

**TOWN OF LYNDEBOROUGH  
PLANNING BOARD MEETING MINUTES  
August 16, 2012**

**MEMBERS PRESENT:** Chairman Mike Decubellis, Vice Chair Larry Larouche, Tom Christenton, Bret Mader, Bill Ball, Selectmen's Representative Arnie Byam and Alternate Julie Zebuhr (Absent members were: Bob Rogers and Steve Brown)

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

**ANNOUNCEMENTS:**

**Membership status change and Board appointment**

L. Larouche announced that he was stepping down as Vice Chair because he did not have the time to fulfill the duties of the position.

M. Decubellis said that Bill Ball was officially made a full member and he replaces Julie Zebuhr who asked to step down to an Alternate position at the July meeting. He asked for nominations for the vice chair position.

L. Larouche made a **motion to nominate Bill Ball as Vice Chair**. Julie Zebuhr seconded the motion and the vote in favor was unanimous.

**APPOINTMENTS:**

**(1) Dan Holt; Center Road; Map 247-001; excavation renewal permit; RL 1**

Clerk P. Ball said that Mr. Holt was present to discuss renewing his excavation permit which expired this year. Mr. Holt told the Board that only a small amount of gravel has been removed from the site since receiving his last renewal permit in 2009. T. Christenton remembered that he and Bob Rogers went to view the site prior to that renewal.

B. Ball responded that the Board should go out again and look at the site before another permit is issued. The Board agreed and a site visit was scheduled for Thursday, August 23<sup>rd</sup> at 8:00 a.m. Mr. Holt said that he would contact P. Ball if he has a conflict with that date.

Clerk P. Ball noted that when the original excavation permit was approved in 2006, the Board received a certificate from Acadia Insurance for an \$8000 bond. She asked the Board if an updated document was needed. Mr. Holt responded that Steve Trombly, the excavator, has regularly renewed his bond and insurance. T. Christenton explained that a reclamation bond will be required when Mr. Holt's excavation is about a year away from completion, then he will have to submit a reclamation plan to the Board. Mr. Holt said that he is about five - six years away from that reclamation period. He added that Mr.

Trombly doesn't truck the material very far from the site; mostly for projects in Lyndeborough and Milford.

At this time, T. Chrisenton made a **motion that Mr. Holt is to make an appointment with the Planning Board for June – July 2014 to give the status of the excavation and to institute the reclamation bond.** B. Ball seconded the motion and the Vote in favor of the motion was unanimous. Pending the result of the scheduled site visit, a three (3) year renewal excavation permit will be issued.

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

Mr. Williams asked the Board to clarify some questions regarding zoning regulations that were brought up by a potential buyer who had been interested in purchasing one of his original lots. He centered on Lots 218-003 (7.30 acres) and 218-005 (9.06 acres) which are conforming lots of record, have sufficient road frontage and in Current Use. He asked if they were buildable lots. T. Chrisenton replied that they were but before a residence can be constructed it must pass a perk test and meet the State's criteria for a septic design. As for Current Use, the buyer only takes out what is needed for a building site; a minimum of 10 acres must remain in Current Use to qualify. The buyer not the seller is responsible for taking the acreage out of Current Use when it is time to get a building permit.

Mr. Williams asked about the requirements for locations of a driveway. A. Byam responded that a lot of record must be allowed driveway access but the location must be approved by the road agent. T. Chrisenton agreed but if there is any altering to the lot's configuration; the location becomes a sight distance concern for the Planning Board. M. Decubellis stated that driveway easements and common driveways can be used to access the properties. T. Chrisenton added that he could deed an easement so that Lot 218-003 could access the driveway of Lot 218-005, because the road agent may only allow one curbcut onto Gulf Road.

Mr. Williams asked the Board to explain the soil based zoning requirements. T. Chrisenton stated that the Soil Conservation Service manual indicates that his property is mapped as "severe" for septic and that a High Intensity Soil Survey would be needed to be completed by a certified soil scientist to dispute this finding.

Mr. Williams asked about a permit for timber removal along the road frontage for personal use. Although Gulf Road is a scenic road, the Board said that a land owner can remove trees, but a timber permit was needed if the timber is sold and not used by the landowner.

B. Ball asked if an increase in acreage of a small lot of record through a lot line adjustment changed the classification of the lot. T. Chrisenton explained that as long as

the lot does not become less conforming and the number of lots remains the same, there isn't any change in classification; it still remains in grandfathered status.

**(3) David & Ruth Jedlinsky; Center Road; 250-011; Excavation project; RL 1**

No one was present for the meeting. Clerk P. Ball said she did not receive a response, from the landowners, to the letter dated July 21st requesting this meeting with the Board following the discussion on their proposed Intent to Excavate application at the July 19<sup>th</sup> board meeting. No action was taken.

**(4) Scott & Kimberly Snow; 233 Old Temple Road; Excavation project; RL 1**

No one was present for the meeting. Clerk P. Ball said that she did not receive a response, from the landowners, to the letter dated July 21st requesting this meeting with the Board following the discussion on their proposed Intent to Excavate application at the July 19<sup>th</sup> board meeting. No action was taken.

**OLD BUSINESS:**

**Driveway Entrance & Specifications and Permit Application- review**

T. Chrisenton distributed draft copies of the proposed Driveway Ordinance with the revisions made by the Board at the July meeting. He also passed out the permit application form that was revised by Bob Rogers.

T. Chrisenton said that #2 indicated a reference to the Town Street and Road Standards section in the zoning manual. M. Decubellis asked how this section applied to driveways, i.e., the driveway apron.

Referring to #1, B.Mader said that sight distance should state 10 feet times the speed limit **“in all directions.”**

B. Ball, also referring to #1, said that the sight distance should be measured **“in all seasons.”** T. Chrisenton suggested adding **“sight distance shall consider leaf on conditions.”** A. Byam also suggested measuring distance **“to the nearest boundary marker.”**

The Board agreed to review the draft for the next meeting and M. Decubellis asked that a copy of the draft be sent out electronically so that changes could be made. Arnie Byam also suggested that a copy be sent to Kate Thorndike and Kent Perry for their review and input.

**Zoning manual review**

M. Decubellis reviewed the updated zoning manual and found it complete and well documented. He suggested that, each month, a section of the manual should be sent out electronically to the Board for their review; then any revisions to the regulations can be discussed at the next meeting. T. Chrisenton reminded the Board that any substantial change to the Zoning regulations requires a vote at town meeting.

**NEW BUSINESS:**

**Well head protection area zoning**

There was a brief discussion on this topic but no action will be taken on this issue because with the exception of the school and town offices, residences have private wells.

**Representative for CIP Committee and appointment**

M. Decubellis said that he was stepping down as a representative to the CIP committee because of his chairmanship responsibility, leaving an opening on that committee. He said that Bill Ball will continue to serve as a member, as well as Clerk P. Ball and asked if anyone else on the Planning Board would be interested. He also asked the Board to appoint Burton Reynolds to the CIP committee.

B. Ball made a **motion to appoint Burton Reynolds to the Capital Improvement Plan committee**. L. Larouche seconded the motion and the Vote in favor of the appointment was unanimous.

The Board agreed that the open position should be placed on the website to see if there is an interested resident who would like to serve.

**Town Regulation Review Discussion**

M. Decubellis questioned the definition of “Grandfathered status” in the town regulations and how, for example, does someone determine when a business is considered to be in that status. The zoning regulations were first adopted in 1959 and over the years other amendments have been included. There doesn’t seem to be a way to check whether a particular business was operational prior to the adoption of regulation restrictions in a certain zoning district. The Board agreed that this is a topic for future discussion.

**MINUTES:**

**Review of minutes for July 19, 2012**

T. Chrisenton made a **motion to accept the minutes of July 19, 2012, as written**.

**Planning Board Meeting Minutes**

**8-16-12**

L. Larouche seconded the motion. The vote in favor of acceptance was unanimous.

**ADJOURNMENT:**

T. Chrisenton made a **motion to adjourn the meeting at 8:55 p.m.** L. Larouche seconded the motion and the vote in favor of adjournment was unanimous. The next meeting will be held on Thursday, September 20<sup>th</sup> at 7:30 p.m. in Citizens Hall.

Pauline Ball

Clerk

**Approved by the Planning Board on September 20, 2012**