**TOWN OF ORFORD**

**PLANNING BOARD MEETING**

**JUNE 22, 2015**

**Subject to Approval**

**Item 1 : Annual Visit to Stacey Thomson’s Gravel Pit at Montfort Farm Rd ( Tax Map 8-93 Lot 24E).**

Chair Ann Green convened the meeting at 6PM at this excavation site. In attendance were Board members Jim McGoff, Harry Osmer, Lawrence Hibbard, and Chase Kling, and property owner and permit holder Stacey Thomson. This was an annual visit to review excavation activities and conditions of site. Board members walked the area with Stacey who responded to questions regarding site conditions and activities. Everything looked good except for some concern with construction materials, specifically a few roofing shingles found in the Stump dump. These were removed during the site visit but the PB emphasized that the dump should contain only biodegradable materials. Ann G. will write a follow-up letter to Stacey. Lawrence H. expressed concerns with silt control on the steep grade, which may be addressed at another time or kept in mind for other similar situations in the future. Another visit will be scheduled for next year. The meeting was then adjourned at approximately 6:30pm until 7pm when the meeting was scheduled to continue at the Town Office.

Ann reconvened the meeting at 7pm with members Chase Kling, Tom Steketee (BOS member), Harry Osmer, Jim McGoff, and Lawrence Hibbard, Planning Assistant Vickie Davis (UVLSRPC) and Melinda Ricker (Scribe). Attending members of the public were Bruce and Sarah Schwaegler, Sam Hanford (Alternate), Larry Chaisson , Raymond Dixon, and Tom Thomson (arrived 7:22pm). Ann asked Sam if he would serve as the alternate for Andy Schwaegler who was on vacation. He declined, preferring to remain in the public seating.

**Item 2 : Review Minutes of May 18,2015.**

Minutes reviewed and motion for approval made by Tom S. and seconded by Jim McGoff. There were no corrections or additions and minutes were approved unanimously.

**Item 3 : Voluntary Merger Application of Bruce and Sarah Schwaegler: Tax and Map 7-32, Lot 28, and Tax and Map 8-29, Lots 59A and 59B, Indian Pond Rd**

Bruce presented the application which included two drawings showing the lots before and after the proposed merger. To give more clarity, he also shared a survey of these lots that is filed with Grafton County Registry of Deeds (Plan # 14860). The merger of three lots will result in one 7 plus acre lot and the one 100 plus acres. Motion made to approve this voluntary merger made by Tom S and seconded by Harry O. There was no further discussion and vote to approve was unanimous.

**Item 4: Lot Line Adjustment Application and Public Hearing for Bruce and Sarah Schwaegler of Tax and Map 7-32 Lot 28 and Tax Map8-29 Lot 59, 598 Indian Pond Rd. The result will be an 8.8 acre lot and a 178 acre lot both with frontage on Indian Pond Rd..**

Ann reviewed the application materials which included a waiver of required map scale from 100 per inch to 200 per inch which would allow the complete area to be shown on one Mylar. Tom S. made a motion to accept the application as complete; Harry O. seconded the motion. Vote to accept was unanimous..

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Bruce believes his request for a Lot Line Adjustment meets the requirements of the Orford subdivision regulations in every respect including 1) does not increase the number of lots, parcels, or owners, 2) parcel size conform- 8.8 acres and 177.9 acres, 3) tests pits prove septic system viability, 4) each lot has 50 foot

frontage on Class V road, 3) approved driveway entrance to each lot, and 5) Plat shows lot lines, existing buildings, streets, and driveways within 200 ‘ of the two lots.

There was quite a bit of discussion and some confusion about whether this would create a “new lot”, requiring it to be presented as a minor subdivision, rather than a lot line adjustment.. Since Bruce had come to the Planning Board in April for an informal meeting to discuss how best to proceed, and there now seemed to be confusion and resistance to his approaching the matter in this way, Vickie Davis read from the Minutes of the April 20, 2015 meeting as follows:

*“ Item 2: Bruce & Sarah Schwaegler Informal Meeting for Voluntary Merger & Lot Line Adjustment*

*(Tax Map 007-032-028; 008-029-059A, 059B & 59): Andy Schwaegler recused himself from the discussion and moved to the public seating. Ann appointed Skip to sit in for Andy. Bruce presented sketches of his proposal for four existing lots on Indian Pond Road. The four lots represent about 190 acres. The objective is to end up with a five to seven acre lot on Indian Pond Road next to the Jones/Dennison house and a remainder lot also with frontage on the Indian Pond Road. They are rather oddly configured lots, three with narrow road frontage. Bruce and the Board discussed the various methods to achieve this.*

*It was agreed that the simplest procedure for Bruce would be to apply for a Voluntary Merger to merge three lots: 007-032-028, 08-29-59A, and 008-29-59B. There would then be the merged lot and lot 008-029-059.*

*He would then provide a lot line adjustment application between the merged lot and lot 008-029-059 to provide the five to seven acre lot and the remainder lot on Indian Pond Road. Bruce stated that the proposed five to seven acre lot has had two test pits which proved the soils are good for a septic system. There is also a good location for a driveway. Under the Subdivision Regulations, these are not requirements for a lot line adjustment, but Bruce and the Board felt it was good information for this proposal.*

*Bruce stated he will request a waiver for the map scale to allow the property to be shown on one Mylar sheet.*

*He expects to submit his applications for the June meeting.”*

Chase K. maintained that Bruce S. was playing a “shell game” and that while he had no problem with someone merging lots, the moving of the lot line in this case constituted a creation of a “new lot” and should be done by applying for a minor subdivision instead. To clarify, Vickie read the description of a Lot line Adjustment from the Regulations (Section 3.01). The point was made that there would still be only two existing lots after the merger. So a “new” lot was not being created—rather, the lines between the two lots were being moved. However, this reasoning did not convince everyone that there was not a “new lot” being created.

Several of the Board members expressed the wish that there be a better definition of the word “new” when it comes to lots—does it mean “additional”, or does it mean “differently-configured”? What is the substantive difference between a Lot Line Adjustment and a Minor Subdivision?

Ann opened the Public Hearing at 8:01PM. There were no public comments and hearing was closed at 8:02PM.

Motion to approve this Lot Line adjustment made by Harry O., seconded by Tom S.. However, due to an oversight to vote on the waiver first, this motion was withdrawn by a unanimous vote following a second

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motion made by Harry O. and seconded by Tom S.. Ann then read the waiver requesting to reduce the map scale from the required 100 per inch to 200 per inch. ( While discussing the map, a request was made to enter the lot number of 08-29-59 on the lot itself rather than delineating it by an arrow).

Motion to accept the Waiver was made by Harry O., seconded by Jim M. andapproved unanimously.

Motion to approve the Lot Line Adjustment as proposed was made by Harry O., and seconded by Tom S. at 8:07PM. Vote resulted in a tie; three members approved and three members against.

Vickie D. looked up the procedures required by a tie vote and found that the motion would be considered defeated and the dissenters should state their objections. The three who voted against stated their reasons: Chase K. thought it was not a lot line adjustment but rather a minor subdivision. Lawrence and Jim M. thought it was new lot. None of them gave specific reasons or definitions as to the substantive difference between a new lot that requires a subdivision and a new lot created by a lot line adjustment. Chase K. mentioned that the lot was “non-conforming” but did not explain how this lot fit his definition of “non-conforming”.

After the Lot Line Adjustment was denied by a tie vote , Sam Hanford made a comment as a member of the public expressing his disappointment in the Planning Board “giving the Schwaeglers a hassle” about this request, given their exemplary and wonderful stewardship of this land. He believes they have done a fabulous job keeping the area free from development and called the Planning Board’s resistance to their request “underhanded”.

Bruce and Sarah expressed their deep disappointment. The course of action recommended by the Planning Board at the April meeting resulted in a rejection of the very plan recommended at that time. They will ponder their next move. They are aware that the recourse would be to appeal to the NH Surrogate Court or to come back to the Planning Board with an application for a Minor Subdivision. They then requested to withdraw the previously approved voluntary lot merger request, since their reason for asking for the merger was to make the division of the land more straightforward and easy for the Planning Board to understand. Since the merger did not achieve that aim, they asked to rescind the approval of the voluntary merger so that they could regroup and figure out the best way to approach the Planning Board with the changes they seek.

Motion to rescind the approval of the Voluntary Lot Merger of Tax Map 7-32, lot 28 and Tax Map 8-29 lots 59A and 59B made by Harry O., seconded by Jim M., and passed with 5 affirmative votes and 1 abstention.

**Item 5: Informal meeting with Larry Chiasson about Minor Subdivision on Quinttown Road.**

Harry O. expressed a potential conflict of interest and will recuse when the Board will be considering the application .

Sam H. was seated as an Alternate for Andy S. at 8:22PM.

Larry C., accompanied by Raymond Dixon, presented an informal proposal with a sketch to subdivide Lot 7-28-9 into 2 lots. They are planning to have the lot surveyed. Ann asked if the road on which the lots will have the required frontage was a Class V road. Tom Thomson replied “yes”. Ann referred them to Orford Road Agent, Roger Hadlock, for a driveway approval to the proposed new lot. She gave a Curb Cut application to Larry. Tom T. asked whether the proposed new lot property line crossed Jacob’s Brook. Response was “yes”.

Larry C. and Raymond D. will come back to the Board with a formal application once they have all of the information they need.

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 **Item 6: Other Business:**

In follow-up to the status of responsibility of property owners to pave the driveway aprons as required by approved curb cut permit, Tom S. stated that Road Agent will determine that requirements are met. Ann voiced a concern that construction of an approved curb cut be completed within the six month expiration date of the permit. Tom S. says that Roger H. is aware of what needs to be done.

**Master Plan:** Chase K. read through the last one written (2001) and agreed that it should be updated. Larry H. agreed. Ann suggested that at the next Town Meeting, the Board consider asking the town to approve funding for the services of a consultant to help with the process of updating the Plan.

**Motion was made by Jim M.; seconded by Chase K. to adjourn. Meeting was adjourned at approximately 9PM.**

Submitted by:

Melinda Ricker (Scribe)

Ann Green (Chair)