

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

3 **July 18, 2019**

4 *Draft 1*

5
6
7 **7:30 PM Call to Order & Roll Call**

8
9 **Member Present:** Chairman Tom Chrisenton, Vice Chair Paul Best, Larry Larouche,
10 Bob Rogers, Bret Mader and Selectmen’s Representative Mark Chamberlain

11 **Public present:** Leroy Hutchinson, Art Siciliano, Ginny Chrisenton and Building
12 Inspector/Code Enforcement Officer Leo Trudeau

13 **New Business:**

14 **Lot Consolidation: Map 232, Lot 23 and Map 232, Lot 24 on Forest Road**

15 Owner Leroy Hutchinson was present and reviewed his plan to consolidate his two
16 abutting lots. The new parcel shall be referred to as **Map 230, Lot 24.**

17 Mr. Hutchinson provided a check for \$16.55 written to HCRD. The check number is
18 1441 and dated July 18, 2019.

19 Moving forward, the document needs to be notarized then registered at the Hillsborough
20 County Registry of Deeds. Planning Board Designee Bob Rogers as well as Leroy
21 Hutchinson and his wife were instructed to see the notary at Citizens’ Hall on Monday
22 morning to finalize the paperwork.

23 *Post Meeting Notes: The document was recorded on July 22, 2019. Docket: 9030653.*
24 *Book and Page: 9190-1848.*

25 **Five Lot Subdivision – Pre-Application Meeting**
26 **Old Temple Road and Beasom Road subdivision**

27 Land Surveyor Art Siciliano presented a map and discussed the plan.

28 *Chairman Tom Chrisenton recused himself because he is an abutter. Bob Rogers will*
29 *take over as chairperson. The Town Office provided a thick file with the history on the*
30 *property and information on previous subdivision applications for this parcel that were*
31 *not approved. This is the former Dave Proctor land.*

32 The property is 27.71 acres total and sits in both Rural Lands I (RRI) and Rural Lands II
33 (RRII) zones. RRI has 250 feet of frontage and two acres of contiguous dry land. RII
34 has 500 feet of frontage and five acres of contiguous dry land.

35 The lots are labeled 12-1, 12-2, 12-3, and 12-4. It was noticed that lot 12-2 is less than
36 five-acres. The Board reviewed the lot size minimum.

37 According to the preliminary map presented tonight: Lot 12 would be 7.4 acres with over
38 500 feet of road frontage; 12-1 would be 5.01 acre with 258 feet of road frontage, lot 12-
39 2 would be 3.74 acre with 250 feet of road frontage, 12-3 would be 5.18 acres with 387
40 feet of road frontage, and lot 12-4 would be 6.37 acres with 536 feet of road frontage.

41 There was a discussion on the contiguous dry land and to indicate it on each lot. It is
42 noted there are wetlands and streams that go through this property. The Board
43 discussed the acres on various lots that sit in both RRI and RRII. The Board suggested
44 making a certain delineation line bold instead of having it shaded.

45 The Board inquired about the 4,000 square foot areas for a septic system and informed
46 Mr. Siciliano that the Town regulations require rectangle shape instead of an odd shape.
47 It was noticed that several of the 4,000 foot septic areas are not 100 feet away from the
48 wetlands.

49 **Add** the wetland delineation date to map.

50 There was a discussion about Lot 12-4 and the wetlands problems on that lot.

51 Soils: It was asked if the entire site is Monadnock Stoney Fine. There was a discussion
52 regarding the soils in the upper corner.

53 It is encouraged to have a shared driveway entrances, where feasible, to reduce the
54 number of driveway cuts. The Board made a reference that Lots 2 and Lots 3 have
55 driveways close together and to consider a shared driveway.

56 Lot 12-4 has wetlands in the well radius and there was a discussion if overlap is
57 allowed. The septic to well should be 100 feet.

58 **Add** a date to the magnetic bases of bearings.

59 **Change** road name to Old Temple Road. On this map it was listed as Temple Road.

60 Discussed the high intensity soil survey required for more than three plus lots for a
61 major subdivision to determine where the water flows go. There is a stream on the
62 property. There is a high HISS requirement for that.

63 Paul Best reviewed the regulations for **test pit checklist policy** sections 9 and 10

64 #10: The designated 4K area is required to be set back from all areas specified in
65 section 9 above as followed:

- 66 a. 75 feet if the designated 4K areas is entirely located in well-drained soil without a
67 restrictive layer and slopes of less than 8%
- 68 b. 100 feet if the designated 4K area is entirely or partially located in somewhat
69 poorly drained soils, moderately well drained excessively drained or soils with a
70 restrictive layer and a slope of great than 8% or great (less 4%)

71 **Add:** 100 foot septic setback and reference plans, HISS plan

72 **Show** the grades on the road to assist them when reviewing the driveways. Line of
73 sight may be required. It was discussed that paved roads are posted 30mph while
74 gravel roads are posted 25mph in Town.

75 Tom Chrisenton said that **adequate ground control** is vital and recommends adequate
76 ground control be laced for lot lines, leach fields, wetlands, intermittent streams and
77 perennial streams. All drainage has to be shown on the plat. When all this is identified
78 then the Town Agent can determine if it meets the standards. The controls allow people
79 to see the 4K area.

80 The sight specific will show all the wetlands. Then the Town's Soil Scientist goes out
81 and reviews it. Once all parties agree, the test pits can be schedule. This information
82 can be found in the *Town of Lyndeborough Test Pits and Policy*.

83 *403.00 "may require review of the town authority"*. There was debate if this is
84 discretionary.

85 Mr. Siciliano asked when he can do test pits. He was informed that test pits are
86 required to be scheduled at a regularly scheduled meeting. A Town Agent shall witness
87 the test pits.

88 The applicant can do test pits on their own but they will have to be redone under the
89 specifications listed above.

90 Planning Board members are encouraged to review the file that Dawn Griska compiled
91 with information from previous subdivisions applications on this parcel. The file can be
92 found in the Planning Board mailbox at Citizens' Hall.

93 In relation to threatened and endanger species, the applicant was asked to run a DHR
94 and NHB check.

95
96 **Need To Do:**

97 **Revised map**

98 **Soil scientist to report**

99 **Site analysis – ground control measures**

100 **Continue pre-application meeting on August 15, 2019**

101

102 *8:27p.m. Chairman Chrisenton returned to the Board and position of Chairperson.*

103 *Leo Trudeau said he would like to witness the test pits if that is allowed in his capacity*
104 *for the Town. He has experience as a former septic installer.*

105 **Request for Information:**

106 **Chris Brown, Map 232, Lot 38, Old Quartz Quarry**

107 Mr. Brown wanted to know if Map 232, Lot 38 was a buildable lot. He is considering
108 purchasing the 20-acre lot which is off Locus Lane and has an access easement
109 through the Town Barn past the sand piles.

110
111 The Board asked if it was recorded at the Hillsborough Country Registry of Deeds.
112
113 It was debated that the only thing a lot of record bypasses is setbacks and access.
114
115 This property is the old Quartz Quarry. Bob Rogers mentioned this is a historic site and
116 it would be good for the Town to own it.

117
118 It's in the record that any lot of record that meets setbacks and septic can be buildable.
119 The Board discussed the septic process and noted there are some concerns with the
120 process where septic plans are approved by the State but do not meet local regulations.
121 Mr. Trudeau discussed the zoning regulations language, "*No structure or associated*
122 *use in the setbacks.*" He feels strongly that a septic system is an associate use for a
123 dwelling.

124
125 If this is a non-conforming lot it may have to go before the Zoning Board of Adjustment.
126

127 **Detached Accessory Apartments Review**

128 Bob Rogers submitted proposed zoning changes for Detached Accessory Apartments
129 for the Board to review. What is in "bold" is the language change. (*See attached*)

130
131 It was discussed that accessory dwellings units require owner occupancy. There is
132 some concern from various Board members that this goes against the spirit of the
133 ordinance. Not everyone agreed with this proposal.

134
135 The Board asked where the oversight and policing comes from. Building
136 Inspector/Code Enforcement Officer Leo Trudeau said he looks at the State approved
137 septic system and the number of existing bedrooms when doing an inspection.

138
139 This topic will be on the August agenda for further discussion.
140

141 Bob Rogers brought up need to recodify the Accessory Dwelling Unit section in the
142 Town Ordinance and felt the changes voted at Town Meeting were put in the wrong
143 location because they were moved to the Special Exceptions section. The language in
144 the affirmative vote at town meeting gave the Planning Board authority to recodify as
145 they see fit. He proposed they should have a new section; 504 704 and 804.

146
147 **VOTE: Bob Rogers made a motion, Mark Chamberlain seconded to make the**
148 **necessary change to take Accessory Dwellings out of the Special Exception**
149 **sections and to give Accessory Dwellings its own section of 504, 704, and 804**
150 **and include it in RL3 in section 903 in the recodification. Motion passed 6-0.**

151 **Subdivision Regulation Workshop**

152 The Board agreed to continue the Subdivision Regulation Workshop until the next
153 meeting.
154
155

156 **Election of New Officers**
157 **Chairman**
158 **VOTE: Bob Rogers made a motion, Larry Larouche seconded to nominate Paul**
159 **Best as Chairman. Motion passed 6-0.**

160
161 **Vice Chairman**
162 **VOTE: Larry Larouche made a motion for Bob Rogers and Tom Chrisenton to be**
163 **Co-Vice Chairmen. Bret Mader seconded the motion. Motion passed 6-0.**
164

165 **Minutes:**
166 The June minutes will be tabled until the August meeting.

167 **Correspondence:**
168 Driveway Permits and Intent to Cuts – None
169 Mark Chamberlain requested that Administrative Assistant Griska send the documents
170 above to the Heritage Commission.

171 **Next Agenda:**
172 Continue with the five lot subdivision pre-application
173 Continue review of the subdivision regulations
174 Approve June and July minutes
175

176 **Adjournment:**
177 **VOTE: Bob Rogers moved, Mark Chamberlain seconded to adjourn at 9:15 p.m.**
178 **Motion passed 6-0.**
179

180 Respectfully Submitted,
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182
183
184

185 Kathleen Humphreys
186 Planning Board Secretary
187
188

PROPOSAL DRAFT

To see if the Town will vote to amend the Lyndeborough Zoning Ordinance pursuant to RSA 674:73 with the following:

Amend section 200.02 to read:

Accessory Dwelling Unit means a residential living unit that is within or attached to, **or detached from**, a single-family dwelling and that provides independent living facilities for one or more persons, including provisions for sleeping, eating, cooking, and sanitation on the same parcel of land as the principal dwelling unit it accompanies.

Amend section 503 d 2, section 703 b 2 and section 803 b 2 to read:

For an attached Accessory Dwelling Unit, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit, but shall not be required to remain unlocked.

Explanation: The present Accessory Dwelling Unit ordinance requires such units to be within or attached to the primary residence. This amendment, permitted by RSA 674:73, will allow an Accessory Dwelling Unit to be in a separate, free-standing building.