

1 **TOWN OF LYNDEBOROUGH**
2 **PLANNING BOARD MINUTES**
3 **October 17, 2019**
4 *Approved*

5
6
7 **7:30 PM Call to Order & Roll Call**
8

9 **Member Present:** Acting Chairman Bob Rogers, Selectmen's Representative Mark
10 Chamberlain, Vice Chairman Tom Chrisenton, Larry Larouche, Bret Mader and
11 Alternate Julie Zebuhr.

12 Absent: Paul Best and Mike Decubellis

13 **Public present:** Frank Kling, Rick Duplease, Michelle Duplease, Neil Semple and
14 Building Inspector/Code Enforcement Officer Leo Trudeau.

15 **Request for Information:**

16 **Driveway Appeal, Joseph Kling, Map 210, Lot 12, just north of the pinnacle on**
17 **Mountain Road**

18 Frank Kling is before the board on behalf of his son who wants to build a home on the
19 property on Mountain Road. The Road Agent denied the driveway application.
20

21 The Planning Board can vote to hear or vote not to hear a driveway appeal case. The
22 Planning Board designated the Road Agent as their representative for driveway permits
23 and therefore granted the Road Agent the authority.
24

25 If Planning Board hears the appeal and the applicant is not happy with the Planning
26 Board's decision, if they uphold the Road Agent's decision, the applicant can take the
27 appeal to Superior Court.
28

29 If the Planning Board chooses to not hear the case, the applicant has the pathway to
30 take this appeal to Superior Court. The ZBA does not hear a driveway appeal.
31

32 Acting Chairman Bob Rogers asked the Board what they wish to do with this driveway
33 appeal.
34

35 Tom Chrisenton recused himself because he is a ZBA member. Mark Chamberlain
36 reminded him that this case would not go to the ZBA.
37

38 Mark Chamberlain did some research and came across information that suggest that
39 since the lot existed prior to enacting the Town's driveway regulations, he does not
40 believe they can deny a driveway but can put stipulations on the driveway location and

41 safety measures. It appears the Board is obligated to approve the driveway or give just
42 compensation. Selectman Chamberlain would like to get an opinion on this law and do
43 more research. The Selectmen will be asked to check with Town Counsel regarding
44 this law.

45
46 The applicant applied for a building permit in 2013 which was denied. He went to the
47 ZBA for a variance for a house which was approved. The ZBA approved a very strict
48 plan of what type of home could be built on the lot. Patty Robinson was the previous
49 owner.

50
51 Mr. Kling felt the proposed driveway complies with State regulations. Selectman
52 Chamberlain said that it does not.

53
54 **VOTE: Brett Mader moved, Mark Chamberlain seconded to schedule Joseph's**
55 **driveway appeal, Map 210, Lot 12, for the November 21, 2019 Planning Board**
56 **meeting.**

57
58 Larry Larouche asked if the abutters should be notified. Attorney Drescher informed the
59 Selectmen that abutters do not need to be notified. Larry Larouche felt that it's not
60 legally necessary but it's a good idea.

61
62 **Motion passed 5-0-1. Tom Chrisenton abstained.**

63
64 **Request for Information, non-noticed dicussion:**

65 **Change of Use of a Wood Lot to a Buildable Lot, Map 232, Lot 054 on Putnam Hill**
66 **Road.**

67 Michelle and Richard Duplease were present. They hope to purchase this 28 acre
68 parcel from John Dick. They would like to subdivide for two home lots.

69
70 The lot abuts the Pinnacle Mountain Fish and Game Club and Emory Road. It was
71 formally owned by Lucy Schmidt. The lot was subdivided in 1991. It is unclear why the
72 notes on the subdivision plan say, "Woodlot only without further alternation actions of
73 the Planning Board."

74
75 Bob Rogers wondered if the reason behind the wood lot was an old town way of
76 thinking to have it a wood lot which meant it would not be assessed as much. The land
77 is in current use.

78
79 Rick Duplease presented soil information which indicates 143C is found in the front 13
80 acres of the property. Tom Chrisenton mentioned that 143C Monadnock soil is good
81 which slight to modify soils. The remaining 25 acres is 161, Shallow Bedrock

82
83 A topo map was presented. The land is rocky on the back and has ledge. It has milky
84 quarts stone. It has about a 20 foot ledge cliff.

86 There is 900 feet of road frontage. Due to the bedrock both homes would have to be
87 built near the front of the lot. The land is in Rural Lands I which requires 250 feet of
88 road frontage on a lot with good soils.

89
90 Since Mr. Duplease does not own the land therefore his request would require a letter of
91 authorization from the owner John Rick, Jr. to come before the Board. The Board
92 cannot act on anything without this authorization.

93
94 Larry Larouche inquired if abutters will be notified. Mr. Duplease's request will be
95 publically noticed in the paper and abutters notified once the authorization letter is
96 received.

97
98 Course of action:

99 -Mr. Duplease needs to submit a signed letter of authorization from owner John Dick.

100 -Submit a Change of Use Designation with an abutter list

101 -Schedule a Public Hearing next month.

102 -Make a determination if this is a buildable lot in order to proceed with the subdivision.

103
104 Julie Zebuhr asked if any portion of the road frontage on a Class VI road. Mr. Duplease
105 explained the Class VI portion starts after this lot.

106
107 It was noted an abutter is the Water Resources Board.

108
109 **Continued Business:**

110 **Pre-Application phase of Five-Lot Subdivision Old Temple Road and Beasom**
111 **Road, Map 241, Lot 12**

112 **Neil Semple – Project Manager, Art Siciliano Land Surveying was preset**

113
114 Tom Chrisenton recused himself because he is an abutter.

115
116 *A reminder that is still in the pre-application phase and has not been publically noticed.*

117
118 Neil Semple addressed the Planning Board's November 15 cut-off date to observe test
119 pits and encouraged the Board to schedule a date to observe the pits prior this date.
120 There was a lengthy debate. The applicant was informed they can do their test pits in
121 order to collect data for their plan but the Board shall observe the test pits in the spring.

122
123 Mr. Chrisenton reminded Mr. Semple the Board will have their own soil scientist look at
124 the test pits. He noted this has been one of the driest falls we had in a long time
125 therefore runoff won't show-up until the spring. Bob Rogers remembers flooding in that
126 area and in the spring there will be water coming from unexpected areas. The Board is
127 aware that water is going to be an issue on this subdivision.

128
129 There is one proposed lot under 5-acre lot which would need to have state approval.

131 The Board has a concern about a house on a long skinny 4K area, which just makes the
132 minimum requirement. They are especially concerns about this lot in regards to the
133 wetlands and seasonal runoffs which need to be plotted on the map.

134
135 Mr. Semple reported the lots are reflagged on at the Board's request. The 4K areas are
136 laid out.

137
138 Mr. Semple said they have talked to the Fire Chief.

139
140 Larry Larouche again suggested the applicant review the large file of previous
141 subdivision applications for this lot.

142
143 The Board had an informal discussion regarding driveways. It was make clear the
144 regulations specify, "per 1,000 feet of road frontage on severe rated soils". It was
145 mentioned a driveway needs to be more than 150 feet from an intersection. It was
146 discussed not to put a shared drive near Collins Road and the hill. It was mentioned to
147 check the sight distance of the driveways.

148
149 Tom Chrisenton explained the applicant has to prove they have two acres of contiguous
150 dry land to have one driveway every 500 feet (minimum each) for every 1,000 feet. The
151 driveways can be in the middle of the lots.

152 153 **Work Session on Subdivision Regulations:**

154 Building Inspector/Code Enforcement Officer Leo Trudeau was present.

155
156 Leo Trudeau submitted an updated proposal. Please note the proposal eliminated the
157 dates of the codes. The intent is to take out the dates so they do not have to go back to
158 the date and instead reference the "most recently adopted version".

159
160 The State Building Code was discussed and which is more stringent.

161
162 This topic will be put on the November agenda for review, then make a decision if the
163 Board will hold a public hearing to move forward.

164 165 **Minutes:**

166 **July Minutes**

167 **VOTE: Larry Larouche moved, Brett Mader seconded to accept the July 2019**
168 **meeting minutes as written. Motion passed 6-0-0.**

169 170 **September Minutes**

171 Amend: Change title for Tom Chrisenton who is no longer the chairman.

172
173 **VOTE: Larry Larouche moved, Brett Mader seconded to accept the September**
174 **2019 meeting minutes as amended. Motion passed 5-0-1. Mark Chamberlain**
175 **abstained.**

177 **INTENT TO CUTS:**
178 -Helen van Ham
179 -Rebecca and Douglas Case
180 -Steve Brown
181 -Bret Mader
182

183 **Correspondence:**
184 None

185 **Other Business Not on Agenda:**
186 None
187

188 **Next Agenda:**
189 Duplease/Dick – Public hearing on Change of Use of wood lot
190 Kling Driveway Appeal – Need confirmation regarding notifying abutters
191 Building Code Review
192 Five-Lot Subdivision on Old Temple Road/Beasom Road in Pre-Application stage
193 Subdivision Regulations discussion
194 Approve October minutes
195

196 **VOTE: Larry Larouche moved, Julie Zebuhr seconded to accept the November**
197 **2019 agenda. Motion passed 6-0.**
198

199 **Adjournment:**
200 **VOTE: Larry Larouche moved, Julie Zebuhr seconded to adjourn at 9:11 p.m.**
201 **Motion passed 6-0.**
202

203 Respectfully Submitted,
204
205
206
207

208 Kathleen Humphreys
209 Planning Board Secretary