

Planning Board  
April 8, 2021  
7:30pm

Members present: Barry Hantman, Chip Current, Steve Woitkun, Richard Atkins

Members present via Zoom: Charles Underhill, Roger Whitehouse, Jennifer Heywood

Others present: Gail Turilli, Carsten Springer, John Lancaster, Tim Lavelle, John Jalbert

Barry noted this meeting was being held in conjunction with emergency ordinances passed by the State, allowing committees to conduct meetings remotely and constituting a quorum. Charles Underhill was designated as a voting member tonight.

The minutes from 2/25/2021 were reviewed. One minor typographical error on line 30. Chip **motioned** and Richard 2<sup>nd</sup> a **motion to accept** the minutes as amended. All in favor by unanimous vote.

**Minor Lot Line Adjustment for 122 & 128 Kingston Road, Map and Lot #'s 4-174 & 4-175**

Chip checked the abutter's list and confirmed that all were noticed. Mr. Lancaster stated the Lot Line Adjustment is to make the lots more acceptable to the town and also has a shed out in the back of his property that will be removed. The application has been signed by both landowners. Chip **made** and Roger 2<sup>nd</sup> a **motion to accept** the application. Mr. Lancaster is looking to transfer .6 acres to his property. Barry stated by doing this, it makes lot 174 less than 2 acres therefore becoming a non-conforming lot. Per RSA, the Planning Board is not allowed to create a non-conforming lot. There is a 2 acre minimum per Zoning. Lot 175 already has less than 2 acres but, is an existing lot of record. The alternative would be to either transfer .32 acres instead of .6 acres or go before the Zoning Board of Adjustment for a Variance to create lot 174 as a non-conforming lot. Mr. Lancaster decided to go before the Zoning Board of Adjustment and request a Variance.

Chip **made** and Roger 2<sup>nd</sup> a **motion to continue** this hearing until the Zoning Board of Adjustment renders a decision on a Variance for lot 174 or the Planning Board meeting of July 22, 2021. All in favor, **continuance granted**. Charles questioned setback requirements on buildings in the back of the property. He noted that the acreage on this property is 6/10 and if divided to hold .3 on the original property, the straight line would most likely have a setback impact. Barry stated at least a 15ft setback is needed from any structure. A line would have to be drawn or raise the building.

**Lake Realty Trust – Stage Coach Estates – Map and Lot # 1-19-B**

Richard recused himself as he is an abutter. Mr. Lavelle explained this is a proposed Sub-Division off of Sandown Road consisting of 11 lots. Most of the items in question have been worked out. There is a drainage issue per the town engineer, Dennis Quintal. State Sub-

47 Division approval has been obtained. There will be a disturbance of 1000sq ft due to the length  
48 of the road, and an AOT permit is required. The design is ok per the state, but Mr. Lavelle was  
49 told by the state that the town of Danville never accepts drainage, slope easements or drainage  
50 ponds. He was told that he has to create a homeowner's association with no common land to be  
51 in charge of the roadway and drainage system. Barry explained that he did speak with someone  
52 from the State and told them that the town does not accept maintenance of any structures on  
53 private property. If the sub-division is in the roadway ROW that is being deeded to the town,  
54 those are accepted. Any structures on private property when complete, whoever's property it is  
55 on has the ownership and maintenance requirement for the drainage unless a specific  
56 arrangement has been made with the town prior. This holds true for any sub-division. Mr.  
57 Lavelle disagreed and referred to a packet containing deed with associated plans that were  
58 accepted showing easements and questioned why ask for an easement if it is not going to be  
59 maintained. Barry stated that it gives the town the ability to maintain it if the landowner does  
60 not. Mr. Lavelle was adamant that the town has always accepted and maintained drainage  
61 structures in the past. Regulations require drainage easements for any swales for the town's  
62 roadway.

63  
64 Mr. Lavelle explained that he spoke with Beth Ann at AOT who told him that 90% of sub-  
65 divisions have homeowner's associations. It is his understanding that this is usually the case  
66 with Cluster's, Open Space, and Condominiums. He is caught between the town and the state  
67 due to the regulations regarding slope and drainage easements for any swales. No AOT approval  
68 has been given due to this issue. Barry explained that the town has the right but is not obligated  
69 to maintain the drainage. He has requested that the town attorney look at the plans. Roger  
70 questioned what was sent to the state. Mr. Lavelle noted that a full plan set was sent. Carsten  
71 suggested to take a look at the word "easement" and use the word "right" instead on the deed.

72  
73 Chip **made** and Steve 2<sup>nd</sup> a **motion to contact town counsel** for an opinion on this issue. All in  
74 favor by unanimous vote. Roger agreed to speak with Matt Serge. Mr. Lavelle stated he will  
75 send the plans in PDF form to the town.

76  
77 Chip **made** and Steve 2<sup>nd</sup> a **motion to grant an extension** until June 24, 2021. If a decision is  
78 made prior to that date, the Planning Board will be notified. Charles mentioned a letter dated  
79 February 10, 2021 regarding final state approval should be part of this discussion. Conditional  
80 approval may be needed while going through state approval.

81  
82 Steve suggested going into a non-public session to discuss 2 issues. Chip **made** and Charles 2<sup>nd</sup>  
83 a **motion to recess** until the non-public meeting. All in favor, **motion passes**. Public meeting  
84 recessed at 8:15pm.

85  
86 Public Meeting resumed, Roger **made** and Chip 2<sup>nd</sup> a **motion to adjourn**. All in favor by  
87 unanimous vote. Meeting adjourned at 9:30pm

88  
89 **Agenda for next meeting:**

90  
91 12 Olde Road Map and Lot 4-191-1, regarding rental space

259 Main Street Map and Lot 3-38-2. Preliminary discussion for a home business (potential Barn build to hold events)

Possible sub-division at 5 Red Pine Road Map and Lot 3-90-11

Respectfully,  
Gail L Turilli