

LYNDEBOROUGH BOARD OF SELECTMEN
MEETING MINUTES
July 28, 2021
Final

I. Call to Order:

Chairman Douglas called the meeting to order at 6:00 p.m.

II. Introduction of Members Present:

Chairman Fred Douglas, Selectman Mark Chamberlain, and Selectman Robert Howe
Town Administrator Russ Boland

Public & Media Present: Jessie Salisbury, Tom Chrisenton, Ginny Chrisenton, Fire Chief Brian Smith, Code Enforcement Officer/Building Inspector Leo Trudeau

III. Appointments:

6:05pm: Tom Chrisenton and Ginny Chrisenton
Request to Restore an Involuntary Merged Lot (per RSA 674:39-aa)

Chairman Douglas said the Town Office consulted their Town Attorney and provided him all documents in their possession and research to assist in the process.

Selectman Chamberlain explained, "Town Counsel went back to the registry and found additional deeds. The deed that ranged from present back to 1869 all cite to the land description consistent with the modern deed. It appears readily obvious that the two lots were merged in 1869.

"So, the question for them becomes whether the separate taxation treatment offers any weight to the Chrisenton's agreement, which is doubtful. There is ample case law with the tax treatment of lots is not dispositive for zoning purposes. He [Atty. Chris Drescher] goes on to cite Revilar vs Hudson Zoning and provided a handout. The bottom line is, his opinion, it is a single lot. So, then the question becomes what to do about the lot because obviously we have tax map issue. So, in discussions we realized that because it was merged prior to the law for unmerging involuntary merged lots it becomes, you can't use that RSA, but you can use the RSA for tax maps which is RSA 31:95a. Which is where the Town creates tax maps. Under III [Roman numeral 3] we can create a new lot and that is our intent. We will create, as Ginny pointed out, it makes no sense to have it as a "sub" because it was never any part of the lot prior, so the next number in line for that tax map is parcel 19. So that will be the one it will be given and is in essence where we are at," said Selectman Chamberlain.

Chairman Douglas asked Selectman Howe if he has a comment. Selectman Howe replied that after hearing Attorney Drescher's expertise in this work that found it was a single lot, he is in agreement with what Selectman Chamberlain presented.

Chairman Douglas asked Mr. and Mrs. Chrisenton if they have anything to address to the Board before taking a vote.

Tom Chrisenton, "Our attorney Silas Little said to come and see what you said but we have our position".

Ginny Chrisenton said, "It's the Selectmen's duty to prove that it was voluntary merged by owner".

Chairman Douglas replied, "I think what Selectman Chamberlain has articulated is that our legal counsel said that it's one lot".

Tom Chrisenton, "We would have to have written documentation. See he is just saying that. A written document to prove that the owner combined the lots".

Chairman Douglas, "He articulates the reasons why the lot was a single lot".

Selectman Chamberlain, "It was sold as a single lot, with a single lot description.

Tom Chrisenton, "But that was not the owner".

Selectman Chamberlain, "What are you talking about? The owner sold the lot".

Tom Chrisenton, "The owner was dead. It went to Probate Court. We are fine with your explanation but would like it written down so that Silas [Atty. Little] can look at it and the reasoning behind it." Chairman Douglas invited the Chrisenton's, or their attorney, to file under RSA 91:A to request documents that the Town has to date.

VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded, pursuant to RSA 31:91-A III to assign the parcels of land as described in Deed Book 9372, Page 691 as Tax Map 228, Lot 19. Said parcel was previously shown as part of Tax Map 228, Lot 3 and was never shown as a separate tax parcel. Said parcel shall be considered a lot of record under Section 200.16 of the Town of Lyndeborough Zoning Ordinance. Motion passed 3-0.

Chairman Douglas wanted to address the second issue relative to the assessor.

VOTE: Selectman Chamberlain moved, Selectman Howe seconded, to instruct the assessor to created Tax Map 229, Lot 19, in accordance with the previous motion, to adjust Tax Map 228, Lot 3 to reflect the removal of seven point seven (7.7) acres per Hillsborough County Registry of Deeds of Plan 40809 and to remove Tax Map 228, Lot 2-4 and Tax Map 228, Lot 2-5, erroneously created by the assessor. The assessor shall also assist in correcting Current Use documentation affected by these changes. Motion passed 3-0.

The Chrisenton were informed they could request the documents anytime. Tom Chrisenton asked, "What is the status of the two lots now according to your action?" Selectman Chamberlain answered they are a single lot, #19, which is the property that you purchased.

Tom Chrisenton asked, "You combined the two (2) Doliver lots by your actions?"

Selectman Chamberlain, "We are not combining anything. You bought a single lot. We are assigning it..." T. Chrisenton: "That is your opinion. Is your documentation that proves that the older..."

Chairman Douglas asked Mr. Chrisenton to put his request in writing to the Town Administrator so they can respond back.

Planning Board Conditional Approval Discussion:

Selectman Chamberlain informed the additional Selectmen that they need to send the Planning Board a notification of tonight's actions, because it was part of that condition. He presented a draft letter for the Selectmen to review. Chairman Douglas asked if the letter is in draft form, which it is. Administrative Assistant Dawn Griska reviewed the document and suggested a few minor corrections, which Selectman Chamberlain agreed with. The Planning Board's next meeting is August 19, 2021.

VOTE: Selectman Chamberlain made a motion, Selectman Howe seconded to complete this document, as corrected this morning, and forward it to the Planning Board as soon as possible. Motion passed 3-0.

Tom Chrisenton asked, "So you have combined them into one lot? The Planning Board approved the Lot Line Adjustment..."

Chairman Douglas explained, "I want to make it clear, we have not combined them into one lot. We are maintaining that it is one lot based on legal counsel's opinion."

Ginny Chrisenton, "We just need to ask for the record. We will send you a letter."
Tom Chrisenton was recording on his phone, for the record.

IV. Community Forum and Public Comment:

Jessie Salisbury said the Fourth Grade Local History video is in the editing process. The seven segments will be approximately 42-50 minutes in total.

V. Decision Making Actions:

a. Old/Tabled Business:

Class IV Road Discussion

Selectman Chamberlain informed the Board there is a request by the Planning Board to have a combined meeting so they can have input on this discussion. It was discussed if the application should be drawn up prior to meeting with the Planning Board or to wait until after that meeting in case the Planning Board has any suggestions to input. It was agreed to send draft documents to the Planning Board to review. A meeting will be scheduled in about a month from now.

Selectman Chamberlain and Administrative Assistant Dawn Griska reviewed the proposed application. They also reviewed Wilton's Class VI & Private Road Policy.

Code Enforcement Officer/Building Inspector Leo Trudeau asked about the application. He has 30-days to act upon an application. There is currently has an application before him and would like some direction on moving forward.