

MINUTES
PLANNING BOARD
December 18, 2019

Present: John Schaumloffel, Chair, Liz Freeman, Vice-Chair, Bert Hamill, Lou Alvarez, Nate Sikkila, Deirdre Daley, Craig Smeeth and Debbie Deaton

The meeting was called to order at 7:00 p.m. by Liz (acting chair until John arrives).

Liz asked Craig to sit in for Nate. (When Nate arrived, Craig was asked to sit in for Paul)

The Board reviewed the minutes of December 4, 2019. Lou made a motion to accept the minutes as written. Bert seconded the motion and it passed unanimously.

Selectmen's Report:

Bert informed the Board the Selectmen will not be meeting again until January 7th. They are well into the Budget Deliberations. He also reminded the Board the last day to submit a bond petition is January 10th and the last day for a Petition Warrant Article is January 14th. He mentioned if the Green Farm/Jacqueline Drive Homeowners Association wanted to write a warrant article for the acceptance of Green Farm Road and Jacqueline Drive with conditions (the road has been inspected by the Road Agent, the As-Builts have been received and Mr. Litchfield has requested a release of the bond), they may do that.

The Selectmen voted to add mileage back into budgets. January 21st will be the last date for hearings on any Bond Articles.

He also mentioned the Employee Appreciation luncheon will be on the 19th at noon and everyone is invited.

Chairman/Land Use Clerk Report:

Debbie informed Lou he needs register with the Town Clerk to be on the ballot if he wishes to retain a position on the Board. Liz mentioned the Board will have two 3 year positions open, a 2 year position open and also a 1 year term. The date to give your submission to the Town Clerk will be from January 22nd through January 31st. Debbie will figure out everyone's terms and inform the Board.

Debbie told the Board Mr. Litchfield had called saying he was expecting the As-Builts by the end of the week.

When he receives the As-Builts, he will email Debbie and also request a hearing to release the bond. He will give permission to hold the hearing in his absence.

John informed the Board Debbie and Scott are looking into some type of Dropbox or Google Docs to make it easier for the Board to view documents related to a public hearing, i.e. applications, plans, waivers, etc. as opposed to emailing everything.

Public Hearing-Hradecky 2 Lot Subdivision, Map 11/78:

John opened the Public Hearing at 7:15. Russ Huntley, Huntley Survey & Design, gave the presentation for the Hradecky's two lot subdivision. One lot will have frontage on Temple Road, the other will have frontage on Greenbriar Road. Both lots have the required amount of frontage, acreage and setbacks. This subdivision was submitted to the State and approved. Liz asked about steep slopes. Mr. Huntley indicated they are minimal and near the bank. No slopes are greater than 12%. Bert asked if soil testing or septic design had been done for the lot without a house. Mr. Huntley replied soil testing had been done but septic design had not.

Lou asked about a note regarding a discrepancy regarding Map 11/78-1. Mr. Huntley responded he determined the boundaries using his professional opinion.

Mr. Huntley requested 4 waivers but after Kent Brown's review, this was reduced to 2 waivers (#44 Well radii and #50 Drainage). Mr. Huntley informed the Board he is also a Wetland Scientist, Soil Evaluator and a Septic Designer in addition to his surveying license. Mr. Huntley informed the Board the State has an easement for the dam.

Deirdre made a motion to grant the requested waivers pending a simplified waiver request letter. Bert seconded the motion and it passed unanimously.

Bert made a motion to accept the application for completeness. The motion was seconded by Deirdre and passed unanimously. Mr. Huntley informed the Board all monuments have been set.

After some discussion, Deirdre made a motion to accept the application for compliance with the following conditions:

- Receipt of a simplified waiver request letter
- Clean up the bearing & distance on the house lot on Mylar (cluttered by topography/contour lines)
- Submission of Mylar
- Payment of fees

Public Hearing Continuation-Salo Lot Line Adjustment, Maps 1/4 & 1/6:

John opened the Public Hearing at 7:45. He recapped the Lot Line Adjustment status from the December 4th meeting. The waivers had been approved and the application had been accepted as complete. He then read an email from Town Counsel (Gary Kinyon) regarding the buildability of Map 1/6. The specific question was *"In a lot-line adjustment, is the creation of a buildable or non-buildable lot a valid factor for the PB to legally consider in the approval process?"* Mr. Kinyon's response read *"A lot line adjustment should not confer 'buildable' status on a lot based on lack of road frontage, if it lacked road frontage before and after the adjustment"*. Bert read from RSA 674:41 any lot without frontage on a public way is not buildable. Liz read from our Zoning Ordinance which translates if you can prove you have access from a town road on a lot of record, the lot is buildable. Bert stated the State RSA takes precedence over any local Zoning rules. Towns can make the Zoning Ordinance stricter but not more lax, therefore, this lot is not buildable. Liz stated we need to review our Zoning Ordinance if that is the case. John asked if the question of buildability is only related to access. Bert replied it is. Deirdre stated the Board should ask the applicant to have a note put on the Mylar.

Liz said she had spoken to Natch at NHMA regarding a couple of other concerns. One of which was if adding acreage to the existing lot changes the status of the lot as a lot of record. His answer was no. Her next concern was whether making the lot larger would make it more non-conforming. His answer was no because the non-conformity was due to lack of frontage, not size.

Lou asked about making the 20' Easement to Map 1/6 a 50' Easement. Liz replied they would have to do a subdivision creating a backlot with 50 feet of frontage **then** go before the ZBA for a special exception because the main lot would not have 200' of frontage remaining. Bert's concern for the future is the Board does not imply Map 1/6 is buildable. Debbie pointed out the "cart road" shown on a DOT map from years ago. Bert said even though it gives the lot accessibility, it does not give it frontage so the lot is not buildable according to RSA 674:41.

John made a motion to approve the application. Nate seconded the motion. There was more discussion regarding the dividing line between Tract 2 in Sharon and Tract 2 in New Ipswich. The .25 acres in Sharon provides frontage to Tract 2 in New Ipswich so those lots cannot be separated. It was agreed this would be added as a condition.

John amended his motion to approve the Lot Line Adjustment application with the following conditions:

- 1) Note on plan stating "approval of this lot line adjustment does not imply the buildability or non-buildability of Map 1/6".
- 2) The line indicating the Town boundary between Sharon, Tract 2 (.25 acres) and New Ipswich, Tract 2 (1.5 acres) should be dashed indicating a municipal boundary and does not indicate 2 lots
- 3) Payment of fees
- 4) Submission of Mylar

Nate agreed to the amended motion. The motion passed with one vote in the negative by Bert.

Public Hearing-Off-Site Improvement Amendment:

John opened the Public Hearing and read the Public Notice regarding Off-Site Improvements at 8:51 pm. Bert made a motion to accept the amendments as submitted. Deirdre seconded the motion and it passed unanimously. The following is the final draft of the amendment:

- V. The Planning Board may determine during the hearing process that the proposed development creates the need for off-site improvements, all or part of which are rationally related to or occasioned by the proposed development. In accordance with RSA 674:21 the Planning Board may impose the requirement that the applicant install or pay for all or part of such off-site improvements.

1. The overall construction and site development components that could be considered for off-site improvements shall be limited to any necessary Street, drainage, sewer and water upgrades pertinent to that development.
2. When imposing such requirement, the Board shall consider the degree to which the proposed development is benefited by such off-site improvements. Such deliberations shall include whether other properties would also benefit from the upgrading of such off-site improvements. In such cases the Board shall determine the amount to be paid by applicant, taking into consideration the following:
 - a. the standard to which the town presently maintains the road;
 - b. the frontage of the proposed site plan;
 - c. the potential traffic increase necessitated by the proposed site plan;
 - d. the character and potential for development of the neighborhood;
 - e. the number of residences presently fronting on and putting traffic on the road;
 - f. any other factor that the Board deems appropriate to establish a rational connection to the needs created by the development to the amount to be paid by the applicant.

Enforcement Discussion:

This discussion will be continued to February 5th. Bert suggested everyone read "A Guide to Effective Enforcement" purchased from NHMA. A copy is in Debbie's office.

Road Acceptance Discussion:

Bert asked if anyone knew how many road bonds the Town is holding for subdivisions. Deirdre said she would work with Debbie to find out. Deirdre also mentioned we should be checking on bonds periodically. Bert also asked if given the political climate in Town (the Selectmen will not accept any new roads) and the Board holding Builders responsible for building roads to Class V standards, does it make sense to continue holding them to this standard? Deirdre and Liz agreed it does because in the long run, it would cost residents living on a private road more out of pocket money due to the fact the road would be substandard. Also, there could be different Selectmen in a couple of years.

Nate asked if there could be a change made so it wouldn't be up to the Selectmen to accept a road because residents living on a private road are not getting any benefit for their tax dollars. Bert replied the process is set forth in the RSA's. John mentioned the home density in a cluster subdivision is much higher than a non-cluster development, creating a higher tax base. Lou stated the residents in those areas (private roads) get no benefit for their tax dollar. Liz said there are several reasons it is beneficial for a Town to accept roads according to the NHMA. If a road isn't maintained properly and is in disrepair, the property values will go down which would bring the average property value for the Town down by losing tax revenue. If residents wish, they need to let the Selectmen be aware they would like them to accept roads that are petitioned.

John mentioned there are many interesting articles written by the NHMA regarding flip-flopping on this topic. He also said Subdivision approvals shouldn't be granted for an unlimited period of time.

Alex Scribner, 57 Jacqueline Drive, stated he is the Vice President of his HOA. He has been to Planning Board meetings and also watched the Selectmen meetings. He stated he feels there should be a policy stating the process of accepting a road.

Bert informed Mr. Scribner of the two processes of road acceptance. One is to present it to the Selectmen requesting they accept the road. The second is a petition warrant article to be voted on by Town residents. This discussion will be continued to February 5th.

Items from the floor/Other Business:

The following items will be discussed at future meetings:
Driveway Regulation work session-January 6th (Debbie will post)
Commercial District-January 15th
Underground Utilities-January 15th
USA Properties Hearing Continuation-January 15th at 7:10 pm.

Liz made a motion to adjourn at 9:15 pm. Craig seconded the motion and it passed unanimously.

Respectfully submitted,

Debbie Deaton
Land Use Clerk