

## **Haverhill Planning Board Minutes August 30, 2016**

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

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

The meeting was called to order at 7:00 by Chairman Don Hammond

Planning Board members present:

Don Hammond

Mike Bonnano

Mike Simpson

Howard Hatch

Tara Krause joined the meeting at 7:10

Clerk Ed Ballam was present.

Members of the public included Dennis Connole, Harry Burgess and Jo Lacaillade.

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

No alternates to designate

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

Mike B. made a motion to approve the agenda. Mike S. seconded the motion. The motion passed with a unanimous vote with no changes.

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

The minutes of the July 26, 2016, meeting were approved on a motion made by Mike B, seconded by Howard H. The vote was three in favor with one abstention, Mike S., who did not attend the meeting. Howard H. offered praise for the minutes for their accuracy and detail.

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

Don H. opened a public hearing on the proposed subdivision regulation amendments the planning board had previously reviewed and agreed on. Ed B. said the public hearing had been advertised in the Bridge Weekly, and posted in three places. He also said he made a consolidated booklet of just the changes for distribution at the public hearing. There were also several complete sets of the regulations available for review at the meeting.

With Don H.'s permission, Ed B. read each change. Several had no question or comments. On regulation. There were questions and discussion about the minimum lot size reduction for lots with municipal services like water and sewer. Ed B. said the planning board decided the minimum lot size may be reduced by 33.3 percent if the lot had both water AND sewer, changing the word in the current ordered which read OR. Ed B. said that might be the most significant change of all the amendments and he said some in attendance might have questions about it. Ed B. said that Mr. Connole has a lot in Mountain Lakes that could be affected by the change.

Mr. Connole told the board that after the last planning board meeting, he was told his lot was not buildable and he was quite upset about that. Ed B. wanted to set the record straight and make sure Mr. Connole understood that comment did not come from the planning board and the planning board never said his lot was unbuildable. There was some discussion about that and it was agreed that Mr. Connole would be given a chance to speak about the entire situation after the public hearing. He agreed to hold his particular questions and his turn on the agenda.

Harry B. noticed that it would be better to put a zero in front of the .46 acre requirement which would make it clearer and not give the impression that the board wanted 46 acres. The board agreed and suggested the zero be added to the amendments.

Jo L. asked what the rationale and reasoning was behind changing the OR to AND in the minimum lot size requirement. She said the only area that it would have any significant affect was in North Haverhill. Don H. said it wasn't only going to affect North Haverhill. He said it would affect all areas that don't have sewage disposal available. Jo L. said Mountain Lakes can't really be subdivided into any smaller lots, and Haverhill Corner has its own zoning to regulate minimum lot sizes, while Woodsville already has both water and waste water disposal available. She said the remaining areas of the town would have lots with their own wells and septic systems which would follow different rules than lots with water or sewage disposal available.

Don H. said he thought it was never intended to say OR. He said for as long as he was on the board, it's always been and. Jo L. said it wasn't. Don H. said the board always dealt with it as AND.

Jo L. said that if the ordinance was in place requiring both municipal water and sewer, most of the lots along Dartmouth College Highway would not exist. She said she had the map to prove it. She said many of the little lots along the side streets also would not exist. Jo L. said that the change would significantly change the kinds of lots that would be available on the streets. Don H. said the existing lots would be grandfathered and Jo L. said she understood it.

Jo L. asked the question again, why the board thought it was a good idea. She said changing the ordinance to require both water and sewer for the lot size reduction would hinder growth, specifically in North Haverhill. Don H. said he thought the lots were small enough without the reduction and he felt it was important to have both services available to create lots down to .46 acres. He said not many years ago, the board talked about having the lot sizes be one acre, period, regardless of where the lot was located. Jo L. said in the country, or rural areas, one acre lots makes sense, but not in the villages. Don H. said there are not many sites left in North Haverhill village available for subdividing. Jo L. mentioned property owned by Jonny Aldrich and near the Kinder's property on the other end of town. She said the Keith's property might also be affected. Don H. said that beyond Elm's property, it was all in conservation trust.

Don H. said he would hate to go any smaller than .46 on any property. Jo L. said that if a septic system couldn't be sited on the property, the owner wouldn't be granted a septic system which would take care of any issues with waste water disposal and minimum lot size.

Jo L. asked a third time why the board thought it was a good idea to change the OR to AND requiring both municipal water and waste water disposal to qualify for the reduction in minimum lot size. She said the decision would not affect her personally, although she lives in North Haverhill. She said she could not further subdivide her property, but she's concerned about future growth in the community. Don H. said it's what the board agreed to, to make the change. Don H. said the board talked at great lengths about the issue at its previous meeting. Jo L. said the minutes didn't reflect that. She said the issue came up at the end of the meeting and there wasn't much discussion. It was a unanimous vote, Don H. said.

Jo L. said she just wanted to know what the board was thinking. She said she believed that Tara K. felt strongly about changing it from OR to AND. Tara K. said she didn't really care one way or the other. She said she was OK with the change.

Harry B. asked if there were any special provisions for mobile home parks. He said most mobile home parks don't have lot sizes that are even 0.46 acres for each lot. Harry B. said campgrounds are also small lots.

Jo L. said that Howard H. has land that could be affected by the changes. She said she believes that Howard H. would never subdivide the lot going up the hill, but it would affect his property.

Howard H. said that lots that won't perc test can't be built upon. He said he ran into a situation with the ice cream stand. Harry B. said it was a challenge to get the septic system sited on the lot and land had to be borrowed from an adjacent lot. Harry B. said he believed that most of the numbers were very close to what the state would require for an approved lot. He said for a lot to be able to have both water and sewer on site at 0.46 acres, it would have to be all sand.

Jo L. said she had no problem if the state says the septic system can't go in on a particular lot and that makes sense. But, if the state says the small lot can accept a septic system, with town water, that's where she takes issue with the planning board's decision.

Tara K. said there are a lot of communities that allow much smaller lots than 0.46 areas as long as the water and septic is taken care of. I would be nice to require enough land to sight a second septic system if the first one fails, but she said that would be seriously forward thinking for a community to adopt that kind of ordinance.

Harry B. said most communities in this area have bigger lots, one acre, two acres, something like that. Tara K. said when she used to live in the "sprawl" the lots were tiny and it was awful.

Howard H. said there many mobile home parks in town that have community septic systems were more than one unit uses a septic system to handle the number of bedrooms in each unit.

Mr. Connole said he would like to address the slope issue as it affect his property. He said there are several homes across the lake from his property that are built on sheer slopes. He asked if those home had received waivers...

Tara K. said the Shoreline Protection Act prevents a lot of that kind of building and she asked Harry B. when the rule went into effect. He said he thought it was enacted in 2008. Tara K. said that would prevent a lot of that kind of building from happening in the future.

Tara K. asked Harry B. if lots in the surrounding communities are significantly bigger than Haverhill's requirements. Harry B. said "definitely." Jo L. asked if those lots he referenced were served by town water. Harry B. said yes they were. He said some towns have two acre lots even right in the village... He said he jokes with the Bath planning board that they killed the village. Jo L. said that was the goal.

Harry B. said a half acre, or three quarters of an acre is big enough, except in a mobile home park or a campground where you would want small lots.

Jo L. said, again, the only area of town the change would affect is North Haverhill. Harry B. said it would also affect Woodsville, which does have water and sewer available because they would still have to come up with 0.46 acres. Harry B. said it affect the whole town. He added you never know when someone comes in and says I am going to put in a development and I am going to have my own water and sewer system and I want quarter acre lots.

Jo L. said she just felt that if the state was willing to give a septic permit on a lot because it qualifies, the town should allow it. She said she's not asking for quarter acre lots because that's too small. She said Mountain Lakes has a lot of third acre lots. Don H. said Mountain Lakes was set up long before there was any planning board. He said if the planning board existed when Mountain Lake was laid out and constructed, it would be a completely different outlook and project. He said more than half the road would be paved because of the slope and houses wouldn't be built on the sheer cliffs. He said Mountain Lakes did whatever they wanted to do to sell property. No consideration was given for lot size or location, Don H. said, adding that the developers took advantage of a lot of people when it was created.

Jo L. said very few of the lots on Aldrich Lane, where Shawn Bigelow lives and the Norcross's would be allowed today using the new regulation. She said she that area is a big part of the village and that she also understands that they're grandfathered. Don H. said they would be nice big lots down there. Jo L. said the tax base would be reduced as well. Don H. said smaller lots don't help the tax base. He said if a house has three or four kids on a quarter acre lot, it would be better to have that same number on an acre with less density. He said the school taxes will be less with bigger lots. Don H. said the planning board took a vote and there was nothing that was going to change his mind about the amendment. He said the board should move with considering any other changes unless any one on the board wanted to speak. There was no further discussion of the change in the requirements for reducing lot sizes with municipal services.

Ed B. continued reading the changes. Many were simply read with no discussion. Howard H. made a comment about the board's requirement that private road construction be inspected daily. He said since the board decided to make this requirement, something had come up that might require even more supervision. He said a lot of things can happen in an eight or ten hour day during the normal course of doing business. He said the board ought to consider having a clerk of the works stay at the site to watch over everything that can happen. He said one of the best things

that happened in town regarding road construction projects is the town hired a clerk of the works for Clark Pond Road reconstruction project and he thought it came out pretty decent. He said it was good to have eyes there more than just once a day.

Jo L. asked for clarification between a town road and a private road. She said the Clark Pond Road project was a public road project. She wondered what the Planning Board could do or require for a private road. There was discussion about whether the town's road agent should be overseeing private road construction.

Jo L. asked Howard H. when did the planning board decide to have the town oversee private road construction. Don H. said it had always been that way. Howard H. said it's a good idea to have the town oversee the private road construction because there will likely be a time when the developer, or the residents will ask the town to take the road over. He said if the town has been supervising the construction, it will save a lot of headaches down the road. Jo L. said she understands the reasoning, but asked what jurisdiction does the town have over private roads. Howard H. said the biggest thing the town has to worry about is the entrance to the new road. He said there are so many culverts and entrances that have been done with no vision and haven't been done properly.

Jo L. said the logic of having someone there on site to monitor construction makes a lot of sense. She said the clerk was a godsend on the Clark Pond Road project and she hopes it's a practice that can continue on public roads, but she doesn't think taxpayers are going to want to pay for a clerk on private roads. Don H. said the developer pays for the clerk. There was some discussion about whether the regulations specify that. Don H. said it's discussed in 4.5.2.6. It was determined that the town does have the right to have its road agent or his designee, or a third-party inspector oversee the road construction at the developer's expense.

There was some discussion about whether to include the road agent in the inspection process on private road and to make all the relevant regulation consistent.

Harry B. said it makes sense to have the road agent be involved in the oversight of all the roads, including private roads. They are being built to one day be a town road and it can save problems if the road agent is involved from the start and they're being built to town specifications.

Don H. said there's a whole lot that can be missed if there's not someone there watching all the time. Harry B. said a contractor could crush a culvert or make an error and say, "nobody will see that" and it will cause problems in the future. He said the road agent is supposed to be the expert and involved in the road design and inspection, not the planning board.

Tara K. said the so called "Friel Amendment" were two lots can be served by one driveway makes it easier and less onerous for the applicant when it comes to road building. She said roads that serve any more than two lots need some oversight.

Don H. said he thinks the planning board ought to make a wholesale change to the ordinances and say shall be inspected by a third-party inspector throughout. Tara K. said as long as the third party has knowledge about road construction.

Jo L. said that action would take out the road agent and the highway committee from the process. Don H. said he doesn't think it's fair to the taxpayer to be paying him when he should be doing other things. Jo L. said the regulations say the applicant will pay for the inspection through reimbursement from the applicant. Tara K. said she fears that if a third-party inspector was put in wholesale, she fears unqualified relatives would be summoned in by the applicant to do the inspections. Don H. said the town has the right to pick the inspector. Tara K. said if you take out the road agent and some of the regulations it could leave the town open to having just anybody doing the inspections. Howard H. said the town could establish what qualifications the expert has. Mike B. said he too was worried about the qualifications and expertise of the inspector. Mike S. said that's why he likes the language that says the Town's Road Agent or his designee.

Ed B. suggested that the planning board stay away from personalities and individuals when considering the Road Agent. The regulations will be around a lot longer than individuals and the qualifications of the Road Agent shouldn't be part of the document.

Mike S. said he was in favor of leaving it as it is. Tara K. said she agreed. Ed B. pointed out the board needs to make a decision about whether the town wants an inspector on site for private road construction. The board was in favor of keeping this provision. Jo L. asked if it made sense to refer back to the verbiage in the existing ordinance that says the applicant is responsible for those expenses as outlined in 4.5.2.6. Tara K. said it made sense.

Ed B. said it's still unclear if the board wants a clerk of the works type person on scene at all times during construction of a private road. Howard H. asked for the definition of a private road, more specifically Benedict's Way. Jo L. and Ed B. both said it was a private road. Tara K. said the town had been plowing it. Jo L. said the town WAS plowing it, but the selectboard put a stop to that and the town is no longer maintaining the road in anyway and won't until it's accepted as a public road. Ed B. asked what Howard H.'s question is. Howard H. said the road is not built to town standards and there are a lot of house being built on the road. He said it could become a problem if the town ever takes the road over as a public way. Jo L. said the owner of the road has been notified that if the town were to ever accept it as a public road, it would have to meet all the standards applicable at the time the request is made. She also said the road agent and the town highway advisory committee would all have to agree that it meets the town's most current specs. Jo L. said she did not see that happening anytime soon as certainly not until some of the requested repairs and upgrades have been made.

Howard H. said it's difficult to make structural changes after the pavement has been applied. He asked what role the road agent has in the construction. He said he knows the road agent does the driveway permits, but he questioned what role the road agent has in the construction of roads. Ed B. said right now it would be to inspect construction once a day.

Jo L. said the road agent doesn't have any authority on private roads. Jo L. said she thought what the planning board is trying to do is excellent, but she doesn't know what authority the road agent has on a private road when it comes to state law.

Howard H. said he was not questioning the expertise of the road agent, but he did wonder how the planning board could verify or establish what expertise the third-party inspector would have

to do road inspection. Howard H. said the road agent is going to cost well over \$50 per hour. He said a developer might be able to find someone less expensive to do the work, but he wondered who would make the decision whether the person was qualified to do the inspections. He asked if it would be the planning board, the selectboard or the town manager. Jo L. said she would refer the question to the highway committee. She said those members are the town's experts who have knowledge of roads.

Jo L. said she doesn't think the planning board has the qualifications to know whether someone has the expertise to inspect roads. She said the highway committee does. She said if the planning board doesn't want the road agent to be the inspector for private roads, the regulations could say the third-party inspector must be approved by the planning board with the advice of the highway committee. That will take the road agent out of the process, which she said she didn't know if he could be involved in or not. Howard H. asked if the words were changed in the ordinance, would it trigger another public hearing. Ed B. said he thought it probably would require another hearing because it's more than just clerical. He said he'd have to look it up, but likely it would need another hearing. Mike S. said he believed it would as well.

Ed B. said it's more important to get the ordinances right than to try to avoid another public hearing. He said it's not difficult to hold a public hearing and the expense, at the outside, would be about \$100, which would include the labor for posting the hearing and the cost of advertising it in a newspaper.

Mike S. said he's in favor of leaving the ordinance as is with the road agent doing a daily inspection. He said he understood Howard H. point, but we are talking about private roads. Don H. said that there's some question about whether the road agent could legally require anything on a private road, according to Jo L. Tara K. said that she questions the logic of having a private road be inspected to make sure it meets town standards when it doesn't have to because it's a private road. Jo L. said until the developer or the residents want the town to take the road as public way, it doesn't have to meet specifications. Jo L. said if the regulation says all road must meet town specs, then it makes sense to have them inspected. Ed B. said it says that exactly earlier in the regulations.

There was some discussion about the value of a daily inspection versus and on site inspector. Jo L. said if the road agent, or someone else, inspects the site at 7 a.m. and crews work on it for the whole day, a lot could happen in that time. Mike S. said that work would be checked at 7 a.m. the next day. Jo L. there would be nothing to see if the work was buried. There wouldn't be a way to check the work as it was being done. Jo L. said the town had a clerk of the works on site for the Clark Pond Road reconstruction job all day, every day for the first two weeks of the project.

Don H. said 4.5.3 says if any private road is considered for a project, it must still meet the standards of a public road contained in the ordinance. Ed B. said the standard have been that way for a while and now the planning board is talking about creating a mechanism to make sure the developer does meet the standards. Jo L. said if that's the case, is the board going to ask for road plans for the project. Ed B. said the developers usually do submit road plans.

Harry B. said the developers typically hire engineers to do the work. Jo L. asked if that was in place when Jeff Elliott built Benedict's Way. Ed B. said that development pre dates his time working for the board so he can't answer it.

Harry B. said he was the surveyor for that project and he said Jeff Elliot had an engineer design the road. Don H. said the previous road agent, Sam Clough, did daily inspections of that project. Tara K. said Sam Clough knew before the pavement went down the road wasn't built right. Jo L. said how did that happen if the planning board had rules. Jo L. said she hears it from the planning board and from the public that the town has a lot of rules it doesn't enforce. She said if the planning board has rules that say private roads must be built to town specs, it needs to be enforced.

Ed B. said there really wasn't a way to enforce them without the inspection process, which is what the new revised regulations hope to achieve. Ed B. also referenced the regulation that requires a licensed engineer to design all roads and bridges in a major subdivision. There was some discussion that a major subdivision is more than two houses and who houses or less are considered driveways.

Tara K. said that makes sense because the financial burden on a property owner that just want to build one or two houses to design and build a road is excessive.

Ed B. said he thinks the board is well with its rights to say the town wants private roads built to town specifications and it wants the applicants to pay for it. He said the issue of whether daily is sufficient or a clerk of the works overseeing all construction is preferred. Tara K. said if there are only three or four houses on a 200 foot road, daily might be fine for inspection. She said there needs to be some flexibility so perhaps the regulation should say inspections will be done as needed.

Don H. said perhaps the need for inspections could be tied to traffic counts which is already outlined in the ordinance. Ed B. said there is language in the regulations on page 24 table 2. It says how a road should be built based on traffic counts. He said it might make a good way to determine inspection needs. He said the more houses there are, the higher the traffic count. He suggested the board pick a number that it's comfortable with and that number and anything higher would require a clerk of the works to be on site during road construction.

Don H. said the traffic count requires different types of road construction.

Mike S. said he liked the idea of using the traffic count as a trigger. He said the break point should be more than 50 trips per day. He also said it is the breaking point between gravel roads and paved roads. Mike S. said that anything less than 50 trips per day would require a once a day inspection. Anything more than 50 would require an on-site clerk. Tara K. said the regulation is based on 10 trips per day per household, so that would mean that road construction with five houses or less could be inspected one per day. Anything more than that would require an on-site clerk of the works. She said that way the financial burden of a full-time clerk isn't put on the smaller builders and property owners.

Don H. asked for Harry B.'s opinion. Harry B. said he thought 50 was a low number for requiring a clerk of the work to be on site. Harry B. said he also thinks the base of 10 round trips per household is kind of high. Harry B. said the break between dirt roads and paved roads makes sense from an inspection point of view because it is easier to core down into a dirt road to see what's going on, compared to a paved road which would require some repairs after a core was taken.

Howard H. said an issue came up with the town's road project on Clark Pond Road where core samples were taken and with a ¾ inch bore. He said it was done by a reputable company, but he had never seen a core sample so small. He said typically core samples are at least three inches round so it can be taken out and cut in half to get an idea of how the road is constructed. Howard H. said that it should be noted somewhere what core samples should be so when things are done in the future, they're done right. He said whenever a lesson is learned, it should be written down and passed along so it doesn't happen in the future. Ed B. said it's a good idea, but he didn't think the planning board should retain or require that information. Jo L. said the highway advisory committee will make note and follow a different procedure in the future should it need a core sample.

Ed B. said the board wants 50 or more trips to require a clerk of the works on the scene full time while the road is being constructed.

The board finished review of the rest of the amendments with no discussion or changes. It was determined that the change to the inspection requirements for public roads was substantive and would require a public hearing which will be done at the beginning of the next regular planning board meeting on September 27.

The public hearing on the proposed subdivision regulations was close at 8:10 pm.

Moving on in the agenda, and still under public appearances, Harry B. stood before the board with a conceptual discussion on a lot line adjustment for Carl Begley for property on Barber Hill Road.

Harry B. said that his client Carl Begley owns eight lots on the Benton Road up against the Benton Town line. He said Carl B. owns a private road that serves other lots and buildings. Harry B. said at the moment, he has six building in there and he would like two more for a total of eight. Harry said Carl B. has eight lots on Barber Hill Road and the area and he would like eight homes. He said all eight lots are grandfathered, gaining approval from the planning board years ago. To build two more houses on the property, he needs to shift some of the lot lines around.

Harry B. proceeded to describe the process of how that might happen. Harry B. said the project would require some "clever" lot line adjustments to fit two more houses in the development. Harry B. said Carl B. owns all the house. Harry B. said the adjustment would have to be made to lot 68, 57 and 58 to make it work. The board asked some questions. Don H. questioned the fact the applicant wants eight houses and eight lots and wants to retain ownership. Harry B. said the applicant rents the houses. Don H. said that if Carl B. sells one of the houses, he'll have to fix Barber Hill Road and pave it. Tara K. said that's not something that can or will happen. She said

the lots already exist and the planning board can't monitor real estate transactions. Don H. said the town would have to keep track. Jo L. asked why the town would do that because the lots already exist. Jo L. said he could sell all the lots and not have to improve the road. Tara K. agreed saying the lots already exist. Ed B. said if he tried to further subdivide anything, then he would be required to fix the road, but ownership isn't linked to whether the road would need to be improved.

Harry B. said all the lots were approved by the planning board 20 or 30 years ago. Don H. said there will be a time when a fire truck or an ambulance can't get up there and the town will not likely ever take over the road. Jo L. said the people who would buy the property will know that when they buy.

Tara K. said regarding the proposed lot line adjustments, she said Carl B. can do what he wants as long as he meets the regulations, particularly minimum lot sizes. She said what Harry B. is proposing to do, in theory, is fine. She cautioned that the board will be looking for irregular lot shape, minimum lot size and state approvals. Harry B. said the applicant wants to make sure the state approvals are in order before coming to the board.

Ed B. said he wants to know if the board wants to consider all the lot line adjustments in one application, or if they want to have three separate applications with all the fees and other requirements. Board members said they wanted three completely different applications, one for each proposed lot line. Harry B. said that doesn't make sense because they will need to be considered together. The board members still said they wanted three applications because they will look at each lot line adjustment separately. Tara K. said the board might be willing to approve one but not the other two and having three application will allow that flexibility.

Harry B. said the objective is to get eight buildings up there without doing a subdivision, rather doing through creative lot line adjustments. Harry B. said if he has to do something with a subdivision, creating nine lots, and then getting into the need to improve and pave the road, Carl B. would then try to maximize the land he owns and be seeing approve for 10 or 12 lots, or as many as he can get. Don H. had some questions about the preliminary map that Harry B. had presented. Harry B. explained them to Don H.

Ed B. reiterated that the board wanted three (3) separate applications along with the fees, for each of the three lot line adjustments. Don H. agreed and said that if there are three lot line adjustments to be made, each would need an application. Mike S. and Don H. asked for a plan reflecting the lots before the adjustments are made. Harry B. said he thought it would be better to do them all at once. Ed B. said they would be considered at one meeting, not three different meetings. Harry B. said the project is affecting more than three lots. He said there are no new lots created. Ed B. said that Harry B. would have to convince the board to do something else if he thought it should be one application. Harry B. questioned if the board needed three separate sets of maps. Ed B. said yes because each lot line would have to be recorded.

Don H. moved on to the next item on the agenda. Dennis Connole asked the board questions about his lot in Mountain Lakes upon which the dam's spillway is located. He referenced the lot as 38E.

Dennis C. said the Mountain Lakes District has been trying to negotiate the purchase of his property 38E for quite some time. Ed B. interrupted for a moment to let the board know that the piece of property they were looking at was exactly the same one it had looked at previously when Bob Long and Robert Roudebush attended a meeting several weeks ago to talk about a lot line adjustment.

Dennis C. said the district wants the dam and spillway because it has been ordered to make improvements to it. He said he and the district came close to making a deal for the district to own part of lot 38E, but it didn't happen because the price the district offered was 'ridiculous.' He said he paid \$6,500 for the lot 20 years ago and the Mountain Lakes District offered \$7,500 for the lot. Dennis C. said the town appraises the same lot for \$20,500 and he said he has complained about the price in the past and gotten nowhere with the town and the assessor's office. Jo L. said, just to be clear, that Dennis C. had gone to the NH Board of Tax and Land Appeals on Haverhill's assessment of the property and lost his case.

Dennis C. said he complained to the town and was told it was waterfront, something he disputes. He said the town changed it to water view. Don H. said it appears to be waterfront to him. Dennis C. said it's spillway, which he cannot do anything with. Don H. said technically, it is waterfront because there's water running down the spillway. Dennis C. that is unbuildable. He also said that even though the town changed the listing from waterfront to water view, his taxes never went down.

Dennis C. said he got a call the day after the board's last meeting saying the lot is no longer buildable. Ed B. told Dennis C. that the Haverhill Planning Board never said that. Ed B. reminded Dennis C. of a telephone conversation he had with him about this very topic. Ed B. said he also followed up the phone conversation with an email stating the same thing. Ed B. said if Bob Long said the lot was no longer buildable, he was sorry for that, but stated Bob Long does not speak for the Haverhill Planning Board. Dennis C. said he was told that 0.35 acres is not big enough to build a house on. Ed B. said that's true, and that's what was proposed, which is not buildable, but the lot as it is currently configured has sufficient size to be considered a building lot. Dennis C. said he did not understand. Ed B. attempted to explain that currently Dennis C. has a lot that has sufficient acreage upon which a house could be built. The proposed lot line adjustment make the land mass he wants to keep too small upon which a house could be built to conform with the town's regulations.

Dennis C. said he told the Mountain Lakes Commissioners that he was not interested in being left with a non-buildable lot and he was upset about the situation. He called up the NH Department of Environmental Service and spoke to Mr. Dion who said the lot line could be moved, with his permission back further into the spillway, which it is now. Dennis C. said that Mr. Dion from the state said that would be OK with him as long as Dennis C. did not do any work beyond the line.

Don H. asked Dennis C. if he was able to come up with the .46 acres, which is the minimum lot size requirement with the 33.3 percent discount for having a town, municipal water supply. Dennis C. said he thought he could by moving the rear lot line back. Ed B. said as long as the state says it's OK with Dennis C. keeping some of the spillway and using it to make the

minimum lot size meet the requirement, he said the board should be able to consider any lot line adjustment. Dennis C. said when he told the Mountain Lakes District he wasn't going to sell the lot or any part of it, the district threatened to take it by adverse possession. He said the district obviously doesn't know the law.

Dennis C. said part of his house, which is on a lot adjacent to lot 38E, is on that lot, 38E. He said his deck and all of his driveway are on lot 38E. He wondered if there was a way to make that adjustment too. Don H. said there shouldn't be a problem as long as Dennis C. can come up with .46 acres for lot 38E. Dennis C. said that was good news.

Dennis C. said he had one more issue to discuss. He said there are nine lots for sale in Mountain Lakes. He said he averaged them out and the cost is \$6,700. He asked why is he being taxed at \$20,500 for property valuation. Mike B. said he would have to take it up with the tax assessor. Dennis C. said he has taken it up with them and it's still at \$20,500. Ed B. said the planning board can't help with that issue. He said they can listen, but the planning board can't do anything to remedy his issue. Dennis C. said for the past five or six years, he's been objecting to his assessment and getting nowhere. And Ed B. repeated the planning board can't do anything.

Ed B. pointed out on the map how lot 38E would have to be configured to meet the .46 acres. He said if land need to be carved out to accommodate the deck and driveway, it would mean lot 38E would have to increase in depth into the spillway. Dennis C. reported that he understood that because he was a geography student. Ed B. said the goal is to make sure that lot 38E has to hit "the magic number" of 0.46 to be considered a building lot. Dennis C. said he understood that completely. Ed B. also said the planning board is going to have to see something, in writing, from the state allowing him to use the spillway as land area to be included to make up the minimum acreage to be a building lot. Dennis C. said he understood and already has emails that state that. Ed B. said it was going to have to be something far more official than an email for the board to consider it official. Ed B. said there are also negotiations that he'll have to make with Mountain Lakes to see if its commissioners would be willing to give up as much of the spillway as needed to keep lot 38E a buildable lot. Dennis C. said the precinct wouldn't really be losing the spillway because he wouldn't be allowed to do anything on that property.

Don H. said that when Dennis C. gets the letter from the state, Mr. Dion, he asked that it be sealed and sent to the planning board. Dennis C. said Mr. Dion from the state was very amenable to resolving the issues. Ed B. also told Dennis C. there will need to be a septic system design for the board to review. Dennis C. said he understood. Dennis C. said he won't be building on it, but he was giving the lot to his son and he might build on it. Ed B. said the septic system design is going to be important if anyone ever builds on it because it will be a requirement before any building permit is issued. Ed B. also he just wanted to make sure everyone was clear on what needed to happen. Dennis C. said he was clear on what need to happen. He said he didn't know all the answers and didn't really know what a planning board did, but he has a better understanding now. He thanked the board for its time and said Ed B. had been very helpful and he appreciated it. Ed B. said it just part of the job and most people don't understand what a planning board does and most people don't understand all the rules. That's why it's important to have communication and to talk to the board to get information clarified.

## **6. Correspondence/Communications**

Ed B. said the board had received a letter from the state DES about a temporary water crossing at Mountain Valley Treatment Center in Pike/East Haverhill. He said it was just a notice and he didn't think the board would have to do anything, but he had not had a chance to fully look at the notice.

Ed B. said there was a second alteration of terrain permit request forwarded by the state as a notice for Pete and Gerry's on Lummoxtown Road. Jo L. said she thought it was correcting a past issue. Ed B. said he thinks there was an issue with some wetlands being filled in towards the front of the property to create a crossing. It was pointed out that a previous owner did that. Howard H. said it might be an issue of storm water running off the roof and how it is piped and retained at the end of the building.

## **7. Reports of Committees**

None

## **8. Pending Business**

. Ed B. had placed on the agenda a possible vote on the amended subdivision regulations, but that will have to be delayed to the September meeting since a second public hearing will be required.

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

None

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## **10. Other New Business**

None

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

None

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

Ed B said he would make the change to the subdivision regulation to reflect the road inspection amendment, advertise the second public hearing and post it for the September meeting. Don H. asked if Ed B. had any conflicts and would be present for that meeting. Ed B. said he would be there and has no conflicts.

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

none

## **14. Other**

None

## **15. Adjournment/Next Regular Meeting**

Don H. asked for a motion to adjourn which was offered by Mike S. and seconded by Mike B. The vote was unanimous. The meeting concluded at 8:40 p.m.

The next meeting scheduled meeting is Sept. 27, 2016.

Respectfully submitted,

Ed Ballam, Planning Board Clerk