

# TOWN OF LYNDEBOROUGH PLANNING BOARD MINUTES APRIL 21, 2016

*Approved*

## **7:35 PM Call to Order & Roll Call**

Chairman Bob Rogers, Vice Chair Tom Chrisenton, Mike Decubellis, Larry Larouche, Bret Mader, Steve Brown and acting Selectmen's Rep. Fred Douglas were present.

Audience: Mark Chamberlin, Larry Boisvert, Sharon Boisvert, Karen Grybko, Beth Penny, Don Anderson and Donna Anthony.

## **NEW BUSINESS:**

### **7:30pm PUBLIC HEARING**

To hear comments and Amend Subdivision Regulation, Section 407.00, adding to the first paragraph: "Dead-end subdivision roads constructed primarily for the purpose of increasing road frontage shall not be permitted."

The Board read the language for Subdivision Regulation Section 407.00 on page 9.

Resident Mark Chamberlin felt the wording is vague.

Chairperson Bob Rogers explained this is to prevent "paper roads" that go nowhere and have no function that the landowner hopes not to have to build. Examples were given of stub roads in town that were approved and in those cases some were built, not to town specs, while other roads were never built. A recent case last year on Center Road was an example of trying to using a stub road to add road frontage for a subdivision.

**VOTE: Mr. Mader made a motion, Mr. Larouche seconded, to ratify into zoning Section 407.00 into the Subdivision Regulation, "Dead-end subdivision roads constructed primarily for the purpose of increasing road frontage shall not be permitted." Motion passed 6-0-1. Mr. Chrisenton abstained.**

### **Informal Discussion at 7:35pm**

**-Larry and Sharon Boisvert from Feel Good Farm.**

1. Discuss old cars on his property in relation to his Paintball Airsoft Business.
2. Would like to apply for a permit to operate the chemical toilet business on his Johnson Corner property.

Mr. Boisvert received a letter from Lyndeborough Enforcement Officer Ed Hunter in regards to the unregistered vehicles on his Johnson Corner property. Only two unregistered vehicles are allowed under zoning.

Mr. Boisvert asked for reconsideration and explained the vehicles are part of his Airsoft gaming business. He claimed the liquids are drained from the vehicles. The vehicles are moved about to create different gaming situations. He is asking the Board to allow this use.

The Board felt this would require an amended site plan.

The vehicles could be registered which would be a cost of doing business. Mr. Boisvert said they are not register and thought there could be a dozen vehicles. He does not own the vehicles and said they can be re-liquefied and put back on the road.

Sharon Boisvert submitted information on the airsoft business at Feel Good Farm.

Chairman Rogers suggested they look at the site plan as a whole, the amendments they are proposing and to consider if other changes that they are currently bound to by the site plan.

It was noted that Chairman Rogers received a letter from the code enforcement officer regarding the parking lot at Feel Good Farm. Mr. Boisvert discussed problems with parking and that people drive up to the overflow parking area in field instead of parking in the lot. After the fire at his house, the parking area has been used to store pallets filled with items that were burned in the fire which needs to be sorted. It needs to be cleaned up.

Mr. Boisvert was looking for suggestions but that is not the function of the Board as they can only instruct him on the process. He could review the minutes of his meetings.

The cars are in violation and the Selectmen issued you a cease and desist for the cars.

### **Porta-Potty Business**

The Boisverts would like to run their chemical porta-potty business from the Johnson Corner property which they have been doing for 30 years.

Resident Wally Holt has been doing restoration work at the Boisvert's house and inquired what the rules were when they were issued their permit.

They were informed that will require a formal site plan that includes an engineered plan of property. It will require very careful examining on what happens where on the property.

DES permits would need to be researched. Sharon Boisvert presented documents from the Town of Milford: Dated Oct. 9, 2015 from David Boucher, Dir. Of Milford Water Utilities and Seepage Hauler application dated 5/21/13.

Mr. Boisvert said there is no affluent on his property and he uses a tank he built himself. He said the toilets are not stored on the Johnson Corner Property and he was using a trailer to put his mother's antiques on but not bringing his toilet business back.

The Board asked if he has operated the business continuously for 30-years and if he can prove it and was it legal. He said he can't answer if it was legal because DES was not around when they started. He would also need to show any expansion to the business.

Mr. Boisvert discussed past problems with DES on his property and concerns that neighbors had.

If the business is grandfathered Mr. Boisvert can write a letter to the Code Enforcement Officer and appeal to the Zoning Board of Appeals. The Administrative Appeal form for Grandfather Status can be found on the town's website.

It was questioned that Mr. Boisvert mentioned there were toilets on the property and that he does not run the business from the property. Mr. Boisvert stated they wash the porta-potty units on the property. Evidence shows the business at the Johnson Corner property. If the business continues to operate, the toilets need to be removed.

Mr. Boisvert thanked the town for their assistance after the fire. He said if they need help to ask him. They would have given the town a porta-potty for town elections.

*Sharon and Larry Boisvert left the meeting*

Resident Don Anderson asked about abutter notification and if it would be in the paper.

Abutter Beth Penny asked the Board to use Google Earth to verify that there are cars in the playing field. They were moved in on tractors.

Abutter Donna Anthony questioned how a porta-potty business can be compatible with kids running around at an airsoft game.

Selectman Fred Douglas wanted to mention there is an on-going investigation therefore the Board felt it was a conflict of interest if they used Mr. Boisvert's services at the election polls.

### **Driveway Discussion**

The Board reviewed the revised driveway permit. Members were given copies and asked to look at permits and give feedback to Town Administrator Russ Boland.

There will be a different color permit for permanent and temporary driveway applications. A temporary driveway application will have an end date on it.

It was discussed if a stone wall was breached for a temporary driveway then the stone wall should be restored to its original condition.

Resident Mark Chamberlin suggested photographs be required with the application. He was informed that will in fact be required and the road agent will have a digital camera. Stakes at the driveway location will also be required and photographs taken before and after.

Selectman Douglas has prior experience analyzing egresses and looking at driveways from the Planning Board standpoint by considering traffic volume, speed limit and factoring in the sight distance, obstructions and alignment. He is working with Road Agent Kent Perry so he can learn the process. Examples of driveway they visited together are one on Crooked S Road and one on Curtis Brook Road.

Steve Brown mentioned that there are situations where driveways were not constructed as they were proposed on the site plans.

An example is the current driveway situation on Joslin Road, the former Swartz property, which has problems with underground utilities and a culvert under the driveway. The landowner did not pull a driveway permit despite being informed to by the road agent. He cut through the stone wall at a different location.

Driveways on scenic roads were discussed. The Board can review driveway permits on scenic roads and provide a reaction but they don't have the authority to do anything. The RSA authorizes the Board to review work to be done by utilities and the town but not the landowner and landowners do not require a public hearing

About 3 years ago, the Planning Board adopted RSA 236:1: Driveways.

V. The same powers concerning highways under their jurisdiction as are conferred upon the commissioner of transportation by paragraphs I, II, III and IV shall be conferred upon the planning board in cities and towns in which the planning board has been granted the power to regulate the subdivision of land as provided in RSA 674:35. *This is from the 2013-14 edition of the NH Planning and Land Use Regulation book.*

It was noted the Planning Board held a public hearing and adopted regulations where they designated the Road Agent as the Planning Board representative to issue driveway permits.

The regulation also says that no more than two driveway entrances shall be allowed per 500 feet of road frontage. It did not specify if they are temporary or permanent driveways on a single parcel. This will need to be researched more.

The Board recommended it needs to be spelled out that there should be no more than two.

There was a debate if the Selectmen held a public hearing to amend the driveway regulations. Selectman Douglas reported the Selectmen have not held a public hearing and to consider this updated driveway permit a draft.

Mr. Chrisenton suggested adding sight distance to the revised driveway permit. A better system to follow-up on the driveway process was suggested. It is on page 2.

A subdivision driveway is show on the plat and has construction standards.

The RSA says the Planning Board maintains the responsibility over driveways therefore they can ask residents go back and fix driveways if they are in the wrong location or not constructed properly.

Mr. Brown asked if there is a rule if driveways should be across from another driveway or staggered and wondered if should be perpendicular to the road.

The Board was polled what day/time would work best for a joint Committee/Board training session with the town attorney. The consensus was the first or fourth Thursday would work. Members were asked to come up with questions for the session.

Driveway permits will continue next meeting.

Action items: Members were asked to continue to work on driveways so a public hearing can be held. Provide input on the proposed driveway permit to Town Administrator Russ Boland.

### **Review Intent to Cut Applications**

-Donald Hardwick has a logging operation in Greenfield but the lumber will be taken out Warner Road through Lyndeborough.

-Virginia Chrisenton: Intent to cut.

During a discussion on logging, the controversial Creesy Hill Bridge came up. If that bridge was opened and a Class V road then all the homes in the Mountain Road area would be covered by a fire station within five miles to satisfy insurance policies.

### **Review Intent to Excavation Applications**

Grandfathered pits; Granite State Concrete on Cram Hill Road and New Spartan Properties, LCC/Quinn Brothers.

**VOTE: Mr. Chrisenton made a motion to authorize the chairman to initial the intent to excavate permits for Granite State/New Spartan Properties and Quinn Brothers. Mr. Brown seconded. Motion passed.**

238-022-000 Cram Hill Road  
245-001-000 Cram Hill Road  
212-001-000 Salisbury Road

**January and March Minutes:**

**VOTE: Larry Larouche moved, Steve Brown seconded, to accept the January and March 2016 Minutes as written. Motion passed 6-0.**

Resident Mark Chamberlin said he looked at road regulation which stated roads less than 1,000 feet long are not allowed and therefore dead end roads should be less than 1,000 feet. It was discussed the regulations says "Dead end roads should be NO longer than 1,000 feet" in Road Standards, page 1 of Standards for Street and Road Design.

It was suggested to reference the latest date for reference for DOT specifications.

**Other Business:**

-On June 1, 2017 New Hampshire will have a new law to allow accessory dwellings in any zone or district.

-Karen Grybko will be observing meetings and hopes to be a member in the future.

-FYI from Steve Brown; EPA changed the arsenic guidelines and recommend wells get tested.

**REVIEW OF MINUTES:**

**VOTE: Tom Chrisenton made a motion, Mike Decubellis seconded, to adjourn at 8:57 pm.**

Respectfully Submitted,  
Kathleen Humphreys, Planning Board Secretary