

# TOWN OF LYNDEBOROUGH PLANNING BOARD MINUTES

## April 21, 2022

*Approved on 6-16-22*

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

**Members Present:** Chairman Charlie Post, Mike Decubellis, Ray Humphreys Selectmen's Representative Mark Chamberlain. New Board Members: Mark Schultz and Alternate Alyssa Lavoie. NRPC Circuit Rider Jay Minkarah. Paul Best arrived at 7:39pm.

Chairman Post thanked Tom Chrisenton and Larry Larouche for their many years of service and hard work on the Planning Board, which helped transformed changes for the town. "Thank you from the Town and Board", he added.

**Member Not Present:** Bob Rogers

**VOTE:** Mark Chamberlain made a motion, Mark Schultz seconded to nominate Charlie Post to continue as chairman. Motion passed 6-0.

**VOTE:** Ray Humphreys made a motion, Mark Chamberlain seconded to nominate Paul Best as Vice Chairman. Motion passed 6-0.

**Public present:** Tom Chrisenton, Ginny Chrisenton, Lisa Post, Pam Holt, Charles Vars, Jonathan Lefebvre, and Tom Carr. Leo Trudeau arrived during meeting.

### **Zoning Sub-Committee Update:**

The Sub-Committee needs another member to replace Larry Larouche. Mark Schultz volunteered for the Zoning Sub-Committee.

R. Humphreys reported the committee worked on the fee schedule. They talked about the different districts and how it gets very long, cumbersome, and repetitive. They plan to design a dimensional table that illustrates this and include special exceptions noted. The process will require recodification.

The next meeting is a joint one with the Conservation Commission on May 12 at 6:30 p.m. at Citizens' Hall. The Wetlands are on the agenda.

*Paul Best arrived on 7:39 p.m. Mr. Best accepted the Vice Chairman nomination.*

**Request for Information:**

**Subdivision, Jane Hager 1990 Trust on 206 Pinnacle Road.**

Tom Carr from Meridian Land Services was representing Mrs. Hager

Mrs. Hager is proposing subdividing a 168-acre lot into two lots allowing for one of the existing three dwellings to be on their own lot. They would like to request a waiver for test pits since the houses already have septic systems. The Board asked to ensure all lots have approved septic systems on file per the RSA 485-A:38.

The secretary informed the Board that Mrs. Hager obtained a ZBA variance for the caretaker's house. The applicant should review the language on this decision, which was maybe 5-6 years ago. It was noted that Ken Dion build this house.

Jay Minkarah added the lot is not non-conforming, the use of it is.

The caretaker's lot will be 19.849 acres and main lot will be 155+. The lots will have over 500 feet of road frontage. They will share a driveway entrance and provide an easement. A two-lot subdivision would require a variance for two dwellings on one lot.

*Tom Carr left at 7:48pm*

**Case 2002-02**

*(continued and noticed from March)*

**Chrisenton, Lot Line adjustment. Map 230, Lot 7; Map 230, Lot 8 and Map 230, Lot 8-1 off Woodward Road**

Owners Tom and Ginny Chrisenton were present.

For the new configuration, the applicant needed written consent from the mortgage holder (bank). It was originally submitted as a three-lot lot line adjustment but resubmitted as a two-lot lot line adjustment.

Mark Chamberlain had a concern the letter from the bank and the plan don't match in terms of the description of what will happen. The way it is written sounds like you are consolidating the small lot. The letter was dated before the map. After a discussion about the note, G. Chrisenton said the banker was away at that time but she can ask her to redo the letter.

Correspondence: A letter from Anne Meigs was read into the minutes. *(see file)*

*"Tom and Ginny showed me a map for a LLA a few months ago. I had no problem then or do I now that I have seen the final plans. -Best wishes, Anna Meigs."*

C. Post said he did call Anna Meigs because it was not clear which application this letter was for but she confirmed it was for this application.

**Changes:**

**Bank letter to be revised to match the purpose of the plan.**

M. Decubellis said the items we asked to be changed are here in the box and asked if the abutter was added.

Alyssa Lavoie asked what case number this is because from the March minutes this case is listed as 2022-02 on Line 170 and Line 205, while tonight's agenda list it as 2022-03. After reviewing documents, this is case 2022-02 as listed on the March minutes.

**VOTE: Mike Decubellis made a motion to approve the plan contingent on submitting the corrected letter from the bank. Paul Best seconded the motion. Motion passed 7-0.**

*Additional Abutter fees need to be paid. Send an invoice.*

**Case 2022-04:**

**Chrisenton, Lot Line Adjustment and Two-Lot Conservation Lands Subdivision Map 228, Lot 1 and Map 230, Lot 5 off Woodward Road** (Noticed by NRPC)

Owners Tom and Ginny Chrisenton were present.

The list of waivers were read.

Mark Schultz asked the purpose of the LLA. T. Chrisenton said it is stated in note 1. G. Chrisenton said to make sure Map 230, Lot 5-2 has 30 acres to fall under conservation land. M. Schultz asked why are you doing this now and have not done this in the past. T. Chrisenton said, "We didn't own a piece of it. This 13.2 acres makes sense to put it to this land, but we didn't buy that until 2017. It makes sense to have it split between the two. Steve Brown purchased a part of this lot. To the left we own that side in Greenfield."

T. Chrisenton said when we presented this in the past it was to make two conservations land lots but decide to add to the bottom parcel to make three conservations land lots.

P. Best asked if these are private roads; Klondike Road and Yukon Road.

P. Best added, in prior discussions/subdivisions, there were road agreements, and asked where is access to these properties. T. Chrisenton said either from Greenfield or Lyndeborough. Mark Chamberlain asked if they are easement. T. Chrisenton said yes.

P. Best asked if Lyndeborough is being used as access to the subdivision. T. Chrisenton said it goes by Steve Brown's property. G. Chrisenton said it depends on where someone would want to build. P. Best clarified he is not asking where they would want to build, but access. T. Chrisenton said, "Yes. The road agreement mentioned M/L 228-01 so they would be able to come out the northern lot through Lyndeborough."

The application checklist was reviewed and appears to be in order.

**VOTE: Paul Best moved to accept the application. Mark Chamberlain seconded the motion. Motion passed 7-0.**

*Opened public hearing at 8:16 p.m.*

G. Chrisenton said, "We want to restrict the use of these lots to single family use and to allow agricultural and forestry. We won't live forever. We do not want someone to come along and divide them up into small lots".

Mark Chamberlain said it's a conservation subdivision and lot line adjustment but our regulations don't have a conservation and lot line adjustment but I understand your intent. The zoning only has a conservation subdivision. He had a question on the summary and asked if they are keeping Area A in the final layout. G. Chrisenton said it has to be shown there so it's a non-buildable area. In Key 3, the area after LLA there is no Area A shown in the legend. This will be made clearer on the final map. Note 9 states it.

Abutter feedback.:

An email from Steve and Maria Brown was read letter into minutes. It is dated 4-21-22 and was emailed to T/A Russ Boland. The email had no signature.

*"Good Morning Russ,*

*Maria and I had planned on attending tonight's Planning Board meeting. Something has come up which will prevent us from being there. I would like to get a note to Chairman Post if possible instead.*

*With respect to Case 2202-04: LLA and 2 Lot Conservation Land Subdivision, Tax Map 228-1 and Map 230, Lot 5-2 off of Woodward Road. As abutters to the properties, we have no objections to the plan.*

*If you could forward this to Chairman Post we would appreciate it.*

*Thank You,*

*Steve and Maria Brown."*

**VOTE: Paul Best made a motion, Ray Humphreys seconded to approve the Lot Line Adjustment/Subdivision. Motion passed 7-0.**

*The hearing was closed at 8:22 p.m. The Mylars will be brought to the next meeting.*

### **New Business:**

#### **Case 2022-5**

*(noticed by NRPC)*

#### **Pam Holt, Two-Lot Subdivision, Map 247, Lot 25 Perham Corner Rd. & Center Rd.**

Owner Pam Holt and John Lefebvre, Fieldstone Land Consultants were present.

Charlie Vars, Ms. Holt's construction manager was in the audience.

R. Humphreys asked for a copy of the approved and certified septic system plan from the State. There is construction approval number listed on the plan for the septic.

There is no deed in the package.

M. Decubellis asked where the driveway will be and if the permit has been submitted to the State. It was discussed that Perham Corner is a State Right-of-Way. The Board would like to see this before a waiver is granted.

John Lefebvre asked about delineating the wetlands. A. Lavoie mentioned it is a four-bedroom home.

R. Humphreys asked if the access is off the gravel driveway. The Board was informed that access will be from Perham Corner Road. A portion of Chase Road through the site was discontinued. There will be no road easement through Map 247, Lot 25.

M. Chamberlain said he does not see the referencing source topography as well as vertical datum. J. Lefebvre said it is in the map. They did topography on Lot 2, which was put together onsite with GPS and from the NH site. The Board asked to add a note referencing as well vertical data.

R. Humphreys asked how many acres are wet on Lot 2 because it looks significant. J. Lefebvre said 175 square feet of land. R. Humphreys added that limits that lot from a building perspective with the well radius. J. Lefebvre said it's a 4,000 square foot area and that can be moved. They will have to take that rock wall out.

The curb cut is pending from state. The letter from the fire chief is pending. Pam Holt said that Morris Pond is around the corner. It has a dry hydrant there.

Alyssa Lavoie asked if these lots use to be part of a large parcel that was subdivided. It was explained this was the original deed when Pam Holt purchased it. Pam Holt explained there was a subdivision in 2019 in which Paul Herbert built a home off Chase Road. A. Lavoie said she looked at the lot that was sold and it said the deed listed 45-acres.

M. Decubellis asked if there are 2-acres of dry land and is it contiguous. J. Lefebvre said it is and he can provide the calculations. The Board asked to show the 2-acres contiguous dryland and felt the map was difficult to read. There was a question if the drylands were in the setbacks, which can't be built in, but can be counted.

M. Decubellis asked if it's undivided by drainage ways and was informed, "Yes". There are orchards on the property. Mr. Lefebvre showed where the new home could go and it was pointed out the well would have to be moved. Mr. Lefebvre felt it could be moved a bit once the home style and location are selected.

**VOTE: Mark Chamberlain made a motion to accept the application as substantially compete. Ray Humphreys seconded the motion. Motion passed 7-0.**

*Public hearing opened at 8:51 p.m.*

J. Lefebvre explained Pam Holt has a 20-acre parcel and wants a new homesite for herself. The property meets the requirements of 2-acres contiguous dry land. There is 500 +/- feet of road frontage on Center Road and the remaining parcel will have 505 feet of road frontage. They have a septic design for the new lot and it's designed for a duplex. They are asking for a waiver. They prefer to not delineate the wetlands. There are existing improvements.

R. Humphreys questioned the road frontage because on the PDF map it comes out to 490 feet. There was a conversation about the road frontage and the process they used.

R. Humphreys said on the top of waiver, is there any desire for a future subdivision? J. Lefebvre said. "No, she is looking for a new house lot". Mike Decubellis said he would support the waiver of wetlands delineation if they knew there is no further subdivision. Other Board members agreed. J. Lefebvre said if the new owner comes in with a subdivision in the future and they meet the regulations, what is to stop them? R. Humphreys said they are asking if the applicant is willing to say, "No further subdivision". The Board was informed that the lot is already under contract to be sold, contingent on this subdivision approval.

The Building Inspector explained that Mr. Hebert's lot was the first subdivision, Pam's would be the second then another subdivision would make four lots (counting the original lot), constituting a major subdivision.

Alyssa Lavoie said the real estate advertisement states the lot can be subdivided again.

The Board would like to see a note added to make it clear, "any further subdivision of Map 247, Lot 25 would be a major subdivision."

L. Trudeau suggested the inclusion for a high intensity soil survey. It was discussed there have been quite a few cases in town recently where property owners said, "I was not told that", and it is costing taxpayers money. A note makes the intention clear plus would be easier to document and remember the action.

Mark Chamberlain said this property already had an illegal subdivision by using non-contiguous road frontage (Herbert, Map 247, Lot 25)).

J. Lefebvre said this is a large parcel of 15-acres. He was informed that is not really a large parcel for Lyndeborough. R. Humphreys mentioned that the Board is not in favor of irregular shape lots either.

The Board would like to see Baldwin Hill Road noted on the plan.

A question arose concerning how much frontage there was along Center Road. M. Chamberlain said there is approximately 50-feet, because of the road frontage issue from the former Holt Subdivision. That lot was purchased by Paul Hebert.

J. Lefebvre explained they have 51-feet from the existing home. If I change that line it will drop below five-acres, which would require them to go for State subdivision if under that. It is not a special wall, you won't see it. He added, maybe some portions of the wall will stay. Mark Chamberlain felt they can make it work and they might have to bend that line. There is 2,200 feet of area to work with to get five-acres. There was a disagreement on if the calculations would work.

R. Humphreys said they would satisfy zoning if under 5-acres but, yes, you have to go to State if under 5-acres. He pointed out a line that would allow much more room to build and it would not have snow plowing issues and have more room for the well location

options and felt from a building perspective it makes a lot of sense. He added, it seems there is a lot of additional plans. J. Lefebvre said there are no future plans, we wanted to leave the lot with over 500 feet.

J. Lefebvre felt going to the State was costly, timely and unnecessary.

There was a brief discussion about good soils and contagious acres requirements.

**To Do Items:**

**-Copy of the septic plan**

**-Deed**

**-Topography notes so you can see referencing Vertical Data. Note 10 will be expanded to include this.**

**-Copy of the driveway permit application with the State for the curb cut.**

**-see Baldwin Hill Road noted on the plan**

**-Move test pit notes and can see the 4K and 100-foot wetlands buffer.**

**-Add "Any further subdivision of Map 247, Lot 25 shall constitute a major subdivision"**

**-Letter from the Fire Chief.**

**-Review the stone wall to see if the suggested changes will work.**

**VOTE Mark Chamberlain moved, Ray Humphreys seconded to continue the public hearing to May 19, 2022. Motion passed 7-0.**

*Public Hearing over at 9:20 p.m.*

**Other Business**

**Application Process for Board Meeting**

**Master Plan Subcommittee Update**

This committee needs another member. Alyssa Lovie said she can attend.

**Changing Starting time of Meeting Discussion:**

**VOTE: Ray Humphreys made a motion to start future Planning Board meetings at 7:00 p.m. Mike Decubellis seconded the motion. Motion passed 7-0.**

**Minutes:**

**VOTE: Charlie Post made a motion, Ray Humphreys seconded to accept the March 17, 2022 minutes as amended. Mark Schultz and Alyssa Lavoie abstained. Motion passed.**

(Review Mark's and Ray's emails for changes)

### **Correspondence:**

There are three (3) Intent to Cuts permits (Dutton Road, Boette and?)

Mark Chamberlain had a conversation with Sam Ingram from Meridian Land Services regarding the frontage on the Dutton Road property, which is 55-feet and does not have site line to the left. Former Road Agent Mark Chase denied the permit but gave them a temporary driveway with signage. Mr. Ingram will come to the Planning Board for a driveway permit.

R. Humphreys asked if the Town is requiring a bond for temporary driveway for logging operations. That is part of the of the fee discussion.

There was a certified public notice addressed to the ZBA from the Temple ZBA notify them of a hearing on April 14, 2022 regarding a wedding venue application on Webster Highway at the old Pony Farm.

### **Excavation Permits: 155-E-2**

M 213 Lot 001 Salisbury Road for Granite State Concrete. Paid \$100

M 213 Lot 006-00 Salisbury Road

M 238 Lot 022-00 Cram Hill Road

All signed by the BOS on 4-16-22, Quinn Brothers. Paid \$111

M 245 Lot 001-00, Cram Hill Road, Quinn, no fee

R. Humphreys mentioned the Rules of Procedures are not completed and the Board has to address Class VI roads and application procedures.

Building Inspector Leo Trudeau said to expect at least three (3) new building permits on a Class VI roads. For example, Nichols Road applied for a septic permit.

An "Authorized Agent Form" was approved at last night's Selectmen's meeting and that will be required for all Boards and Committees. It clearly states the owner is responsible for any actions by their agent. This will need to be updated on the application checklist.

### **Adjournment:**

**VOTE: Mike Decubellis moved, Paul Best seconded to adjourn at 9:44 p.m. Motion passed 7-0.**

Respectfully Submitted,

*Kathleen Humphreys* – signed electronically

Kathleen Humphreys  
Planning Board Secretary