

PLANNING BOARD WORKSHOP
TUESDAY, SEPTEMBER 10, 2002
37 North Main Street

Members Present: Norman Russell, Jim Horgan, Brad Anderson, Marty Chagnon, Hiram Watson, Kelly Parlman (Troy Robidas called in absent)

Selectmens Rep: John Fitch

Staff Present: Paul Charron, Fran Osborne

- Chairman Russell opened the meeting at 6:00 p. m. Marty Chagnon seated for Kelly Parlman and Brad for Troy Robidas.
- Topic for workshop this evening is "Building Permits being issued for Private Roads." Paul Charron, CEO, passed around "Executive Summary Building Permits & Private Roads" for board members to take home and review. Paul Charron said the RSA 674:41 became effective July 17th regarding this issue. Because of this law the Planning Board now reviews the building permits and then makes recommendations to the Selectmen for final approval. A "Private Road Agreement & Release" of liability agreement must be recorded at Strafford Registry of Deeds and then the building permit can be issued if approved by the Selectmen. This was done per a N.H. Municipal Law Association (NHMA) Lecture series as a way to stop or limit growth on private or Class VI roads. Class VI roads - all other public ways for which the local municipality has no duty for maintenance, nor liability for accidents (RSA 231:50). Class VI roads are full public highways in all other respects. Class V roads - all roads which cities or towns are responsible for maintaining. The Subdivision Regs. do not say you cannot subdivide on Class VI roads (this was left out of the Zoning Ordinance when it was done in 2001.) RSA 674:41 - the Planning Board does not have to authorize building permits on private or Class VI roads. This could affect subdivisions, building permits and other things. Paul Charron recommended taking this issue road by road (except those subdivisions in the last 4 years). Taking it as a "blanket issue" is not recommended - it might not stand up in court. If a building permit was denied, an applicant would go to the ZBA for a Special Exception. There is no grand fathering. Jim Horgan asked about delaying the process to get the process in order. Chairman - applicants who have come in already on Class VI - if they have approval by the Selectmen and the road agreement is recorded, then they can have up to 12 months to start building. John Fitch - building permits are good for 12 months from date of issuance. Chairman - amend Site Review or Subdivision Regs. to deal with Class VI Subdivision issue ASAP. CEO, Paul Charron recommended including private roads also. Brad - change the Zoning Ordinance - post for hearing and then it would be in effect. CEO, Paul Charron said 3 paragraphs would have to be changed (180 days are needed to vote on it). Discussion. Hiram - questioned on Class VI roads being able to subdivide. Subdivision Regs. don't offer protection of not subdividing on Class VI roads - only a building permit cannot be issued. Jim - private roads and Class VI roads - if an individual already owns a piece of land, can we limit what can be done with the land? Paul Charron - yes. You can make conditions or recommendations to the Selectmen before recording. Paul Charron - we have a number of applications on the table right now and I would recommend dealing with them now. Chairman - we don't currently have these standards (private roads) in place. We should approve and forward to the Selectmen. Last week town counsel sent a memo on Mobile Home Parks stating they are exempt from this provision of the RSA along with subdivisions approved in the last 4 years. Other than this, all applications have to go through this process. Discussion. Brad - can we suspend private and Class VI roads for the time being until we have something in place. Paul Charron - it would have to be duly noticed because the State has put a process in place. Discussion. Brad - get pieces in place and put a moratorium in place until we develop roads standards. Paul Charron - you're apt to end up in a law suit right off quick. Brad - this is hard when we don't have planning procedures in place. Norm - do we want to consider some road development standards? We are already busy and a new subcommittee would be needed. Paul Charron recommended "T-Square" (package) from UNH Cooperative Extension Service on developing roads. Review the town standards and upgrade to one level, then develop

private, Class VI roads, etc. Chairman - get a legal opinion on this. Jim - don't need motion, it's the law. John - provide board members with standards for private and Class VI roads. Chairman - hire an engineering firm to evaluate each road to develop a standard (grades, traffic, hot top, etc.). Brad - how complete is our road inventory? Paul Charron - I don't know. Chairman - adopt general standards to what we would like to see for town roads, then drop off some that would not apply if all factors are not present in smaller 1 - 6 homes on a road. Paul Charron - our Subdivision Regulations include road standards. Use this as a means of handling development being requested. Don't just deny the applicant. Jim - that might work for right now. John - have Paul Charron (CEO) bring in what he has. Jim - don't develop subcommittee - deal with what is before us. Have CEO give us what he has to review. Develop our own standards. CEO - talked with SEA Consulting - they agreed to work with me to develop standards (rural road to 5 homes/gravel road to 5 homes, etc.) I haven't talked dollars with them yet. Work out what applies. This plus what the CEO has may be sufficient. CEO - maybe you should stop the process now. Norm - go over the building permits on the table now. Discussion on building permits submitted for approval. Norm - (Chris Nute Building Permit) the proposed road is unsuitable for emergency vehicles now (off Dick Dame Lane). Jim - they would sign a road agreement absolving the town. There may be a problem with the deed not being recorded. John - if it is not recorded at the registry of deeds, it is not a lot of record - you can't build on it. In reference to Chris Nute - his plan did not get recorded at the registry. CEO - to record, bring back to the Planning Board, review, have PB sign and then record, a building permit should then be able to be issued if he meets required setbacks. Discussion on some plans being recorded, building permits having been issued, etc. This is not a recorded lot. Jim - get plan drawn up, bring to the PB for signing. CEO - Chris Nute wants to sell this lot, buyer wants to subdivide. Brad - why are we even giving building permits on a road that may service other land in that area. Discussion. CEO - give applicant necessary information to record the plan, re-apply for subdivision or building permit. CEO - we have 4 building permits for Yonder Ridge - have signed agreements for all with septic plans - Yonder Ridge developed around 1972. There is an established Homeowners and a Road Association. Chairman - this is prior to road standards being developed by us for single-family homes. Setbacks have been met. **Jim - motion to refer these 4 to the Selectmen for their approval with a letter of recommendation by the PB and Road Liability form, Hiram 2nd, (Brad and Kelly opposed - motion carried). The Homeowners and Road Association could be written a letter to bring the roads up to standards.** Discussion about a foundation already being started without a building permit. Brad - the CEO can issue a "Cease & Desist" for a building permit already being started before a building permit has been issued. CEO - we want to get things in order and in good shape. Discussion - make standards. John - issue these and have the CEO get the road to be better developed. Hiram - approve these and before we do more, get our standards in place. Discussion. CEO - roads do need improvement. Get legal opinion.

- **Motion by Jim Horgan to adjourn for regular Planning Board Meeting at 7:15 p. m. , Brad 2nd, motion carried.**

APPROVED

Norman Russell, Chairman
 Planning Board
 Town of Farmington

Date

