

Haverhill Planning Board Minutes Jan. 15, 2013
Draft Subject to Review, Correction, and Approval at Following Meeting

1. **Call to Order**

Vice Chairman Mike Bonnano called the meeting to order at 7:03p.m.

Planning Board members present:

Don Hammond – Chair, at 7:20 because of a conflicting meeting.

Tom Friel

Mike Simpson

Bill Daley

Mike Bonnano

Tara Krause asked to be excused because of illness in her family.

Members of the public: Harry Burgess and Jacob Burgess

Also present: Ed Ballam, Clerk

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Tom F. made a motion to accept the agenda as presented. Seconded by Mike S. The vote was unanimous.

4. Approve Minutes of Previous Meeting

Ed B. mentioned the tape broke for the Dec. 18 meeting, so the minutes were done from his handwritten notes. He mentioned that after he had completed the minutes and distributed them, he remembered that Mrs. Marjorie Page appeared before the board to discuss the driveway next to her home on Route 10. He said he would draft an addendum to the minutes and add it to the Dec. 18 draft.

Tom F. said that he would like the record to show that the planning board sympathizes with Mrs. Page, but there was nothing the planning board could do for her as found in the town's subdivision regulations. Ed B. said he recalls discussion about a fence on the border, placement of large rocks to prevent snow plowing on to her lawn and to keep traffic off her lawn and leach field.

A motion to approve the minutes of the December 18 meeting, with an addendum was made by Mike. S., seconded by Tom F. The vote was unanimous with the condition that the addendum be added.

5. Scheduled Public Appearances

Mike B. opened the continuation of the hearing of a subdivision submitted by Terrance Paye Sr., for property at 1171 Mount Moosilauke Highway, Pike, Tax Map 422, Lot 13.

Harry B., representing Terrance Paye said he had new plans that were drafted for the proposed subdivision. They were distributed to the board members.

Harry B. reminded the board that he had proposed a three-lot subdivision, but there was an issue with finding a suitable site for an alternative septic system on one of the lots as identified by the state inspector. He said the state inspector said he did not think there was enough useable land for a second septic system because of its proximity to the Oliverian Brook.

To resolve that problem, Harry B. said Mr. Paye has decided to do a two-lot subdivision instead of doing a three-lot subdivision and he erased the line between homes on the site leaving only two-lots. He said there was only 18 feet between the two houses and the old plan spilt the difference at nine feet for each lot.

Harry B. said by only making two lots, the problem with the state septic approval was eliminated.

By doing that, Harry B. said it creates one lot that is 2.33 acre lots which includes two residences, and it was resubmitted it for state septic approval. Harry B. said he had talked to the state inspector who said there would be no problem with it and he had already approved the two-lot plan and the written decision would be sent by Friday, Jan. 18.

Tom F. said if the board decided to approve the subdivision, it could be done with the understanding that it would be done contingent on the plan receiving the appropriate state permit.

Harry said the property would still be served by one driveway and a right of way was eliminated. The new plan also eliminates the need for a septic easement on one of the other proposed lots.

Tom F. asked if since the plan has been changed does it need to be re-warned and notices to abutters. Ed B. said that it's his understanding that because the original hearing was continued, it does not need to be re-posted and abutters re-notified. Ed B. said the plan has been reduced in its impact by eliminating one lot. If the new plan were to increase the number of lots, making its impact greater on the neighborhood, it would have to be re-warned.

Bill D. asked that some abutters may have thought the three-lot subdivision wasn't going to happen because of the problem with the state septic approval. They may have thought it was going to get turned down by the planning board and therefore they did not come to the continuation of the hearing at this meeting. Bill D. said some abutters may not have shown up because they thought the problem was too large and the board was going to say no, so they didn't have to attend tonight's meeting.

Ed B. said the regulations say that only one notice is required for any plan and when an applicant asks for a continuance, or the board needs more time than just one meeting to make a decision on a plan, it's announced at the hearing and those interested would have heard the continuance while they were attending the first public hearing. Ed B. said it's not the planning board's obligation, or the applicant's obligation to formally and officially notify abutters every time a plan may be discussed or acted upon. It would be an extraordinary expense and burden on the board and applicants to do that, Ed B. said.

Bill D. said that makes sense and he just wanted to make sure the board was following procedure. Ed B. said that from everything that he has learned, it always better to err on the side of giving more notice than less, when it's reasonable, because the applicants don't want their plans upset by abutters complaining about no notice. It's mostly for the protection of the applicant because an abutter can appeal on the bases of no notice. However, since Mr. Paye's subdivision was discussed just the previous month and it was announced during the meeting it would be brought up tonight, no notice is required, Ed B. said. As a matter of policy, Ed B. said the board might consider re-notifying the abutters if a substantial amount of time had passed, like six months or a year, or the plan was substantially changed.

Tom F. then made a motion to approve the subdivision of Terrance Paye for property at 1171 Mount Moosilauke Highway, Pike, Tax Map 422, Lot 13 contingent upon receipt of a state septic system approval for lot proposed lot 13-1. It was seconded by Bill D. The vote was unanimous.

Don H. joined the meeting at this point. Harry B. filled in the chairman about what had just happened. Don H. then took over the meeting.

Don H. then reopened discussion of the subdivision application of Kenneth and Kathi Mitchell, 4300 Dartmouth College Highway, North Haverhill. Tax Map 406, Lot 31, continued from the December 2012 meeting.

Bill D. recused himself from the discussion because he knew the applicant and was related to applicants by marriage and wanted to avoid any possible conflict of interest.

Harry B., the applicant's representative distributed some new plans for the subdivision. Harry B. said he double and triple checked the plan to find the discrepancy on the acreage that was on the plan and what was recorded in the registry of deeds. Don H. noticed the difference of 200th of an acre when the board considered it in December.

Harry B. said the error was not attributed to anything on a previously approved and recorded plan. Rather, it was an acreage error on the new plan presented to the board. The plan he distributed at tonight's meeting reflects the correct acreage, Harry B. said. The difference was 200th of an acre. Harry B. said the plan has a 3.1 acre lot with an existing house and an existing septic system and a 12.64 acre lot, there's an existing septic system for an RV motor home parked on the lot and it also has town water, as is the smaller lot. Harry B. said he is calling it a minor subdivision because he doesn't think the property could be further subdivided as it's a very steep lot with very few plateaus for building.

Mike B. made a motion to approve the minor subdivision of Kenneth and Kathi Mitchell, 4300 Dartmouth College Highway, North Haverhill. Tax Map 406, Lot 31. The motion was seconded by Mike S. The vote was unanimous.

Ed B. asked Harry B. about the mylars for Evelyn Bigelow, Don Bigelow, Terry Paye and Ken Mitchell. Harry B. said he had the mylars on his desk and he would bring them in to the town office. He said he did not believe there were any other mylars outstanding. Ed B. said he just wanted to make sure they weren't forgotten and asked Harry B. to bring them in. Ed B. asked about the recording fees. Harry B. said he usually bring the money in after the approval.

6. Correspondence/Communications

Don H. mentioned wetland and flood plain training in Orford on Thursday, Jan. 17. Don H. said he was going to go to the training and asked if anyone else wanted to go.

7. Reports of Committees

None

8. Pending Business

Tom F. asked if there was any news or communications with Darrell Hotchkiss about the Brill case. Ed B. said he had not heard a thing and would make another call to get the status. Ed B. said he would make a report for the February meeting.

9. New Business (Applications)

none

10. **Other New Business**

none

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

None

12. **Comments of the Clerk**

Ed B. said he will be in San Diego on Feb. 19, the date of the next meeting. He suggested the board move the meeting date to Tuesday, Feb. 26, or the board could go ahead and have the meeting on Feb. 19 without the clerk as long as someone took the minutes. The board decided to postpone the meeting until Feb. 26. Ed B. said he would take care of posting notices of date change.

13. **Comments of the Planning Board**

Mike S. asked about a quorum for the planning board. Ed B. said the board is actually supposed to be seven members, but there is one vacancy for a full member and there are no alternates. The quorum is four members, based on a seven member board, so two members can be absent and business still can be conducted.

There was some general discussion of the Brill case. There was some discussion about the planning board budget and the legal fees. Tom F. said there were cuts in the planning board legal fees. Ed B. said he would check with the town manager about the planning board legal fees. Tom F. said he was told there would be no money for any legal fees in the 2013 budget. Ed B. said he would check.

14. **Other**

None

15. **Adjournment/Next Regular Meeting**

A motion to adjourn the meeting was made by Mike B., seconded by Mike S. The vote was unanimous and the meeting closed at 7:37 p.m.. The next meeting will be Tuesday, Feb. 26 – a postponement from the normal third Tuesday of the month meeting.

Respectfully submitted,

Ed Ballam, Planning Board Clerk