

Planning Board Meeting Minutes 6/11/14

Present: Mike Culver, Mike Bruno, Dave Wiley, Chris McGrath, Libby Staples, Kevin Roy, Alecia Loveless as sitting board.

Absent: Andrea Bryant and Peter Roy

Meeting convened at 6:00 pm.

Chairman Wiley presented minutes of May 28, 2014 to the board for review. Mike Bruno motioned to accept minutes as approved. Dave Wiley seconded. Unanimous acceptance.

Chairman Wiley opened the continued public hearing on Swanson-Thoma lot line adjustment. Gardner Kellogg presented plats to the board for review. Mr. Swanson and Ms. Thoma were present, but didn't wish to offer any commentary. Mike Culver motioned to accept lot line adjustment as proposed. Seconded by Chris McGrath. All in favor. Chairman Wiley motioned to close the public hearing. Seconded by Mike Culver. All in favor. Plats/Mylar will be signed later this week by PB Secretary and Chairman later this week.

Minor Sub-division conceptual for Alvin and Marsha Dickerman. Gardner Kellogg presented plats on behalf of applicant for board's review. Original parcel of land will be condensed down to 5 acres. Chairman Wiley called for any concerns from the board. Mike Bruno inquired about abutters and ownership of adjacent lots. Board did not express any other concerns. Gardner will return with application at a later date.

Tom Ricci and driving range project appeared before the board. Recap of issue he spoke to board about previously. Mr. Ricci spoke to board about video he presented to board showing that meeting on August was closed and any conditions placed on project by previous board were not legal. Mr. Ricci asked for clarification on why he can't use land by stone wall and issue of lighting. Chairman Wiley said that after the board consulting with legal counsel, counsel advised that Mr. Ricci needs to present a new application to the board with the modifications he is requesting. The PB cannot re-open the issues as the application is too old to revisit. Chairman Wiley reiterated that the intent of the previous board was not to prevent Mr. Ricci from using his property, but that clear-cutting of trees was not acceptable. Chairman Wiley expressed that based on prior approved application conditions, Mr. Ricci is still able to use that portion of land, but he is not allowed to clear-cut it. Mr. Ricci would like to be able to get a ball picker behind the stone wall and into that area. Chairman Wiley again stated that Mr. Ricci may clear low growing vegetation, etc., and that Mr. Ricci could put opening in driveway, trim trees up to seven feet and use his land. Mike Culver stated that he believes that this board is able to interpret the current permit. The Select Board would be the body to determine if there is any enforcement or violation issue. Mr. Ricci stated that he has to keep coming before the board to get issue resolved. Mike Culver stated Mr. Ricci could use property but not cut down large trees. Chairman Wiley asks Ricci what he would like to do with that portion of property. Mr. Ricci states he would like to open driveway and be able to get in

there with a ball picker- that means being able to cut down some of the trees and move rocks. The question is the interpretation of leaving the property in its “natural state.” Mike Culver stated that current application could not be modified by current board without a new application but the sitting board could interpret the conditions of the current permit. If that is not enough to meet Mr. Ricci’s needs, then a new application would need to be submitted. That is the issue- the PB needs to make a ruling on the interpretation of the current permit.

Discussion of the interpretation of “natural state” ensues. Does this allow Mr. Ricci to clear some of the land by the driveway including trees, rocks, etc., so he can get in there to collect stray golf balls? Alecia Loveless commented that the previous board intended to let the ball picker in that area, but wanted to keep a buffer zone between driving range and neighboring properties. The intention was that Mr. Ricci would be able to trim trees to a height of seven feet so that he could get a golf cart in there to pick up golf balls.

Chairman Wiley states that one option is for board to clarify the interpretation of the current permit on the stone wall, night sky ordinance and definition of natural state without a new application. Mr. Ricci described how he would place the lighting. Chairman Wiley asked Mr. Ricci to come back to the board with a document describing the wording/conditions he would like regarding condition # 11, and #12. Libby Staples and Mike Culver cautioned the board that changing the wording of the existing permit was not wise – or legal. However, common sense may be able to be applied to the interpretation.

Jeanne Robillard suggested that Mr. Ricci prepare a plan of what he wishes to do with the driveway, stonewall, and lighting with very clear specifications and the board could review that for compliance with the current permit. Chairman Wiley concurred that Mr. Ricci should present a written proposal to the board for review and that the board should review it in two weeks.

Mr. Ricci commented that the State is enforcing the 80 feet net height and that the batting cages will be up and running in two weeks.

Chairman Wiley announced that the matter of Mr. Ricci and the driving range would be revisited in two weeks.

NOTE TO DAWN: Board would like research on whether the state places conditions on disturbing a stone wall that is not on a scenic by-way. And please correct Alecia’s email to info@thegablesnh.com ☺
She doesn’t get any PB emails...

Mike Culver motioned to adjourn meeting. Alecia Loveless seconded. All in favor.

Respectfully Submitted By,

Jeanne Robillard

