

Haverhill Planning Board Minutes Oct. 25, 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

Mike Simpson

Howard Hatch

Tara Krause was absent with illness

Clerk Ed Ballam was present.

Harry Burgess was in the audience.

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2. Designation of Alternates

No alternates to designate

3. Agenda Approval

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

4. Approve Minutes of Previous Meeting

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

The board decided to take up item number 11, public appearances not previously scheduled. Mike B. made a motion to hear a public appearance out of order on the agenda. Mike S. seconded the motion which passed unanimously.

Harry B. approached the board with a preliminary plan for Lee and Cindy Waterhouse for property located at Map 402, Lot 103.1 and 103. He said back in 2003, the Waterhouses appeared before the planning board with a minor subdivision to subdivide out 2.04 acres with an existing house, septic and waterline from a 59 acre lot. Harry B. said it appears the plan was approved, but never recorded. He said the tax map shows a separate lot 103.1. He said he doesn't believe the lot would have been assigned if it wasn't approved by the planning board. He said the Waterhouses have been taxed for separate lots for 13 years. Harry B. said Lee Waterhouse had no idea it hadn't been recorded because there was no deed transfer as he still owned both parcels.

Harry B. said the Waterhouses have someone that is interested in buying the house, but wanted a bit more than the 2 acres it came with. The Waterhouses said they wanted to do a lot line adjustment and add a little more to the house lot from the remaining 57 acre adjacent parcel he still owns. Harry B. said there wouldn't be any problem doing what he wanted, he just needed to know how much to transfer from the bigger lot to the smaller lot and he would draw up the maps. The plan called for a total of about 3.5 acres to be dedicated to the house lot. During a title search or review by a lawyer, it was discovered that the minor subdivision was never recorded. It had been approved by the planning board, but never recorded with the registry of deeds. He said that left the question of what to do with the planning board and whether or not the Waterhouses should apply for a new subdivision or come in with a new plan incorporating the previously approved subdivision along with the new lot line adjustment. Ed B. asked Harry B. if he still had

the original mylar and if so, it could be recorded tomorrow. Harry B. said the original mylar is not around or available but he could probably make one. Ed B. if he has a signed copy of the plan, or if he has checked with the town to see if there is one on file. Ed B. asked Don H. if he wanted the clerk to go look for the file, he said yes. Ed B. left the room to retrieve the Waterhouse subdivision file and reminded the board they were still being recorded. Ed B. left the room at 7:07

Harry B. said he wondered if moving forward if the existing house lot should just be considered a 3.5 acre lot and recorded with the lot line incorporated or what to do. Mike S. said he would like to see what is in the file. Don H. said it seemed to make sense to record the previous subdivision before moving forward. Harry B. said the land was never transferred and no deeds were recorded. He said if it had been sold to someone else, it would have had to be recorded. Mike S. asked if the Waterhouses got two tax bills. Harry B. said yes, they get two separate bills and the lots show as separate on the town's tax map. Don. H. questioned how the tax map could show two lots if the plan had not been recorded. Harry B. said he assumed the assessor got a signed copy of the approved plan and made the adjustment accordingly.

Howard H. said the same thing happened with property he owns. He said he bought a section of land from the Vazquez's in back of the Church of the Nazarene. He said he bought the land bank on the back of the property to make room for a house the county had wanted moved. Howard said the land was taken from the Vazquez's property and added to his property. He said there remains three acres, enough for two houses which was sold to Dave Locke and Dave Locke is already got the lot back on the market. Howard H. said he bought the land from Mrs. Vazquez and Herb Reed did the transaction and Gary Wood did work and Harry B. did the survey and then the ball was dropped somewhere. He said the people on the planning board back then didn't do their jobs, or someone didn't do their job. He said Susan Brown was the chairman. Howard H. said his situation was almost the same as the Waterhouses.

Ed B. returned to the meeting at 7:09 with the file which revealed the original plan to the town had been approved and signed by Susan Brown in October 2003.

Ed B. said the planning board today takes care of the recording of mylars to avoid just this kind of circumstance were the plan was approved but never recorded.

Mike S. asked would the money for the recording have been collected by the town, and what should the board do if it had. Ed B. said there's no way to determine if the money had been collected for recording and it may not have been because from what he has determined it was on the applicants to do the recording.

Ed B. said he thought the reasonable solution would be to have Harry B. makes a mylar of the approved subdivision and the current planning board chairman sign it for recording. It would not have to go through a public hearing and it would make a clean slate upon which the proposed lot line adjustment could be made.

After some discussion, Mike S. made a motion to allow the Waterhouses to create a new mylar based on the approved plan, signed by Susan Brown on 12/16/2003, and authorize Chairman

Don Hammond to sign the new mylar for recording. It was seconded by Mike B. The vote was unanimous. Ed B. said that as soon as he gets the money for the recording, he will have the chairman sign it and get it to the registry of deeds for recording.

Don H. asked Harry B. if he had any other business for the board to consider. Harry B. said he had one other for John Wolter and JCSCR LLC, Mountain Valley Treatment Center, located in the Old Creamery building in East Haverhill. In a preliminary discussion, he mentioned the owners want to have an easement for a well and waterline from the top of the hill to the building and to across the street to another school building and a new “mess hall” for the students. The idea was to merge lots 18 and 19 and then eliminate another lot line. Ed B. asked if the lots had common ownership and Harry B. said they did.

The board reviewed some preliminary plans and asked questions. The board said they had no concerns about the proposal. Harry B. said he would prepare it for the future, but he did not think it would be ready for the November.

5. Scheduled Public Appearances previously scheduled.

None

6. Correspondence/Communications

none

7. Reports of Committees

None

8. Pending Business

9. New Business (Applications)

None

10. Other New Business

Ed B. said that Mike B. had asked about the Master Plan and Ed B. said he had printed out copies for the board members. Ed B. said he wasn't sure where the planning board wanted to go with it, but pointed out that the last time it was done, it was a lengthy process with many people involved. Mike B. said the board should take the printed copy home and review it. Mike S. said he agreed with that. Don H. said there are several committees. He said the department heads can take care of the various parts of the master plan, such as the recreation director can take care of the recreation component and the conservation commission can take care of that part while the planning board has already taken care of the land use portion. He added the heritage commission can take care of part and there's an economic development committee now was well. Mike B. said he thought a lot of the master plan should be redundant. Don H. said if Sherri Sargent wasn't to make a change or update her portion of the master plan, she can.

Ed B. said on page two of the current master plan, which is physically about 10 or more pages in the document, it has the list of master plan advisory committee members who were involved with the creation of the document. Ed B. said the board may want to consider recreating that committee, with new people but said it would be up to the board to decide. Mike B. said there would have to be new people on the committee because some of them were no longer around. Ed B. said he was just suggesting that the board follow that model with an advisory committee, not actually trying to recreate the committee from 2008.

Mike S. said the board should read the document before trying to figure out how to update it. Mike B. said the more people involved the longer it will take and the more confusion there will be. Mike B. said there's already a master plan document and maybe the board could go through page by page to determine if there's any updating that needed to be done.

Don H. said that Andy Smith, a consultant, is still working for UNH. Don H. said the board should read the document and then maybe just insert some new names for the department heads. Mike B. said he could get all the new names of department heads and committee chairman and Chamber of Commerce content and cross out the old names for updating.

Ed B. said the process might require more than just reviewing the document and might actually require a new committee to develop a new plan. Don H. said he thought the department heads and committee chairman could take care of their portions and update the plan from there.

Also under pending business, there was discussion about the meeting schedule for the rest of the year. After some discussion, the board decided to have a combined meeting for Nov. and Dec. on Dec. 6 as the next meeting date. Mike S. made a motion to have a combine meeting for Nov. and Dec. on Dec. 6, and Mike B seconded. The vote was unanimous.

11. Public Appearances (Not Previously Scheduled)

See above

12. Comments of the Clerk

none

13. Comments of the Planning Board

Howard H. asked if there was any way to develop a checklist for applicants so people know what they have to do to complete an application. Howard H. said he had an issue with a transfer of land from an abutter but the deed never was recorded. Ed B. said the Planning Board doesn't have anything to do with deeds and its responsibilities end with the recording of the plat. Don H. said a deed can be drafted if the plat has not been recorded. Ed B. said that was not the issue that Howard H. was mentioning. Howard H. said Gary Wood was the lawyer involved with the original transaction and his records are tied up and in another lawyer's control. The board said that if there was a problem with the plat not being recorded, and there's a signed copy of it with the town, it could be remedied by recreating a mylar from the recorded plan and have the chairman sign it just as was done with the Waterhouse plan. Ed B. said he would go down to the town office to check on the plan. Howard H. said the previous owner just sold the remaining property to David Locke and he doesn't know anything about the transaction

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 7:50 p.m. The next meeting scheduled meeting is scheduled for Dec. 6.

Respectfully submitted,

Ed Ballam, Planning Board Clerk