

Haverhill Planning Board Minutes Dec. 6, 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 Bonanno

Howard Hatch

Mike Simpson

Tara Krause showed up at 7:04

Clerk Ed Ballam was present.

There were several people in attendance in the audience. Paul Kidder, Jacob Burgess, Joanne Mann, Darleen White, and one other gentleman.

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2. Designation of Alternates

No alternates to designate

3. Agenda Approval

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

4. Approve Minutes of Previous Meeting

The minutes of the Oct. 25, 2016, were approved on a motion made by Mike B. seconded by Mike S. The vote was unanimous.

The board decided to take up item number 9, new business applications. Don H. opened a public hearing on a lot line adjustment for Lee and Cindy Waterhouse for property located at Tax Map 402 lots 103 and 103.1.

Jacob Burgess, a land surveyor representing the applicant said he had new plats to replace the ones he had submitted previously. Ed B. asked what the changes were and were the changes significant. He said a number of people had been in to the town office to review the ones that had been submitted previously. Jacob B. said the changes were not significant and mentioned one change was changing one of the lines from 247 feet to 250 feet to make it an even number. He said the Waterhouses are planning to add approximately an acre and a half to an existing 2 acre lot to make it a 3.5 acre lot. He explained that there are currently two separate lots and they would like to take an acre and a half from one lot and added to the other by means of a lot line adjustment.

Tara K. joined the meeting at this time.

Jacob B. said the subdivision that created the 2 acre lot was done in 2004 but it was not recorded. He said if approved the new lot line adjustment will be recorded as a separate transfer. Ed B. said the board had previously talked about this application during a preliminary review and the mylar had been generated and fees received for the recording. Ed B. said he was planning to have the chairman sign the mylar at this meeting.

An abutter, who did not identify himself asked about the lot line and for clarification about where the 250-foot adjustment is on the plat. Jacob B. pointed it out and the gentleman was satisfied and had no other questions.

An abutter, Joanne Mann, asked about the remaining 57 acres behind the homestead property. She said she understands that its sale pending and she had questions about the access to the remaining property. Jacob B. said there's an existing road below the homestead property that provides access to the Merider property and there's a deeded 50-foot access to the back 57-acre property from that. Jacob B. said there's also a woods road that is not shown on the map that would provide access.

Don H. asked if there were any other questions. Hearing none, Mike B. made a motion to close the public hearing at 7:07 p.m. seconded by Mike S. The motion was unanimously carried.

Don H. asked for a motion to accept it as complete. Mike B. made a motion to accept as complete an application for a lot line adjustment submitted by Lee and Cindy Waterhouse for property at Tax Map 402 lots 103 and 103.1. The motion was seconded by Mike S. the motion with the understanding that the previous mylar for signing is verified and double checked. The vote was unanimous.

Mike B. then made a motion to approve the lot line adjustment for the property of Lee and Cindy Waterhouse for property at Tax Map 402 lots 103 and 103.1. Mike S. seconded the motion and the vote was unanimous.

Don H. then verified the previous mylar and signed it. Don H. also looked at the mylar for the just approved lot line adjustment for the Waterhouse property identified as Tax Map number 402, lots 103 and 103.1 and signed the mylar and the plats.

Moving on to the second application of the meeting, Don H. opened a public hearing for a lot line adjustment submitted by Carl and Jennifer Begley for property on Barber Road further identified as Tax Map Number: 411, lot numbers 55 and 68. The hearing opened at 7:15 pm.

Ed B. asked Jacob B. if the plats are the same as submitted. He said they were. Ed B. said the application had been warned in the paper and abutters were notified by registered mail. Jacob B. said he was also representing the Begleys in the lot line adjustment application.

Jacob B. said his clients have two separate lots and they own 21 acres around the 1.6 acre lot. He said they are asking for the planning board to add land from the 21 acre parcel to the smaller lot to make a three acre lot. He said the lot lines to be adjusted are all internal lines as the Begleys also own three additional lots below the two under consideration.

Tara K. said this is the plan that Harry Burgess had talked to the board previously about, but it was different. Ed B. said Harry B. said he was going to take the plan back and make some adjustments based on what the planning board had said at the preliminary meeting.

Jacob B. said he and his client have decided to execute the plan in steps and this one before the board is the first one in the configuration the Begleys would ultimately like to have.

Tara K. clarified that the only thing the board was considering at the time was lot line adjustment between two parcels. Jacob B. confirmed that was all the board was doing. She said the board was being asked to take land from one lot and add it to another and both lots had the same owner. Jacob B. confirmed that was the request.

Abutter Don Dubois said he had several questions regarding the lot line adjustment. Don Dubois said he was representing a number of abutters of the property. Particularly he mentioned Don and Margaret Dubois, Camp Retreat and Norman and Nellie Dubois who could not make the meeting as they were in Florida. He added that Norman and Nellie did not get their registered letter until this day Dec. 6. Ed B. said all the letters were sent out well before Thanksgiving and before the 10 day requirement. Don Dubois said that might be, but they didn't get it until today.

Don Dubois asked why the lots lines are being moved. Jacob B. said he was not sure why the applicant wants to move the lines. He was retained to do it for within the regulations and that's what he did.

Don Dubois said at the August planning board meeting, the applicant, through Harry B. said the applicant would like to ultimately put up eight houses on his property. Jacob B. said he was not entirely sure what his client's ultimate plans are. Don D. said the August minutes plainly state that's what he is going to do. Jacob B. said that won't happen with just this application. He said there is a three step plan and there will be other lot line adjustments. Jacob B. said he's not sure what the goal is.

Don D. asked why else would he want to move lot lines as they have been established for a long time. Jacob B. said he 1.6 acre lot already has septic approval and has been deemed a buildable lot and he wants to expand the acreage on the lot. Don D. said he doesn't understand why he would want to do that. Jacob B. said it makes it a bigger lot and offers a little more room to breathe.

Mike S. asked if the abutters wanted to look at the plan and invited them up to see it. Don D. said when he first came here, it was three different lots and not the several lots it is now. He said lot 57 was not included in the plan originally. Jacob B. reminded everyone that the only two lots being affected by this application is lots 55 and 68. Don D. asked if he was creating two different lots. Jacob B. said it was only a lot line adjustment between two existing lots.

Don D. asked about a driveway and access to the property. Jacob B. said there is a driveway that will access both lots. Don D. said the Begleys must be planning to put houses on both lots. Jacob B. said not necessarily and there was no plan to put more than one house on the lot. Don D. said property owners can put as many houses as they want on property as long as the septic design will accommodate them. Jacob B. said the septic design for the smaller lot is only designed for one house. Don D. asked what would stop the applicant from getting another septic design system approve in the future. Jacob B. said there's nothing that will stop that in the future. Don

D. said that's exactly his point. He said he had done a lot of homework with the state of New Hampshire about septic designs and the state told him exactly that yesterday.

Don D. asked about a road outlined on the map and asked if it was already built. Jacob B. said that it was. Don D. asked whether the Begleys got a permit to build the road. Jacob B. said he did not know if the Begley's had a permit for the road or if they needed one. Don D. asked if the road was built to town specifications. Jacob B. said he was not sure if it was built to town specs.

Don D. asked the board about the planning board's rule that private roads have to be built to town specifications. He said no one has inspected the road. Jacob B. said that to his knowledge, no one inspected the road. Don D. asked if the road had been engineered. Jacob B. said to his knowledge it had not been engineered. Don D. asked if that was the case, where is all the water run off going from the road. Jacob B. said he was not sure where the water was going from the road.

Don D. answered the question and pointed on the map and said it was "going here." A woman in the audience who did not identify herself said aloud that it was going on private property.

Don D. said all the water was being diverted on to his lots below the Begleys' property. He said last winter there was so much water diverted to his property that it became "an environmental impact." He said a neighbor's oil tank that had been on the property for years and years and years got sheared off because they were chopping ice that had accumulated around it and lifted it. Don D. said 275 gallons of oil ended up in the ditch from it. He said that lot never had water problems previously and he knows the property well because his parents owned it for 20 years prior to selling it to the current property owners. He said he and his neighbors never had water problems but they now have extensive problems. He said it was all from water diversion from the road and the lots.

Don D. said in 2011, the state Department of Environmental Services and wetlands officials were up on the property inspecting the site because Begley is diverting the water all down to us. Jacob B. confirmed that the state had been out to look at the property.

Don D. said the Begleys' ultimate goal was to build the road and build additional houses on the land. Don D. said one house had been moved and questioned where it went. Jacob B. pointed out on the map the movement of the house on the plat. Don D. said he didn't understand why the plat didn't show the house that had been moved. Jacob B. said the house hadn't been moved when the land was surveyed and it was still under construction. Don D. said it still should have been on the map. The house was not part of the lot line adjustment under consideration.

Don D. said there will have to be other lot line adjustments in the future to accommodate other houses. Don D. asked about what they might look like. Jacob B. said other possible future lot line adjustments were not being considered at this public hearing and were not relevant to the application under consideration. He reminded Don D. that the application at hand was adding a parcel of land from one lot to another. He said he could not comment on any future developments that have not yet been presented.

Don D. asked if the road had been already constructed, wondered if it had been surveyed. Jacob B. said it had been surveyed in 1986 and laid out as shown on the plat before the planning board. Jacob B. said the road was not built when it was layout and he said he did not know when Mr. Begley started construction on the road to the two lots. Don D. said he knows. He said it has been under construction for the past four years. He said he and his wife live below the property and all they have been hearing is excavators and dump trucks running daily.

Don D. said he still had additional questions. He asked if Barber Road had been surveyed. Jacob B. said it has. Don D. asked if it had been recorded with the registry. Jacob B. said he wasn't sure if it was recorded. Jacob B. said Barber Road was laid out in 1986, or about that time when the original subdivision was created. Don D. asked why he wasn't sure if the road had been recorded or not. Jacob B. said he knows the subdivision had been recorded, but wasn't sure if it included the road. He said the road was laid out by the Burgess in 2007 at the request of Mr. Begley, but he wasn't sure if it was recorded. Don D. asked if it was a compass survey or a transit survey. Jacob B. said it was a transit survey and he was on the scene administering the survey personally.

Don D. asked if Mr. Begley got permits to construct the road in accordance with state RSA 674.41. Jacob B. said he has no knowledge upon which to comment. Don D. asked about an excavation permit to build the road. Jacob B. said he did not know if he had that either. Don D. said those permits are required to build the road. Don D. said the road was supposed to be inspected while it was being built even though it is a private road. He asked Jacob B. if he was mistaken on his interpretation of the laws. Jacob B. said it depends on the square footage of area that has been excavated. Jacob B. said if it is less than 100,000 square feet, it does not need to be inspected by an engineer.

Don D. asked about the layout of the overall property of owned by Begleys and whether or not the road was part of the Begleys land holdings. Don D. said that on his property, Mr. Begley has constructed a big garage, a saw mill, a road and a built a new house and excavated on several lots within his property holdings. Jacob B. said he is aware of some excavation, but he is not sure where or how extensive. Don D. said Mr. Begley has indeed done all that and consequently he assumes that it's already close to or exceeds the 100,000 square feet. Don D. said that's only 2.5 acres. Don D. said having said that, he believes Mr. Begley needs a permit to do that. He said it's called land displacement and water displacement and drainage and a permit is needed for drainage.

Jacob B. said none of the issues being discussed by Don D. have any bearing on the application which is a lot line adjustment to take some land from a larger lot and dedicate it to a smaller lot. Jacob B. said that's all that is not relevant to the application at hand.

Don D. said it is relevant when considering the overall intent of the applicant which his to create a development piece by piece by doing things like this and he is doing it right in front of the town. Don D. said the town is not going to accept the road because nobody can go up and down the road in the wintertime, including fire trucks and ambulances. He said he went up the road recently to take care of a home while its owners are in Florida and the road is a solid sheet of ice. Don D. said that means there is a legal issue to all these people living on the road that he says he

is building houses to rent them. He questioned who is going to monitor when people get sick or has a problem up on that road and the town is not legally tasked to go up that road. He said the firefighters and ambulances will probably try to get up there, but he questioned who is going to monitor the situation. Jacob B. said, again, that's not an issue under consideration during the discussion of the application at hand.

Don D. said Mr. Begley has said he's building houses to rent. He asked if they were seasonal houses or a campground. Jacob B. said he has no knowledge about how he wants to use the buildings on his property. Jacob B. said the only thing he has been involved in is the lot line adjustments and said that is the only thing that is relevant to the discussion at hand.

Chairman Don H. said the questions that Don D. has are once all the members of the planning board have had at one point.

Mike B. asked about which RSA he mentioned regarding the road. Don D. said it was 674.41 and he said is relevant to permission to build on a Class 6 road. Don D. said that's what he is doing because he is building a Class 6 road.

Tara K. said land owners can build private roads on their property at will and roads to nowhere all they want. Don D. agreed. Jacob B. said Barber Road is only deemed a class 6 road by town classifications. Jacob B. said Barber Road is a private road and it is not a Class 6 road unless the town takes it over and gives it a class 6 designation.

Don D. said quoting from the August minutes that Harry Burgess said Mr. Begley's objective is to get eight houses on the property without doing a subdivision using creative lot line adjustments. Quoting further, Don D. said that if a subdivision is done to build nine houses on the property, then Mr. Begley will follow the subdivision regulations and go for up to 12 lots.

Chairman Don H. said Mr. Begley can do whatever he wants with the property up on the hill as long as he gets the road up to town specifications and follows the subdivision regulations.

Tara K. said each time Mr. Begley puts an application to the planning board, the board members spell out the regulations and what will have to happen and he has to follow the regulations. She said if Mr. Begley follows the rules and meets the regulations, the planning board has no choice but to approve his applications, even if they are being done incrementally.

A woman who didn't identify herself commented aloud that the road has never been inspected. Tara K. said that doesn't matter because it's not relevant to the application at hand. Jacob B. said the private road is on Mr. Begley's property so the town doesn't have much, if anything to say about it.

Chairman Don H. said the road was constructed and the subdivision precedes all the current planning board members. He said he's not sure who the first person to live on the property was. Don D. said it was Bill Frizzel and he lived in an octagon shaped house. Don D. then further explained the order in which the homes on Barber Road were constructed by whom and the ownership at length.

Don D. said he was under the impression that if someone builds on a private road they have to improve the road to town specifications. Don H. and several other members said that was not the case.

The same woman who spoke aloud in earlier said there were comments made to that effect in the August minutes.

Chairman Don H. said Mr. Begley can build as many houses up there as physically allowed without any need to improve the road as long as there is no subdivision of property. If and when he starts selling lots and homes and physically subdividing, that's when the road will have to be improved to town specifications, including paving Barber Road.

Tara K. said Barber Road is already existing, is already being used and is already grandfathered in the way it is. She said it will remain that way until the town decides to take it over or the property is subdivided further. She said the other road that is leading to the lot under consideration really doesn't go anywhere else and it's not considered a road.

The woman from the audience said someone needs to go up and look and then say it is not a road. Tara K. said the construction methods and width, etc. don't matter when it comes to what is essentially a driveway. She said as far as town specifications and town classifications, it's not a road. She said it could be a rabbit path.

Jacob B. said the land in question was never laid out as a town road and was never taken over by the town. Chairman Don H. said further that it can't be taken over by the town because there is no access to it from a town approved road. He said Barber Hill road is not approved, far from it.

Don D. said he said he thought that a private road has to be built to town specifications today. Tara K. said that's correct, that a private road has to be built to town specs, but not ones built in 1986. Don D. said there's another road being built to access the lots in question being built currently. Tara K. said that road is all on his own property

Jacob B. said Mr. Bagley owns the land under Barber Road and there are private rights for land owners along it to use it. Jacob B. said the landowners and home owners along it have access rights.

Chairman Don H. said that the Begleys' day of reckoning is going to come when they want to sell the lots and the homes as a subdivision. Once they moved from being commonly owned, everything will have to be improved to meet town specifications.

The woman from the audience asked what happens if Mr. Begley dies. She asked if the town was going to be stuck with it. Chairman Don H. said that would not happen because his heirs would have to deal with it or leave it as is.

Don D. said it sounds like it might end up begin another Mountain Lakes defunct development. He said Camp Retreat owns property in Mountain Lakes. Chairman Don H. asked who owns Camp Retreat. Don D. said "we do, Margaret and himself.

Chairman Don H. said the planning board is only dealing with the 1.74 acres begin added to a 1.65 acre piece of property which will be known as lot 68. He said that's all the planning board is doing at this meeting, period. Chairman Don H. said this topic has been discussed a lot with various people including members of the Dubois family and the answer is always the same. There is nothing the planning board can do until and unless the Begleys start physically subdividing property on Barber Road. He said the planning board can't stop the construction of additional houses on the property.

Chairman Don H. said, hypothetically, if Howard Hatch wanted to build 50 rental houses on his property in the meadow, or somewhere, there's nothing the planning board could do to regulate it.

Don D. said he didn't want to "beat a dead horse," but there was no doubt in his mind that Mr. Begley is doing the lot line adjustments to build another house on his land. Don D. said that by adding to the lot, he avoids having to deal with the state for permission. In doing so, he will be able to build two house on the lot because the lot size is less than 5 acres.

Don D. said that Mr. Begley is just working around the town and the real reason he is present at the meeting was to call attention to all the water that is being pushed down on to his families' property. He said his family's property is being destroyed and said even the tax assessor can't believe what's happening. He said a trailer on one piece of property had to be torn down because it was rotting from the floor up. He said his porch is being compromised because concrete piling four feet deep are being pushed up from the ground because of water issues.

Don D. discussed at length the damage being done by run off and by what he characterized as unpermitted and perhaps illegal excavation on the property.

Chairman Don H. said the planning board has not been made aware of a gravel pit or any unpermitted excavating on the property. Jacob B. said the same, that he was not aware of any gravel pit operations on the property. Don D. asked Don H. if Mr. Begley needs an excavation permit to do the work. Don H. said he couldn't answer the question.

Don D. said he looked at the town web site and found a second that said permits and forms and under that heading, there's a permit for excavating. Don D. said also that because Mr. Begley is constructing a private road, he needs a permit and he's operating a gravel pit. Jacob B. pointed out that Mr. Begley is not actively selling anything from his property

The woman from the audience called out that it doesn't matter and he is still excavating and it affects her property. Jacob B. said whether or not Mr. Begley needs an excavation permit is not relevant to the application at hand.

Chairman Don H. suggested that Don D. check with the town office to see if he has an excavation permit and to get information about the permitting process. He said the board reviews gravel permits, but the permitting process starts with the town office.

Don D. said that he and his family are thinking about selling the lots to get way from Mr. Begley and his development. He said the property they own is turning into a mud hole because of his actions.

Mike B. suggested that Don D. stop in at the town office and see the town manager to get on the selectboard agenda for Monday, Dec. 12 and bring his concerns before the selectboard at that time.

Don D. said he's dealt with Town Manager Glenn English in the past, extensively and got nowhere to no avail. Mike B. said things are different now and there's a new town manager. Mike S. said there are also new selectboard members. Mike B. and Mike S. said there might be different answers and different levels of response now.

Chairman Don H. said the state would be better qualified to deal with most of Don D.'s concerns. He asked what the state has done to help so far. Don H. said there's no way that Mr. Begley would be allowed to divert water from his land on to the Dubois' land.

The woman from the audience said Mr. Begley is even though he can't and the state has been nothing but a wall when it comes to trying to resolve the issue.

Don D said state mentions the 100,000 square feet of excavation as its answer and Mr. Begley doesn't meet that on an individual lot. Don D. said that with all the things he's doing on the property he must meet the 100,000 minimum. The woman from the audience said they added up all the lots he was doing work on, and discounted some land and came up with at least 150,000 square feet of excavation.

Jacob B. said 100,000 square foot rule applies to each individual lot, not the sum total. Don D. agreed, but said he's done work on several lots on the plat as well as bulldozed a road around the entire parcel of land, right on all their property lines. Don D. questioned why he would do that.

Mike B. reiterated that Don D. bring his concerns to the selectboard on Monday. Mike B. said the selectboard could and can instruct the road agent to go out and check that road just to see what's going on. He suggested that Don D. stop by the town office and see Town Manager Jo Lacaillade and she can instruct the road agent to go out and check the road prior to Monday night's meeting.

Chairman Don H. said he didn't think there was much, if anything the road agent could. Ed B. reminded everyone that it is still a private road and the town has nothing to do with it.

Mike B. said people were putting the cart before the horse.

Chairman Don H. said he still thinks the best solution for the Dubois and other abutters is to pursue their complaints with the state because the town really doesn't have any authority in these matters.

Don D. said he has worked with the state and mentioned that he spent three hours with the DES just the day before this planning board meeting. Chairman Don H. said Don D. needs to make it clear that he believes water from Mr. Begley's land is being diverted on to their land.

Don D. said, again, Mr. Begley is dumping all the water from his property down through an adjacent lot and ultimately down on land toward the bottom along Route 116. Don D. said a state inspector has been on the property and even stated that same issue. Mike B. asked if the state inspector has given Don D. anything in writing. Don D. said he has nothing in writing. Mike B. said Don D. should ask for any report that has been created as a result of the inspection. Mike B. said the planning board can only look at the lot line adjustment application.

Don D. said that's the point of why he is attending the meeting. The more Mr. Begley adjusts the lines and the more buildings he puts on his property the more water his land receives. All the water from his property is being dispersed to his property. Don D. said Mr. Begley is doing it deliberately.

Chairman Don H. said the state has the authority to go after Mr. Begley for diverting water from his property on to Don D. Don D. said the only way the state can get involved is if he meets the 100,000 square feet of land under excavation. He said that's the only way the state can get involved. Don H. said there must be other ways the state can get involved.

Jacob B. said the state can be involved if the water division is notorious which means a culvert pointing straight at an adjacent property.

Don D. said again that's why the abutters are at the meeting because of the water problem, not because of the lot line adjustments. Don D. said Mr. Begley is definitely developing the land right in front of the board's eyes and there's no doubt in his mind there will be a building on the lot.

Chairman Don H. said he also believes there will be a building on the lot.

Don D. said he builds things on the property without building permits and he doubts any of the homes have been inspected even though they are being rented. Don D. said property owners can't build their own septic systems, or electrical systems or plumbing and rent it out. He said if it's your own home and you live there, and not go there as a camp you can do your own work. Chairman Don H. disagreed, as did Tara K. they both said home owners can't do their own plumbing.

Don D. said all the houses up there have some type of propane appliances and the installer has to have a propane license to do the work. Don D. said that's all he has to say.

Chairman Don H. said he was sorry the planning board couldn't offer much help. He said all the board can do is point in another direction.

The woman from the audience said the only thing to do is "let the bully build 12 houses up in there." Don D. said that's what is ultimately going to happen. He said it's a slow subdivision. Don D. said he's doing it a piece at a time because he doesn't want to seem overzealous.

Don D. thanked the board for its time. Mike B. reminded Don D. to stop in to see the town manager. Don D. left the meeting as did the woman who spoke from the audience at 7:43 p.m.

Tara K. refocused the board on the application at hand and restated the request which was to annex a piece of land from a larger lot to the smaller lot by moving a lot line. Jacob B. said it is actually a new lot, but an important one as the rest of his plans hinge on this lot line adjustment.

Ed B. mentioned that he just noticed the plat doesn't have contour lines on it. Jacob B. said for a lot line adjustment it doesn't need the contours. Ed B. said it would be up to the board members whether they wanted the contour lines or not. Ed B. said he remembered there was discussion about steepness of the area and he wanted to make sure the board had the information it needed to make the decision. Jacob B. said there is a significant elevation change from Route 116 to the height of the land where Mr. Begley is developing the property. Jacob B. said the top of the hill is level.

Chairman Don H. said it's difficult to get up to the houses, but that's not a concern regarding the lot line adjustment. He asked for a motion to come out of public hearing at 7:45 p.m. which was made by Mike S. and seconded by Mike B. The motion passed unanimously. Tara K. asked about road frontage on one of the lots. Jacob B. said there was no road frontage on the particular lot in question, but it is the way it was laid out during the original subdivision. He said access was envisioned by the private road that was built and shown on the plat.

Tara K. asked how the board felt about lots with no road frontage. Jacob B. said the lot has access, by default, to the road that Mr. Begley is building in case the lots were ever sold. Chairman Don H. said it appears the property has deeded access and he pointed it out on the plat. Tara K. acknowledged the access and Jacob B. said that access would go with the property. Tara K. said she was OK with that arrangement. Ed B. said it would likely be considered a driveway at that point.

Tara K. said she had no reason not to approve the application. Chairman Don H. said all the board was doing at this meeting was considering the lot line adjustment.

Ed B. mentioned that the lot line adjustment created an irregular shaped lot. He said he just wanted to make sure the board was aware of it. Tara K. said it's not significantly more irregular than it was originally. The board said it was OK with the shape.

Chairman Don H. asked about another access point that goes down to Route 116. Jacob B. said the land is steeper than Barber Road and exists purely to meet frontage requirements. He said there would never be any way to put a road on it.

Chairman Don H. said he has issues with the development of Barber Road, but there is nothing the planning board can do about it and they have no reason to deny the lot line adjustment.

Tara K. said there could be an issue with the irregular lot shape, but reiterated that it was no worse than what had originally been approved by a previous board. Other members agreed.

Ed B. said the board can, and should accept it as complete at least and take the vote on that matter. He said he had all the necessary components for the board to make a decision. Chairman Don H. asked if Jacob B. had a mylar for the application. Jacob B. said he did not have one because of some potential issues with the application.

Tara K. said she would be happier with the plan if the lot shape was a little less irregular. Jacob B. said Mr. Begley might make future adjustments that will make the lot shapes more appealing for potential buyers in the future. Chairman Don H. said he doesn't think that one of the lots remaining is buildable. Jacob B. agreed and said it's likely that land will be annexed into one of the two lots that are now being discussed.

Chairman Don H. said he had no problems with the lot line adjustment as presented.

Mike B. said he had a question on subdivision regulations 4.1.8 regarding irregular shapes. He read a portion of the regulation. Jacob B. said the lot was already irregular before the lot line adjustment request had been made and the others adjacent lots were also irregular. Other board members said they were not considering the other lots in this application.

Ed B. said one could argue that by approving the adjustment, the board was technically making the lot more irregular. Also, Ed B. pointed out the board had generally been lenient about irregular shapes on larger lots and this one under consideration is 21 acres. Chairman Don H. said the board could ask the applicant to change the lines to be more conforming.

Jacob B. said that because the town doesn't have zoning, he said he doesn't think the board could force his client to change the shape. He said the board could make suggestions and his client might be willing to make the changes, but he couldn't say for sure without checking with Mr. Begley.

Tara K. said that if it were not for the neighbors, it's unlikely the board would have given the application as much scrutiny it has. Chairman Don H. said it's also not the first time the abutters have been before the planning board talking about many of the same issues.

Mike S. made a motion to accept as complete the application of Carl and Jennifer Begley for property on Barber Road, identified as tax map 411, lots 55 and 68 and Tara K. seconded the motion. The motion carried with a unanimous vote.

Mike S. then made a motion to approve the lot line adjustment for property at Map 411, lots 55 and 68. The motion was seconded by Mike B. There were four affirmative votes. Board member Howard Hatch abstained from the vote. He said he has not walked the property and was not familiar with the application.

Further, Howard H. said Herb Reed once told him to never take a plan to the planning board that shows everything. When he created the mobile home park, he said take one or two in at a time and you'll get it approved every time. Howard H. said he would rather see a plan that showed everything that was going to happen. Howard H. said there's arrogance being shown because the board was told that some of the lot lines that were approved now will be changed in the future.

He said there are buildings that are over the line, or on the line and there's additional work that will need to be done in the future.

Jacob B. said there are some buildings that are crowding lines and only one that will need to be fixed. He said there was an old house on the property that was bisected by a lot line, but it has since crumbled.

Ed B. said Chairman Don H's comment about the day of reckoning is going to come when there's a sale or subdivision of any of the lots on the property. Don H. said and it will cost a lot of money to make the road meet town specifications.

Chairman Don H. told Jacob B. that he will have to get the mylar into the town office with the payment to get the plan recorded. Ed B. asked if the Burgess, as the applicant's representative will be responsible for the fees. Jacob B. said yes. Ed B. said there have been issues in the past where Harry Burgess has said the client was responsible for the fees. Jacob B. said he as the representative will be responsible for the fees and will bring it in with the mylar.

There will be a need to have the plats have a signature stamp on them for the chairman. Jacob B. said he would have Harry B. bring the stamp with him when he brings in the mylar and the recording fees.

5. Scheduled Public Appearances previously scheduled.

None

6. Correspondence/Communications

Ed B. said he had received a request from the estate of the woman killed in front of the Cumberland Farms store for all documents related to the approval process. He asked help and clarification if the planning board had any involvement in the process. It was concluded that the board was just made aware of the project as a courtesy, but had no direct involvement in the approval.

Also under correspondence, Ed B. pointed out that the planning board needs to meet monthly, so the combine meeting for Nov./Dec. was not appropriate. He offered the RSA to support the selectboard's observation. Ed B. said the selectman was right and he apologized to the board for leading the members astray.

Ed B. said that Town Manager Jo Lacaillade asked the board to take a look at a land survey done for Doug Henson in 2001. The town is in negotiations to sell land once used as a landfill to Hensen. The town would like to use the survey to establish a boundary between the Hensens' land and the town land and record it in the Grafton County Registry of Deeds.

Tara K. said the request to sign a mylar was a "blind request" because there's nothing to compare it to. Ed B. said it's a survey and the board is being asked to look at, discuss issues, or sign it.

Tara K. said her issue is she doesn't what is recorded which could be oppositional to what is being presented.

Don H. asked what a range line was as found on the plan. There was some discussion, but no definitive answer was decided.

Howard H. said the issue is about drainage on the property. He said a lot of water runs down Airport Road and on to the land that was once the town dump. Howard H. also there's an issue that the landfill was once on Doug Hensen's property. He said there needs to be a culvert installed to keep the water out of the landfill.

Mike B. said the issue is there's no definitive boundary lines. He said the property is going back out for bid.

Tara K. said for her to consider the request, she needs to see the tax map or mylars for surrounding properties so she knows there won't be any disputes that with what the planning board might sanction.

Mike S. said the request seems like a back door way to gain approval.

Don H. said the water hadn't always been diverted toward the landfill and it was only in the past few years. Howard H. agreed and said Sam Clough, former town road agent, is the one that diverted the water three.

Ed B. said the water issue was not what the board was asked to consider, only the lot lines.

Mike B. said the selectboard talked about the lot lines at length at its last meeting.

Howard H. said he has walked that property a number of times and is not sure where the line is unless it is Cold Spring Brook.

Don H. said it's difficult to determine lot lines without any firm back line. Ed B. said he would get the tax map just for reference. Mike B. said the lines would be on the mylar. Ed B. said there is no mylar and the idea was to create a mylar from the hard copy the board was reviewing.

Ed B. said the survey the board was reviewing would become a recordable document if the board agreed with the survey. Don H. said there's no back lot line delineated. He said there are two pins and a "squiggly line between the two. Ed B. asked if the boundary could be the brook which is indicated by the squiggly line. Howard H. said he thought the lot line in the rear might be near the brook. Ed B. said maybe the brook is the lot line.

Don H. and Howard H. said a lot of the land around these properties are not accurate on Henson's survey. Ed B. left the room to get the tax map at 8:11. He returned at 8:14. During the time he was out of the room, the board chatted about the meeting schedule and the decision to combine Nov. and Dec.

The board reviewed the tax map. The board noticed several differences between the survey and the tax map including the shape and size of the lot. Tara K. said there is no way she could OK the survey for recording. The board said the tax map and the survey were not even close.

Ed B. asked the board, for the record, how they wanted to respond to the request from the town to consider the survey for recording. Tara K. said there were too many inconsistencies and irregularities between the tax map and the survey. Howard said the lot sizes are significantly different. He said it doesn't look like it is possible to close the corners on the lot.

Tara K. said Doug H. should not want the survey recorded because, by comparison with the tax map, it looks like he would lose at least an acre and a half from the lot. Ed B. said if the deal with the town is consummated, he will own it all anyway and it was his survey in the first place.

Howard H. said he is not sure that Doug H. wants the property any longer. Howard H. said that Doug H. made an offer and it has been "bounced around" and the town has already spent \$600 on lawyer fees for the sale.

Don H. said there's no way the planning board could accept the survey because there are too many discrepancies on the survey. Ed B. said he would make that happen and convey the board's decision. .

7. Reports of Committees

None

8. Pending Business

Ed B. said the board had a request to review a building permit on a Class 6 road. He said by town regulations, permits for commercial buildings on Class 6 roads need review and comments from the planning board. The application was submitted by Mathew Bjelobrk, 85 Sinclair Road, Tax Map 411, and Lot 93. Ed B. said he believes the intended use was for some sort of therapy center. The board reviewed the tax map and Tara K. found the property on line with her computer and found the aerial view of the property. After reviewing the application, the tax map and the aerial view on line, the planning board had no concerns with the issuance of a building permit for the said property. Don H. suggested that a sign be placed on Lime Kiln Road to indicate the business was located off that road at 85 Sinclair Road.

On other pending business, Don H. said the hour was late to begin any continued discussions about the Master Plan. The topic was deferred to a future meeting. Tara K. asked what the planning board's goal was in reviewing the master plan. Don H. said that it has to be done every once in a while. He said the various department heads, like the recreation department and others will update their particular sections.

Ed B. said when the current Master Plan was completed in 2008, there was a significant committee with a number of townspeople involved. He said it was up to the board to decide whether to do that again, or a hybrid of the process, or something completely different. He recommended the board replicate what was done in the past to get a true reflection of what the community wants.

Don H. said the planning board has done its part of the master plan update by completing the update of the Subdivision Regulations.

Ed B. said the planning board will have to decide what they want to do to take the next step, either establish a new committee or come up with something different. He said with the moving aloft to have zoning in town. He said the master plan might be the vehicle to discuss the topic and move toward it if that's what the town wants. Don H. said if a questionnaire is sent out as part of the review, a question about zoning could be sent to everyone in town.

Tara K. said she would want to have all sections of town, like Woodsville, North Haverhill, Haverhill Corner, and other communities in the town included. Ed B. said the master plan is supposed to be a global and include all sections. Tara K. said if the board was just looking housing or utilities, they are handled completely differently in all the sections in town. Ed B. said there was some time to get it done, but only a year to get it all done if the board wants to meet the goal of having it updated every 10 years.

9. New Business (Applications)

See above.

10. Other New Business

None

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

None

13. Comments of the Planning Board

Don H. said he was pleased the full board was present for the meeting.

14. Other

None

15. Adjournment/Next Regular Meeting

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

The next meeting scheduled meeting is scheduled for Jan. 24. Note, there are five Tuesdays in January.

Respectfully submitted,

Ed Ballam, Planning Board Clerk