

**Town of Haverhill
PLANNING BOARD
Meeting Minutes
Tuesday, July 27, 2021, at 7:00 PM
R. E. Clifford Memorial Building
65 South Court St.
Woodsville, NH 03785
And on Zoom**

1. CALL TO ORDER: Gary Hebert, Chair, called the meeting to order at 7:00 PM.

Roll Call Attendance: Howard Hatch, Select Board liaison (Here); Joe Longacre, Vice Chair (Here); John Nelepovitz (Here); Don Hammond (Excused); Gary Hebert, Chair (Here). A quorum was met.

Town Employees Present:

- Jennifer Boucher, Assistant Town Manager
- Joanna Bligh, Planning Board Clerk, Project Coordinator

Member of the Public Present: Harry Burgess (surveyor), Mike Lavoie, Judy Whitcher, David Whitcher.

2. Designation of Alternates: None.

3. AGENDA APPROVAL

- Longacre asked to include under New Business a discussion of the roles of the Haverhill Corner precincts and the Town's planning boards, and why there are two board making decisions on one issue.

MOTION #1: Longacre made a motion and Nelepovitz seconded the motion to approve adding a discussion of precinct vs. Town planning boards under New Business.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Hebert noted that discussion will be listed after Burgess' input.

Hebert stated that Rules of Procedure will be taken off the Agenda because corrections are needed.

MOTION #2: Longacre made a motion and Nelepovitz seconded the motion to approve the Agenda as amended.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

4. APPROVAL OF MINUTES FROM THE PREVIOUS MEETING

MOTION #3: Longacre made a motion and Nelepovitz seconded the motion to approve the Minutes from **June 22, 2021**, as amended.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

5. PUBLIC APPEARANCES (previously scheduled): None.

6. PUBLIC HEARING: None.

7. NEW BUSINESS

Lot Line Adjustment / Brian and Chery Young, Carroll and Verna Young, and Michael and Rebekah Young (Map 410, Lots 34, 35) CORRECTED MAPS

Burgess reported that it was pointed out to him that the northern boundary of Lot 35 was out of scale, which he corrected on the revised maps, took the revised maps with no additional fees to the Registry of Deeds, and had them cross reference the new maps to the recorded plan/map.

Hebert and Boucher signed the revised mylar for the LLA for the Youngs, and Burgess confirmed that he would take the revised, signed mylar to the Registry of Deeds for recording and cross-referencing.

Building Permit / Begley 2021 / Map 411, Lot 55 (On Hold)

Begley Lot Line Adjustments 2017 / Background

Burgess presented a history with photos of the two 2017 lot line adjustments based on Planning Board minutes and votes from January, February, and March of 2017. Burgess provided the Board with two mylars that were not produced or recorded in 2017. Burgess stated that in 2017, there was a three-step process for the Begley subdivisions – one was approved and recorded, number two and three, which were lot line adjustments, were not recorded. Boucher noted the lot line adjustment were approved with conditions. Burgess stated that the condition was placing a culvert on the property to prevent run-off onto the abutter’s property. Burgess stated that the culvert was installed, and he provided photos of the culvert from that time and recently.

Burgess presented the mylars from the March 28, 2017, Planning Board approvals of:

- Begley, LLA, Map 411, Lots 57, 68 / Approved by the Planning Board by unanimous vote.
- Begley, LLA, Map 411, Lot 56, 57, 58 / Approved by the Planning Board by unanimous vote.

Hebert asked if there was any further discussion. Nelepovitz asked about Lot 68. Burgess clarified the lot line adjustment sequence. Boucher brought up the tax map for further clarification.

MOTION #4: Longacre made a motion and Nelepovitz seconded the motion to reaffirm the Planning Board approvals from March 28, 2017, of Begley, LLA, Map 411, Lots 57, 68 and for Begley, LLA, Map 411, Lot 56, 57, 58 and approval of the mylars.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Double Planning Boards Issue

Hebert stated that an email was sent by the Town Manager related to the Haverhill Corner Planning Board and the Town of Haverhill Planning Board. Hebert stated that the Haverhill Corner Planning Board has the same authority as the Town's Planning Board by statute. Hebert read from the Town Manager's email:

“One of the biggest concerns is that, over time, there has likely been many changes to parcels in Haverhill Corner that have not been captured by the Town for assessing and tax purposes. To ensure all parcels within the Town of Haverhill are correctly documented, we will have to go back through all actions by Haverhill Corner Planning Board.”

Hebert noted that the Town Manager wishes to first go back two years and then work backwards from that.

Longacre agreed that the Haverhill Planning Board has to be notified of any subdivision actions in the precincts' planning boards or zoning boards of adjustment, but Longacre asked why there is a duplication, and if the precinct boards approve the subdivision, the Haverhill Planning Board can be notified and approve the subdivision without the applicant going through all the motions a second time, especially with the abutters' notifications.

Hebert noted he likes the plain language of the law, and he read RSA 673 about establishing planning boards. Boucher used the example of town and state and the sometimes overlapping processes. Boucher explained the subdivision regulations from the precinct and the Town. Nelepovitz asked about the regulations in Mt. Lakes, and Boucher continued that Mt. Lakes has zoning and not subdivision regulations. Hatch asked Mike Lavoie about the Haverhill Corner historic district area. Lavoie stated that in Haverhill Corner precinct there is a Planning Board and a Zoning Board of Adjustment.

Lavoie stated that he spoke to the Registrar of Deeds, and she suggested that there might be a lack of communication between the precinct and the Town. Lavoie noted that Wednesday, July 28, Haverhill Corner will hold their Public Meeting about his lot line adjustment, and he read from the RSA that one board can receive from another board.

Hebert asked why the Town is even involved in the precinct's subdivision regulations. Nelepovitz asked if the larger Town can override the decisions of the precinct. Boucher stated that the Town attorney stated that the applicant needs approval from both to make the process legal. Discussion continued.

Lavoie continued that because the Haverhill Planning Board can accept from another Town planning board and he has a plat application in process, a purchase-and-sales agreement, and a closing date, will he have to come to the Haverhill Planning Board next month for approval. Hatch asked for Burgess' input. Burgess replied that he has worked with properties in two towns, and they have a joint hearing by statute for subdivision review. Boucher stated that she suggests a joint meeting. Hatch suggested a meeting for

the precinct to come to the Haverhill Planning Board for approval. Hebert noted that the Board can address the issue in the rules of procedure.

Boucher suggested a meeting of the Haverhill Planning Board in two weeks to allow time to notify abutters. Discussion continued reading from the Planning Board Handbook, Procedures on Plats, from the NH Office of Strategic Initiatives and from RSA 676:4(I). Hebert suggested doing a conditional approval of the plat per statute and receiving a copy of the Haverhill Corner Meeting Minutes showing approval of the application, but the rules of procedure will have to be revised. Boucher noted that it has to be already set forth in the Planning Board subdivision regulations.

Boucher reiterated having a meeting in 2 weeks for review of Lavoie's lot line adjustment.

Hebert stated that the Board will waive all fees, send abutters' letters, and have a meeting in 2 weeks.

MOTION #4: Longacre made a motion and Nelepovitz seconded the motion to approve the next meeting of the Planning Board to be held on **Tuesday, August 10 at 7:00 PM.**
Voice Vote: All approved, none opposed, none abstained. The motion passed.

MOTION #5: Hebert made a motion and Longacre seconded the motion to approve waiving all fees for the Lavoie application.
Voice Vote: All approved, none opposed, none abstained. The motion passed.

Building Permit / Kirkwood / Map 406, Lot 008-1 / Comments Only

Hatch: He asked about the buildings behind the structure, and discussed the delay in updating the tax maps. He had no problems with the Kirkwood deck. Hatch noted that the driveway changed from Reed Lane to Horse Meadow Road.

Longacre: He asked if the Planning Board comments on all building permits. Boucher noted that only if the construction is on a private or Class VI road.

Nelepovitz: No comments.

Hebert: No comments.

Hammond: (Excused)

PENDING BUSINESS:

Master Plan Updates

Bligh discussed the Master Plan noting that the RFP was redistributed to a larger audience of vendors, and the proposals were due July 9 and only one proposal was returned.

- Longacre addressed the handwritten note signed on the last page about virtual meetings and the lack of internet service in upper Grafton County may cause

problems with those virtual meetings. Boucher noted that the town is moving toward an updated version of Zoom.

- Hatch, Nelepovitz, and Longacre questioned the cost of \$22,000 for the Master Plan. Hebert suggested Hatch bring it up to the Select Board and the Town Manager. Longacre noted that with virtual meetings, you will only get a select group of individuals, and we want more involvement than that.

Whitcher Pit Update

Boucher spoke with the owners Judy and David Whitcher, and they could not find the permit and we went through the Minutes and could not find any approval of a permit. Boucher continued that the Town does have a report from Fuss & O'Neill with recommendations. Boucher noted the Whitchers have provided a bond and what remains is the Excavation Permit approval with recommendations listed.

- Hatch asked if the bond is appropriate in someone else's name. Boucher stated that the bond is on behalf of the Whitchers.
- Judy Whitcher stated that her attorney confirmed that the bond could come from the operator, Chief Crushing and Logging, which was submitted in May 2021. And, J. Whitcher continued that they had state approval as well. The Board discussed the bond, which is in the Whitcher's name.
- Longacre asked if the conditions on the Excavation Permit verbatim from the engineers' report. Bligh replied that the summary of the report was for both pits, and she separated the wording for each Permit.
- Hebert asked about a reference to the bond in the Permit. Boucher noted that the bond is not a condition because the Town already has it.
- Longacre has concerns of the safety of the cut slope, which needs a barrier.

MOTION #6: Hatch made a motion and Longacre seconded the motion to approve the Excavation Permit for two pits: Rt 25 Quarry/Gravel pit and the North Ledge pit.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Town Pit Update

During a Select Board meeting, Hatch brought up the need construction fencing along the top of the excavation slope. Boucher will follow up with the Town Manager about the bond and permitting.

Woodsville Pit Update

Boucher stated that the Town attorney noted that according to RSA 155:E(I)(d) regarding reclamation bonds for grandfathered pits, and asked if members had any knowledge of Woodsville pit applying for a grandfather permit in 1979.

- Hatch previously looked at the 1946 Town Report, which listed Woodsville with a new pit in 1946.
- Boucher noted that this RSA was drafted in 1979, and there is no history of a report or permit from the Woodsville pit from 1979 to 1991. Boucher noted that if no report was submitted to the Planning Board during that time, the pit is not considered grandfathered; therefore, they need to have a reclamation plan and bond. Boucher noted one other point – if any topsoil is removed, the section is considered a new excavation area and needs permitting.
- Hebert asked if the Woodsville pit received written notice from the regulator in 1979 or within the 12 years thereafter.
- The members were concerned about the removal of topsoil.
- Hatch provided some history of the removal of sand from the Woodsville pit, and he stated that the issue is safety.
- Longacre agreed with the need for a safety barrier at the top because the berm that they have is not adequate and the slope exceeds the allowable slope under the requirements.
- Hebert suggested more research on the issue and to assign an engineer to investigate the Woodsville pit. Hebert noted that first, he will speak with the Woodville Administrator to bring the pit into compliance.

MOTION #7: Longacre made a motion and Hatch seconded the motion to approve the Planning Board Chair to visit the Woodville Administrator to discuss the safety compliance of the Woodville pit.

- Hatch noted that the engineering costs would be passed on to them and voluntary compliance would avoid these costs.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

8. CORRESPONDENCE / COMMUNICATION: None.

9. COMMENTS OF TOWN STAFF:

- Bligh noted that for site visits, if three or more members will be attending it is considered a meeting and must be warned within 24 hours. Boucher suggested warning all site visits. Hatch noted that the public can then come and will have liability issues. Boucher stated that the liability coverage is for the members (volunteers) only.
- *Town of Haverhill 2016 Subdivision Regulations.* Boucher noted that the last update to the regulations was 2016, and the document is now out for legal review for state statute updates, then the Planning Board will be reviewing it in preparation for a Town vote next year.

10. COMMENTS of the PLANNING BOARD MEMBERS

Nelepovitz: Noted that at the last meeting we were asked to review the Master Plan and now we are not doing that. Hebert stated that with multiple contracts, a committee would have been required, but only one contract came in, so committee review was not needed.

Longacre: Asked if the double planning board issue will be considered with the revisions of the Subdivision Regulations. Boucher noted that the attorney recommended that the boards meet in joint session, and the attorney will be willing to attend as a facilitator. Boucher stated that the planning boards issues could be addressed under the new rewrite.

Hatch: Sounds like a good idea and he described an anecdote about his experiences.

Hebert: None.

11. NEXT MEETING

Special Meeting: Tuesday, August 10, 2021, at 7:00 PM.

12. ADJOURNMENT

MOTION #8: Longacre made a motion and Nelepovitz seconded the motion to adjourn the meeting at 8:49 PM.

Voice Vote: All approved, none opposed, none abstained. The motion passed.

Joanna Bligh, Transcriptionist