots cross precautionary slopes but not prohibitive slopes (except a 20-foot area, which is permitted if it is less than 40 feet). The total disturbance to precautionary slopes is well under the 20,000 square foot allowance, which is permitted under the Hillside Ordinance. This concluded Mr. Phippard's presentation.

Mr. Burke asked why the owner originally went with the shared driveway. Mr. Phippard stated because he owned both lots, he wanted to leave the land undisturbed.

Staff comments were next. Acting Planner Mari Brunner went over the history of this project. She stated this was an eight-lot subdivision approved through the Conservation Residential Development (CRD) process in 2005. Since that time, there have been modifications to that approval and all of them had to do with driveways. The first was to allow for separate driveways to lots 2 through 5.

The second modification had to do with lot 5, and the third had to do with the addition of the common driveway for lots 1 and 2. The modification before the Board today is to separate the driveways for Lots 1 and 2 again. Ms. Brunner stated the driveway for Lot 1 was approved by the Planning Board at a compliance hearing in December of 2005. The driveway for Lot 2 was approved during modification #1 for this project. The applicant is asking to go back to the designs that were previously approved for these two driveways.

Ms. Brunner stated as far as departmental comments are concerned, they are only from engineering and fire and they both have to do with the length of the driveway and the requirement for a turnaround at the end of the driveway for emergency access.

Ms. Brunner went on to review the applicable standards, including drainage, which she noted the applicant has already addressed. With reference to Hillside Protection, she noted this ordinance was adopted in 2009 after this subdivision was approved and therefore the applicant only needs to show that the driveway is located to avoid steep slopes as much as possible. The applicant has provided a steep slope plan, which shows the driveway is in keeping with the Hillside Ordinance. The final standard has to do with Comprehensive Access Management, which encourages the use of common driveways. Ms. Brunner noted that the common driveway is longer than the two single driveways would be if combined. This concluded staff comments.

The Chairman asked for public comment next.

Greg and Sue McConahey addressed the Board and Mr. McConahey stated they have lived at 9 Darling Court since 1997 he read the following statement for the record:

It was always accepted that the land behind us would be developed when the design described by then Mayor Michael Blastos as “pork chop” was approved in 2005 and we expressed our concerns to the then previous Planning Board about the impact of runoff onto our property. The Board approved the driveway and drainage design for lot 1, stating it met the requirement that the design does not result in increased volume or velocity of surface runoff onto adjacent properties or surface water bodies. This drainage design was intended to have an effect that during a storm event of 25 years or less, volumes and velocities of storm water flow entering the abutters’ properties should be lower than existing condition.

After modification #3 was approved, the applicant commissioned a contractor to put in base layers for the combined driveway for Lot #1 and Lot #2. In 2012, Keene experienced a significant rain event, flooding the east side of the city but also doing significant damage to Darling Road. We experienced several inch-deep torrents coming down the hillside in question here contributed by the driveway, which was roughed, into place. Last fall we experienced standing water in our backyard after a long rainy period again attributable to a bend in this shared driveway that had been roughed in.

We have no issue with the applicant’s desire to modify the build site for lot #2. Our concerns continue to be with lot #1 and the run off caused by the existing roughed-in shared driveway.

Mr. McConahey stated he is not sure whether the plan is to extend the roughed-in shared driveway and looking at the pins placed on the site, it seems like the roughed-in driveway is located on lot #2.

Depending on where lot 1’s proposed driveway is sited; whether extended due north from the bend or sited in an altogether new area, who monitors the actual build rather than just approving a designer’s plan? Has any city employee reviewed the post build site after a rainstorm to see if the drainage system is directing flow properly?

The existing banking and outlet for the rough driveway fails the stipulation originally described. What is our recourse as the abutter when the actual build does not achieve the desired outcome?

Mr. McConahey stated in closing that they still have concerns about the runoff as expressed when this plan was approved in 2006.

Chair Barrett summarized the concerns raised; the concern is not for the stand-alone driveway but what was approved previously and what has been roughed in.

Mr. McConahey added he also wants to know where the driveway for lot 1 will actually be located. Would the roughed-in driveway be discontinued? Ms. Landry noted she heard a question about who would be overseeing the installation of the driveway and the drainage system and who makes sure it is acting properly as designed – Ms. Landry asked for staff’s comments on this item.

Mr. Lamb stated the issuance of a driveway permit is usually handled through the City Engineer's office but stated he was not sure if there was an approval for this driveway and was also unaware of its installation. He added according to aerial photography as of 2015, it looks like it has been in use at least since 2015 and was not sure how that matches up to the approved prior plan of 2006 or this plan before the Board today. Mr. Lamb felt the Board should hear from Mr. Phippard as to the location of this roughed-in driveway.

Mr. Phippard stated the issue is this driveway was never completed and apologized for not having a complete picture of this item, as this was one of Mr. David Bergeron's applications and he is out on leave with a medical issue. Mr. Phippard indicated he had spoken to the owner who said they had started clearing the path and the owner didn't know if it was in the approved location or not. He went on to say when Mr. Phippard visited the site there was runoff coming down the site, a lot of vegetation had been removed and this was causing the runoff to get onto the abutter's property. He agreed it should be corrected and addressed impacts to the right of way – he noted he would be speaking to Mr. Rohr about this. Mr. Phippard asked that addressing the drainage issues be made a condition of approval if the Board is inclined to approve this application tonight.

Mr. Phippard further stated Mr. Rohr needs to stabilize the area and create the drainage collection area to prevent it from leaving his property and going outside the controlled channeled structure and into the storm water system. He apologized to the abutters and said that what they are experiencing should not have happened.

Mr. Lamb stated what is before the Board is a change to the driveway, but the significant question is what is there today; he noted what he can see from aerial imagery is the roughed-in driveway crossing both properties. He further stated that the aerial map shows the curb opening located along the frontage of lot 2 for a driveway that is going to be used for lot 1. He asked Mr. Phippard whether he plans on taking out what exists there now and move ahead with what is on the approved plan. Mr. Phippard stated his intent is to comply with what is on the approved plan – he stated that he does not know why it was relocated and if his office was involved, they would have come back for an amendment.

Ms. Landry asked for clarification on whether Mr. Rohr was going to sell lot 2. Mr. Phippard stated this is his intent. Ms. Landry asked how the city would have assurance that what is built will match the approved design. Mr. Lamb said that, due to the substantial difference between the location of the roughed-in driveway and the driveway on the plan, he would suggest this item be continued. Chair Barrett stated he feels the same way, and added if the Board was aware of what currently exists at the site, a site visit could have been conducted which did not happen with this application.

Mr. McConahey stated there is a transformer box where their lot ends and lot 1 begins and asked Mr. Phippard if he has an estimate of how far from this transformer box, the driveway for lot 1 will begin. Mr. Phippard stated he was going to have the surveyor go back and look at the pin locations. He added if the box is close to Mr. McConahay's property, the curb cut should be about 60 feet to the west, and for lot 2 it would be about 150 feet to the west.

Mr. Spykman noted it is not the purview of this Board to enforce what has been approved and added enforcement lies with other city departments. Mr. McConahey apologized for wasting the Board's time. Chair Barrett noted it was not a waste of time and added if not for the

McConaheys' concerns the Board would not be aware of a situation where what is on the ground is different than the plan and added this would be the reason for the continuance.

Mr. Phippard apologized to the abutters and went on to say that when the buyers learned there was an approval required for the location of a driveway for lot 2, they postponed their closing, which was May 5, and it has now been moved to June 5. He added that if they cannot close on June 5, it is likely the sale might not happen. Mr. Phippard stated he was not opposed to adding a condition which indicates a driveway permit for lot 2 cannot be granted until the drainage situation for lot 1 is corrected and added he will oversee the problem to make sure it is corrected.

With no further comments, the Chairman closed the public hearing. Mr. Spykman stated he was not opposed to a continuance and was hoping good language can be proposed for the continuance.

Mr. Lamb noted there has been no driveway permit issued through the City Engineer's office. The applicant has shown the Board profiles of the driveway and what the Board does not have are construction drawings as to how the drainage is going to be handled. He added the Board's decision tonight could be appealed, whereas a driveway permit cannot and felt the June 5 deadline sounds like an issue with respect to the possibility of an appeal. He reiterated what is on the ground is not something that is on a plan and is something that is being discovered tonight; the curb opening is on the wrong lot. He further stated if the Board is interested in a condition, the Board could take a short recess while staff puts language together.

Chair Barrett stated that just resolving the drainage issue is not enough for him to approve this application tonight; he is still unclear of the situation that exists at this site – why there is a curb cut in the wrong location? Why was a driveway roughed-in?

Mr. Lamb went over the outstanding issues:

1. The Board needs to see a revised plan because there are too many inconsistencies that exist now between what is present on the site and the proposed plan. This plan will need to be approved by the City Engineer.
2. Removal of the existing curb cut and driveway – what exists is not consistent with either the 2006 plan or the plan before the Board tonight.
3. Drainage and driveway safety to be reviewed by the City Engineer.

Councilor Hansel asked how the enforcement issue would move forward if the process were stopped at this point. The Councilor felt this was separate from the approval process. Mr. Lamb stated this would happen through the Code Enforcement staff for a building permit and through the City Engineer's office for a driveway permit. In this case, since it is a CRD application, it would be a combination between Code Enforcement and the Engineer's office. He added the city does not have a normal practice to inspect driveways before they are built. There will be an inspection for the construction of the home, and the driveway will be part of that process. The Councilor added that this problem needs to be fixed and felt the only way to accomplish that is to move this item forward, so the applicant can sell the lot, with a requirement to apply for a driveway permit. If that does not happen, how can the issue be fixed for the McConaheys? Mr. Lamb stated now that the City knows there is a problem, the City will work with the owner to address the issues raised at tonight's meeting.

Ms. Landry asked whether the Board could take a recess to see what conditions staff could come up with to include in a motion for a conditional approval.

The Board recessed while staff worked on language for possible conditions to approve this application.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve CUCR-01-05 Modification #4 as shown on the site plan identified as “Driveway Plan Separate Curb Cuts” prepared by Brickstone Masons, Inc. at a scale of 1 inch = 50 feet and dated March 1, 2006 with the following conditions prior to signature by Planning Board chair:

1. Submittal of a revised drive profile for Lot 1 to include a note which states “Construct a vehicular turnaround as described for dead-end streets in Section 70-124 subsections (3) and (4), of the Keene City Code.”
2. Submittal of a revised existing conditions plan to show existing curb cut location and driveway area.
3. Removal and restoration of existing curb cut and driveway area in a condition deemed satisfactory to the City Engineer.
4. That the applicant obtains a driveway permit from the City Engineer for Lots 1 and 2.
5. Owner’s signature appears on the plan.

The motion was seconded by Gary Spykman.

Mr. Phippard asked what would happen should the surveyor find out the driveway is not in the wrong location; would it still need to be removed? Chair Barrett stated they would discuss this question.

Mr. Spykman suggested because the Board only has the aerial photography as a reference tool, he felt the language could be altered to reflect the uncertainty in the driveway location.

Ms. Landry asked whether there could be any issue with the construction of the roughed-in driveway with respect to the driveway for lot 2. Mr. Burke noted it has been stated this was one of the issues; the driveway was not installed correctly.

Councilor Hansel retracted his motion and Mr. Spykman retracted his second.

A motion was made by Councilor George Hansel that the Planning Board approve CUCR-01-05 Modification #4 as shown on the site plan identified as “Driveway Plan Separate Curb Cuts” prepared by Brickstone Masons, Inc. at a scale of 1 inch = 50 feet and dated March 1, 2006 with the following conditions prior to signature by Planning Board chair:

1. Submittal of a revised drive profile for Lot 1 to include a note which states “Construct a vehicular turnaround as described for dead-end streets in Section 70-124 subsections (3) and (4), of the Keene City Code.”
2. Submittal of a revised existing conditions plan to show existing curb cut location and driveway area.
3. Removal and restoration of existing curb cut and driveway area in a condition deemed satisfactory to the City Engineer, if the existing curb cut and driveway area are not consistent

with the approved driveway location as shown on the plan signed by the Planning Board chair in March 2006.

4. That the applicant obtains a driveway permit from the City Engineer for Lots 1 and 2.
5. Owner's signature appears on the plan.

The amended motion was seconded by Gary Spykman and was unanimously approved.

2. **S-03-19 – 0 Hurricane Road – Boundary Line Adjustment** – Applicant and owner Bruce R. & Kimberly A. Pilvelait Revocable Trust proposes a boundary line adjustment between two properties located at 0 Hurricane Road (TMP#s 106-008-000 & 106-009-000). This adjustment is proposed to create a 200-foot lot width at the building line for each parcel and would result in no net change to the lot sizes. The parcels are 3.7 acres and 2.97 acres and are in the Rural District.

A. Board Determination of Completeness.

Acting Planner Mari Brunner recommended to the Board that Application S-03-10 was complete. A motion was made by Councilor George Hansel that the Board accept this application as complete. The motion was seconded by Gary Spykman and was unanimously approved.

B. Public Hearing

Mr. Phippard addressed the Board again and stated he was before the Board regarding the Bruce R. & Kimberly A. Pilvelait Irrevocable Trust. This application is regarding two adjacent lots located on Hurricane Road, which are both non-conforming lots in terms of lot size. These lots were approved in the 1950's, pre-dating the current lot size standards. Mr. Phippard stated the item has been before the Zoning Board for variance approval to allow for construction of single-family homes on each of the lots. The first lot is 3.7 acres and the second lot is 2.97 acres in the Rural district. The proposal is for a lot line adjustment; however, the adjustment will not change the acreage for either lot and will allow both lots to meet the lot width requirement for single family home construction. He added the boundary line adjustment plan is what will be recorded with the Registry of Deeds.

Mr. Phippard referred to second plan which shows that after the lot line adjustment, these lots would comply with all dimensional requirements other than lot size. Setback areas, well locations, and building house footprints are also shown on this plan. Mr. Phippard added there is documentation from a septic designer that each of these lots can support an onsite septic system.

He further stated the driveway locations have excellent line of sight from both directions for over 400 feet. There are existing wetland areas on the property but there is no disturbance proposed for the wetland areas. The property is also not located in a flood plain.

Mr. Phippard then referred to a steep slope plan and noted the yellow areas are precautionary slopes and referred to where these slope areas are being crossed. The green represents prohibitive slopes and only about 20 feet in length of prohibitive slopes are being crossed (less than 40 feet is allowed under the Hillside Ordinance). This concluded Mr. Phippard's presentation.

Staff comments were next. Ms. Brunner stated the reason for this application is to adjust lot line between the two lots to create a 200-foot lot width for building construction. She went on to say that, because there is no development proposed at this time, many of the Board's standards don't

apply to this application. However, Staff did request the submittal of a steep slope plan to show that driveways could be located to avoid the steep slopes to the best extent possible and comply with the Hillside Protection Ordinance. The applicant has demonstrated this.

Ms. Brunner added there are also wetlands present on this site, but the applicant has demonstrated both lots can be developed without impact to the wetlands. With reference to surface waters, she noted that Section 102-1492, Surface Water Protection Ordinance says that for pre-existing uses, single- and two-family homes will not be prohibited if certain conditions are met – the only condition that pertains to this application is regarding the maintenance of a 30-foot buffer which the applicant has demonstrated.

Ms. Brunner added the applicant is not looking for Planning Board approval for the exact location for driveways at this time. The only plan that will be recorded with the registry is the plan which shows the lot line adjustment; the building footprints and driveway locations were only shown in order to demonstrate that it is possible to develop each lot while meeting the City's standards.

With regards to water and sewer, Ms. Brunner stated the applicant received approval from the Zoning Board of Adjustment to construct a single-family home where city water and sewer are not present. As part of their application, the applicant submitted a letter stamped by a licensed designer of subsurface disposal systems stating that individual septic systems can be designed for each lot and the boundary line adjustment plan shows the 4,000 square foot dedicated septic areas for each lot, which are outside the 75-foot well protection radius.

With reference to Comprehensive Access Management, the applicant notes that while driveway locations are shown, they are only for demonstrative purposes and will eventually obtain driveway permits through the City Engineer's office.

This concluded staff comments.

The Chairman asked for public comment. With no comment from the public, the Chairman closed the public hearing.

C. Board Discussion and Action

A motion was made by Councilor George Hansel that the Planning Board approve S-03-19, as shown on the plan identified as "Boundary Line Adjustment, Lots 106-008-000 & 106-009-000, Hurricane Road, Keene, NH 03431" prepared by Cardinal Surveying and Land Planning at a scale of 1 inch = 50 feet and dated April 9, 2019 with the following conditions prior to signature by the Planning Board chair:

1. Owners' signatures appear on plan.
2. Surveyor's stamp appears on plan.

The motion was seconded by Gary Spykman and was unanimously approved.

IV. Advice & Comment

222 West Street, Colony Mill – Applicant Brady Sullivan Properties plans to submit a revision to the approved site plan for this property for exterior wall penetrations for ventilation, outdoor lighting, and new perimeter drains.

Senior Planner Tara Kessler addressed the Board and explained the purpose of Advice and Comment is to seek preliminary guidance from the Planning Board on a project and develop a project that is consistent with the Planning Board's Development Standards. She indicated these are informal sessions that are non-binding; they are not a public hearing and abutters are not notified.

With respect to today's Advice and Comment, Ms. Kessler noted certain unique circumstances that have occurred which caused staff to recommend to the Board not to move forward with this Advice and Comment. She explained staff became aware last week that work on the exterior of the site has already begun without Board approval. She noted staff has been in communication with Brady Sullivan over the past few months and at that time, this work was proposed. She added Brady Sullivan did get administrative approval for change of use to residential in 2017 following an issuance of a variance for a residential use in the Commerce district. She noted this approval clearly states no changes would be made to the exterior of the building such as the walkways, lighting or landscaping. In December, staff was approached regarding the location of exterior vents for several apartments and at that time the owner was informed this installation would need to be approved by the Planning Board. This conversation continued through April and it was suggested they come before the Board this month for Advice and Comment. They had missed the deadline for site plan review for the May meeting.

The applicant has submitted an application for site plan review for the June meeting. However, last week staff found out changes have been made to the exterior of the site without Board approval. Ms. Kessler stated that, as Advice and Comment is intended for proposed work and the applicant has moved forward with number of these changes, staff recommends the Board not continue with the Advice and Comment this evening and any further discussion on this item be held at the public hearing in June. Ms. Kessler added when staff learned of this work last week, the Community Development Department issued a stop work order.

Chair Barrett stated at this point the Board would have to decide if they wish to continue with this item, but added he would like to give the applicant the opportunity to respond.

Mr. Rob Pearson representing 222 West Street, Colony Mill addressed the Board stated there have been a few hands involved with this project; they had to present to the National Park Service for Historical Credits for their project and were under the impression some of the penetrations were already accepted through that process. Mr. Pearson noted the penetrations staff is referring to are for lighting and most of those were due to signs for other businesses previously located at this site as well as for banners. He added for every hole they drilled they filled in hundreds of holes. He stated once the stop work order was issued, any lighting that was being installed stopped.

Mr. Pearson agreed they were wrong in installing some of the lights without Board approval. As far as the penetrations were concerned, they were under the impression that it was understood that 89 units were being added to this building and condensation lines were required (six on the West Street side and 12 on the Court Yard side of the building). The landscaping that was taken out was in discussion with the City – a perimeter drain was added to take care of the water that comes down West Street as well as water the site was absorbing from West Street. He added the landscaping that was taken out were plants that were overgrown.

The Chair asked for Board comment next.

Mr. Spykman stated he does not have to remind the Board how many times applicants do the work and then ask for approval after the fact. He stated he was encouraged when he saw an Advice and Comment item, but this applicant has moved forward with the work and stated he was not prone to moving forward with this item and suggested waiting for the site plan approval in June.

Councilor Hansel stated he does not get too concerned when work is performed beforehand and felt this work that is being done is done at their own risk and might be something that an applicant would have to remove.

Mr. Lamb stated there are a few reasons to not move forward with this item; there is no public present and staff has not prepared a staff report. He further stated with the work that was done, staff would like to provide comment on it and felt it was inappropriate to do so under Advice and Comment and suggested waiting for the site plan approval. He went on to say when the applicant was asked by staff if anything was changing on the front of the building they were told no, hence the reason this item was approved administratively. He added he took a lot of heat from the Board approving this item administratively.

A motion was made by Martha Landry that the Board conclude the Advice and Comment on this item based on information received from staff and any discussion on this proposal be deferred until a site plan application is received by the Board. The motion was seconded by Gary Spykman and was unanimously approved.

Mr. Pearson stated they are trying to work with the City of Keene and if they missed this, they would like to apologize. They have many third party vendors who are involved and it was not done intentionally.

V. City Council Referral – Cheshire Rail Trail Phase III Project – The Discontinuance of a Portion of the Ammi Brown Road and the Lay Out of a new Class A Trail to be known as the Ammi Brown Trail: R-2019-08; R-2019-09; R-2019-10

City Engineer, Don Lussier stated the Ammi Brown Road currently exists as a Class VI Road – it is a path through the woods, the neighborhood loves it and makes for a great mountain biking route. He noted the City recently received the Transportation Alternatives Program (TAP) Grant in 2016 and is currently under review by DOT for construction. As part of this work, the city is going to be improving this Class VI road. By State Law Class VI roads are roads a municipality does not maintain, it is for public access. Mr. Lussier noted this becomes an issue when you are trying to improve a trail.

As a result, what staff is proposing tonight is the absolute discontinuance of the Class VI road to be followed immediately by the laying of a Class A Trail. He explained Class A Trails are new under State Law. A municipality can perform maintenance on it, it is for public use but there can be use restrictions placed on it and permit more access right for adjacent property owners.

Mr. Lussier referred to the existing trail on a plan, the trail area across from Summit Ridge Condominium will not be changed, land owned by C&S Wholesale Grocers, a majority of this trail will not see a change.

Mr. Burke asked once it is changed to the Class A Trail whether it can still be used by snowmobiles. Mr. Lussier stated under State Law snowmobile use is permitted but the city can also restrict uses and restricting snowmobiling is something the condominium association has asked for. What staff is proposing is to install the trail, permit snowmobile use and the trailhead parking at the corner of Summit and Summit Ridge will have signs indicating “hours for daylight only”. The complaints the city has received is snowmobile use after hours.

Mr. Lamb addressed this item and noted the role of the Planning Board for this type of item is fairly rare; under the Statute, the Planning Board has the authority to provide advice and make a recommendation to the City Council. If so inclined, the Planning Board would recommend adoption of the Resolutions outlined by the City Engineer.

Chair Barrett noted it is indicated the Mayor will set a time and date for a site visit and public hearing. Mr. Lussier noted the site visit has been scheduled for June 6th at 5:30 pm at the Trial Head location

A motion was made by Councilor George Hansel that the Planning Board recommend Adoption of R-2019-08; R-2019-09; and R-2019-10 all relating to the discontinuance of the Ammi Brown Road. The motion was seconded by Gary Spykman and was unanimously approved.

VI. Community Development Director Report

VII. New Business

VIII. Upcoming Dates of Interest – June 2019

Planning Board Meeting – June 24; 6:30 PM

Planning Board Steering Committee – June 7; 11:30 AM

Joint PB/PLD Committee – June 10; 6:30 PM

Planning Board Site Visits – June 19; 8:00 AM – To Be Confirmed

The meeting adjourned at 8:00 PM.

Respectfully submitted,
Krishni Pahl
Minute Taker

Reviewed and edited by Mari Brunner, Acting Planner