

1 **TOWN OF LYNDEBOROUGH**
2 **PLANNING BOARD MINUTES**

3 **August 15, 2019**

4 *Approved*

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6
7 **7:30 PM Call to Order & Roll Call**

8
9 **Member Present:** Acting Chairman Rogers, Vice Chairman Tom Chrisenton, Larry
10 Larouche, Alternate Julie Zebuhr and Selectmen's Rep. Mark Chamberlain

11 **Public present:** Building Inspector/Code Enforcement Officer Leo Trudeau

12 **New Business:**

13 None

14
15 **Request for Information:**

16 None

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18 **Continued Business:**

19 **Five-Lot Subdivision on Old Temple Road and Beasom Road**

20 **Pre-Application Continuance:**

21 The applicant and land surveyor were not present.

22
23 **Timber Permits and Driveway Permits**

24 The Chairperson was not aware of any Timber Permits or Driveway Permits to review.

25
26 It was discussed that Chris Schoen's timber operation will result in a land conversion to
27 an open field which will maintain agriculture so they are not required to seek any
28 permitting on 913 Mountain Road. This is the piece of land that used to have a mobile
29 home on it which has since been removed. The septic and well is still there. According
30 to Bob Rogers, who use to live in the Schoen's home, that piece of land across the
31 street was previously a field.

32
33 **Minutes:**

34 **July Minutes**

35 No action taken

36
37 **June Minutes**

38 T. Chrisenton said he found a few errors and would rather see the text read, "Reviewing
39 section #s" instead of details that were discussed. There was debate that the minutes

should indicate the proposed changes in the various sections. T. Chrisenton felt the minutes were too long.

VOTE: Mark Chamberlain moved, Larry Larouche seconded to accept the June 20, 2019 minutes as amended. Motion passed 4-1-1. T. Chrisenton voted no. J. Zebuhr abstained.

Subdivision Regulations Workshop Continued:

The Board planned on continuing the discussion but heard a presentation from Leo Trudeau which started another topic of conversation.

Leo Trudeau mentioned he went to a presentation at the County Conservation Commission regarding manners of erosion control. This presentation included products that can be obtained by Prescott. He had a catalogue to share with the Board.

The seminar reviewed state regulations procedures from DES about filing notice of intent to start, notice of termination when the job is done, and length of permit. He mentioned any project which disturbs over 1 acres of ground requires a Construction General Permit (CGP) under the NPDES (National Pollution Discharge Elimination System) RSA 485:A 45.

RSA 485A:17 talks about Alteration of Terrain which is 100,000 square feet.

Erosion & Sediment plans needs to be filed if required.

One of the best practices is to test the soils at the start of a job for nutrient content. Slopes can be treated if needed to ensure the optimal healthy growth and to select the right seed mixing. L. Trudeau said they talked about silt socks, mulch berms, and mats that stay in place better for seeding for vegetation establishment. He said that they felt silt fences are not efficient and typically not installed correctly. Stone mulch and wood chips are another option. It was noted that stone will raise the temperature of water going over it.

M. Chamberlain mentioned that the products are good but can be misused. He stated an example if someone is trying to protect the wetlands at the bottom of a hill then the biodegradable silk sock is a good option. The Board briefly discussed the erosion control problems on Crooked S Road and Curtis Brook Road that have no measures in place at all. Kailen's project was mentioned.

M. Chamberlain brought to the attention of the Board that the general permit criteria are that a project can't have more than 5 acres open at one time or it's becomes an extended permit which would require inspections more often if it's a larger area.

Section 750.00 Sediment Erosion Control: "Erosion sediment control plan or storm water management plans shall conform to state standards."

Other topics:

L. Trudeau also attended a seminar at NHPOA, a Building Officials Association Seminar in Concord. One topic was what to do if you find human bones or artifacts on properties.

Lot of Record Question:

L. Trudeau also spoke with Attorney Natch Greyes for clarification on the Lot of Record issue. A handout was provided from Mr. Greyes. L. Trudeau felt there was no “savings clause” in the town regulations. T. Chrisenton said there is and discussed section 1302.00, “Lot of Record”. L. Trudeau asked where in 1302.00 does it say a lot of record entitles the owner to build as long as it passes septic.

1302.00 Lots of Record:

Where a lot of record at the time of the effective date of this Ordinance has less area and/or frontage than herein required in the District in which it is located:

- 1) The lot may be used for a single family dwelling if permitted in that district subject to New Hampshire Water Supply and Pollution Control Division approval and subject to all district regulations applicable to lots within the District wherein the lot is located with the exception of lot size and/or frontage.
- 2) The lot may be used for any non-residential use permitted in the District in which it is located subject to New Hampshire Water Supply and Pollution Control Division approval and subject to all district regulations applicable to lots within the District wherein the lot is located with the exception of lot size and/or frontage.

The date of zoning is April 14, 1959.

L. Trudeau interprets that as long as the lot of record was placed on record at registry of deeds prior to April 14, 1959, the only thing the owner is exempt from is frontage and area requirements but they have to adhere to all zoning.

It was discussed that the Planning Board’s function is to approve lots which means it has met all requirement prior to be approved. Once it is recorded at the registry of deeds it becomes a lot of record. Allowing the septic system in the setbacks, as that function, should be an accessory use was debated.

B. Rogers mentioned that a landowner may need to get a variance for setbacks and the Zoning Board of Adjustment typically grants it because it’s a lot of record.

The Board had a lengthy discussion about lot of records. Non-confirming lots was also discussed.

1303.00 Special Exceptions for Non-conforming Buildings. (3/10/98)

Additions to existing residences or accessory buildings that lie wholly or in part within the lot setbacks designated for the zoning district may be permitted by Special Exception when no alternative is deemed reasonable by the Zoning Board of Adjustment, in accordance with any or all of the following:

- 1) the proposed addition will not be constructed in the setback area; or

- 124 2) the proposed addition will not be closer to the lot line than the most intrusive portion
125 of the existing building; or
126 3) the proposed addition is necessary for the health or safety of the occupants of the
127 building as determined by the Building Inspector at the time of permit application.
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129 Various lots were discussed as examples that included Barry True's small lot on Center
130 Road he wants to build on, Lorraine Strube's house on Forest Road being renovated
131 after a fire and the new log home on New Road/Mountain Road with only 50 foot of road
132 frontage.

133 **Correspondence:**

134 -A notice from the Town of New Ipswich regarding a Planning Board meeting on
135 August 21, 2017 at 8:10 pm. for Matt Glavery, Map 6, Lot 13-3, cell tower on Old
136 Peterborough Road. The letter was received on August 8, 2019.

137
138 -Bob Bell's email dated August 2, 2019 sent at 1:49 p.m. Mr. Bell is upset that the trees
139 died again which were planted as part of the buffer agreement. He asked to be advised
140 how to initiate proceedings to revoke Granite State Concrete's permit. He has been
141 dealing with this buffer issue for 20 years.

142 The secretary will research what actions were recorded in the minutes. The Board
143 discussed since the MacClellan brothers and Bob Bell signed that letter regarding the
144 satisfactory buffer work can or should the Planning Board take any action to reopen the
145 case. A letter of satisfaction was signed by both parties on October 16, 2018 and a
146 letter dated May 7, 2018 which outlined replanting the buffer with 25 Dark American
147 Arborvitae trees for a total of 135 feet.

148 **Other Business Not on Agenda:**

149 None
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151 **Next Agenda:**

152 No new business
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154 **Adjournment:**

155 **VOTE: Bob Rogers moved, Paul Best seconded to adjourn at 8:11 p.m. Motion**
156 **passed 5-0.**
157

158 Respectfully Submitted,
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163 Kathleen Humphreys
164 Planning Board Secretary