

**TOWN OF LYNDEBOROUGH  
PLANNING BOARD**

**WORK SESSION MINUTES: May 6, 2010**

**LYNDEBOROUGH MEMBERS PRESENT: Chair Bob Rogers, Vice Chair Tom Chrisenton, Bill Ball, Mike Decubellis, Selectmen's Representative Arnie Byam and Alternate Julie Zebuhr.**

**B. Rogers began the meeting at 7:30 p.m.**

**OLD BUSINESS:**

**Update on Granite State Concrete (GSC) and Holt Brothers' site visits.**

B. Rogers asked if the Board was amenable to scheduling a visit to the GSC and Holt Bros. excavation sites. B. Ball commented that in the past some members have visited the sites to see how the operation was progressing. J. Zebuhr thought a visit would be good idea; this would determine if the conditions of their approval were being enforced. The Board tentatively agreed on a site visit for Thursday, May 13<sup>th</sup> at 9:00 a.m. B. Rogers said that he would contact the owners of the sites for confirmation of that date.

**Review of draft for zoning regulations in Planning Board manual**

Referring to the Planning Board zoning manuals, B. Rogers questioned whether the Board was to come up with a master list of items that needed to be updated before new manuals are produced. T. Chrisenton said that all the new zoning amendments and ordinances that have been adopted in the past few years should be included.

M. Decubellis said that his manual showed that the last update was in March 2006. B. Ball said that he had submitted a memo with a list of corrections to the regulations some time in 2006; but the changes were not made. M. Decubellis added that he had reviewed the regulations around the same time and submitted his list, as well. B. Rogers said that he had a copy of both those lists. He also said that he would look at town reports from the year 2000 to the present to make sure all adopted ordinances recommended by the Planning Board are not forgotten.

Arnie Byam commented that the Selectmen and the office are also reviewing and updating the town's ordinances, policies, permits and regulations.

On another issue regarding ordinances, M. Decubellis said that there is a business sign ordinance that prohibits an individual from placing a sign on another person's property. He objected to the sign that appears quite often on Rte 31 across from the Village Store.

## **Planning Board**

**5-6-10**

B. Rogers agreed that it was inappropriate to have any signage on the small common, especially now that the town cannon and war memorial monuments will be situated in that area.

### **NEW BUSINESS:**

#### **Discussion on regulations for driveway issues**

B. Rogers said that he had received an e-mail dated April 21<sup>st</sup> from Town Administrator Jim Bingham stating that the Road Agent was asking whether or not the Planning Board should be consulted before a driveway permit is issued to Allan Morrison of 405 Mountain Road. The new owner would like to use an old access to the property instead of the present driveway. The new driveway access would be in a better location and the sight distance would be an improvement over the current driveway. B. Rogers' response to Jim Bingham stated that the Planning Board did not have any jurisdiction over driveways on existing lots. He asked other members of the Board for their comments on this issue.

B. Ball voiced concern that some driveways, in the past, have not been improved satisfactorily. B. Rogers commented that sometimes the improving process works fine but enforcement is the issue.

B. Ball asked if driveway sight distance requirements were mentioned in the zoning regulations. B. Rogers replied no that they only appear in subdivision regulations.

B. Rogers, after reviewing RSA 236.13 Driveways and Other Accesses to the Public Way, said that the statute did not involve Class 5 roads.

M. Decubellis, also referencing RSA 236.13, said that I, II, III and IV mentions state roads; but 236.13 V gives authority to a town who wants to adopt the same type of regulation for their roads. B. Rogers interjected that his interpretation of 236.13 V. gives power to the town to enforce the state regulations on state roads. M. Decubellis countered that under 236.13 VI, regardless whether the town adopts the regulations or not, the Planning Board maintains authority over existing driveways for such issues as safety, siltation, erosion, grade, etc. B. Rogers responded that he still did not think the RSA was referring to Class V roads.

T. Chrisenton responded that on existing lots, the Road Agent still works with the land owner to do the best that they can with improvements. M. Decubellis said that he still had a problem with the Morrison lot although the sight distance has improved. He said that a new culvert has been installed but a swale was not provided to allow the water to run off into the ditch before it enters the road. T. Chrisenton wondered if the problem was the crowning of the road.

The Board agreed that more discussion was needed to see if the zoning regulations pertaining to driveways should be amended since practice may not be backed up by

## **Planning Board**

**5-6-10**

actual regulation. M. Decubellis said that the first step would be to find out whether or not RSA 236.13 VI applies to town roads. B. Rogers asked if this was a situation that could be discussed with the Local Government Center (LGC) for a solution.

M. Decubellis, referring to “A Hard Road to Travel” Chapter VI, Pg. 111 under Driveway Connections or “Curb Cuts”, read the following: **“Under RSA 236.13, VI all private driveway connections, including structures like culverts, remain the continuing responsibility of the landowner---even if located in the right of way. It is immaterial whether the driveway connection pre-dates the town’s permit system. If any driveway connection threatens the integrity of the highway due to plugged culverts, erosion, siltation, etc. the planning board or its designee can require the owner to repair it. If the owner refuses to effectuate such repairs, then the town may perform and assess the cost to the owner.** M. Decubellis said that it refers to town roads and not state roads. B. Rogers said that he would contact LGC to see if the planning board has authority over the location of the driveway.

B. Ball wondered how much vigilance is taken to see if these driveways are placed correctly. A. Byam commented that in a subdivision, the road agent is supposed to be checking to see if the driveway is being constructed properly. Since there was still some confusion, T. Chrisenton said that he would review the Building Code regulations for any driveway permit requirements.

## **Lot line adjustment request (Map 247-005 & 247-006)**

B. Rogers informed the Board that Allan Morrison was scheduled to appear at the May 20<sup>th</sup> meeting to present a lot line adjustment between lots (247-005 and 247-006) which is located on Center Rd. A. Byam commented that this adjustment will increase the size of the smaller lot and make it more conforming. B. Rogers said that a public hearing was not necessary, but a courtesy letter would be sent to all abutters to inform them of this change to the property.

## **OLD BUSINESS:**

### **Work Force Housing**

Arnie Byam said that Selectman Steve Brown would like to have a meeting with the Planning Board to discuss town counsel Bill Drescher’s comments concerning Work Force Housing. B. Rogers felt that the present state law needed more clarification and did not want to move to quickly to change the town’s regulations. B. Ball did not see anything wrong with more discussion. T. Chrisenton suggested waiting to see the new census data. He added that the Board had taken a vote on this issue and that the minutes should reflect their decision. Clerk P. Ball said that she would locate those minutes for the next meeting.

**Planning Board**

**5-6-10**

B. Rogers said that a NRPC workshop on this issue was scheduled for June 4<sup>th</sup> and 5<sup>th</sup> at the Milford Town Hall. The title of the topic was “Architectural & Development Design.”

**MINUTES:**

**Review of minutes for April 15, 2010**

A. Byam made a **motion to accept the minutes of April 15, 2010, as written.**

B. Ball seconded the motion and the vote in favor of acceptance was unanimous.

T. Chrisenton, referring to the minutes of April 1, 2010 under “Discuss suggestions for potential projects”, said that one item was missing from the list. This item concerned commercial business opportunities on Rte 31 by expanding the Light Industrial zone.

B. Rogers acknowledged that the 5-1-10 minutes would be amended to show this addition.

**ADJOURNMENT:**

T. Chrisenton made a **motion to adjourn the work session at 8:30 p.m.** B. Ball seconded the motion and the vote in favor of adjournment was unanimous.

**The next regular meeting will be held on Thursday, May 20th at 7:30 p.m. The next work session will be held on Thursday, June 3rd at 7:30 p.m.**

**Pauline Ball  
Clerk**

**Approved by the Planning Board on May 20, 2010**