

**TOWN OF NEW BOSTON
NEW BOSTON PLANNING BOARD
Minutes of 2015**

May 12, 2015

1 The meeting was called to order a 6:30 p.m. by Planning Board Chairman Peter Hogan.
2 Present were regular members David Litwinovich and Ed Carroll, and ex-officio Joe Constance.
3 Also present were Planning Coordinator Nic Strong and Recording Clerk Valerie Diaz.
4

5 Present in the audience for all or part of the meeting were Bob Todd, LLS, Town
6 Administrator Peter Flynn, Bill and Cathy Morrissey, Katie and Chris Hall, John Ryan, Lou
7 Nixon, Selectman Christine Quirk, Wayne Daniels and Patricia and Dan Garrity.
8

9 **WAYNE B. DANIELS (OWNER)**

10 **THE DANIELS FAMILY REVOCABLE TRUST (OWNER)**

11 **TOWN OF NEW BOSTON (APPLICANT)**

12 Submission of Application/Public Hearing/ Minor Subdivision/Lot Line Adjustment

13 Location: Mill Street

14 Tax Map/Lot #19/23-1 & 19/28

15 Residential-Agricultural "R-A" District
16

17 Present in the audience were Bob Todd, LLS, Town Administrator Peter Flynn, Bill and
18 Cathy Morrissey, Katie and Chris Hall, John Ryan, Lou Nixon, Selectman Christine Quirk, and
19 Wayne Daniels.

20 The Chairman read the public hearing notice.

21 Peter Flynn introduced himself as the Town Administrator and noted that he was present
22 this evening to represent the Board of Selectmen. He stated that the Board of Selectmen had
23 made a decision to purchase a parcel of land located behind the Fire Station. He explained that
24 the parcel of land had an unusual lot line that extended across Mill Street into an adjacent lot
25 owned by Wayne Daniels. He indicated that the Board of Selectmen wanted a clean, square lot
26 behind the Fire Station and as such they were proposing a lot line adjustment. He advised that
27 Bob Todd, LLS, was present to answer any technical questions with regard to the proposed lot
28 line adjustment.

29 Peter Flynn commented that there were absolutely no plans for the use of the land right
30 now.

31 Bob Todd, LLS, identified the location of the property the Town was interested in
32 purchasing on the plan. He stated that the parcel was rectangular in shape and noted that the
33 property crossed Mill Street. He explained that the parcel pre-dated the roadway and noted that
34 Mill Street was a prescriptive highway.

35 Bob Todd, LLS, showed a map of the neighborhood to illustrate how the proposed lot
36 line adjustment would create a lot that would fit in the neighborhood. He pointed out that an
37 underground drainage pipe existed from under Lot #19/23-1 and discharged into the Piscataquog
38 River. He stated that he had never seen any water in the pipe.

39 Joe Constance asked if the parcel in question on the other side of Mill Street from the
40 remainder of Lot #19/23-1 was five-thousandths of an acre in size. Bob Todd, LLS, answered
41 yes and added that it was 204 square feet.

42 Bob Todd, LLS, indicated that the proposal would break the south easterly lot line of the
43 original lot in order to give the Town all of the road with the exception of Parcel A. He

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1 DANIELS, cont.

2
3 explained that the piece that would be broken off would be annexed to the Daniels' land, Lot
4 #19/28. He stated that the Daniels' land was quite extensive and showed the boundary plan for
5 the lot.

6 Bob Todd, LLS, advised that all of the bounds had been set and identified the bounds
7 locations on the plan.

8 Joe Constance asked about an area on the plan and whether it was described as average
9 edge of shoulder. Bob Todd, LLS, answered yes and pointed to the narrow strip of shoulder. He
10 stated that it was hard to guess an average width because the roadway width varied every 100'.

11 David Litwinovich asked if #19/23-1 was the only lot that encroached onto Mill Street.
12 Bob Todd, LLS, answered no and noted that the property owned by the Morrisseys also
13 encroached onto Mill Street. Bill Morrissey stated that all of the lots along the easterly portion
14 of the road extended over the road and, therefore, owned that part of the road. He continued that
15 Randy Parker's house as well as all the lots on the other side of Mill Street extended into the
16 road.

17 Patricia Garrity of 25 Mill Street asked if the soil for the parcel of land being sold to the
18 Town had been tested. Bob Todd, LLS, answered that the soil had not been tested.

19 Cathy Morrissey of 22 Mill Street noted that the Town Administrator had represented
20 that the Town did not have plan for the use of the property and asked if having a plan for the
21 property would influence the Board's decision relative to the lot line adjustment. The Chairman
22 answered that the use for the property would not have any influence on his decision. He
23 explained that the lot already existed and lines were just being "cleaned-up". He added that the
24 Board was not creating anything different than what currently existed and he did not believe
25 what was going there or may take place there was relevant to the lot line adjustment; the Board
26 agreed with the Chairman. The Chairman went on to say that his decision would be influenced
27 only if the proposal created a build-able lot.

28 Patricia Garrity asked for confirmation that the Town was planning on purchasing the
29 property. Peter Flynn confirmed that the Town was planning on purchasing the property.
30 Patricia Garrity asked why the Town was purchasing a piece of property for which they had no
31 plans. Peter Flynn answered that the Town was purchasing the piece of property as an
32 investment. He indicated that the piece of property being purchased could not support a building
33 and he further indicated that there were no plans for the creation of a parking lot. He noted that
34 at some point an updated septic system may be needed for the Fire Station building. Patricia
35 Garrity asked if the abutters would be noticed if any improvements were proposed for the
36 property. Peter Flynn believed that abutters would receive notice if there was an agenda item to
37 be discussed.

38 Bill Morrissey noted that discussion had taken place relative to the property being used as
39 a leach field and asked if consideration had been given to the fact that the property was located in
40 a floodplain. The Chairman pointed out that the only item before the Board for consideration
41 was a lot line adjustment. He stated that he was not going to speculate how the Town was going
42 to use the property. Peter Flynn stated that discussion regarding the leach field was casual and
43 he reiterated that the Town was purchasing the property as an investment.

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1 **DANIELS, cont.**

2
3 Bill Morrissey asked if the Town was in the habit of purchasing property based on
4 speculation. The Chairman advised that Mr. Morrissey could address his questions with the
5 Board of Selectmen.

6 Bill Morrissey asked if the Board of Selectmen were paying for the lot line adjustment.
7 The Chairman answered that the Board of Selectmen were expending taxpayer money to pay for
8 the purchase of the property as well as the lot line adjustment. Bill Morrissey asked for the cost
9 of the lot line adjustment. The Chairman stated that the cost of the lot line adjustment was not
10 relevant to the Board's decision and again advised Mr. Morrissey to address his questions to the
11 Board of Selectmen.

12 Dan Garrity of 25 Mill Street asked for the cost of the property being purchased by Town
13 and asked if the Town was paying for the property. The Chairman stated that Mr. Garrity's
14 questions were not relevant to the Planning Board.

15 Dan Garrity asked if the property being sold was considered a holding pond for torrential
16 rain or flood water. Wayne Daniels answered that had lived in New Boston his entire life and
17 had never seen water in there. Dan Garrity indicated that he observed about six to twelve inches
18 of water in there every spring.

19 Bill Morrissey asked if this hearing was only relative to the lot line adjustment. The
20 Chairman answered yes. Bill Morrissey asked for the Board's prerogative with regard to
21 approving a lot without a plan for future use of the property. The Chairman explained that the
22 plan before the Board showed a lot line adjustment. Bill Morrissey asked if the Board would
23 approve the lot line adjustment without any purpose being presented for the adjustment. The
24 Chairman answered yes. Bob Todd, LLS, pointed out that an advantage for the remaining
25 Daniels' land was that their frontage along Mill Street was increased.

26 Dan Garrity asked if the price of the property should be addressed with the Board of
27 Selectmen. The Chairman answered yes. Peter Flynn advised that the Board of Selectmen had
28 offered \$10K for the purchase of the property. He added that the lot line adjustment would cost
29 approximately \$2K-\$3K and would come out of the Board of Selectmen's operating budget. He
30 stated that a condition of the sale was that a buffer zone of natural growth be maintained as it
31 currently existed.

32 Dan Garrity asked if there was a restriction that no access to the property could be
33 constructed. Peter Flynn answered that one entrance was allowed in the conditions to the P&S
34 and it was to be one car width wide. He stated that there had never been a discussion about what
35 would be there.

36 Dan Garrity asked for the assessed value of the property. Peter Flynn believed that the
37 assessed value of the property was more than what the Town was going to be paying for the
38 property. Bill Morrissey believed that the assessed value was \$7,500.

39 Cathy Morrissey indicated that she had attempted to find the discussion about the
40 purchase of the property in the Board of Selectmen minutes; however, it appeared that all of the
41 discussions took place in non-public session. She asked if there were any discussions that could
42 be made available to the public. Peter Flynn answered yes and stated that a motion had been
43 made in public session to clarify the transaction. Cathy Morrissey asked why the discussions had

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1 **DANIELS, cont.**

2
3 taken place in non-public session. The Chairman asked Mrs. Morrissey to direct her questions to
4 the Board of Selectmen.

5 The Board agreed that a site walk was not necessary for this property.

6 Joe Constance asked for confirmation that the parcel being purchased by the Town was
7 not buildable. The Coordinator confirmed that the parcel being purchased was not buildable
8 according to the plan. The Chairman explained that if the Fire Department wanted to expand
9 their building they would be required to complete a lot line adjustment. He continued that
10 abutters would be noticed if a lot line adjustment was requested. Katie Hall of 29 Mill Street
11 asked if the abutters would have a say in what would be built on the property. The Chairman
12 answered that the abutters would not have a vote but would have their input considered.

13 Peter Flynn asked to clarify a previous statement regarding the assessed value of the
14 property. He agreed that the property had been assessed at \$7,500; however, the property had
15 been appraised at over \$10K.

16 Dan Garrity stated that the abutters were concerned that a parking lot would be built on
17 the purchased property. Peter Flynn stated that there were never any discussions about a specific
18 use other than purchasing as an investment for the Town.

19
20 Joe Constance **MOVED** to waive fees for the lot line adjustment for Wayne B. Daniels,
21 Owner, The Daniels Family Revocable Trust, Owner, Town of New Boston, Applicant,
22 Location: Mill Street, Tax Map/Lot #19/23-1 & 19/28, Residential-Agricultural "R-A"
23 District. David Litwinovich seconded the motion and it **PASSED** unanimously.

24
25 Dan Garrity stated that he had heard from Todd Land Use Consultants employees that
26 "the Town needed a parking lot". Joe Constance advised that if there was a proposed change in
27 use for the property there would be a process with abutters noticed.

28
29 Joe Constance **MOVED** to accept the application as complete for Wayne B. Daniels,
30 Owner, The Daniels Family Revocable Trust, Owner, Town of New Boston, Applicant,
31 Location: Mill Street, Tax Map/Lot #19/23-1 & 19/28, Residential-Agricultural "R-A"
32 District. David Litwinovich seconded the motion and it **PASSED** unanimously.

33
34 David Litwinovich **MOVED** to grant the waivers for the lot line adjustment for Wayne
35 B. Daniels, Owner, The Daniels Family Revocable Trust, Owner, Town of New Boston,
36 Applicant, Location: Mill Street, Tax Map/Lot #19/23-1 & 19/28, Residential-
37 Agricultural "R-A" District, requested in Bob Todd's memo of April 22, 2015. Joe
38 Constance seconded the motion and it **PASSED** unanimously.

39
40 The Coordinator advised that the abutters' list that had been submitted did not include the
41 Piscataquog Land Conservancy that had been listed on the plan. She indicated that a letter had
42 been mailed to the Piscataquog Land Conservancy on May 5, 2015, that explained that they had
43 been inadvertently missed from the original hearing notice mailing and asked if they had any

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DANIELS, cont.

objects to the hearing taking place on May 12th. She noted that she had not heard back and explained that the Board could choose to adjourn the decision until the next meeting or make receipt of their response a condition to approval.

Joe Constance **MOVED** to approve the Minor Subdivision/Lot Line Adjustment Plan for Wayne B. Daniels and the Ella J. Daniels and Leon R. Daniels Revocable Trusts, for Tax Map/Lot #19/23-1 and 19/28, Mill Street, such that Parcel A of 0.005 acres is annexed from Tax Map/Lot #19/23-1 to 19/28, resulting in the following acreages: Tax Map/Lot #19/23-1; 0.310 acres; and Tax Map/Lot #19/28; 7.9 acres +/- plus 0.005 acres, subject to:

CONDITIONS PRECEDENT:

1. Submission of a minimum of four (4) blue/blackline copies of the revised plat, including all checklist corrections and any corrections as noted at this hearing;
2. Submission of the mylar for recording at the HCRD;
3. Payment of any outstanding fees related to the subdivision application and/or the recording of documents with the HCRD (if necessary).
4. Upon completion of the conditions precedent, the final plans and mylar shall be signed by the Board and forwarded for recording at the HCRD.
5. Final approval pending hearing from the abutter who was not notified.

The deadline date for compliance with the conditions precedent shall be **June 12, 2015**, confirmation of which shall be an administrative act, not requiring further action by the Board. Should compliance not be confirmed by the deadline date and a written request for extension is not submitted by that date, the applicant is hereby put on notice that that the Planning Board may convene a hearing under RSA 676:4-a to revoke the approval. The applicants are further put on notice that this lot line adjustment approval constitutes recognition that the lot configurations are in conformance with local land use regulations. To complete the lot line adjustment, deeds must be transferred.

David Litwinovich seconded the motion and it **PASSED** unanimously.

Continued discussion, re: Master Plan Survey 2015 Results

David Litwinovich stated that the first step the Board had decided to take in the update of the Master Plan was to compare the 2015 survey results to the 2005 survey results. He noted that Ed Carroll had suggested the following step to be a review of the current goals. He indicated that some of the goals had been accomplished, some were being worked on and some that could be removed.

Joe Constance asked if there was a committee or a body that kept up with whether or not objectives had been attained. The Coordinator explained that a formal committee had not been created to track completed objectives.

Joe Constance stated that there was a lot of repetition across the listed goals. He

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1 MASTER PLAN, cont.

2
3 suggested that specific goals only be listed once.

4 Christine Quirk asked for a copy of the survey results; the Chairman provide Ms. Quirk
5 with a copy of the survey results.

6 David Litwinovich commented that the survey results from 2005 were very similar to the
7 2015 survey results. He noted that the only difference from 2005 was that 73% of the people felt
8 that the Town was developing too quickly. The Chairman stated that the Town had been
9 growing pretty quickly in 2005. David Litwinovich noted that the number had dropped to 39%
10 on the recent survey.

11 David Litwinovich stated that survey participants had been supportive of back lots. The
12 Chairman acknowledged that everyone wanted their privacy.

13 Ed Carroll requested that a Board member who attend the recent Master Plan session at
14 the OEP Planning Conference provide a brief summary of the conference. David Litwinovich
15 stated that the vast majority of people who had attend the session were planning board members
16 and about one quarter of the members had never seen their town's master plan. He continued
17 that the presenter had emphasized that the master plan was the point of reference that a planning
18 board should use when planning for their town. Ed Carroll noted that a master plan was not a
19 binding document on the Town. The Chairman agreed with Ed Carroll. Ed Carroll suggested
20 that the fact that it was not a binding document should be noted in the introductory paragraph.
21 The Chairman believed that the point was noted in the introductory paragraph.

22 Joe Constance commented that the vision statement was a pretty good framework. He
23 believed that the Commercial Development and Industrial Development goals could be
24 combined. The Chairman noted that they were two separate districts and that there was only one
25 Industrial lot in Town. David Litwinovich did not believe that the goals should be removed.

26 Joe Constance referenced the first agricultural protection objective and questioned if it
27 needed to be stated in the Master Plan as it was required by law. The Chairman agreed that it
28 was a statement of law and did not believe it needed to be in the Master Plan.

29 The Chairman indicated that he liked [2] because it allowed the Board to go beyond the
30 law and really encourage agricultural protection. The Board agreed to strike [1] and make [2],
31 [1].

32 Joe Constance asked if the pdf version of the Master Plan located on the Town website
33 enabled editing. The Coordinator answered no but noted that she had a word document that she
34 could update with the changes or forward to Mr. Constance to make the changes. Joe Constance
35 stated that he was good with the Coordinator making the changes to the document. The
36 Coordinator stated that she would provide an updated draft at the next meeting.

37 Ed Carroll stated that he wanted to take the nineteen pages of goals and objectives and
38 streamline it to one page. He also wanted to create a statement that mentioned goals that would
39 be achieved through volunteer participation by way of members, residents, or groups within the
40 Town. David Litwinovich suggested an article be submitted to the New Boston Bulletin that
41 highlighted achieving Master Plan goals through volunteering rather than spending tax dollars.
42 Ed Carroll believed that it should be noted in the Master Pan. The Chairman asked Ed Carroll to
43 provided wording at the next meeting with regarding to volunteering.

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1 MASTER PLAN, cont.

2
3 Joe Constance asked if there were any goals, currently listed, that could be dropped from
4 the Master Plan. The Board agreed to remove the "Smart Growth Goals" from the Master Plan.
5 The Coordinator pointed out that the section could be removed as it was addressed throughout
6 the Master Plan in other sections.

7 The Coordinator pointed out that the current vision statement in the Master Plan was one
8 of the "Plan" and not of the Town or community. Ed Carroll asked if the vision should be
9 reworded or dropped. The Coordinator believed that the statement could be left if the Board felt
10 that it was what they wanted the plan to do; however, she thought they could consider something
11 else if they wanted a vision statement. She provided the Board with a draft vision statement that
12 she had created based on the 2015 survey results. The Chairman stated that the vision statement
13 provided by the Coordinator stated the vision for the Town and how it would be accomplished.
14 Joe Constance commented that the draft vision statement was good and gave the Board
15 something to work with. The Chairman stated that the draft vision statement was outstanding.

16 Ed Carroll suggested that each goal should have three objectives. Joe Constance believed
17 that the Board should go through each goal to see what could be dropped instead of coming up
18 with an arbitrary number.

19 The Coordinator asked if the Board wanted her to advise which goals and/or objectives
20 she thought could be removed from the Master Plan because they had been accomplished or for
21 some other reason. The Chairman answered yes.

22 The Coordinator referred to land use goals and suggested that land use objective #1 be
23 removed as there was an existing ordinance that could be reviewed.

24 The Coordinator referred to land use goals and suggested that land use objective #2 be
25 removed as the Town had an Open Space Regulation that could be reviewed.

26 The Coordinator asked the Board who would maintain the wildlife corridors as specified
27 in #3.

28 The Coordinator indicated that objective #4 made sense as the Town had the General
29 John Stark Scenic Byway.

30 Joe Constance referred back to objective #3 and suggested that the language "to
31 maintain" be removed from the section. The Chairman suggested that the objective only state
32 the language "to encourage wildlife corridors". David Litwinovich asked who would encourage
33 the wild life corridors. The Chairman answered that the Planning Board encouraged it through
34 planning.

35 The Coordinator indicated that objective #6 could be removed as the Town had an Open
36 Space Ordinance.

37 The Coordinator stated that objective #8 could be removed because the Earth Removal
38 Regulations had been updated.

39 The Coordinator stated that objective #1 under the Commercial Development Goals
40 could be removed and noted that a set of design standards existed.

41 The Coordinator referred to the town center goal and believed it was a little fluffy. The
42 Board agreed to drop the second sentence of the goal.

43 The Coordinator noted that objective #2 of the Housing Goals had been completed and,

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1 **MASTER PLAN, cont.**

2
3 therefore, could be removed. She further noted that objective #3 be removed under the same
4 section as the Open Space Development ordinance addressed that item.

5 The Coordinator believed that the area agreement could be removed from the Education
6 Objectives as it had been completed. She also believed that the feasibility of a middle school and
7 high school had also been addressed and completed. Joe Constance agreed.

8 The Coordinator referred to the Conservation and Natural Resources objectives and
9 suggested the removal of #9 as the survey results were not in favor of a noise ordinance.

10 The Coordinator referenced the Earth Products Usage Goal and believed that objective
11 #'s 1-5 could be removed because those regulations had been updated.

12 Joe Constance asked if an updated draft of the goals and objectives would be provided to
13 the Board with the suggested changes. The Coordinator answered yes and asked if the Board
14 wanted the items to be removed completely from the document or shown as a revision document
15 with the changes crossed out. Joe Constance answered that he would like the items suggested for
16 removal completely removed. The Board agreed.

17
18 **MISCELLANEOUS BUSINESS AND CORRESPONDENCE FOR THE MEETING OF**
19 **MAY 12, 2015.**

- 20
21 1. Approval of the April 14, 2015, meeting minutes, with or without changes. (distributed
22 by email)

23
24 Joe Constance **MOVED** to approve the April 14, 2015, meeting minutes as written.
25 David Litwinovich seconded the motion and it **PASSED** unanimously.

- 26
27 2. Distribution of the April 28, 2015, meeting minutes, for review and approval at the May
28 26, 2015, meeting. (distributed by email)

29
30 The Chairman acknowledged receipt of the above-referenced matter; no discussion
31 occurred.

- 32
33 3. Copy of David Litwinovich's draft of the Master Plan Article for the Board's review and
34 discussion.

35
36 Joe Constance commented that the article was very good. David Litwinovich thanked the
37 Planning Coordinator for her assistance in making the article more readable.

- 38
39 4. Memorandum copy with attachment from Nic Strong, Planning Coordinator, re:
40 2015/2016 Master Plan Update, for the Board's information.

41
42 The Chairman acknowledged receipt of the above-referenced matter; no discussion
43 occurred.

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MISCELLANEOUS BUSINESS, cont.

5a. Copy of Amendment to SB 146, for the Board's information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

5b. Memorandum dated May 5, 2015, from Nic Strong, Planning Coordinator, to Senator Sanborn, re: SB 146/HB 102, Accessory Dwelling Units, for the Board's information.

The Chairman asked if Senator Sanborn had acknowledged receipt of the above-referenced memorandum. The Coordinator answered that Senator Sanborn had not acknowledged receipt.

6. Letter received May 7, 2015, from Richard Perusse, Town of New Boston, Road Agent, to Planning Board, re: Twin Bridges Estates, Phase II, final coat of pavement, for the Board's information.

David Litwinovich asked if it was the Road Agent's opinion that the final coat of pavement be placed on the road this year. The Coordinator answered yes.

David Litwinovich stated that he liked the Road Agent's response that directed the owner to complete the final coat of pavement in 2015 as well as repair any damages that may occur.

The Chairman asked if the curbing would be fixed at the time the final coat of pavement was put down. The Coordinator answered that any required repairs would need to be completed.

The Chairman stated that a one-ton truck had caused damage to the curbing this past winter and that he believed a plow truck with a wing would peel the curbing off the roadway and throw it into the woods. He commented that it was a terrible design and it needed to be fixed before the Town accepted the road. He added that this issue should be forwarded to the Board of Selectmen. He went on to explain that a decision had been made in the field to change the design and the design had not been run by the Board. He continued that in an effort to control water in a specific area on the road cape cod berms were being used. He explained that cape cod berms were asphalt and in his opinion "garbage" that would not stand a chance anywhere snow was plowed. He advised that significant portions of the asphalt had been ripped off the berms as a result of a one-truck plowing the roadway.

The Chairman asked if the Planning Department had heard back from anyone with regard to an inspection of the poorly designed cape cod berm. The Coordinator answered that she had not heard back from anyone with regard to an inspection, however, she reported that she had spoken with the Road Agent and he had not been concerned with the area. Joe Constance added that it was also his understanding that the Road Agent was not concerned with the berm.

David Litwinovich asked if the Board would address concerns with the cape cod berm with the Road Agent and Town Engineer. The Coordinator answered that the Road Agent and Selectmen should be aware of the curbing issue because it posed long term maintenance issues.

The Chairman stated that he did not understand why the Road Agent did not have an

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MISCELLANEOUS BUSINESS, cont.

issue with the cape cod berm. The Coordinator suggested that the Chairman contact the Road Agent to discuss the matter.

Joe Constance indicated that he had viewed the damaged cape cod berm following the last discussion of this matter. He continued that he had discussed the berm with the Road Agent and felt that the Road Agent believed the berm would work long term. He stated that he would specifically address the matter with the Road Agent again.

The Coordinator referred to a question the Chairman had raised with regard to a culvert on Wright Drive. She explained that the culvert was designed as a natural bottom culvert. The Chairman believed that the issues he had raised with a culvert were relative to a different culvert than the one being addressed by the Coordinator. He agreed that the box culvert with the natural bottom was designed and installed correctly, however, he did not believe that the next culvert down was correct. He explained that the inlet of the culvert was at ground level and that the outlet was halfway in the ground. The Coordinator noted that inspection of the culverts would be part of the Town Engineer's final punch list.

7. Letter copy with picture attachments dated May 7, 2015, from Kevin Leonard, P.E., Northpoint Engineering, LLC, to Tris Gordon & Bob Huettner, Twin Bridge Land Management, LLC, re; Site Stabilization, for the Board's review and discussion.

The Coordinator advised that the Town Engineer had been sending letters frequently with regard to issues for the above-referenced subdivision without any response. She asked if the Planning Board wanted to send a letter that stated there was an expectation that the issues raised by the Town Engineer be addressed. The Board agreed that a letter be sent and that a response be sent within seven days. Joe Constance asked that page 3 of the above-referenced letter be highlighted in the letter from the Board.

8. Selection of information from OEP Conference for the Board's information.

The Chairman acknowledged receipt of the above-referenced matter; no discussion occurred.

9. Email received May 7, 2015, from Kevin Leonard, P.E., Northpoint Engineering, LLC, re: Indian Falls & Susan Road Connection update, for the Board's information.

The Chairman asked if there was any movement at the above-referenced subdivision. The Coordinator answered no. The Chairman asked if there was any indication that there would be movement soon. The Coordinator answered no.

10. Letter copy from Town Counsel Leslie Nixon, Esq., to Kevin D'Amelio, Byam Road, for the Board's information.

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1 **MISCELLANEOUS BUSINESS, cont.**
2

3 The Coordinator explained that a pool and deck was built at a property on Byam Road
4 that overlapped the property line. An agreement had been reached with the Building
5 Inspector/Code Enforcement Officer (BI/CEO) that the issue would be resolved within a certain
6 period of time, either by a lot line adjustment or by the owner purchasing the neighboring lot.
7 The Coordinator continued that the property owner had a purchase and sales agreement for the
8 property that abutted his property and that the closing date was June 30, 2015. The idea was that
9 the property owner would be doing a voluntary notice of merger to make the two lots into one
10 and effectively eliminate the issue with the pool and deck being on the wrong lot. The Planning
11 Board's meeting at which this could be accomplished was after the deadline placed by the
12 BI/CEO but the letter copy before the Board from Town Counsel Leslie Nixon, Esq., was stating
13 that as long as the property owner met the requirements for the Planning Board's meeting in July
14 the Town would not assess a fine for missing the BI/CEO's deadline.
15

- 16 11. Driveway Permit Application for Tax Map/Lot #2/112-2-1, LaChance Subdivision,
17 Middle Branch Road.
18

19 The Coordinator advised that a driveway for the property at Tax Map/Lot #2/112-2-1,
20 Middle Branch Road had been installed in the wrong location. She explained that the applicant
21 had submitted a new driveway permit and that it had been approved by the Road Agent.

22 The Chairman commented that he did not have a problem with the proposed permit; the
23 Chairman signed the driveway permit.
24

- 25 12. Michael Tremblay, Parker Road
26

27 The Coordinator advised that she had been contacted by a contractor who had previously
28 worked for Mike Tremblay. She continued that the contractor had stated that he had personal
29 cordwood at the Parker Road property and he wanted to know if he could go onsite and cut his
30 wood.

31 The Coordinator explained that she had told the contractor that she did not have the
32 authority to give him permission to cut wood at the property and that he needed to speak with the
33 Board. She noted that the contractor had stated that he would be at this meeting but he was not
34 present.
35

36 Joe Constance **MOVED** to adjourn at 8:06 p.m. Ed Carroll seconded the motion and it
37 **PASSED** unanimously.
38

39
40 Respectfully submitted,
41 Valerie Diaz, Recording Clerk

Minutes Approved:
06/09/2015