

Minutes

Planning Board Meeting

September 1, 2016

Members of the Planning Board in attendance were Charles Moreno, Chairman, Terry Hyland, Lynn Sweet, and Donald Coker and Denise Markow-Speed, Alternate members. The Chairman opened the meeting at 7:30 p.m. and introduced the members present, noting that the Alternate members would be voting this evening due to several absences. The closing date for applications to appear on the agenda for the October 2016 regular meeting is 5 p.m., Tuesday, September 13, 2016. The Chairman advised that the Board has a policy setting time limits for meetings and that the Board will not consider any new business after 10:30 PM. Minutes from the Board's most recent meeting in April 2016 will be addressed at a later time.

There were no items of continuing business. The first order of new business was the application of NATHANIEL GOODWIN, 1000 First Crown Point Road (Tax Map 18, Lot 42), and MEDERIC BEAUCHESNE III, 998 First Crown Point Road (Tax Map 18, Lot 40), for boundary adjustment between their two properties located on First Crown Point Road. Daniel O'Lone of Berry Surveying and Engineering presented the plans. Nate Goodwin, 'Sonny' Beauchesne, and Maureen Sawicki, an abutter, were present. Mr. O'Lone explained the proposal, which offers a solution to an old boundary dispute concerning the location of the rear boundary of the Goodwin lot. The goal is to add land to the Goodwin's lot, and to mostly use existing stone walls for the new boundaries. He noted that the old plans refer to the northwest boundary as an "old town road" but he said that they have been unable to find any records. The shared driveway for the two homes is shown on the locus sketch. Mr. O'Lone noted that these lots are at an elevation over 800 feet and therefore lie in the 5 acre zone. Although the Goodwin lot is less than 5 acres, the current proposal makes the pre-existing lot larger and more conforming, so under Article 1.7 of the Zoning Ordinances, no special exception is needed. Mr. Beauchesne's lot is over 12 acres in area after adjustment.

Mr. O'Lone advised that he has submitted a letter requesting waivers to the requirement for showing several items on the plans, particularly full details for Lot 40 because the plans focus on the area of adjustment: 1) a request that the full boundary of Lot 40 not be included in the plan as it would add unnecessary detail and expense and is shown on the reference plans; 2) a request that wetlands delineations and wetlands scientist's seal not be shown because both lots are developed and this is not a subdivision; 3) a request that natural features not be shown; 4) a request that physical features within the lots not be shown because Lot 42 is becoming more conforming and Lot 40 well exceeds minimum lot size requirements (note: a soils map has been provided); 5) a request that monuments and boundaries for Lot 40 not be shown because they are shown on the reference plans; 6) a request that setback lines not be shown because any setbacks lines added to the plans would be misleading because the applicants are requesting a waiver to the requirement for wetlands delineations. Board members briefly reviewed the wording of Article 1.7 of the Zoning Ordinance regarding non-conforming use. Terry Hyland noted the use of stone walls as boundaries. Mr. O'Lone confirmed that this is the intent.

Board members then reviewed the plans with the checklist. There were no items missing except those included in the waiver request. Noting that the plans appear to be complete enough for consideration, Donald Coker then made a motion to accept the plans as complete for consideration. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The Chairman then opened the public hearing on the application. Maureen Sawicki addressed the Board and said that according to her survey, the "old Road" area is part of her abutting land. She said that she is just concerned that she can still access her lot along the "road". Dan O'Lone advised that according to this plan, the Goodwin ownership stops at the wall along their northwest boundary, at the edge of the "road". Sonny Beauchesne confirmed that the stone wall is the boundary. Mrs. Sawicki noted earlier disputes regarding the boundaries in the area by First Crown Point Road and elsewhere, and she noted that she thinks that there may be a chicken coop in the road area. She asked if the current plan would supersede earlier surveys. Mr. Beauchesne explained again the intent to use the stone walls so that the boundaries cannot be moved. Maureen Sawicki asked if Mr. O'Lone had access to the Berry Surveying plans of the area and she was reassured that Mr. O'Lone works for Berry Surveying and that the previous plans are listed as reference plans on the current plan set. There being no further discussion, the Chairman closed the public hearing and turned to the waiver requests. Noting that both lots are already developed, that there are a number of reference plans with more detailed information and that this adjustment would put the boundary in a more obvious and natural location, Lynn Sweet

then made a motion to approve the waivers as requested. Denise Markow-Speed seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Lynn Sweet then made a motion to accept and approve the plans for boundary adjustment as presented, noting that with the waivers approved, the plans are complete as presented. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. The applicants were directed to bring final copies of the plans for recording and appropriate recording fees to the office for signatures once monuments have been set.

The second order of new business was the application of CATHERINE E. and ANNE E. MENARD for 2-lot subdivision of their property located on Old Ridge Road (Tax Map 7, Lot 4). Fran Menard was present. Jim Franklin presented the application. Fran Menard advised the Board that the land has been in her family since 1935 and is now owned by her two daughters. The original house from the 1800s on the land has been gone for many years although there is an old garage and tennis court area. They hope to create one new 6.014 acre lot on the northerly end of the original 25± acre parcel, using the existing road frontage. Wetlands have been flagged in the area of the new lot but a full survey of the 19± acres of the remaining land has not been completed due to cost. Detailed survey and wetlands delineations have been completed on more than 2 acres of the remaining parcel and show that the remaining lot meets minimum acreage requirements. The applicants are requesting a number of waivers to the requirements for showing details on the remainder of the larger parcel as well as a waiver on the requirement that the structure on the abutting lot be shown on the plan.

The Chairman explained the Board's procedures and the Board then reviewed the plans with the checklist. The following items were missing and/or need clarifications: total acreage before subdivision to go with the notes regarding the breakdown after subdivision; abutters across the road; deed references for abutters attached to abutter names; reference plans note; number the plan notes; buildings within 100 feet and driveways within 200 feet; and corner monuments. Noting that the applicants are requesting waivers for a number of items and that the missing items do not affect the layout of the subdivision, Lynn Sweet then made a motion to accept the plans as complete for consideration, with the condition that the items noted above be completed. Denise Markow-Speed seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Chairman then opened the public hearing on the application. Susan Duderewicz, an abutter, was present to learn about the project but has no objections to the proposal. The Chairman then closed the public hearing. The Board then turned to the waivers. The applicants are requesting waivers to the following items based on the size of the remaining parcel and in accordance with the clause in the subdivision regulations, Paragraph 2.7.1 E, regarding plan requirements for larger lots: 1) a request not to show all buildings and driveways on the plan due to limited space on the plan, especially as concerns Lot 10 to the north of this lot; 2) a request to not show full details on the large lot of remaining land, including wetlands delineations beyond the 2-acre minimum; 3) a request to not show setback lines in the areas lacking detail because the lines would be misleading. A waiver request regarding the preparation of a yield plan was withdrawn because yield plans are not required for conventional subdivision. Board members addressed the waivers. It was agreed that the driveway across Old Ridge Road at the corner of the lot should be shown. After discussion, Donald Coker suggested that Mr. Franklin investigate whether the home on Lot 10-1 is really within 100 feet of the lot, and given the lack of space on the plan, if the home is indeed within 100 feet, a note should be added in lieu of showing the precise location. Board members then discussed whether details on the larger lot, including metes and bounds, should be required to appear on the plans. It was agreed that the plan as presented demonstrates that the remaining land meets lot size minimums and shows that the larger lot originally supported a house and outbuildings. It was also agreed that under septic setback rules, wetlands delineations would be required if a new owner decided to build outside the area where wetlands delineations have already been completed. After discussion of Paragraph 2.7.1 E, Donald Coker made a motion to waive the request for wetlands delineations on the larger parcel. Lynn Sweet seconded the motion and the vote was unanimous in the affirmative. Discussion returned to the question of whether details and setbacks should be shown for the larger lot. Noting her experience with real estate concerns, Lynn Sweet suggested that the frontage of the remaining land along Old Ridge Road should be surveyed and a corner monument put in place on the southern corner by the road at the stone wall. Board members agreed. There followed a discussion of precedent, including other projects where the Board has not required full details on a larger parcel in accordance with Paragraph 2.7.1 E, such as the recent Adams and Burnham subdivisions. There being no further discussion, Lynn Sweet then made a motion to approve the waivers as requested with the exception of surveying the frontage for the remaining large lot. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative.

The Chairman recapped the discussion, listing the plan changes/clarifications requested by the Board.

1. Note stating the total original acreage of the parcel.
2. Number the plan notes.
3. List the reference plans in a note or a side box, including the plan names as well as recording information.
4. Show the names of the abutters across Old Ridge Road from the parcel on the plan with their deed reference information.
5. Wetlands scientist's seal.
6. Add a note regarding the location of the home on Lot 10-1.
7. Add the driveway across from the lot at the corner.
8. Show the drill holes/monuments at the two front corners of the lot.
9. Survey the frontage of the remaining lot.
10. Add a line showing the limit of wetlands delineation on the remaining lot.

Lynn Sweet then made a motion to accept and approve the plans, conditional upon the completion of the items noted above. Denise Markow-Speed seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Mr. Franklin then asked how long they would have to complete the plan updates. Board members advised Mr. Franklin that under our regulations, if no date is given, the applicants would have a year to bring in the completed plans. Mr. Franklin was advised to bring the final plans to office for signatures and recording.

Board members then turned to recent correspondence. A letter was received during the summer regarding a proposal from Sharon Madore to establish a day care business in her home located on Roller Coaster Road (Tax Map 11, Lot 52). It was noted that she has been advised that day care would normally fall under home occupation. The Fire Chief and Health Officer have both done inspections, and her paperwork has been forwarded to the state for licensing. She is aware of the requirements for signage. Board members had suggested that she contact NH DOT regarding traffic at her location, and she has spoken with them. The Health Officer suggested a simplified pull-around driveway configuration, and she has agreed that this would be helpful. After brief discussion, Board members agreed by consensus to send a letter stating that the current proposal meets the requirements of zoning and that the Board can sign off on state requirements for zoning approval.

Looking forward to the next meeting, Donald Coker noted his concern that the Payne project will soon be coming up on the one-year limit under Paragraph 2.6.16 of the Subdivision Regulations regarding conditional approvals. Noting that the applicant is allowed to request an extension of time by addressing a letter to the Board, Mr. Coker suggested that the Board direct a letter to Brian Payne reminding him of the approaching deadline for requesting an extension. After a vigorous debate, Mr. Coker made a motion to direct that a reminder letter be sent regarding the terms of Paragraph 2.6.16/Conditional Approvals. There was no second to the motion. It was agreed to add a line to the subdivision checklist noting the one-year expiration of conditional approvals, unless the applicant requests additional time and the extension is approved by the Board.

There being no other business before the Board, a motion to adjourn the meeting was made and seconded. The vote was unanimous in the affirmative and the meeting adjourned at 9:15 PM.