

TOWN OF LYNDEBOROUGH

PLANNING BOARD MINUTES

June 16, 2022

FINAL – approved 7-21-22

7:00 PM Call to Order & Roll Call

Members Present: Chairman Charlie Post, Ray Humphreys, Bob Rogers, Mike Decubellis, Mark Schultz, Selectmen's Representative Mark Chamberlain. Alt. Alyssa Lavoie arrived in progress

Members Not Present: Alternate Julie Zebuhr and Vice Chair Paul Best

Public present: Tom Chrisenton, Ginny Chrisenton, Jane Hager, Code Enforcement Office/Building Inspector Leo Trudeau, Sam Ingram and Tom Carr both from Meridian Land Services, abutters Peter Markarian and Tiffany Markarian, plus a few other guests.

Request for Information:

This case has not been noticed.

GS Mission Farm, LLC re: Driveway Denial Discussion, Map 225, Lot 17 on Dutton Road

Sam Ingram from Meridian Land Services is representing GS Mission Farm, LLC. Regarding their driveway permit denial on Dutton Road.

There is 219 feet sight distance towards the left on Dutton Road and are seeking relief/variance from the 250 feet driveway sight distance. The ZBA is the Board that can grant a variance.

The sight distance for the right side is 500+ feet. Mark Chamberlain had a concern about the trees to the right.

Mr. Ingram showed plans from 1972 subdivision which had a pre-existing driveway. The new owner would like to construct a single residence on property on the lower-half of the 50 acres. They own both properties (Map 225, Lots 17 & 18). The farming GS Mission Farm plans to do is growing hay for their personal use and for sale.

Bob Rogers asked if they negotiated with the abutter to cut some trees. Sam Ingram does not think the right sight distance has tree issues and felt left issue is the bank of the stone wall and not the trees.

Mark Schultz asked if former road agent denied the driveway permit and the answer was, "Yes, verbally". M. Schultz would like to avoid accidents and suggested the new road agent visit the driveway.

Bob Rogers asked if the speed limit 30mph or 25mph. M. Chamberlain said the Town's speed limit is 30mph unless otherwise posted and this road is not posted.

Sam Ingram said the owners are willing to put in Blind Driveway sign. It is unsure who owns the trees in question and if they are in the right-of-way.

Mr. Schultz asked if it would be appropriate to postpone a decision and have current road agent go out and look at the property and trees and make a recommendation to us. Sight distance is very important to avoid accidents. Mike Decubellis seconded that motion. Motion passed to add this to the July 21 meeting.

Charlie Post volunteered to go to the site. L. Trudeau said there was wetlands crossing that was a concern but since has been approved by the DES. Sam Ingram said, "Yes. At first there was a cease and desist for the logging but then determined that logging was correct." There was a brief conversation if the crossing has a legitimate culvert and if it's a permanent driveway or a logging access.

Continued Business:

Case 2022-06

(Noticed for the May meeting)

**Jane Hager, Two-Lot Subdivision, Tax Map 215, Lot 2, 206 Pinnacle Road.
Owner Jane E. Hager 1990 Trust**

Paper copies were not available today.

Jane Hager and Tom Carr from Meridian Land Services were present. Abutters Peter and Tiffany Markarian were present.

Tom Carr was not at the previous meeting but did review the notes and made changes. Note 15 addresses the Accessory Dwelling Unit (ADU) on the proposed new lot.

Note 10 regarding the 1950 granting was discussed. Mr. Carr said, "There is not much we can do with that, the people who were property owners back then are deceased, relatives are not owners, no idea what that note was for. This will have to continue with the deed." The Meridian Land Services principal owners were consulted with this issue. Jane Hager mentioned the previous owners purchased the property in 1935 and they purchased it in 1976 and has been no issues regarding that granting.

The cemetery is located on the plans. Photos were presented to the Board via email, which showed two gravestones in a very small cemetery. It is assumed they are probably small children who died of smallpox. They put a 30-foot radius circle around the cemetery to cover the 25-foot buffer. J. Hager said, "Ted and I kept that area clear once we found it. It is clean and we didn't let any trees grow up there."

They identified the wetland areas on both properties. Mr. Carr didn't feel it was necessary for the large piece of property.

Jane Hager wanted to divulge that abutters Peter and Tiffany Markarian approached her about a lot-line adjustment in the corner of the property, which will probably move forward. They will be submitting an application most likely for the August meeting.

Waivers were reviewed.

VOTE: Bob Rogers moved, Mike Decubellis seconded, to grant the waiver to not delineate the wetlands on the large lot. Motion passed 6-0.

Mark Chamberlain said he didn't see most of the changes and would have been beneficial to have a regular paper copy. Under Sheet 1 he does not see the changes made nor on Sheet 2. He sees Note in 15 but has an issue with it because it is not exactly the way the Notice of Decision (NOD) for the ZBA was written. That will need to be changed to exact wording. The note was read and discussed the verbiage of an ADU vs a caregiver's cottage. Bob Rogers said that this ADU needed ZBA approval to be legal for a detached ADU. It was mentioned that the variance had conditions on it. The applicant agreed to put the wording parcel to the ZBA.

ZBA NOD as written:

"Variance requested by Jane. E Hager 206 Pinnacle Road

For the use of a proposed accessory outbuilding as a caregivers' cottage which will not be a permanent residence and not rent will be charged. Has been approved.

NOD Case 2015-4 Variance, Dated Dec. 9, 2015"

Change the signature Block from "Secretary" to "Vice Chair"

Mark Chamberlain said the topography information does not cover the entire lot. Mr. Carr replied that they can extend that.

Chairman Post drafted the changes in a letter he planned to email to the applicant. Jane Hager and Tom Carr said they never received a copy of the letter. Jay Minkarah said he never saw the letter either. That letter will be forwarded to them.

Jay Minkarah said the issue right now pending before the Board is the issue of the wetlands and said the Board granted it but it was a condition of approval and said we need another motion.

VOTE: Mark Chamberlain moved for modification of the conditions of approval to show the area of wetland and dry on the larger lot of 155 acres.

Tom Carr said the "metes and bounds" on the large parcel is a big cost. Jane Hager added that lot has never been surveyed. A waiver was suggested.

Ray Humphreys said there was a question at the last meeting if there was enough road frontage to create two lots. Mike Decubellis added that is a requirement for a subdivision. It was decided that Mr. Carr can determine it from the survey. Jane Hager showed a map that illustrated the other lot has 611 feet of road frontage. They surveyed the road to make sure they had frontage but did not do the boundary survey on the entire property. Mark Chamberlain said that is fine but put the distance on the map. Tom Carr said he can add the precision measurements on the road.

Bob Rogers seconded the motion. Motion passed. 7-0.

Alyssa Lavoie arrived during this case at 7:35 p.m. and is filling in for Paul Best.

Jane Hager asked what is required for the mylar. It should include road frontage, building labels/identification, dimensions, overhead utilities, and the metes & bounds on the road.

New Business:

Case 2022-6

Map 232, Lot 54, Two-Lot Subdivision, Putnam Hill Road, Duplease & Sons Construction

This application was noticed by NRPC.

Owner Rick Duplease and Sam Ingram from Meridian Land Services were present

The Board has a digital application. There is one hard copy available tonight.

The new lot created, Map 232, Lot 54-1, will be 3.965 acres with road frontage on Putnam Hill Road. It has 2.2 acres of contiguous dry land and 1.8 acres of wet area. 24.2 acres will be left with the original lot, Map 232, Lot 54. New test pits were dug after the last meeting and witnessed by Leo Trudeau. It was agreed to put the old test pit data on the plan despite that they do not plan to build on that area. In 2020, a few of the Board members attended a site walk at this property including M. Chamberlain, M. Decubellis, and T. Chrisenton.

VOTE: Bob Rogers made a motion, Charlie Post seconded to accept the application. Motion passed. Motion passed 7-0.

The public hearing was opened at 8:03 p.m. No abutters were present.

Ray Humphreys asked if the wetlands are the grey area and asked about the wetland crossings to access the remaining lot. Mr. Ingram said in the future they will need a DES permit, but they do not plan on building now. M. Chamberlain said that information is needed now. There will be two wetlands crossings.

The lot was surveyed for wetlands but not in the back area. The Board asked about the 4K area on the proposed lot and indicated the wetlands setbacks should be on the plan. The Town has a 100- foot setback. L. Trudeau was asked his opinion and said the test pits are night and day different from what was done in 2020. There is an approved septic design.

R. Duplease said the well is not in the proposed spot as the other plan. The 4K is within the 100-foot well setback but the approved septic system is outside of that."

The applicant was reminded to submit a copy of the approved septic system for the file. The copies the applicant had tonight were submitted.

There is a soil legend on the plan which specifies 143C Monadnock fine, a moderate soil.

Jay Minkarah said there is a waiver request for the wetlands; the area of all wetland and dry area waivers on the larger parcel.

VOTE: Bob Rogers moved, Mark Chamberlain seconded and to accept the waiver request. Motion passed 7-0.

M. Chamberlain asked about the AOT and mentioned that is a lot of disturbance. It is listed as "pending". Rick Duplease said they are surveying for it but are trying to cut back on the cost. Sam Ingram added that nothing has been submitted or anything formally done at this time.

Mark Chamberlain said he has a few minor issues.

1. The signature block should read "Vice Chair" and not "Secretary".
2. Certification says February but should read February 2020 for the survey
3. The 2020 test pits should be there for clarity.

VOTE: Bob Rogers moved, Mark Schultz seconded, to accept the application for Map 232, Lot 54 subject to the corrections on the plan listed above by M. Chamberlain; signature block, certification date of 2020, and test pit data from 2020. MOTION PASSED 7-0.

Both this plan and the Hager plan should add the high intensity soil survey waiver for the larger lots on the plan.

Closed public hearing at 8:19 p.m.

Case 2022-8:

Lot-Line Adjustment, Tom and Ginny Chrisenton, Trustees of the High Ridge Trust Tax Map 229, Lot 4, Map 229, Lot 5, and Map 229, Lot 6, west of Woodward Road

Owners Tom and Ginny Chrisenton were present.

There was a debate if this latest application was subject to the new fee schedule. RSA 41:9-a Establishment of Fees was handed out by Ginny Chrisenton. Mike Decubellis referenced 676:41(g)

Page 475 in the new regulations book, 676:41(g):

"(g) reasonable fees in addition to fees for notice under subparagraph (d) may be imposed by the board to cover its admin expenses and costs of special investigates studies, review of documents and other matters which may be required by particular applications"

It was determined this Board will vote on the proposed fee schedule then ask the Selectmen to vote on the updated fee schedule.

VOTE: Ray Humphreys made a motion to review the fee schedule after tonight's meeting so the Selectmen can move forward with it.

It was agreed to accept the submitted fee of \$75 for this application.

Alyssa asked the reason behind this lot-line adjustment. T. Chrisenton explained this lot is 20 acres, which does not qualify for conservation land so when they sell it they want to make it a conservation lot as specified in Note 1.

Mark Chamberlain said he does not believe they can move forward with this because it will be accessed through roads that can't be built on. The lots access from the same point. Buildings were discussed.

Charlie Post asked Tom Chrisenton where they are in relation to the letter from the Selectmen. T. Chrisenton said some of it was resolved in the two previous subdivision and LLA and the only one left is Anna Meigs'. There was a disagreement on if this was accurate. C. Post asked if they were moving forward with the attorney's letter and Tom said they have not.

T. Chrisenton pointed out the Board approved five (5) Conservation Lands (a 3-lot and a 2-lot conservation lots). M. Chamberlain said that conservation land is a subdivision. G. Chrisenton said these lots will have a conservation land conveyance. When the land is sold they can take a Federal tax deduction. They are giving up the right to have any more subdivisions. "It will be set in stone, it will never be any smaller," added G. Chrisenton.

Section 404 was referenced by the Chrisentons. M. Chamberlain said how can you reference something that you are not doing. G. Chrisenton said, "Which means if we die".

Alyssa Lavoie asked why not do a deed conveyance. M. Decubellis said you are doing a LLA which does not created a ?

G. Chrisenton said we did a LLA last time to make 3 lots into 2 and put those same conveyances. At the last meeting we did 3 lots and a subdivision. We added A lot in B that does not have that language. Mark Chamberlain said that he but if that's the case won't make that mistake again.

Alyssa Lavoie asked questions about the regulations and felt nothing prevents them from doing a conservation easement or conveyance to make it conservation land. G. Chrisenton said if they were to die without this in here then it could be subdivided in the future. The process of who designates conservation land was discussed in reference to owner's choice and in the deed. Mike Decubellis said they can put "No Further Subdivision" on the plat. R. Humphreys asked why it can't say, "Conservation Easement".

A. Lavoie asked if this land was subdivided already? The answer was in 2018 and 2020 they did a LLA. Charlie Post commented that a Lot Line Adjustment is a subdivision.

The process that an organization must hold an easement was discussed. They can put on the plan "Conservation Restrictions by Deed". M. Decubellis asked what is the harm of putting that.

Referencing 401.00 was a concern and it was discussed to get rid of that. G. Chrisenton said that is for forestry and agriculture. RSA 674.01 was discussed. This relaxes the deeded access.

This discussion continued as well as listing the "provisions on the plan"

WAIVER REQUESTS

g. 1" = 200 feet

k. 1 inch margin on left side of the plan

o. HCRD to places the plan number and date recorded below the 1" margin

VOTE: Bob Rogers moved, Alyssa Lavoie seconded, to accept the waiver requests listed above for g, k and o. Motion passed 7-0.

VOTE: Bob Rogers moved to accept the application for the LLA of Tax Map 229, Lot 4, Map 229, Lot 5, and Map 229, Lot 6. Mike Decubellis seconded the motion. Motion passed 6-1-0. Mark Chamberlain voted no.

Public hearing opened at 8:59pm

The Board and applicants discussed topics such as Section 410, Section 408, the land is in two different district zones, removing 'conservation land' section on Item #3, Item #4 to change the order to "Lot 4, lot 5, and lot 6 when sold individually" to, sentence structure on Note #13, language

changing to a new order "Lot 4, lot 5, and lot 6 when sold individually" and marking the monument and changing the language to "as noted".

To do list:

- The drill holes will be labeled
- Show the ZONE LINE (there are two zones in elevations)
- Noted 13" from "when noted" to "monuments set AS noted"

VOTE: Bob Rogers moved, subject to corrections that Mr. Chamberlain noted above, to conditionally approve the application for the Lot Line Adjustment for Tax Map 229, Lot 4, Map 229, Lot 5, and Map 229, Lot 6 with corrections. Ray Humphreys seconded the motion. Motion passed 6-1-0. Mark Chamberlain voted no.

The Public Hearing closed at 9:12pm

A letter of decision will be forthcoming.

Other Business:

Leo Trudeau found the wetlands map hanging behind a door at Citizens' Hall. A digital copy and laminated copy was made. The original map was returned to where it was found. Tom Chrisenton suggested NRPC make a copy for their maps. R. Humphreys asked if the Board will still be utilizing GRANIT.

FEE SCHEDULE

The subcommittee submitted a proposed updated fee schedule to the Board of Selectmen who approved the increases. The Committee researched cost from neighboring communities two towns over for a comparison. Lyndeborough's fees were on the low side and the increases bring them to a moderate level. This Board needs to review the proposal so it can go back to the Selectmen for a Public Hearing.

After a discussion it was decided that a Conceptual Discussion will have no cost and be limited to a 15-minute discussion at a hearing with no major plans reviewed. Add a new category for Design Review which will have a \$75 fee. In both cases, no decision from the Board will be made.

Fees for a Home Business permit was briefly discussed. Home Occupations will not have a fee.

The Planning Board application form will be updated. Alyssa Lavoie volunteered to assist Jay Minkarah and Mark Chamberlain on this project.

Mark Schultz left at 9:36pm

VOTE: motion to accept the subcommittee's fees as amended. Motion passed 6-0.

Who made and seconded this motion?

Bob Rogers left at 9:37p.m. Mike Decubellis left at 9:39pm

Minutes:

April 2021

VOTE: Ray Humphreys moved, Mark Chamberlain seconded to accept the April 21, 2022 minutes as amended and updated. Motion passed 4-0.

May 2021

VOTE: Ray Humphreys moved, Mark Chamberlain seconded to accept the May 2022 minutes as amended and updated. Motion passed 3-0-1. Alyssa Lavoie abstained.

Charlie Post shall send the secretary the word document for the February 17, 2022 minutes in order to be updated/formatted.

Correspondence:

The Board received an anonymous letter of complaints in relation to business activities on Putnam Hill Road. This Board can't respond because they do not know who wrote the letter. It might be in relation to a dog business.

Other Business:

VOTE: Mark Chamberlain moved, Alyssa Lavoie to nominate Road Agent Rick McQuade as the Board driveway designate. Motion passed 4-0.

Adjournment:

VOTE: Ray Humphreys moved, Alyssa Lavoie seconded to adjourn at 9:52 p.m. Motion passed 4-0.

Respectfully Submitted,

Kathleen Humphreys
Planning Board Secretary