

Minutes

Planning Board Meeting

March 6, 2014

Members of the Planning Board in attendance were Charles Moreno, Paul Eaton, Terry Hyland, Lynn Sweet and Donald Coker, The Chairman called the meeting to order at 7:35 PM and announced the members present. The closing date for applications to appear on the agenda for the April 3, 2014 regular meeting is 5 p.m., Tuesday, March 18, 2014. 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. Board members then agreed to postpone consideration of the minutes to the end of the meeting.

There was still no news regarding the application of JANET CHASSE PREVATT AND TERRY PREVATT for 3-lot, revised to 2-lot, subdivision of their property located at 79 Ridge Farm Road (Tax Map 15, Lot 22). New notifications will be sent if new information is received from the applicant. There was also no new information on the application for design review for R. STEPHEN LEIGHTON, Mohawk Trail Way and Cross Road (Tax Map 15, Lot 15).

The last item of continuing business was the application of JAMES N. LUND, 10/12 Lund Drive and 31 Lund Drive (Tax Map 19, Lot 28-1, 28-4, and 28-6) and JAMES C. & MINDY GRANT of 35 Lund Drive (Tax Map 19, Lot 28-7) for boundary adjustment between their properties. Ken Berry of Berry Surveying and Engineering was present representing Mr. Lund and Jim and Mandy Grant. Jim and Robin Lund were present. Lynn Sweet recused herself from the Board for this item. Mr. Berry submitted revised plans for tonight's meeting. He noted that revised plans had been submitted for February although at the February meeting, discussion was further postponed at the request of the applicant. He advised the Board that since the January meeting, the applicants have decided to keep Lund Drive as designed and built according to the 2005-2011 plan set, and the Grants have requested that their lot maintain adequate buildable area to support a duplex, as originally designed. The revised plans submitted tonight reflect both these goals. The proposal is to shift the lot lines around the modified hammerhead at the end of Lund Drive so that Lot 28-4 can be expanded to accommodate the new barn under construction on Lot 28-4, including proposed expansion of that barn. The proposal would also shift the Lot 28-7/28-1 lot line so that the woods road accessing the rear of Lot 28-1 will stay on the lot and will not require an easement across Lot 28-7.

Donald Coker, noting that he was unfamiliar with the history of development of these lots, raised several questions about the application, first suggesting that the version of the plan that was approved at the January meeting should be withdrawn due to the many changes. Ken Berry said that the proposal had been a lot line adjustment from the beginning and still is, although the proposed lines have been further adjusted to accommodate the goals of the owner. Mr. Coker said that he feels that revision 3 is materially changed, and suggested that for housekeeping purposes it would make more sense to have the original plans withdrawn and to begin again. Terry Hyland noted that there are two ways to look at this—either it is completely separate or it is a revision.. Ken Berry noted that the applicants' intent was a mere lot line revision, not road construction. After discussion, Paul Eaton suggested that he felt that the applicant was reacting to the Board's suggestions in January, so he would see the new plans as a revision. There was a lengthy discussion of the question of plan acceptance and the clock. The waiver requests were then noted. Mr. Berry advised that the applicant has two waiver requests on the table, one for topography etc. and one for the width of the lot. The Chairman then asked Mr. Berry to recap. He briefly explained the original cul-de-sac proposal and why the applicants decided to look for another solution. He then explained the difference between the existing 2005-2011 plan layout and the proposed layout shown on the revised plans submitted for this meeting. On the new plans, they are moving the boundary between Lot 28-6 and 28-7 down the hill, and they are shifting the line between Lot 28-7 and Lot 28-1. In this area they will swap easements for access to the back land and move the line so that the access to the rear of the property falls on Lot 28-1. The new second waiver request is for the area between Lot 28-1 and Lot 28-4 where the frontage for Lot 28-1 curves around the existing modified hammerhead end of Lund Drive with the result that the width of the small portion of Lot 28-1 between the hammerhead and the Lot 28-4 boundary would be less than 75 feet. Charlie Moreno suggested that he feels that the new plans are a revision because the engineering for the cul-de-sac was never done. Donald Coker noted an area of slopes greater than 25% in the ROW to the back land. It was noted that the ROW location has not changed, it is just switching

owners. It was finally agreed to move forward with the application as a revision of the accepted plans. Board members then reviewed the plan revisions with the checklist. The following items were noted: the private road note and notes 11 and 12 should be amended to include “at the owner’s expense”; add a monument to the new 28-6/28-7 lot line at the corner; delete the proposed barn additions and the proposed distances to lot lines from the barn additions. Mr. Berry said that the monuments would be set before creating the final plan and that the surveyor will provide a certification of monumentation before submitting the final plans for signature. Blazing the lines was discussed—it was agreed that it would be beneficial to blaze the Lot 28-7 and Lot 28-1 boundary and add grade stakes between bounds. Jim Lund noted that the new e-911 addresses for the buildings on Lot 28-4 have been received.

The Board then turned to the waiver requests; one from December 2013 and one from January 2014. The December request asks for waivers for a wide range of topographical, soils, and wetlands data. Mr. Berry advised that these details had been provided as part of the 2005-2011 plan sets. Topography is found on Sheet 3 of the 2005-2011 plan set. Perc test data is found on the detail sheets for Lot 28-4 while Lots 28-6 and 28-7 have septic systems in place. Mr. Berry said that he would bring perc test data for the two homes because he believes his firm designed the septic systems, and will also bring a websoils sheet showing the property. It was agreed that wetlands and perimeter surveys for the whole parcel had probably never been done, and the requirements likely waived in the past for the 35+ acre Lot 28-1 following the precedent for larger parcels. Mr. Eaton said that he would like to see the perc test data before voting on the first waiver request. Discussion turned to the January waiver request. Lot 28-1 would narrow to 59.6 feet in the area between the curve of the modified hammerhead at the end of Lund Drive and the Lot 28-4 lot line. The waiver request is for the small area where the lot wraps around the hammerhead, well away from the bulk of Lot 28-1, which lies to the rear. This narrow section of the lot would not support a building due to setbacks and is not needed to meet lot minimums under zoning. Although a shift in the barn location would allow the lot line to be placed such that a waiver would not be needed, Terry Hyland said that he would support granting the waiver in the interest of making this work once and for all. Donald Coker noted waiver criteria and said that the Board needs to be sure that the waiver is meeting the spirit and intent of the ordinance. Mr. Moreno noted that the two waiver requests are different—the first deals with information that can be found elsewhere while the second is more substantive. The second waiver would create an unusable part of the lot, but the lot is large. After discussion, Paul Eaton made a motion to approve the January 14, 2014 waiver request. Donald Coker seconded the motion. There was no further discussion and the vote was unanimous in the affirmative. Discussion returned to the first waiver request. Board members reviewed the septic system design plans from the Building Inspector’s files for the lots. It was agreed that it is hard to pinpoint test pit locations but the systems are in place. Lynn Sweet noted that both systems are fairly recent: one from 2004 and one from 2010. The Chairman suggested that the items noted in the waiver request can be grouped into three categories: perimeter survey and wetlands on the large remaining lot; topography, elevations etc. found on previous plans; and perc tests where some information can be found in the septic system designs. Terry Hyland made a motion to waive the seven items noted in the December 17, 2013 waiver request letter. Donald Coker seconded the motion, there was no further discussion and the vote was unanimous in the affirmative. The Chairman then opened the public hearing on this item. There was no further discussion and the public hearing was closed. Paul Eaton noted that the plans shows a stone wall running from Lot 28-4 across Lund Drive. Mr. Berry said that this comes from earlier data still showing up in the computer program and that he would try and take that off. Paul Eaton then made a motion to accept and approve the plans for boundary adjustment, with seven contingencies: a monumentation certification letter; a new monument for Lot 28-6/28-7; submission of the websoil sheet; remove the stone wall across Lund Drive; remove the proposed barn additions; amend the three private road notes on both sheets; and blazing of the 28-7 and 28-1 boundary. Terry Hyland seconded the motion, there was no further discussion and the vote was unanimous in the affirmative. Mr. Berry was directed to bring corrected copies of the plans for signatures once all conditions have been met.

The final order of business was for the Board to review two requests for voluntary merger. The first was the Request of John S. Walker for Voluntary Merger in accordance with NH RSA 674: 39-a of his two lots located on Merrill Road, Tax Map 21, Lots 13 and 13-1. Mr. Walker was advised by the tax assessor to merge the two parcels. Lot 13 is located on the shore of Wild Goose Pond and Lot 13-1 runs directly behind Lot 13. The second request was from Kenneth M. Blake and Roberta M. Blake for Voluntary Merger in accordance with NH RSA 674: 39-a of their two lots on and near Lake View Drive. The Blake’s home is located on Tax Map 31, Lot 54, 11 Lake View Drive, and they recently acquired unbuildable Lot 54 directly behind their lot from the Town under condition that they would merge the two parcels. Board members agreed that the both proposals would bring the lots more into conformance and would not violate zoning. Lynn Sweet then made a motion to accept and approve the two

requests for voluntary merger: for Lots 13 and 13-1 on Map 21 and for Lots 54 and 51 on Tax Map 31. Donald Coker seconded the motion; there was no further discussion, and the vote was unanimous in the affirmative.

Board members then returned to the minutes. After review, Lynn Sweet then made a motion to accept and approve the minutes for both the January 2014 and February 2014 meetings. Donald Coker seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. 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 10:00 PM.