

**THE PLANNING BOARD**  
**Town of Frankestown**  
**Frankestown, New Hampshire 03043**

March 16, 2010  
**APPROVED MINUTES**

Planning Board Members Present: Bob Lindgren – Chair, Lisa Stewart, Mike Tartalis, Ben Watson, Sarah Pyle, Bill McNeil, Linda Kunhardt. Larry Johnson joins the board at 7:18pm.

Members of the Public: Betsy Hardwick, Abigail Arnold, Jed Callen, Anne Rainey, Jay Creighton, TH Skip Tenney, Peggy Tenney, Melanie Nickerson.

Melissa Stewart is taking the minutes.

Chairman Lindgren brings the Planning board meeting to order at 7:06pm.

**CASE# 10-C-1 Application for Consolidation**

Jed Callen, Esq. on behalf of the owner Anne Rainey requesting a consolidation of two lots of record on Dodge Hill Rd.

Properties are identified as Map 3 Lot 89 and Map 3 Lot 104. Members have a copy of the map that was provided by the applicant.

Jed Callen works with Baldwin and Callen in Concord. Callen provided the board with a letter, members have received a copy. This property has been in the Rainey family since 1922 and has been passed on from generation to generation. Both parcels are in current use with the exception of 2 acres which the house sits on and 1 acre in which the barn sits on. The combined acreage of both pieces is 80+/- acres. The two parcels are listed and taxed as separate lots of record. However with the new tax assessment the parcel that has the barn located on it, is now being taxed as if a house were sitting on it. This has increased the taxes significantly. This now makes the property taxes too much. Callen states that the statute is controlling about a voluntary merger. RSA674-39-A says if you own two contiguous lots and wish to merge them you may do so by applying to the Planning Board, except where it would violate town zoning.

As far as the contiguous lot issue it states that streams and roads do not separate lots and therefore it makes these lots automatically contiguous. Rainey owns to the center line on both sides of the road, therefore the lots are in fact contiguous. Callen states that he is aware that in the past the Board has not allowed lots to be merged that are across the road from one another. Callen states that this is not a legal basis.

Ben Watson states that it has been the policy for the Board not to permit them based on Town Counsel. Arnold states that there are 7 cases in town that she can think of. Until the last appraisals 3 lots were taxed the old way (prior to new assessment) and 3 were taxed this new way and 1 lot had not been found out yet. Town has had a mixed bag.

Callen cites Keene vs. Meredith in letter and it was a subdivision request not a merger. Callen would like Board to take this to Town Counsel again because he has great respect for Bart Meyer but would like to know what statute or case law he is citing, as he doesn't agree at all.

Kunhardt states that she has found 16 single lots that were definitive lots and separated by Town Roads and also found some on Scoby Pond but did not count them as the lot sizes that were across the road were so small, she was not sure it would have much impact for this study. Kunhardt does not see why the Board would want to deny this.

Arnold added that she would like to state that keeping these lots in current use is extremely helpful.

Hardwick states that her opinion that the Master Plan encourages preserving open spaces and feels that the applicants request is perfectly in keeping with towns Master Plan.

Skip Tenney states he has the exact same situation as Rainey. The assessing firm advised he may want to consider a Conservation Easement to help with his tax bill. Tenney states that he hoped that at some point he would put a conservation easement on it to ensure it would be untouched, however there are other generations that would need to be in agreement. Tenney states that as an abutter he would like the Rainey property to stay contiguous and ensure that no building happens. He would not want this in his back yard.

Melanie Nickerson husband owned 1000 acres at one time and had to subdivide for financial reasons but it has been her hearts desire to purchase the land back if ever given the opportunity financially. Melanie Feels it is extremely important to encourage open space and conservation. Melanie would like to support the application and encourage the board to approve the merger.

Jay Creighton would like to support the application. He has been Rainey's neighbor for many years and would hate to see a development end up there because the taxes are no longer affordable.

Callen states that he did not come in threatening to sell and subdivide, a conservation easement is another solution and put it on the entire lot, it would have to be assessed at a current use and the transactional cost is expensive but it is an option should she need money in the future for medical costs etc. It is true that a merger does not permanently stop the property from being subdivided at a later date. Callen would like the board to show Town Counsel the RSA and ask him how the town policy can run against State law.

Arnold asks if the Board could have an answer before April 1, 2010 as the new tax assessment comes out.

Pyle will contact Town Counsel and get a written statement from Bart regarding this application. Board agrees that e-mail will be sufficient and Pyle will forward the e-mail prior to the meeting for members to review if possible.

Stewart moves to continue the meeting to March 23, 2010 @ 7pm and will get written statement from Bart regarding this issue. Pyle seconds all in favor, Lindgren abstains.

### **Review of final plat for Marshall Subdivision**

Board found that plat was complete. Watson and Lindgren signed plat and will submit for recording.

### **REVIEW OF MINUTES**

January 7, 2010 - Watson moves to approve, Pyle seconds all in favor, Stewart abstains.

January 12, 2010 - Pyle moves to approve, Lingren seconds, Kunhardt & Stewart abstain. All others in favor

January 13, 2010 - Pyle moves to approve, Lingren seconds, Kunhardt and Stewart abstain. All others in favor

January 20, 2010 - Kunhardt moves to approve, Watson seconds, all in favor - Stewart abstains.

Feb 2, 2010 - Kunhardt moves to approve as amended, McNeil seconds. Stewart abstains

Feb 23, 2010 – Kunhardt moves to approve as amended, Watson seconds, all in favor – Stewart abstains.

### **Election of Officers**

Watson nominates Lindgren for Chair, Stewart nominates Pyle as Vice Chair, and Ben Watson as Secretary and Watson nominates Stewart to remain as CRC Chair. Prior to vote Stewart raises her concerns with the conduct of the board at prior meetings and professionalism being of the utmost importance. Board discusses protocol and how meetings will be conducted and all members agreed. Board votes on election of officers: Kunhardt, McNeil, Pyle, Tartalis, Watson in favor, Lindgren abstains.

Watson advised Elaine McLeary of the alternates and ex-officio's that are no longer seated. Watson states the Board needs to ensure they advise Town Clerk of any changes in positions. Board will post the two openings of a 1yr term and a 3yr term. Larry Johnson will submit a request to fill one of the alternate positions.

### **ANNOUNCEMENTS AND COMMUNICATIONS:**

Sat - May 8, 2010 Spring Planning and Zoning Conference. Members are encouraged to attend.

Kunhardt states that March 18, 2010 at 7pm in New Boston at the Elementary School, first Public Hearing on the draft of the Piscataquog River Management plan update.

Next meeting is Tuesday, March 23, 2010 at 7pm.

Lindgren provides Stewart with Case# 10-SP-1 for the SBA site plans for Crotched Mountain. The CRC will meet on March 23, 2010 at 7:15pm.

Meeting was adjourned at 9:00pm

Respectfully Submitted,  
Melissa J. Stewart  
Minutes Clerk