

Haverhill Planning Board Minutes

Feb. 24, 2015

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
Bill Daley
Tom Friel
Mike Simpson

Tara Krause was not present and excused from the meeting

Also present in the public was Jacob Burgess

Clerk Ed Ballam was also present

2. Designation of Alternates

No alternates to designate

3. Agenda Approval

Tom F. asked that there be an addition to the agenda to take care of the clerk's evaluation. He said Town Manager Glenn English had asked it to be done. Don H. said it should go under the heading of "other new business." The members were in agreement. Mike B. made the motion to accept the agenda with the amendment, seconded by Mike S. The vote was unanimous.

4. Approve Minutes of Previous Meeting

Tom F. said he had not been receiving minutes at his correct email address. He said he was getting them on the Town email account, not his personal account. Ed B. said he had been sending them to the town account because Tom F. said his home one was not working and it would reject emails as spam. Tom F. said he was having trouble with the town's email account, not the town's account. Ed B. said he would return to using Tom F.'s personal email account in the future.

Bill D. wanted to confirm Don H.'s email address which is pugs43@myfairpoint.net. Ed B. said he had a number of different email addresses for Don H., but he confirmed the current address.

Tom F. said he didn't know why Ed B. stopped using his home email which had been used for years, Ed B. said he did so because he recalled Tom F. saying his Earthlink account had been hacked and was

rejecting emails. Tom F. said he only had trouble with the town account. Ed B. apologized for the confusion.

Ed B. asked for some clarification about the tape recording of the meeting. He said it appeared the meeting continued after the tape ended, although it didn't seem like there was much discussion left. He asked the board to take a close look at the minutes for the end of the meeting. Ed B. said there didn't seem to be any comments from the planning and the tape ended mid-sentence on "other new business." The board members said the minutes looked fine and reflected what happened at the meeting. Mike S. then made a motion to accept the minutes of the Feb. 27 meeting as presented. Mike B. seconded the motion. The vote was unanimous.

5. Scheduled Public Appearances previously scheduled.

Don H. opened a public hearing on a minor subdivision for Gladstone Brothers LLC, Walter Gladstone, for property on South Court Street.

Ed B. said the meeting notices were posted, abutters notified and the meeting was advertised. Ed B. said the application was complete, however, he did not believe there had been payment made. Ed B. said he sent Harry Burgess, the applicant's representative, an email with the correct fee totals. Ed B. said the fee schedule could not be found when Harry B. was in the office to drop off the application. Jacob B., Harry B.'s son and representative for the hearing, said Walter Gladstone was made aware of the fee and said he would stop by and pay it. Ed B. said he'd have to double check with the selectboard's staff to see if that happened. In the meantime Ed B. said the board should proceed with the review of the application, but hold off on the signing of any mylars and the recording, if the board approved the application, until payment had been received and confirmed. Jacob B. said he didn't have any mylars prepared for the subdivision and Harry B. was on vacation so he wouldn't be available to render any until a later date.

Ed B. distributed the plats and said it was the same plan the board had looked at during the January meeting. Jacob B. confirmed there were no substantive changes to the plan.

Jacob B. said the intent is to separate the buildings from the cornfield. He said the proposed lot around the building is around three acres and a test pit had been done in the end of January to make sure the site could accommodate another septic system if needed. The site has a current working septic system, buildings on the site and an existing driveway. Jacob B. the state application had been filed, but nothing had been received, but he was anticipating approval soon. Tom F. wanted to clarify the state approval for the septic. Jacob B. said the property has an existing, working septic and the applicant only had to prove that the property could handle construction of a second, backup system if the primary one failed. That's what is awaiting approval.

Tom F. said he saw no problems with the application as long as it got state approval for the backup septic system and the payment has been received.

Tom F. made a motion to accept the application as complete with the exception of payment which must be received before any mylar is signed. The motion was seconded by Bill D. The vote was unanimous.

Mike B. made the motion to approve the minor subdivision of Gladstone Brothers LLC, Walter Gladstone for property on South Court Street, Tax Map 402, Lot 12 with the condition that payment has been received and the state grants approval for the secondary septic system. Tom F. seconded the motion and the vote was unanimous.

Moving on to the second schedule public hearing, Ed B. said he was surprised that Tom Smith, the surveyor representing Howard Hatch was not in attendance to present the lot line adjustment. It was noted that Howard Hatch, the applicant was also not present.

Ed B. said, however, that everything was in order, the hearing had been warned and the application was complete. He said he believed the board could go ahead and consider the application for property on Route 116, Map 206 Lot 27 and Map 406 Lot 19.

The board wanted to look at the plan. Don H. said Tom S. had a rough sketch when he did a preliminary consultation with the board in January.

The plats were laid out before the board and the board reviewed them. Tom F. said he had looked at them and didn't see any issues. Ed B. said he was not present at the January. The board had questions about the lot sizes and rights of way to the rear lot. Don H. said it looks like a subdivision. Tom F. said he too thought it was a subdivision by taking making two lots out of one. Ed B. said he looked at it differently, saying it appears that an existing line was being moved and bent around to carve out the garage and bus depot, leaving the remaining land in the rear open. The end result, Ed B. said was there were still only going to be two lots, not three, so there was no subdivision. The board then had questions about the lot sizes and the number of acres in the remaining agricultural land. The board thought the written application and the

Neither the applicant nor his representative was present to answer the board's questions.

Bill D. said the subdivision rules say the applicant appears before the planning board to have the application considered. Bill D. then said he doesn't see anyone before the board to have the application considered.

Ed B. said the applicant's representative appeared before board last month, but it's completely up to the board how it wants to proceed.

Bill D. said because the board has questions, it's important that the applicant or his representative be available at the meeting to answer them. He said the board doesn't need to be any more of a rubber stamp than it already is.

Mike B. said the chairman of the board, Don H., said years ago that the board need to do things right and according to the book. He said to stay consistent he said he thought it was best to table the application. Tom F. and Mike S. voiced agreement.

Mike B. then made a motion to table the application, in accordance with regulation 3.1.2.1 regarding lot line adjustments, which calls for the applicant to appear before the board and, whereas the application appears different than the plat and the board has questions and the applicant have the opportunity to

correct the application and appear before the board. Bill D. During discussion of the motion, Don H. said he didn't see anything wrong with the application. Mike B. said he believe there's a discrepancy in the lots sizes between what appears on the written application and what is shown on the plat. Don H. asked if the applicant had been notified. Ed B. said he did not send a notice to Tom Smith, the surveyor, but a notice was sent to the Hatches at 401 Clough Road and the return receipt was signed by Kendra Hatch. Don H. said if the applicant or his representative had been present, the issues could have been resolved. The vote to table was unanimous.

6. Correspondence/Communications

Ed B. had one, a notice from Littleton on a decision for a personal wireless tower on Mann's Hill. He said that was sent to the town of Haverhill as a courtesy because towers have regional impact. No action was required, but he wanted to make sure the Haverhill Board knew about it. Ed B. also mention about the state's spring training planning and zoning conference in Concord in May. He wanted to make sure the board was aware of it. He asked the board to consider the opportunity and get back to him.

7. Reports of Committees

None

8. Pending Business

Ed B. reminded the board it had wanted to start reviewing regulations, particular when there's no other business to take care of, but with two applications this evening, the board may not want to do that. There was consensus to skip the review this meeting.

9. New Business (Applications)

No other applications had been received. Don H. asked about Kevin Horne's request for a review of his gravel pit and closure. Ed B. said the board had postponed consideration of the request until the spring. Ed B. also explained that he understands that Kevin H. had put the property into current use, so he is all set for the moment. Ed B. said he would send a letter to Kevin H.

10. Other New Business

Don H. introduced the topic of the clerk evaluation. Ed B. said the board can choose to do it right at the meeting and in years past they have taken them home. He said it was the board's decision. By consensus, the board decided to do them right at the meeting. Tom F. said the last time the evaluation had been done was two years ago. Tom F. asked after they were completed, who took possession of them. Board members suggested he take them back to the town office. Tom F. asked for an envelope which could be sealed and marked with a signature to prevent tampering. Ed B. retrieved a manila envelope from the office supply closet. Tom F. asked for Scott tape so he could seal it and sign it too.

The board decided to make the evaluation period from Feb. 2014 to Feb. 2015.

Upon retrieving the envelope and tape, Ed B. asked the board to make sure they note that he is tardy with minutes. He acknowledge it is a very weak point for him and expected it to be reflected adversely in the evaluation.

Mike S. about procedure and whether he should sign it. Ed B. said it's his decision. Ed B. said in the past, Town Manager Glenn English takes and reviews the evaluations and discusses issue with him as

necessary. All the evaluation were collected by the chairman who signed the tape and gave it back to Tom F.

11. Public Appearances (Not Previously Scheduled)

None

12. Comments of the Clerk

Ed B. wanted to notify the planning board of a meeting the ZBA would be holding on March 12 to consider an aquifer protection exemption application received from Ocean State Job Lots to create a loading dock on the Central Street side of the building. The idea to put a Dollar Tree in the unused part of the building. No planning board action is required, but he just wanted to let the board know as a courtesy.

Ed B. also wanted to make sure the planning board was aware of a petition received by the town to close a portion of Airport Road to take out a 3/10 th of a mile by the airport runway. He said the action, if approved by the voters would end up making a very long, dead-end road and the planning board in the past hasn't been keen on that road configuration. Bill D. said it is not good for police, fire and emergency personnel and road plowing. Ed B. wanted to know if the board wanted to make any kind of statement about the petition, the board declined to make any formal statement.

13. Comments of the Planning Board

Mike B. asked if the board was seeking proof of renewal of from the engineers and surveyors who appear before the board. Ed B. said he thought when an engineer or surveyor stamps something, that's their proof they are in good standing and licensed. Ed B. said he thought that when the surveyor stamps it, there are enforceable penalties, something like perjury, if they use it incorrectly. Ed B. said he would check to see what is required to prove renewals.

14. Other

None

15. Adjournment/Next Regular Meeting

Bill D. make a motion to adjourn the meeting Mike S. seconded the motion. The vote was unanimous. The meeting ended at 7:50 p.m.

Respectfully submitted,

Ed Ballam, Planning Board Clerk