

TOWN OF LYNDEBOROUGH PLANNING BOARD MINUTES

August 18, 2022

Approved on Oct. 20, 2022 - amended

7:05 PM Call to Order & Roll Call

Members Present: Chairman Charlie Post, Vice Chair Paul Best, Bob Rogers, Mike Decubellis, Ray Humphreys, Mark Schultz, Alternate Alyssa Lavoie, Selectmen's Representative Mark Chamberlain, and NRPC Circuit Rider Jay Minkarah

Members Not Present: Alternate Julie Zebuhr

Public present: Tom Chrisenton, Ginny Chrisenton, Code Enforcement Officer/Building Inspector Leo Trudeau, Jane Hager, Tiffany Markarian, Peter Markarian, abutters Carol and Roy Thorkildsen, and Cassie Lerchenfeldt

New Business:

Case 2022-09

Subdivision, Tax Map 229, Lot 2 & Map 229 Lot 7, West of Woodward Road

Owners Tom Chrisenton and Ginny Chrisenton were present.

The Chrisenton's dropped off an updated application on Aug. 21, 2022. They also submitted additional documents to complete the requirement of seven (7) sets: Updated checklist, notarized letters relative to no separate mortgages and no encumbrances plus maps.

VOTE: Bob Rogers made a motion, Paul Best seconded, to reopen the application. No vote taken

Mike Decubellis will step off the Board and Alyssa Lavoie will continue with the case.

The Board reviewed the submitted documents. R. Humphreys asked if for Map 229-07, is that access to that property off Westerly Way, a private way. G. Chrisenton responded, "Yes". M. Chamberlain would like to see a scale to reference for the road access location, it probably will have to be a 400 or 500 scale and be added to the rectangle. T. Chrisenton asked if it should be on the map showing Woodward Road.

Closed public hearing at 7:21pm. No public comments.

VOTE: Ray Humphreys made a motion to approve the lot consolidation-conservation subdivision with the revisions that Mr. Chamberlain made above that include the scale. Paul Best seconded. Motion passed 7-0.

T. Chrisenton said they will have the surveyor update the map then bring the Mylar to the office.
7:22pm. Mike Decubellis is back on the Board. Alyssa Lavoie is off the Board.

Case 2022-10

Lot-Line Adjustment, Map 215, Lot 2 and Map 216, Lot 8 on Pinnacle Road and Summit Drive (This application was noticed)

Owner Jane Hager 1990 Trust (M/L 215-2) and owners Peter Markarian and Tiffany Markarian (M/L 216-8) were present.

The proposed LLA will transfer approx. 12 acres from M/L 215-2 (Hager) to M/L 216-8 (Markarian)

VOTE: Bob Rogers moved to accept the application. Mike Decubellis seconded.

M. Chamberlain does not feel that sheet 2 is complete and suggested a few minor items.

- Source to Summit Drive shall be referenced. It is currently not defined. It has been shown on a former plan and the map should have referenced that plan. Monumentation should be added.

- The rest of the comments are minor such as the lot synopsis should show the correct final acreage if Lot 2 as 20.95 acres. Normally the information shows existing acreage, then you have Parcel A, which is exchanging land proposed but then count the total.

- A few conflicts that the Registry of Deeds will not allow. The definition, reference the plan for Summit Drive. There is a distance on the plan, which is 32 rods, if he remembers correctly. M. Chamberlain will compile the list and the chair will send it to Jane Hager, Jason Bolduc at Meridian Land Services, and Tom Carr if he is still the manager of this case.

M. Decubellis asked if the monuments have been set and the answer was, "Yes". The date the Monuments were set should be included on the plan.

Motion passed to accept the application 7-0.

Opened public hearing at 7:35 p.m.

The Board reviewed the checklist.

R. Humphreys asked if there is an easement. There is an easement for the old hotel that burned in 1912 and a water easement. Those should be referenced. He asked what is the purpose of abutting property, Letter A, conservation preservation or restriction easement show, which is checked as "Yes". After a discussion, the Board agreed that it should be "N/A". Tiffany Markarian said that they plan to keep and preserve that area. M. Decubellis said this should be included in the package of all the easements or conservations. They also did not include the water easement.

It was noted that the current deeds for both properties were not included in the application package. The applicants agreed to supply them.

Public Comment

Abutters Caroline and Roy Thorkildsen are in favor of the lot-line adjustment.

VOTE: Ray Humphreys made a motion to conditionally approve the Lot-line adjustment with Jane E, Hager 1990 Trust (Map 215, Lot 2) and Peter & Tiffany Markarian (Map 216, Lot 8) conditionally on the comments made earlier regarding the lot size correction, reference to Summit Drive, monuments to be labeled, with dates if set, and the minor map edits

drawing, which Mark Chamberlain will be sending in a letter to the applicants. Bob Rogers seconded. Motion passed 7-0. *(see below)*

Minor adjustment to the plan per Mark Chamberlain:

Proper lot size reference in box

Reference to Summit Drive

Drill holes dated as to when they were set

Deeds to each property

Fix text conflicts

The NRPC Circuit Rider Jay Minkarah will review the deeds.

Jane Hager asked if they can forgo the 30-days appeal period. The Board does not sign-off on maps prior to the 30-day appeal period so it will have to wait. It needs to be equitable for all.

Closed hearing at 7:53 p.m.

Other Business:

The Board plans to revise the subdivision application, including the checklist, to include a simpler checklist for a lot-line adjustment. Bob Rogers, Alyssa Lavoie and Kathleen Humphreys would be happy to work on this.

The Master Plan has been delayed due to the pandemic and other items. Mark Schultz offered to join the Subcommittee to replace Paul Best who resigned.

Member Paul Best submitted a letter of resignation, effective September 16, 2022. Mr. Best thanked everyone and said his reason was not with any dis-satisfaction with the Planning Board but it is just a matter of both work and home commitments that will increase sharply. The Board thanked him for his service.

Master Plan Sub-Committee

Thursday, August 25, 2022 at noon is the first meeting.

The Board asked Code Enforcement Officer Leo Trudeau his thoughts on the Master Plan update process. Mr. Trudeau said he is interested to see it get underway. It is necessary before too much more sensitive areas are ruined. M. Decubellis said he is sorry he missed the last meeting but reviewed comments and mentioned the Master Plan does not provide for any regulations to be enforced. Mr. Trudeau said he understands that, but it helps protect unique natural features. It is a tool and without that, it is one less natural feature.

The Board discussed what RSA said the Master Plan is a guide for our zoning. They will need to align.

L. Trudeau has a concern that some property owner's actions are hiding behind the curtain of agriculture, and they are doing things they should not be doing. It was discussed that an Alternation of Terrain (AoT) requires three (3) permits which specify how much land is involved, the SWIPP permits and soil and erosion permits. The Board discussed if we can inspect land and when code enforcement can be involved.

Alyssa Lavoie said that per the email exchange, she does not believe that Leo Trudeau should be copied on the draft minutes, and she took offense to Mr. Humphreys' comments. Communication best practices were briefly discussed. Concerns should be sent via email but not discussed except at a noticed meeting.

R. Humphreys suggested adding a "Public Comment" section to the agenda. It was mentioned that everyone is welcomed to attend a meeting and if they want to talk about something they can ask to be added to the agenda. A. Lavoie mentioned that the School Board's meetings allow for public comment, but it has to be related to topics on the agenda. J. Minkarah said it is problematic for anyone to discuss something without being noticed. Discussion continued.

Leo Trudeau asked if the subcommittee meetings are opened to the public. They are and will be noticed and minutes will be posted.

Chairman Post will send a letter to the Selectmen informing them there is an opening on the Planning Board and asked for the topic to be added to their agenda for action.

Zoning Sub-Committee

Next meeting is September 8, 2022

The Zoning Sub-Committee has met five times to date. The sub-committee is preparing for the initial review so they can start presenting it to the entire Board and hold public meetings. One of the first order of business will be wetlands and ordinances so the Conservation Commission can review the information, make changes, and notice meetings.

Leo Trudeau asked if he could address Ray Humphreys and asked if they are working on the detached Accessory Dwelling Unit (ADU) changes. R. Humphreys said based on consultation with NRPC and the number of proposed bills going through the State right now, the Subcommittee felt it was good to hold off on this topic until next year.

L. Trudeau said he just completed a final inspection of a building and there is a full-blown ADU detached from the principal residence, and he must decide what to do about. This is a building permit and he want to close that so it can go to pick-up and be assessed. If ADUs is not something that will be voted on, the resident might request a variance from the ZBA. There was a discussion about allowing occupancy of the garage and not the ADU section as well as permits that evolve to more than what the permit applied for.

Work Force Housing needs to be addressed. There is pending legislation regarding workforce housing from the State. R. Humphreys added, that is why we deferred the ADUs for this year, we need to understand what the State is doing.

Bob Rogers left at 8:35 p.m.

M. Chamberlain presented a Waiver Request Form, which he believes is needed to conform with the House Bill 1661 requirement of the findings of fact that all decisions must have. It should be submitted with every application. Discussion continued.

Alyssa Lavoie said the planners were discussing this bill. She provided a sample form and felt it is a good idea to include a date of decision, as well as a signature of who is sign-off on the waiver form. There was a discussion regarding voting on each waiver individually

C. Post said they have a Notice of Decision form (NOD). M. Decubellis said you have a justification of the decision especially if it is appealed, so a judge can see your decision. Justification to turn down an application also need to be documented. It could become controversial.

The process is built into the application form that A. Lavoie researched. The application itself also walks through the procedures. Was the application approved. What were the conditions. When the application is signed-off, they are signing off on all the information. J. Minkarah said that some communities have a standard NOD.

R. Humphreys asked if there a timeframe for extensions in that document. M. Chamberlain said once the Board accepts the application, they have 65-days. Right now, the Board and applicant can agree on an extension of time, and that will still be the case. However, under HB1662, of time, the Board can no longer ask the Selectmen for an extension. After 65-days, if no extension is granted, it goes to the Selectmen who have to approve it or they can send the case to court.

The Board discussed that each condition of approval should have a deadline.

The timeline was discussed. A. Lavoie suggested a Warrant Article that allows the Planning Board to require a conceptual design. Anyone who plans to put in a subdivision, or application, they have to provide the conception first so if the Planning Board has any questions or needs to provide direction. The benefit is the timeline does not start for an incomplete application. J. Minkarah said the Board can do this as an innovative land use control but not with every application. He does not think you can adopt a regulation that will circumvent the 65-days period. M. Decubellis added the Board can turn down an incomplete application, which allows the Board to deny without prejudice, so they can return with the same application.

Private & Class VI Roads

Mike Decubellis asked for a copy of the latest version. P. Best said the latest version was included in an email on July 21 at 12:04pm and a reply for J. Minkarah from the Planning Board package. **(Private Road policy V2 and Class VI Roads Policy V2)**

Minutes:

July 2022 Minutes - tabled

Changes: Page 6, line 220-225 to clarify what is the latest document references to read, "latest Planning Board Rules and Procedures Document".

Line 230 – references a document but does not define the document. It should be "Private Road & Class VI Roads". The email was sent from Paul Best on August 18, 2022.

M. Chamberlain emailed amendments.

Mike Decubellis left at 8:55 p.m.

Tom Chrisenton commented that the Master Plan process should include public input and the committee should not go too far without including the public. He was informed there is an organizational meeting scheduled for August 25th at noon.

Correspondence:

Paul Best sent a letter of resignation effective the day after the September meeting. (Sept. 16)

Intent to Cut permits: Purgatory Road and Salisbury Road for 50-acres.

Other Business Not on Agenda:

The Board of Selectmen voted to reduce the speed limit on Dutton Road and Curtis Brook Road and asked the Road Agent to identify other gravel roads to consider reducing the speed limit. This Board suggested maybe Woodward Road should be reduced to 25 mph. There are a lot of timber trucks that utilize that road. RSA 231:190 and 231:191 was read in relation to speed limits on Class VI roads.

C. Post commented that Road Agent Rick McQuade and the Highway Department have done an exceptional job on the roads.

The Road Agent will be coming to the Planning Board regarding tree removal on a scenic roads.

Adjournment:

VOTE: Ray Humphreys moved, Mark Chamberlain seconded to adjourn at 9:09 p.m. Motion passed 6-0.

Respectfully Submitted,

Kathleen Humphreys – signed electronically

Kathleen Humphreys
Planning Board Secretary