

Planning Board

June 20, 2006

Members Present: Bill Weiler (Vice-Chair), Ron Williams, David Thayer, Al Bachelder, Ken McWilliams (Consultant) and Lacy Cluff (Alternate).

Mr. Weiler called the meeting to order at 7:15 p.m.

Administrative Business

Minutes

The Board reviewed the minutes from May 16, 2006 and made corrections. A motion was made to approve the minutes as corrected. It was seconded. All were in favor.

Mr. Weiler asked that Board members sign up for the Planning Board booth. The members signed up as follows:

Barbara Freeman 10-11
Ron Williams 11-12 Al
Bachelder 12-1
Dave Thayer 1-2

Case: Adm1-039: ZBA Conceptual Hearings

Mrs. Cluff asked Mr. McWilliams if the ZBA could legally have conceptual hearings. That the question came before them at last night's meeting.

Mr. McWilliams said that they could not because the ZBA was more of a quasi-judicial Board. They said that applicants can only get procedural direction from the Chair, but cannot have informal meetings with public.

Conceptual Hearing: Debra Fuchs – Lot Line Adjustment/Annexation. Case: 2004-009: Conceptual – Debra Fuchs – Lot Line Adjustment/Annexation

Mrs. Fuchs said that she purchased three lots of land in 1998. One small portion had been given back from the State after being taken by eminent domain. This small piece of land was combined with one of the lots, so she had two separate lots of record. This is how her property appeared on the tax maps. She always only received one tax bill, but thought that the town had just combined the lots on the bill. She was looking to do a lot line adjustment to make one of the lots more conforming, but Dennis Pavlicek told her that the lots had been combined. She said that her deed describes three separate lots of land and she never combined them.

Mr. Weiler asked Mr. McWilliams if the Board followed what the deed said.

Mr. McWilliams said yes, unless they had been taxed as one for a long period of time.

Mr. Weiler said that the State did a re-evaluation back in 1994 and combined a lot of lots if they had the same owner.

Mr. McWilliams asked if they showed as two separate lots up until 1994.

Mr. Weiler said yes.

Mrs. Fuchs said that her tax bill always said combined up until 2003.

Ken McWilliams asked if the Planning Board merged the lots.

Mrs. Fuchs said no and her deed described three separate lots of land.

With this information, the Board established that she in fact did have two separate lots.

Mrs. Fuchs said that she would like two separate buildable lots. She said that she would like to do a lot line adjustment so that one lot would be 2.02 acres and the other would be 0.56 acres.

Mr. Weiler said that she was adjusting the lot line in order to give one of the lots some lake frontage without decreasing the other below two acres.

Mr. McWilliams said that she was only giving the lot 166.74 feet of lake frontage and the regulations required that the lot have at least 200 feet.

Mr. Weiler commented that this measurement had been taken by a tie line.

Mr. McWilliams said that according to the zoning ordinance, the shore front is measured by taking the average between a tie line and the actual. He said that if her surveyor were to measure it according to the zoning regulations, she may meet the requirements. If she did not, it appeared that she had plenty of shore frontage so she could just adjust the proposed line. He told her that she also needed to make sure that she kept 200 feet of road frontage as well.

Mr. Weiler told Mrs. Fuchs to have her surveyor look at that definition of shore frontage in the zoning regulations and re-do the lot line. She would then apply for an

annexation/lot line adjustment. He told her that she could get the application from Patricia MacDonald, Land Use Board Coordinator.

Case: 2003-011: Final Review – Pickman and Sons Development – Major Subdivision – Gillingham Drive and Old Sutton Road – Map 052 Lot 607-064.

Notice is hereby given that the Newbury Planning Board will received submission of an application from Pickman and Sons Development, LLC for a Final Hearing for a Major Subdivision off Gillingham Drive and Old Sutton Road, Tax Map 052 Lot# 607-064 on Tuesday, December 20, 2005 at 7:30 p.m. in the Town Office Building at 937 Route 103 in Newbury, N.H. If the application is accepted as complete, a public hearing will commence on the accepted application.

Copies of the plans are available for public review at the Town Office Building during regular business hours.

Mr. Williams read the above public notice and announced that the applicant had requested a continuation because they were unable to submit the new information prior to the meeting.

Mr. Bachelder made a motion to continue to Tuesday, July 18, 2006 at 8:00 p.m. Mr. Thayer seconded it. All were in favor.

Case: 2006-009: Conceptual – Maureen Clement – Park 10 Right-of-Way/paper road – Map 020 Lot 048-380.

Ms. Clement showed the location of her lot (020-043-3 80) on the tax map. She explained that she wanted to build on it, but needed to know how to access it. There was currently only a paper road. She said that she spoke to an attorney who said that right-of-ways did not just disappear.

Mr. Weiler said that she must have frontage on a Class V road or a road built to town standards.

Ms. Clement asked if she could just have the road built to those standards.

Mr. Weiler said that she could.

Mr. Williams asked if she could fit a well and septic on the property.

Ms. Clement said that she could because she only needed to have them 75' away from each other.

Ms. Clement said that she was not sure, but it was under an acre.

Mr. Williams said that she needed to make sure that her well was at least 75' from the road to protect it from salt contamination.

Ms. Clement said that she could do that and showed him where on the map that she was proposing to put it.

Mr. Weiler recommended that she review Section 13, Standard for Street Design, of the subdivision regulations. He also recommended that she contact Cal Prussman, Road Agent. He said that Mr. Prussman could give her ideas on how she could meet the standards for the lowest cost.

Mr. McWilliams said that she was going to need Mr. Prussman's approval anyway in order to build it. He also said that she may want to do a little research on exactly where the road was located because it was unclear.

A motion was made to adjourn. It was seconded. All were in favor. Meeting adjourned at 8:20 p.m.

Respectfully Submitted,
Lacy L. Cluff
Recording Secretary