

PRESENT: Vadney, Chairman; Sorell, Vice-Chairman; Bayard, Secretary; Flanders, Selectmen's Rep.; Touhey; Dever, III; Lapham, Alternate; Harvey, Clerk

Flanders moved, Dever seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE MINUTES OF MAY 12, 2009, AS PRESENTED. Voted unanimously.

APPLICATION SUBMISSIONS

1. **DONALD & JANICE PHILLIPS AND GEOFFREY PEDERSEN** – Proposed Subdivision and Boundary Line Adjustment between Tax Map U17, Lots 4 & 75, into two (2) lots (41,444 sq. ft. and 43,439 sq. ft.) located at 110 Pleasant Street and BLA between Tax Map U17, Lots 4 & 75, in the Residential District.

Edgar - The subdivision and Boundary Line Adjustment plans are on file. The application fees have been paid. We recommend the applications be accepted as complete for purposes of proceeding to the public hearing this evening.

Dever moved, Touhey seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE APPLICATIONS FOR PHILLIPS AND PEDERSEN AS COMPLETE AND PROCEED TO PUBLIC HEARING THIS EVENING.

2. **ALBERT & DONNA DUCHARME** - Proposed Boundary Line Adjustment between Tax Map R30, Lots 3 & 4, located at 16 New Road in the Forestry/ Conservation District.

Edgar – This is a Boundary Line Adjustment of the two large lots that the Board is familiar with. The large lots had been previously the object of a subdivision which is not on the table, this is back to the original two lots. One lot is developed with a house and essentially the BLA is intended to make it so the driveway serving that house is wholly on one lot. Both lots are owned by the Ducharmes. The BLA Plan is on file. Application fees have been paid. We recommend this application be accepted as complete for purposes of proceeding to public hearing this evening.

Dever moved, Sorell seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THE APPLICATION FOR ALBERT & DONNA DUCHARME AS SUBMITTED. Voted unanimously.

PUBLIC HEARINGS

1. **DONALD AND JANICE PHILLIPS AND GEOFFREY PEDERSEN: (H. WOOD)**

The purpose of this application is to create a previously existing lot that was absorbed in early years. The Phillips purchased two lots out of what became the Hodsdon-Lunt Subdivision on Pleasant Street and Oak Wood Road and also covered Oak Knoll Road in later phases. Their property was originally conveyed as two lots which both fronted on Pleasant Street. We are proposing to turn those

lots 90 degrees and have the second lot front on Oak Wood Road and that will provide easier access to the utilities and prevent construction within Pleasant Street ROW which would be a problem during the summer. The existing house faces onto Pleasant Street, has a horseshoe driveway and the proposed new structure on Lot 2 would have an access off of Oak Wood Road. Municipal sewer and water are available to both lots. The Phillips use an artesian well and they have never been connected to municipal water, they are connected to municipal sewer. Both lots are large enough to exist in that particular zone with sewer & water 10,000 sq. ft. required, they have 4 times that for each lot. A secondary aspect of the application is to create a small parcel (3,908 s.f.) on the westerly side of the Phillips property which would be conveyed to Mr. Pedersen. The purpose of that is his existing structure where his son lives is too close to the line so this would correct the non-conformity and allow an opportunity for a small addition on that side of the house. Edgar – With respect to the BLA first, the conveyance of the 3,908 s.f. neither creates nor compounds a compounds so we're all set with the lot being made smaller. Our standard requirements for these kinds of applications is there would be a draft conveyance deed to Parcel A that would be submitted to staff to review. We look at a few basics, merger language and that kind of thing in the deed. We ask that the applicants' attorney verify whether there are any mortgages on the property that need to be released so when the plan is recorded, there's a conveyance deed free and clear that gets recorded at the same time. As it relates to the subdivision, there had been a prior private covenant between the buyer and the seller that the properties would not be subdivided; essentially, the two lots that were acquired would serve only one property. In your packet, there is a release in your packet from the Grantor releasing that private covenant. It wasn't a Planning Board restriction. I believe the plan predates some of that review and it was 2 separate lots at one time. With respect to our jurisdiction, the DPW signed off on the future access for proposed Lot 2 on Oak Wood Road. The frontage is very safe so we don't need to determine the precise driveway location, it would probably better left until the house is sited and we can fine-tune the driveway location and require a permit as a function of the building permit at a later date. One thing that should be nailed down at this point is exactly how and where water and sewer services are provided. The Water & Sewer Department review is pending so I don't have a hard and fast recommendation at this point. If you look on the plan, you will see that municipal sewer is in Oak Wood Road so they typically would tie in there and maybe just have our Department provide a typical on a connection if its not stubbed out would be all that would be involved there. With respect to water, I do know the water line essentially is on the lake side of Pleasant Street and they are trying to determine exactly what services may be underground that may have been brought to the near side so to try to avoid digging up the road if possible. That work is sort of ongoing. Assuming we tie into this waterline, Harry's indicated an easement area which essentially is the front setback of the corner lot, water's in blue and there would be an easement running along the frontage of Lot 1 burdening Lot 1 and benefitting the rear lot for purposes of that waterline. The other option theoretically would be to run it up the ROW unless there was ledge. I want to make sure we get a more specific recommendation from our Water Department as

we move forward. We have standard comments about pins is necessary and I think there is one corner pin that wasn't indicated to be set, it's a pretty straightforward project. Access is square away, lot size if more than adequate, good building envelope no problem with the 4:1 ratio, no problem with the rectangular lot. At this point, we're just waiting on the Water & Sewer comments for final requirements for hookup. Sorell – Harry, is that a well behind the house. There is an old dug well behind the house which is not used. Edgar – Just to help the Board a little bit with the staff report, if we were to consider an approval, I would ask that condition #1 be subject to review comments be received by the Community Development Dept. Those comments are going to be more of the technical nature on how to connect. The second item would be the submission of a draft water easement for review with our standard package of requirements, i.e., the release and so forth. 3. Final verification that all pins are in place prior to recording the mylar. 4. A plan note that a Driveway Permit is required from DPW prior to construction. Hearing closed at 7:17 p.m.

Flanders moved, Dever seconded, MR. CHAIRMAN, I MOVE, WE GRANT A CONDITIONAL APPROVAL FOR DONALD AND JANICE PHILLIPS FOR A PROPOSED SUBDIVISION OF MAP U17, LOT 4, INTO 2 LOTS (41,444 S.F. AND 43,439 S.F.) LOCATED AT 110 PLEASANT STREET AND A BOUNDARY LINE ADJUSTMENT BETWEEN MAP U17, LOTS 4 & 75, LOCATED IN THE RESIDENTIAL DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) REVIEW COMMENTS BE RECEIVED FROM THE W & S DEPARTMENT REGARDING LOCATION OF THE WATER LINE.
- (2) THE UTILITY EASEMENTS BE IDENTIFIED ON THE PLAN AND CAN BE HANDLED ADMINISTRATIVELY.
- (3) THE WATER EASEMENT BE LOCATED ON THE PLAN AND CAN BE ADMINISTERED BY STAFF.
- (4) THE APPLICANT SHALL PROVIDE A DRAFT CONVEYANCE DEED FOR STAFF TO REVIEW (PARCEL A) FOR THE BOUNDARY LINE ADJUSTMENT.
- (5) THE EXECUTED DEEDS SHALL BE RECORDED WITH THE MYLAR AND THE APPLICANTS SHALL VERIFY IN WRITING WHETHER THERE EXISTS A MORTGAGE ON LOT 4. IF THERE IS A MORTGAGE, THERE SHALL BE A SATISFACTORY RELEASE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.
- (6) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO THE RECORDING OF THE MYLAR.
- (7) THE DPW ISSUE A DRIVEWAY PERMIT PRIOR TO CONSTRUCTION.

Voted 6-0 in favor of the motion.

2. **ALBERT & DONNA DUCHARME:** (Rep. Carl Johnson)

Many of the Board members are probably familiar with this property. The property consists of 2 parcels, one parcel is just under 48 acres and the other parcel is 161.8 acres. Both parcels have frontage on New Road. The properties were formerly part of a subdivision which at this point has no official standing with the Board or legally. This application before you is dealing with the transfer of a parcel designated "A" which is about 2.31 acres. That parcel is to be conveyed for municipal taxing and assessing purposes from the larger parcel to the smaller. This conveyance will accomplish two things. When the Ducharmes pulled a building permit to construct a dwelling on the smaller lot, the driveway comes up off of New Road, crosses through a break in the stonewall, comes over into the larger parcel, then enters back onto the house lot. In siting the future plans for the house lot, an expansion of the house would require an adjustment of the line because that expansion would create a non-conformity between the two parcels. They are treated separately for taxing purposes even though they are under the same ownership. I suggested to the Ducharmes that while we're going through this process, it might be wise to create a parcel large enough so the driveway would also be entirely on one parcel and not the other. It makes no real difference because they own both parcels and if they sell one, they could grant an easement. All of the development that occurs on the house lot would now be on the house lot and not on the larger lot. There are no other changes to anything, no changes to utilities. One lot is vacant and one lot has a house on it so there's no change to density. No non-conformities are being created by the transfer of Parcel A. It's 10-acre zoning out there and after the BLA, this lot will be slightly over 50 acres and the other will be slightly under 160 acres. There are some staff comments that are associated with a BLA. Draft deeds had been submitted to the staff by Attorney Hill and have not yet been reviewed. A mortgage release has been issued from one parcel to the other so that will be on file with the Town. Evidence will be provided that the pins have been set prior to recording the mylar as well as the deeds of the transfer will be executed to be recorded with the mylar at the Registry of Deeds. Edgar – This is a relatively straightforward application, we do the standard legal review. I wasn't aware we had the deeds in the office, but that typically is handled administratively so I would just go with the standard language and that should be a fairly quick thing for us to sign off on. Carl, could you label the line that would be discontinued on the final plan that gets recorded. We are working off an existing driveway permit that was issued at the time the house was constructed. Hearing closed at 7:27 p.m.

Dever moved, Sorell seconded, MR. CHAIRMAN, IN THE CASE OF ALBERT AND DONNA DUCHARME, FOR A BOUNDARY LINE ADJUSTMENT, TAX MAP R30, LOTS 3 & 4, LOCATED ON NEW ROAD IN THE FORESTRY/ CONSERVATION DISTRICT, I MOVE WE CONDITIONALLY APPROVE THE BLA SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) THE APPLICANT PROVIDES A DRAFT CONVEYANCE DEED FOR STAFF TO REVIEW.
- (2) THE EXECUTED DEED SHALL BE RECORDED WITH THE MYLAR.
- (3) THE APPLICANT SHALL VERIFY IN WRITING WHETHER THERE EXISTS A MORTGAGE ON LOT 4. IF THERE IS A MORTGAGE, A SATISFACTORY RELEASE SHALL BE RECORDED IN CONJUNCTION WITH THE CONVEYANCE DEED.
- (4) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE SET PRIOR TO RECORDING THE MYLAR.

Voted 6-0 in favor of the motion.

TOWN PLANNER'S REPORT

Edgar reminded the Board about the training opportunity for the Storm Water Management Workshops at UNH. They lay out a spring and early summer schedule. If anyone is considering attending any of these workshops, the Town will cover your registration costs and mileage. They are well worth it and I think you get a real hands-on feel for some of the things that come up in the course of some of our bigger drainage projects.

Mark & Maria Young for ACCUFAB – Site Plan

Respectfully submitted,

Mary Lee Harvey
Administrative Assistant
Planning/Zoning Department

The above Minutes were read and approved at a regular meeting of the Meredith Planning Board held on June 9, 2009.

William Bayard, Secretary