

TOWN OF LYNDEBOROUGH

PLANNING BOARD

June 18, 2020

Approved

7:30 PM Call to Order & Roll Call

Member Present: Chairman Paul Best and Selectmen's Rep. Mark Chamberlain at Citizens' Hall. Remotely: Vice Chairman Tom Chrisenton at home due to COVID-19 with Ginny Chrisenton; Larry Larouche at home COVID-19, Bob Rogers at home COVID-19; Mike Decubellis at home COVID-19, and Bret Mader at home COVID-19. **Not Present:** Alternate Julie Zebuhr.

Public present: Building Inspector/Code Enforcement Officer Leo Trudeau, resident Lisa Post, resident Darrel Cooper and Real Estate Agent Karl Zahn in person. Applicants Rick Duplease and Michelle Duplease via ZOOM; Spencer Tate from Meridian Land Services via ZOOM, Tom Carr from Meridian Land Services via ZOOM, Residents Bob Bell and Diane Bell via ZOOM due to COVID-19 and Abutter Paul Martin via ZOOM due to COVID-19.

Old Business:

714 Center Road Driveway update, Map 234, Lot 06

Owner Jason Murphy and contractor Matt Fish were not present

Code Enforcement Officer Leo Trudeau said there has been no work done to improve the driveway. He believes the resident is waiting until after the 30-day appeal period. At this time, there are no official signage in place that were requested by this Board..

New Business:

Two-Lot Subdivison, Map 232, Lot 054 on Putnam Hill Road

Applicants Rick and Michelle Duplease and owner John Dick, Jr. attended via Zoom.

Spencer Tate and Tom Carr from Meridian Land Services via Zoom all due to COVID-19.

ABUTTER NOTIFICATION: Abutters were notified via Certified U.S Postal Mail sent on June 4, 2020. A "Return Receipt" was received from all ten certified letters that were mailed.

PUBLIC NOTICE: Published in the Milford Cabinet on June 4, 2020 as well as posted at Citizens' Hall, Center Hall, Town Website, Lyndeborough Post Office and the Village Store (x2).

The secretary had audio issues until 7:55pm plus at other times during the meeting.

The checklist was reviewed. Items discussed included the fact there is no wetlands mapping and a waiver.

Tom Chrisenton has a concern that the lot is very small. He would like to see a high soil intensity survey. Mark Chamberlain would like to see where the survey will stop and have it delineated.

The application process and test pits procedures was discussed. The Board won't accept the application until they view the test pits, which are scheduled at a public meeting. Mr. Carr and Mr. Tate debated that the process has been the test pits are viewed after the plan is accepted. Tom Chrisenton discussed the timeframe for planning meetings

Rick Duplease referenced the April 30, 2020 minutes regarding a discussion on test pits. They would like clear submission process. *Please note that this application was in an informal discussion in April 2020.*

The property has a lot of wetlands and ledge. A wetlands crossing to access the larger lot was discussed. The Board would like to see the driveway permits and asked if the applicant has State approval yet. Mr. Duplease said he did meet on-site with the Road Agent to review the sight distance.

The Board asked for the deed to the land. Rick Duplease said that John Dick, Jr. still owns the land and they are waiting until after the test pit inspection to finalize the purchase and sales agreement.

A letter dated May 4, 2020 from Spencer C. Tate, Re: John Dick/Duplease and Sons Construction LLC Subdivision Application had the following statement: "The remaining undeveloped portions of the parcels are not intended to be further subdivided or to support future street system at this time." Paul Best asked about this statement.

Bret Mader requested the applicant add a note to the plat that states, "No further subdivision".

ACTION ITEMS NEED:

Delineation of the wetlands

Delineation of where the survey stops

Stamp and signature on topo map

Copy of the deed

Mike Decubellis asked if the soils are okay for a small lot. Tom Christian said they will have to go out and see the tests. Paul Martin realizes this is the purpose of test pits but suggested to look for ledge and review the driveway access across the wetlands.

The driveway is pending by the State. It was noted that the driveway may not be in a location that the Town approves of. Mr. Chrisenton mentioned when creating a subdivision, access is needed to all lots.

The Board discussed the test pits. They would like to see every test pit that has been dug. The Board requested to see the 4,000 square foot area staked out and the setbacks from the 4K to wetlands and ledge.

TEST PITS INSPECTION:

Saturday, June 27, 2020 at 10:00 a.m. at the Putnam Hill Road property. Map 232, Lot 054

Request for Information:

Darrell Cooper, Cooper Lane, Map 232, Lot 20.

Request to remove note, "No Further Subdivision"

Owner Darrell Cooper and Real Estate Agent Karl Zahn were present at Citizens' Hall. Tom Carr from Meridian Land Services attended via Zoom.

Abutters have NOT been notified and this has not been noticed in the newspaper or public locations. No fees were collected.

The applicant was in for an informal discussion on February 20, 2020. The Board met on June 18, 2020 to review the action items to gather background and legal information prior to moving forward with this request. Mr. Cooper was sent a letter dated May 12, 2020 that research will be done. The action items were: Review the 2015 subdivision minutes, a copy of the deed and consult legal counsel. After reviewing those items, the Board voted not to move forward with his request and a letter was sent to Mr. Cooper informing him of their actions and decision, dated May 26, 2020, RE: Map 232, Lot 20 on Center Road, than named Cooper Lane. Mr. Cooper is here tonight to discuss the findings in person.

Minutes: May 21, 2015 (minutes plus transcribed audio) and June 16, 2015.

Legal Advice: Stephen C. Buckley, Legal Services Counsel, NH Municipal Association in Concord, NH. Email to Selectmen's Rep. Mark Chamberlain, dated May 18, 2020. (see file)

Deed: Not delivered to the Board.

Mr. Cooper and Mr. Zahn were concerned that the June 2020 Planning Board meeting was an official hearing where abutters were notified by certified letters, which was not the case. They were informed that abutters were not notified and it was not noticed in the newspaper either.

Mr. Zahn said that Mr. Cooper would like to subdivide for a lot for himself to build a smaller house. It would access the private driveway, Cooper Lane but the "No Further Subdivision" note does not allow this.

The Board felt this would become a major subdivision because it would be now be four lots from the original subdivision. Mr. Zahn felt it was not a major subdivision because they would use the road frontage of one of the lots. Brett Mader mentioned there are situations when real estate agents push to subdivide lot after lots from an original property. Larry Larouche confirmed this is the same subdivision and it does not matter about the road frontage on a particular lot.

Mike Decubellis mentioned the legal advice the Board researched where the response was to seriously consider this before removing a restriction because it opens up the entire town to remove notes and restrictions from plans and they were advised it is not a wise action.

VOTE: Bret Mader made a motion, Larry Larouche seconded to not consider removing the "No Further Subdivision" note from plan for Darrell Cooper, Map 232 Lot 20 on Cooper Lane. Motion passed unanimously. The note stays on the plan.

Continued Business:

Bob and Diane Bell are present via Zoom. An email from Granite State Concrete was read into the minutes, which was received by the secretary earlier today.

EMAIL: June 18, 2020 at 5:22pm from John MacLellan and cc Peter MacLellan to Kathleen Humphreys, PB Secretary from "John MacLellan" <jmaclellan@jgmaclellan.com>

"Kathleen,

As related to you on June 5, the landscape contractor has taken soil samples at the Bell property. As of today they indicate that they have received results on the organics only and are waiting for the more useful chemical analysis. As a result we do not have any substantial update for the Board. We request the opportunity to provide information for the next meeting. Thank you. - John MacLellan"

147 Diane Bell said she did not see when Granite State Concrete took the samples.

148
149 **VOTE: Bob Rogers moved, Larry Larouche seconded to take up the Bell Buffer situation**
150 **next month. Roll Call: Mark Chamberlain, yes; Tom Chrisenton, yes; Bob Rogers, yes; Bret**
151 **Mader, yes; Mike Decubellis, yes; Larry Larouch; yes; Paul Best, yes. Motion passed**
152 **unanimously.**

153 Minutes:

154 **April 20, 2020 and July 2020 Minutes**

155 The April 30, 2020 and the July minutes will be tabled.

156 **May 23, 2020 Minutes** (did not pass)

157
158 **VOTE: Bob Bell moved, Bret Mader seconded to accept the May 23, 2020 minutes as**
159 **written. Motion passed 6-0.**

160 **Roll Call: Mark Chamberlain, abstained; Tom Chrisenton, abstained; Bob Rogers, no; Bret**
161 **Mader, yes; Mike Decubellis, yes; Larry Larouch; yes; Paul Best, abstained. Motion failed.**

162 Permits:

163 There is an Intent to Cut at the end of Nichols Road

164 Other Business Not on Agenda:

165 **Chase Road Safety Concerns, driveway not at proposed location**

166 Larry Larouche brought up a safety concern regarding the new driveway cut off Chase Road
167 which is basically on the intersection of Chase Road and Center Road. This is not the location
168 that was expected when the Board was told it would be a shared driveway about 90 feet from the
169 intersection. Mr. Larouche sent an email to the Board and the Selectmen regarding his concerns
170 the other month and the only person who replied was Selectman Fred Douglas. Mr. Larouche
171 feels this will be very dangerous, especially in the winter with snowplowing.

172
173 Mike Decubellis asked if Chase Road was abandoned. In response to this question, on March
174 14, 2015 the Town approved Warrant Article 24 for Chase Road to be abandoned.

175 **Tarn Road**

176 Mark Chamberlain informed the Board that the Selectmen and the Road Agent met with the Tarn
177 Road Homeowners Association. Some members want to propose the Town accept Tarn Road
178 while other residents were not in agreement. The road needs a lot of work/upgrading.

179 **Stage Coach Road Informal Discussion – Subdivision questions for Map 214, Lot 5**

180 Stage Coach Road Resident: Mike B? was present

181
182 The resident is looking to subdivide off 5-acres of a 36-acre lot to build a cottage for his mom.
183 Stage Coach Road is a Class VI road therefore his road frontage is off a Class VI road. He would
184 need to petition the Selectmen for permission to build off a Class VI road. He has a 1/10 acre in
185 the Town of Wilton.

186
187 The Board discussed soils. He was informed to consult the National Cooperative Survey to find
188 the soil information on his property. Mr. Chrisenton said his soil is rated "Severe" rated 161c
189 161d. The applicant would have to prove slight to moderate soil. He had concerns this map could
190 be inaccurate and wondered if he could find two-acres on his property that would work. Test pits
191 were discussed. The 5 acre, 500 foot road frontage zoning was discussed.

197
198 **Chairmanship**

199 Paul Best announced that he cannot be chairperson anymore due to other obligations.
200

201 **Firing Range Proposal, Pinnacle Road, Anzalone19**

202 Code Enforcement Office/Building Inspector Leo Trudeau asked the Board if they wish to have a
203 conversation regarding the proposed firing range. The Board felt this needs Site Plan Review.

204 Lisa Post said there is noise that echoes down the valley from their lot that she hears. She lives
205 at 36 Crooked S Road, and they are on Pinnacle Road. She said they are shooting every day, a
206 good part of the day, and it reverberates around and stated that it' is very loud.

207 Mr. Trudeau said they are running a commercial enterprise. Mike Decubellis mentioned they are
208 in Rural Lands II. Mr. Chrisenton mentioned there have been complaints.

209 **Correspondence:**

210 The Board received Boundary Survey that was filed with registry of deeds. *(will need to see the*
211 *plan for details)*
212

213 **Next Agenda:**

214 The location of next meeting will be at Center Hall with an on-line component. Social distance
215 and will be mask required. Either Bob Rogers or Tom Chrisenton shall chair the meeting.
216

217 Mr. Trudeau urged the Board to have any future correspondence to the Anzalone's be from the
218 Town Administrator and to careful document the process. The Board requested that their
219 Selectmen's Rep. Mark Chamberlain reach out to T/A Russ Boland and request he pass along
220 the information for Ed Anzalone to come to the next meeting to discuss a site plan review due to
221 the commercial aspect of this proposal.
222

223 -Site visit June 27, 2020 at 10:00am Putnam Hill Road property. Map 232, Lot 054

224 -Driveway update for 714 Center Road, Murphy/Fish

225 -Duplease/Dick subdivision

226 -Review Bob Bell/Granite State Concrete buffer concerns

227 -Approve Minutes

228 -New Chairman Appointment
229

230 **Adjournment:**

231 **VOTE: Bret Mader moved, Larry Laroache seconded to adjourn at 9:44 p.m.**

232 **Roll Call: Mark Chamberlain, yes; Tom Chrisenton, yes; Bob Rogers, yes; Bret Mader, yes;**
233 **Mike Decubellis, yes; Larry Larouch; yes; Paul Best, yes. Motion passed unanimously.**
234

235 Respectfully Submitted,
236
237
238
239

240 Kathleen Humphreys

241 Planning Board Secretary

242 *These minutes were approved on 11-19-20*