

**TOWN OF LYNDEBOROUGH  
PLANNING BOARD MEETING MINUTES  
September 20, 2012**

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

The meeting began at 7:30 p.m. and a change in the voting status was discussed. Alternate Steve Brown would be voting in the absence of Larry Larouche. Because M. Decubellis recused himself from the Snow discussion, B. Ball would preside and Alternate Julie Zebuhr would vote, if needed.

**OLD BUSINESS:**

**Scott & Kimberly Snow; 233 Old Temple Road; Map 230-016; Excavation project; RL 1**

Present: Scott Snow

B. Ball asked Mr. Snow to present his excavation project. Mr. Snow distributed copies of a photograph depicting the esker of sand which he wants to remove from the back of his property. T. Christenton noted that this site was located in proximity to the flood control dam. Mr. Snow said that the proposed area has been cleared of trees, the topsoil will be moved aside and most of the esker is to be removed. Then it will be reclaimed making a larger, flatter and safer pasture for his horses. The excavated material will be sold to help defray the cost of stumping, seeding and developing the pasture.

T. Christenton informed him that once he removes and sells the excavated material, it will be assessed as a commercial use and he will lose his Current Use status (10% Land Use Change Tax is also assessed.) S. Brown asked if the property can return to Current Use status after a determined amount of time. T. Christenton said yes. Mr. Snow asked about exemptions for an agricultural use. T. Christenton said that there are exemptions for agricultural use but not if the material is sold. B. Rogers asked the total acreage of the property and how much was affected by this excavation project. Mr. Snow responded that the total acreage is 30 and only a small portion (.75 acre) is to be removed. This is an area that is unbuildable because of the flood dam. He added that he has received permission from the Dam Bureau to drive over the dam in order to remove the excavated material.

Arnie Byam suggested that Mr. Snow contact the town assessor and discuss his situation before going forward. After listening to the Board, Mr. Snow still felt that he needed to go forward with this project.

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T. Chrisenton said that a public hearing should be scheduled and then a date can be set to view the property. Mr. Snow asked about some of the items on the checklist and T. Chrisenton told him that to prepare for sediment and control issues, he should show that there's not going to be any run-off from the site. There should be a natural ridge and natural vegetation around the pit so that any rainfall goes into the pit. Drainage issues should not be a problem since excess water will drain into the sandy soil. Natural material should be left four (4) feet above the seasonal high water table.

B. Ball asked if the excavated material being given to the town had been completed. Mr. Snow said no that there appears to be more than expected and the road agent is still clearing it from the front of his property.

Ending the discussion, B. Ball said that a public hearing will be held at the October 18<sup>th</sup> meeting. M. Decubellis returned to his seat and presided over the remaining meeting. J. Zebuhr would not be voting on any other issues.

### **David & Ruth Jedlinsky; Center Road; 250-011; Excavation project; RL 1**

Present: David Jedlinsky

M. Decubellis asked Mr. Jedlinsky to explain his excavation project. Mr. Jedlinsky explained that he purchased his property about nine years ago and planned on building a home. During a survey of his existing driveway entrance, he discovered that it entered onto the State owned portion of Center Road. Years ago, his property was a lot subdivided from a larger subdivision which was not built upon and that there was a right of way across his property for another residence which he is required to share. He was also informed by the State that the driveway had a steep grade onto Center Road and it had to be changed. In 2005, at his expense, the road was torn up, sewers installed and the driveway paved 20 feet back from Center Road. He noted that there haven't been any issues since those repairs.

Mr. Jedlinsky said that he owns an excavator and in years past, he has applied and obtained the Intent to Excavate permit, signed by the Board of Selectmen, allowing him to remove small amounts (about 100 yard.) each year and spread it around his property; but he stopped this project about four years ago. This year he filed the Intent to Excavate but it was questioned. The Board realizing that the excavated material is not being sold or removed from the property said that it wasn't necessary to file for a permit. No further action was taken on this issue.

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

The Board reviewed the permit application and the draft language for the Driveway Entrance regulations. They preferred the application formatted by Bob Rogers but made a

slight change. M. Decubellis asked for a line to be included that indicates that the Planning Board and the Code Enforcement Officer are to be copied.

Because the Board had several concerns with #1 (language taken from Section 408.00 of the Subdivision Regulations....Driveways), they decided to take it out of the draft and incorporate references in the regulation into their draft copy.

The Board discussed concerns over whether or not an apron should be required at driveway entrances, i.e. paved skirt on paved roads, gravel skirt on gravel roads. The Board agreed that a five (5) ft apron should be required on driveway entrances on down hill roads and a full apron on uphill roads and should be paved to the edge of the right of way. Other concerns addressed issues on driveway entrances which should be adequate for the width of its intended purpose and temporary entrances should be accessible by a Class A truck. Also the road agent should confirm that a driveway is placed in the same position as indicated on a site plan before an occupancy permit is approved.

T. Chrisenton asked the Board to review the draft one more time for a final discussion at the October 18<sup>th</sup> meeting.

**Dan Holt's excavation site; 352 Center Road; Map 247-001; update on site walk; renewal permit**

B. Ball told the Board that he was the only one present at the site walk with Dan Holt that had been scheduled for August 23rd. It appeared that the status of the site has remained the same with very little material being excavated.

B. Ball made a **motion to approve the three year extension and give Dan Holt a renewal permit for the gravel pit which will expire on August 16, 2015.** B. Rogers seconded the motion and the vote in favor of the approval was unanimous.

**NEW BUSINESS:**

**Removal of stone wall on Center Road**

B. Ball asked if anyone knew why the stone wall on the Morrison property adjacent to Center Road was pushed aside recently. No one on the Board was certain but assumed it might be part of the work that was scheduled by the DOT in their proposed road repair at the intersection of Perham Corner and Center Road. A. Byam said that he would investigate this issue.

**MINUTES:**

**Review of minutes for August 16, 2012**

B. Rogers made a **motion to accept the minutes of August 16, 2012, as written.**  
T. Chrisenton seconded the motion. The vote in favor of acceptance was unanimous.

**ADJOURNMENT:**

B. Rogers made a **motion to adjourn the meeting at 9:00 p.m.** T. Chrisenton seconded the motion and the vote in favor of adjournment was unanimous.

The next meeting will be held on Thursday, October 18th at 7:30 p.m.

Pauline Ball  
Clerk

**Approved by the Planning Board on October 18, 2012**