

**^CANDIA PLANNING BOARD
MINUTES of July 18, 2018
UNAPPROVED**

Present: Rudy Cartier, Chair; Al Hall III, Vice Chair; Mark Chalbeck; Ken Kustra; Joyce Bedard; Scott Komisarek, BOS Representative.

Absent: Judi Lindsey; Mike Santa, Alt.

Present: Josh Pouliot, Alternate; Dennis Lewis, Road Agent; Dean Young, Fire Chief; Bryan Ruoff of Stantec.

Chair Rudy Cartier called the meeting to order at 7:00 pm immediately followed by the Pledge of Allegiance.

Minutes June 20, 2018:

J. Bedard made a **motion** to accept the minutes of June 20, 2018 as presented. S. Komisarek **seconded**. **All were in favor**. A. Hall **abstained**. **Motion passed (5-0-1)**.

18-005 Minor Subdivision Application: Applicant: The Cynthia C. Nye Revocable Trust c/o Cynthia Nye, 112 Lane Road, Candia, NH 03034; Owner: Same; Property Location: Lane Road & Crowley Road; Map 414 Lot 150-1; Intent: To subdivide a 10.886 acre parcel to create two new lots for a total of 3 buildable lots. Upon a finding by the Board that the application meets the submission requirements of the Candia Minor Subdivision Regulations the Board will vote to accept the application as complete and a public hearing on the merits of the proposal will follow immediately. Should a decision not be reached at the public hearing, this application will stay on the Planning Board agenda until such time as it is either approved or disapproved.

Present: Cynthia and Doug Nye of 112 Lane Road, Candia, NH 03034; Joe Wichert, land surveyor and septic system designer.

Abutters Present: Chris Dufresne representing the Lorraine Dufresne Trust and the Dufresne Family Trust.

R. Cartier said I did an internal review to see if the application was complete. There were a couple of items in here that I noticed in my initial review that weren't there and Andrea did get a hold of Mr. Wichert and I believe everything is going to be there. The items that we had:

1) Application under 5.06b: subdivision buildings within 200 feet of the parcel to be subdivided are not shown. I mentioned he could ask for a waiver if the buildings were not going to be put on the plans. Mr. Wichert put in a waiver request for that. That's in here.

2) The Road Agent letter wasn't there at the time that I reviewed it. It is in the package now.

3) Ms. Nye, we weren't sure if she was going to be here or not so we asked that an affidavit allowing Mr. Wichert to represent her. Both of them are here so that's fine.

4) Slight issue on the plans on note 8 that said the parcel was not in current use. It is in current use and we have the letter from the tax collector. Note 8 has been taken care of.

5) There was a recommendation by the Building Inspector concerning easement. A Co-op line runs through there. Electric Co-op has determined that they would like to see a 30' width easement for the power line that goes across that area.

6) There's a second proposed wetland crossing on the plan that the Road Agent had noticed; the area is not wet right now but could *soon (unintelligible)* install a new culvert without a permit but it will need a permit, dredge and fill permit will be requested, Mr. Wichert has that been done yet?

J. Wichert replied our wetland scientist is working on that.

7) R. Cartier continued and the wetland scientist will be looking at the limits of the poorly drained soils and that will be added to the plans and revise the setbacks accordingly.

8) There's an added location and proposed grading for the driveway on lot 150-2.

Those were the items. I believe they've been addressed and would entertain a motion to accept the application as complete.

MOTION:

A. Hall **motioned** to accept the application as complete. M. Chalbeck **seconded**. **All were in favor.**
Motion carried (6-0-0). Application was accepted as complete.

R. Cartier opened the Public Hearing on the merits of the proposal.

J. Wichert introduced himself and said I'm the surveyor that prepared the plan. Cindy Nye is the owner to my right. Subject property is 150-1 on tax map 414. It's on the east side of Crowley Road and south side of Lane Road. It's opposite the Nye residence on 112 (*Lane Road*). As it's configured now, the property is 10.88 acres and it has frontage on both Crowley Road and Lane Road. It's in the residential district so we need the 200' of frontage and 3 acres. The intent is sub-divide the parcel into 3 building lots so there's an increase of 2, total of 3. All the lots would be serviced by on-site well and septic. We have done test pits and provided test pits in 4K areas, the test pit logs were in the submission. We have the 4K and the well radii shown on the plan. We do not have state subdivision yet because state subdivision will be withheld until we get the Dredge and Fill permit. Those two (2) permits are pending. On lot 150-2 there's currently a u shaped driveway that comes off of Lane Road and it goes onto Crowley Road so our intent is to use both ends of that driveway. So 150-2 is going to use the east driveway on Lane road, come down and stay on the same path and then on this last submission that we put in earlier this week, we show the detail of how it's going to come down the 10% and comply with your driveway ordinance and it nicks the tip of a wetland so that was always a wetland impact; wetland impact one on the plan, it's 300 square feet. And that is an actual wetlands impact so we are filling 300 square feet of wetlands in order to access the buildable area to 150-2. When the Road Agent sent out the letter, I called the wetland scientist because if you look at the way the flags are connected, it's an old French drain that was put in years ago, prior to DES, prior to wetlands permitting. It's actually an uplands so when it flagged out, it didn't flag out as wet. Our intent was to have that uplands area, it's about 18-19' wide, is to run the driveway through there to avoid having to do a wetlands permit. It was brought up when Dennis had sent the email and we talked to the wetland scientist because that was done, I want to say they're going to say it was done without permit but it was done prior to permit being required. That if we were to replace the French drain with a culvert, which is what we would normally do for a new driveway, that the wetland scientist said the safe bet is we're going anyhow we ought to just put that in for an impact. So the total wetlands impact will be 950 square feet for the 3 lots. One of them is an uplands area and because we're mucking it up I guess it's adjacent to two wetlands, it gets considered. R. Cartier asked him to explain what a French drain is. J. Wichert replied sure, back in the day they would lay stone in the middle of the channel and then water would run through the stone and they would put dirt on top of it. It functioned as a poor man's culvert; it wasn't a pipe that moved water. Water moved through, like a retaining wall or just earth. With a new driveway it makes sense that some of that's going to get removed and they're going to install a culvert underneath that so that's the reason for wetlands impact two is for that. So we have 950 square feet of wetlands impact so for reference, state standards 3,000 square feet is considered a minimum impact. So we're 1/3 of a minimum impact so I think it's a small project in the grand scheme of things. One of the unique things about the property is that this property was subdivided back in 88' I think, it was part of a larger parcel and they cut it up. At that time the pole lines existed. Mr. Nye met with Co-op and there's no deeded easement for this line. So the best I can tell from the pole numbers is that this line was installed in the 40's and done without benefit of easement and the Building Inspector had suggested we meet with the utility company so we did. Their preference was a 30' right of way so on this last submission we've shown a 30' right of way off of that pole line. A.

Hall asked the word around Town is that Co-op is going to remove; on Critchett Road, wires in the wooded area and those will be removed. Will these also be removed? D. Nye replied they never mentioned that, no. J. Wichert said as far as we know it's not. We can verify that. We can make a note to verify the status of the pole run. A. Hall said would that be helpful if that was removed? J. Wichert replied it would make it simpler. We do have a driveway crossing it; actually 2 driveways crossing it. The driveways exist but in this day and age some people get nervous or wound up on going underneath a power line, especially if you're doing it for your driveway and you're going in and out. We'll double check that to make sure. We did ask for the waiver on the houses, when we looked at it on Google Earth I thought the only one within 200' was the Nye residence across Lane Road but then when we were double checking it, we weren't sure if the house on lot 150 directly to the south may have been close to 200' so we asked for the waiver. We can't trespass on someone's property to locate structures. If the Board chose not to approve the waiver, then we'll try to scale them in best we can using Google Earth or whatever. The problem is the drawing scale, we have a 60' scale drawing, most of the one's opposite side of Crowley we don't have enough white space on the paper to show them. It's one of those we'd prefer the waiver to be approved just as a matter of housekeeping. I think the lots comply with frontage, they comply with acreage. We have the 1 ½ acres of non wetlands on all of them. We did as the Chairman mentioned, on the interior of these lots. This is our edge of wet. These heavier lines and the little triangles, if you go out to the site you'll see flags that are pink and black. So we've had the wetlands delineated. So your ordinance calls for a 50' setback off a poorly drained soils and a 100' setback off of very poorly drained soils. So the only area where there was some very poorly drained was in the larger wetlands here. The wetland scientist gave us a schematic of this being edge of wet. We modified the wetland setbacks. We took the 100 or the 50, whichever was greater. That's been modified and shown on the plan. Because of that we actually moved this well over a little bit on the last submission but the rest of the plan was the same. This lot 150-1 they're going to use this driveway, house would be here. 150-2 would use the east end of this driveway. Come in through here, we broke it off here and it will wrap around, this would be the building site. 150-3 is going to come in somewhere around here and aim for this crossing and the building site would be here. Two of the driveways are short and one is longer to get out back. This is a small wetlands crossing but it's only 300 square feet and this one, we're going in because we'll probably be pulling out the French drain and installing a culvert next to it. Other than that, it's pretty straightforward.

R. Cartier asked I see the driveway off of Lane Road, curves down and feeds lot 150-2. Where does the one come in for 150-1? J. Wichert pointed it's up in here by the intersection; there's an existing road there. Dennis can you see where that driveway is, 50-1? (150-1) D. Lewis replied yes that's existing. It's been there for years. They used it to go to the 4 car garage. It's an existing driveway. Does it meet our regulations, no but it's existing. My other concern is you're confident you can make the 10% grade on lot 50-2? (150-2). J. Wichert replied the grading we have on there is 10. I can show you a profile. D. Lewis replied that's all right as long as you're confident because it is marginal going in down there. R. Cartier said on those driveways, what's the width and the basic construction now? The Fire Chief's here and we want to make sure the driveways are adequate to have the apparatus come down and it should meet the requirements for regular driveways. Have you had a chance to look at the driveway regulations? J. Wichert replied I did. The driveway on 150-1 we don't have any grading issues. We did show the driveway on 150-2 was tight which is why we showed the grading to show that it complied. I think we went with 12' and the existing driveway that's there now runs between 8' and 12'. It may need to be widened and improved in order to used on an everyday basis but our intent was to keep the curb cut in that break in the walls.

R. Cartier responded that's fine, I don't have a problem with that and if the Road Agent says that's an existing one then that's fine, however because it's new houses, the driveways themselves will need to be in compliance with the driveway regulations that we have in there. The cut that's in the stone wall, make sure that that's an adequate width meeting the requirements too for a turning radius for fire apparatus or anything that needs to get in there. Same for the driveway going into 150-2 and the driveway for 150-3 is

going to be a new cut in the stone wall? J. Wichert agreed. R. Cartier reiterated those will need to meet the requirements for driveway permits including site distance.

R. Cartier asked there are wetlands in there are there any intermittent streams or is it just wetlands areas. I know on the other side of Crowley Road there are some streams. J. Wichert replied there could be a stream that runs through the center of it, a little channel. There could be a little stream that runs this way. There's a culvert here, 18", it may be running there...it's not a true brook stream. It may have a thread that runs to it. This interior very poorly boundary; the boundary between very poorly and the poorly drained, if you look at it now, that area may still be wet. Whereas the exterior is a little more dry but that area is probably more constant wet and longer for what the standards... R. Cartier said and knowing the contours in there you're probably going to get runoff from the roads that go down into that area. Especially in the culvert, you should put the direction of flow in there so we can have that on the plans. I would say it's probably coming off this property and going across Crowley Road but I'm not positive that that's the way it's flowing. D. Nye replied said it flows down, it flows to the pond. R. Cartier asked them to show that on the plans so that's delineated where any intermittent streams are and the flow direction is.

R. Cartier continued you're going to have a deed put in for the easement and we'll need that as part of the process for the documentation that you do have that. In the deed easement, are there going to be restrictions of what can be done in that area? Will that reduce the buildable acreage that's on those properties? J. Wichert replied that's a good question and a chicken and the egg question. If the scenario was reversed and we had a deeded easement and we were coming across it, I think we'd have more restrictions on what we're allowed and maybe more limitations. This one's unique in that there is no actual deed easement there. Ms. Nye is granting an easement to them so I'm sure based on what it is, that it's a utility, they'll have certain restrictions but I don't think...if we work on a bigger line, they get more wound up on the clearance, that you can't fill and you need a certain clear area from the sag of the wire. I don't think we're in that area with this. If you look at where we're crossing it's the low spot anyhow so I think we have enough clearance there. Where the existing driveway for 150-1 crosses, that's already there so I think that's "grandfathered" for lack of a better term. We may make it wider, grade it out but we're not going to raise it up 5' or anything like that. I think that one should be fine and certainly when we work with them on the easement we're going to make sure it covers us for 150-2.

R. Cartier replied I know that 150-2 would have 1.8 acres of continuous buildable land and I know that part of the easement on that is going to go over the wetlands so it's not buildable anyways. I want to make sure there isn't a problem with having to take that out of the buildable acreage. J. Wichert replied we looked under you're zoning ordinance under definitions; buildable the way it's defined: *As applied to land does not include very poorly drained soils, standing water, steep slopes over 25%, or any part of the lot considered not buildable.* I've seen other Towns where they'll specify areas under easements are not buildable. These easements don't exist at the time and we can look at it and see how that applies. With the easement not existing, we went to the Co-op on the advice of staff. So we could work with them in regards as to how we're going to word that. Where we're putting in the building envelopes, I don't think the power line is causing an issue, we wouldn't want a house or garage in the power line. As far as septic loading or whatever, those areas are still contiguous to uplands on either side so we thought that would work. R. Cartier replied was it their suggestion it be 30'? J. Wichert said that was their desire. We haven't gone back to them with a counter. Figured we'd meet with you first and if it becomes an issue, we could always look to do 10' or put it more of a license as to what they have now. At the end of the day they have nothing; it's their line, they have the right to maintain it. The limits of that right are what we would negotiate if we needed to in order to be able to get the project approved.

M. Chalbeck said I can see why they want the 30' it's for the trim back. So they'll come through and maintain every 10 years and do some cutting. When they're crossing, it looks like you're mid span so they may have to boost the pole size just to go over the driveway but that's something you can negotiate with them. J. Wichert agreed, right and if we looked at the grading the first pole's up around 418, second pole's at 416 and we're running maybe 416 ½ is the low spot. It's in a fairly flat spot and we're not

planning on building it up because we're coming down the hill and that's the bottom, that's where we catch up with the grade. M. Chalbeck replied I haven't seen the poles in that area but usually in a right of way it's 35 footers so they may have to put in a couple of 40's just to give you your clearance. Probably talk to them about that because you'll be in mid span at the sag with phone and cable to give them 16' clearance over the driveway.

R. Cartier said on your acres of continuous buildable, those are just in, inside from where all the setbacks are and everything, that's the actual buildable area with all the setbacks taken into account? J. Wichert said no I don't think we excluded setbacks. S. Komisarek commented I don't think you exclude setbacks when determining buildable. R. Cartier said that's the question. If it's a setback area then it's not buildable. J. Wichert replied I didn't read it to say that we couldn't include the area of the setbacks because that would be a substantial increase in the lot size. R. Cartier said that's fine. I just wanted to know if it was just doing it in the inside area that is more conservative for you. J. Wichert said no we went lot line to edge of wet. We stopped at the poorly drained where you're ordinance says very poorly drained. We do have a cushion in that. If you read it it says to exclude the very poorly drained but we were trying to be conservative. R. Cartier said that's fine.

A. Hall asked about the driveway on the corner lot on Crowley and Lane Road. It's a curve, isn't it a T. There's a stop sign there right. Common sense the driveway is going right through the stop sign. D. Lewis confirmed no the driveway is a long ways from the stop sign. I don't know how many feet exactly but it's down at the foot of the hill. A. Hall was concerned about police, fire and safety you have a T. C. Nye said the stop sign is here. A. Hall continued you'll have a problem in winter when Dennis plows into the corner. D. Lewis replied if you look at the contour lines you can see there is 450 on my map and the driveway is down at 440 down the hill, it's quite away from that stop sign. J. Wichert added if it becomes an issue, the only obstacle we have is like just to the right of the 101.60 dimension. There's a big rock in the field, a big ledge outcrop. If you go north of that, we could move into that area to square it up if that became an issue. A. Hall asked would you remove the boulder. J. Wichert replied we would prefer not to move that boulder but we could move the driveway further south in a pretty flat spot and change the geometry so it's more squared up with the road if that were an issue with the Fire Chief. A. Hall said that boulder creates a visual barrier to get to the corner coming up Crowley. J. Wichert replied we looked at it from the existing curb cut and if you walked out this path and came out 10' and bent down a little bit, you can still see looking to the south. We haven't looked at it but if we had to shift the driveway down 40' to 50' to square it up; make the geometry more square with the edge of gravel there. A. Hall was concerned with visual site lines. J. Wichert said I think we have it where it is now. I think we'd have it if we had to shift it back and not have the intersection be say less than 90, perpendicular would be ideal. A. Hall said he'd feel more comfortable.

S. Komisarek asked Joe can you tell me as far as the State of NH with poorly drained and very poorly drained does the state require 100' or do they require 50'? J. Wichert replied for septic, the state requires 75' from very poorly drained and 50' from poorly drained. But they don't have a structure setback. S. Komisarek said my point is the 100' from very poorly drained is even greater than the state requirement for septic setbacks. As far as the power lines, it's a matter of what's the intent. If you've got a lot that septic system works on it and siting the house works, I don't hear anything in the language that we need to exclude it. But if we looked at it and said in some way this is not living up to the intent of the ordinance, personally I don't have an issue with it. R. Cartier said I was not sure. I could see nothing in the regulations that says it can't be but if there's some kind of deed restriction that makes it so you can't use it for anything, then it's too much a restriction. With easements there's not a lot of restrictions on actually using property is there. M. Chalbeck replied when it comes to easements, right now Co-op doesn't have an easement here so they're going to negotiate it. Usually a utility, they'll allow a crossing, usually not to go up a driveway but to go up a right of way because then you're dealing with the poles and the sag wires depending on the size of the vehicles. Other than that, if they make sure they have adequate height poles where your driveways are going to cross, I would talk to them about that and you're probably going to go

with overhead services to the houses? J. Wichert said I think so; you don't have a requirement for that do you? It's in a neighborhood; we didn't really talk about it. You were thinking above ground or underground? D. Nye replied above.

R. Cartier summarized the driveways appear to be okay. We got the letter from Dennis so that's good. One of the conditions would be to show the intermittent streams on there and the direction of flow. Provide the Board with a copy of the final easement deed for the power lines. Copies of the approved wetlands permits when those are done. J. Wichert added and state subdivision approval once the wetlands get approved. M. Chalbeck said and that's also for where the driveways coming up and around right? J. Wichert replied the wetlands will give us to fill the two areas and once we get the wetlands permits, DES will approve the state subdivision. R. Cartier said I don't think we need to put it in there but I want to make sure that you do follow the driveway regulations for construction of the driveways from the road coming in. J. Wichert said we can add a note on the plan if you prefer. R. Cartier said that would be good, a note that the driveways will be in accordance with, I don't know the number off hand, but in accordance with the section of our zoning requirements for driveway construction.

Abutter Chris Dufresne said I represent the Lorraine Dufresne Trust and the Dufresne Family Trust who are abutters. I do have some concerns about this driveway right here. This crossing right now is inadequate. It was constructed; it was a farm crossing constructed 100 years ago. It is not up to code and what I'm concerned about is because all this drains into here is going to screw up my drainage. I'm not seeing, they're adding a culvert but I'm not seeing...and this stream runs 11 months of the year. This is not being adequately addressed I think. R. Cartier asked how is it not being adequately addressed, in what manner? C. Dufresne replied what I'm concerned about is that I would like to see that the deed is going to respect this wetland because what I'm afraid of is that it's not going to be put into the deed and the new owner will fill in that wetland. There are substantial wetlands in this area and again this bridge needs to be brought up to driveway standards. It would not handle a fire truck. R. Cartier said all the driveways will be up to standard Town specs. Your comment about filling in wetlands; it would be illegal. C. Dufresne replied he's got 900 square feet. R. Cartier said but that's for...the Wetlands Bureau is very specific on that, that is only going to be for a driveway crossing, which is under 3,000 square feet so it would be a small wetlands permit that goes in there in a very small precise area. He's going to have to get the permits from DES and the approvals will have to be received by our office to make sure it's in there. That will be reviewed by the Building Inspector when he goes out to take a look at the driveway but also any building that's done out there too. It's going to be a small area and I understand your concern and the wetlands will be protected.

J. Wichert commented we run into this all the time. Unfortunately we can't regulate what someone's going to do after the fact. However, the difference is if someone were to do something now, before this plan was prepared, there is no record of where the edge of wetlands is. As of now, we have a document that's public record that shows the wetlands were delineated as of 2018. So should there be subsequent filling of wetlands, that's usually something if you have the plan easily discernible for a state inspector to take the plan and say it used to be here how come it's over here and it's going to be relatively easy to figure out if a filling occurred. In regards to the culvert, our intent is, although we are adding 650 square feet to our wetlands permit, that area is not jurisdictional now because it's pre-dates it and it has the stone with the dirt on top. We're adding it in and what's probably going to happen when we go ahead and do the wetlands permitting, the soil scientist or his engineer is going to size that culvert crossing so we're going to have either an open box, we'd have to see. I'm hedging because if that were a two stream, and we were crossing it, we'd be under the stream rule and have to use an open box. This one's different because it's grandfathered and it's not actually a stream where the crossing is. So there's probably going to be some compromise of size of pipe and location. The intent would be once the culvert's installed that it's not going to change the flow to what's there now. In a perfect world that's how they design. R. Cartier asked will you be designing the culvert. J. Wichert said we'll have an engineer do that, my office doesn't usually do that. R. Cartier asked would you mind if we had that as a condition of the permit that those plans be submitted to

the Board to include in the records? J. Wichert agreed, sure. R. Cartier said hopefully that will address and alleviate your concerns but also as Mr. Wichert said there is now a record of where the wetlands are right now and if you own the property around there you obviously have the capability of seeing if anything's been done that's in that wetland area and by all means have a right to let DES or the Town know that there's been encroachment of the wetlands; it's for your protection too; it's now in plans, where it isn't right now. I hope that helps. S. Komisarek pointed out a miss-spelling of Dufresne on the plan. (*Map 414 Lot 150 spelled Defense*) J. Wichert said we did spell check and somehow Dufresne became Defense. S. Komisarek said it's spelled correctly across the street on lot 91.

MOTION:

A. Hall **motioned** to approve the plan subject to the conditions noted. S. Komisarek **seconded**. **All were in favor. Motion carried (6-0-0).**

R. Cartier reminded the applicant that there is no work to be done on the property until all the conditions are met. C. Nye agreed.

Informational: Requested by Matthew Richter; Applicant: Matthew Richter, 28 Deerfield Road, Candia, NH 03034; Owner: Arleen Richter, 34 Deerfield Road; Property location: 34 Deerfield Road, Candia, NH 03034; Map 406 Lot 023. Intent: To subdivide the lot and ask for a variance in order to create a right of way to access back lot.

Present: Applicant: Matt Richter of 28 Deerfield Road, Candia, NH 03034. Also present: Matt's wife, Cynthia Richter; John Richter of 28 Deerfield Road, Candia, NH 03034 and Arlene Richter, Matt's grandmother and owner of subject property Map 406 Lot 023, 34 Deerfield Road, Candia, NH 03034.

This informational was requested by Matt Richter. Intent is to subdivide Map 406 Lot 23, 12.94 acres of land to create a deeded right of way to create a building lot for Matt Richter and his wife to build a house in the back area and have about 7 acres of land (referenced as parcel D on the map). The zoning regulations call for 200' of road frontage. This 12.94 acre lot has approximately 300' of road frontage and a path to get out to the wood lot and back land.

M. Richter presented a plan from his grandmother from 1992 which showed the subject property Map 406 Lot 023 of 12.94 acres but had the lot "divided" into 3 areas, showing the existing house of Arlene Richter with an area of 1.2694 acres and approximately 300 feet of road frontage and a 60' right of way and/or wood lot road, Parcel C showing 4.6426 acres behind the house and then beyond Parcel C is Parcel D. With a note on the plan saying Parcel C & D to be consolidated with Lot 406-23 for a total of 12.9439 acres. There is no recording number on the plan and only one signature on the plan. The Town of Candia has this as Map 406 Lot 023, one lot of 12.94 acres so Parcel C and D of said plan are part of this entire parcel of Map 406 Lot 023 according to Town records. (See map on page 9 of these minutes). During this informational, the applicant and Planning Board kept referencing the parcels on this map from 1992, C & D even though the Town has the entire lot of Map 406 Lot 23 as one lot of 12.94 acres.

Note: There was a previous informational on this same parcel presented by the owner Arlene Richter to the Planning Board on September 21, 2016. Nothing on the property has changed nor the intent from the original informational presented by Arlene Richter on September 21, 2016. The following July 18th, 2018 informational will be summarized noting that the meeting minutes from September 21, 2016 can also be referenced.

R. Cartier said the owner, Mrs. Richter had come in September 21, 2016 to see what could be done with the parcel that's fairly landlocked parcel and they had wanted to see if they can get access to it. There was quite a bit of discussion done at the time. I'll read the summary from those minutes:

SUMMARY of SEPTEMBER 21, 2016 PLANNING BOARD MEETING:

- Intent: To subdivide or do a lot line adjustment on Arlene's parcel, Map 406, Lot 023 (12.94 acres) so that her lot would be divided into two (2) lots with a right of way access through it to the back for Matt Richter (grandson) to build a house on 7.0319 acres in the back. (Leaving Arlene with Parcel C of 4.6426 acres (wood lot?) and her house lot on the remaining 1.2694 acres.
- This parcel is land locked. There is no road frontage for the back lot.
- Our regulations require 200' of road frontage.
- Arlene's property; Map 406, Lot 023 has 300' of frontage.
- The Planning Board said it could be done with a road built to Town specs; if you built a road.
- It was also suggested that she add an in-law or accessory dwelling unit to the existing home.
- A zoning change to the area was suggested.

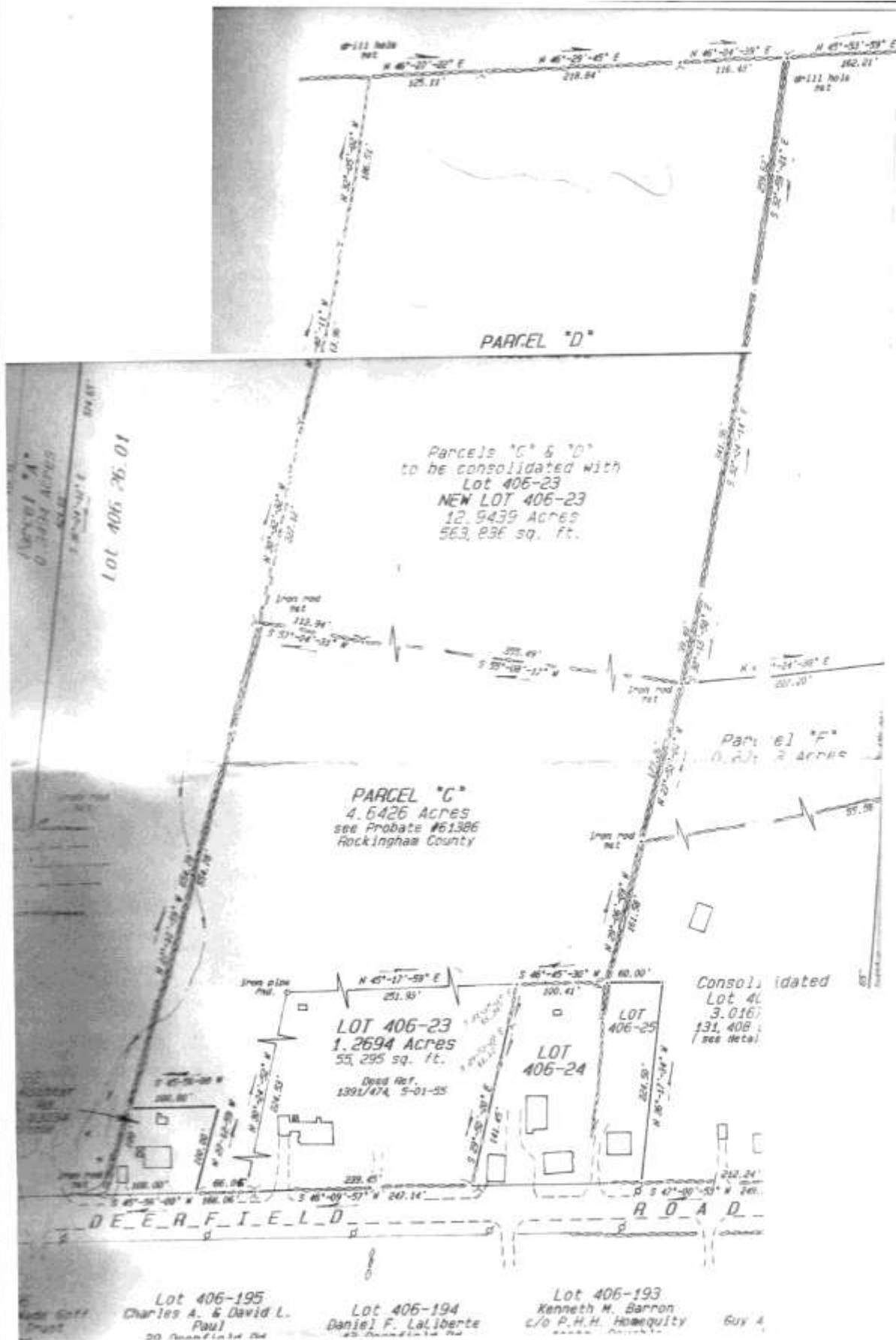
See Parcel "D" on plan. This parcel has no road frontage.

Note: Town tax card shows this as one 12.94 acre lot, not divided into parcels C and D from this plan.

R. Cartier continued Matt had approached me because one of the things that was not done in the original meeting back in 2016 was that the Board was going to check with legal counsel to see what issues there were. We did ask legal counsel to give us an opinion on here and basically legal counsel said the state law, the RSA that's in there, you need to have frontage on a Class V or better road. The state law however, does not specify footage; it just says you need to have access on that road. Our regulations call out for 200' of road frontage. That gives you some background. When Matt had approached me, I was thinking we were just discussing this awhile ago. We do have about 10 or so lots that have 10 or less acres that are land locked. It's not a unique situation but it's not a major situation. I wanted to get the Boards feelings on this and what possibly we could recommend to the Richters to do this. The ulterior motive on my part is to see the land on the tax rolls which would be a benefit to the Town from that standpoint. There were some things that were talked about in here, back in 2016, that's when we started talking about the Village District and I believe this property is in the Village District area. Obviously going to the Zoning Board of Adjustment to get the property, I think its 60' right of way.

M. Richter replied realistically it could be on either side, in between my parent's house and my grandmother's house there's a 60' right of way to the 4. 64, the parcel C, wooding lots. There's another, I call it a road, that goes up there to the parcel D that has been there for years. (*See plan on page 9*).

R. Cartier asked so that's a right of way to the back area? M. Richter replied the 2nd one on the 406-23 you can see the existing structure with her driveway but to the right of it there's a road for lack of a better term *culverted (unintelligible)* that heads back up there with access to the two back lots. R. Cartier asked is that 66' a right of way to the back, parcel C? M. Richter agreed, yes. R. Cartier asked so there are two right of ways? Is that an existing right of way to the back? M. Richter replied it's an opening. That was cut. It's in between the two properties but according to this it's the right of way to that parcel. This is an existing trail, a woods road. Any way that we can get access to parcel D is what we're going for. Whatever would be easiest or whatever would work. Using the existing woods road, woods trail that is there is the intention but however we can figure out a way to get out there. M. Chalbeck said legally what would be accepted would be the 60' right of way but then you'd have to deed it because it would be two separate parcels. M. Richter agreed; correct a deeded right of way. M. Chalbeck said it would be off to the side so it's not affecting any buildable area and have a driveway. M. Richter said the purpose is not to have two buildable lots, she wants to keep the middle one as hers, the second one, and lot D is to build on. The purpose is to get one house out there. M. Chalbeck said so this one would stay as an unbuildable lot. M. Richter agreed.



R. Cartier asked was there a reason to build on parcel D vs. C? M. Richter said it's a nice piece of property. It's on a little hill, its set back, surrounded by a stone wall, it's encapsulated, away from everything but close enough. It was a field. R. Cartier said if you're crossing parcel C I'd be concerned about setting a precedent that could be taken advantage of somehow but make it so we can get land back on the tax rolls and see if there are ways this can be done. Putting parcel C into a conservation easement or selling your development rights to it or whatever. If you do a road up here, the land gets sold and someone wants to put a house in there and they come to the Planning Board and they say well you let them put a house in there with a right of way of 60'. Keep the land in the back and do a lot consolidation. I can see going to the Zoning Board of Adjustment to get a waiver on the frontage and do the 60' because that's existing and its there. I don't know how they would look at it. R. Cartier said parcel C has frontage but parcel D doesn't. M. Richter asked would that be a shared driveway scenario.

There was talk among the Board about a similar scenario of a house behind the Baptist Church and no one seemed to know how that house got back there, deeded right of ways etc.

J. Bedard asked what you mentioned on frontage, 60', are you open to using C instead of D because it's a harder sell. M. Richter discussed with Arlene and said probably not. J. Bedard said I don't see how you can do it with no frontage.

S. Komisarek said just like when they were here last time, I think everyone's sympathetic to the fact that they have this acreage but I don't understand given the regs that we have as a Planning Board. With the ZBA, you have the conditions that you have to meet. They could try that but as far as the Planning Board our hands are tied. R. Cartier said I thought it was going to be on parcel C with the 60' of frontage that the Zoning Board could look at or when we take a look at the regs for the Village District. The problem here is that it's really landlocked, that's the problem.

M. Richter said in the event of a lot line adjustment, if we can get parcel D to take that other extra sliver between the school and that side and make parcel C that is landlocked; lot line adjustment to make D bigger with the frontage.

C. Richter said would it be more feasible if we combined C & D? I'm hearing the concern of the C as well. I'm Crystal Richter, Matt's wife. R. Cartier said if you combined the lots so that it is one lot, then it does have that 60' frontage, not that it's a guarantee but it makes it more possible thing to do.

D. Lewis asked if you were to combine the two lots, then you'd have 60' of frontage on 11 (*acres*) and some change. C. Richter said almost 12 acres. D. Lewis continued both lots combined 60' of frontage on a large lot. If there was something put on the lot to prevent further subdivision, either a deed restriction or an easement and then go to the ZBA and then you are asking for a waiver for the frontage requirement. It's a long shot but I don't see any other way. R. Cartier said do a lot line adjustment and combine the two.

M. Richter asked so where they are the same lot and just different parcels what is the process to doing that and then bringing it to the ZBA. J. Bedard asked do they have informationals. A. Bickum said they don't do informationals. R. Cartier suggested if you combined the parcels, we would look at in here a lot line adjustment or a lot consolidation which is something we would do from the Planning Board standpoint so if you presented it to the ZBA saying you wanted to do a lot line adjustment or combining the lots basically, use that as a right of way and take the condition that there will only be one house on there. I don't know how the ZBA would go for it but that's what you need to do, you need to find a way to get some sort of frontage on that back lot.

R. Cartier like Joyce said, that part of the street, it's precedented already but our hands are tied. We don't have jurisdiction to say yay or nay on that. M. Richter asked if there was a way to speak to someone on the ZBA or any of that prior to going to a meeting and falling on my face. A. Hall said ZBA members will probably read the minutes from this meeting.

R. Cartier said hopefully that gives you an idea of where we stand and what we can and can't do. If you're able to get that so the Zoning Board said that you can access that based on their conditions, and then coming back to the Board for doing a lot consolidation. I believe the ZBA would put some conditions on it

if they approved, like only one house on there. There are 3 separate lots or just C and D? M. Richter said its one lot now with separate parcels, parcel C and D. Lot D is 7.03.

S. Komisarek said the language says parcel C and D to be consolidated with lot 406-23. M. Richter said so we have to look at it currently. R. Cartier said look at what the deed says in there. M. Richter said A. Hall asked when was the map done. M. Richter replied 92'. J. Bedard said so from the front of your grandmother's lot all the way to the back is one parcel right now? M. Richter said on this one, I guess we'll have to find a newer one. S. Komisarek commented on parcel C they give you a probate reference so then they give you a deed reference from 1955 and then a probate reference. So someone inherited some land and what makes it difficult is the language that says parcel C and D to be consolidated with new lot 406-23. It's tough. C. Richter said so just to clarify, even though it's lot C and D, it's all one lot. She just subdivided. J. Bedard asked so Town records show it as 406-23, one lot. This is just projections, this didn't really happen? It still is one lot. A. Richter said we combined it to get the land use out of it. C. Richter reiterated its one lot. There's a stone wall between C and D but its one lot. C and D is one lot. J. Bedard said but according to our records is all one lot. A. Bickum confirmed 406-23 is one lot. J. Bedard said so there doesn't need to be a consolidation. M. Richter said so there would be a subdivision on it. There still wouldn't be enough frontage; 239' and 66' you're looking at 305', even if you subdivide you can only have 105' feet somehow in there. It would be 105' and some change. J. Bedard said so we shouldn't be looking at this. But C and D is internal what you're calling it, it's not really C and D. M. Richter agreed, said I guess, for portions of what we're trying to do.

R. Cartier suggested going down to the registry and get an up to date map. The tax records may not be correct. This was 1992 but then this says 1955. M. Richter said her deeded reference says 1955. S. Komisarek the original lot and then someone passed away, see probate case. Land was inherited. M. Richter said there were other ones at the same time that happened with that. A. Hall asked bottom left is that a Planning Board signature. M. Richter said 6-1, pt 92, Alan J. Cote in 92' he was the Chairman, no other notes. No secretary signature and no notes. This is from my grandmother. A. Hall asked that's recorded. M. Richter read conditionally approved in 92' signed in 92'. A. Hall said but it doesn't say it was recorded.

A. Richter said my mother owned where Marguerite lives. My mother owned all that and there was a separate deed which was 2.7 something and the Planning Board made them jump over the wall to get 3 acres and sitting out in nowhere is another piece of land to make it 3 acres. My brother Tom came up the hill, back of Marguerite's and through that way and he come over to that first stone wall and up. I took from there which is all walled in around the field. That's mine. That was when we settled the estate. The stone wall was eliminated because that is in land use now, which it wouldn't be if they get the house on it. The funeral home and parsonage is next to Maggie's, a small piece. M. Richter said that's the one with 60' of frontage.

Planning Board Suggestions:

1. Go to the Zoning Board of Adjustment to get a waiver on the frontage and do the 60' because that's existing and it's there.
2. Visit Registry of Deeds in Brentwood and show that this was recorded. Research the records and see what exactly is the layout here. See if these are combined and then that 60' frontage. You have the possibility. M. Richter said it could be 105' out of it allowing for her lot to be 3 acres or better. We can figure that out but we can start with that. A. Hall mentioned finding a prior map that could outline what happened if this map isn't registered. M. Richter said so the current one wouldn't show that. J. Bedard said the newer one is what's legal. You need the most current one that's been registered.
3. M. Richter asked after the Registry of Deeds is it back to the Planning Board or to the ZBA. R. Cartier responded it would go to the ZBA for a variance from the frontage. J. Bedard mentioned you'd have to subdivide hers out if it isn't. R. Cartier said after that it would be the subdivision.

Excerpts from minutes on the first informational from September 21, 2016 for reference only. This was not read during the Planning Board Meeting on July 18, 2018.

S. James commented so you'd be subdividing your lot into two with a right of way access through it to the back. A. Richter said yes, subdividing or a lot line adjustment. S. James responded if we're creating a new lot, the lot needs to have frontage on the road. This one would have no frontage.

S. James said the only question I have, when we create a new lot it needs to meet certain requirements, which I guess we can waive, but one of them is to have 200 feet of frontage. M. Santa asked how much frontage you have now. A. Richter said I have 60, 239 all through here, I have over the 300. M. Santa stated over 300. S. James said to be honest I would have to check with our attorney, we could do that for you, certainly.

A. Richter addressing S. James said there's 7.3 acres on that lot up there. S. James said so if we had a 60 foot wide easement and it became deeded to the Town, then it would be no different, it would be...you could put a road in. T. Giffen stated a Class VI road. C. Robie responded that it would be deeded to the land owner that was benefitting from the lot that was created in the back. The right of way, 60 foot easement, would be deeded, along with the property that she's going to give her son. That would be in his deed, that right of way, that's his. C. Robie can't do that until we go vote on it. S. James said no, no what I'm saying is if someone came in with a subdivision and they said we're going to put a road in, same thing here, we're going to put a road in up to that back lot, deed the road over, that's different, we could do that. C. Robie replied if they want to build the road to spec. D. Lewis said Carleton's right, you'd have to build a road to Town specs, it would have to be a Town road to create legal frontage on that piece of property that it accessed. The only way to do what you're saying is to build a Town road which I can't imagine is something someone wants to do for one house. C. Robie said but it's possible, if someone wanted to do that with the regs the way they are. S. James and D. Lewis both replied yes. T. Giffen said it would have to go to the Town obviously to have some sort of a zoning change come through. M. Santa commented the other option; the State has passed a law that will go in effect shortly relative to accessory dwelling units. Building and accessory dwelling unit, it would be a subdivision or another piece of land; it would be on your own land. And that's a reaction to what you were saying Dean, trying to make affordable housing for in-laws or other family members, they're not restricting it to other family members, you could actually rent it out or something. The accessory dwelling, I hadn't thought of that, that's something to consider, we can get you more information on that. T. Giffen said there's a couple of different ways you could probably look at it but you have 7 acres and you have 250 to 300 feet of frontage, that's pretty much what we have here. It's uneconomic to try and put a 3 acre lot back there and build a road to it that meets Town standards and have 200 feet of Town road going along the edge of this 3 acre lot to give it the legal 200 feet of frontage, it's highly impractical, it's uneconomic. If you had a zoning change that permitted say, 1 acre lots or 1/2 acre, whatever you come up with, all of a sudden you can generate a heck of a lot more lots, they'd be inexpensive lots and therefore an inexpensive compact house could be built, so a starter home or a retirement home could go on one of these lots. I'm thinking would be more along the lines of re-zone a compact area and you designate that as a compact central district or whatever else you want to call it, and all of a sudden you have say lots of x size that are considerably smaller than the 3 acres we have now and you have lots with considerably smaller amounts of frontage and you basically have a Village District. So there would be a little spur road going in, you could have conceivably three, four, five lots back there, maybe. I'm not saying this pertains to your case, just as a general idea. Create a compact village area that might support the population in a more desirable way, possibly. Right now what we have is zoning that by and large as far as residential goes, it's all uniform. It's treated the same, 3 acres, 200 feet end of discussion, have a nice day. We want every part of Town to be just the same. Well, maybe we do, maybe we don't that's something that needs to be brought up and that should be part of the Master Plan's discussion perhaps. S. James said I was just headed there. So as far as the Informational, as far as what you asked about specifically, we'll check with the Town Attorney.

Other Business

1. R. Cartier officially welcomed Josh Pouliot to the Planning Board as an alternate. We signed your certificate, we'll make copies and she'll get it to you.
2. J. Bedard is gone August 1st and Ken Kustra is gone the month of August.
3. John Seidner's Minor Subdivision Plans and mylar were signed by 4 members of the Board to be recorded.

ZRRC Meeting to follow Planning Board Meeting to discuss the following:

1. Stantec Review of Current Regulations - Binder distributed at July 19th 2017 meeting. Continuation of the review of the *Major Site Plan Regulations* and *Subdivision Regulations* with Bryan Ruoff from Stantec.

MOTION:

J. Bedard **motioned** to adjourn the Planning Board Meeting at approximately 8:35 pm. A. Hall seconded. **All were in favor. Motion carried (6-0-0).**

*****Zoning Review & Revision Committee Meeting followed at approximately 8:36 pm. See ZRRC meeting minutes.

Respectfully submitted,
Andrea Bickum
Land Use Secretary
cc file