

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MEETING MINUTES
May 20, 2010**

MEMBERS PRESENT: Chairman Bob Rogers, Bill Ball, Mike Decubellis, Tom Chrisenton, Selectmen's Representative Arnie Byam and Alternates Larry Larouche and Julie Zebuhr

B. Rogers began the meeting at 7:30 p.m.

INFORMATION:

Allan C. Morrison; Center Road; Tax Map 247 Lots 005 and 006; RL I

Present: Rob Degan of Monadnock Survey Co., Inc.

Rob Degan, representing Allan Morrison, presented a site plan which depicted the proposed lot line adjustment between Lots 247-005 and 247-006. These land parcels are located on Center Road near Perham Corner Road. The two properties total 15 acres. It was Mr. Morrison's intention to increase the size of Lot 247-006 (an existing house lot) from .28 acres to 2.101 acres by reconfiguring the lot line of Lot 247-005; therefore its size from 14.8 acres to 13 acres. He said that the road frontage and the setbacks were still non-conforming; but this change would make the lot more conforming.

M. Decubellis asked if there were any deed restrictions or easements on either parcel. Mr. Degan replied that there's an existing 12 ft. wide right of way on Lot 247-005 as stated in Note #3 on the site plan. This right of way benefits Lot 247-006 and allows access around the back of the structures located on the property.

After reviewing the plan and not having any other questions or comments, B. Rogers and the Board gave their approval and the site plans were signed.

OLD BUSINESS:

(1) Update on Granite State Concrete, Inc. and Holt Bros. site visits

B. Rogers told the Board that he along with J. Zebuhr, B. Ball and T. Chrisenton visited the Granite State Concrete and Holt Bros. excavation sites on May 12th. He said that there hasn't been any activity for the past year at Granite State; therefore no change.

B. Rogers informed the Board that Steve Trombly has been actively removing gravel material from the Holt Bros. location on Center Road. He said that this activity is barely visible from the road and no problems with the operation were cited.

(2) Building Code regulations.....driveway permit requirements

T. Chrisenton said that he had reviewed the zoning regulations on driveways and read the following from Section 405.00 under General Provisions:

“All driveway entrances shall be constructed in conformance with the Town of Lyndeborough Street and Road Standards or the NH Department of Transportation regulations for any State maintained roads. Driveway entrances shall be consistent with the adjacent public road.”

B. Rogers said that he recently sent a letter to the Local Government Center (LGC) concerning whether or not the Planning Board has jurisdiction over new and existing driveway on Class V roads, but as of this meeting, he had not received an answer.

T. Chrisenton said that the above mentioned regulation states that driveways must conform to the Town’s street and road standards.

M. Decubellis added that the State standards (RSA 236.13 VI) specifically say that the Planning Board maintains jurisdiction over slope, run-off, etc. for existing roads.

Arnie Byam, referring to the Mountain Road driveway permit discussed at the May 6th meeting, noted that the driveway entrance has a steep rise off Mountain Road. He did acknowledge that, presently, the access is temporary and the construction has not been completed; but it is a concern and the final grade should be discussed with the road agent.

The Board also suggested a conversation with the road agent to see if he is up to date with the Street and Road Standards.

Going back to the regulations, M. Decubellis said that he would be very interested in hearing the comments from the LGC; but he also felt that the Planning Board has authority over existing driveways according to the RSA statute and the town’s zoning regulations. T. Chrisenton reminded the Board that the Selectmen have the enforcement responsibility. A. Byam ended the discussion by saying that the road agent is given the responsibility of issuing driveway permits by the Selectmen; therefore he should be aware of the regulations so that he can advise the home owner or contractor on how to proceed.

Work Force Housing

B. Rogers told the Board that town counsel Dwight Sowerby would be present for the June 3rd work session to discuss Work Force Housing.

Clerk P. Ball gave T. Chrisenton a copy of the February 5, 2009 minutes regarding a proposed warrant article for the adoption of RSA 674:59 which he requested at the May 6th work session.

T. Chrisenton read the following from those minutes:

“T. Chrisenton addressed Work Force Housing and said that there’s a bill before the legislature to study this issue further because presently the language is too vague and open to interpretation. He explained that the Board had proposed a warrant article for an ordinance which would provide for multifamily housing. He read the following proposed language: *“Multi-family housing consisting of up to and including 5 dwelling units shall be allowed in the Village District under the following conditions:*

T. Chrisenton did not read the (3) proposed conditions but read the following caveat to be included in the warrant article:

“This section shall not be applicable until the Planning Board determines that the requirements of 674:59 are not met.”

Referring to Fair Share criteria, T. Chrisenton said that based on the NRPC preliminary numbers found in the Regional Housing Needs Assessment: Table 4 (Owner Households At/Below Income Thresholds in 2000 by Municipality), it shows that Lyndeborough is at 50.1% and the Regional average is 42.9%. On Table 5 (Renter Households) of the same report, it shows that Lyndeborough is at 47.8% and the Regional average is 45.5%; therefore, Lyndeborough meets the Fair Share requirement. Looking at this data, T. Chrisenton felt that the town will be covered without the above mentioned proposed warrant article. Since this new law will not take effect until July 1st, the Board will still have time to research and discuss this issue.

M. Decubellis made a motion to vote that the town meets its fair share housing based on Table 4 and 5 of the 2009-2015 Regional Housing Needs Assessment for the Nashua Region.....Draft: November 12, 2008. B. Mader seconded the motion and the vote in favor of this motion was unanimous.

T. Chrisenton asked for additional copies of the minutes to be made for the June 3rd meeting.

B. Ball, referring to an article in the Monadnock Ledger concerning a Work Force Housing ordinance in the Town of Sharon, read the following excerpt: **“If the town does not allow for workforce housing or provide reasonable workforce housing regulations, the town is exposed to lawsuits from developers. If the court finds in favor of the developer, that developer could receive a “builder’s remedy” from the**

court which would allow the developer to build anything regardless of town regulations. That is what makes adopting the ordinance so important to the town.”

B. Ball said that Sharon adopted an ordinance that confines work force housing to certain areas of the town. He voiced his concern about the uncertainty of whether the town of Lyndeborough meets the requirements and thought that a meeting with town counsel to discuss this issue was a good idea.

T. Chrisenton countered that the best available data was reviewed.

Since Lyndeborough is so similar to neighboring towns in the Southwest Regional Planning Commission, Arnie Byam wondered how their data would compare to data compiled for the towns in the Nashua Regional Planning Commission.

M. Decubellis thought that Lyndeborough’s regulations would fare better because of accessory apartments. B. Rogers added that the regulations also allow mobile homes. The Board agreed that there isn’t any industry in town to attract workers.

Updating of adopted zoning articles to PB manuals

B. Rogers referred to the May 18th e-mail that he sent out which listed the zoning articles voted on by the town from 2001 to 2010. These articles should be included in the updated zoning manuals.

J. Zebuhr, referring to the OHRV facilities ordinance which was adopted in 2004, asked if campgrounds were considered as OHRV facilities. T. Chrisenton replied that they weren’t but that campgrounds were not allowed under the zoning regulations. B. Rogers replied that an amendment to allow campgrounds was presented to the voters, but it failed to pass.

J. Zebuhr felt that this was a disadvantage for landowners with large tracts of land. T. Chrisenton answered that, sometimes, campgrounds develop into permanent housing which creates its own problems. A. Byam said that there are towns with campground regulations which state that campers can stay for only 10 days. B. Ball added that on some lakes, a campground is only open from May to November. He said that enforcement of those regulations is the real issue. T. Chrisenton said that campgrounds are not very popular right now because of the State’s adoption of a campground tax in 2009.

Going back to the zoning manuals and how they should be produced, members of the Board suggested contacting Selectman Steve Brown for some information.

INFORMATION:

Wind without using blades

B. Ball told the Board that he read a recent article in the Monadnock Ledger about Howard Fuller of Greenville who was granted a patent for his bladeless wind turbine which is a modification of a 1913 bladeless turbine created by Nikola Tesla. He said that he noticed two interest items in the article: a 15-kilowatt unit would run about \$15,000 and it would not be detrimental to bats. Wind turbines with blades create vibration and the differential pressure between the face and back of the blade creates a shock wave that ruptures the lungs of the bat.

B. Ball felt that this would make more sense for the average homeowner, if it works as well as Mr. Fuller claims.

MINUTES:

Review of minutes for May 20, 2010

T. Chrisenton made a **motion to accept the minutes of May 6, 2010, as written.**

M. Decubellis seconded the motion and the vote in favor of acceptance was unanimous.

ADJOURNMENT:

T. Chrisenton made a **motion to adjourn the meeting at 8:25 p.m.** M. Decubellis seconded the motion and the vote in favor of adjournment was unanimous.

The next meeting will be held on Thursday, June 17th at 7:30 p.m. The next work session will be held on Thursday, June 3rd at 7:30 p.m.

Pauline Ball
Clerk

Approved by the Planning Board on July 1, 2010