

Planning Board
July 22, 2021
7:30pm

Members present: Barry Hantman, Chip Current, Chris Smith, Charles Underhill

Others present: James Seaver, Charlie Zilch, Edward Moses, Carsten Springer, Gail Turilli

Barry designated Charles as a voting member for tonight's meeting. The Minutes from 6/24/21 were reviewed. Chip stated there was one typographical error on line 67 which should state, "to start within 6 months time, not moth's time." No other changes. Chip **made** and Chris 2nd a **motion to accept** the minutes as amended. All in favor, **motion passes**.

Planning Board Business:

Barry stated at a previous meeting there was discussion regarding conversion of a duplex into a condex on 10 Cote Drive, Map 4 Lot 2-1. The Board of Selectmen were asked to have the condo documents reviewed by town counsel. Town counsel determined that the Planning Board needs to address this as a Subdivision Review. This will be on the agenda for the next meeting and the application along with the condo documents will be sent out to the board once received.

Chris Smith and Richard Atkins were re-elected at the town election. Subsequent to the election, Richard had submitted his resignation from the board. Barry nominated Charles Underhill for the open position and Charles accepted. Barry **made** and Chip 2nd a **motion to appoint** Charles as a full member of the Planning Board. All in favor, **motion passes**. Charles will need to be sworn in with the Town Clerk. Election of officers will take place at the next meeting. There are 2 open positions for alternates and interested parties will need to submit a letter of interest to the Planning Board clerk.

Discussion with James Seaver, Road Agent – Driveway Permits/Updated Ordinance

Barry explained that the updated ordinance for driveways clarified the requirements, no changes were made. A sentence was just added to clarify the wetlands and referenced the Article it can be found in as an additional permit may be required. Expiration dates have been absent from the Highway Department. Chip stated that knowing the driveway as originally permitted is important especially within commercial developments if making changes. If a driveway is not built, will need to be re-permitted. Carsten noted that the language needs to be clear for the expiration date due to wetlands issues. There are deeds, plans and existing bar ways that are legal, and long standing, pre-zoning. Barry explained that in the RSA's approved plans, if a driveway is not built right away, there is a 4 year exemption. There is a review process for anything that may have changed. This has never been a Planning Board issue, the Highway Department will determine the expiration date. Charles questioned if the permit requirement is only applicable strictly to town roads. Chip explained it applies to state roads as well. It is up to the state to adjudicate/confirm if the requirements conform to the state curb cut. James also asked about residents putting large rocks and/or flower beds on the edge of the hot top. Barry

explained it would have to be 25ft from the center line of the R.O.W. otherwise, it is town property.

Edward Moses 133 Long Pond Road, Map and Lot 4-23

Mr. Moses comes before the board to discuss an issue with the town tax map. He states his son acquired an app for his phone for hunting which shows town property lines. In comparison to the town tax map and the survey maps he brought in with him, the lines do not match up, and he would like this rectified. He is concerned, should he pass, that if the time comes to sell the property, this may cause an issue. Mr. Moses claims that there were approved subdivision plans for lots 4-16 and 4-16-1 but, nothing was found either at the Registry of Deeds or in the town files. Chip stated that there was an easement done in 2000 and that a house was built in 2003 on lot 4-16-1. Barry noted that there should be plan that created lot 4-16-1 and also explained that tax maps show a rough location and shape of the lots, they are not done by surveys. In order to change the tax map, the board would need a signed plan showing a survey of the property lines. It was recommended to Mr. Moses to do some more investigating and possibly reach out to a surveyor.

Billy's Way, Map and Lot 4-12-1-Preliminary Discussion for Subdivision

Charlie Zilch comes before the board to discuss a possible Subdivision on Bill's Way. 5 years ago a previous plan was brought to the board but, never proceeded. Lot 4-12-1 has 200ft of frontage on 111A and an approved 50ft wide R.O.W. which provides frontage for lot 4-12-2. A DOT permit was obtained for 111A access. Behind the first house, there is a detached garage with a shared driveway with lot 4-12-2. There are some wetlands at the far east end down by the stonewall. A question came about when this was brought before the board 5 years ago if the R.O.W. constitute as legal frontage. The general consensus was yes. If subdivided, the board recommended to improve the access to town standards. Barry stated, if brought up to town standards, whether a private or town road, it can be used as frontage. Where it is an existing R.O.W., a variance or waiver could be requested. Charlie stated the subdivision will create 2 additional lots and questioned if pavement requirements could be lessened as it is a dead end, low volume road. Barry stated he would need to see more detail to determine that. It will need to be fully surveyed, wetlands delineated, HOA will be required if it is kept as a private road and would need town counsel to review the documents. Permitting will also need to be re-submitted to DOT. This is an existing lot of record and is therefore a buildable lot. If there are 3 or more dwellings, the road will need to be built to town standards. Chip stated a plan from 1976 showed a build of lot 3 with the only frontage being on Billy's Way which creates precedence.

Other Business

Charles brought up a 3 way dispute regarding a lot on Main Street where a driveway passed through a historic stone wall. He questioned if the Planning Board was involved with the original permitting. Chip stated that the board approved the subdivision. The first lot was required to have a shared driveway with the 2nd lot and shown on the plans. There were no plans showing the driveway going through the stonewall. The property in front of the stonewall is town owned. Lots 5 and 6 also have a shared driveway, permitted by the state, and have maintenance

easements for brush cutting by the state. Barry stated this was sent to the town Road Agent for comment as the Planning Board has no enforcement capacity. Barry stated that since this subdivision was approved, there have been several ZBA hearings and court cases associated with that lot. The state has final say but will accept comments.

Carsten asked about how requirements for ADU/minimal house size were set and if there were any benchmarks. Barry could not recall but, Chris stated that the ADU's come from the State RSA's. Chip mentioned that the ordinance states minimal housing requirements show only in senior housing. Carsten and Charles are both concerned with the shifting dynamics of housing requirements and that this is something the Planning Board should look into at some point.

Charles **made** and Chip 2nd **a motion to adjourn.** All in favor, motion passes. Meeting adjourned at 9:00pm.

Agenda for next meeting:

1. Subdivision application for 10 Cote Drive, Map and Lot 4-2-1
2. Subdivision application for Stage Coach Estates, Map and Lot 1-19-B
3. Pre-liminary discussion for a possible duplex on 420 Main St, Map and Lot 2-75-5
4. Election of Planning Board Officers

Respectfully,

Gail Turilli