

TOWN OF LYNDEBOROUGH

PLANNING BOARD

April 30, 2020

Draft 2 (Mark's changes added)

Meeting held via Zoom technology as allowed by Governor's Emergency Order #12

7:34 p.m. Call to Order & Roll Call

Chairman Paul Best called the meeting to order at 7:34 p.m.

Member Present: Chairman Paul Best at Citizens' Hall; Selectmen's Mark Chamberlain at Citizens' Hall; Vice Chair Tom Chrisenton, Remote COVID-19 with his wife Ginny Chrisenton in the room; Charlie Post, Remote COVID-19 alone; Bob Rogers, Remote COVID-19 alone; Larry Larouche, Remote COVID-19 alone; Bret Mader, Remote COVID-19 alone; Mike Decubellis, Remote COVID-19 from Santa Fe, NM alone.

Not Present: Alternate Julie Zebuhr

Public Present: Bob Bell and Diane Bell from their home remotely for COVID-19; Matt Fish, remote COVID-19 alone; Rick and Michelle Duplease, remote from their home COVID-19; Spencer Tate, remote due to COVID-19 from Meridian Land Surveying alone.

Town Employees Present: Road Agent Mark Chase at Citizens' Hall.

New Business:

Buffer Site Walk – Bell/Granite State Concrete, Co. property

Bob Bell and Diane Bell were present via ZOOM. Peter McClellan was notified via email and a letter sent to their Milford, NH business address. Mr. McClellan was not present.

The Board discussed a date for a site walk to see the buffer at Mr. Bell's home on Tarn Road. Mr. Bell is not satisfied with the work. The Board selected May 16 but that did not work for Mr. Bell who is running an essential business.

VOTE: Larry Larouche moved to have a site walk on Sunday, May 17, 2020 at 1:00 p.m. and to notify Granite State Concrete. Members will meet at Mr. Bell's driveway. Bob Rogers seconded the motion.

Tom Chrisenton said that he thought there was a written agreement between Bob Bell and Granite State Concrete that he was satisfied with the work. Mr. Bell said he did not agree with this.

VOTE: T. Chrisenton, abstained; C. Post, yes; B. Rogers, yes; M. Chamberlain, yes; L. Larouche, yes; B. Mader, yes; M. Decubellis, yes; P. Best, yes. Motion passed 7-0-1.

The Planning Board Secretary will notify Granite State Concrete, Co. of the site walk.

7:48pm

**Driveway Appeal, Map 234, Lot 6 at 714 Center Road. Owner Jason Murphy
Matt Fish and Nicole Fish were present via ZOOM remote from their home in Wilton**

Property owner Jason Murphy, who was not present, sent a letter authorizing Matt Fish to represent him. Mr. Fish is his son-in-law. Mr. Fish is the contractor who constructed the new driveway. Mr. Fish submitted documents that included subdivision maps dating back to 1898 to more recent subdivisions, an appeal letter, historic photographs of the house/driveway and aerial photographs,

There was a delay because Code Enforcement Office Leo Trudeau could not access the meeting or the audio only phone number provided by Zoom and our IT consultants.

Post meeting notes: Mr. Trudeau was unable to communicate due to technical issues.

This section is a transcript of the entire discussion:

Chairman Paul Best: I guess Leo is not able to do anything. Has everybody have a chance to review the appeal letter and the other documentation related to this? Answers: Yes.

Chairman Paul Best: Correct me if I'm saying it wrong but your argument is essentially it's primarily it's grandfathered because it has been around for a while and also there is grass and it will only be used for specific cases for access and it won't be used otherwise (?)

Matt Fish: Are you asking me Mr. Chairman?

Chairman Paul Best: Sure, yes.

Matt Fish: I'll give you a brief history. We applied for the, uh... I guess I'll start with the genesis. It's an old house. My mother-in-law, they bought it. I've been around a long time and nobody has driven by there. It was actually an old family house by the way. The driveway has always been there. They bought the house. I stripped off the grass that was placed over the half the driveway sometime around 2005 or somewhere around there, it could have been even more recent. I was informed by the Town that I needed a driveway permit to do so. I applied and filled in the application and provided historical pictures and aerial pictures that showed the driveway was in fact a real thing and had been in use. The driveway permit, Road Agent Mark Chase came out and measured it and the grade and everything else met the criteria except for the sight distance to the right from the existing driveway heading north on Center Road. It was shy around 90 feet or somewhere around there. Other than that, he said the driveway looks good. We agreed to if it was to be approved, some of the concessions is not turning right on there, so flare the driveway out. We decided we would not. The driveway regulations states 16 feet. The existing driveway is no where near that so I agreed to widen out a section of the driveway to conform to all the current regulations. The permit was denied. Still Mark [Chase] instructed me to file with you folks at the Planning Board. So I went to the Lyndeborough Town Hall and pulled out all the subdivision plans that were on file with the Town to get a sense of the history of the property. There was a home occupation dispute, a dam back there DES got involved with. I pulled out the three most recent approved subdivision plans to start with George Warren that owned it for a long time. It went from a couple of hundred acres down to 20 acres down to various acres. All three plans show the driveway as it was proposed to be reconstructed to. It showed it was there. We certainly understand it was a grandfathered non-conforming use, which means it is a use that is not allowed today but it fit in with the zoning laws at that time. Obviously, within a year it lapses. I don't know when the driveway was covered over with grass. I know it has always been there by driving by there for years but I just don't

94 know when it was. I don't know why they did it or why they would. It is the most logical location
95 with access to the street and outbuildings and what not. It is that brick Federal house there on
96 Center Road. It is boggling that they would do that because the driveway that is left, which is
97 the driveway that is there now, was really treacherous. It is really only used to access the back
98 part of that house to get vehicles back there. My father-in-law is handicapped and we may put
99 in a handicap ramp there at some time. That is another logical spot. We are willing to accept
100 whatever restrictions or things that the Town or Road Agent may think is best. For my in-laws.
101 Kathleen, did the letter of authorization come in to authorize me to speak.
102

103 **Kathleen Humphreys:** Yes and I sent that to the Board.
104

105 **Matt Fish:** Ok. They would just like to open up that back section of driveway that was there.
106 That was the most logical and safe spot. Sort of upgrade it in the sense that is now has the 90
107 degree perpendicular approach to the road so you can go both left or right out of the driveway.
108 That would be the main driveway. It's a classic old house with a circular driveway with access
109 to the barn and the house. That is pretty much it in a nutshell.
110

111 **Matt Fish:** I know the road, I believe the Road Agent Mark had said there was going to be a
112 major project right there in front of that section of the road this summer, so I'm curious about
113 that. Nothing they do with that their gravel driveway would impede that project. Would they
114 need to regrade it to be the elevation in the future? I believe that Mark said the road will actually
115 come up a couple of feet. That would all work out well.
116

117 **Bob Rogers:** I have a question for Mr. Fish.
118

119 **Paul Best:** Please go ahead Bob.
120

121 **Bob Rogers:** Is there a pressing need to reopen this driveway?
122

123 **Matt Fish:** If you were to drive in there, I would say yes. I personally don't like it. Not the new
124 section. The way it is configured now it is clearly, on one side of the road isn't a good idea.
125 When they built these circular driveways they do it for access for one way or the other. The lot
126 is sort of on a sharp curve on Center Road. You can drive by and take a look at it. But the
127 driveway had been what is the most logical way of what it could be.
128

129 **Bob Rogers:** I do remember the driveway way when it was the access driveway. I do have a
130 concern that number 1, we ordinarily don't allow two curb cuts (could not hear). We ordinarily,
131 we are trying to limit the number of curb cuts on Center Road. So I have...and it is the sight
132 distance for looking north is pretty poor. So I have some concerns.
133

134 **Tom Chrisenton:** Going north on Center Road. George Warren's ah, your house is on the right
135 hand side, ok. We are talking two drives there, one has a couple of red cones in it.
136

137 **Matt Fish:** That as the existing...
138

139 **Tom Chrisenton:** And there is the one before that, one south of that. The one that is towards
140 Milford.
141

142 **Matt Fish:** It is the newer one that has the gray gravel that looks as it was recently installed.
143

144 **Tom Chrisenton:** I went by there the other day and it seems the more logical choice would be
145 the southern entrance.
146

Matt Fish: It would, if the house...if you look at the diagram that you have in front of you, you will see that the house, further up the leg of the existing driveway, that it is with the proposed driveway. I'll use the older section of the driveway and use that terminology. So if it was the only driveway I would have went straight through the orchard to put the driveway in. If it was only going to be one, if there was not that section of drive there to begin with, I would gone straight through that lot right to the center of the house. The reason that house is built where it is, I don't know. If they build the driveway to the house, they didn't have cars back then. I don't know why the driveway was orientated as such. It is the most, I may not be clear. If I was to install one driveway, I would not have taken the route they had chosen. I would have went straight through the lot.

Tom Chrisenton: I'm still confused. There are two driveways there now. One has red cones there now. Will that be eliminated or is that the one you want?

Matt Fish: They want to have, basically reactivate the driveway to the way it was as the primary entrance then it's a U shape. So the primary entrance is from the South, as it always has been. But it went to the barn. So if you are driving north it went right to the barns, then the left to go to the house.

Tom Chrisenton: I'm still confused. Do you intend to use the ones with the cones in front of it? Is that the one that is being stopped?

Matt Fish: Only to pull in and get to that house, correct. If you are going to put a ramp, handicap ramp, in that house it would be right through the front door. Otherwise, you would have to go up two sets of stairs to get to the house.

Paul Best: Is what is being proposed is to have both and not to switch from one to the other? Is that correct?

Matt Fish: Correct.

Paul Best: It would be, just to understand the option, it would not be feasible to switch to the other one exclusively, right?

Matt Fish: Correct. If you were to have one driveway, that section of driveway would not be the logical choice. It would not adequately serve the out buildings and the house, as it is laid out today.

Paul Best: It is only usefully essentially to avoid those stairs?

Matt Fish: That and to get to the back of the house. The only entrance to the back of that property with a tractor or a car, of that nature, is closer to Center Road, in between the house and Center Road. There is a barn back there that some gentleman back in the late 90s had a to-do with the Town about a home occupation of a furniture store. **They somehow got a curb cut there so there are three openings in the road there.** They don't use the one by the barn because they don't have a business. So the true access to that barn is right next to the side of the side of house. That is the way it has been built and been designed. It is the need to get to the back of the house, that barn and to get to the front of the house that is most important.

Paul Best: Mark [Chamberlain], do you have something?

Selectman Mark Chamberlain: Yes, a couple of things.

#1. Leo [Trudeau] went out there and you too Mark [Chase]..

200
201 **Mark Chase:** Yup
202
203 **Selectman Mark Chamberlain:** Went out there to measure the angle of the road and it is 35
204 degrees of the road, which is less than our 60 degree minimum in our regulations.
205
206 #2. I would not like to see two openings there again. I think we have too many driveways on
207 that portion of the road as it is and as Bob said, we are trying to minimize access points to
208 Center Road.
209
210 **Chairman Paul Best:** Did everyone hear Mark? General: Yup
211
212 **Matt Fish:** Personally, I think the whole thing is silly. You have an old house. It has been laid
213 out the way it has. Someone put lawn over a driveway. Now you can't use it. I live in an old
214 house. The road goes right by my house. Can you image me changing anything like that then
215 having to ask the Town to have one entrance? Has anyone ever been by my house. It would
216 be pretty difficult. This is one of those situations where you have an old house and the most
217 logical layout and unfortunately, someone discontinued it for some reason that I have no idea. It
218 has been clear that it has been on every single approved subdivision plan for the Town of
219 Lyndeborough for every record that is in Town Hall and it is clearly depicted. It is depicted in all
220 the aerial photography that was provided. The approach to the street. I don't know what you
221 are talking about, about a 60-degree. I can pull out... because I built that driveway. I can pull
222 out a full 90-degrees on each side.
223
224 **Selectman Mark Chamberlain:** The angle, the angle of the driveway to the road is required to
225 be not less than 60-degrees.
226
227 **Matt Fish:** You are talking approach, perpendicular when you are turning left or right? [pause]
228 But that is...*(difficult to hear the conversation clearly)*
229
230 **Selectman Mark Chamberlain:** Not turning I'm talking about, it's the actual driveway.
231
232 **Matt Fish:** Can you explain that for me please?
233
234 **Selectman Mark Chamberlain:** In other words, our regulations state, we prefer a 90 degree
235 driveway to the road, so perpendicular to the road. You can go out 60 degrees off of that. So
236 you can't go. What you have now is 35-degrees off the road. You have to go 60.
237
238 **Chairman Paul Best:** So Mark, what you are saying it is ideally like this [motion on screen] and
239 it can't be like this [motion on screen] and this angle being 60-degrees and currently this is 35 is
240 something like this [motion on screen]
241
242 **Matt Fish:** But that is not true. I have driven dump truck there. [talking] That is not true. You
243 can approach that, drive, you can approach that road, as the opening is 45 feet wide, you can
244 approach that road at a 90-degree angle.
245
246 **Bob Rogers:** I think Leo mentioned the wrong driveway. I think Leo's 30 degree angle was the
247 driveway that is presently in use because of the angle to it.
248
249 **Selectman Mark Chamberlain:** Perpendicular, or pretty close to it.
250
251 **Matt Fish:** No but it is not because the driveway on the top has a lilac brush right to it and as I
252 explained to the Road Agent they agreed wouldn't take that angle out. It is not 90-degrees from
253 the old driveway taking a right onto Center Road. And that was the plan to was to clear that out

so someone could take a 90-degree or better approach heading a north on Center Road. The advice was not to.

Bob Rogers: I'm still confused.

Tom Chrisenton: Do we have a map? Because the north driveway, the one that is perpendicular to Center Road and the...

Chairman Best: I have a map here that I will try to pull up so we are on the same page.

Tom Chrisenton: What are we talking about? The north entrance or the south entrance? [muffled talking].

Bob Rogers: The north is the one he wants to reopen. The south one is already there.

Chairman Paul Best: Let me try sharing the screen here. [muffled sounds]

Tom Chrisenton: So the red cones are in front of the north driveway? What are the cones there for?

Chairman Paul Best: Is this the most useful map?

Matt Fish: I got several maps in the appeals, oh sorry, didn't mean to scream...

Chairman Paul Best: Do they all have the same depiction within reason and scale? Ya, ok. Let me go back to...[talking over each other]

Matt Fish: Tom, the cones are on the existing driveway, which is to the north. **Tom Chrisenton:** Ok.

Bob Rogers: The existing driveway is to the south, isn't it?

Larry Larouche: No, the existing driveway is to the north. They reopened the south.

Mike Decubellis: Given this is a grandfathered use and it has the two driveways and it's depicted on all the maps, what grounds do we have to deny him from a grandfathered use?

Person ?: That is a fair question.

Matt Fish: It is because it's a non-conforming grandfathered use and it lapsed after a year. In theory, that is how we always looked at grandfathered uses at the Wilton Planning Board.

Person ?: So, specifically, it's after a year of non-use, it is no longer grandfathered.

Matt Fish: That was part of my interpretation of it. I just don't know when it was decommissioned.

Selectman Mark Chamberlain: At least 2008 because that is how long I have been here.

Mike Decubellis: I would say that we don't keep records good enough to keep track of how long something has been opened or closed. I don't know we can impose that limit otherwise? Do you folks recall? Bob and Tom, a couple of more old timers.

Bob Rogers: I remember when the driveway was there in front of the house. I don't remember when they grassed it over. In fact, I was almost surprised it was grassed over.

310 **Larry Larouche:** It is a logical place for the driveway.
311
312 **Matt Fish:** Did you guys see the pictures that were provided to the driveway application that
313 showed the old photos of the house and the aerial photos and what not.
314
315 **Paul Best:** Let me share my screen again.
316
317 **Kathleen Humphreys:** Just to update. Matt Fish, all the documents that you sent me, I copied
318 you and sent them back. Also as a resident I never recalled that area not being grass and I
319 have been here 21 years. *(I phrased it poorly, what I meant is I never saw that area as a*
320 *driveway, always with the grass there).*
321
322 **Larry Larouche:** It has been grass as long as we have lived here. **Kathleen Humphreys:** Ya.
323
324 **Matt Fish:** Those pictures are different from the ones that I submitted with the application.
325
326 **Kathleen Humphreys:** Ya, then they don't have them.
327
328 **Matt Fish:** Those do show it but they were not as good as the ones that were with the driveway
329 application. I thought that the ones with the driveway application were clear enough evidence to
330 show that it had existed. That is why I showed those ones. Tonight's application is more about
331 the plans.
332
333 **Selectman Mark Chamberlain:** Okay, where are those photos. Kathleen, did you get them
334 or...?
335
336 **Kathleen Humphreys:** Let me see.
337
338 **Larry Larouche:** They are but they go really fast.
339
340 **Matt Fish:** They were not submitted to Kathleen. They were submitted in hard copy to the
341 Board of Selectmen with the driveway application that was about four or five months ago, or
342 three months ago, or two months ago... *[Background discussion noise]*
343
344 **Bret Mader:** That is a nice old picture but I can't tell what the driveway is or what it is not. I don't
345 know. I have driven by that house for 25 years, twice a day and I don't really recall seeing a
346 separate driveway. I would have to say, ya the look see the walkway and see the?...why the
347 existence entrance can't be modified to serve whatever the purpose is you are looking for.
348
349 **Matt Fish:** Who's to say they didn't drive on the lawn?
350
351 **Bret Mader:** I have done that before.
352
353 **Matt Fish:** It was a good joke.
354
355 **Larry Larouche:** Maybe we need to schedule some kind of site visit to look at this one? Maybe
356 we can lump in onto the thing for May 17th? And we can have a day of it. **Kathleen**
357 **Humphreys:** And have lunch...**Larry Larouche:** Matt Fish can provide lunch. [laughter] Coffee
358 and donuts from Bob Bell. Matt Fish will have some kind of lunch thing. **Paul Best:** This is just
359 an elaborate scheme to get free food. **Larry Larouche:** These are desperate times.
360
361 **Paul Best:** Any other discussion. There could be a motion for a visit or further discussion.
362
363 **Larry Larouche:** I make a motion...
364

Paul Best: Oh sorry, Mark wanted to say something.

Selectman Mark Chamberlain: Matt, you said the drive is 45 feet wide, regulation. It is 30.

Matt Fish: It can still be accomplished with 30 feet. We will reconfigure to whatever it needs to do to confirm. Before you make a motion or go into discussion, I wanted to point out that I think these things are common sense. This is a perfect example of just that where this is not something that someone asked for something that, that is sort of clearly out of the blue. It is something that is documented as existing. It is really a logical thing. If they need a handicap ramp, are you are going to deny them that permit? To me that is a tough call when I apply my judgment and leadership to these things. I would like to take a common sense approach. This is not some new home that has popped up on Center Road. It has been there a long time. That driveway has been there, literally, for centuries. A long, long time. I just want to make sure everyone keeps that in mind when go out there and look at it.

Paul Best: I think there is a reasonable distinction between the rules and if there is a real practical safety consideration where this is expected to cause actually cause a safety hazard or not (*could not make out all the words here*)

Mike Decubellis: It actually seems safer to me in one of the directions. Again, the grandfathered use is what I key in on. If he got aerial photos and it was always there. There are driveway cuts all over town that we don't want, as a town. They are grandfathered. We don't monitor if they are used or not and close them down after a year. For that reason, I'm willing to support him having two driveways in this location, which I'm against on Center Road, but it's a grandfathered use. I'll leave it there.

Paul Best: Okay, let me switch cameras here.

Road Agent Mark Chase: I think that the whole thing the existence driveway where the cones are does not meet the sight distance requirement. It does not meet it. You can't see up towards the road by 90 feet. That is the question, the two driveways apart. You can still use the driveway and back in. The passenger is going to get out of the passenger seat to the wheel chair ramp. To come in the other way you have to walk ? to the car. There is no sight distance on the existing driveway. *[muffled, Mr. Chase was sitting in the back of the room at Citizens' Hall, far from the microphone]*

Matt Fish: Mark if you are getting out of the car as a passenger, you are getting off of the passenger side which means you are driving in and the new section of the driveway and you are taking a left out of there. And for the sight, you are talking less than 90 feet over 300 and the driveway has been in use since 1812. And now to say it is somehow so dangers it can't be used, that is a tough one for me. The whole two driveway thing. No one is asking to put two driveways in a brand new home. It has been clear that this thing has been there forever. No one is going to make it anything more dangerous. It is going to get better simply by both having the other entrance available and adjusting it to how the Town sees fit. We will make it to code and make it better. That is the point. This is not something, I don't think this is an outrageous request. I don't. It is a logical request.

Paul Best: I think we had a motion. We should bring the discussion towards a motion soon. Go ahead.

Tom Chrisenton: The one closest to the house, not the driveway, is that going to be used just used as an entrance only.

417
418 **Matt Fish:** It could be. However they feel they ?
419
420 **Tom Chrisenton:** That sight distance doesn't enter the question if you are going north or south.
421 If going south you can see the cars coming from the north. If you are coming from the south
422 and going into the driveway, it is no problem. Because you are on the same travel lane as
423 everyone else is going. As you enter the driveway, the north driveway enter only, that would
424 see logical. And exit on the southerly end of the driveway.
425
426 **Matt Fish:** That is exactly how I would do it coming up from Dale Street. I take a right onto the
427 existing driveway. I don't like to turn north that way. You can. Center Road is crazy these
428 days. We all know it. It is posted as 30mph but it is not 30. I think this is a large improvement
429 and I think that is a great idea.
430
431 **Tom Chrisenton:** So a question would be, would you be willing to sign up if that is an entrance
432 only?
433
434 **Matt Fish:** Absolutely.
435
436 **Mike Decubellis:** I second that motion. [laughter]
437
438 **Paul Best:** We can have a motion for a contingent approval or a motion for a site visit or a
439 motion for a denial.
440
441 **Tom Chrisenton:** I'll make the motion. Make the motion the being northerly use is only
442 with the sign and exit the property on the southerly side. [ding noises]
443
444 **Paul Best:** Sorry Tom, could you repeat that motion, there was something else happening here.
445
446 **Tom Chrisenton:** Enter from the north side only as an entrance.
447
448 **Paul Best:** The north driveway specifically will only will be an entrance.
449
450 **Tom Chrisenton:** The southerly can be an entrance or exit, with a sign so saying...
451
452 **Matt Fish:** I'll have them put a big boulder with a sign or a granite post with a sign 8x10 like a
453 standard street sign side, similar and decorative that says, "Entrance only".
454
455 **Tom Chrisenton:** ? Who wants to second that motion?
456
457 **Paul Best:** Discussion.
458
459 **Mark Chamberlain:** This is for what? Just discussion? **Paul Best:** I guess it would be
460 approval.
461
462 **Kathleen Humphreys:** Mr. Chairman, may I add some information. **Paul Best:** Sure, go ahead.
463 **KH:** I just send the Board the driveway permit and I thought honestly, I did get this yesterday
464 and I apologize for not forwarding it to you. It was the road agent's application denial, but if you
465 look in that folder, it does have all the photos that matt Fish originally with the driveway permit.
466 So those photos he reference earlier are available to look at.
467
468 **Paul Best:** Ok. So if I'm charactering this correctly. The proposal is the driveway will be
469 approved under the condition that the southern one is only used as an entrance? TC: Yes. PB:

oh, the north is used only as an entrance. TC: The south can be used as an entrance or exit. So is there a discussion of that proposal?

Selectman Mark Chamberlain: That doesn't solve the issue of the non-conformances of the South entrance. I still don't believe that entrance, the north entrance should be, it should remain. There is no reason why you can't stub it to make it a turn-around within the lot and discontinue it within the right-of-way. You can still do everything you want to do on the lot, but you are not going to have an access to Center Road from the north entrance.

Mike Decubellis: The benefit of leaving it opened, as an exit is it makes it an easier turn right as you come off that...

Mark Chamberlain: If he adjusts it so the driveway meets the regulation, it wouldn't be an issue.

Matt Fish: It can be done. I guarantee you 100% that it can and it will. I'll have Mark the Road Agent inspect it when it's done. I'll make whatever changes he thinks satisfies your Board. They are also, don't forget, upgrading Center Road. They didn't want to turn the existing driveway 16 feet wide in front of that beautiful brick house cause right not it's about 8 feet wide. But they were told they would have to go to 16 feet and they were willing to do that. Everything will be brought up to current code.

Tom Chrisenton: We have a motion on the floor.

Chairman Paul Best: It is the discussion of the motion. Is there further discussion of this motion specifically. If there is no further, okay go ahead Charlie.

Charlie Post: Just real quick, would there be an asphalt apron that approach the end of the gravel driveway to the gravel driveways to the road?

Matt Fish: there is not because it's on a downhill slope so nothing gets into the road. It's on a negative degree grade, as required. **Charlie Post:** Okay Matt.

Chairman Paul Best: Okay Mark go ahead.

Selectman Mark Chamberlain: The regs require a four foot paved apron and that is for a sacrificial edge so that the edges of the roads don't get beat up by people coming in and out of the gravel road. **Matt Fish:** I did not see that in the driveway regulations. **Bob Rogers:** It is there. I've seen it. **Matt Fish:** Okay, I'll look for it. **Mike Decubellis:** It is there but it has not been enforced since I've been around.

Selectman Mark Chamberlain: We are starting to as we rebuild the roads.

Chairman Paul Best: Okay, any further discussion of this motion. If not, let's call the roll. Let's start with you Tom, yay or nay. Sorry Tom, I could not hear you, is that a yay?

Tom Chrisenton, yay; Bob Rogers, reluctantly, I will say yes; Mark Chamberlain, no; Larry Larouche, yes; Bret Mader, yes; Mike, yes; Paul Best, yes. Motion passed: 6-1-0.

Matt Fish: Thank you. So is there going to be a site visit? Or am I going to build it with the sign and have Mark sign off with the degree of approach. **Bob Rogers:** We don't need a site visit.

Paul Best: No site visit but the approval is conditional on the conditions of what Tom said in the proposal, it is only an entrance.

8:20 p.m.

Information Only:

Rick Duplease – One Lot Subdivision, Map 232, Lot 054

Rick Duplease and Michelle Duplease were remote from their home and Spencer Tate was remote from Meridian Land Services due to COVID-19.

Mr. Tate submitted a proposed map. He requested a date for the Planning Board to inspect the test pits. He would like to submit an application in May 2020.

Tom Christian said that he did not realize the proposed lot was so small. The acreage and road frontage requirements were discussed as well as a HISS map to verify two contiguous acres of dry land. Larry Larouche mentioned that the road frontage is not acceptable.

The applicant was asked to review Zoning Section 408 for additional information.

Tom Chrisenton talked to Mr. Duplease prior to the March meeting that was cancelled due to COVID-19. At that time, Mr. Duplease said that he was subdividing the lot in half. Now that the proposed lot is less than 5 acres, the soil overlay will need to verify if the lot complies with soil based zoning.

Larry Larouche mentioned that this plan should come back as a formal application along with the subdivision checklist and not as an informal discussion.

Mark Chamberlain noticed there is a driveway to the north that has two wetlands crossings. He suggested a shared driveway to get to that back lot.

8:35 p.m.

Harold Bachard – 240 Old Temple Rd, Map 230, Lot 19 - Info only

Harold Bachard's son, Mark Bachard, was present remotely due to COVID-19. Harold Bachard emailed a letter authorizing his son to represent him.

Previous to tonight's meeting, Board member Tom Chrisenton had a conversation with Harold Bachard when the March 2020 meeting was cancelled due to COVID-19. He also sent Mr. Bachard the Hillsborough County Survey that showed their soil is 22B, excessively draining or severe, therefore it does not comply with Lyndeborough's Zoning Regulations. It requires 500 feet of road frontage and five acres.

Mark Bachard was asked to review Zoning Section 408 for additional information.

The Board discussed soil based zoning. Mr. Bachard asked if they know the soil. Mr. Chrisenton said they are mapped as 142D and 22B in the overlay. The information sent to Harold Bachard showed the soils were severe. Mr. Decubellis said the Board has to go by the book but if the property owner thinks the book is wrong, they can hire a soil scientist to prove it is incorrect.

8:43pm

Item Not on the Agenda:

Paul Best mentioned there was an application submitted only days ago from Meridian Land Surveying asking to lose the restrictions on Darrell Cooper's lot, Map 230, Lot 2 that bars further subdivision. Mr. Best asked if the Board should hear this as he felt they can not deny a public hearing.

The Board debated this topic. Mr. Decebullis said he has a religious problem with this. They created this subdivision and now have a problem with it. If you remove the restriction for this property, you will have to do it for others and it will just pour out. Mr. Decubellis said most likely the Board gave up something for that note to be on there; either road frontage or other things, it is unclear.

Larry Larouche agreed and said they just did this with Map 232, Lot 054 (John Dick, Jr. who sold to Rick Duplease). The difference was on this lot was note #4 said, "No further subdivision without Planning Board approval" so that allowed the Planning Board to act on their request and hear the case. Mr. Cooper does not have that language on there. Mr. Larouche also mentioned that Mr. Dick's request went to Attorney Drescher for review. He felt the legal document was not clear. *(Side note: The John Dick, Jr. Resolution was recorded at HCRD)*

Paul Best said that if the abutters have no problems that would be one thing.

Mike Decubellis noted that these lots have been sold since the subdivision was approved.

Upon reviewing the map, the restriction was put on the map dated June 18, 2015.

Mike Decubellis is also on the Conservation Commission and said he sees these restrictions with the conservation easements but they keep getting thrown away because they were not written tight enough.

Action Items:

1. Ask NHMA their opinion is on this matter
2. Read the minutes of the subdivision and lot line adjustment
3. Request the deed

Send Mr. Cooper a letter informing him the Board will further investigation this and any expenses accrued during our investigation shall be the property owner's expense. Add this to the May 2020 agenda to discuss new information only, not as a hearing,

FEBRUARY Minutes:

Mark Chamberlain emailed amendments to the secretary.

VOTE: Mark Chamberlain moved to approve the February 2020 minutes with amendments. Larry Larouche seconded. Tom Chrisenton, yes; Bob Rogers, yes; Mark Chamberlain, yes; Larry Larouche, yes; Bret Mader, yes; Mike Decubellis, (abstained, not available), and Paul Best, yes. Motion passed 6-0-1.

Work Session Minutes of April 23, 2020:

The work session minutes will put on the May meeting for review and approval.

EXCAVATION PERMITS 155E

Granite State Concrete, Co. and Quinn Properties *(See Dawn to add lot numbers)*

VOTE: Bob Rogers moved, Larry Larouche seconded to approve the excavation renewals permits. T. Chrisenton, yes; B. Rogers, yes; M. Chamberlain, yes, L. Larouche, yes; B. Mader, yet, and P. Best, yes. Motion passed unanimously.

Comment:

Larry Larouche said he spoke with Town Administrator Russ Boland earlier today and left a note for the Highway Department to alert them there has been an ongoing logging operation on the new driveway onto Chase road, **Map 250, Lot 14**. Mr. Larouche does not believe there is an Intent to Cut/Logging permit filed. Chappell Farms has been doing the logging work, which has been on-going for a few weeks now. Mr. Boland told Mr. Larouche he will contact the State because that section of road is under State purview.

This 54-acre property was recently sold to Mr. Gill by Real Estate Agent Karl Zahn. Pam Holt sold a driveway easement to allow this driveway to access Chase Road instead of using a dangerous section of Center Road. See minutes of November 21, 2019 for Road Agent's clarification on the driveway now that there is another recent subdivision off Chase Road. *(See: Pam Holt: Map 247, Lot 25. Paul Hebert: Map 247, Lot 25-1. Easement from Pamela Holt to Robert G. Jean, dated Sept. 8, 2017, recorded at HCRD Doc. # 704244, Book 9005, Page 0314)*

Next Month's Agenda:

New Business:

Darrell Cooper – Center Road discussion only

Continued Business:

Discuss report from site visit on Mr. Bell's Tarn Road property

Minutes: December 2019, April 30, 2020, and Work Session April 23, 2020

VOTE: Larry Larouche moved, Bob Rogers seconded to accept the agenda. T. Chrisenton, yes; B. Rogers, yes, M. Chamberlain, abstained; L. Larouche, yes; B. Mader, yes, M. Decubellis, abstained, not available remotely anymore, P. Best, yes. Motion passed 5-0-2.

Adjournment:

VOTE: Larry Larouche moved, Bob Rogers seconded to adjourn at 9:25 p.m. T. Chrisenton, yes; B. Rogers, yes, M. Chamberlain, yes; L. Larouche, yes; B. Mader, yes, M. Decubellis, not available remotely anymore, P. Best, yes. Motion passed 6-0-1.

Respectfully submitted,

660 Kathleen Humphreys
661 Planning Board Secretary

DRAFT