

# TOWN OF LYNDEBOROUGH

## PLANNING BOARD MINUTES

July 21, 2022

*Draft 2*

### 7:00 PM Call to Order & Roll Call

**Members Present:** Acting Chair Paul Best, Bob Rogers, Mark Schultz, Alt. Alyssa Lavoie Selectmen's Representative Mark Chamberlain and NRPC Rep. Jay Minkarah

**Members Not Present:** Alt. Julie Zebuhr, Ray Humphreys, Charlie Post, and Mike Decubellis

**Public present:** Tom Chrisenton, Ginny Chrisenton, Jane Hager, Sam Ingram from Meridian Land Service, Walter Holland, Code Enforcement Officer Leo Trudeau, Conservation Committee Selectmen's Rep. Bob Howe, Conservation Commission Committee member Sharon Akers, Tiffany Markarian, and Peter Markarian

**Driveway Sight Distance- GS Mission Farm, LLC. Map 225, Lot 17 on Dutton Road**  
Waiver request for the Town's Driveway Regulations to allow reduced sight distance from an existing driveway

Sam Ingram from Meridian Land Services represented the landowner Stanley Olsen who was not present.

The requirement is 300 feet of sight distance for 30 MPH speed limit.

The property is made up of 3 parcels. There is a sight distance issue to the east with trees in the line of sight. A meeting was set-up yesterday with Road Agent Rick McQuade and Planning Board Chairman Charlie Post to measure the distance. The Road Agent submitted an email.

The frontage is 54 feet wide. They are unable to move the driveway. The property will be used for agriculture, specifically to cut and sell hay. It was questioned if they plan to use the property has a hunting lodge and the answer from Mr. Ingram was, "No".

Code Enforcement Office Leo Trudeau visited the property and confirmed the sight distance was good uphill but not downhill. He supports allowing the reduced sight distance.

It was discussed if the speed limit should be 25 MPH on this road.

34 The Board asked if the lot was created before zoning, April 14, 1959. Sam Ingram  
35 answered the lot was historically three tracks of land that make up this property; two large  
36 back lots of 160 acres with another tract created in 1985, that has the frontage on Dutton  
37 Road. Mr. Ingram approached the Board to hand out copies of a map and went on to  
38 point on the map that in 1985 was a survey was done to create this tract of land that has  
39 a section of frontage on Dutton Road that was broken off the abutters to give them access.  
40 Previously, the property was landlocked. It was an approved subdivision, and that lot was  
41 not to become a building lot, but to become contiguous with those other lots.

42 Mark Chamberlain said that by law, the Town can either reissue a residential driveway  
43 permit or compensate the owner for the lot.

44 **VOTE: Bob Rogers moved, to grant the waiver for a residential driveway. Any**  
45 **further activity on that lot/driveway, the owner would have to come back to the**  
46 **Planning Board or Board of Selectman because they have power over the speed**  
47 **limit.**

48 B. Rogers said that granting a driveway is a necessity. When coming to a business he  
49 does not see it as a necessity, the owner can negotiate with his neighbors to get additional  
50 road frontage. Sam Ingram said the intention is not to be used a business.

51 **Paul Best seconded to add if the intent is to hay the fields and if there are any**  
52 **specific restrictions beyond a residential property.**

53 Allyssa Lavoie expressed concern that Lyndeborough has different classifications for  
54 driveways. M. Chamberlain corrected that is only if you have a commercial driveway,  
55 which calls to be more stringent with two-way traffic. M. Chamberlain read the  
56 regulations. It was discussed the Board can grant a driveway permit but when anything  
57 in the future requires a site plan, that it goes to the Planning Board. A. Lavoie read the  
58 regulations and they include such items as a traffic count.

59 **Bob Rogers withdrew the motion above.**

60 Alyssa Lavoie reviewed the speed limit times 10. Zero MPH to 30 MPH is 150 feet and  
61 over 30 MPH is 300 feet.

62 **VOTE: Alyssa Lavoie made a motion to approve the waivers to allow the reduction**  
63 **in sight distance requirement for the driveway permit. Mark Schultz seconded.**

64 Sharon Akers asked if this is the reduction of the speed limit. M. Chamberlain said any  
65 reductions in speed limit would come before the Planning Board

66 **Motion approved 5-0.**

67  
68 Sam Ingram said he also had the mylers for the last two subdivisions to give to the Board  
69 for their signature. M. Chamberlain put them in the Planning Board mailbox.

70 **New Business:**

71 **Conceptual Consultation:**

72 **Lot Line Adjustment, Map 215, Lot 2 and Map 216, Lot 8, Pinnacle Rd. & Summit Dr.**

73 Owners Jane Hager 1990 Trust and Tiffany and Peter Markarian. Hager is M/L 215-2  
74 and Markarian is M/L 216-8 on Pinnacle Road/Summit Drive.

75 The Markarian's approached Mrs. Hager to propose a lot-line adjustment to help maintain  
76 their privacy and so they can more acres. The new boundary will go to an existing stone  
77 wall. Meridian Land Services will set the corner monuments.

78 Tiffany Markarian said the final survey will not be completed in time for the next deadline  
79 but it will be available for the next meeting. They are requesting a waiver of a few  
80 additional days. The 21-day submission deadline in the Rules of Procedures was  
81 discussed. Jay Minkarah suggested to submit the application, the abutter list, fees, and  
82 the plan you have by the deadline and submit the new plan ASAP. The Board agreed  
83 with this approach.

84 **Case 2022-09**

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

86 Tom & Ginny Chrisenton were present and said the date stamp on the application they  
87 submitted was June 23, 2022. M. Chamberlain had a copy of the plan and confirmed the  
88 submission date. The plans were not readily available tonight.

89  
90 Before the subdivision, Lot 229, Map 07 is 54.5 acres and Map 229, Lot 02 is 48.6 acres.  
91 The plan proposed subdividing the parcels into 3 lots totaling: 39.5, 35.0 and 32.2 acres  
92

93 Alyssa Lavoie questioned why this being submitted as a Conservation Land Subdivision.  
94 T. Chrisenton said because they don't want this to be further subdivided. *Discussion.*

95 Alyssa Lavoie read the Conservation Lands regulations which is for lots 60-acres or  
96 larger. T. Chrisenton said they can make one larger then come back and do the Lot Line  
97 Adjustment but felt it was adding a step for the same result. M. Chamberlain said the  
98 other option is to combine the two lots. A. Lavoie wondered if the intent is to try to  
99 circumvent road frontage requirements. T. Chrisenton said the road frontage requirement  
100 is just an easement with conservation lots.

101 A. Lavoie asked if they are trying to make a conservation land to avoid upgrading the  
102 roads. T. Chrisenton answered, "Yes". You might be able to get there but I think it's  
103 important to not skip a step. She felt this was important for future cases also.

104 A. Lavoie felt what is being done here is not what is allowed. T. Chrisenton said they  
105 have 1 lot of 32-acres and 1 lot over 54-acres. G. Chrisenton added, then they will say  
106 one of the small lots is not conservation land. M. Chamberlain said the regulations allow  
107 a lot merger to create a lot close 100-acres then come in with a subdivision. *Discussion.*

108 Jay Minkarah said they can do a lot consolidation and conservation land subdivision in  
109 one application and accomplish both. It's a minor subdivision.

Ginny Chrisenton asked if they can submit one map and if the purpose of the plan can be changed on this plan. A. Lavoie asked how many parcels it is now and the answer is two. She asked if these lots were part of any previous subdivision. G. Chrisenton said, "No".

### **CHANGES**

**-Note 1 in the summary (purpose of the plan is to consolidate lots 229-2 & 229-7.**

**-Show the Summary Blocks (add a step). 2, 1, 3.**

**-Change title to Lot Consolidation and Conservation Land Subdivision.**

**-Update checklist Item e under The Standard Format for the Plat Includes and Item g under Subdivision Information Easements.**

**-Need a certified letter relative to no mortgage on the properties (notarized).**

**-Swap RR2 labels**

**VOTE: Bob Rogers moved to accept the application. Mark Chamberlain seconded. Motion passed 5-0.**

**Purpose of the plan is to consolidate Tax Map 229, Lot 2 and Tax Map 229, Lot 7 (Suggested not to list the new number) and to further created a conservation land subdivision; Tax Map 229, Lot 2, Tax Map 229, Lot 7 and Tax Map 229, Lot 7-1.**

### **Waivers Request**

**1" = 200**

**1 inch margin on the left side of the plan**

P. Best asked if any wetlands and the answer was, "No".

Alyssa asked about Item "g" which is easements, buildings, and utility lines. T. Chrisenton said the only easement is for public service. Mark Chamberlain said there is an easement for the road. **The checklist needs to be updated from N/A to "easements"**. There was a discussion, and the application shall reflect this item be changed to "Yes".

Item "l" was discussed and shall be changed. P. Best said this should not be considered a street in his opinion. T. Chrisenton said that was the purpose in conservation lands.

Mark Chamberlin has an ongoing concern we are doing a subdivision on a property that has access that is in question. T. Chrisenton replied that was a different subject. M. Chamberlain said they are proposing access while T. Chrisenton debated they are showing existing roads. A. Lavoie mentioned that one of the requirements is "each lot should have direct access to public highways" and she asked where the public highway is. T. Chrisenton showed them where the access in on the upper portion of the map and Woodward Road comes off Beasom Road.

Alyssa Lavoie asked what is classified as a public road. Jay Minkarah answered it needs to have an agreement of the property owners. Woodward Road is a Class V and Class VI road. There is a road agreement with the property owners.

G. Chrisenton said there is a recorded plan that show all those roads that lead up to this. It is referenced in Item #4. The Town should have a copy of this map. She asked if the Board would like a second page of the plan to reference these items. It was agreed that the information needs to be part of the package so it's all contained in one plan set and not have to search for additional information. A plan set, if it's page 1 of 2 or page 2 of 2, it is the same plat.

*Public hearing opened at 8:17 p.m.*

**VOTE: Bob Rogers made a motion, Mark Schultz seconded to continue to date certain to Thursday, August 18, 2022 at 7:00pm. Motion passed 5-0.**

The second plan sheet will be 400 scale so will need to have a waiver for that. The Chrisentons were informed to update the check list and map and submit seven (7) copies to the Town and email Jay Minkarah a PDF copy.

**Other Business:**  
**MASTER PLAN**

The Master Plan Subcommittee did not meet Aug. 20, 2022 as scheduled due to member confliction.

Code Enforcement Officer/Building Inspector Leo Trudeau asked to make a comment for the record. Acting Chair Best informed Mr. Trudeau to hold his comments until the Subcommittee meeting. This was debated. There were members of the Conservation Commission also in attendance wishing for a discussion on a particular lot that has on-going conservation concerns. L. Trudeau said, "There is an event right now that is having devastating land alterations and if you have to wait a month until then, then many more acres will be altered." L. Trudeau stated he was upset the Board would not hear his comments. He has visited to this property and has witnessed major violations.

It was discussed if this concern is with zoning changes or the Master Plan.

L. Trudeau said any master plan should be used as guidance for property owners to help preserve and protect natural features.

P. Best said that the purpose of this meeting is not the subcommittee. If there are violations, they can be brought up to the enforcement.

Water Holland asked about the timeline of the Master Plan. The Subcommittee would make a recommendation, either as a whole plan or by a chapter. Mr. Holland asked to call an emergency meeting to address this concern. He added, he has an interest because this may end up at a town meeting and wants to be informed. He noted that some property owners are taking advantage of saying they are working under agriculture zoning when they are not. There was an article printed last week and it was noted that many people in town are upset including some who could not attend tonight's meeting.



194 It was debated if this falls under the Master Plan or a Zoning change. The Master Plan  
195 was developed in 1988 in which, they held many meetings, sought public opinion, and  
196 held public hearings regarding the document. There was a Warrant Article to fund the  
197 Master Plan.

198  
199 It was also discussed that meetings and agendas are difficult to find and they should be  
200 on the landing page of the website. Not having a town newsletter anymore is unfortunate.  
201 A Community Page on the website was suggested. The library is trying to start an email  
202 newsletter, but that would go to people who provided their emails.

203  
204 Leo Trudeau asked if the NRPC circuit rider is invited to the subcommittee meeting because  
205 what he plans to discuss has regional impact. Jay Minkarah said he would be happy to  
206 participate. Alyssa Lavoie and Charlie Post are also on the subcommittee.

207  
208 Sharon Akers asked for if there is a Zoning Subcommittee for zoning changes and she  
209 was informed there is.

210  
211 It was suggested to have a liaison between Zoning and Master Plan Subcommittees.

212  
213 Mark Chamberlain said they use to meet the second Thursday at 6:30pm before the  
214 Planning Board meeting. They held two meetings so far.

215  
216 It was noted that the Growth Ordinance was not updated and has expired. It is now called  
217 Workforce Housing.

218  
219 *Sharon Akers left at 8:45pm*

220  
221 **PLANNING BOARD PROCEDURES:**

222 The Board needs to ensure the latest "Planning Board Rules and Procedures Document"  
223 has been updated and is on the Town's website. The last amendments available were  
224 the June 2021 document but M. Chamberlain felt there have been updates since then, he  
225 will look back at minutes to verify. More recent amendments were "21 days" and "not  
226 signing the plans until 30 days after approval". It was requested to email the latest  
227 version of the "Private Road & Class VI Roads" for review along with meeting minutes  
228 from those updates. The Board will check with Chair Charlie Post. P. Best said the latest  
229 version he emailed on Aug. 18, 2022.

230  
231 An updated application is currently being developed.

232  
233 Next agenda will address procedures on private roads and Class VI roads.

234 The recommendation document drafted by the subcommittee was discussed. (This was  
235 developed last October). The newest Planning Board members received a copy tonight.

236 P. Best said this was based off a document from the Selectmen. There was some  
237 pushback from revisions of June 21, 2021. They held a public hearing to receive feedback

and had a discussion that included different opinions. He felt the subcommittee based the document on public input that included a primary importance for building permits especially on private roads is the town should not be liable for access for emergency services. Class VI roads, being public roads should have more responsibilities to adhere to town standards. Primarily, it addressed the need for a Waiver of Liability and proof there is a legitimate private road agreement.

It was discussed that the Waiver of Liability is recorded at the HCRD so “who takes that property, takes it subject to that release of liability”. The buyer of that property is subject to any easement or agreement in the registry. The waiver of liability follows the property.

The Board agreed to all review the document. This will be on the August agenda.

The Master Plan Subcommittee has a tentative date of August 3<sup>rd</sup>

**Fee Schedule Update:**

Mark Chamberlain reported that the Board of Selectmen reviewed the proposed fee schedule from the Subcommittee and had three changes plus a change to the building permit fee schedule. They wanted to bring this to the attention of the Planning Board.

The Selectmen proposed an increase to the Septic System fee to \$100 because the Code Enforcement Officer/Building Inspector requires four inspection visits to the property, and they feel that will help cover the costs.

There is a change on the bottom of the form to remove the sign permit, “with the exception of Sign Permits” because they are no longer on this page.

**Building Permit Fee Schedule:**

**VOTE: Alyssa Lavoie made a motion, Bob Rogers seconded, to recommend the updated Building Permit Fee Schedule. Motion passed.**

**Land Use Fee Schedule:**

In regard to the Conceptual Discussion, Mark Chamberlain said there was pushback from the Board of Selectmen because there is cost due to time and review time as well as administrative cost involved. The has people we are being paying by the hour.

The was debated. Some members felt that people should be able to go to the Town to ask questions regarding the application for free or have a first appointment with the Board.

Changes: Conceptional Discussion to \$25 (from no charge).

Another change is the Home Occupation Discussion. The reason is in order to determine if a business is Home Occupation or Home Business, the Code Enforcement has to determine that.

Ginny Chrisenton said she noticed on the recording fees it is \$150 but it costs only \$51 to record a one-page plan. She questioned why there was an additional \$99 fee. The

279 answer is either the Circuit Rider or Secretary brings the mylar to the registry. She  
280 suggested that mylars be mailed in. A mailing tube costs \$25. The Board does not sign  
281 plans until after the 30-day appeal process.

282 **VOTE: Alyssa Lavoie made the recommendation to present the Land Use Fee**  
283 **Schedule to the Board of Selectmen. Bob Roger seconded. Motion passed 4-1-0.**  
284 **Mark Schultz voted No.**

285 The next step is for this to return to the Selectmen and if they approved, a public hearing  
286 could be held on August 10, 2022. The fees will be posted for public information.

287 **Minutes:**

288 **VOTE: Bob Rogers moved, Alyssa Lavoie seconded to accept the June 16, 2022**  
289 **minutes as amended. Motion passed 5-0.**

290 **Correspondence:**

291 None

292

293 **Adjournment:**

294 **VOTE: Bob Rogers moved, Mark Schultz seconded to adjourn at 9:25 p.m. Motion**  
295 **passed 5-0.**

296

297 Respectfully Submitted,

298

299 *Kathleen Humphreys* – signed electronically

300

301

302 Kathleen Humphreys  
303 Planning Board Secretary

304

305 220720-0089