

# TOWN OF LYNDEBOROUGH PLANNING BOARD MINUTES

## April 20, 2017

*Approved*

### 7:30 PM Call to Order & Roll Call

Chairman Bob Rogers, Vice Chair Tom Christenton, Larry Larouche, Mike Decubellis, Bret Mader, Alternate Julie Zebuhr and Alternate Paul Best.

### **INFORMAL DISCUSSION – NO ACTION WILL BE TAKEN:**

#### **Greg Thomason – Tax Map 228 Lot 15 on Forest Road – 4.77 acres**

Greg Thomason manufactures custom motorcycle wheels and is considering a 2,500 foot shop for his on-line business and a home on the property. The property is zoned Light Industrial. .

In 2009, Scott Quilty proposed a gas station at this location on Forest Road but the application process was not completed. The lot was a former saw mill.

The Board discussed the property may need to be subdivided because they can only have one use for the property. Due to the nature of this business it may or may not fall under a Home Business.

The Board advised Mr. Thomason to read the Home Business Ordinance which can be found on the Town's Website. It was noted that the Home Business Ordinance will be revised and he was advised to keep tabs on updates. A home business is limited to two employees.

The commercial property could stay commercial and they can rent the building to the business.

Lyndeborough's Soil Based Zoning specifies slight to moderate soils to have a 2-acre lot. This property is in the "severe" category for a septic system which requires five acres. It was recommended to have a soil scientist evaluate the soils.

A home business maximum is 1/3 of the floor area for the residence. The business can be in the residence or the accessory apartment.

The Light Industrial District regulation was read, Section 16 600-00, page 11. It did not list a residence as a property use therefore the applicant can apply to the ZBA.

## **DAVID SCHMECHEL-Modify Previous Subdivision**

**The lots under discussion are Map 7 lot 31-5 & Map 7 lot 31-4 on Mountain Road. The lots are 32 acres and 18 acres.**

*Julie Zebuhr secluded herself because she is a neighbor and purchased one Mr. Schmechel's lots from this subdivision on New Road.*

David Schmechel provided a map of his subdivision of his property on Center Road which created four 25 acre new lots on Mountain Road and New Road and a lot stay with the home. He explained he voluntarily gave agricultural & recreation easements which allowed agriculture buildings but no homes in the fields. He said he did this out of the goodness of his heart and at the time he didn't realize how costly it would be to cross the wetlands and how expensive it would be to install a culvert. He wants to avoid crossing the wetlands and modify the building envelope. The lot sizes would not change.

The Board reviewed the notes on the subdivision plan:

#14: Lots 7-31-4 and 7-31-5 "Open Spaces" to include designated areas that will be restricted for agricultural and recreation use only hence prohibiting any building of residential structures.

#15: Lot 7-31-5 "Historical Native American Burial Ground" to include a defined "no till" area prohibiting excavation or ground disturbance of any kind.

Mr. Schmechel felt if there is a burial area it would be on the other side of the pond.

Any modification of the subdivision plan would require a new plan submitted to the Planning Board at a properly noticed meeting for a public hearing which would notify the abutters and the public.

For Mr. Schmechel's subdivision the Major Subdivision Regulations were waived because they created lots of 25 acres more. Only one of the lots was under 25-acres.

A logging road could be built to get to the back of the lots but Mr. Schmechel felt it was expensive to put in a driveway. The Board asked if he considered an easement through another property.

With one of the lots being recently sold to Julie Zeburh, the ability to undo the restrictions is no longer viable. The applicant can seek legal advice. Once the plan is recorded the abutters can enforce the restrictions.

**NEW BUSINESS:**

**Appoint new Chairman and Vice Chairman**

**VOTE: Mike Decubellis moved to nominate Tom Chrisenton as Chairman to the Planning Board. Larry Larouche seconded the motion. Motion passed unanimously.**

**VOTE: Larry Larouche moved, Tom Chrisenton seconded, to appoint Paul Best as Vice Chairman to the Planning Board. Motion passed unanimously.**

**NRPC REP**

Brett Mader was appointed as the new NRCP Representative. The position was vacated by Steve Brown who resigned from the Planning Board.

**CONTINUED BUSINESS:**

**Wetlands Discussion:**

The Board discussed wetland buffers to add to the subdivision regulations. The intent is new regulations will affect new lots and won't create existing lots non-conforming.

Mike Decubellis suggested some level of protection especially looking into the future as the town could see subdivision growth. He felt a 50 foot buffer for streams was reasonable. Currently the town has soil based zoning.

There was a discussion on large lot subdivision, soils, water surface, streams and type of soil.

Tom Chrisenton felt it would be difficult to have a 2 acre lot with the suggested wetlands buffer because the town is peppered with small wetlands.

The Board will research if NRPC can provide a wetlands map. Mr. Chrisenton mentioned the subdivision regulations require lots be mapped by a soil scientist.

The Board debated about a 2-acre lot or 5-acre lot and a wetlands buffer. Exempting existing structures from new regulations was a concern and possible language could be

"...any new lots where no structures would have to conform". Building codes would need to comply.

**Action Item:** Board members were asked to bring their ideas and proposed language for a Wetlands Ordinance draft to the next meeting.

Mike Decubellis previously sent supporting documents for the Board to review.

Mr. Decubellis had concerns that Cold Brook is too warm due to logging operations which were too close to the brook which affects the sensitive brook trout. He noted the

Piscataquog Brook has trout. Mr. Chrisenton had concerns about road sedimentation getting into the wetlands and felt that is a bigger problem than a wetlands buffer.

**Home Business Amendment:**

The Selectmen are expected to draft a Home Business Amendment by the September meeting.

Bob Rogers volunteered to research Growth Management.

674:22 GROWTH MANAGEMENT: timing of Development was read.

**MINUTES & OTHER PERMITS TO REVIEW:**

**VOTE: Larry Larouche made a motion, Mike Decubellis seconded to approve the May 2017 Planning Board minutes as amended. Motion passed unanimously.**

**Driveway permits:**

None

**ANNOUNCEMENTS:**

Mike Decubellis announced that Woodmont Orchards will not put the land on Center Road in conservation as previously proposed and is no longer working with the Conservation Commission on this project.

**CORRESPONDENCES:**

None

**ADJOURNMENT:**

**VOTE: Tom Chrisenton made a motion, Paul Best seconded to adjourn at 8:51pm. Motion passed unanimously.**

Respectfully submitted,  
Kathleen Humphreys  
Planning Board Secretary

