

***THE PLANNING BOARD
TOWN OF FRANCESTOWN, NEW HAMPSHIRE***

June 16, 2015

APPROVED MINUTES

Planning Board Members Present: Larry Ames, Chairman; Linda Kunhardt, Secretary; Abigail Arnold, Lisa Bourbeau and Bob Lindgren

Alternates: Henry Camirand

Others Present: Silas Little, Theresa Kirouac-Little

M. Callahan is taking the minutes.

Call to Order: Larry Ames called the meeting to order at 6:33 p.m.

Public Hearing for Case 15-SD-01 Application for Subdivision Lot Line Adjustment for Silas and Theresa Kirouac-Little

Abigail Arnold has recused herself from the hearing due to a personal relationship with the applicants.

Member Sarah Pyle joined the meeting

Completeness Review Committee (hereafter CRC) met on May 19, 2015 and found that the Application was incomplete and a number of waivers were requested.

Member Guy Tolman joined the meeting

L. Ames stated the CRC went through the subdivision application. He said that technically a lot line adjustment is a subdivision application but it is already an approved subdivision. L. Kunhardt disagreed and stated this is a lot that happens to have a separate area demarcated on a plan that is currently recorded at Hillsborough County Registry of Deeds, section 3B. She went on to say that this is a request for a subdivision to create a lot line adjustment between two adjoining lots. The plan on record has a subsection of an existing lot that is separately labeled as subsection 3B, which comprises two acres, and is shown on the plan recorded. Map 9 Lot 22 has a recorded plan showing a subsection of two acres labeled 3B. The proposal is to take section 3B from Map 9 Lot 22 and create an annex to Map 9 Lot 20-2. Discussion ensued regarding whether it is a subdivision or a lot line adjustment.

Some deficiencies were found on the application and the applicants have requested a number of waivers. The first item was that the plat provided did not have a signature on page 1. This has been corrected.

The following deficiencies/corrections were noted:

Section A - #11 – complete, #12 is complete, #13 is complete

Section C – #1-7 were missing and subsequently addressed in applicant's letter to the Board

Section C - #1 is complete, #2 is complete, #3 n/a, #4 completed via letter, #5 n/a, #6 n/a, #7 n/a

Section D - #1 in narrative, #2 addressed in letter

Section B n/a

All deficiencies are satisfied.

Waivers requested:

#1 – n/a

#2 - granted

#3 – granted

#4 – granted

#5 – granted

#6 – complete map legend – B. Lindgren moved to grant waiver request for #6, seconded by S. Pyle. All in favor – waiver granted

#7 – granted

#8 – adequate location plan – B. Lindgren moved to grant waiver request for #8, seconded by L. Kunhardt. All in favor – waiver granted

L. Ames asked if the Board wants to use the language “without objection we will consider it approved.” The Board agreed.

#9 – granted without objection

#10 - granted without objection

#16 - granted without objection

#19 – L. Ames asked if the Board waives #19 zone of property and zoning boundaries – All in favor

#20 – B. Lindgren moved to grant waiver request for #20, seconded by S. Pyle - waiver granted

#21 - granted without objection

B. Lindgren moved to accept the application as complete, seconded by S. Pyle.

Vote:

Camirand in favor

Pyle in favor

Ames in favor

Kunhardt in favor

Tolman abstained

Lindgren in favor

Bourbeau in favor - so moved.

Public Hearing Opened.

Silas Little displayed a map showing the areas of the subdivision and lot line adjustment. He noted there is no objection from the abutters. Tom and Kaye Anderson will purchase the 2 acre parcel being divided. B. Lindgren asked if there is a purchase and sales agreement in place and what the conditions are. Mr. Little replied that the condition is to have Planning Board approval. G. Tolman asked if it will be a buildable lot once appended to the Anderson’s lot as presently it is an unbuildable lot. Mr. Little replied that to build on that lot would require Planning Board approval. L. Ames said that Town Council was concerned that the annexed lot, not added to the mortgage with the bank, may become orphaned in the case of foreclosure. Mr. Little said that the official lot of record would remain the same with the Town. If the bank foreclosed it would be a problem for the bank, not the Town. The issue of the lot being nonconforming came up and a discussion ensued. It was suggested that subdivision approval be conditional upon the transfer of the lot. Mr. Little said that the deed he would propose would convey lot 3B to the Andersons with the stated conditions that the Notice of Decision and the deed to be recorded at the same time, if the bank agrees. Alternatively it was suggested that the lot could be approved only when annexed to another lot and the Planning Board would agree that the lot is not a stand-alone lot. B. Lindgren said he doesn’t think the lot line adjustment is a subdivision but rather a voluntary merger with the 2-acre parcel and saw no reason to not approve a voluntary merger since all

other subdivision conditions have been met. S. Pyle summarized that the Town's interest would be protected without any condition on it because they can't sell the 7 ½ acres until the parcel is annexed to another lot. Abigail said she has seen lot line adjustment plans that have language that says a particular lot exists only under certain conditions and wondered why that couldn't be used in this instance. B. Lindgren suggested that something could be recorded with the Registry of Deeds with that language.

Recording 2

B. Lindgren asked if the applicant could provide a plat that could be recorded with the Registry of Deeds with that language on it showing the size of the Anderson's lot. Mr. Little said that since the original surveyor is not alive and he cannot change another surveyor's work. Mr. Little proposed a Notice of Decision to be recorded with a subdivision approval with a condition that Lot 3B on Plan 8782 is permitted to be transferred to Thomas P. Anderson and Kay G. Anderson who own Lot 3C as shown of the referenced plan on the condition that Lot 3B shall be merged into and become part of Lot 3C and on the further condition that Lot 3B is not to be built upon. L. Ames said that Town Council *inaudible*

Council *inaudible* "... changed to Counsel suggested we

require a completed application accompanied by an appropriate plat suitable for recording at the Registry of Deeds. This plat will place all on notice to the fact that there has been a merger and parcel 3B no longer exists and not only consider this prudent but necessary as well." L. Kunhardt said that she disagrees with the premise the applicant is saying that all we're doing is amending a codicil on the plat and asked that the record show "We are not amending that language, we are following the correct process which is having a subdivision hearing to consider a lot line adjustment proposal." However, she agrees that the existing recorded plat meets the required needs. L. Ames read three letters that the Board received from abutters, all in support of the lot line adjustment.

B. Lindgren moved to approve the request for a lot line adjustment, seconded by L. Bourbeau. All in favor – so moved.

S. Pyle asked if the Board was conditioning the approval on the language of C4B being included in the Notice of Decision and the Deed Restrictions.

L. Ames closed the Public Hearing at 7:25.

It was agreed that a combination of language from the Zoning Ordinance and Mr. Little's letter would be used. Reference of the Map and Lot numbers and reference to the Anderson's Lot should be included.

Vote on motion to approve the request for a lot line adjustment: All in favor - so moved.

Public Hearing for the Community Facilities Analysis Section of the Master Plan

Betsy Hardwick joined the Board.

L. Ames noted the items which were changed in the Community Facilities Analysis (hereafter CFA). L. Bourbeau said that she didn't think the CFA section of the Master Plan was accurate and more resident input should be sought. She stated that she thought it was irresponsible to use this document as is. Discussion about lack of involvement from some residents and how to go about getting more residents involved and to respond to surveys ensued. S. Pyle said that this section is not survey driven, the language in this section is more facts and figures rather than survey results. At the end of each section it indicates of the number of respondents, this is the opinion. The report does not suggest that the results are the opinion of the whole Town. G. Tolman also felt that the survey does not represent the opinion of the majority of the residents. L. Bourbeau added that she is concerned about the types of inferences in the report. She gave a few examples and a discussion ensued. Sara brought up the footnote under one of the examples indicating the low response rate. Abigail said that the percentages are not that drastically different from 1994 to now and that this section is a description of the infrastructure of the Town. She went on to say that more information from residents or additional surveys could be helpful when it comes to the land use section. She said she feels nothing would be gained by delaying this section further. Discussion then turned to Board member questions and comments. L. Kunhardt questioned why the new proposed page 21 called infrastructure which follows the Highway Department section is part of the Highway Department or a subsection of the Highway Department. She felt it should be included in the transportation section. She wanted to remove the page from its current location and put it in the transportation section. Discussion ensued.

Abigail moved to leave this page in, seconded by B. Lindgren.

Vote:

Ames in favor

Kundhardt opposed

Tolman opposed

Lindgren in favor

Bourbeau opposed

Pyle in favor

Arnold in favor - so moved.

L. Ames asked about formatting the CFA, whether our section should be formatted to resemble SNHRC or leave it as is. L. Kunhardt thought the charts should all be formatted the same, i.e. with gridlines or without gridlines. Public comments were primarily regarding the details of the formatting, raw data rather than percentages; "no opinion" was omitted as an option.

S. Pyle moved to accept the tables as they are.

Discussion continued. G. Tolman indicated that there are charts for some departments and no charts for other departments. He felt that each department should have a chart comparing 1994 survey results to 2014 survey results and they should all be placed together in the back for comparison.

S. Pyle moved to amend her previous motion to accept tables charts and graphs as they are but make formatting consistent throughout, seconded by G. Tolman.

Vote:

Kunhardt opposed
 Tolman in favor
 Lindgren in favor
 Bourbeau opposed
 Pyle in favor
 Arnold in favor
 Ames in favor - so moved.

L. Bourbeau said that she has minor issues. On page 5 under the Heritage Museum it refers to the Heritage Museum as being owned by the Francestown Heritage Museum. Lisa said that in previous minutes the building was named the Francestown Heritage Museum and Honorable O. Alan Thulander. Discussion ensued as to the proper name of the building. It was agreed to use the name Francestown Heritage Museum: The Honorable O. Alan Thulander Building. L. Bourbeau said that the Planning Board couldn't change the name that the Selectmen gave it. It was explained to her that they weren't changing the name they were merely describing the building in this section.

L. Ames moved to approve changing the name to Francestown Heritage Museum: The Honorable O. Alan Thulander Building in this section [on page 5], seconded by L. Kunhardt. No objections – so moved.

L. Bourbeau indicated that the footnote for Table 1 should be the footnote for Table 2. L. Kunhardt said the 1994 and 2012 surveys did not use the word presence, as noted in Table 1. The Board decided to remove the word presence from Table 1 and strike the last sentence in footnote 1 from Table 1 and copy the entire footnote to Table 2 as its footnote.

L. Ames moved to accept the changes to the CFA section of the Master Plan with the suggested and approved changes, seconded by A. Arnold.

Vote:

Tolman *inaudible*

inaudible replaced with in favor

Lindgren in favor
 Bourbeau abstained
 Pyle in favor
 Arnold in favor
 Ames in favor
 Kundhardt opposed – so moved.

The review of minutes was postponed to the next meeting.

Next Meeting: Community Workshop
 Thursday, June 25, 2015
 6:30 p.m. at Town Hall

Adjournment: Larry adjourned the meeting at 8:16 p.m.