

Planning Board
June 23, 2016
7:30 pm

Members Present: Chip Current, Chris Giordano, Jim Castine, David Cogswell, Chris Smith, Roger Whitehouse, Janet Denison-clerk

Excused Members: Barry Hantman

Others Present: Kevin Hatch, Carsten Springer, Walter Baird, Carol Baird, Mary Ann DiStefano, Chris Stafford, Paul Boyd, Robyn Casey

Minutes:

Roger made and Chris S. seconded a **motion to accept the May 26, 2016 minutes as amended**. The motion **passed** unanimously.

David made and Jim seconded a **motion to accept the June 5, 2016 site walk minutes as written**. The motion **passed** unanimously.

Correspondence:

- Summer erosion control field day invitation
- Memo regarding Roger Whitehouse's attendance at the recent NHOEP conference
- From TFMoran dated June 13, 2016 regarding the withdrawal of the Unitil site plan application for the Route 111 project. The remaining funds in the PREA account will be refunded.
- From Dennis Quintal dated June 1, 2016 regarding the Peaselee tap yard and R193 Extension Line. A number of issues have been found. This will be forwarded to the Conservation Commission. (make sure Unitil or whoever has a copy)

Meetinghouse subdivision, Map and Lot 2-75

Kevin Hatch passed out plans that he indicated were identical to what was given out at the previous meeting. Chip noted there has been some correspondence between town counsel and other members of this Board as well as the Heritage Commission. Mr. Hatch said he has received a copy of a letter from the Heritage Commission but not the town counsel's letter.

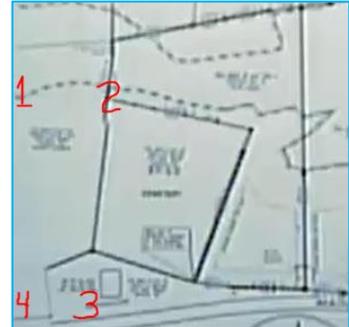
Chip read parts of the emailed letter from Peter Loughlin dated June 17, 2016, which indicated there may be a title problem. The letter mentioned reviewing research by the Heritage Commission (HC). Chip said that Mr. Hatch will need to satisfy this Board that the applicant owns the land. Mr. Hatch said the HC research was very good but there was one portion that was misinterpreted. Speaking of Peter's letter, Mr. Hatch said it mentioned a portion of the land has not been taxed. Mr. Hatch said that according to the town maps, it is being taxed. Chris G. said the town maps are not 100% accurate and that the plan drawn by Mr. Hatch does not match the deed description. When asked if he had sent the deed to the town engineer, he said he thought it was part of the original application.

When discussing the HC research, Mr. Hatch said it is similar to his own but does not follow a complete chain of title. He said the meetinghouse (MH) lot comes from two different pieces. HC said the first portion was granted to settlers in the area. He described the metes and bounds as beginning at a white oak tree (see #1 in illustration), which is the NW corner of said 11 acre parcel



Then the line turns easterly 6 rods or 99 feet, then turns southerly, making an angle that encompasses 1/3 acre area. This triangle encompasses the MH structure.

Mr. Hatch said it's important to note that the NW corner is part of an 11 acre parcel and that the HC erroneously thinks this is part of a five acre parcel formerly owned by Johnathan French. The description in that deed says it contained five acres, and is the second lot in the division of the 20 acre lots below the 200 acre grant and is bounded as follows: the NE corner is a maple tree (#1); the SE corner is a red oak (#2), the SW corner is a white oak (#3), and the NW corner is a beech tree (#4). Mr. Hatch said the deeds for these parcels all talk about the white oak tree, with a five acre lot to the north and the 11 acre lot to the south. He said the assumption is that the 5 acre parcel sits south, when it's actually north. Mr. Hatch said there are deeds that call for the MH being to the south and the white oak to the south. The same family names owned a good portion of all of the area which makes the research confusing. He said another piece was taken from the five acre lot to make the northern portion of what is now the meetinghouse lot. He said those deeds reference the white oak tree and the five acre portion being to the north of the structure.



Chris G. asked Mr. Hatch to go over the deed description. Chris G. said he reviewed the deed with the town engineer, stating Mr. Hatch had neglected to give the deed to the engineer. Mr. Hatch said he will explain that in a moment. Chris G. pointed out that more research needs to be done since the deed, which describes a squared lot, does not match what is drawn on the plans. Chris G. said that this property was slated for a subdivision many years ago and the lot was not drawn the way it is in this plan. Mr. Hatch said that was a conceptual plan and not a final survey.

Carol Baird, Chairman of the HC, said they only referred to the MH lot in their research, not the surrounding lots, and never mentioned the MH came out of a five acre parcel. She said they showed the location of the MH to make the deeds more easily followed. She said the MH lot is partly made up of an angled piece given by Johnathan French. This deed has specific measurements. Mr. French cut off the angle and sold what remained of his five acres to a young man who then died. His widow remarried and the new husband and the wife and son granted four acres to Thomas Page, the patriarch of the Page/Peaselee family. The lineage is: Thomas, Daniel, John, Juliette Peaselee, then Henrietta Peaselee, the last survivor.

Carol further explained that the cemetery was deeded in two pieces with burials taking place as early as 1825. A deed was not recorded until 1915, probably by Juliette. When John finally passed away, the remaining land was inherited by Henrietta. She granted to the town an odd shaped piece that abuts the cemetery. This is an "L" shape, with ten feet on one side. The remaining portion of this piece passed to her daughter, Henrietta. At that time, Juliette and her husband Jacob were running a commercial ice business. The lot to the south of the MH was known as the ice pond lot. When Henrietta passed away, the ice pond lot was left to her farmhand Arthur Mills. The town eventually took the lot for nonpayment of taxes.

Carol said that if the chain of title is followed, it shows how the cemetery came from separate pieces, which were oddly shaped. Not all of the land was deeded to others. The odd shape given by Juliette left an odd shape remaining. This would now be owned by the heirs of Henrietta Peaselee.

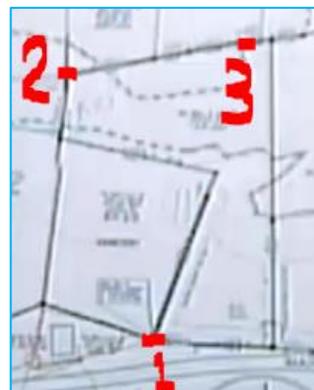
Carol further explained the Page/Peaselee family owned much of the town forest and the parsonage house. Someone purchased the house and deeded a small piece to the town that squared off the back of the MH which is to the north. She believes the name was Toombs. All of the land was acquired by the

same family over time. She said Juliette was 90 years old when she died and it is unknown how old Henrietta was at that time. It is also unknown if Juliette remembered she owned a small portion around the cemetery or if she did, whether Henrietta knew about it.

Mr. Hatch read from the deed recorded at Bk 221 Pg 234, saying that one other piece of land on the east side of the road and north of the MH was given to the town. He said the four acres has to be on the north side of the MH. He read from another deed which referenced a rock maple and a white pine. Carol said that the area Mr. Hatch is referring to as a five acre parcel, the area north of the MH, was originally a six acre parcel that the town gave to the Reverend Johnathan Page to build the parsonage.

Chris G. said that a lot of attention is being given to all of the old deeds but not the one given to this Board. Mr. Hatch said if the chain is followed, it has the same description as the 1944 deed when Levi Duston bought it from the town. He said Levi bought most everything in the area back then that was up for tax sale and Levi made his own deed descriptions. Mr. Hatch said Levi wasn't a real surveyor and paced the lines as well as he could.

Mr. Hatch explained his interpretation of the metes and bounds in relation to his drawn plan. He explained the eastern boundary he drew on the plans is 1929' and the deed calls for 1650'. He explained the difference is due to Dustin having to navigate through wetlands, making a difference of 17% between the two measurements. The southern boundary is 610' per the deed and 576' per Mr. Hatch's measurement. This is a 6% difference. The roadside boundary was measured as 1783' by Mr. Hatch while the deed calls for 1700' which is a 4.8% difference. The northern boundary is described as beginning at the end of a wall at the east side of the highway by the cemetery, then going easterly partly by the cemetery about 501'. Mr. Hatch pointed out that the beginning point of this line is the most northwest corner (#1) and the ending point is the most northeast corner (#2). He said this line goes around the cemetery, making two right-angles before ending at the northeast corner of lot 75-1 as shown on the plan.



Chris G said the ending point is the wrong corner. He said the deed doesn't say to turn anywhere and the line should go from the corner by the road (#1), partly by the cemetery, to a point on the eastern edge of the property (#3).

Mr. Hatch said the town can hire its own surveyor. Jim said the Board is asking how Mr. Hatch is saying that first a left turn then a right turn needs to be made. Mr. Hatch said he has to make those turns to get from one point to another (from 1 to 2) and there are stone walls at those points. Jim pointed out the deed description does not call for a change in direction for this line, especially when the other lines specifically say to turn in a certain compass direction one way or another. Jim said those compass references seem to suddenly go away when describing that line. Mr. Hatch said the general direction is going easterly and this completely satisfies the description.

Carsten Springer, chairman of the Conservation Commission, asked about the distance for the eastern bound. Mr. Hatch verified that he measured it as 1925' and the deed calls for 1650'. Carsten asked about the northern bound and why didn't he measure it from the two corners indicated by Chris G. (1 to 3). Mr. Hatch stated he went to school for surveying and has been a surveyor for 25 years. He also said NH law will give more weight to physical evidence than distances and the physical evidence is in the corners he used as the NE and NW corners (1 and 2). He said all properties around it call for stone walls as monuments.

Carsten said this does not answer his question. Chris G. suggested that Mr. Hatch meant the deed description means nothing. Carol pointed out there are two stone walls at the edge of the road. She asked Mr. Hatch how he could determine which one was the correct wall. Mr. Hatch said he'll get to that. He mentioned the first cemetery deed was recorded in 1826. At some point after that they went 10' to the wall corner, came back up, over and around. He said it's a U shaped portion. The original cemetery was 10' from the wall. Carol asked again how he could know which wall. Mr. Hatch said the measurements fit from wall corner to corner when reviewing the two deeds' monuments that make up the cemetery. He said it fits the chain of title for Mr. Delorey's lot. He pointed out the second stone wall on the map (between the two small red dots), which is near the road, and a pile of stone walls which he said is the remains of the old ice house (large green dot). Carsten said this is not where the ice house was. Mr. Hatch said the stone walls are there because the person had to use gates and bars to keep people from accessing the pond.



Carol said it appears Mr. Hatch hasn't had a chance to read Peter's letter, and that a map was included with the letter which may be helpful. She said she'd like to bring in the HC research on the parsonage lot and the five acre piece. She also said that town council could be asked what carries more weight: a monument or deed. Mr. Hatch said he'd like to meet with town council. Chip said he'd forward Peter's email to Mr. Hatch.

Mr. Hatch said he'd like to continue to the July meeting. At that time he hopes to have the drainage calculations reviewed by Dennis. Chip read the email sent June 7, 2016 from Dennis regarding the discrepancies between the drawn plan and the metes and bounds.

Carol asked if Peter can get Mr. Hatch's research. Paul Boyd asked if Peter's letter dated June 17, 2016 is now a public document. Chip said it was.

Chip asked that the Board members refrain from speaking about this application over social media. He mentioned a few points from the prior meeting, including the southern boundary of the MH lot. Mr. Hatch read the first sentence of the deed description, saying the lot abuts the road and cemetery at some point. The 10' strip is not part of the cemetery. He said he has not done any research on the MH lot, but feels the 10' portion can extend west from the stone wall until it meets the road. He said he'd have to do a complete boundary survey before he could say for certain.

Jim said the way it's drawn now it looks like the MH lot continues south along the road. Mr. Hatch said this is a funny looking shape and is due to the fact that the road was not laid out as a highway with an even width all the way through. He said he can put a line there but wouldn't be sure of the accuracy, but he is certain the lot abuts the road. He can draw a line to satisfy the acreage. Chris G. said he can draw a similar line to satisfy the acreage of his own lot.

Carol pointed out the MH lot was its own piece until Mr. French gave an angular piece of land to it. She said that deed has specific measurements. Mr. Hatch said he's looked at the three deeds that make up the MH lot and has stamped his plan. Chip asked the Board if they thought the MH issue has been settled or not. Chris G. said it isn't up this Board to prove Mr. Hatch's research.

Chip mentioned the request to show areas for a second septic system if the first one fails. Mr. Hatch said he can draw those on the plans. A vegetative buffer has yet to be discussed with the property owner and the drainage calculations are still being reviewed.

There was a short discussion about the definition of a pond and artificial impoundment. Mr. Hatch explained that this pond is not listed on the NH DES Official List of Public Waters. Chris G. said if a pond is over 10 acres it cannot be used for lot sizing. Chip said this Board does not have jurisdiction over what water bodies the state puts on the list and said Chris G. can petition the state as a private citizen to add this pond to the list. Carsten asked Chip about a pond that is over ten acres but not on the list, and whether or not it is privately owned. Chip said it is privately owned until it is put on the list. The rest of Board did not express an opinion, wanting to review the RSAs first. Mr. Hatch said that Shoreland Protection has a different list and this pond is not listed on it either.

A letter from the Conservation Commission dated June 23, 2016 was read. Carsten pointed out that they were asked to not address any issues regarding any disputation of lot lines or acreage. It was agreed that Mr. Hatch can recommend a certain type of septic system but cannot bind a future developer to that. The process of approving septic systems was briefly discussed.

Mr. Hatch asked to continue to the July 28th meeting at which time he will probably ask for approval. There was a discussion about including others in a meeting with Peter Loughlin and whether or not his time would be paid through the professional review fund. Mr. Hatch said he's trying to facilitate the Board so there's a comfort level and the dispute over the lot lines is a civil issue and feels his client should not pay for that. Chris G. said this is regarding the metes and bounds and it's in the ordinance that if this Board feels further studies should be done then the applicant bears the cost. He said the applicant has the burden of proof to show that this portion of the lot is his. Chip said the town is disputing what Mr. Hatch is saying, therefore the town should pay for the attorney review. Jim said he sees this as something the applicant is claiming but may not belong to him. Mr. Hatch said this is a stamped boundary plan that can be recorded. Jim said that's not proof that it's correct. Roger pointed out that there have been other plans, also stamped by surveyors, that have included errors, so a single stamp is not proof of accuracy.

Carol asked if the meeting with Peter will be open to the public. She said she's concerned that the MH lot, which is part of the historic district, has been brought into the discussion. Mary Ann asked if the state can be asked about the frontage. Chip said if the town hires a surveyor to study the MH lot, then the town should pay for it. Carol said again that the road had specific measurements and directions from one point to another.

Carsten asked about the metes and bounds as written by Levi Duston. Mr. Hatch said that Levi took a casual approach with his measurements but that was appropriate for the time. Carsten pointed out that it is on Levi's deed that Mr. Hatch is basing his claim. Mr. Hatch said that Levi saw physical evidence but may not have paced well. Carsten pointed out there are several stone walls in the area that come together at different points and that he has some issues with how Mr. Hatch is asserting his claims. Jim said it appears there are several stone walls and some may have been removed at some time or another. He said 17% is a big disparity and it is that NE corner that seems to be the problem.

Chris Stafford, chairman of the Old Meetinghouse Association, said there are a lot of issues to work out and asked if the meeting with Peter can be scheduled before the next PB hearing. Carsten asked if there is anything else required of the Conservation Commission at this time. He was told there is not. It was agreed that Chip will contact Peter about setting up an appointment with Peter and to discuss whether or not others will be able to attend.

It was agreed to continue the discussion on July 28th at 7:40pm.

Uncle Bob's Self Storage, Map and Lot 4-237, site plan review

The abutter's list was reviewed and found to be complete with everyone properly notified. This minor site plan review was prompted by a change in ownership of the property. Chris G. made and Roger seconded a **motion to approve the application**. The motion **passed** unanimously.

Robyn Casey explained she is requesting permission for two new signs. She said anything there presently will be removed and replaced with smaller signs. The trailer which had a sign on it has been removed already. She passed out drawings of the existing signs and the dimensions of the new signs. The company will still employ the same people and not change the hours of operation.

The notes from the previous site plans were reviewed. Chip said the new owners are bound by any prior stipulations. Chip said his only concern is that one sign is not on the right-of-way along Kingston Road. Chris G. said the location was reviewed when the original plan was first proposed. A copy of the notes was given to Ms. Casey for their files.

It was agreed that this does not need to be reviewed by Dennis Quintal. Chris G. made and Roger seconded a **motion to approve the minor site plan application**. The motion **passed** unanimously.

Conditional Use Permit Application

A draft application was reviewed. A few suggestions were made. Chris G. said it would make more sense to have the Planning Board be the regulators over conditional use permits. This will require a change in the Zoning Ordinance.

At 10:05pm Chris G. made and Roger seconded a **motion to adjourn**. The motion **passed** unanimously.

Respectfully submitted,

Janet Denison
Land Use/Assessing

July 28, 2016 agenda

- 7:30pm Minutes and Correspondence
- 7:40pm Meetinghouse subdivision, Map and Lot 2-75
- 8:30pm Site Plan Review for Rock Rimmon Coopertive (Four Seasons Campground), tax map and lot 4-14, 112 Long Pond Road. They are proposing to install a mailbox kiosk and reconfiguration of the front entrance.