

**TOWN OF LYNDEBOROUGH
PLANNING BOARD MEETING MINUTES
June 16, 2011**

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

T. Chrisenton began the meeting at 7:30 p.m.

INFORMATION:

(1) Public Service of New Hampshire; to discuss the removal and trimming of trees and brush beneath power lines on the following scenic roads: Gulf, High Bridge and New Roads.

Present: David Crane

Mr. Crane explained that PSNH, based on a 4 year maintenance cycle, is planning to trim and remove trees and brush adjacent to and beneath some of the power lines on several designated Scenic roads.....Gulf, High Bridge and New Roads. A public hearing will be scheduled for the August 18th meeting instead of July because of Mr. Crane's vacation plans. Mr. Crane said that an August public hearing would not disrupt their schedule because Gulf Road is at the end of one project and work on High Bridge Road is not scheduled until December.

He said that trimming work was done in most of the town last year, but there were two separate areas in the northern sections of town that were not completed. Mr. Crane mentioned that the specifications for this work remain the same; limbs less than 4 inches in diameter that are located within eight (8) feet to the side and ten (10) feet below or fifteen (15) feet above conductors. They will also take down large trees if they are dead, decayed or present a threat to the power lines. He said that several dead trees on Gulf Road need to be removed; he also included a huge dead oak on New Road that must be removed, as well. Mr. Crane said that all the trees to be removed have been flagged and he asked if members of the Board would like to ride these scenic roads to view the ones in question. Bill Ball agreed to ride along and a time and day will be decided when Mr. Crane returns from his vacation.

Because Mike Decubellis mentioned that Warner Road was a scenic road, Mr. Crane asked if there were any other roads that have been updated to Scenic status. Clerk Pauline Ball said that she would check with the office and forward an updated list to Mr. Crane.

In closing the discussion, Mr. Crane said that he would take a look at Warner Road to see if any trees are a problem; he asked that Warner Road be included in the public hearing notice.

(2) Darryl Cooper; Center Road; Map 232 Lot 20; to schedule test pits for proposed 2-lot subdivision; Village District

Present: Dawn Tuomala of Monadnock Survey Inc.

Dawn Tuomala reminded the Board that Mr. Cooper had recently come before the Planning Board to do a lot line adjustment; now he would like to subdivide the property and create a two acre lot. The site plan shows that the parcel is in the Village District, has 150 ft. of frontage on Center Road and meets all the zoning requirements for setbacks. She pointed out the proposed test pits areas toward the front of the property near the stone wall. Ms. Tuomala asked to schedule a date for the Board to come out to the property to inspect the test pits. T. Chrisenton said that a date could be set so that several members of the Board could be present. B. Ball stated that the 4K area should be flagged. Ms. Tuomala and several members of the Board agreed to meet on Monday, July 11th at 9:00 a.m.

Because there was a question on whether or not Soil Based zoning was a requirement in the Village District, T. Chrisenton reviewed the zoning regulations and determined that it is only a requirement in Rural Lands I and the Light Industrial districts.

T. Chrisenton asked if the boundaries of the new lot were flagged. He stated that Mr. Cooper's property had a lot of frontage on Center Road and the Board would need some type of landmarks to determine where the test pits were being dug. Ms. Tuomala said that she would see that it was done.

(3) Mark Bersen; Richardson Road; Map 214 Lot 005; to discuss proposed subdivision;

Present: Mark Bersen

Mark Bersen presented a 1952 aerial view photograph of his 140 acre property which is located on Richardson Road. He pointed out several landmarks in the photograph including Badger Pond, an existing residence on Mason Road, an old lot line and stone walls. It is his intention to subdivide a fourteen (14) acre parcel and build a single family residence. He said that he has already dug a test pit to see if it is acceptable for a septic system.

Although Mr. Bersen needs to comply with state regulations for a septic system, T. Chrisenton said that this proposal will be for a Large Lot subdivision and it meets the soil based zoning requirements.....5 acres and 500 ft. of frontage.

Mr. Bersen asked if his next step was to have it surveyed. T. Chrisenton responded yes and stated that the Board will need to see a site plan with boundaries marked for the fourteen acre parcel.

B. Ball questioned the requirements for a Large Lot subdivision. T. Chrisenton explained that because the parcel will be larger than 5 acres and 500 ft. of frontage, the soil based zoning requirements do not apply. The average lot size in this proposal is over 10 acres which is a requirement for a Large Lot subdivision.

Mr. Bersen said that he is presently working with the Piscataqua Land Conservancy so that the 140 acres will be protected under a conservation easement.

T. Chrisenton asked that a public hearing be scheduled for the July 21st meeting, if Mr. Bersen's survey is completed and the site plan is ready for review.

OLD BUSINESS:

(1) Roger C. Williams; Maier Road; Map 218 Lots 003, 005 & 006; to continue discussion on his proposal to subdivide three lots; RL I

Present: Roger Williams

Mr. Williams began by telling the Board about a series of errors made in the positioning of boundary lines on his properties that have compounded his problems. He ended by saying that the total amount of road frontage is now 999+ feet. Because he is short one (1) foot in road frontage, he sought counseling on whether or not he would be denied a hardship request from the ZBA, if he applied for a variance.

M. Decubellis tried to explain that the Planning Board is bound to follow the zoning regulations. This Board would have to deny the application and advise the applicant to appeal to the ZBA for a variance.

T. Chrisenton said that, as an alternative, he could create a short subdivision road that would give him the extra distance to comply with the 1000 ft. of road frontage requirement. The site plan would show a road which would need to be privately maintained. As a condition of Planning Board approval, the road would have to be presented in a warrant article for a town vote to see if it would be accepted as a town road.

B. Ball thought that Mr. Williams should go before the ZBA and present his case before looking for an alternative.

At this time, Mr. Williams asked if there would be a concern about the road frontage, if he just re-defined the boundaries of these lots (lot line adjustment). T. Chrisenton replied that if he starts with three lots and ends with three lots, it is not a subdivision and there would not be any concerns about road frontage.

Mr. Williams, referring to his request via e-mail to schedule a test pit inspection, asked why it was denied. In helping to clear some confusion about test pits, Arnie Byam explained that he needed a certified soil scientist to prove that his soils were not in the severe range as indicated in the NH Soils manual. If the soils are determined to be in the slight to moderate range, then the site map would be reviewed by the Board. A test pit inspection witnessed by the Planning Board is conducted for septic systems and 4K areas.

In another scenario concerning a sale of the Lyndeborough lots, Mr. Williams asked if he could put a right of way on one of the lots to give him access to his land in Greenfield. T. Chrisenton answered yes, that a right of way can be written into the deed. Arnie Byam added that there should be some type of marker to indicate where that right of way is located.

Going back to the lot line adjustment proposal, Mr. Williams asked if he could re define the lot lines in several different directions. B. Rogers replied that the Board would not want to see any lot becoming less conforming than its present state. B. Ball said that the Board would not want to see any “bowling alley” lots, either. Mr. Williams asked if there was a limit to the size of a lot. M. Decubellis answered that as long as the piece of property is “non-buildable” and it is noted on the site plan, the size of the parcel doesn’t matter.

After Mr. Williams summarized some of the information given to him, the discussion ended.

- No test pits for a lot line adjustment
- To create new lots with less than 5 acres and 500 ft. of frontage, he must prove that there is 2 contiguous acres of slight to moderate soils on each lot. HISS soil survey certified and stamped by a soil scientist

A future meeting was not scheduled at this time.

Although the next two items were not included on the agenda, T. Chrisenton agreed to listen to following participants:

NEW BUSINESS:

(1) Armand Poirier; Dutton Road; removable of trees on Scenic road

Mr. Poirier said that it is his intention to build a logging road and explained that the driveway access to his property was chosen because it was previously used as an access by the town to install a culvert to drain water off of Dutton Road. Only a few trees need to be removed at that location. He has applied and received a driveway permit from the road agent. Because Dutton Road is a designated scenic road, there has been some confusion as to whether or not he needed permission from the Planning Board before five

trees are removed. The trees have been flagged with blue tape and the trunk diameter range between 6 and 9 inches.

T. Chrisenton told Mr. Poirier that he did not need permission from the Planning Board because a landowner owns to the center of the road. He said that he could go ahead and the remove the trees.

(2) Continued discussion on draft for revised Home Business Ordinance

At this time, T. Chrisenton invited the Millers to join the meeting, explaining that the Board has been discussing revisions of the Home Business Ordinance and that a draft will be presented to the public for further input at a public hearing in the fall.

T. Chrisenton distributed copies of the draft revision for the Board’s review and asked if there were any further changes.

Addressing (c).....M. Decubellis questioned whether unfinished basements should be included as floor space. T. Chrisenton said that it is not included, at this time, and may be debated at a public hearing.

Addressing (o).....S. Brown thought that “adult entertainment” was vague and asked if it just meant strip clubs or any adult entertainment. He said that internet servers were legal and asked if a server for adult entertainment would it be illegal.

B. Ball thought that “adult entertainment” was too broad a term and was not specific enough. A definition for “adult entertainment” would be needed.

After some discussion, M. Decubellis made the following revision to (o).....***Commercial or retail adult entertainment is not permitted unless an affirmative vote of the town approves it.***

Because he was not present for the May meeting, B. Ball said that he would like to review the language in the draft revision and report any changes for discussion at the July meeting.

(3) John Miller; 313 Cemetery Road; Map 233 Lot 003; Home Business....custom made knives and woodworking.

At this time, T. Chrisenton reviewed John Miller’s home business application. Mr. Miller explained that he makes custom made knives for hunting and fishing and that it has been a hobby for seven years. Now he would like to make it a home business. He added that the knives are made by grinding down steel and not by forging.

B. Rogers asked if he would be selling these knives from the residence. Mr. Miller said no that he would be selling them over the internet. The Board did not have any issues with the application. Bob Rogers made a **motion to approve the home business as described in the application**. B. Ball seconded the motion and the vote for approval was unanimous.

RSA 674:1; continuing discussion

T. Chrisenton asked if any further discussion was needed on this issue. The Board did not think any more discussion was needed.

The Board did agree that a meeting with the CIP committee should be scheduled before the onset of their fall meetings so that everyone is familiar with the upcoming issues. S. Brown thought that the Board needed to find a way to engage with the CIP committee in order to understand what is going on. A review of the Master Plan was also recommended.

MINUTES:

Review of minutes for May 19, 2011

B. Rogers made a **motion to accept the minutes of, 2011, as written**. B. Ball seconded the motion. The vote in favor of acceptance was unanimous.

ADJOURNMENT:

B. Rogers made a **motion to adjourn the meeting at 8:45 p.m.** B. Ball seconded the motion and the vote in favor of adjournment was unanimous.

T. Chrisenton noticed that there was one more item to discuss, therefore the motion to adjourn was rescinded and the meeting was reconvened.

NEW BUSINESS:

David John Dean; 616 Center Road; Map 237 Lot 015; Home Business (gunsmith services and internet sales)

T. Chrisenton read through the application explaining that its Mr. Dean's intention to begin a gunsmith service and internet sales home business on a part time basis leading to a full time endeavor on or before his retirement.

Planning Board

6-16-11

For the benefit of the Board, T. Chrisenton read the following letter that was received from David and Janet Dean:

Hello,

“We are looking for Town information on zoning rules; ie. operating a part time business out of our home.

We will be retiring in three years and plan on running a gunsmith service and internet sales business.

I have recently passed a comprehensive course as a Law Enforcement Armorer (certified).

There will only be traffic to drop off guns for repair and pickup.

I have researched ATF licensing requirements and will abide by them as soon after the issuance of my Federal Firearms license.

Because the Board had several questions concerning this type of business, they agreed that Mr. Dean should be invited to the July 21st Planning Board meeting to discussion the application.

At this time, B. Rogers made another **motion to adjourn the meeting at 9:00 p.m.** B. Ball seconded the motion and the vote in favor of adjournment was unanimous.

The next meeting will be held on Thursday, July 21st at 7:30 p.m.

Pauline Ball
Clerk

Approved by the Planning Board on July 21, 2011