

## **Haverhill Planning Board Minutes Jan. 24, 2017**

### **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

Tara Krause

Howard Hatch was at a budget meeting.

Clerk Ed Ballam was present.

Bob Long was the only member of the public present.

#### **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 Dec. 6, 2016, meeting were approved on a motion made by Mike S, and Mike B. seconded the motion.

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

None

#### **6. Correspondence/Communications**

None

#### **7. Reports of Committees**

None

#### **8. Pending**

Master plan review was skipped to take a look at new applications first. The board, later, decided to table discussion of the master plan until the Feb. 2017 meeting. Don H. said perhaps the selectboard should seek volunteers to serve on a committee to get a broader view. Don H. said when the last master plan review was done, there were 30 people involved who broke into subcommittees. Don H. said the committee could be smaller. Don H. said the committees met on their own for at least a couple of months. The results of those meetings were turned into the planning board who arranged it and held a public hearing and then adopted the master plan, Don H. said. Don H. also said it's important that the public have a say in how they want the town to be in 10 years. He said it shouldn't be just the planning board as that's not fair to the town, the document has to include public input. Don H. said the board doesn't represent everyone in town and there needs to be more voices. Don H. asked that Mike B. bring up the idea of having a master plan committee to the selectboard. Mike B. said there should be an advertisement in the

paper. Tara K. said perhaps there should be signs up at town meeting seeking volunteers to serve on the committee.

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

Mike B. made a motion to take up the voluntary lot merger of Dennis Connole Map 201 286 and 287. It was seconded by Mike S. The vote was unanimous. Bob Long, a commissioner for the Mountain Lakes District, spoke to the application.

Bob L. said Mountain Lakes District purchased the entire lot from Dennis Connole which includes the spillway for the district's dam. Bob L. explained, pointing on a map, that the district purchased the spillway from Dennis C. and will annex it into adjacent land the district land.

Another portion of the lot will be annexed into Dennis C.'s adjacent lot.

Tara K. asked if the district will retain lot 287. Bob L. said lot 287 is being split. Tara K. asked that means the district will retain what parcel of land.

Ed B. said there are two separate voluntary lot mergers involved with this transfer of land.

Bob L. explained who is going to retain what in the deal. The planning board expressed some confusion about the lots owned by Dennis Connole and Mountain Lakes. Bob L. said that part of lot 286 will go with 285 and part will go with 287.

Don H. said that the deal means that Dennis C. will not be allowed to build on the remaining lot. Bob L. said that has been a sticking point during all the negotiations, but he is aware that the lot was and will continue to be unbuildable. Don H. asked Bob L. what Mountain Lakes plan to do with the expanded lot. Bob L. said the land the district is acquiring is the emergency spillway for the lake and the district wants to own that property for maintenance purposes.

Bob L. said a 20 foot right of way on the parcel has been removed and it is deeded back to Dennis C.

Tara K. said she understands that removing rights of ways are extremely difficult to achieve.

Bob L. said all the documents and paperwork have been signed and motorized. Ed B. said he just noticed that one of the documents does not have an embossed, raised notarized mark. Ed B. wondered if it would be a problem with the Registry of Deeds. Bob L. said he also noticed that and asked the lawyer who said it is not a problem.

Mike B. asked if there was a final plat available for the lot adjustment. Ed B. said it is two mergers, not a lot line adjustment. Ed B. said the board has everything. Don H. asked if there was a mylar. Bob L. said the mylar has been completed, but it could be recorded with the deed. Don H. said he would have to sign it before it could be recorded. Ed B. said the board was given two voluntary mergers to consider and that shouldn't need a mylar.

Ed B. asked Bob L. if the lot had been subdivided. Bob L. said the lot was cut virtually in half. Don H. said it doesn't show it on the map.

Tara K. said it depends on how the board handles it. Ed B. said he would defer to what the board decided. He said two voluntary mergers were submitted, but it appears it's actually a subdivision.

Tara K. said it looks like there are three lots that are going to become two. Don H. said there's a split of lot 286 and pieces will be added to 285 and 287 and 286 will be eliminated.

Don H. said what the board has is not what it needs to make the application work. Tara K. said what the board has is not a voluntary merger. She said there is a dividing of lot 286, so it's a subdivision. Ed B. said the final paperwork was submitted at the start of the meeting by Bob L. and what was presented was two voluntary mergers.

Tara K. said it's not her objective to make things difficult and the entire board wants the deal to go through and the district owning the spillway, but it has to follow the rules. She said the applicants and the board don't want the application to come back because rules were not followed.

Bob L. said all the language is included in the deeds and spelled out in the agreement. Don H. said it doesn't matter, there will need to be an approved, signed mylar to submit to the Grafton County Registry of Deeds.

Ed B. said he was not aware there was a subdivision incorporated with the voluntary merger. Ed B. showed Bob L. a sample mylar and Bob L. said the district's attorney has one already to be recorded. Ed B. said there was a step skipped in that lot 286 needs to be subdivided and that would require a hearing before the planning board and approval before it's recorded. It's not something that can just be signed without consideration and approval of the board.

Mike S. said it looks like it could be a lot line adjustment and a voluntary merger. Tara K. said it will be a split with two different owners.

Bob L. said the district has already purchased the property. He said it was bought, paid for and recorded. He said the district owns "that property." Bob L. said Mr. Connole retained the ownership of the other piece of property.

Don H. said that's not possible and it can't be recorded because the planning board didn't approve the division of the land and he as chairman didn't sign it. Bob L. said part of it was recorded, but he wasn't sure what part. Don H. reiterated that it couldn't be recorded without his signature and approved by the planning board.

Ed B. said a purchase and sale can be recorded. If the district bought all of 286, that could be recorded. Don H. said it looks like the lot is going to be subdivided to achieve what Mr. Connole and the district want.

Tara said Mr. Connole has to subdivide the lot if he wants to sell part of it. Bob L. said from what the district's attorney thought and what Mr. Connole's attorney thought is the purchase and sale was going to be done and then go to the planning board for the lot line adjustments. Ed B. said lot line adjustments are different than voluntary mergers. Bob L. said he meant it was a voluntary merger.

Don H. said what is being presented is a subdivision of the property

Bob L. asked what needed to be done. Ed B. asked if the attorneys have copies of the subdivision regulations and Bob L. said yes, both attorneys have the regulations. Ed B. said that he doesn't understand what happened.

Mike B. said if it is a subdivision, there needs to be a public hearing, and for a minor subdivision it needs to be noticed and the abutters need to be notified. Ed B. said if the board is asking for a subdivision application, yes, abutters need to be notified.

Don H. read a portion of the notes on the plat that was submitted at the meeting. It acknowledges that there's a subdivision and it complies with all regulations. Tara K. that says that whoever made up the plan understood it was a subdivision.

Mike S. asked for clarification why it would be considered a subdivision. He said if 286 is merged with 287 that would eliminate 286 and then a lot line adjustment would complete it. Mike B. said it's actually a subdivision because half goes to 285 and half goes 287.

Don H. said once 286 is subdivided, the voluntary mergers could be completed. Don H. said because there are two separate owners, there will need to be a subdivision of that one lot. Tara K. said it's not possible to merge and adjust two different lots without a subdivision. By consensus, the board said there needs to be a subdivision before the lots can be merged.

Ed B. explained to Bob L. the process for subdivision and apologized for not noticing that sooner. Ed B. said if the application is turned around quickly, it can be put on the February agenda. Bob L. asked about fees and times. Ed B. also said Mr. Connole needs to be the applicant for the subdivision. Ed B. said if there were four lots to start with, and not creating a fourth lot, the voluntary merger would have been sufficient.

Bob L. asked about abutters. Ed B. said it's incumbent upon the applicant to come up with the list and Ed B. said he would help with that process, but it needs to be the applicant's submission. Bob L. offered to keep all the original applications for the voluntary mergers. Ed B. said that would be fine.

Mike S. asked if there was any formal motion the board should take. Ed B. said there was not really anything to vote on. Tara K. suggested a motion to table action on the voluntary mergers for Mr. Connole and Mountain Lakes. The board thought that was a good idea. Mike S. made said motion to table the Mountain Lakes District voluntary merger Map 301 lots 286 and 287 and Dennis Connole voluntary merger map 201 lots 285 and 286 on the grounds a subdivision was needed for lot 286.

Moving on to another voluntary merger, Don H. introduced Earl and Diane Brock, map 204, lots 199 and 200. The board looked at the application and the tax map and briefly discussed the request.

Mike S. made a motion to approve the merger, seconded by Mike B. The vote was unanimous.

## **10. Other New Business**

Ed B. informed the board that two applications had been received from Carl Begley for property on Barber Road. He advised the board not to open the applications and discuss them during the meeting. He was just letting the board know they were in hand. He also wanted to let the board know that the 30-day clock was now running on the applications. That means the board might have to meet before the next scheduled meeting on Feb. 28. Mike B. asked if we can get a waiver from the applicant. Ed B. made a call to Harry Burgess and left a message. The board decided to hold a meeting on Wednesday, Feb. 15 if the applicant was unwilling to wait for the Feb. 28 meeting. Ed B. said the files are public record and available for review by anyone, but he said it's not a good idea to open them up and discuss them during the meeting. The board did not discuss the applications any further.

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

None

**12. Comments of the Clerk**

None

**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 7:45 p.m.

The next meeting scheduled meeting is Feb. 28.

Respectfully submitted,

Ed Ballam, Planning Board Clerk