

LYNDEBOROUGH BOARD OF SELECTMEN

WORKSHOP MEETING MINUTES

October 7, 2021
Final

Call to Order:

Acting Chairman Mark Chamberlain called the meeting to order at 6:04 p.m.

Introduction of Members Present:

Acting Chairman Mark Chamberlain and Selectman Robert Howe
Town Administrator Russ Boland. NRPC Circuit Rider Jay Minkarah
Chairman Fred Douglas was excused.

Public: Tom Chrisenton, Ginny Chrisenton, Road Agent Mark Chase, Fire Chief Brian Smith, Planning Board Chairman Charlie Post, Planning Board Vice-Chair Bob Rogers, and Anna Meigs

Workshop Discussion:

Selectman Chamberlain said we are here to discuss the issues that prompted the building moratorium on the Woodward Road area. There are two major items that need to be resolved.

1. The status, condition and definition of so-called private roads providing access to numerous properties off Woodward Road.
2. Three (3) subdivisions approvals by the Planning Board in 2006 to 2008 time-frame, which violated the Zoning Ordinance in place at the time.

Selectman Chamberlain explained that when the subdivisions were approved they did not meet zoning. Zoning required roads to meet town standards. The plans were approved with contradictory statements: One said it met all the regulations and one said it could have a 12-foot wide road. They should not have been approved and all three have the same statements. The Planning Board had no authority to violate zoning. There needs to be a resolution for this.

Jay Minkarah said he reviewed the documents and provided an opinion. From his perspective there are a lot of roads shown on the plan. He said he is not sure which were the private roads that were governed by the agreements that provided access to the lots so he would like clarification on that. He felt the goal is to come to a resolution of assuring safe access to the lots. It will fall on the Board of Selectman and the Building Inspector to issue permits. Both parties would want assurance that there is in fact safe passage.

Selectman Chamberlain showed Jay Minkarah the plan submitted the previous evening by the Chrisentons which proposes road names for the E-911 review that has access to buildings or future buildings. Some have changed from the earlier plans. The color on the map indicates the different named sections of roads. Mr. Minkarah asked if these are all private roads and are these all covered by the agreement.

Ginny Chrisenton replied, "There is two (2) sections of private roads that are not covered by their agreement yet. The ones that are in questions for buildings, yes. There are two different agreements, depending on where the lots are located."

J. Minkarah said he has not read the agreements yet. Mark Chamberlain said he has not read the whole agreement yet. He thinks he has the one that relates to the Brown's property.

J. Minkarah asked if there is a standard the roads are being approved to.

Ginny Chrisenton read a long letter on the history of their road. *(see file for letter)*

Ginny Chrisenton read a letter from Terry Hardwick, Pres. Hardwick & Sons, dated Sept. 8, 2021. It has photos that include their forestry equipment and what roads they have been on. *(see file for letter)*. She said that Hardwick's have been at their properties, even in "mud season".

Ginny Chrisenton said they maintain their roads with their personal heavy equipment. In terms of the width of the road Mrs. Chrisenton said, "They are over 12-feet wide, we don't take a 12-foot excavator down a road that is only 12 feet wide."

Selectman Chamberlain discussed the process in the past when regarding private roads and Class VI roads, that he and the Road Agent walked them, then provided comments to the people requesting the Town to look at the roads for possible reclassification with the awareness the Town Engineer would follow-up with an evaluation that includes testing the base of the road and reviewing drainage. G. Chrisenton said their drainage is excellent. They have been adding gravel since 1975 and even took their personal equipment and gravel to help the town clean-up Beasom Road after a big storm.

Jay Minkarah asked her if she felt their roads meet or exceed the town road standards. Tom Chrisenton replied, "Absolutely". He asked the Board to compare the Class VI portion of Howe Drive to their roads.

Rose Farm Road was discussed.

Ginny Chrisenton invited the Board to visit and assured them they don't have to make any comments or decision. They said they could have had many more lots but prefer to make the large lots. For example, they have 3,700 feet of Class VI road frontage on Woodward Road on two lots, which would allow two subdivisions of six lots. They have 500 feet of road frontage on Beasom Road, which would allow two lots but they only have one lot.

G. Chrisenton referenced the Building Inspector's letter which mentioned the town has the ability to revoke the subdivisions and discussed this.

Their properties have 16 miles of roads and 42 culverts which are all marked with GPS coordinates. "Tom worked as a hydrologist and the drainage is excellent", said Ginny Chrisenton. She explained the various culverts and stone fords. It was mentioned the Wetlands Division hosted workshops on their property. Tom worked with committees that published professional books.

T. Chrisenton said they have a conservation subdivision before the Planning Board next month. He prefers the large lots and not subdivide into small lots as the zoning would allow. They argued the Town can reverse every subdivision and they could come back before the Planning Board and create more lots under the conservation lands. Selectman Chamberlain said that he understands that and felt that a corrective plan can fix the errors. Jay Minkarah felt that could be a resolution. He does not know all this background history. He added a key issue is, do the roads meet town standards and he is hearing they do. It was noted that the width of the road is only a part of the town standards. The goal is to have a road system that can be found and currently there is no definition to the road.

The group discussed the road standards, centerline road definition, bearings and distances, curve radius and other concerns. G. Chrisenton questioned where in the Zoning Ordinance does it say you have to have bearing and degrees on the roads. This was discussed.

It was discussed to have a center line in metes and bounds and regulation standards for the road curves. It will help E-911 define the difference, they go every 50 feet for addresses.

They have survey points on the center line there but not all listed. G. Chrisenton said when they did the subdivisions, the Planning Board didn't say they needed degrees and bearings.

The minimum road standards will be reviewed.

It was discussed if the roads meets AASHTO, which is the less stringent, it probably will be okay because of the low traffic volume there. It was discussed that the Horizontal Datum needs to be NAD83 because that is what the GIS needs for the E-911 and Town GIS.

If the road is being built on, it will be expected to have a center line.

Ginny Chrisenton asked who will be looking at the data? The Town and Engineer will review it.

Ginny Chrisenton said, "It is not our fault, we had these plans, no one said at the time this is what you need to do. Who will pay for this? We did not do anything wrong."

Selectman Chamberlain said, "I don't necessarily agree with that. If you were someone coming in off the street, you might have that argument. Tom was member of the Planning Board and has been a chairman, he knows the regulation and wrote many of the regulations, so ignorance of the regulations is something you can't argue." G. Chrisenton said they did not force the Planning Board to do this.

Tom Chrisenton mentioned they can go for an Equitable Waiver from the ZBA. One lot has existed for 10-years for the statute of limitation.

The code will be reviewed for lower volume standards. Beasom Road was discussed. The Town just had a road survey done and Selectman Chamberlain said they will be looking at that data.

The Chrisenton's are trying to evaluate the cost to go with the conservation land subdivisions and get more lots or leave it as it is now.

Bob Rogers said it would be nice to have someone with sufficient expertise to go out and examine the roads, accessing the lots that are being built on or a project to be built on and make a list of every area that does not meet the road standards; because of width or whatever and present the list to Tom and see if he is able to remedy those problem areas. Tom Chrisenton was in agreement.

Bob Rogers said he recently rode the roads with Tom Chrisenton, and he was very impressed. He felt maybe there are a few areas where drainage can be improved but there is lot of gravel on the roads and he can't image them getting too muddy in the spring.

The fire department recently brought up their four vehicles to the current lots and found no big concerns.

Charlie Post said, "You spent a lot of time and personal investment and are proud of the work you did up there. You got the best intentions for the town, which you explained. I think everyone in this room appreciates it. The Planning Board at the time didn't hold it to the proper standards. It seems the roads should be, as Bob Rogers said, send someone up and do a punch list and see if it meets town standards and see if you can bring it to town standards if areas are not.

Mr. Chrisenton mentioned that Steve Brown has Class VI road frontage. Charlie Post added he does not have the Selectmen's permission to build on a Class VI road.

Tom Chrisenton asked what is the standard for accessibility? He asked how they get permits on Howe Road. Selectman Chamberlain said they have been looking at previous issues with all Class VI roads.

Bob Howe said they had to sign a waiver for a release of liability. A culvert was installed and gravel added. Mr. Chrisenton was asked if it was brought up to town standards and Mr. Howe did not know the answer for that. Mr. Howe said that he personally did not do that work and they didn't hire an engineer. Selectman Chamberlain said it is the policy of this Board, if not past Boards, that any road be inspected by our town engineer.

The attention was turned back to the maps. The letters on the maps represent points on the road and they have the section to that 400 scale. They have the actual surveys which that compilation was made from.

Mrs. Chrisenton said the points are there and they consulted with their surveyor. If we sell a lot, we can go from point to point to point. A lot of points are at intersections of the roads and even driveways, such as point for Steve Brown's driveway. The Mader's deed is trying to describe getting to the house by easement on the road and it's a whole lot easier if there are road points. Selectman Chamberlain felt it is easier if it's an easement with metes and bounds.

Mr. Chrisenton mentioned the fire department has a map. Fire Chief Smith said he felt it was easy to follow.

Jay Minkarah reviewed that Bob Rogers had made a suggestion, which Charlie Post seemed to agree with, to bring someone out there to inspect and make a punch list. That feels like a good next step.

Selectman Chamberlain asked the Road Agent if he has inspected the roads and he said he has not and added its private property so he would need permission. T. Chrisenton said the Road Agent and Selectmen have permission and to let them know so they can take the gate down.

Selectman Chamberlain said because it's a private road and we define it a bit better, with points, I might be inclined not to necessarily have the metes and bounds.

It was agreed to GPS survey every 100 feet, 50 feet along curves and add it into the survey. It was noted the curves are big.

It was discussed if the plan should be filed at the Registry of Deeds or just with the Town and it was agreed they should be filed with the Town.

Selectman Chamberlain asked if those ponds are assessable in the wintertime. It was noted they can have an auger drill through the ice. G. Chrisenton said they don't have any dry hydrants and would have to wait until a very dry year to put them in. Maintenance was discussed. T. Chrisenton said he can build a fire pond anywhere along the road.

There are pull off sections for rescue and emergency vehicles to utilize. Fire Chief Smith said the I am Responding software can take the digital map and plug it in to help show them where they are going. It was noted that is why the points are a good idea which G. Chrisenton added, is not a problem to get.

Fire Chief Smith asked if they are measuring from the water source to the houses. G. Chrisenton she has not gotten to that yet but will provide that information for the Fire Chief.

G. Chrisenton asked if they want cross sections? All the culverts are GPS marked.

Do you want cross sections? We are willing to do what we can...willing to work this out.

Selectman Chamberlain said that when the Town had the road survey done, they stopped at intervals. Maybe cross sections ever 500 feet with width of the road and then at intersections. This seemed reasonable.

Fire Chief Smith said they carry, 1,000 or 2,000 feet of large diameter hose depending upon the truck. Mutual Aid has a truck with 4,000 feet fire hose. Some places out there you may require a tanker shuttle. Most of the houses have fire ponds.

To Do: The Road Agent and the Engineer will take a ride up there and go over the sections of the six roads. T. Chrisenton asked if priority could be given to the Brown and Dupont lots.

It was discussed how to retroactively get a variance. The plans were approved and recorded. Jay Minkarah discussed there is a note on the plan that is problematic, but is that enough to revoke the plan. They might have met it. It's key to get up there and see what it is on the ground. Selectman Chamberlain mentioned the subdivision process that should have happened; the names and definition of roads but we are working our way through that now.

Ginny Chrisenton asked to write down exactly what the Town wants the GPS data to include so they do it correctly. She is looking for guidelines, so their surveyor knows what is expected.

T. Chrisenton asked the status of the building permit moratorium because they have a deadline of 30-days to apply to the ZBA for an equitable waiver. It was responded that the moratorium remains in place and it is up him to determine if he wishes to submit an application for an equitable waiver to the ZBA.

Adjournment:

VOTE: Bob Howe made a motion, Selectman Chamberlain seconded to adjourn at 7:14 p.m. Motion passed 2-0.

Respectfully submitted,

Kathleen Humphreys— signed electronically

Kathleen Humphreys, Transcriber
801-2034

Chairman Fred Douglas_____

Acting Chairman Mark Chamberlain_____

Selectman Robert Howe_____