

Haverhill Planning Board Minutes July 23, 2013
Draft Subject to Review, Correction, and Approval at Following Meeting

1. **Call to Order**

Chairman Don Hammond called the meeting to order at 7 p.m.

Planning Board members present:

Don Hammond

Mike Bonanno

Bill Daley

Tom Friel

Tara Krause

Also present was Planning Board Clerk Ed Ballam

Members of the public: Stan Davis, Applicant Ken Pavia

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Bill D. made a motion to accept the agenda as presented, seconded by Mike B. The vote was unanimous.

4. Approve Minutes of Previous Meeting

Tom F. said he thought the minutes were too detailed. Bill D. said Ed B. was not present and the meeting was recorded and the minutes were generated from the recording. Bill D. said it was a transcription of the meeting. Tom F. said he objected to a line in the minutes that said the problem with a proposed subdivision was an area of access on the map between his two thumbs. He said he would rather have it say something about Tom F. pointed to a spot on the map where the problem with access lies. Ed B. said that was a problem with a transcription from a tape, there's no context.

Bill D. said there's no record of the access to Hysong's property being a town road. He said there's information that says it is not a town road. Don H. said it is not a town road. Ed B. cautioned the board to not discuss a pending application in while discussing the minutes of the previous meeting.

Ed B. said that because the minutes were taken from a recording, everything that was said became important and part of the record because he did not have the benefit of knowing what came next. Some of the material may have been irrelevant to the formal record of the meeting. Ed B. said the lesson learned may be that the next time a meeting is recorded without the clerk being present, the clerk should

listen to the tape completely first, without taking notes or preparing the minutes to gain context.

Ed B. said the minutes he made were not a transcript, but they were close to a transcript meaning that virtually everything was placed into the minutes. He also said the document was the board's record of the meeting and if the board wanted something different than what was presented, its members should say what they want and direct the clerk to generate new minutes or correct the ones that have been created.

Tom F. said on the fifth page of the minutes, there's a comment from the clerk saying there were several cross conversations making for unintelligible remarks. Tom F. said he did not think that was a necessary part of the minutes. Ed B. said that only meant that he could not hear what was said on the tap and if there was anything important said, he could not hear it. Ed B. said he would remove the comment if the board decided it wasn't necessary.

Bill D. asked that the minutes be redone and reduced to a standard, condensed minutes format and get rid of all the unnecessary words. Bill D. said the board could go through line by line and make deletions. Ed B. said that's fine if that's what the board wanted to do. Ed B. said it might take a while to redo the minutes from top to bottom, but he would be willing to do it if the board members directed him to do so.

Ed B. said the document before the planning board was a draft of the minutes. If the board directed a new set of minutes to be generated, the drafts would be replaced with the permanent record.

Tom F. said he thought the minutes should be approved as presented with some minor adjustments. He said in the future, the minutes need to be more condensed.

Bill D. said that in the future, the board should try what the clerk suggests, and that is for the clerk to listen to the tape completely before making the minutes to get the full context of the meeting and knowledge of the board's actions.

Ed B. said the board needs to make a decision on whether the minutes need to be redone, approved with some corrections, or approved as is.

Tom F. said the minutes should be approved with some correction. Tom F. made a motion to accept the minutes as presented with a couple of minor correction. His motion was seconded by Mike B. Tom F. said he would like to take out the part about the problem being between thumbs. He would rather the phase state that he thought the problem was with the access after then end of the second lot.

Bill D. said a lot of the comments in the minutes have no relevance to the discussion of the issue. For instance Bill D. said that Hysong's comments that the MacDanolds use the access too doesn't make any difference. He said that should be taken out. Ed B. said he thought it did make a difference and it reflects what Mrs. Hysong said. Bill D. said that comment is not important. Bill D. said who uses the road has nothing to do with the subdivision. Bill D. said how many lots are on the road is not relevant to the access to the Hysong property. Bill D. said he only cares that there are more than two on a road, any more than that doesn't make any difference and any reference to more isn't relevant to the minutes. Ed B. said he has an issue with the board deciding what an applicant can say in the minutes. Ed B. said if Mrs. Hysong said the MacDanolds use the access, then it should be in the minutes. Tom F. said he didn't have a problem with the comments being in the minutes, but it is not relevant.

Ed B. said if something was added to the minutes that was not said, or a blatant fabrication, then maybe it shouldn't be in the minutes. He said if Mrs. Hysong never said the MacDanolds used the access, then it shouldn't be in the minutes. Ed B. said it was on the tape. Tom F. said it was said.

Bill D. said Hysong's comments were not relevant to the discussion and if the minute had not been a transcript, her comments would not have been in the minutes. Ed B. said yes they would have been because he thought they were important and was relevant. Bill D. said it only matters if it is a road and it's not a road. Ed B. said he could not speak to the merits of the application.

Tom F. asked that all references to unintelligible conversation be taken out of the minutes.

Tom F. said his motion was to accept the minutes as presented with just a couple of clarifications.

Bill D. asked that the portion of the minutes that said Betty Hysong made an unintelligible comment about selling her house be taken from the minutes. He said it has no relevance to the subdivision and the minutes.

Bill D. said the comment about the minutes being made from a tape recording be moved up to the top of the minutes.

Mike B. made the second to approve the minutes as amended. The vote was unanimous with two absentions, Tara K. and Don H.

5. Scheduled Public Appearances

Don B. called a public hearing open for Kenneth Paiva for property at 463 Pond Circle, North Haverhill, Tax Map 410, Lot 79, open at 7:10 p.m. Don B. said the

applicant seeks to subdivide 9.07 acres into two parcels, one 6.72 acres and the other at 2.35 acres.

Ed B. said the abutters had been notified, the meeting notice had been posted in three public places and a notice had been posted in the newspaper. He also said he has a septic system approval from the state DES and the application appears to be complete.

Ed B. also said this property is one the board has some previous discussion about which shows on the town's tax map as two separate lots, but it has not been recorded with the Grafton County Registry of Deeds to be two parcels. Ed B. said he had traveled out there about two weeks ago and it looks like the property clearly was laid out to be three lots. There are three driveways roughed in, three electric meter boxes and the new lot to be created by the subdivision appears to already have a septic system on the property.

Tara K. asked if the septic system had been approved or if it was just an application. Ken P. said there are three septic systems already installed on the property, one on each of the three lots. .

Don H. said the notice from the DES is dated 6/11/13 and it appears to give approval for the septic system on the new lot to be created.

Bill D. asked for particulars about where the new lot is in relation to French Pond.

Stan Davis, of Davis Realty, a representative of the applicant said the property is across the Pond Circle Road from French Pond. Stan D. said the property has a state approved and installed septic system on the lot.

Bill D. asked where the well was located. Ken P. said the well had not been drilled on the property yet.

Bill D. asked for clarification about the septic design and the state approval requirements. Ed B. said lots larger than five acres do not need septic design approval for subdivision, less than five acres do require septic design approval. One of the lots to be created by the subdivision will be less than five acres and it has an approval.

Tara K. asked why there was a septic system design approval before the lot had been created. Ed B. reminded the board that there was an assumption that this was already a lot and it was even on the tax map as a separate lot. Tara K. asked that why was there a septic approval for a system that had been put in back in 2006. Don H. said someone may have put the system in back in 2006 and it just got approved this year.

Don H. said because there was no one in the audience to comment on the subdivision he asked for a motion to close the public hearing at 7:15 Mike B. made a motion to close the public hearing, seconded by Bill D. the vote was unanimous. Mike B. made a motion to open discussion among the board members. It was seconded by Bill D. The vote was unanimous.

Tom F. asked when Pond Circle was put in as a road. Don H. said it had been a road for as long as he can remember. Bill D. asked if it is a town road. Don H. said it was a town road, but not maintained by the town. Bill D. asked if a Class 6 road is town-owned or if it is a driveway. It was agreed that a class 6 road is town-owned, but not maintained. Don H. said because it is not maintained, the owner will have to sign a release saying if a fire truck or emergency vehicle cannot get to the property, the town cannot be held liable or responsible. Tara K. asked if that means the town retains all the rights to the road. Don H. said yes, it remains a town road and the public will still have the right to use it.

Tom F. said the subdivision as proposed was cleaning up an issue the town has with the tax map and the paperwork.

Ed B. agreed and reminded the board that it originally had a request from Attorney Bruno asking the board to sign off on a subdivision as an administrative act. The board wasn't comfortable doing that and decided to ask the applicant to submit a request for a subdivision to check for wetlands and other issues which was the right thing to do. He said the applicant now has also done the right thing and complied with the board's request for a subdivision.

Don H. asked if there were any other questions from the board. He then asked for a motion to accept the application as completed. Ed B. said he had all the paperwork and it appeared the application was complete.

Don H. asked the board members if they had any questions. There were no further questions.

Mike B. made the motion to accept the application as complete. It was seconded by Tara K. and the motion was unanimous.

Don H. asked for a motion regarding the application of Ken Paiva for a minor subdivision of property at Tax map 410, Lot 79. Mike B. made a motion to approve the application for subdivision. It was seconded by Tara K. The vote was unanimous.

Ed B. advised the applicant that the board will need a mylar and three copies of the plan for the chairman to sign and record as well as \$51 for the registry of deeds for LCHP and the recording fee. Stan D. said he understood the requirements and

thanked the board for being through and getting it ready for recording with the registry of deeds.

6. **Correspondence/Communications**

None

7. **Reports of Committees**

None

8. **Pending Business**

None

10. **Other New Business**

The board considered the voluntary merger of property owned by Wayne Smith on Trinity Circle. Tax Map 414 Lot 54-4 and 54-3. A motion to approve the voluntary merger was made by Mike B. and the motion was seconded by Tom F. The vote was unanimous.

Ed B. said on other new business, that Jack Brill has come in with a mylar for signing. He said the mylar shows exactly what we asked him to do and it was dropped off at noon (day of meeting) for the planning board chairman to sign. Ed B. said he asked the question about whether the lawsuit would go away if the board signed the mylar and the answer was yes, it would go away.

Don H. asked the board if they were ready to have him sign it. There was unanimous consensus that the chairman should sign. Ed B. said he looked at the 1987 plan and the one presented for the board to sign is a replica, although the scale is slightly different. He said the shapes of the lots are identical to the one presented in 1987. The numbers may be slightly different because the mylar presented for signing was done with modern technology by a licensed land surveyor and the one done in 1987 was done by Jack Brill using technology of the time.

There was some general background discussion about the case. Ed B. said no further action from the board was required. The only thing that was required was the chairman to sign the mylar and have it recorded. Don H. signed the mylar and three copies. Ed B. said the recording fees have been paid in cash and he would get the plan to the registry of deeds for recording as soon as possible.

11. **Public Appearances (Not Previously Scheduled)**

None

12. **Comments of the Clerk**

Ed B. said Betty Hysong turned in her application for a minor subdivision a day after it was too late for the July meeting. He said by law, the board has to act on the application within 30 days after it being submitted. The board

could ask her to postpone the application until the August meeting. Don H. said he would rather hear the application in August then have a special meeting making it two meeting in a month. Ed B. said he would ask Betty H. if that's OK with her. Ed B. said he received the application on July 12. The board said if all else fails, the board could meet on Aug. 8 for a special meeting.

13. **Comments of the Planning Board**

Tara K. asked that she be made an alternate member instead of a full member. She said her husband's business has been taking him out of town often. The board convinced her to stay as a full member and attend when she can. There was some discussion about the need to have the selectboard find some new members.

Tom F. said if there was a time when a board member can't make it, and it's known, Tara K. could be asked to come in. Tara K. said that way she could arrange child care if her attendance was required.

14. **Other**

 None

15. **Adjournment/Next Regular Meeting**

Mike B. made a motion to adjourn, seconded by Bill D. The vote to adjourn was unanimous. The meeting ended at 8:15 p.m. The next meeting will be on Aug. 27.

Respectfully Submitted,
Ed Ballam,
Planning Board Clerk