

**Planning Board**  
**January 16, 2007**  
Approved February 20, 2007

**Members Present: Barbara Freeman, Chair; Bill Weiler, Vice-Chair; Al Bachelder; David Thayer; Ron Williams; Ken McWilliams, Advisor**

**MINUTES**

The Board reviewed the minutes of December 19, 2006 and made corrections.

Mr. Weiler commented that the Planning Board did not schedule a site walk for the Hardy subdivision on South Road as done previously with other subdivisions. The Board agreed that it should make an effort to walk the subdivision sites prior to the public hearing.

Mr. Weiler made a motion to accept the minutes of December 19, 2006 as amended. Mr. Thayer seconded the motion. All in favor.

**CASE: 2006-012 – Conceptual Review - Kurt Dutcher/Allen Wilson (Agent) – Lot Line Adjustment – Blye Hill Landing – Map 30 Lot 685-227**

Mr. Wilson, Surveyor, presented conceptual plans for a lot line adjustment to the Board. He explained that this application is a proposed lot line adjustment that results in an exchange of land between Blye Hill Landing Common Land and the property owner of Lot C12, Ken Dutcher. The distance from the proposed building envelope to the sideline of the development is 20 ft., and the distance from the proposed building to the sideline of the development is 30 ft. If approved, this proposal would encroach in the 50 ft. common area perimeter around the development.

Mr. Weiler asked why the proposed house could not be centered to avoid the encroachment in the common area.

Mr. Wilson speculated that the proposed location of the house probably has something to do with topography and view opportunities.

Mr. McWilliams stated that in the current Zoning Regulations, 12.2.10 Perimeter Setback states that ‘A structure may be located closer than one hundred (100) feet to the perimeter only with approval of the Planning Board.’ This existing 50 ft. perimeter is grandfathered back to when Blye Hill Landing was originally approved for development.

Mrs. Freeman commented that the plan needs to show the Board where the existing house to the north is located in relation to Lot C12.

Mr. McWilliams asked if the Blye Hill Landing Home Owners Association has been contacted for their approval of this exchange of land.

Mr. Wilson said he believes that Mr. Dutcher has taken care of that contact.

Mr. Weiler informed Mr. Wilson that the Board needs an affidavit from the Home Owner's Association Officers stating that this proposal is acceptable.

Mr. McWilliams further explained that the affidavit needs to affirm that  $\frac{3}{4}$  of the home owners have voted and have agreed to this proposal. Also, the homeowner to the north will need to be contacted as an abutter.

Mrs. Freeman commented that in this particular case, the cluster development setback takes precedence over the 15 ft. sideline setback for conventional building lots.

Mr. McWilliams agreed with Mrs. Freeman and commented that the setback from the property line will still make a difference to the applicant and the abutter regardless of the setback.

Mrs. Freeman asked the Board if contour lines should be required on the plan.

Mr. Wilson stated that he has the topographical lines from the original application, and they are readily available if necessary.

Mr. Weiler commented that the topo lines are necessary because the Board needs to determine if Lot C12 is a steep slope, or is part of the proposed house going to be built on a steep slope.

Mr. Wilson asked if the steep slope regulation would make Lot C12 an unbuildable lot.

Mrs. Freeman said not necessarily. The property owner might have to go to the Zoning Board of Adjustment for a variance if they want to develop on a steep slope.

Mr. McWilliams asked the Board how much of the area they feel is necessary to be delineated with topographical lines, just in the building envelope or the entire building lot.

Mrs. Freeman commented that the Board should ask for the entire building lot to be delineated with topo lines because there may be an alternative place on the lot to build the house that is more conforming, and the Board should be able to see that. The Board agreed.

Mr. Dezotell arrived.

**CASE: 2007-002 – Conceptual Review – Diane Heller Trustee of the Rheta Heller Trust/Allen Wilson (Agent) – Subdivision/Annexation**

Mr. Wilson presented plans for a simple subdivision of approximately 6 acres off 81 acres to create two lots of record with road frontage on Bartlett Road and Rollins Road. He stated that the 6-acre lot is under agreement for sale to the abutter and has a 21% slope.

Mrs. Freeman advised Mr. Wilson that it would be more advantageous to present a plan for subdivision/annexation at the same time because it appears that the proposed 6-acre lot does not meet the proportion requirements of width to depth.

Mr. Wilson stated that during the application process, he was advised that there was no ratio regulation.

Mr. Weiler informed Mr. Wilson that Article 10.5.3 in the Subdivision Regulations states that 'To ensure adequate development space, building envelopes shall have a Form Factor of less than 25. (See definition in Article II.)'. Article II, Definitions, 2.13 Form Factor states that 'Form Factor means the number which represents the relationship between the boundaries of a lot and its area. A small number indicates a squarish, compact lot, while a larger number indicates a long and narrow, or convoluted shape. The number is calculated by squaring the perimeter of the lot, in feet, and dividing by its area, in square feet.'

Mrs. Freeman stated that the 6-acre lot could be approved as presented as long as the subdivision is done at the same time as the annexation.

Mr. Weiler and Mr. Dezotell ran the dimensions through the form factor formula. The actual form factor for this lot as presented is 34.61. Therefore, the only way to approve this lot with the proposed dimensions is to subdivide and annex all at once.

**CASE: 2006-010 – Continued – Final Review – Roger Hardy Construction, LLC – Minor Subdivision – 176 South Road – Map 044 Lot 562-348**

Mrs. Freeman read the public notice from the September 19, 2006 meeting as follows:

*Notice is hereby given that the Planning board will receive submission of an application from Roger Hardy Construction, LLC for a final hearing for a Minor Subdivision at 176 south Road, Tax Map 044-Lot 562-348, on Tuesday, September 19, 2006 at 7:45 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 on the accepted application will commence at the same meeting.*

Mrs. Freeman stated that at a previous public hearing, the Board continued to this meeting and had accepted the subdivision application as complete with the proviso that the Density Calculations be noted on the plat. Since the Density Calculations were not previously on the plat, the application was not officially accepted as complete.

The Board reviewed the plans submitted for the January 16, 2007 hearing. The Density Calculations were noted on the plan.

Present to represent Roger Hardy was Erik Newman, Legal Counsel; Arthur Siciliano, Surveyor; and Roger Hardy, Applicant.

Mr. Weiler noted that the plans that the Board members received for review are on 11 in. by 17 in. paper and stamp dated as received December 28, 2006. He asked if the larger plans presented this evening were identical to those received December 28, 2006.

Mr. Siciliano said yes.

Mrs. Freeman commented that the other issue the Board had to verify before accepting the application as complete was that the abutter list is current.

Mr. Weiler asked Mr. Siciliano if he submitted an updated abutter list.

Mr. Siciliano said yes.

Mrs. Freeman located and verified the abutter list in the file.

Mrs. Freeman reminded Mr. Hardy and his representatives that they need to allow for the 30 day appeal period from the date that the Zoning Board of Adjustment granted the variance for the third lot. According to the Zoning Board of Adjustment's Notice of Decision, the approval date by the Zoning Board of Adjustment was December 18, 2006.

Mr. Dezotell made a motion to accept the application as complete. Mr. Weiler seconded the motion. All in favor.

Mr. Siciliano explained that this proposed three-lot simple subdivision is comprised of Lot 1 of 2.4 acres and already has a house built on it; Lot 2 with a one-acre contiguous building envelope on 3.81 acres; and Lot 3 with a one-acre contiguous building envelope on 17.36 acres. There is an easement over Lot 3 for Lot 2 to cross for access and is noted on Sheet 1 of the plans. The easement allows access for a shared driveway for Lot 2 and Lot 3 to go anywhere along the road frontage of Lot 3 that is allowed by permit. Therefore, it is not drawn on the plan. The driveway for Lot 3 avoids steep slopes and already has a special exception for crossing a wetland in the wetland buffer zone.

Mr. McWilliams asked if there is somewhere on the legend that demarks the building envelope.

Mr. Siciliano said no, but it is written on the plan.

Mrs. Freeman asked Mr. Siciliano to please put a building envelope demarcation and a symbol for the driveway easement in the legend of whichever sheet of the plan that gets recorded at the Registry of Deeds.

Mr. Weiler asked Mr. Siciliano if the Registry of Deeds accepts contour lines on plans submitted for recording.

Mr. Siciliano said yes, but the registry does not like shading so much because shading could cover up pertinent information.

Mr. Weiler commented that all that really needs to be shown on a recorded plat is the Building Envelopes, Easements, and Lot Lines. The contour lines can be taken off plat to be recorded. We need the contours for consideration of approval, but they don't have to be on the recorded plat.

Mr. McWilliams asked the Board that since there is a setback which limits where a driveway can and cannot approach South Road, how will the Building Inspector or Road Agent know where a driveway is allowed.

Sense of the Board is that an actual driveway needs to be shown on the plat to be recorded.

Mrs. Freeman asked the Board if they thought it was necessary to see an actual draft copy of the deed indicating the driveway easement.

Mr. McWilliams advised that it would not be necessary because it will be noted on the plan.

Mr. Bachelder asked if the Deer Wintering areas drawn on the plan.

Mrs. Freeman stated that there is a report in the file that covers those issues. She passed the report around to the Board members for their review. Environmental Consultant, Inc. from Newmarket, NH prepared the report.

There were no members of the public to make comment. Therefore discussion was turned back over to the Board for further comment.

Mrs. Freeman reiterated that the conditions precedent required by the Planning Board for completion must be satisfied before the approval will be final.

Mr. Weiler made a motion that the Planning Board approve the subdivision plan with the following conditions:

1. The recording plat should have no contours.
2. There be a legend on the recording plat that includes easement symbols and building envelope symbols.
3. Both driveways (Lot 2 and Lot 3) should be indicated on the plat.
4. Approval is also conditional upon the 30-day appeal period from the Zoning Board of Adjustment decision of December 18, 2006.

Mr. Thayer seconded the motion. Discussion followed.

Mr. Williams asked if the building inspector would be able to ascertain from this plan where the driveways and building envelopes are allowed.

Mrs. Freeman said yes. And, in the past, the Board has required developers to indicate in the deed that the building has to be in the building envelope and the driveway has to be constructed per the Planning Board approval.

Mr. McWilliams also mentioned that the deeds are to refer to the plan.

Mrs. Freeman suggested that an additional condition be required that the Board see a draft of the deeds that indicate the building envelopes for the building as well as the driveway(s).

Mr. Weiler amended his motion to add:

A draft deed indicating the building envelope and driveway location as referenced on this plan shall be submitted to the Planning Board.

Mr. Thayer seconded the amendment. All in favor of Mr. Weiler's motion as amended.

Mrs. Freeman advised Mr. Hardy and his Counsel that when the conditions are fulfilled, the mylar should be brought in to the Planning Board to sign for recording. It can be signed at a meeting or can be signed individually by the Board.

Mr. Weiler reiterated that all those conditions are *conditions precedent*.

Mr. McWilliams emphasized that all of the conditions need to be met before the Board signs the plat.

#### **CASE: ADM1-041 - SUBDIVISION APPLICATION FORM**

Mr. Weiler commented that on each application form there is a box in the upper right hand corner of the front page titled: For Municipal Use Only which contains space for the date and case numbers.

He asked if there is any reason why that information cannot be filled out prior to circulating copies of the applications to the Board members.

Mrs. Freeman stated that filling out the Municipal Box can be easily done by the Land Use Clerk and will be done for future applications.

#### **CASE: ADM1-041 - DENSITY REPORT**

Mr. Weiler commented that Mrs. Freeman has asked the applicant to put the density calculations on the plan. He stated that he would like to see the Density Report on a separate sheet of paper since the Board now provides a worksheet.

Mrs. Freeman stated that she does not remember specifically asking for the Density Report to be on the Plan, although right or wrong, it was indicated as such in minutes. She said she doesn't feel that having the Density Report on the Plan is necessary and having it on a separate sheet is fine. The Board was in agreement.

## **MINUTES**

The Board reviewed the minutes of January 10, 2007 and made corrections.

Mrs. Freeman asked for clarification regarding the Wetlands Buffer Zone. She asked if a variance should be required to develop or cross the wetland and a special exception should be required to develop in the buffer.

Mr. McWilliams commented that crossing is one thing, but developing is another.

Mr. Weiler mentioned that a developer is required to go to the Wetlands Board to cross a wetland; therefore, they do not need a variance. This issue concerns the Wetland Buffer relative to driveways and culverts.

Mr. McWilliams referenced the current Zoning Ordinance 8.5 Uses Permitted by Special Exception; 8.5.2 'Road, driveway and utility right of way or easements only if there is not feasible alternative location.' He pointed out that there is no reference to variance.

Mrs. Freeman read further on to 8.5.4 'Work for which a permit has been issued by NHDES Wetland Bureau is permitted without approval of a special exception. Land Disturbances unrelated to construction shall require approve by the Board of Selectmen of erosion control plans as specified in Section 7.8.'

Mr. Weiler pointed out that in relation to Wetlands and the Wetland Buffer Zone, the requirement for a variance isn't in the Zoning Ordinance here anywhere.

Mrs. Freeman asked where in the ordinance does it say that no one is allowed to build in a wetland or wetland buffer.

Mr. McWilliams pointed out in 8.4 Permitted Uses: 'Permitted uses are those that will not require the erection or construction of any structure or buildings; will not alter the natural surface configuration by addition of fill or by dredging; ....' So you cannot erect any structure or buildings or do any dredge or fill activity.

Mr. Williams made a motion that the minutes of January 10, 2007 be approved as amended. Mr. Weiler seconded the motion. All in favor.

## **CASE: 2006-006 – John Feins – HARBORVIEW – Regional Impact Subdivision**

Mrs. Freeman updated the Planning Board on the status of the Harborview Subdivision impact on the Town of Newbury. In the Newbury Selectmen's Minutes, the issue of

pursuing protection of Newbury's interests through the Sutton Planning Board is now in the hands of the Board of Selectmen. They have obtained legal opinion as to what to do at this point which is what we agreed upon at the joint board meeting on January 11, 2007. The Board of Selectmen is going to ask the Fire Chief and the Emergency Personnel write up an opinion of the impact on the Town of Newbury if the Harborview Subdivision is developed without upgrading the section of Stone House Road that leads to Haynes Road in Newbury. It appears that the Town of Newbury cannot put bars across the road at the town line because there is a house in Newbury that uses Stone House Road in Sutton as its access. Mr. Weiler pointed out to Mrs. Freeman that that house is a recently built house and the homeowner, in the permitting process, never came before the Planning Board to get approval to have a home built on a Class VI road as required in the RSA's.

Mr. Weiler commented that it is not clear from whom the building permit was issued. It could have been the Building Inspector or it could also have officially been the Board of Selectmen.

Mr. Williams commented that in any case, under RSA 674:41, the building permit applicant is supposed to go to the Board of Selectmen for permission to build on a Class VI road. The Planning Board is supposed to be asked by the Board of Selectmen for a recommendation as to whether or not to issue the building permit on that particular Class VI road. It is ultimately up to the Board of Selectmen to decide whether or not to issue the permit. There is also supposed to be a document recorded at the Registry of Deeds by the property owner which states that if Town personnel cannot get to an emergency call because they are crossing a Class VI road that the Town is not responsible for maintaining, the property owner will not hold the Town or emergency services liable if they are not able to get there.

Mrs. Freeman informed the Board that she emailed the Newbury Town Administrator and the Newbury Board of Selectmen this requirement, giving them a heads up that in the future that the Town needs to pay attention to this.

Mr. McWilliams commented that another issue that may be a problem is that after multiple homes are built, the home owners may seek relief to have the Town take over the upgrading and maintenance at the Town's expense.

Mrs. Freeman informed the Board that the Police Chief responded to the Board's request for a written impact report by stating that the Harborview subdivision has no impact on the Newbury Police Dept because the Newbury Police Department would not be first responders to Harborview calls.

Mrs. Freeman informed the Board that the next meeting of the Harborview developers and the Sutton Planning Board is January 23, 2007.

Mr. McWilliams announced that the Office of Energy and Planning is having its Spring Conference on April 28, 2007.

**CASE: CODE-016 - LEGISLATION RE TREE CUTTING & BUFFER AREAS**

Mr. Bachelder alerted the Board members that there are rumors of four bills in the legislature that may have an effect on tree cutting and buffer areas. Stay tuned...

**CASE: 2006-011: Final Review – George H. McLean Jr., et al –  
Subdivision/Annexation – 11 Great Island – Map 005 Lot 040-077**

Mrs. Freeman read the public notice as follows:

*Notice is hereby given that the Planning Board will receive submission of an application for a Final Hearing for a Subdivision/Annexation from George H. McLean, Jr. et al for property located at 11 Great Island, Newbury, NH, Tax Map 005-040-077 and 005-0150-47 on Tuesday January 16, 2007 at 9:00 p.m. in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.*

Mrs. Freeman explained the public hearing process. The Board reviewed the application to determine if it was complete. All application requirements were met.

Mr. Williams made a motion to accept the application as complete. Mr. Dezotell seconded the motion. All in favor.

Wayne McCutcheon, Surveyor, presented the subdivision/annexation plan. For clarification purposes, he stated that the .035-acre lot will be referred to as the Boat House Lot, and the 1.74-acre lot will be referred to as the McLean Lot. He explained that the Boat House is located entirely on the lot that it belongs to. The deck and all of the dock are on the easterly side of the boathouse. Whenever anyone from the Boat House Lot wants to get to their boathouse, they have to encroach on the McLean Lot to get there. If the Davis's (owners of the boathouse) were to use their own boathouse, they would have to encroach on the McLean property. Adding the 50 ft width to the Boat House Lot allows the Davis's to use their boathouse on their own land. There is a stone wharf in the water on the westerly side of the boathouse. Therefore, the Davis's cannot make use of that side.

Mrs. Freeman asked why the applicants decided to opt for a subdivision/annexation rather than a written easement.

Mr. McCutcheon explained that the drawbacks are not the owners' prime concern. They would like to sell the boathouse and the Boat House Lot. When they make this sale, they would like to offer a piece of land that would be sufficient to use the boathouse and dock and be on their own property.

Mrs. Freeman asked Mark McLean, co-owner, if he was planning to build a house on the Boat House Lot or was their intent to just sell the boathouse with the lot.

Mr. McLean stated that they just want to sell the boathouse with the lot as it is now. He said that the boundary line was off. It is two separate lots, but tied to each other because of the access to the boathouse.

Mr. McCutcheon explained that the Davis's have no interest in the McLean Lot, but the McLean's each have a 1/7<sup>th</sup> interest in the Boat House Lot.

Mrs. Freeman asked Mr. McLean what is in the boathouse at the present time.

Mr. McLean explained that there were two slips with a catwalk between and docks on either side. There are no living quarters in the boathouse and no plumbing.

Mrs. Freeman specifically asked if it was just a true boathouse.

Mr. McLean said yes.

Mr. Williams asked for clarification on the tax map and lot numbers that were noted on the plan.

While trying to explain the numbers, Mr. McCutcheon recognized that there was an error and said that he would fix the number on the final plat.

Mr. McWilliams stated that in essence, even though there are no new lots being created, this subdivision/annexation is making the McLean's non-conforming lot more non-conforming.

Mr. McCutcheon explained that when this application was before the Board as a conceptual, everyone was under the impression that the McLean Lot was 4.55 acres, based on the tax maps and assessing records. The McLean's have been paying taxes for an unknown number of years on 4.55 acres. He explained that they did not know it was a non-conforming lot until the survey was complete.

Mr. McWilliams explained that in order to change the lot lines as presented, the applicants will have to go to the Zoning Board of Adjustment for a variance; or not change the lot lines and give a written easement to the Boat House Lot owners for a right of access to the boathouse.

Mr. Weiler mentioned that one of the items the Board talked about in the conceptual meeting was that the applicant needs to address provisions for septic in the final meeting. He asked if there was any thing the applicant wanted to say about septic.

Mrs. Freeman commented that the Zoning Board of Adjustment would be the appropriate Board to examine the septic issue.

Mr. Bachelder stated that he remembered that there was a question of whether or not the island had its own existing system, and could it handle another house.

Mr. McCutcheon commented that there is no community system on the McLean lot. The only community structure on the island is a large system built about 15 years ago by Bristol, Sweet and Associates for potential future use.

Mr. McLean stated that the house has its own septic system, not tied to the community system at this time.

Mrs. Freeman asked if a new house could tie into the community system on the island.

Mr. McCutcheon said that he could not make that determination at this point of time. He said he could only assume that it was designed big enough to accommodate everyone on the island.

Mr. Bachelder commented that one of the things the Planning Board asked for was proof that there was capacity to handle another house.

Mrs. Freeman stated that the Planning Board did previously ask for proof of septic accommodation, but at this point in time there is nothing the Planning Board can do with this application without a variance.

Mr. McCutcheon said that he will apply for a variance to the Zoning Board of Adjustment as soon as possible and asked for this meeting to be continued to finish the application.

Mr. McWilliams mentioned to the Board that consideration has to be given as to whether or not the building envelope requirement needs to be met in this instance since there is a reconfiguration of boundaries.

Mrs. Freeman stated that the Board should get legal advice on whether or not to require a building envelope in this kind of a situation.

The Board reviewed the plan and potential setbacks to determine if the Boat House Lot could support a new dwelling, well and septic.

Mr. McWilliams advised the Board that it needs to determine if the building envelope requirement applies and look at past applications to make sure the Board is being consistent.

Mrs. Freeman explained to Mr. McCutcheon and the applicant that they need to go to the Zoning Board of Adjustment for a variance. If and when they come back to the Planning Board, topographical lines will not be required on the final plan due to the lack of steep slopes on Great Island as defined in the Zoning Ordinance.

Mr. Dezotell made a motion to continue this hearing until February 20, 2007 at 8:00 p.m. Mr. Thayer seconded the motion. Discussion followed.

Mr. Bachelder asked the Board what kind of 'proof of septic' should be provided upon the applicant's return.

Mrs. Freeman added that the Board needs to have all of the information necessary to determine that this will be an acceptable lot.

Mr. Bachelder stated specifically, if the owner is going to propose to tie into the community system, then the Board needs something in writing stating that there is capacity and permission to do so. Either that, or a system designed so that this lot could stand on its own.

Mr. McWilliams clarified that the applicant would not need an actual design but only DES approval that a system could be designed on this lot.

Mr. McLean explained that there would never be a well dug on any of the lots on Great Island. The drinking water is bottled, and all other water comes from the lake.

Mr. McCutcheon stated that there is no way a well rig could get out to the island.

Mrs. Freeman asked if anyone knew of any recent building permits issued on Great Island.

Mr. McCutcheon stated that the most current construction that he knew of was in 1979.

Mr. McLean clarified that the community septic system was built in the middle of the island with the intent that as time goes on and the individual septic systems get tired, the home owners could then tie into this community system. There is a Great Island Home Owner's Association that oversees the authority of the system.

Mrs. Freeman stated that the Board will need a statement from the association regarding the capacity and permission to tie a new house into the system if that is the direction the applicants are going in to address septic on the Boat House Lot..

Tom Dugdale asked if, hypothetically, the lot was determined to be able to accommodate a dwelling, well and septic system, would that have changed the Planning Board's decision tonight.

Mrs. Freeman said no, because the applicant would still have to go to the Zoning Board of Adjustment for a variance on the non-conforming lot issue.

VOTE: All in favor. Motion to continue the hearing to February 20, 2007 @ 8:00 p.m. passed.

**CASE: 2007 – 001 – Final Review – Peter and Klaudia Levin –  
Subdivision/Annexation – 31 and 41 Hilltop Drive – Map 29A Lots 176-409, 183-422, and 190-432.**

Mrs. Freeman read the public notice as follows:

*Notice is hereby given that the Planning Board will receive submission of an application for a Final Hearing for a Subdivision/Annexation from Peter and Klaudia Levin for property located at 31 Hilltop Drive and 41 Hilltop Drive, Newbury, NH, Tax Map 29A-176-409, 29A-183-422, and 29A-190-432 on Tuesday, January 16, 2007 at 9:30 p.m. in the Town Office Building at 937 Route 103 in Newbury, NH. If the application is accepted as complete, a public hearing on the application will commence at the same meeting.*

The Board reviewed the application for completeness.

Mrs. Freeman stated that it does not seem as though the surveyor completed the survey on the second lot.

Richard Metrano, Applicant and Agent, said that he did not instruct the surveyor to survey the complete outside boundary because that area of the second lot will not be affected.

Mrs. Freeman stated that the Board still needs to see a complete survey so that the acreage can be verified. Article 7.1.5 of the subdivision requirements reads as follows:

7.1.5 – Complete boundary survey of each of the properties involved in the annexation showing the boundary line to be moved as a dashed line and the new boundary line as a solid line

Mr. McWilliams commented that the notations are missing on the plan as per Article 7.1.9. of the subdivision regulations which states:

7.1.9 – Include a notation on the annexation plat stating: “The property conveyed as a result of this annexation shall not be deemed or considered a separate lot of record, but shall be regarded as merged into and made an integral part of the contiguous lot of land previously owned by the grantee(s) so that the same shall hereafter be one confirmed single lot of record.”

Mr. McWilliams commented that common ‘Z’ lines would help to visually explain which lots are being joined.

Mr. Williams informed Mr. Metrano that the surveyor is allowed to cite a previous recorded subdivision plan instead of physically resurveying the lots as long as that previous survey is noted and identified on the recording plat.

Mr. Williams made a motion to accept the application as complete with the following conditions:

1. Upon receipt of a complete survey including the south-east boundary of the southern lot, and the surveyor's mark on the recording plat per Article 7.1.5 of the subdivision regulations;
2. Notation per Article 7.1.9 be placed on the plat;
3. Z Lines be added to demark the joining of lots as consistent with common practice.

Mr. Bachelder seconded the motion. All in favor.

Mr. Metrano explained the application. Three lots of record are being made into two lots of record. Prior to annexation, Lot 1 is .42 acres, gaining .19 acres through annexation to have a total of .61 acres after annexation. Lot 2 is .50 acres prior to annexation, gaining .21 acres through annexation to have a total of .71 acres after annexation. This annexation evolved in lieu of payment for site work done by Mr. Metrano for Mr. Levin. Mr. Levin was unable to pay Mr. Metrano for site work and agreed to subdivide and annex his empty lot between them as presented.

Mrs. Freeman read a letter of authorization on file from Mr. Levin.

There were no members of the public present.

Mr. Dezotell stated that in his opinion reducing the number of lots around Chalk Pond Road is a good thing.

Mr. Bachelder asked if there were any steep slopes in that area.

Mr. Weiler stated that the whole area is on a steep slope.

Mr. Metrano commented that his lot would probably not be able to be built upon under today's standards.

Mr. Weiler made a motion to approve the application with the condition that the Board receives all of the application completion requirements aforementioned. Mr. Bachelder seconded the motion. All in favor.

Mrs. Freeman explained to Mr. Metrano that the Board cannot sign the plat for the registry of deeds until all of the information has been received. Once the final mylar is prepared, it can be dropped off at the Town Office for Planning Board signatures along with one print of the mylar.

Mr. Dezotell made a motion to adjourn. Mr. Thayer seconded the motion. All in favor. Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Linda Plunkett  
Recording Secretary