

Planning Board
May 25, 2017
7:30 pm

Members present: Barry Hantman, Chip Current, Scott Borucki-Selectmen's rep, Chris Giordano-alternate

Excused members: Roger Whitehouse, Jim Castine, David Cogswell, Chris Smith

Others present: Josh Rabenius, William Downes, Andrew McSpiritt, Steve Pascoe

Chris was designated a voting member for this meeting.

Minutes:

Chip made and Roger seconded a **motion to approve the May 11, 2017 minutes as written**. Chris abstained. The motion **passed**.

34 Colby Road Lot Line Adjustment/Easement:

Barry noted that this Board has not conferred rights to Cub Pond Road to anyone. There were three outstanding actions on the conditional approval. An email from Charlie Zilch confirmed that the iron pin had been set as directed by this Board. The before and after acreage for each lot is noted on the plans and the signature block is in the correct place. There were no questions from the public or the Board members. Chip made and Chris seconded the **motion to grant final approval for the lot line adjustment**. The motion **passed** unanimously. The Board signed the mylar.

There was a discussion about the plan to eliminate the easement. A brief explanation of the easement was offered: it was put in place when the property was subdivided. The smaller parcel to be created would have frontage along Colby Road but in an area that was mostly wetlands. To access the drier portion of the property, the occupant, William Downes, had been using Cub Pond Road. Without frontage on Cub Pond Road, an easement was created across the mother lot because it seemed reasonable that only those with frontage can use that road. Mr. Downes confirmed this easement across the parcel at 34 Colby Road was never used and he continued using Cub Pond Road.

The Board discussed whether this is a subdivision revision and if a new application should be filed. Steve Pascoe, the owner of the property at the corner of Cub Pond and Colby Roads, asked about the Board's authority to allow someone to cross his land. He stated that ten years ago Mr. Downes tried and failed to get permission from the former owner of his property. He said he does not believe this Board has the right to grant anyone permission to traverse his property. Mr. Pascoe made other arguments against the proposed easement eradication, including this is a private road and that only certain residents are allowed to use the road.

Chris stated that he and Chip and Barry were on the Board that approved the prior subdivision. He stated that Mr. Pascoe's statements are incorrect and that the fact that the town owns property at the end of Cub Pond Road allows everyone in town the right to traverse the road.

Peter Loughlin had been consulted regarding the proposal and stated that as long as all of the abutters were noticed of the proposal, he saw no problem with eliminating the easement. Chris made and Scott seconded a **motion to approve the plan eliminating the easement**. The motion **passed** unanimously. The mylars were signed.

At 8:36pm Chip made and Chris seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted

Janet S. Denison

Upcoming Agendas:

June 8, 2017

7:30pm minutes and correspondence

7:40pm continued discussion regarding the Old Meetinghouse subdivision, including the Heritage Commission

8:00pm Master Plan update public hearing

July 13, 2017

7:30pm minutes and correspondence