

## **Haverhill Planning Board Minutes**

**March 24, 2015**

### **Draft Subject to Review, Correction, and Approval at Following Meeting**

#### **1. Call to Order**

The meeting was called to order at 7:10 by Vice Chairman Mike Bonanno

Planning Board members present:

Don Hammond – arrived at 7:35

Mike Bonanno

Bill Daley

Tom Friel

Tara Krause

Mike Simpson – arrived at 7:12

Clerk Ed Ballam was not present

Members of the public included: Thomas Smith and Howard Hatch

#### **2. Designation of Alternates**

No alternates to designate

#### **3. Agenda Approval**

Tara K. said the election of officers needs to be added to the agenda under new business. Bill D. moved the agenda as amended, seconded by Tara K. the vote was unanimous.

#### **4. Approve Minutes of Previous Meeting**

Mike S. made the motion to approve the minutes of the Feb. 24 meeting, seconded by Bill D. the motion which passed on a unanimous vote.

#### **5. Scheduled Public Appearances previously scheduled.**

Mike B. reopened discussion of a lot line adjustment for Howard Hatch for property on Route 116. Tom S. said the current acreage of both lots is 85.8 and 25.7 acres respectively, He said, by lot line adjustment, he plans to make one lot 106.5 and the other 5 acres. Tom S. 206 27 85.8, 409 lot 19 25.7. He said Howard H. wants to shrink the lot where the bus company is located to 5 acres. Mike B. said the application seemed to have different numbers and he asked Tom S. make the correction on the application and initial it. Tom F. said it seemed pretty straight forward but the board needed to make sure it was done accurately.

Tara K. made a motion to accept the plan submitted by Howard Hatch, Mike S. seconded the motion. The vote was unanimous.

Mike S. asked if the board now needs to approve the plan and Mike B. said the board just did so.

Tara K. said she wanted to talk about Benedict's Way under new business.

Tom S. said he had one question before he left and that was when would the plan be recorded. Mike B. said Ed B. was due back early Thursday morning and he would take care of it Thursday morning.

Mike B. signed the mylar and the plans.

## **6. Correspondence/Communications**

Mike B. reminded the board of training available on May 2 in Concord.

## **7. Reports of Committees**

None

## **8. Pending Business**

Subdivision revision on going... the board did not act upon this.

The board also discussed a minor subdivision of Walter Gladstone (clerk's note: The subdivision was reviewed and approved at the February meeting. The clerk had asked only that the mylar be signed.) Mike B. said the board could not review the subdivision because there was no one present. Tom F. agreed and to be consistent, the board could not review the plan. The board decided to table the plan because there is no one here. Tara K. said that when people submit plans they need to be present. Mike S. voted to table the plan until April. Bill D. seconded the motion to table. The motion was unanimous with Tara K. recusing herself from the vote. (Clerk note: This was considered and acted upon at the February planning board meeting with the owner's representative, Jacob Burgess, present and able to answer all questions. There was some apparent confusion on the administrative request for the mylar to be signed.)

## **9. New Business (Applications)**

The board considered a request for voluntary merger of lot submitted by David Patten, 2769 DCH, North Haverhill, NH. The board said the applicant needs to be present for a voluntary lot merger for it to be considered according to the minutes. (Clerk note: The appearance of the applicant for a voluntary lot merger is a rarity with the majority of them being considered administratively and approved.) Tara K. said it's unusual for people to appear before the board for a voluntary merger. Mike B. said he was just recalling what the chairman had said two years ago, that the board needs to follow the regulations and do things the right way. Tara K. and Mike S. said the clerk indicated it needed to be signed and recorded before April 1 to be included on the tax records. Tara K. said the assessors will not come out for a new assessment after April 1. Mike B. said there should be something on the application asking the applicant of for a voluntary merger to appear before the board at the planning board hearing. Bill D. said either the applicant or a representative appear before the board. Mike S. said if there are no questions at all perhaps the board could consider the application. Tom F. said that's wrong thinking and the board has to follow the regulations. Mike B. said he agreed.

Mike S. made a motion to vote no. He wanted to look at the merger. Tom F. said he was confused. Tara K. asked if the board could make a phone call.

Mike B. announced that David Patten arrived at 7:35. Don H. said he thought the meeting started at 7 p.m. Mike B. said it's been that way forever. Mike B. apprised the chairman of where the board was on the agenda. He told Don H. they had tabled Gladstone's application and were discussing David Patten's application and considering tabling it because there was no representative present for the hearing.

Don H. asked if it was just a voluntary merger and as such, they don't need a representative present. Tom F. said indeed there needs to be a representative present according to section 3. 3.1.1 page 6 top paragraph. Tom F. read the ordinance and said the board needs to check the plat and the checklist and the applicant will appear. Don H. pointed out that Tom F. was reading the requirements for subdivisions, not voluntary mergers. Tom F. then asked if this was a subdivision. He was informed it was a voluntary merger. Tom F. then cited page 7 3.1.2.1 paragraph 4, says the applicant appears before the planning board.

Bill D. asked what the board had done historically. He asked if appear means physically, or by paperwork. Mike S. said this problem has shown up three times in two months. Tom F. said he appeared for his neighbor for a voluntary merger, the Hoffmans because they couldn't make it.

Don H. directed the board to look at the regulations under voluntary merger and point out it doesn't say they have to appear before the board. He read the regulation to the board. He said no plat or plan needs to be submitted, but the appropriate form must be presented. He said the form the board had before it was the appropriate form to endorse the action. Don H. said the applicant doesn't need to appear.

Bill D. made a motion to approve the merger of map 206 lot 111 and map 206 113. Mike S. seconded the motion. The vote was unanimous.

## **10. Other New Business**

Tara K. said she had talked to Mike Fenn about maintenance of Benedict's Way and the town has planned to take over the road. She said when Coventry Log Homes took over the subdivision from Fenn there was discussion about town maintenance. Tara K. said there's a single home on the road presently. She said she was asked by a citizen to bring it to the planning board for discussion.

Don H. had an agreement with Jeff Elliot, of Coventry Log Homes, to have the whole road paved. Tara K. said it was to the end. Don H. said the town is plowing the road and has pretty much all winter. Tom F. said he was pleased to learn about the information and he will be bringing the matter up to the selectboard because he didn't know anything about it. Tom F. said it was news to him that it was plowed during the winter. He said he needs to look into the matter.

Tara K. said there's a single house on the road and the woman who bought it did so thinking she was going to be living on a town road, not a Class VI road, a private road. Tara K. said the woman was not informed that it was a private road. Tom F. said it's a similar problem that happened on Oliverian Heights Road. Don H. said the Oliverian Heights Road has grade issues and needs to be paved before the town could even consider taking over the road. Don H. said Benedict's Way is mostly flat. Don H. said he would like to have the clerk look up in the minutes what Jeff Elliot agreed to do when he took over the subdivision from Martels. Tara K. said she remembers the subdivision having been signed off by the road agent attesting that he had done what he was supposed to do.

Tom F. said that the road agent may have signed off on it so he could have a subdivision, but that does not mean it was accepted as town road. Tom F. said the taking over of a road is done by the selectboard, not the planning board. He said the planning board has nothing to do with it. Tom F. also said the regulations state the town may take it over, but they do not have to take over the road.

There was no further discussion about Benedict's Way.

Don H. asked if the Hatch plan had been signed and the three copies for the town. Don H. verified that everything was signed and in order.

Don H. then asked about Gladstone's subdivision. Tara K. said that Harry Burgess might show up next week because there are five Tuesday's in the month. Don H. said there's nothing they can do for Gladstone's because there was no one present. (Clerk note: The Gladstone subdivision was approved in February.)

Under other new business. Mike B. informed Don H. that his term expired in September, 2014. Mike B. said he would like to make a motion to recommend Don H. be reappointed to the planning board by the selectboard. Mike S. seconded the motion. The vote was unanimous. Tom F. abstained. Mike B. said Jo Lacaillade said it's up to the selectboard to make notification as to when people's terms have expired. Tara K. said the planning board terms are for three years. Mike B. said Mike S. is up in August. Tom F. said it's the clerk's job to keep track. Mike B. said all the dates are different. Bill D. said he's been on only a year.

Tom F. said he thought the board needs to double check before it chooses officers. Mike B. asked about when the election officers is supposed to take place. Tom F. said it is his understanding that it is supposed to be in April. Tom F. said there's no way the board should elected someone as chairman if they're not even on the board.

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

None

#### **12. Comments of the Clerk**

Not present

#### **13. Comments of the Planning Board**

Don H. said that when the clerk can't be present, the board needs someone present to take notes. Bill D. said the board has a brand new recorder working right now, perfectly and crystal clear. Tom F. said he was also recording the meeting.

Don H. said it's difficult to run the meeting without Ed B.'s presence. He said he knows he was late, and he apologized. Tom F. said the board has to address the clerk issue. Tom F. said he addressed it on his evaluation, but he was not going to go into it any further. Don H. said if Ed B. can't be here be here, someone has to be here in his place. Mike S. asked if he could be on the telephone for the meeting. Tom F. said the board shouldn't get into that situation and start setting precedence. Tara K. said she recalls that Ed B. said there were times when he could not be present and that she had volunteered to take on the role of recording the meeting. Don H. said sometimes the board needs access to records that someone needs to be

able to get, such as his appointment. Tom F. said he wasn't about to touch any files down in the planning department.

Don H. said the selectboard and office staff should have alerted the board or the clerk that his term was up. Mike B. said he talked to Jo L. about the appointment officers. Bill D. said there's nothing the board can do about it this evening.

**14. Other**

None

**15. Adjournment/Next Regular Meeting**

Tom F. made a motion to adjourn the meeting at 7:43 p.m., seconded by Tara K.

The next meeting is on April 28, 2015.

Respectfully submitted based on an audio recording of the meeting.

Ed Ballam, Planning Board Clerk