

THE PLANNING BOARD
Town of Frankestown
Frankestown, NH 03043

August 17, 2010

MINUTES

Planning Board Members Present: Bob Lindgren (Chairman), Mike Tartalis, Linda Kunhardt, Ben Watson, Larry Johnson (alt).

Members of the Public: Abigail Arnold, Bourke Runton, Betsy Hardwick, Polly Freese.

Chairman Lindgren calls the meeting to order at 7:05 pm.

Ben Watson is taking the minutes in the absence of Minutes Clerk Melissa Stewart.

Case No. 10-C-2 (Runton: Application for Consolidation)

Bourke Runton, 330 Old County Rd. North, is seeking a consolidation of two contiguous lots of record (Tax Map 8, Lot 69 and Map 8, Lot 70) under common ownership.

Abigail Arnold is representing Runton and presents the application to the Board.

The two lots are located on opposite sides of Old County Road North. They were purchased by Runton as one lot, and surveyed thereafter as a single lot, but the Town at some point divided the property into two separate lots. There is a house on Lot 8-69 and a small garage on Lot 8-70 across the road.

Both lots together are listed as 9.23 acres in area on the deed, and they are not described as separate parcels. Lot 8-69 is currently assessed as 6 acres, and 8-70 is assessed by the town as 3.5 acres, but according to Arnold is in fact much smaller. Also, Lot 8-70 is taxed as a buildable lot when it is not, in fact, conforming, but a long, narrow sliver next to Dinsmore Brook. There is even confusion as far as the Town is concerned, since the two parcels are joined by a connecting bar on the current Tax Map.

Selectman and Conservation Commission Chair Betsy Hardwick states that the westerly parcel now designated as Lot 8-70 should never have been made a separate lot by the Town. Hardwick cites state guidelines that explain that a road is not supposed to create a subdivision, and that there is NH case law that supports this. Whether a road creates a subdivision depends upon the size and use of the respective parcels.

Runton says that, years ago, the parcel now known as 8-70 was described by the Town as a "wetland fragment" and he was assessed only \$0.98 per year in taxes. Two assessment cycles ago, 8-70 was assessed as a

buildable lot valued at \$62,800, and Runton now owes approximately \$1,300 per year in property taxes on it. The Board discusses and determines that the consolidation (voluntary merger) of lots is warranted because:

1. The property was originally surveyed, deeded, and sold as a single lot.
2. Lot 8-70 is a nonconforming fragmentary parcel, and nonbuildable under the town's zoning laws.
3. The connector bar shown on the current town tax map reflects the reality of the relationship of the two lots to each other.

Kunhardt moves to approve the consolidation. Johnson seconds. All in favor (5-0).

Arnold will type up a final version of the Affidavit of Consolidation and give to the Board for signing/filing with the Hillsborough County Registry of Deeds.

Preliminary Consultation: Abigail Arnold o/b/o Brewster Ames

Arnold discusses a proposed plan by Brewster Ames to subdivide a lot (Map 6, Lot 48.3) located at the intersection of Candlewood Hill and Dennison Pond roads. Ames owns a contiguous lot on the opposite side of Candlewood Hill Road (Map 6, Lot 46).

Lot 6-48.3 is approximately 20 acres in area, and the plan is to subdivide it into two lots of 5 acres and approximately 15 acres in area. The larger lot would be designated and established as a conservation lot. A brook runs through Lot 6-48.3.

Ames does not want to pay large survey costs on the designated conservation parcel to demonstrate two contiguous buildable acres, when that will be rendered moot because of conservation restrictions.

Arnold asks the Board whether, since Ames's Lot 6-46 is contiguous (albeit across the road) with Lot 6-48.3, it would be better to treat the conservation parcel as a lot line adjustment and apply to annex it to 6-46, rather than doing a conventional application for a 2-lot subdivision of 6-48.3.

The Board discusses with Arnold, and she raises another option - going to the Zoning Board for a variance that would release the applicant from the requirement to show two contiguous buildable acres on the conservation parcel.

Watson asks whether this requirement is merely in the Subdivision Regulations, which the Planning Board could vote to waive. Arnold says that the two-acre contiguous buildable acreage requirement also appears in Table 1 of the town's Zoning Ordinance, so presumably the ZBA would have to grant a variance.

Arnold also notes that the status of the conservation land will be noted on the subdivision/lot line adjustment plan. Both existing lots (6-46 and 6-48.3) already have houses on them.

Kunhardt questions whether the Board should consider adding information/clarifying language on conservation lots to the Zoning Ordinance and Subdivision Regulations. Arnold replies that this is an unusual case, and that it might not come up often enough to go through such a process.

Arnold requests a hearing date of October 5, 2010 and will try to submit an application and plan by early September for completeness review and public notice.

Minutes Review

Review of 8/3/10 minutes is deferred until Melissa Stewart is present.

Announcements and Communications

The next meeting of the Board will be August 31 to hold a Scenic Road Hearing relative to tree cutting and removal requests from PSNH. Board will meet in the parking lot behind the town offices at 6:30 pm and take a few cars to examine proposed cutting. Hearing will begin at 7 pm at the town office meeting room.

Lindgren reviews the seating of alternate members according to the Board's Rules of Procedure, which is based on a rotational plan. The seating of alternates for the final New Cingular/AT&T hearing on August 3 was correctly handled.

Betsy Hardwick confirms that the Selectmen have again this year authorized the Planning Board to seat alternates for their ex officio member, rather than designating an alternate to sit for them in the absence of the selectman member.

Kunhardt asks that Board members review the final report of the Piscataquog River Watershed Council.

Hardwick says that the Conservation Commission is interested in updating natural resource maps for the Town, and for inclusion in the updated Master Plan.

Hardwick says that, if the Board approves, she will ask Emily Hague to give cost estimates on resource maps. Hague has done LCHIP and other maps for the Town, and has done so with much better quality and at a lower price than SWRPC.

Watson asks Hardwick if agricultural soils will be shown on these resource maps. Hardwick says yes, and feels that both farm soils and forest soils should be shown.

Kunhardt moves to make up to \$1,000 of the Planning Board's Master Plan budget available to the FCC to pay for updating natural resource maps before the end of December 2010. Lindgren seconds. All in favor (5-0).

The meeting is adjourned at 8:25 pm.

Respectfully submitted,

Benjamin A. Watson, Secretary
August 20, 2010