**Town of Orford Planning Board Meeting**

**April 14, 2014**

**Subject to approval**

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| **Members Present** | Ann Green (Chair), Andy Schwaegler (Vice Chair), Harry Osmer, Chase Kling, Skip Gould (Alt), Lawrence Hibbard, Jim McGoff, Tom Steketee (Select Board), Vickie Davis (Planning Assistant)  |
| **Others Present** | Melinda Ricker (Scribe), Harry Burgess, Bruce Balch, Carl Schmidt, Deb McGoff, Kelley Monahan, Shirley Gendron, Kurt Gendron, Kurt Gendron, Craig Putnam, Sarah Putnam, Paul M. Dieter, Jenny Littlewood, Julie C. Bell, Stacey Thomson, Nathan Tullar |
| **Open Meeting** | The meeting was called to order at 7:00PM |
| **Minutes** | A motion to approve the minutes from March 17, 2014 was made and **accepted** with the following additions and changes: |
| **Additions to March Minutes** | Chase K. noted that he was elected as a Member at Town Meeting; he was not an Alternate at the time of the meeting.Chase K. also asked that it be added at the bottom of page 3 that he requested that Tom S. recuse himself. |
| **Changes to March Minutes** | Changes noted by Carl Schmidt: On Page 2:Change “Need to show High Water Mark for Shore land Water Quality Protection Act (RSA 483) to “Need to show High Water Mark for Shoreland and Water Quality Protection Act (RSA 483-B)”; Change “Carl S. didn’t recall any request for approving such a request to the ZAB, felt this would be addressed under the Shore land Water Quality Protection Act (RSA 483).” To“Carl S. didn’t recall this question ever coming before the Upper Valley River Subcommittee of the Connecticut River Joint Commissions, and suggested this would be a question for the ZAB.”Change “Shore land Water Quality Protection Act” to“Shoreland and Water Quality Protection Act”On Page 3:Change “Shore land Water Quality Protection Act areas” to “Shoreland and Water Quality Protection Act areas”  |
| **General Business** | Major Subdivision Completion Review: Subdivision of Tax Map/Lot 8-95/5B on Route 10 and Grimes Hill Road proposed by Bruce & Christine BalchJim M. recused himself and was replaced by Skip G. as Alternate.Ann G. noted the following waivers: Road Design, Storm Water and Erosion Control Plan and Utilities and Fire Protection Plan.Chase K. noted that the Conservation Easement Deed did not get sent out with the rest of the packet.The DES approval is missing but can be approved conditionally.**The Board voted to accept the application as complete at 7:17PM.** |
| **Public Hearing** | Major Subdivision Hearing:Subdivision of Tax Map/Lot 8-9-5B/5C on Route 10 and Grimes Hill Road proposed by Bruce & Christine BalchHarry Burgess explained to the Board and the Public that the proposal being considered tonight is different than the original proposal. The 5 acres which include the house lot are NOT being considered because it has been determined that they cannot be subdivided under the rules of the Conservation Easement that apply to them. A new map was presented which is the same as the old map but with markings for the locations of test holes for perc tests. They did the perc tests and brought copies of the tests to the meeting. The 2 lots being considered tonight are 5B and 5C. There is a proposed common drive for lot 5C (marked on the map as “Proposed Driveway” and subject to getting an easement with the current driveway owner (this is in process)), but lot 5B still **needs** a driveway. Proposed wells and water lines are on the maps to show/protect an abutter’s water rights.Ann G. noted that the Planning Board **needs a new map that shows only the proposed subdivisions.** Approval tonight would be conditional upon a hearing that includes the map that is proper and complete.The meeting was opened to the Public at 7:31PM. Maps were passed out and it was noted that everyone present had a right to speak.Clarifications: Because the subdivisions under consideration tonight are different than those originally proposed, there was quite a bit of confusion about what was actually being proposed. Unfortunately the Planning Board could not change the application or notify the public because the application was not withdrawn and re-submitted but rather presented with changes by the Balches. Ann G. clarified the following about the Conservation Easement: The map and application were sent to the State on April 4 and Ann read from their response letter to the effect that the portion we are looking at right now is **not** subject to easement restrictions.Kelley M, abutter, presented a concern about whether this 10-acre lot can be divided into 3 lots. She brought a copy of a recorded map (Plat but not on deed) and pointed out where it says “reserved by owner for 2 lots”. In the Deed, “Parcel 1,2, and 3” are mentioned but not described. Discussion: Chase K expressed concern over this information because it does seem that this big lot *is* limited to 2 lots. Vickie D. said that we need to talk to the Town Council to see if this is legally binding or is it perhaps not an actual condition. If it was just something the owners mentioned then it could be changed by the Balches. Chase K. asked Harry B. what he thought and Harry said that if it’s not mentioned in the easement or deed but rather chosen by the owner, he thinks we can change it.The members of the Planning Board all agreed that it’s the PB’s responsibility and liability at stake and this discrepancy is of great concern. They agreed that it is their responsibility to clarify it before moving on. They plan to seek legal counsel on whether this lot can be split into 3 lots or just into 2 lots.Kelley M. suggested that everyone read the easement very carefully. It talks about the entire property. The only place that the 2-lot restriction is noted is on that old map.Shirley Gendron’s Well:Shirley expressed her concern that her well is not listed on the map. The Planning Board determined that because this well is not located on the land which is under consideration today, this issue is not one for the Planning Board.  Andy S did want to make sure that this well is beyond 100 feet from the property line and therefore exempt from being shown on the map. Bruce B. and Harry B. think the well should be shown and want to add it to the new map. 7:50PM Ann Green expressed her gratitude for so many people showing up and asked for any other input or comments.Craig P. noted that one of the things Orford cares deeply about is the benefits of these larger tracts of untouched land. He wishes to celebrate the fact that this land was put into conservation so it can remain one of those valued Orford assets. Bruce B expressed his gratitude for this also. Summary of next actions needed:Seek legal counsel regarding possible limits on subdividing this lot (only 2 lots allowed, or more?).Balches need to provide a driveway design for LotNew map to be drawn up to exclude the lot that was taken off the request and to include Gendron’s well. Vickie D also added Lot 5C ROW? –is for access to conserved land, and need to add RBF into the legend.Harry B said that he would drop off new copies of the map at the Town Offices in a week or so.**Public Hearing Adjourned** At 8:00PM The public hearing on this Subdivision was adjourned until 7:10PM May 26, 2014.**Further Discussion** Ann G. listed the following things needed before this can be considered: receive driveway plan for Plot 5B, receive Driveway agreement for Plot 5C, get a map with only the subdivision on it and with the Gendrons’ well on it to allay water rights concerns, talk to attorney about possible restrictions on the number of lots. Also a refund may be owed to the Balches due to the change in the subdivisions. |
| **Action Taken** | **The Planning Board took no action today on** Major Subdivision Completion Review: Subdivision of Tax Map/Lot 8-95/5B on Route 10 and Grimes Hill Road proposed by Bruce & Christine Balch **because there is insufficient information to reach a decision at this point.** |
| **Arrivals/ Departures** | 8:03PM Jim McGoff returned as a Member and Skip was relieved as his Alternate. Tom S. left to get an easement so Skip was brought on as Alternate for him.All members of the Public left except Nathan Tullar. Stacey Thompson arrived. |
| **General Business** | **Application for Voluntary Lot Merger (Nate Tullar) Lots 8-110-18I and 8-110-12.**  (5.7 acres into their long lot)The Planning Board has received payment and application. |
| **Action Taken** | Andy S. moved, Chase K. seconded, and the Board voted to **accept** the application at 8:10PM. Ann G. said that she made a copy and will record it.  |
| **General Business** | **Stacey Thompson Excavation Permit 0894 24E**  Discussion: This was contingent on a site visit which was conducted at 6:00PM 4/21/14. There was concern that an abutter had not been notified but it was later determined that this person’s land does not actually abut the land covered by this permit. |
| **Action Taken** | 8:38PM Ann G. Moved to issue a permit for 25 years with the understanding that if it goes inactive reclamation goes into effect, and it behooves the PB to visit it. The motion is to approve the permit conditional on the Town Office receiving the Surety.Harry seconded, and the motion was unanimously **approved**. |
|  | **Further Discussion:** Tom S. noted that he was concerned that the approach for this permit was not done correctly: it needs to start with PB and *then* the Selectboard. Ann G. said that we’ve addressed this, and everyone should know the correct approach for next time. Chase K. and Stacey T. agreed. |
| **Other Business** | Ann passed out the Contact sheet for the Planning Board Members, asking everyone to make sure their info is correct.There is a Conference on May 3rd Register by Apr 25, fee $60.Do we have a form for a shared driveway agreement for Country Lanes? We have Forms for Shared driveway agreements with a maximum of 2 lots. Do we have one for Country Lane? Vickie D will work on them to update them/type them up.Chase K. asked about Ray Clark application update: Peter Dooley was notified and looked into it. Ann G said they only need to be notified if they are doing construction. Vickie D. said the map was unclear. Fixing that map was one of the conditions. He also needs to come back with approval to get on town water. Floodplain ZBA’s role is not related to subdivision, only construction. ZBA says they don’t need to know about roads. Ann G. noted that there should be a means to inform owners about floodplain status.Chase K. noted the occasional difficulty in reaching a quorum and suggested that the PB should invite Rob O’Donnell to visit and consider adding him as a 3rd alternate. |
| **Meeting Adjourned** | Meeting adjourned at 8:56PM. Moved By Jim M, seconded by Chase K, unanimously **approved.** |