

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MEETING MINUTES
July 19, 2012**

MEMBERS PRESENT: Chairman Mike Decubellis, Vice Chair Larry Larouche, Bob Rogers, Tom Christenton, Julie Zebuhr and Alternates Bill Ball and Steve Brown

M. Decubellis began the meeting at 7:30 p.m.

INFORMATION:

Roger C. Williams; Maier & Gulf Roads; Map 218 Lots 003, 005 & 006; continued discussion; RL 1

Present: Roger Williams

Mr. Williams gave a summary of issues discussed at past meetings, saying he did not want to get into the town line situation. The acreage documented in his deed and the original land grant are different from the 3.6 acres (Lot 218-006) based on the Town of Lyndeborough tax map and recorded with the Registry of Deeds. Although the Board found his proposed site plan presented at the January meeting as acceptable subject to receiving a certified surveyor's stamp, he has not been able to get that certification because of the town line discrepancy. He was pleased to learn, recently, that removal of the dilapidated trailer on the property will not affect its grandfathered status as a buildable, although non-conforming lot.

Without involving the town line, it is his intention to combine some of the excess acreage from his other lots and add it to Lot 218-006 increasing its size to 5+ acres, making it a conforming lot; then he will be able to get a certified surveyor's stamp on his site plan.

Looking at the site design, B. Rogers asked if the sliver of land (1b) was for driveway access. Mr. Williams answered yes, because the abutting property owner would prefer that he did not pass his property and is amenable to this concept. He said that the terrain varies along that area and it will be difficult to construct a straight driveway. He's not in favor of a right of way easement. Mr. Williams, referring to his site design, also pointed out that there is a 100 ft. strip of frontage on the Class V portion of Maiers Rd. for Lot 218-005. T. Christenton asked the road agent if Maiers Road is maintained by the town. Kent Perry confirmed that he maintains the road up to the existing trailer on Mr. Williams' property.

Mr. Williams said that he wants to be able to sell two lots on Gulf Road. B. Rogers asked if he had 500 ft. of road frontage on Gulf Road. Mr. Williams responded yes, that Lot 218-003 has 5 acres and 500 ft of road frontage. Lot 218-005 would have 5+ acres and 449 ft. of road frontage on Gulf Road and 100 ft. on Maiers Road. He was told that he

could make up extra frontage on the other street. B. Rogers questioned whether the frontage had to be continuous. T. Chrisenton looked at the zoning regulations under Rural Lands 1 district, Section 702.02 which states: Frontage. “Minimum 250 feet of continuous frontage.” Mr. Williams clarified that there was 999 ft. of continuous road frontage on Gulf Road; therefore he has the required amount but because of the soil based zoning requirements, 5 acres plus 500 ft. of road frontage is needed. He can get the additional amount of frontage from Maiers Road. The Board agreed.

B. Rogers stated that Mr. Williams has three lots and with a lot line adjustment he will still have three lots; this is not a subdivision.

T. Chrisenton said that the Board must also determine if his proposed driveway access onto Gulf Road will be acceptable. B. Rogers countered that this is optional because he has the required frontage. T. Chrisenton voiced concern that if Mr. Williams was going to use the 50 ft. sliver of land, as proposed, as a driveway entrance onto Gulf Road he will need 300 ft. of sight distance in both directions. A site visit should be scheduled to make that determination. Mr. Williams asked if it mattered that the driveway would be a secondary entrance; there will be an access on Maiers Road. T. Chrisenton reiterated that the access onto Gulf Road would still have to meet town road standards. He also said that the Board should see if there is adequate sight distance on all three lots; he noted from the site plan that Lot 218-003 will not have access to Maiers Road.

After discussing how sight distance was measured, Mr. Williams asked if he would need to go through this process if he decided on a right of way easement. Steve Brown replied that a right of way easement was optional and taken at his own risk. If the proposed driveways access is not acceptable, a driveway permit will not be issued. The Board agreed that there wasn't any reason not to go forward and draw up a site plan. No date for a site visit was decided and a future meeting was not scheduled.

OLD BUSINESS:

Drafts for the Driveway Entrance Standards and Specifications and the Permit Application

M. Decubellis explained that he, Bill and Tom met with Kent Perry at the town barn to discuss the issues involved in a driveway ordinance. T. Chrisenton distributed copies of the proposed draft to the Board for their review.

B. Ball questioned why the observations and comments were limited to the driveway entrance. T. Chrisenton replied that RSA 236.13, which this draft is based on, only deals with that issue; regulations that involve going further onto private property are zoning issues and require a town vote for adoption. B. Ball felt that a driveway ordinance should include more than where the driveway meets the road, i.e. the width of the driveway to accommodate access by emergency vehicles, a back up area to avoid backing onto a

public way, material types to be used on driveways to lessen run-off, etc. B. Rogers was not in favor of more regulations on the driveway construction; it should be a homeowner’s decision but he thought a driveway permit should require a resident to sign a waiver releasing the town of any responsibility if the driveway is inaccessible to emergency vehicles. Several members agreed that most driveways in town would be unable to meet stricter standards. B. Ball also agreed but said that it did not mean that the practice should continue. He noted that the draft for driveway regulations, submitted by town administrator Kate Thorndike for the Planning Board’s review, was modeled after the Town of Temple’s ordinance.

S. Brown asked if there have been any safety problems to cause this Board to look for remedies. K. Perry took responsibility for bringing up this issue because most of the road damage is caused by drainage issues from unacceptable driveways and poor maintenance. He wants to be able to instruct a resident to fix his driveway problems and have regulations to back him up. He noted that occupancy permits have been issued before he’s been able to sign off on the satisfactory completion of a driveway. T. Chrisenton agreed that there are no “as built” checks being done; the key to this proposed driveway permit application is #3: **“to construct and maintain driveway entrance(s) in accordance with statutes, rules, standard drawings, and permit specifications as issued by the Town of Lyndeborough Planning Board.....”**

At this time, the Board discussed the contents of the draft and made the following suggestions:

#1 Drivewaysseparate language into individual items..... add #1a to address Town Standards for Roads and Streets.....change “height of 3 ft” to “height of 3.75 ft”

#2a Drainageinstead of “construction shall be specified on the permit” it should state that “construction will conform to drainage specifications on the permit.”

#3 Permits for Temporary Driveways

(1) Logging Operations.....match the grade of a town road, no damage to be done to the right of way, stone or wood chips shall be used to stabilize sediment;add “when access to the lot is on a Class VI road, the road shall be prepared and maintained according to the BMPs for erosion control and timber harvesting.”

(suggestion was made to draft a memo and put it before the Board of Selectmen who have the authority to regulate the road)

(5) Temporary access.....stone walls shall be rebuilt after temporary access for septic system installations

#5 Grade entering the road or street.....driveway platform can be wider than indicated for such uses as trailer truck access, gas stations, etc.

Planning Board Meeting Minutes

7-19-12

#6 Sight Distance.....“All seasons” should be added so that adequate sight distance is acceptable at any time of the year.

#9 Driveways shall be constructed within 2 years of the permit..... reapply if permit expires before the driveway is built.

#10 Driveway entrances shall be greater than 20 feet from abutting driveways..... measured “edge to edge” not “center to center.”

Other suggestions included:

Occupancy permit will not be issued if driveway is not satisfactorily completed at the final inspection.

Curbcuts..... limit one per residential lot unless otherwise approved by the Planning Board, i.e. handicap access, farming/forestry purposes, etc.

Arterial roads.....limit curbcuts.....research average traffic count on town roads to determine the roads that qualify as arterial roads

Ending the discussion, T. Chrisenton said that will make the changes to the draft and send it out to everyone for their review.

Letter from Baroff Associates

M. Decubellis said that the Board received a copy of the letter sent to the Board of Selectmen by Atty. Panciocco of Baroff Assoc. which thanked the Selectmen for its time at the July 11th meeting and to request that the Board impose a deadline of September 30th for compliance with its regulations by the owner and occupant of the residence located at 72 Glass Factory Road. The deadline would ensure that the work is completed before the weather turns cold.

Updated Zoning Manual review

P. Ball told the Board that with the assistance of Kay Hopkins, the zoning manual has been updated. She asked that a Board member review the manual for any changes before books are printed. T. Chrisenton asked if a CD could be made when it is completed. P. Ball replied that she would ask in the office. M. Decubellis agreed to review the manual.

NEW BUSINESS:

Intent to Excavate application:

David & Ruth Jedlinsky; Center Road; 250-011; RL 1

The Board reviewed the application submitted and noted that a total of 1000 cubic yards of material was to be excavation from a 2 acre area. Because there wasn't any reference to whether this material was to be removed from the property and sold or will remain on the premises, the Board agreed that the applicant should come to the next meeting to discuss this application. An excavation site review and permit approval may be needed before an Intent to Excavate application is processed. P. Ball will contact the applicant.

Intent to Excavate application:

Scott & Kimberly Snow; 233 Old Temple Road; RL 1

The Board reviewed this application and noted that 80,000 cubic yards of sand and gravel were to be removed from a .75 acre area. The applicant intends to remove a mound from the back of their property because the terrain is not suitable for the safety of the livestock or for haying. The topsoil taken from the site will be spread out after the sand and gravel is removed and a hayseed mixture will be planted to in the pasture. Because the Board had several questions concerning whether the sand and gravel will be removed to another location other than the property and/or sold, they agreed that Mr. Snow should come to the next meeting to discuss his activity. P. Ball will contact the application.

ITEMS NOT LISTED ON THE AGENDA:

Membership

J. Zebuhr said that she did not feel that she was qualified to be a chairman; therefore wanted to step down from a full membership position and return to the alternate position. She requested that alternate Bill Ball step up into her place as a full member. B. Ball agreed to the make the exchange. B. Rogers suggested that a memo requesting this change be sent to the Board of Selectmen for their approval so there isn't any confusion on the membership status. M. Decubellis said that he would send the memo.

MINUTES:

Review of minutes for June 21, 2012

T. Chrisenton said that he had a change to the minutes of June 21st. He referred to the motion that he made concerning the chairmanship rotation. The length of the term begins in July 2012 and ends in June 2013.

B. Rogers made a **motion to accept the minutes of June 1, 2012, as amended.**

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

ADJOURNMENT:

B. Rogers made a **motion to adjourn the meeting at 9:15 p.m.** L. Larouche seconded the motion and the vote in favor of adjournment was unanimous.

The next meeting will be held on Thursday, August 16th at 7:30 p.m.

Pauline Ball
Clerk

Approved by the Planning Board on August 16, 2012