

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MEETING MINUTES
March 15, 2012**

MEMBERS PRESENT: Chairman Bret Mader, Vice Chair Mike Decubellis, Bob Rogers, Tom Christenton, Larry Larouche, Julie Zebuhr, Selectmen's Representative Arnie Byam and Alternates Bill Ball and Steve Brown

Chairman Mader began the meeting at 7:30 p.m.

INFORMATION:

(1) Roger C. Williams; Maier & Gulf Roads; Map 218 Lots 003, 005 & 006; continued discussion of the delineation of three lots; RL 1.

Present: Roger Williams

Mr. Williams distributed copies of a site plan drawn by Vorce, Soney and Associates, Inc. that is registered at the Registry of Deeds. He reminded the Board that his representative, Heather Stickney, had attended the January meeting and submitted his proposed plan to delineate his three lots. The Board, at that time, was satisfied with the plan and stated that the plan must be certified by a soil scientist. Mr. Williams explained that he is unable to get the plan stamped and signed. He directed the Board's attention to Lot 218-6 which is north of Maier's Road and the current tax map indicates its size as 3.6 acres. His deed states that the lot is 5 to 13 acres and that the boundary crosses the railroad track on the north side to the town line of Greenfield. This again has brought forward his problems concerning the town line dispute with the town of Greenfield. After explaining his recent visit to the Greenfield town offices where he photographed a town map on the office wall, Mr. Williams stated that map shows the current town line and the original town line from the land grant back in the 1700s which matches his deed description. In his research of the time line, he indicated that in the late 1790s when Greenfield was incorporated, the boundary line was moved by a property owner who wanted to remain in Lyndeborough and the corner of the town boundary ended up in the middle of a pond; therefore the maps going forward from that time do not have the correct information. Two years ago, representatives from Greenfield and, he thought, Lyndeborough walked the town line using a map from 1865 which is the same as the current map. He noted that the Army Corp of Engineers, since the 1950s have been after both towns to straighten out this discrepancy and that the technology used today proves that the town line is wrong; to compound the problem, development of the land in Greenfield may be on his property. He indicated that Greenfield thought it was "proper etiquette" for the older town (Lyndeborough) to initiate any change.

B. Ball, at this time, responded that this information was interesting, but asked what he wanted the Planning Board to do. Mr. Williams replied that in January, the Board

approved the design. T. Chrisenton interjected that the approval was subject to the plan being certified by a registered surveyor. Mr. Williams contacted Vorce, Soney and Associates and was told that they had done a lot of research in 1998 before the site plan was registered. He also made contact with a secretary at the State offices in Concord who asked for all his documentation so that it could be researched.

B. Mader asked how the Lyndeborough tax map depicts the acreage of this lot. Mr. Williams replied that it is showing 3.6 acres.

T. Chrisenton tried to explain that the Planning Board cannot do anything unless his proposed site plan has a registered stamp. The Board doesn't have any authority other than enforcing subdivision regulations which state that a stamp by a certified/registered surveyor is required.

M. Decubellis questioned whether it was between the towns or the state that defines the town boundaries. B. Rogers thought that it is between the Board of Selectmen in each town. M. Decubellis suggested that Mr. Williams ask for a joint meeting with the Selectmen from both towns to see if they are willing to come together to find a solution.

B. Ball reiterated that the Planning Board cannot do anything about this situation; that he may have to take legal action. B. Rogers advised him to keep a proper paper trail and have discussions with each town at a public meeting where minutes are taken. At this time, Mr. Williams requested and received the Planning Board minutes from the January 19th meeting. M. Decubellis asked Mr. Williams if he had received his documents from Meredian Land Services, the company that drew up his proposed site plan that was presented to the Board at the January meeting. Mr. Williams replied that he did and he brought them to the Greenfield town office. M. Decubellis also suggested keeping a clear description of what has occurred because the information becomes confusing over a long period of time.

After listening to a little more discussion on this issue, Bob Todd of Todd Land Associates recommended reading the State statute governing the marking of town line boundaries and how they are resolved when there is a dispute.

Prior to Mr. Williams leaving the meeting, Clerk P. Ball returned his check for the payment of his invoice since the site plan will not be recorded, at this time.

(2) James & Leah Rymut; Rte 31; Map 218 Lot 012; conceptual subdivision plan

Present: Bob Todd and Rick Koehler of Todd Land Associates

Bob Todd distributed copies of several items to the Board for his presentation of a conception subdivision plan for James & Leah Rymut. The property (254+ acres) is located on Rte 31 and abuts property owned by the Swartz's with a conservation

easement held by the Society for the Protection of NH Forest (SPNHF). One of the items presented was an overlay on the USGS map based on a 1968 survey. He noted major discrepancies in the town lines between Greenfield and Lyndeborough. He gave a brief history of the property and the deed research that was done by John Preston of New Ipswich as well as the deed sketch made by T. F. Moran in 1968. This plan represents the original deed tracts prior to his client's ownership. He noted that his present research has not been completed but so far it dates back to Joseph Fay, Jr. who first subdivided the property in 1952 and the plan was recorded. An investment group purchased the property in 1968; but a survey was not done at that time. The group kept it until 1989 and then sold it to Henry Swan who completed a boundary survey but never recorded the plan. Mr. Todd is in possession of that survey which has faded out but he was able to verify the dimensions shown on the sketches. He said that Mr. Swan also had a forest type map drawn up which has been valuable in putting together a conceptual site plan. It shows most of the hydrology, such as, ledge outcrops. He also mentioned that the blister rust survey maps were used in their research.

T. Chrisenton asked Mr. Todd to explain the plans for this property. Mr. Todd proposes to apply the Conservation Land zoning provisions to use in subdividing the property. He hopes to discuss with SPNHF the possibility of purchasing a 92 acre conservation easement on proposed Lot 3 which totals 164 acres and includes a two acre building envelope. Lot 1 and 2 both propose a 45 acre lot with a two acre building envelope and they will share a common driveway. His associate, Rick Koehler, has been trying to locate, through GPS, the best building sites on this property; a difficult endeavor because of the hydrology and ledge outcroppings. He also mentioned that the property had been timber harvested in 1999 and there is an old logging road accessible from Rte 31 and it has good sight distance.

B. Ball asked if the owner would agree to "no further subdivision" on this property. Mr. Todd replied that the Conservation Land ordinance states that there will not be any further subdividing of the property. At this time, he asked if their proposed application was acceptable to the Board. Members of the Board answered yes. Rick Koehler interjected that the proposed building sites and driveway accesses were chosen to utilize the impacts from the logging operation and to minimize any further impact on the land. Mr. Todd said that he will have to discuss any road improvements to satisfy the Board.

T. Chrisenton said that the road must be at least twelve feet wide and accessible for emergency vehicles. Mr. Todd asked about fire pond installations, a High Intensity Soil Survey, any wetland mapping, etc. T. Chrisenton replied that there wasn't any need for a fire pond for three residences, no High Intensity Soil Survey or a septic revue was needed. Wetland mapping was only needed around building sites and a State septic plan when a home is to be built.

M. Decubellis, as a Conservation Commission member, suggested a no cut 50 foot boundary along the streams which will not impact the value of the lot but will help in the protection of the waterways. Mr. Todd wondered whether a blanket statement could be included on the site plan to address this issue. He ended by saying that they have not had the opportunity to look at all the areas containing water sources. Mr. Todd said that he would schedule a future meeting when and if his client agrees with the plan.

NEW BUSINESS:

Julie Zebuhr-----Wind farms

J. Zebuhr asked the Board if they had reviewed all the information on wind farms that she had e-mailed prior to the meeting and should they be pro-active on this issue. B. Ball did not have a problem, but T. Chrisenton was not in agreement. B. Rogers mentioned that the towns of Temple and New Ipswich have passed ordinances but Antrim, although they passed a wind farm contract, voted against an ordinance.

B. Mader stated that there are personal windmills installed on individual property and there are windmill farms used in a commercial operation. He asked J. Zebuhr which type was her concern. J. Zebuhr replied that it was the large commercial wind farm operation and she was concerned with a commercial endeavor that gets tax money and is pushed by those who want to look "green." M. Decubellis asked if this type of proposal would be subject to a site plan review. T. Chrisenton responded that the State already has a site plan review and if a town does not have an ordinance, the State automatically reviews a proposal. B. Mader asked if J. Zebuhr wanted to develop an ordinance to make a review more restrictive than that of the State. T. Chrisenton interjected that the State has rules which some believe are too restrictive and others think they are too lenient. He said that the information given by J. Zebuhr did not give any economic advantage to the town which can assess a tax of \$1 million dollars per windmill.

J. Zebuhr, referring to the proposed Antrim windmill, stated that the owner has agreed to remove the tower when it is no longer being used, but there are many others that are left abandoned. T. Chrisenton said that the town regulations for cell towers require removal and so would an ordinance for windmills or wind farms. J. Zebuhr did not know if the state requires their removal. B. Ball said that it was a case of whether or not the town wanted to control that type of situation. Since he had approached this issue once before, he gave J. Zebuhr all the data that he collected from his research. B. Rogers also suggested acquiring copies of the new ordinances from Temple and New Ipswich for a review on how they approached this issue; particularly areas that are not covered by the State. B. Ball added that there is a website for a generic ordinance on wind farms.

B. Rogers thought that the NRPC would be a good source of information on this issue. M. Decubellis said that he would be interested in points that other towns are looking to have covered that the State does not cover.

At this time, J. Zebuhr voiced some concern about the conservation ramifications, such as the bird migration flyway, sound generation, etc. After listening to more discussion, the Board decided to review the RSAs, contact NRPC for their data and acquire the ordinances from Temple and New Ipswich. B. Mader agreed to send an e-mail to NRPC requesting any information available and will present it at the next meeting in April.

MINUTES:

Review of minutes for January 19, 2012

B. Rogers made a **motion to accept the minutes of, 2012, as written.** L. Larouche seconded the motion. The vote in favor of acceptance was unanimous.

ADJOURNMENT:

B. Rogers made a **motion to adjourn the meeting at 8:45 p.m.** L. Larouche seconded the motion and the vote in favor of adjournment was unanimous.

The next meeting will be held on Thursday, April 19th at 7:30 p.m.

Pauline Ball
Clerk

Approved by the Planning Board on April 19, 2012