

1 **TOWN OF LYNDEBOROUGH**
2 **PLANNING BOARD**

3 **April 18, 2019**

4 *Approved*

5
6
7 **7:34 PM Call to Order & Roll Call**

8
9 **Member Present:** Chairman Tom Chrisenton, Vice Chair Paul Best, Bob Rogers, Bret
10 Mader and Alternate Julie Zebuhr, who will sit on the Board.

11 Not present: Members Mike Decubellis and Larry Larouche

12 **Public present:** Steve Brown and Maria Brown

13
14 Vice Chair Paul Best called the meeting to order at 7:34 p.m.

15
16 **New Business:**

17 **Chrisenton: Lot Line Adjustment, Map 228, Lot 1 and Map 229, Lot 8 off Woodward Road**

18 Thomas and Virginia Chrisenton propose a lot line adjustment of 13.2 acres between
19 two of their properties off Woodward Road. Map 228, Lot 1 is 68.9 acres. Map 229, Lot
20 8 is 65.3 acres and 13.2 acres will be transferred from this lot to Map 228, Lot 1.

21
22 Chairman Chrisenton recused himself and sat in the audience. Planning Board Member
23 Bret Mader is an abutter but opted to sit on the Board for this case. Abutters Steve
24 Brown & Maria Brown were present for the hearing.

25
26 Virginia Chrisenton addressed the Board and presented a letter from surveyor Dennis
27 McKenny who acknowledges he is aware of tonight's meeting. An abutter letter was not
28 sent to the surveying company because they were not on the abutter list but Mrs.
29 Chrisenton hand-delivered a letter to Mr. McKenny. Mr. McKenny stamped the letter on
30 4-18-19 informing the Board, "I will have a Mylar to the Planning Board at his earliest
31 convenience". (see file) Mrs. Chrisenton provided an updated abutter list. (see file)

32
33 Certified letters were sent to five abutters, including the applicant who also owns six
34 abutting lots. Mrs. Chrisenton said they personally spoke to each of their abutters and
35 provided email conversations with abutters van Mertens and Montgomery. (see file)

36
37 The notes explain this is not a subdivision and that no new roads are being created.
38 There is a town cornerstone dated 1869 for the Town of Greenfield on their property.

39
40 **VOTE: Bob Rogers moved, Bret Mader seconded to accept the plan. Motion**
41 **passed 5-0.**

42 **VOTE: Bob Rogers moved, Bret Mader seconded to conditionally approve the**
43 **plan subject to receiving and reviewing the Mylar. Motion passed 5-0.**
44

45 Six paper maps and a Mylar will be delivered to Citizens' Hall. The Secretary and Vice
46 Chair shall sign the map when they are available.
47

48 **VOTE: Bob Rogers moved, Mark Chamberlain seconded to authorize the**
49 **selectmen's representative to review the Mylar against the paper copy presented**
50 **here tonight. Motion passed 5-0.**

51
52 *Chairman Chrisenton returned to the Board at 7:44 p.m.*
53

54 **Request for Information:**

55 None
56

57 **Correspondences:**

58 **Wilton Quarry Site - Quinn Change of Ownership: Tax Maps 245 & 238, Lots 3-7 &**
59 **22, 23. Wilton Tax Map B, Lots 9 & 10.**

60 The Planning Board received a notification letter from NHDES dated 3-8-19 re: Change
61 of Ownership from James Quinn to Thomas Quinn, Jr. for an amended permit: WPS-
62 6915A. They are amending RSA 485-A:17 Alteration of Terrain Permit AoT-6915 and
63 listed conditions. The letter was signed by Gloria Andrews of the Alteration of Terrain
64 Bureau.
65

66 *The letter was emailed to the Board prior to the meeting for review and read out loud by*
67 *Chairman Chrisenton. (See property file or attached)*
68
69

70 **Request of Review, NH Div. of Historical Resources: Tax Map 212, Lots 2 & 4.**

71 Project Title: Scataquog Brook Instream Wood Restoration Project. The applicant is
72 Tom Jones of the Piscataquog Land Conservancy (PLC). This letter was stamped by
73 the Town as received on 3-18-19.
74

75 *The letter was emailed to the Board prior to the meeting for review and read out loud by*
76 *Chairman Chrisenton. (See property file or attached)*
77

78 Mr. Chrisenton asked Julie Zebuhr if the Conservation Commission is aware of the
79 project and she stated they are. Her daughter is the Chairperson. Bob Rogers
80 mentioned he is an abutter and received a notice.
81

82 **Old Business:**

83 Chairman Chrisenton mentioned the Board discussed going through the Zoning
84 Regulations but he also recommended going through the Subdivision Regulations. He
85 provided a handout Titled: "**Lot Line Adjustment and Related Items**". He suggests
86 reviewing the document and additional zoning should be reviewed. The Planning Board

87 will have a work session at the May 2019 meeting to discuss the information contained
88 in the handout. He asked members to read the document and provide comments.
89 *(See attached)*
90

91 **Minutes:**

92 **November 29, 2018 Minutes:**

93 **VOTE: Bob Rogers moved, Paul Best seconded to accept the minutes of November 29,**
94 **2018. Motion passed 4-0. Julie Zebuhr Abstained.**

95 *Note: The November 15, 2018 meeting was continued on November 29, 2018 due to weather.*

96 **December 20, 2018:**

97 **VOTE: Bob Rogers moved, Paul Best seconded to accept the minutes of December 20,**
98 **2018. Motion passed 4-0. Julie Zebuhr Abstained.**

99

100 **February 21, 2019**

101 **VOTE: Bob Rogers moved, Paul seconded to accept the February 21, 2019 minutes.**
102 **Motion passed 4-0. Julie Zebuhr Abstained.**

103

104 **March 21, 2019**

105 **VOTE: Bob Rogers moved, Paul Best seconded to accept the minutes March 21, 2019.**
106 **Motion passed 4-0. Selectman Chamberlain voted no because he felt there was missing**
107 **information. Julie Zebuhr Abstained.**

108

109 *Julie Zebuhr reviewed her email address with the secretary. The secretary had two*
110 *emails for her, in which one email was correct. Mrs. Zebuhr said she has not been*
111 *receiving communication from the Board. Minutes will be sent to Ms. Zebuhr's email*
112 *and to her daughter's email. Mrs. Zebuhr will send a "test" to the secretary's email.*

113 **Other Business Not on Agenda:**

114 **Accept Zoning Regulation Amendments per Town Meeting 2019 vote.**

115 *The amended Zoning Regulation was emailed to the Board earlier in the day for review.*

116

117 **VOTE: Bob Rogers moved, Selectman Chamberlain seconded to approve the updated of**
118 **the Zoning Regulations 2019. Motion passed 4-0. Paul Best and Julie Zebuhr abstained.**
119 **It was decided to table the motion until the next meeting.**

120

121 *The secretary shall send the draft version to the Town for the website pending approval.*

122

123

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133

- 134 **Next Agenda:**
135 -Work Session for Subdivision Regulations
136 -Steven Farmer re: Lot line adjustment on Putnam Hill Road under For Information
137

138 The Board reviewed the map Mr. Farmer left at Town Hall and it was discussed that the
139 proposal would make a non-conforming lot. They would like to see a professional map.
140


141 Chairman Chrisenton mentioned that the handout tonight addressed this topic and read
142 from the State Subdivision Handbook: *"To Alleviate any confusion regarding the effects*
143 *of the Planning Board approval, it may be advisable for the Planning Board to indicate in*
144 *its Notice of Decision and/or as a note on the plan that approval by the Planning Board*
145 *in and of itself does not effectuate a change in lot line location. Such approval merely*
146 *constitutes recognition by the municipality that the line configurations, as proposed, are*
147 *in conformance with local land use regulations or are otherwise accepted as non-*
148 *conformances."*
149

150 Chairman Chrisenton stepped off the Board to mention that the notes on their lot line
151 adjustment Mylar may be in different positions when completed but the map will have
152 the same information.
153

154 **Adjournment:**

155 **VOTE: Bob Rogers moved, Paul Best seconded to adjourn at 8:04 p.m. Motion**
156 **passed 6-0.**
157

158 Respectfully Submitted,
159

160 
161
162

163 Kathleen Humphreys
164 Planning Board Secretary

Received
4-18-19

(KAP)

From Chair Tom Christon

To be reviewed at May 2019 Planning Board Meeting.

Lot Line Adjustments and Related Items:

From "The Planning Board in New Hampshire, A Handbook for Local Officials, December 2018"

Page V-9: "Minor lot line adjustments which do not create buildable lots do not require public hearings prior to approval", (supported by the Lyndeborough Planning Board Fee Schedule where the only fees are for Abutter Official Notification and Recording Fees.)

Page V-11: Exceptions to the Public Hearing Requirement: "State statutes do not require public hearing in the following situation:"

Second bullet, "The proposal is a boundary agreement or minor lot line adjustment that does not create buildable lots (RSA 676:4, I(e)(1))." (supported by the Lyndeborough Planning Board Fee Schedule where the only fees are for Abutter Official Notification and Recording Fees.)

Third bullet, "The proposal meets the requirements for the expedited review process for minor subdivisions under RSA 676:4, III and this process is allowed by local subdivision regulations."

Page V-17 & 18: "In context of a lot line adjustment, it is important to understand that the effect of the planning board approval is limited. Essentially, the approval acts as any other subdivision approval. It is recognition that the new lot line constitutes a use of the land that is consistent with local land use regulations and the overall land use plan of the municipality. The approval of the planning board does not create the new line. Lines dividing parcels of land do not move or disappear without a conveyance or a merger. In the case of a lot line adjustment, we typically see a lot line move to create more favorable dimensions for one or both lots. In order to complete this move, a conveyance must occur. The owners of the respective lots must transfer, by deed, parts of their respective parcels to each other (in some situations only one owner transfers to the other). The documents reflecting the conveyance should then be recorded in the registry of deeds along with the plan approved by the planning board. This portion of the lot line adjustment process is a private matter and the planning board need not be involved in the negotiation of the location of the line, the cost of the transaction, or other private terms of agreement. The limited job of the planning board is to review the configuration of the proposed new lots and lines to determine whether they are in conformance with subdivision regulations and any local zoning ordinance.

To alleviate any confusion regarding the effect of planning board approval, it may be advisable for a planning board to indicate in its notice of decision and/or as a note on the plan that approval by the planning board in and of itself does not effectuate a change in lot line location. Such approval merely constitutes recognition by the municipality that the lot configurations, as proposed, are in conformance with local land use regulations or are otherwise accepted with non-conformances."

NH RSA 676:18 Register of Deeds.-

"II. Notwithstanding the provisions of paragraph I, the register of deeds shall accept for recording a plat prepared and certified by a licensed land surveyor or by a former registered land surveyor if such plat bears a certificate by a licensed or registered land surveyor that

this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown. The recording of any such plat shall not relieve any owner from compliance with the provisions of this chapter.

III. The certificate by a licensed land surveyor shall be in the following form:

"I certify that this survey plat is not a subdivision pursuant to this title and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new ways are shown."

Date: _____

Licensed Land Surveyor
Seal"

NH RSA 676:4. Board's Procedures on Plats.

I(e)(1) Public hearings shall not be required, unless specified by the subdivision regulations, when the board is considering or acting upon:

(1) Minor lot line adjustments or boundary agreements which do not create buildable lots, except that notice to abutters and holders of conservation, preservation, or agricultural preservation restrictions shall be given prior to approval of the application in accordance with subparagraph (d) and any abutter or holder of conservation, preservation, or agricultural preservation restrictions may be heard on the application upon request;

IV. Jurisdiction of the courts to review procedural aspects of planning board decisions and actions shall be limited to consideration of compliance with applicable provisions of the constitution, statutes and regulations. The procedural requirements specified in this section are intended to provide fair and reasonable treatment for all parties and persons. The planning board's procedures shall not be subjected to strict scrutiny for technical compliance. Procedural defects shall result in the reversal of a planning board's actions by judicial action only when such defects create serious impairment of opportunity for notice and participation.

Town of Lyndeborough Subdivision Control Regulations

Section 200.00 Definitions:

Page 3: Lot Line Adjustment: The relocation of an existing boundary line that will not create a new buildable lot.

Page 4: Subdivision, Minor: The subdivision of land into three or fewer lots, with no potential for resubdivision, and requiring no new road, utilities or other municipal improvements (certain review procedures may be simplified for minor subdivision).

Section 320.08 Approval:

Page 7: Approval of the subdivision plat shall be by affirmative vote of the majority of the Board present at the meeting. The plat is certified by the signatures of the Board Chairman and Secretary and the date of approval on the plat. The Board will transmit the signed and

dated mylar copy of the plat to the Hillsborough County Register of Deeds (HCRD) along with the recording fees paid by the applicant. The approved plat will not be recorded until all fees have been paid by the applicant. The sale or transfer of land within the subdivision shall not take place until the approved plat is recorded at the HCRD.

Verified Mail:

HB 299 – relative to notice by mail for planning and zoning purposes

Chaptered Law 0059

This bill amends numerous statutes to require that the planning board and zoning board of adjustment give notice of certain hearings by “verified mail,” rather than by certified mail.

“Verified mail” is defined as “any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing.” This includes, but is not limited to, certified mail. Statutes amended to require verified mailing are: RSA 674:27, 674:66, 676:4, 676:4-a and 676:7.

Effective Date: August 1, 2017

Effective Date: November 20, 2014

LYNDEBOROUGH PLANNING BOARD

FEE SCHEDULE

Lot Line Adjustments:

Abutter Official Notification \$ 15.00 per abutter
Recording Fees actual cost

Subdivisions:

Application Fee \$75.00
Abutter Official Notification \$15.00 per abutter
Public Hearing Notification actual cost
Engineering Review (if required) actual cost
Consulting Fees (if required) actual cost
Conservation Land \$75 per Lot
Large Lot \$150 per Lot
Minor Subdivision (3 lots or less) \$250 per unit
Major Subdivision (4 lots or more) \$350 per unit
Recording Fees actual cost

Home Businesses:

Application Fee \$60.00
Abutter Notification \$15.00 per abutter
Public Hearing Notification actual cost

Non Residential Sites:

Application Fee \$75.00
Abutter Notification \$15.00 per abutter
Public Hearing Notification actual cost
Engineering Review (if required) actual cost
Consulting Fees (if required) actual cost
Site Plan review \$250 per acre (disturbed area)

Planned Residential Developments:

Application Fee \$75.00
Abutter Notification \$15.00 per abutter
Public Hearing Notification actual cost
Engineering Review (if required) actual cost
Consulting Fees (if required) actual cost
Dwelling Unit Fee \$350 per unit
Recording Fees actual cost

Excavation Site Plan Review

Application Fee \$75.00
Abutter Notification \$15.00 per abutter
Public Hearing Notification actual cost
Engineering Review (if required) actual cost
Consulting Fees (if required) actual cost

Supersedes: 11/4/2010

Please mail the completed form and required material to:

New Hampshire Division of Historical Resources
State Historic Preservation Office
Attention: Review & Compliance
19 Pillsbury Street, Concord, NH 03301-3570

RECEIVED

MAR 18 2019

DHR Use Only	
R&C #	10554
Log In Date	3, 18, 19
Response Date	4, 2, 19
Sent Date	4, 3, 19

Request for Project Review by the New Hampshire Division of Historical Resources

- This is a new submittal
 This is additional information relating to DHR Review & Compliance (R&C) #:

GENERAL PROJECT INFORMATION

Project Title Scataquog Brook Instream Wood Restoration Project

Project Location Scataquog Brook, Lyndeborough

City/Town Lyndeborough Tax Map 212 Lot # 2 and 4

NH State Plane - Feet Geographic Coordinates: Easting 964093 Northing 157517
(See RPR Instructions and R&C FAQs for guidance.)

Lead Federal Agency and Contact (if applicable)
(Agency providing funds, licenses, or permits)
Permit Type and Permit or Job Reference #

State Agency and Contact (if applicable) NHDES Wetlands Bureau; NH Fish and Game (partner)
Permit Type and Permit or Job Reference #

APPLICANT INFORMATION

Applicant Name Tom Jones, Piscataquog Land Conservancy

Mailing Address 5A Mill Street Phone Number 603-487-3331

City New Boston State NH Zip 03070 Email tjones@plcnh.org

CONTACT PERSON TO RECEIVE RESPONSE

Name/Company John Magee, NH Fish and Game Department

Mailing Address 11 Hazen Drive Phone Number 6032712744

City Concord State NH Zip 03301 Email john.magee@wildlife.nh.gov

This form is updated periodically. Please download the current form at www.nh.gov/nhdhr/review. Please refer to the Request for Project Review Instructions for direction on completing this form. Submit one copy of this project review form for each project for which review is requested. Include a self-addressed stamped envelope to expedite review response. Project submissions will not be accepted via facsimile or e-mail. This form is required. Review request form must be complete for review to begin. Incomplete forms will be sent back to the applicant without comment. Please be aware that this form may only initiate consultation. For some projects, additional information will be needed to complete the Section 106 review. All items and supporting documentation submitted with a review request, including photographs and publications, will be retained by the DHR as part of its review records. Items to be kept confidential should be clearly identified. For questions regarding the DHR review process and the DHR's role in it, please visit our website at: www.nh.gov/nhdhr/review or contact the R&C Specialist at christina.st.louis@nh.gov or 603.271.3558.

Project Boundaries and Description

- Attach the relevant portion of a 7.5' USGS Map (photocopied or computer-generated) *indicating the defined project boundary. (See RPR Instructions and R&C FAQs for guidance.)*
- Attach a detailed narrative description of the proposed project.
- Attach a site plan. The site plan should include the project boundaries and areas of proposed excavation.
- Attach photos of the project area (overview of project location and area adjacent to project location, and specific areas of proposed impacts and disturbances.) *(Informative photo captions are requested.)*
- A DHR file review must be conducted to identify properties within or adjacent to the project area. Provide file review results in **Table 1.** *(Blank table forms are available on the DHR website.)*
File review conducted on / / .

Architecture

Are there any buildings, structures (bridges, walls, culverts, etc.) objects, districts or landscapes within the project area? Yes No
If no, skip to Archaeology section. If yes, submit all of the following information:

Approximate age(s):

- Photographs of *each* resource or streetscape located within the project area, with captions, along with a mapped photo key. (Digital photographs are accepted. All photographs must be clear, crisp and focused.)
- If the project involves rehabilitation, demolition, additions, or alterations to existing buildings or structures, provide additional photographs showing detailed project work locations. (i.e. Detail photo of windows if window replacement is proposed.)

Archaeology

Does the proposed undertaking involve ground-disturbing activity? Yes No
If yes, submit all of the following information:

- Description of current and previous land use and disturbances.
- Available information concerning known or suspected archaeological resources within the project area (such as cellar holes, wells, foundations, dams, etc.)

Please note that for many projects an architectural and/or archaeological survey or other additional information may be needed to complete the Section 106 process.

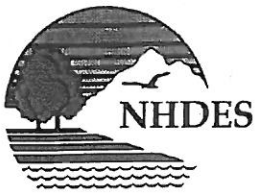
DHR Comment/Finding Recommendation *This Space for Division of Historical Resources Use Only*

- Insufficient information to initiate review. Additional information is needed in order to complete review.
- No Potential to cause Effects No Historic Properties Affected No Adverse Effect Adverse Effect

Comments: _____

If plans change or resources are discovered in the course of this project, you must contact the Division of Historical Resources as required by federal law and regulation.

Authorized Signature: Nicki Mulvaney, DS HPO Date: 4/2/19



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 8, 2019

Thomas Quinn, Jr.
Quinn Properties, LLC
PO Box 909, 30 Christian Road
Amherst, NH 03031

Amended Permit: WPS-6915A
Original permit issuance: September 9, 2004

Re: Wilton Quarry Site
Off Stoney Brook Drive
Tax Map B, Lots 9 & 10, Wilton, NH
Tax Maps 245 & 238, Lots 3-7 & 22, 23

Dear Applicant:

Based upon a recent request, we are hereby amending RSA 485-A:17 Alteration of Terrain Permit AoT-6915. **The amendment consists of a change in ownership from James Quinn to Thomas Quinn, Jr.** The amended permit number is AoT-6915A and is subject to the following conditions:

1. Water quality degradation shall not occur as a result of the project. No adverse drainage flow pattern to abutting properties is authorized by this permit. Stockpiles shall not block or impede drainage flow so as to create adverse drainage conditions to abutting properties or roads. Silt fence and/or other erosion controls shall be provided and maintained to protect all downstream areas and slopes.
2. Revised plans shall be submitted for permit amendment prior to any changes in construction details or sequences. The Department must be notified in writing within ten days of a change in ownership.
3. The Department must be notified in writing prior to the start of construction (notification form enclosed). The Department must also be notified in writing upon completion of construction work per the approved plans (notification form enclosed).
4. The approved plans and supporting documentation in the permit file are a part of this approval. This permit is not intended to cover past site disturbance at the site or violations, if any, that might have occurred at the site.
5. The Department must be informed in writing of the status of the project every two years and furnished with an updated plan of the project every six years from the issuance of this permit.

www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

6. Other permits from the local municipality, the State of New Hampshire and the Federal Government (US EPA and the US Army Corps of Engineers) may be required for this project. Projects disturbing over 1 acre require a Federal stormwater permit from EPA. Information regarding this permitting process can be obtained through the following internet web address: www.des.state.nh.us/StormWater/construction.htm
7. No activity shall occur in wetland areas until a Wetlands Permit is obtained from the Department. Issuance of this permit does not obligate the Department to approve a wetlands permit and/or other required permit(s) for this project.

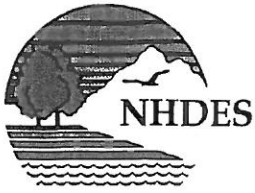
Sincerely,



Gloria S. Andrews, P.E.
Alteration of Terrain Bureau

cc: Lyndeborough Planning Board
Wilton Planning Board

ec: Richard Frasier (dfraser@onesourcepropertiesandpermitting.com)



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

March 8, 2019

Thomas Quinn, Jr.
Quinn Properties, LLC
PO Box 909, 30 Christian Road
Amherst, NH 03031

Re: WPS-6915A
5 Year Progress Plan
Original Permit Issuance: September 9, 2004
Off Stoney Brook Drive
Tax Map B, Lots 9 & 10, Wilton, NH
Tax Maps 245 & 238, Lots 3-7 & 22, 23, Lyndeborough

Dear Mr Quinn:

On September 5, 2018, the Department of Environmental Services (DES) received a 5-year Progress Plan, as required by a condition of the above referenced Alteration of Terrain permit. The Progress Plan, dated August 2018, included an update of the current on-site conditions. It is noted that the floor elevation of the pit has changed from the original plans. The original approved floor elevation was at El 550. The updated plans now show a bottom of pit elevation of El 350. The proposed quarry expansion is located within the area of the original excavation. Thank you for this submittal.

The next Progress Plan is due: **September 9, 2023**

If you have any questions or comments please, do not hesitate to contact me at (603) 271-3568 or gloria.andrews@des.nh.gov.

Sincerely,

Gloria S. Andrews, P.E.
Alteration of Terrain Bureau

cc: Wilton Planning Board
Lyndeborough Planning Board

ec: Richard Frasier (dfraser@onesourcepropertiesandpermitting.com)

