

Minutes

Planning Board Meeting

January 9, 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 February 6, 2014 regular meeting is 5 p.m., Tuesday, January 21, 2014. This meeting was originally scheduled for Thursday, January 2, 2014 and postponed to January 9, 2014 due to snow. 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 next order of continuing business was to call on Ashley Rowe, representing Géomètres Blue Hills, regarding the application of MICHAEL MATHIEN and KAREN MARTIN for 2-lot subdivision of their property located at 168 Back Canaan (Tax Map 4, Lot 83-1-6). There were no abutters present. Randy Orvis of Géomètres Blue Hills presented revised plans showing changes requested by the Board at the previous meeting. He noted that the wetlands scientist's stamps were not yet on the plans. He reviewed the proposal, noting that they hope to divide a 3 ½ acre lot out of an 18 acre lot. The new lot conforms to zoning. He noted that Mr. Rowe had told him that the Board had requested boundary paint and blazing of the new property line. Mr. Orvis distributed copies of the NH Cooperative Extension bulletin on proper blazing techniques and advised that there is no other official guidance on blazing for land surveyors. He advised the Board that blazing must be done correctly and suggested that many people misunderstand the technique. Mr. Moreno agreed and said that the Board should adopt proper standards along with a policy to require blazing of lines. Board members then reviewed the plan revisions. Mr. Orvis noted that monuments have now been set so the plan legend has been clarified to reflect this change. There being no other comments, the Chairman opened the public hearing on the application. There were no comments. The Chairman then closed the public hearing.

Board members then noted that the stamps are missing, so the plans are not final. Mr. Moreno suggested using the Cooperative Extension bulletin as a protocol for blazing the lines. There was a discussion of the idea and of the possible concerns with blazing, and it was finally agreed to request that Mr. Orvis follow the procedures as outlined in the extension bulletin. There being no further discussion, Lynn Sweet then made a motion, seconded by Paul Eaton, to approve the plans as corrected for this meeting, conditional upon WSPCC approval and seals of the surveyor and wetlands scientist. It was agreed that Donald Coker should vote on the issue as an Alternate Member. There was no further discussion and the vote was unanimous in the affirmative.

The first item of new 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 presented the plans. Jim and Robin Lund were present. James and Mindy Grant were not present. There were no abutters present. Lynn Sweet recused herself from the Board for this discussion. Mr. Berry advised the Board that Mr. Lund hopes to change the lot lines around the hammerhead at the top of Lund Drive to create more of a cul-de-sac configuration. The road is already built, and they are proposing that the constructed road remain as is. He advised that the benefits of the adjustment would be that ROW access to Lot 28-1 across Lot 28-7 would be eliminated, also eliminating the access easement and putting the woods road to the back land back on Lot 28-1, and that creating a cul-de-sac would allow the redistribution of the frontage that would allow the applicant to move the Lot 28-4 lot line so that the barn constructed on Lot 28-4 would be within the lot lines and an addition could also be built on the barn. Mr. Berry advised that the adjustment would make the lots more conventional in shape. He noted that the last reconfiguration of lot lines too from 2005 to 2011 to complete. In 2012 they received a permit for

construction of the easterly portion of the barn on Lot 28-4. In October 2013 they went for a foundation permit for the rest of the barn and after a foundation certification was completed, it was discovered that the existing portion of the barn is only 16.2 feet from the lot lines on the 2011 plan. Paul Eaton asked if the intent was to resolve all of this. Mr. Berry agreed that it was. He noted that they could apply to the ZBA for a variance or an equitable waiver, but neither would allow them to expand the barn. Mr. Lund noted that he owns the lots on both sides of the Lot 28-4 boundary and could merge the two, but he would prefer to keep them as separate lots. He noted that neither lot has been deeded out, so for the moment the lot line between Lot 28-4 and Lot 28-1 is a paper boundary only. Mr. Berry suggested that plans do not create boundaries, so there is not a violation.

Mr. Berry then went on to detail the proposal. Lot 28-4 would increase in area, Lot 28-6 would stay roughly the same size, and Lot 28-7 would also increase. Mr. Berry noted that he had submitted a waiver request as part of the application. The Board then reviewed the plans with the checklist. The following items were identified as issues: waiver request; lot minimums for the duplex structures; frontage; road engineering/stormwater/road standards; private road ownership; e-911 numbering for Lot 28-4; Building Inspector's perspective. Board members agreed that the issue is whether the cul-de-sac needs to be fully built to create the "curve" frontage. The following items were missing from the plans and/or need clarification: abutters (add names for Lot 26-2 to the locus); current use status of Lot 28-1; plan set note separate from plan intent; wetlands symbols on Lot 28-1 into Lot 28-4 and the bottom of Lot 28-6; clean up the lines a the Lot 28-7/Lot 28-1 culvert and boundary; add reference plan on the adjacent subdivision for Lot 26; complete the wetland delineation line on Lot 28-1 so the lines connect; add a note to address areas beyond the setback lines on Lot 28-4. Board members also agreed that they need engineering detail on the proposed road changes. Board members expressed some concern about timing and when to start the clock on this application. Donald Coker said that he would like all the facts and suggested talking to fire and safety officials. After discussion, it was agreed that Building Inspector and zoning issues for the barn are separate from Planning Board review. Paul Eaton said that since a different road configuration is being proposed, the question is whether paper plans are good enough for frontage, and providing engineering detail and whether the road should be built. He said that he feels that these questions could be addressed after the plans are accepted for consideration. Donald Coker and Mr Moreno both agreed that acceptance does not mean that the plans are complete and cannot change. Terry Hyland then made a motion, seconded by Paul Eaton, to accept the plans as complete for consideration, conditional upon fixing the items noted above. Paul Eaton noted that the Board has spent a great deal of time on this application and has other business, and suggested that the Board should move forward. He advised that the applicants have a lot of work to do. Ken Berry said that the road was engineered and designed and built and bonded according to the 2005-2011 plans. Paul Eaton asked why they aren't leaving the road alone, if this is the case. Mr. Berry advised that they do not want to change the road, they just want to clean up the lot lines along the road. There was a general discussion among Board members. It was agreed that if a new road layout is being proposed, the applicant needs to be sure that it can be built, so the engineering needs to be completed. Mr. Berry advised that there were issues with ledge, which was why the road was built the way it was. He said that he feels that from a surveying perspective, the cul-de-sac lot lines are better. Board members agreed, but also agreed that if the applicant needs the cul-de-sac layout to reduce the frontage for his lots, he may have an obligation to build the cul-de-sac road. Charles Moreno advised that the Board needs an opportunity to review the engineering from the 2005 to 2011 plan set. Paul Eaton noted that the regulations allow for reduced frontage for a cul-de-sac but not for a hammerhead. He advised that they may not be able to have it both ways by not building the cul-de-sac, since they will benefit from the frontage reduction. Donald Coker said that the Board wants to be sure to take the time to do it right. Mr. Moreno also noted the boundary line issues here, suggesting that the barn problem likely resulted from boundary monumentation not having been set. Ken Berry agreed that the monuments were never completed as they should have been. Board members agreed that monuments will need to be inspected before plans are signed in the future, and adequate fees for inspection should be included with final approvals. Noting the discussion, Ken Berry agreed to scan and send a copy of the full 2005-2011 plan set for Board members to review. Further discussion will take place at the next meeting.

The next order of new business was the application of S & L SWEET PROPERTIES LLC for a two-lot subdivision of land located at 971 Parker Mountain Road (Tax Map 11, Lot 23). Ms. Sweet recused herself from the Board for this item as one of the applicants. There were no abutters present. Daniel O'Lone of Berry Surveying and Engineering presented the plans. He explained the proposal, advising the Board that the existing home on the property will be removed, noting that the demolition will be done carefully to save the antique timbers in the front half of the home. The lot surveyed out to nearly 8 acres. Lot 23 will be reduced to 2.40 acres in the area of the old cellarhole and new Lot 23-1 will be 5.68 acres, including 3.36 acres of uplands, mostly beyond the wetlands area to

the front of the lot. Mr. O'Lone noted that each lot will have more than the required amount of frontage and contiguous uplands. The wetlands areas were flagged by Damon Burt of Fraggie Rock Environmental and a complete topographic survey was completed. NH WSPCC septic subdivision approval is pending--it was noted that only Lot 23 will require approval because it is less than 5 acres in area. NH DOT driveway permits are also pending. Mr. O'Lone advised that they plan to have a separate driveway for each lot. He noted that there is adequate room between the wetlands and the proposed lot line for a driveway to reach the building area on Lot 23-1. The driveway for Lot 23-1 will be approximately 600 feet in length and will require a turnout, perhaps in the middle.

Board members then reviewed the plans with the checklist. There was a discussion of monumentation and the Board's recent request that lot lines be blazed as well as having corner monuments set. The location of the new lot line was discussed, as the line falls near an existing internal stone wall. Ms. Sweet and Mr. O'Lone requested keeping the line in the location proposed rather than moving the line to the wall because there are only a few wall fragments, but it was agreed that a monument will be set in the wall where the wall fragment touches the boundary. The following items were missing from the plans and/or need clarification: check the first name on the abutters across the street; check for structures within 100 feet of the lots; check the contiguous uplands calculations; add a monument towards the rear of the internal boundary near the driveway area for Lot 23-1; and seal of the wetlands scientist. Agreeing that these items are minor and do not affect the overall proposal, Donald Coker made a motion to accept the plans as complete for consideration, conditional upon the completion of the items noted above. Paul Eaton seconded the motion. There was no further discussion and the vote was unanimous in the affirmative. The Chairman then opened the public hearing. There were no comments. The Chairman then closed the public hearing. Board members noted the various possible conditions of approval. These include all of the items noted above regarding the plan set as well as septic subdivision approval from NH WSPCC and a driveway permit from NH DOT. The internal driveway turnout has been mentioned. It was also noted that the plans should include a note requiring underground utilities from the last utility pole to the home. Finally, it was agreed that the monuments should be set and noted on the plans before the final plans are drafted for signatures. Noting that these items are all minor and do not affect the overall layout, Paul Eaton then made a motion to accept and approve the plans for two-lot subdivision as presented, conditional upon the completion of all the items stated above in the list of possible conditions. Terry Hyland seconded the motion, there was no further discussion, and the vote was unanimous in the affirmative. Mr. O'Lone was directed to bring corrected copies of the plans and a check for recording fees to the office for signatures once all of the conditions have been met and State of NH approvals documented.

There being no further items of formal business, the Board called on Mr. O'Lone, on behalf of the Blue Hills Foundation, who had requested an opportunity to speak with the Board regarding the plan requirements for boundary adjustments between large parcels. The proposal would involve the transfer of over 100 acres of back land from one parcel to another, with no impacts on frontage for either lot. Both the properties involved in the transfer are nearly 200 acres in area and will retain well over 100 acres after the adjustment. Board members noted the various items on the subdivision checklist and noted areas for possible waivers in such circumstances. Board members then turned to the minutes of the December 2013 meeting. Donald Coker made a motion, seconded by Lynn Sweet, to accept the minutes as presented. 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 10:45 PM.