

**HAVERHILL PLANNING BOARD
MINUTES
Tuesday, June 25, 2024, at 6:00 PM
J.R. Morrill Building, 2nd fl.
2975 Dartmouth College Hwy.
No. Haverhill, NH 03774
Or on Zoom**

Tuesday, June 25, 2024

CALL TO ORDER

Chair Hammond called the meeting to order at 6:00 PM.

ATTENDANCE

Planning Board members:

Joe Longacre, ex officio (Here); Vice Chair Vickie Wyman (Here); John Nelepovitz (Here); Matt Bjelobrck (Here); and Chair Donnie Hammond (Here). A quorum was met.

Town Employee:

Joanna Bligh, Board Clerk

Visitors in person:

Tom Smith, Smith & Pospesil Land Surveying Company, PLLC
Kevin Shelton, District Administrator, Woodsville Fire District

Visitors online: None.

DESIGNATION OF ALTERNATES as needed: Julie Harris (Present), Carolyn Hofmann (Present)

AGENDA APPROVAL

MOTION #1: Bjelobrck made the motion, seconded by Wyman, to accept the Agenda amended.

- Clerk Bligh added Mark and Jodie Lang to Public Appearances Previously Scheduled; however, they appear to have not shown up.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

PUBLIC APPEARANCES (previously scheduled)

FOLLOW UP PUBLIC HEARING / Chase Major Subdivision

- **Review of Conditions:** Four-lot major subdivision; Greg and Jill Chase, 3 Summarsell Dr., Hartland, VT; site location -- Court St. Extension; Map 423, Lot 1; Harry Burgess, agent. The major subdivision was approved with conditions, as follows:
 - **Conditions of Final Approval:**
 1. Driveway permit: to include the replacement of the culvert at the intersection of Court Street Extension, Haverhill Corner, and Catamount Ridge Lane, Haverhill. Culvert specifications:

- a. 15-inch diameter.
- b. 10 feet long.

[Approved by Mark Nickles, Acting Road Agent, 6-25-24.]

2. Completion including a notary stamp and recording fees of the Town of Haverhill's Release of Liability form for Class VI and Private Roads [Notarized and completed 6-3-24].
3. Adjacent property of Bill Daley, Haverhill Corner, who noted that he believes that he has one-half interest in a well on the Chase's property and presented a deed (Book 479, Page 246). [Burgess followed up and found that this deed does not impact Chase's property.]

MOTION #2: Vice Chair Wyman made the motion, seconded by Bjelobrk, to approve with conditions met, as presented, the four-lot major subdivision of Greg and Jill Chase; Court St. Ext., Map 423, Lots 1, 2, 3, and 4.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

NEW BUSINESS

Preliminary Review: Lot Line Adjustment; Lisy Meyers, 194 Kimball Ln., No. Haverhill (Map 406, Lot 38) and Stonborough LLC (Adam Krellenstein, Map 406, Lot 39), 33 Kimball Ln., No. Haverhill; Eric Pospesil, agent (Tom Smith, acting agent, in attendance).

- Vice Chair Wyman stated that she has been to the site, talked with Meyers, walked the site, and reported that there is no other option for access to Lot 39.
- Smith stated that Lot 39 is a preexisting land-locked parcel, and this plan allows the parcel to have access to a Town road with legal frontage on Mace Hill Rd.
- Smith researched the deeds as far back as the 1800s and discovered that the land was owned by the Town and leased to farmers. In the 1960s, the Town was deeded a ROW through the Kimball's property.
- Vice Chair Wyman noted that the section near the Town road is enlarged in width because it incorporates wetlands.
- Clerk Bligh addressed the section of the *Subdivision Regulations* that does not allow for the creation of irregular lots, as follows:

4.1.8 Irregular Lots

Long, narrow lots or lots with irregular shapes shall not be accepted or approved by the Planning Board, especially if, in the opinion of the Planning Board, these lots will create unusable, inaccessible areas of land. As a guide, lots with a width to depth ratio greater than 1 to 4 may not be approved at the discretion of the Planning Board.

Smith provided the Board with a letter requesting a waiver to the Irregular Lot, Section 4.1.8 according to Section 5.2 Waivers, which allows the Board to use discretion in determining their approval of the plan, as follows:

Section 5.2 Waivers

Upon written request by the applicant, the Planning Board may grant a waiver or relaxation of the provisions of the *Subdivision Regulations* as it deems appropriate per NH RSA 674:36 II (n) and under Notes to Decisions #6, Scope of Regulations by majority vote of the Board. Reasons for the waiver shall be recorded in the meeting minutes. The requirements of the Regulations may only be modified or waived by the Board when:

1. Strict conformity would pose an unnecessary hardship to the applicant and a waiver would not be contrary to the spirit and intent of the Regulations.
2. Specific circumstances relative to the subdivision (major or minor), lot line adjustment, or voluntary merger or conditions of the land indicate that the waiver will properly carry out the spirit and intent of the Regulations.
3. The scope of the *Subdivision Regulations* could be quite broad and generally include provisions that would tend to create conditions favorable to health, safety, convenience, or prosperity.

- Smith stated that creation of the irregular lot is for a direct purpose of accessing the parcel, and the colleague of Smith's, Eric Pospesil, wrote the letter to the Board is as follows:

Haverhill Planning Board
2975 Dartmouth College Hwy
No. Haverhill, NH 03774

June 19, 2024

Dear Board Members,

On behalf of M. Lisy Meyers and Stonborough, LLC c/o Adam Krellenstein, we would like to request a waiver to section 4.1.8 Irregular Lots. The primary reason for pursuing this lot line adjustment is for the protection of the health and safety of the current and future landowners of TM 406 Lot 39. This lot is a landlocked parcel with no known deeded right of way and no road frontage on a town road. The strip of land Mrs. Meyers is conveying to Mr. Krellenstein will establish permanent access to his land.

Respectfully submitted,



Eric S. Pospesil, LS (Agent)
Smith and Pospesil Land Surveying Co.

MOTION #3: Vice Chair Wyman made the motion, seconded by Nelepovitz, to accept the Lot Line Adjustment application with the conditions met and the waiver approved for Lisy Meyers, 194 Kimball Ln., No. Haverhill (Map 406, Lot 38) and Stonborough LLC (Adam Krellenstein, Map 406, Lot 39), 33 Kimball Ln., No. Haverhill.

Voice Vote: All in favor, none opposed, none abstained. The motion passed unanimously.

- Clerk Bligh stated that the Meyers and Stonborough, LLC, lot line adjustment application will be heard at a Public Hearing on July 23, 2024. Notices will be provided to abutters and the public.

Building Permit

Dennis Praino

The Planning Board members stated the following in reference to this Building Permit for Dennis Praino, Map 414, Lot 109-7:

Chair Hammond: This is a shed being turned into a house, but he cannot build without a site plan to show septic and water access.

Vice Chair Wyman: Before approval for construction, a site plan is needed stating setback requirements for water and septic.

Joe Longacre, ex officio: Is there a crawl space or a post and beam frame? Frost walls are needed. How will they build a foundation?

John Nelepovitz: Recused himself because he is an abutter.

Matt Bjelobrck: The site plan is incomplete. Should show water and septic.

OLD BUSINESS

Intent-to-Excavate / Woodsville Fire District

MOTION #4: Vice Chair Wyman made the motion, seconded by Nelepovitz, to approve the Woodsville Fire District Intent-to-Excavate application for April 2024 to March 2025.

Discussion:

- Vice Chair Wyman stated that the Woodsville Fire District (WFD) excavation of the District pit is grandfathered.
- Nelepovitz stated that safety measures and the liability to the Town or District is of concern.
- Longacre stated that he, Shelton, and the District Road Agent Joseph Towne visited the pit site and measured and estimated boundary distances. Longacre provided a site visit report, as follows:

Date of visit: June 24th, 2024 Time of visit: 9:00 am
Location of visit: Woodsville Fire District
4900 Dartmouth College Highway - Woodsville, NH
Committee/Department name:
Haverhill Planning Board

Report to the Board

Security berm + fence exist at top of excavation. (8'-10')
Top elevation ~~is~~ of excavation to boundary lines
30'-80' existing. Majority of slopes are 1' to 1'
or less, small portion of slopes exceed 1' to 1'
ratio. No evidence of remediation in
excavation except natural growth at beginning area
of excavation.

Signatures:

Joseph M. Longacre

PRINTED NAME:

Joseph M. Longacre

- Longacre addressed the Excavation Regulations (2006), p. 10, under Incremental Reclamation, noting that a reclamation plan for completed excavation areas shall be submitted to the Board within 12 months.
- Nelepovitz asked for clarification of the WFD's plan. Shelton replied, as follows:
 - Height of the pit is 90 feet, which is a concern.

- They (WFD) plan to correct the pit face to a 1:1 slope.
- Berm is in place, and fencing that is down needs fixing.
- There is an unused area that has been naturally reclaimed.
- They do not plan to sell sand this year.
- The long-term use of the parcel may be for a solar energy farm.
- Nelepovitz asked about the bottom of the pit and whether they were planning to excavate deeper. Shelton stated that they will not be digging the pit deeper. The plan is to correct the slope.
- The members and Shelton listed the abutters: Cottage Hospital, Aldrich Farm, Thayer's, and the Brill's, and Shelton noted that none are disapproving abutters; thus, excavation can take place within 10 feet of the boundary line.
- Longacre noted that the *Haverhill Excavation Regulations*, Section V, Project Exempt from a Permit, C. 2. "Excavation that is incidental to agriculture or silviculture activities..." Longacre asked if delivering sand to dairy farms is "incidental agriculture," and Vice Chair Wyman and Bjelobrck stated Yes.
- Longacre asked when the reclamation of the pit will begin, and Shelton replied that the pit is in continual operation, so the reclamation requirement does not apply until the pit is in disuse. Vice Chair Wyman noted that the pit has been used continuously for decades, so the Board cannot mandate a reclamation plan.

WITHDRAWAL of MOTION #4

Vice Chair Wyman's motion and Nelepovitz' second were withdrawn.

The Haverhill Planning Board by consensus withdrew any dissension from the WFD Intent-to-Excavate permit.

Rules of Procedure

Clerk Bligh provided the members with a rewritten section of the Rules and Responsibilities of the Planning Board; however, an error was identified and the approval for the Rules of Procedure document was tabled until next month.

Follow Up Ordinances / Wetlands and Aquifer Ordinance

Clerk Bligh stated that at the last meeting, the Planning Board was tasked with reviewing the documents first and then the resulting document would be forwarded to the municipal lawyers.

Clerk Bligh researched where no-fee help for these revisions would be available, as follows:

- Contacted Emma Berger, Wetlands Supervisor, NH Department of Environmental Services, and they do permitting only.
- Contacted North Country Council Regional Planning Commission, Michelle Moren-Grey, Executive Director, and she recommended Tara Bamford as a writer with an estimated cost TBD.
- Clerk Bligh recommended tabling document revisions until 2025 when the Board can have funds to access municipal lawyers.
- Bjelobrck provided an option to contact environmental law students from the Vermont Law School to see if they could help. Bjelobrck will follow up.

COMMENTS BY TOWN STAFF:

- Jeff Maerder proposed the purchase of the Upper Valley Press property (Map 409, Lot 024) and noted that there are covenants from 1972 preventing residential use of the property.

