

Haverhill Planning Board Minutes Dec. 22, 2015

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

1. Call to Order

The meeting was called to order at 7:05 by Chairman Don Hammond

Planning Board members present:

Don Hammond

Mike Bonanno

Tara Krause

Tom Friel

Mike Simpson – joined the meeting at 7:15

Clerk Ed Ballam was present.

Members of the public included: Daniel Stannard, Woodsville Guaranty Savings Bank; Jonathan Hobbs, Woodsville Guaranty Savings Bank, Duane Baxter, Reta Presby-Baxter, both of Littleton, Harry J. Burgess, Bath, N.H., Sherri Sargent, North Haverhill.

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Tom F. said he wanted to add one thing to the agenda and that was discussion of reducing the planning board from seven members to five members to help with quorum issues. Don H. said the board could take up that discussion under discussion of comment. Mike B. made a motion to approve the agenda with the addition of discussion of the quorum issue. Tara K. seconded the motion. The vote was unanimous.

4. Approve Minutes of Previous Meeting

Tom F. made a motion to approve the minutes of the Nov. 24 meeting, the motion was seconded by Mike B. Mike B., Mike S., and Tom F. voted for the motion to approve the minutes. Tara K. and Don H. abstained as they were not present at the meeting.

5. Scheduled Public Appearances previously scheduled.

None

6. Correspondence/Communications

None.

7. Reports of Committees

None

8. Pending Business

Subdivision revision on going. Don H. asked for a motion to skip over pending business. Mike B. made the motion. Tom F. seconded the motion. The vote was unanimous.

9. New Business (Applications)

A public hearing on a lot line adjustment submitted by Laura Boutilier, P.O. Box 218 Bath, N.H., and Baxter Revocable Living Trust, 391 Farr Hill Road, Littleton, N.H., for property on Wild Ammonoosuc Road, Woodsville, N.H., identified as Tax Map 202 Lots 221 and 224. Don H. opened a public hearing at 7:08 p.m. Ed B. said the public hearing had been warned, posted and the abutters notified and fees have been reimitted. He also said the application appeared to be complete.

Harry Burgess, a representative for the applicants, said the lot line adjustment would add .6 acres to lot 224 from lot 221 and was designed to have two existing buildings on Lot 224 and a septic easement all on one lot. He said the easement would be eliminated if the lot line adjustment is approved.

The board reviewed the distributed plan. Don H. asked if the board had any questions. The board had no questions. Hearing none, Don H. asked if the public had any questions. There were no questions. Don H. closed the public hearing at 7:10.

Don H. said he looked at the application and said it appears to be complete. Mike B. made a motion to accept the application as complete. The motion was seconded by Tom F. The vote was unanimous.

Don H. asked if the board had any other questions. He then asked for a motion to approve the lot line adjustment application. Mike B. made the motion to approve the lot line adjustment. The motion was seconded by Tom F. Mike S. said he would abstain from the vote because he had missed most of the discussion about the application. The vote was four to one abstention – Mike S.

Ed B. asked Harry B. if he had a mylar for the chairman to sign. Harry B. said he did not have one, but would drop one off at the town office tomorrow (Dec. 23). Ed B. said that one of the applicants, Duane Baxter, said there was a time constraint to get the application approved and recorded by Dec. 31. Duane Baxter gave Ed B. \$51 cash to cover the cost of recording fees in Grafton County Registry of Deeds. Ed B. asked the board to witness that he had received cash for the fees, but was unable to provide an immediate receipt. Duane B. said he trusted the clerk and did not need a receipt. Ed B. said he would record the approved plan as soon as he received a mylar from Harry B. and had it signed by Don H. Don H. signed the paper copies for office use. Harry B. asked for a signed paper copy, but Ed B. said he did not want any signed copies to go out of the office until the mylar had been received and recorded. Ed B. kept the three copies Don H. signed and placed them in the application file.

10. Other New Business

Jonathan Hobbs from Woodsville Guaranty Savings Bank appeared before the board to clarify some issues he had with the Old Meeting House property on Route 116, across from Hood Plumbing and Heating.

Jonathan H. said the banks currently owns the property and it was most recently a dance studio. He said the bank currently has it under contract with a couple who wants to restore the property and turn it into a residence. He said there were three or four other parties that were looking at the property and wanted to demolish it to have the land without the building. He said saving the building seems to be a positive thing for the town.

Jonathan H. said he had spoken with Don H. on the phone to explain the situation. He also presented packets of information regarding the property. He said there had previously been two lot line adjustment that affected the property previous. He said the people who are currently looking purchase the meeting house and property contracted a title search and found that two plans appeared to have been recorded without planning board approval back several years ago.

Jonathan H. said that when WGSB had lent on the property in years past, the attorney the bank used did not find it to be an issue and felt comfortable loaning on the property. The local attorney working with the potential buyer did find it to be an issue and wants the issue cleaned up.

Jonathan H. said the first recorded boundary adjustment was done by Mary Rogers to John Ellis which transferred approximately 1,200 feet to the meeting house property. He said the plan and the quit claim deed were both recorded in the registry of deeds. He said the next deed transferred property from Ellis to Aldriches. He said they own a large parcel of land behind the meeting house. He presented a plan that had been recorded showing both lot line adjustments. He introduced minutes from a 1986 planning board meeting that vaguely mention one of the lot line adjustments, but doesn't clean things up.

Jonathan H. said that in a discussion he had with Clerk Ed B., he understands that the current board, as a body is usually not inclined to agree or disagree with the actions of a previous board and that he understood that reluctance. He also said that he is not looking to have the board dispute or agree with actions of a previous board. He said the bank is asking the current board to, after reviewing all the information, state they find nothing inappropriate or wrong with the lot line adjustments as presented on the maps.

Tom F. said his only concern was how to take care of this mess so everyone get out of it with what they want and all the attorneys are happy with the decision.

Jonathan H. said that he had asked Don H. if he thought the board would mind if he had a lawyer draft a document explaining what the bank wanted and what the client's attorney wanted. He said he hopes the letter will clean up the issue and, if the board is willing, a signature on the document will allow the process to move ahead with the sale of the property.

Tom F. said that from his perspective, and only his perspective, the lot line adjustments were done in piecemeal and if any of these adjustments were to come into the planning board "clean," without any past history, they would be approved without any problem or issues.

Jonathan H. said in his assessment, there was nothing inappropriate done with the adjustments and it they were simply adjustments done properly between neighbors, and recorded appropriately, but they are just not recorded in planning board records to the satisfaction of the buyers' attorney. He said he's only asking for the board to state it has no problem with what already exists and recorded, not to endorse, or dispute any decision made by a previous board.

Don H. pointed out that both adjustments had been recorded in the registry of deeds – one in 1996 and the other in 2003.

Mike S. said the only concern he had was abutters were not notified about the meeting and any decision the board might make.

Don H. said there's technically no transfer of land, so the abutters would not have to be notified.

Tara K. asked if all the abutters were the same as they were in 1996 and 2003. Don H. said both maps say Langdon and Rogers. Tara K. asked if that's who still owns it. Don H. said Hornes now own the Rogers land because Mrs. Rogers has since died.

Mike B. asked what was not done that the bank is currently looking to have the board do.

Jonathan H. said he can't find evidence the board approved the lot line adjustments, and, more importantly, the buyer's attorney can't find the board approval even though the adjustments have been approved by the board. He said that's why the bank is before the board. Mike B. asked what the frame was. Jonathan H. said the buyers are ready to buy the property as soon as the planning board approval issue has been resolved.

Dan Stannard from WGSB said the buyers have already had the property inspected and are concerned about the stability of the building if it continues to be vacant and deteriorate without some immediate intervention.

Jonathan H. said there is no closing date until the issue with the planning board has been resolved.

Dan S. said the WGSB's attorney, the bank and the previous buyers had no issue with the title, but the current buyer's attorney is uncomfortable having his clients take possession of the property without the planning board issue resolved.

Jonathan H. said the documents are the same in all cases, it's just a matter of someone interpreting them differently.

Tara K. said that she thought Don H. made a good point when he said he believed it was considered and approved by planning board, but the minutes were not as accurate or complete as they could have been. She said she was only concerned about setting a precedence.

Don H. said he did not think it would set a precedence because both adjustments have been recorded in the registry of deeds. He said if the adjustments had not been recorded, it would have been a different story. But, because they have been recorded, Don H. said he thought the board should give its blessings and sign the document. He asked for a motion to sign the letter.

Mike S. said he still has a concern about the abutters and whether they should be notified before the board takes action.

Don H. said when he first joined the board, he knows the minutes were not as complete and accurate as they could be. Mike S. said currently, the board has pages and pages of minutes. Don H. said there was a time when the clerks changed frequently and some were volunteers.

Ed B. asked if he could say something about Mike S.'s concern about abutter notice. Ed B. said that because both lot line adjustments have been recorded in the registry of deeds, that trumps just about everything. He said if any abutters had questions about what they owned or did not own, they could just check with the registry of deeds. He said any action the board took,

regarding signing the letter the bank provided, it would not physically change any lots or boundaries. He said all the other property owners around the meeting house most likely did the same kind of due diligence the bank's buyer is currently doing. Therefore, he said, he did not think the abutters needed to be notified. He said he thought the appearance by the bank was, frankly, overkill because they already had recorded deeds. He said he mentioned that the WGSB might want to avoid the planning board as an unnecessary step in the closing.

Tom F. said he thinks the lawyer just wants every I and every T crossed and crossed again.

Mike S. then made a motion to sign the letter as presented by WGSB. Mike B. seconded the motion, but said he had something he wanted to read into the record.

Don H. then said none of the board members knew Norma Lavoie, but she signed some of the documents and he said she would not have signed anything if it was not completely correct.

Mike B. then said he wanted to enter into the record the map and lot number so the board knew what land was being referenced.

Ed B. said it's reference at the top of the document presented by Jonathan H. Mike B then said the motion is in reference to Tax Map 206 lot 16. The vote was unanimous.

Jonathan H. said he had a better, more legible copy to be signed. Tom F. asked if it needed to be notarized. Sherri Sargent, who attended the meeting for other business, said she was a justice of the peace and a notary. She witnessed and notarized the document which was given to Jonathan H. a non-notarized copy was kept with the planning board file.

11. Public Appearances (Not Previously Scheduled)

Sherri Sargent appeared before the board to ask about a lot line adjustment for her property on Brushwood Road near Sand Road. She said she's considering buying property that abuts her property. She said previous owners had trashed the property and left a ton of debris in the back near the brook. She is hoping to avoid that in the future by purchasing some of the land.

Sherri S. said she saw Ed B., the clerk, to ask about lot line adjustments. She had asked about one adjustment that would create a triangular, pie shape lot and one that would square up the lots. Sherri S. said Ed B. indicated the board might have issue with one of the lot being an irregular shape. He suggested Sherri S. check with the board on a preliminary basis to see what they thought about the two, different adjustment shapes before she made an application with an engineered plan. Sherri S. said the preferred adjustment would leave her neighbor's land with a pie shape lot. The portion of land she seeks to purchase would only be used to make her lot more private and to prevent future debris from ending up on the property. She said she just wanted a secure the land.

Don H. said the adjustment would have to meet the regulations and not create an undersized lot. He said any adjustment cannot create lots smaller than three-quarters of an acre. He suggested Sherri S. hire an engineer of her choice to draft the plan. Don H. said the preferred plan, that created a pie shaped lot was better. Tara K. said both would create irregular lots. She said she was OK with either because they have corners and lines and are not ameba shaped. Ed B. said he

wanted the board to recognize that the lot will be four times longer than it is wide which makes it irregular according to the regulations. Ed B. said the board has discretion to approve lots that are irregular shape.

Don H. said either shape is fine and he recommended that Sherri S. and her neighbor work out the shape that's best for them and come back to the board for consideration. Don H. said a triangular shape abutter's lot makes Sherri S.'s lot more uniform.

Don H. said he did not think there was enough time to get it in for the January meeting, but he said if the application was submitted in January, it could be considered in the February meeting. Sherri S. said there was no particular rush, but the opportunity to buy the property just came up and she wanted to know her options.

Tom F. said Sherri S. should look carefully at the lot size requirement. He then read a portion of the ordinance about lot size. He said Sherri S. should get a copy of the ordinance. Ed B. said it's also on line.

12. Comments of the Clerk

None

13. Comments of the Planning Board

Don H. said this is the time for the board to talk about Tom F.'s proposal to reduce the planning board member number size from seven to five. Tom F. said he has been trying to get new members on the board to avoid attendance and quorum problems. But reducing the number of members would help with quorum and attendance problems. He said frankly that would help with a lot of the internal problems the board has been having as well. He said the board needs to take two steps. He said he's talked to at least one other selectboard member and they see no reason why not to reduce the membership from seven to five.

Don H. said the board could still have as many alternates as necessary. Tom F. said the town could have a five-man or a seven-man board based on RSA 673:2 Section 2 on page 437 of the RSA book. He said the selectboard still has to vote on it, but he asked that the planning board recommend that the reduction in membership happen. Mike S. made a motion to recommend a reduced board of five. Mike B. seconded the motion. Don H. asked if was going to be a ballot issue or on the floor of town meeting. Tom F. said it was going to be a warrant article to be voted on at town meeting. Don H. said that can mean it would be a voice vote or on the ballot written during the day. Don H. said it didn't matter to him which way it was presented. Ed B. said it was probably better to do it in the evening on the floor so it could be explained.

Don H. called for the vote which was unanimous to reduce the number from seven to five.

Tom F. said the second thing the planning board needs to do is conduct a membership drive. He said he has talked to as many people as he could trying to convince them they needed to be on the planning board.

Tara K. asked Tom F. if he thought the internal issue the planning board is caused by number of members. Tom F. said it creates havoc. Tara K. said she didn't agree with that. She said one of

the reasons she hasn't been attending is because of squabbling and disrespect. She said it's difficult to attend the meeting, but the

Tom F. said if the board could get it to where there would be no problems with quorums there wouldn't be an internal issues as he sees it.

Mike S. he thinks there's been one issue with that. Tom F. said there was an issue with the November meeting as well, but he didn't want to get into it.

Tara K. said she needed to know that things have been resolved and moving forward, or she needs to resign. She said she was not going to stay on the board if there continues to be inappropriate behavior. She said she has kids for that.

Don H. asked if Tara K. was talking to him. Tara K. said she was. Don H. said none of the emails were of his doing, none. He said it won't happen again because he's asked his wife to stay out of his business. Don H. said he thinks she may have heard him squabbling to himself, and getting things off her chest. She put it in the form of an email. That's what happened, he said.

Don H. said he has it in his notes that at the October meeting, the board voted to have one meeting in Nov. and Dec. on Dec. 8. Don H. said something came in that had to be taken care of and he has no problems. He said he just didn't like it that there was no vote on the Dec. 8 meeting when there was.

Tom F. said his only goal is to have enough people to call a meeting so we don't have conflicts. He said that was his stand.

Don H. said if there was an issue, people would know it and he has no issues.

Mike S. asked Ed B. how he was. Tara K. said she had the same question.

Ed B. said he said he didn't know exactly. Ed B. said he had no issue with Don H. Don H. said if he had an issue with Ed B., Ed B. would know it. Ed B. said he was fine with Don H. and he works well with Don H.

Ed B. said he wasn't sure what Tom F. doing and what issues he had. Ed B. said Tom F. mentioned items to the selectboard about dysfunction the board had during selectboard meetings and Ed B. didn't understand what he was trying to do. Tom F. also sent emails that were troubling.

Tom F. said if there was a desire to address an issue, he would address the issue. Tom F. said he was advised that call-in telephone conferencing for a planning board meeting might not be legal, especially if there were maps involved. He was told a lawyer would challenge that, and it would be the first thing they would question. Tom F. said that was one of the issues he had and one of the questions he had about call in members participating in meetings.

Ed B. said he understand that and it won't happen again. Tom F. said he could see it in an absolutely emergency, but not as a general practice. Ed B. said it is not a general practice and it only happened once and Tom F. participated with no objections.

Don H. said while the board was airing grievance, he wanted to mention that when Harry Burgess comes in with a plan, he better have the mylar with him before the board considers his plan. Don H. said he works in Plymouth and doesn't get home until 6 p.m. which makes it difficult for Ed B. to track him down to sign plans for recording.

Ed B. said he didn't think the board could deny a hearing because the lack of a mylar. Tara K. said she didn't think it was proper. Don H. said the board ought to make it a regulation. Tara K. said she thinks mylars are expensive and engineers don't want to make them until the plans are approved. Don H. said the board almost never denies them and he didn't think it was that expensive. Don H. said if Harry B. thinks his plan is going to be approved without any objection.

Tom F. asked if the board was going to make an effort to get new members. Don H. said the board needs to make sure Harry B.'s license is up to date.

Tara K. said she deals with the same issue with veterinarian licenses. She said the state sends out one card to remind people with professional licenses for renewal and it's the same size as magazine subscription cards that fall out and get thrown away.

Don H. said the department of safety is completely different. They sent out an envelope with a form inside for CDL licenses. He said they do a better job.

Tom F. said he gets the same thing for his broker license and he can tell the board right now that his license expires on April 21, 2017.

Don H. asked for a motion to skip item 8, review of the subdivision regulations and he would like to finish it up in Jan. and Feb. to get it out of the way. Mike S. made the motion to skip

Ed B. suggest the chairman just table the discussion. Don H. said it's tabled.

14. Other

None

15. Adjournment/Next Regular Meeting

Mike B. made a motion to adjourn the meeting. Tom F. seconded it. The vote was unanimous. The meeting concluded at 8:05 p.m.

The next meeting scheduled meeting is Jan. 26, 2016.

Respectfully submitted,
Ed Ballam, Planning Board Clerk