

PRESENT: Roger Sorell, Acting Chairman; Flanders, Selectmen's Rep.; Kahn; Dever; Touhey; LaBrecque, Town Planner; Harvey, Clerk

Kahn moved, KFlanders seconded, THAT WE APPROVE THE MINUTES OF JULY 28, 2009, AS PRESENTED.

### APPLICATION SUBMISSIONS

1. **HARRY F. WOOD, III OF ASSOCIATED SURVEYORS FOR BEN BASSI AND SUSAN A. & GEORGE T. ALLEN, JR.** – Proposed Boundary Line Adjustment between Tax Map U32, Lots 10H & 9, located on Evergreen Lane and Harris Road in the Shoreline District.

The BLA Plan is for conveying a partial interest in a private roadway from one lot to another. Boundary Line Adjustment plan and abutters list are in file. Application fee is paid. It is recommended the applicable be accepted as complete for the purpose of proceeding to a public hearing this evening.

Flanders moved, Dever seconded, MR. CHAIRMAN, I MOVE WE ACCEPT THIS APPLICATION FOR PUBLIC HEARING THIS EVENING. Voted unanimously.

2. **MARK BILLINGS** – Proposed minor subdivision of Tax Map U38, Lot 15A, into two (2) lots (4.49 ac. and 5.29 ac.), located on Veasey Shore Road in the Shoreline District.

The Subdivision Plan and abutters list are on file. Application fee is paid. It is recommended the subdivision application be accepted as complete for the purpose of proceeding to public hearing this evening.

Flanders moved, Touhey seconded, I MOVE WE ACCEPT THE APPLICATION FOR A TWO-LOT SUBDIVISION AND PROCEED TO PUBLIC HEARING THIS EVENING. Voted unanimously.

### PUBLIC HEARINGS

1. **HARRY F. WOOD, III OF ASSOCIATED SURVEYORS FOR BEN BASSI AND SUSAN A. & GEORGE T. ALLEN, JR.:** (Rep. Harry Wood)

Mr. Bassi is here this evening along with Patricia Panciacco, his attorney, Mr. Allen is not present. We had submitted plans and reference material along with the package. I am giving the Chairman a copy of the tax map which shows the area in question. The essence of the application is for Mr. Allen to convey whatever rights he may have in one-half of the former ROW to Mr. Bassi. There's a fairly long history of this ROW. It originally existed in order to access a couple parcels near the shore and was previously conveyed to Mr. Bassi's predecessor, Mr.

McAllister, and there are some questions through process of law is that this particular use has a function after a certain number of years, Mr. Allen may have applied some rights to it and by virtue of this application is stating he has a right to grant whatever rights he may have to Mr. Bassi so it's a BLA. The pins have been set on the parcel and we show a number of parcels within the Bassi property; the reason for that is the property has been enlarged several times over the years by previous owners and through this action. The property is located on Evergreen Lane which is off Harris Road at the end of Meredith Neck. Chris Krochina – I'm the actual owner of the property they are trying to subdivide here. The history in the application is kind of incomplete. The first thing I'd like to go over is the subdivision plan this Board approved in 1970 by Roger Merriman. On this map, it clearly shows Lot A which is the Allen's lot, it shows Lot 2 which I own and it shows Lot 2A which is one of the lots Bassi is claiming he owns now. Lot A was deeded from Jessie Harris to Henry Dunker, Jr. and Mary P. Dunker, Book 576, Page 304 and 305. This deed confirms that the ROW on the Merriman plan is also known as Evergreen Road. There is no line here as Bassi portrays right now. This entire lane here was Evergreen Road. (inaudible – someone is talking without a mike). Krochina – This is the one just after that, I think that's the '68 plan if I recall correctly. Flanders – The purpose of this Board is to review Boundary Line Adjustments, Subdivisions, etc., in regard to the Subdivision Regulations of the Town of Meredith. This is not a judicial Board and any questions of title, we do not get involved in. Those are civil matters and need to go to Court so if we have a Licensed Land Surveyor that presents a plan to us, we accept that based on the strength of his license and we make rulings consistent with the information presented to us by a Licensed Land Surveyor. If you're questioning the title of this land, then your recourse is through the Superior Court and has nothing to do with this Board or any function we perform here. Krochina – Are you addressing me, Mr. Flanders? Flanders, yes I am. Krochina – Well it seems to me the Board would like to know the title of the property prior to making an informed decision. Flanders – When we get information from a Licensed Land Surveyor, that's what we accept and if he's made an error, his license could be in jeopardy because that's controlled by the State. We are not going to rule on he said, she said this belongs to them, no it belongs to me. That's not what we do and we're not going to get into that here. Krochina – So you don't accept deeds? Flanders – You can present a deed to us. Krochina – That's what I'm trying to do Mr. Flanders. Flanders – They are not going to read the deed and make a ruling on whether the deed's valid or not, that's not what our function is. Krochina – But I can submit information just like the applicant, correct? Flanders – You can submit the information but we're not going to make a decision on who owns that land, that's not our function. Krochina – I have the right to submit my point of view. Sorell – We'll let you go a little bit. Krochina – If you look at the deed to Allen's predecessor in title, it specifically states that the Grantor further agrees that said grantees for the benefit of land conveyed hereby "that the land denoted as 2A on aforesaid mentioned plan shall be hereby restricted and limited in its use as a ROW to Lake Winnepesaukee for the owner of Lot 2 as shown on said plan for the

maintenance of a small dock and small pump house by owners of Lot 2". I'm the owner of Lot 2. Bassi has made no claims that he is the owner of Lot 2, 2A has specific rights for the owner of Lot 2. The applicants and their agents falsely claim that since portions of the ROW shown on the '68 plan were not constructed or used for over 20 years, its ownership somehow reverted to the Allen's and Bassi's. However, neither the applicant nor their agents have submitted any evidence to support this claim. In fact, I can remember walking around with my mother, Elizabeth Krochina, numerous times on Lot 2A and other rights of way with her specifically telling me that because I was her heir, I owned underlying property and had the right to use it. After my mom's death, I continued to use Lot 2A and other rights of way created by my family, when Joe McAllister approached me regarding his interest in purchasing Lot 2A and the property between Lot A and Lot 10H. My attorney at the time advised me that because of the history of the deeds in the area, I could not give Mr. McAllister exclusive rights to the property between Lot A and Lot 10H which is the property they claim they own. Sorell – You just lost me, the property who owns now? Krochina – This is Lot A and the Johnson property and the predecessor in title to Mr. Bassi, this is 10H now. Lot 2A is owned by Mr. Bassi right now but my easement rights to Lot 2A have never been extinguished. I conveyed Lot 2A to Joe McAllister but I did not take away any of the easement rights on there. In numerous conversations, I understand our agreement to be if I temporarily released only my easement rights but not my underlying ownership of the ROW for as long as McAllister owned Lot 10H, then he would buy Lot 2A with any encumbrances of record for our agreed upon terms. I brought my request to my Attorney and he drafted two documents. The first one was the deed for Lot 2A which did not release any of my easement rights to Lot A. They submitted that in your packet, that's the release. If you take a look at the release, it did not release any of my easement rights to the property. The property itself went to Joe but the easement rights still remained. The second was a release agreement exclusively between Joe McAllister and I and no others (Book 1469, Page 488). As you can see on the release, it doesn't say to Joe McAllister's heirs or assigns on it. The agreement was just between me and Mr. McAllister. That agreement doesn't have any bearing whatsoever to Bassi. Any released rights reverted back to me upon the sale of Lot 10H in the McAllister deed to Marsha A. Bassi which they haven't submitted to this Board, makes no reference to that in the deed to Bassi's. It's undisputed that the Harris heirs own Lot 2A up through at least 9/4/96, therefore, it is unreasonable if not fraudulent for Ben Bassi and the Allen's to claim they became the exclusive owners of the ROW property in between Lot A and Lot 10H for a period of 20 years prior to 9/4/96 because the owner of Lot 2A would have had the same claim. The property was used all that time, that's what prompted Joe to come to me in the first place. Additionally, Ben Bassi and Allen's claims of ownership after 9/4/96 are also without merit since it has been less than 20 years since that date. We're here today because Mr. Bassi is trying to stop me from using this easement that has been used by the Harris heirs for years. It is important to note that Ben Bassi did not purchase the property from Joe and Nancy McAllister as he falsely states in his letter to this Board. The property was

conveyed to Marsha Bassi not him. I don't think they have supplied you with that deed. I also spoke with Marsha Bassi regarding my easement rights after her purchase and Ben's claim that he owns 10H. She seemed surprised and informed me that she was the owner of Lot 10H. The response from Legal Assistant, Virginia M. McLeman, regarding Ben Bassi's correspondence does not state that Marsha Bassi owned any of the ROW. The Bassi's seem to be confusing easement rights over the property to the actual ownership of the easement. The serving estate can't revert to the person that's using it, he has some limited rights to the property but only as given to him in his deed by his predecessor in title. Marsha Bassi and the Allen's have known or should have known about my easement rights for years before and after Marsha purchased the property from the McAllister's. Are Ben Bassi and the Allen's trying to bring civil issues before this Board as Mr. Flanders says instead of pursuing them in the correct Court of Law? I have had less than 3 days to review this application and my surveyor is on vacation this week. He has most of the documents in regards to this property because we've done some research on these ourselves. My time has been limited to review this application, it appears it does not contain enough information for my land surveyor or any other reasonable person to make an informed decision, therefore, I respect we request that the following documents and/or any other documents that this Board may require be provided to the public by the applicants at least 60 days prior to the Board taking any action on the application, the full chain of title of Lot 10A and Lot 10H from present day to when Jessie Harris first acquired the property. I'd like to go over the corrective deed by metes and bounds, Mr. Wood can correct me if I'm wrong. Can I highlight it on his plan? Is that OK with you Mr. Wood? With regards to Parcel 1, this is the corrective deed and I believe that's also in your packet. Mr. Krochina proceeded to go over the corrective deed by metes and bounds and outlining them on the plan. It's not the property he depicts on his plan according to the deed. The deed is on the inside line closer to the garage. Kahn – Mr. Chairman, we cannot possibly resolve the title issue here. Mr. Krochina, do you have any access to the lake other than across this land? Krochina, No. Kahn – You have other access in another place? Krochina - Other lots. Kahn – We can't resolve this in my view, you've got to go to Superior Court, we can't deal with this. Krochina – Mr. Bassi should go to Superior Court prior to coming to this Board, Mr. Chairman. Dever – in the letter from Virginia McLenan, she gives the RSA that says once you released your rights to the ROW, when he sells it, all rights transfer according to the law unless the deed states otherwise and I don't see in either of these deeds that it states otherwise. The release didn't go to the deed, my deed to 2A... Dever – The release to the rights of way, you signed a release to the rights of way and transferred that to McAllister. Krochina – That's exclusively between Joe and I, that's the way my attorney extracted it to me, otherwise, I wouldn't have been able to sell that property to Joe in the beginning. Dever – Let me finish my point here, in this letter it states an RSA, a state law which is also included in this packet, that unless stated otherwise in your release of the rights of way, that transfers with the property not with individuals, it rolls and rolls and rolls. According to what I read

here, what this is and what the RSA says, is in perpetuity with the property not with the human. Krochina – But I have other pieces of property that have the same language in it so if that's the case, it runs with my other properties. Dever – We're not discussing other pieces of property, we are discussing these here and as I read this, that's what it says. Flanders – This is exactly what my comments meant that we are not attorneys and we're not going to make a legal determination on this. I'm looking at a plan here by a Licensed Land Surveyor that's got his seal on it and that means to me that Mr. Wood researched this and all the deeds and is comfortable with what he has presented. I'm not a lawyer or judge and nobody else on this Board is and we are not going to rule on this legal issue, we're going to make our decision based on the information put before us that has the license of a land surveyor on it. If you have information you believe is contrary to that then your recourse is to file action in Superior Court. It has nothing to do with this Board, we are not ruling on civil matters. We are not getting sucked into this black hole. Kahn – Mr. Krochina said he has been unable to contact his surveyor. In fairness to him, why don't we put this over to the next meeting and then if nothing has happened, we have to deal with it. Sorell – I don't think that's fair to the applicant right now. Kahn – I don't think the applicant's going to suffer by having it put over for two weeks. Attorney Patricia Panciocco – I represent the Bassi's and I provided you a succinct as possible analysis of what is going on here. I hope I can shed some light on some of the things that have been raised and then at the Board's pleasure, you can decide to do whatever you choose to do with the application. What's at play here is a bit more than title law relating to real estate. There have been conveyances of property rights based on operation of law which is a little different and you don't typically find a deed in the Registry of Deeds to reflect a property that has reverted by operation of law and by that I'm referring to the rights of way that were created by the plans prepared by Mrs. Harris back in 1968 and 1970. To that point, just to give you a little bit of background, when the '68 plan was prepared and Mrs. Harris laid out these lots, she created Evergreen Road and Harris Road I believe, the two rights of way on which the lots front. At that time, because she didn't state clearly to the contrary and as the Court has said, it's got to be unequivocally and clearly stated on the plan that she intended to retain the ownership of the fee interest in the road over which the public has an easement right to pass. Each lot owner takes title to the centerline of the road, that is NH law. Mr. Wood knows that and Harry and I have worked on this together now for almost a year. I am a licensed attorney in New Hampshire and my specialty is road law so I do know something about this. She had to say that clearly, if she thought it or thought she had kept it for herself that doesn't matter, she had to put it on the plan or in a deed to put the public and everyone else who examines real estate records on notice that she was making a statement that was inconsistent with the presumptions and the NH law. That statute is RSA 231:51. That statute also does not require a plan to be recorded for those rights to arrive, once a lot is conveyed and shown on that plan that right thing and the 20-year period begins to run. We do know that the roads, Evergreen and Harris, have been constructed, opened and they are traveled by the public to reach the lot

created by the plan. Evergreen Extension in this area has not been constructed and I think Harry has a number of photos here that he can take you through that show that particular area. Wood showed the photos and described each location. (Photos taken 8/11/09) The current ROW for Evergreen Lane is shown by the line superimposed on the photographs. As you can see that area is grassed, it contains a septic system and has been in use in that way for a number of years.

Attorney Panciocco – It is important to know that the earlier deeds from Mrs. Harris to John Simard if you will and now owned by Mr. Bassi, granting an express easement to allow what she referred to as a filter bed in that area so it has been there for a very long time, you can see now, as Harry pointed out, its landscape, it's never been opened, its never been constructed as a road nor has it been traveled by the public to reach the lake so to that extent, that has lapsed, the 20 years have passed and the ownership of the road has reverted equally to the Allen's and the Bassi's. The easement rights that benefitted the public when the plan was created are gone and there are implied rights of access that arrive to the lots that front on that particular length of the road. Only the Bassi's and Allen's own lots down there, Lot 2A is part of Mr. Bassi's property and the Allen's are on the other side of that ROW. To that point that piece was conveyed to Mr. McAllister before Mr. Bassi took title to the property so there were, as Mr. Krochina said, implied rights to reach 2A over that area that benefit 2A only, they arise from those plans created by Mrs. Harris. When 2A was conveyed to Joe McAllister, those implied rights went with that parcel which is now owned by Mr. Bassi. There are no other implied rights to benefit other properties in the subdivision. Those implied rights related to access and they're accessible over the roads that exist, a portion of which is shown here. To that point, what I'm trying to emphasize here is the ownership of this piece of land under this former ROW by operation of law vested in Bassi and Allen or their predecessors in title after 20 years of not being opened or constructed so that's the distinction. You will not find a deed in the Registry that conveys that to these individuals because it's by operation of law. Another example of which would be a deed when somebody dies, they leave property in an estate. It's the probate that transferred by operation of law as directed by a will of the Probate Court. Typically, there's a break in the chain of title so not every transfer of land is found in the Registry. I just wanted to point that out. Another point is an easement cannot be held by an individual when that individual does not own the piece of property to which it benefits. That is a statement as a matter of law, its just the way it is. Easement rights have to attach to real estate. So as has been stated and I don't want to digress, the most important point here is the Bassi's want their septic system within the confines of their own property, that's the purpose of the plan and I understand that's the limited jurisdiction this Board has. We are not asking the Board to decide easement rights or other civil matters as part of this application. We are simply looking to erase certain lines, consolidate all of these little pieces to clear the title to both the Allen and the Bassi properties and allow the Bassi septic system to be on their own lot. If I could insist, I would like to see these photographs be included in the Board's record. LaBrecque – It seems to me that you may not even need a BLA to do

this. It's not your typical BLA because you're conveying one-half of an interest of an easement, it's not really held in fee by anyone but I guess it is because it was reverted by... Attorney Panciocco - Technically, you are correct. One other thing though just to point out too, this release deed that was signed and recorded by Mr. Krochina, if I could direct the Board's attention to the second paragraph, the last 3 lines are very specific in the description in that it released that area in particular. LaBrecque - What's the difference? Mr. Krochina mentioned he released his rights to the ROW, however, he did not release the easement rights, what's the difference between easement rights and a ROW? There are several different easements, one of which can be a ROW. Attorney Panciocco - It's funny you should ask, I think it's a distinction without a difference though because quite honestly I think the ROW because of the description I just pointed out to the Board is in this area right here and it's explicitly described in this area. LaBrecque - I was just wondering if possibly in past deeds if there were other easements granted to his property other than a ROW. Attorney Panciocco - I didn't find any and I have gone back all the way to Mrs. Harris' original deed and I found no other easement. Sorell - Angela, what do you mean it might not even need a BLA? LaBrecque - It's very confusing but it seems the lot in question is half owned already by the Bassi's. I think this is basically a formal process, half of it I guess is owned by the abutting property owner Allen and they want to do a quitclaim of half of that to the Bassi's but it's not technically part of the Allen property either. Flanders - It is now, it was never constructed. Krochina - At what date do you say that reverted to the Allen's and the Bassi's? Panciocco - 20+ 1968 - 1988. Krochina - But I owned Lot 2A at that time, the Harris heirs owned it so I had just as much right to that as Bassi's and Allen's. Panciocco - Yes, but you conveyed Lot 2A to Mr. McAllister and so went the rights with it. Krochina - Yes, but the rights didn't go, they didn't have the right until after that date. Sorell - We can't solve anything about rights. Harry Wood has signed this plan, that's the plan we've got to go by. If you've got a question, you'll have to take it to Court. Krochina - So my understanding is, I can still legally use this ROW then. Flanders - No, we didn't say that. We're not making a statement about that ROW in any way, shape, form or manner. We are not attorneys or judges and we are not ruling on land rights here at all. We are accepting the NH Licensed Land Surveyor's seal on this plan to represent this stuff accurately. If you question, then your recourse is in Court, not with us. That's not what we do. I've said it about 3 times. Touhey - Mr. Chairman, can we ask the applicant if they feel that they would be significantly inconvenienced were we to delay action tonight to give Mr. Krochina some opportunity, perhaps we could take it up 2 weeks from now and at that point move ahead. Sorell - I don't think it's a matter of inconvenience; it's up to the Board whether they want to do this now or take it up in 2 weeks. Touhey - I don't want to inconvenience the applicant either, I think we're trying to walk a fine line here to be respectful of both sides. Krochina - Mr. Chairman, can I finish my thing here quick? Ben Bassi - I am the owner of the property and I'm the individual that paid for the property. We really want to put this behind us, but if you feel that you need information from his surveyor, I think I would be more than happy for his

surveyor to see if what Harry Wood has done is accurate or not, anything else, I don't want to keep doing this. My motion to you is to allow his surveyor to see if what Harry Wood proposed to you is correct and if he sees a discrepancy in that we should hear about it. Other than that I don't see any need to continue on. As you said, you've been very polite and very accurate in what you're saying and I fully respect that so the civil matter should go to Superior Court. There's a line boundary adjustment between Mr. Allen and myself and if Mr. Krochina feels that map is not accurate or that his surveyor needs to validate it, I think that's the only thing we should be looking at. Flanders – Based on what the applicant said, I would be willing to continue this for one meeting cycle only. Krochina – The limited time I had to review this application, it appears it does not contain enough information for my land surveyor or any other reasonable person to make an informed decision. Therefore, I respectfully request that the following documents and any other documents desirable the Board may require to provide to the public by the applicant at least 60 days prior to this Board taking any action on the application. The full chain of title of Lot A and Lot 10H from present day to when Jessie Harris first acquired the property. Marsha A. Bassi's Revocable Trust, Marsha A. Bassi's will, the easement location... Sorell – We are not going to go 60 days, its not going to happen. My surveyor's not going to get back. Sorell – We're not going to listen to that right now. Public Hearing closed at @ 7:47 p.m. Lou, you've got the floor. Kahn – We are not in a position to determine title to this property, either Mr. Bassi's lawyer's version or your version or anybody's version but we're trying to be fair to you to give you another two weeks so you can do something outside this Board if you want to. We are not going to make any determination as to who owns this property or what rights you have so we're not going to give you 60 days, we're not going to give you anything other than we're going to put it over to the next meeting and give you two weeks to try to figure out what it is you want to do. After that, we're kind of stuck because we've got this in front of us and unless you stop it somehow, we are going to do it because we don't have any reason not to. We can't determine title to this property, it's not our job. I'm a lawyer but not a NH lawyer and I'm not going to get into questions as to whether or not in 20 years somebody loses their rights and I'm not going to get into questions whether or not the deed you gave to McAllister releasing your rights, released your rights. We are not going to make a decision as to what your rights are or what the Bassi's rights are. We've got this application in front of us; we're going to have to act on it in two weeks unless you do something, that's it.

Touhey moved, Flanders seconded, I MAKE A MOTION IN THE MATTER CONCERNING THE BLA UNDER DISCUSSION THAT WE PUT IT OFF TWO WEEKS AND TAKE IT UP AT OUR NEXT SCHEDULED MEETING, AUGUST 25, 2009. Dever – We can't decide title, that information is not pertinent. Touhey - No decision will be made relative to the title.

Flanders moved, Dever seconded, THAT WE CONTINUE THIS HEARING TO AUGUST 25, 2009. Voted unanimously.



2. **MARK BILLINGS:** (Rep. Carl Johnson, Jr.)

I'll give you a short presentation on the subdivision of a parcel of land on the westerly side of Veasey Shore Road. Mr. Billings owns the property both on this side of the road and the issuing side of the road and acquired this property by a subdivision plan that's referenced in the upper left-hand corner of the property. As you can see it's relatively unusually configured along the road frontage of Veasey Shore Road but other than that its fairly simply configured as a rectangle in the back. We took on this project and developed a topographic map; you've got a couple of copies that were submitted showing the topography. I tried to take the topo lines off of this property for presentation purposes to simplify what's going on here. Essentially, we're cutting this property which is just over 9 acres about in half. Lot 1 is 4.49 acres and Lot 2 is 5.29 acres. As a result of that, Lot 1 would be subject to State of NH DES Subsurface approval and Lot 2 would not because it is in excess of 5 acres. The topography was analyzed in the worst case scenario. The Belknap County Soil Map shows this entire property as Gloucester which is the best soil available. If you've ever seen Gloucester soils on Meredith Neck, please show me where because I've yet to find much of it so what we do and we have typically done in the past is what is called the worst case analysis. We take the topography and apply the worst non-wetland soil type of that topographic class and use that lot sizing to develop how many lots you can have, whether or not a lot has 1.0 equivalents. That chart is shown on the plan and you can see that Lot 1 has a 1.64 lots equivalent worst case and so does Lot 2. That's because of the differences in topography and Lot 2 has a little bit more wetland but it's a little bit flatter. Lot 2 has a little bit less but there are some steeper portions so they came out even. We have two proposed driveway entrances. I have met with the DPW Director, Mike Faller, on the site and he has field inspected and approved both of these locations for the driveways. Because of the curvature of the road here, there's a banking located on the northeast portion of Lot 1. There's a note on the plan that says the banking in this area shall be set back as far as possible to improve sight distance. There's a little bit of work that can be done there to improve that sight distance looking up the road so we would incorporate that in the actual driveway permit. Mr. Faller mentioned he would like to have the driveway permits executed prior to the recording of the mylar which is somewhat typical. In this particular instance, the driveway locations are fairly fixed. In some cases there's sufficient good frontage on the lot where you don't want to necessarily restrict the frontage because you don't know where the person wants to build. In this particular case, those driveway locations are fairly fixed in the best locations on the property so Mr. Faller requested that the driveway permits be executed prior to recording the mylar, similar to what we did on Livingston Road with the Ambrose subdivision. Test pits were dug, we are showing acceptable 4K areas for septic approval, we're showing acceptable well locations and possible house sites. Most of the information in the staff review is pretty cut and dry, some statements made based on my initial presentation. Driveway permits from DPW for each lot should be referenced on final plans. The Fire Chief shall review the accessibility with

respect to emergency access, both of these driveways are very short and not very steep so there shouldn't be any issues in terms of access to the sites. The surveyor of record shall provide written evidence that pins have been set and we will set 2 additional pins on the property to delineate the new subdivided lots. Angela recommends that any conditional subdivision approval will be valid for 24 months at which time the final approval must be obtained or an additional public hearing must be held to grant additional time and we don't expect that to be an issue. The wetlands on the property were delineated by Nicol Roseberry of Ames Associates. There is a note to the standards she used on the bottom of the plan. This is a fairly simple two-lot subdivision with fairly large lots and fairly large buildable areas available for development. Touhey – Angela, do you see any problem the Chief might have with the access. LaBrecque – Originally, the house was shown a little bit further back and I haven't had a chance to go out there and I don't know if the Chief's had a chance to review it, but according to Carl, it's a flatter area where the driveways are being proposed so I don't foresee their being an issue but I just want to be cautious and put that in there. Johnson – The driveway that's on Lot 1 comes in off the road and follows the contours straight back, flat is probably not the right word to use, but fairly gently sloped going from front to back. There is a little bit of a rise coming off Veasey Shore Road, then we follow the contours a bit and then there's a slight rise (4') maybe getting up into this area so it's nothing that's going to cause any alarm in my opinion in terms of getting emergency vehicles in there. This is 1" = 50' so you can see that each driveway's probably a little over 100' long, not long driveways going off the road at all. Touhey – The banking that was talked about, there's no concern of erosion there? Johnson – No, actually its ledge and what we talked about is basically scraping it down to expose the ledge so there would be "0" erosion once you got down to the ledge. There's a couple of larger stones there, maybe some bushes, nothing major, just something Mike picked up on in terms of maximizing the sight distance. As you know Veasey Shore Road dead ends not far beyond this property so one of the advantages is there's not a lot of traffic, the people that are going beyond this property are very few and far between and the road does not go anywhere else so that's one of the advantages to having a piece of property in this area is there isn't a lot of traffic going by it. Flanders – This seems pretty straightforward to me. Mark Billings – I just want you to know I have talked to the only two abutters of consequence which is Winn Anderson to the south and Fran Orenstein to the north and Winn called me this afternoon and asked what my plans are so I spent the afternoon with both abutters and I own the property beyond that so both abutters have no issues with what the subdivision is about. Public Hearing closed at 8:01 p.m.

Flanders moved, Dever seconded, MR. CHAIRMAN, I MOVE WE APPROVE THE MINOR SUBDIVISION FOR MARK BILLINGS, TAX MAP U38, LOT 15A, INTO TWO (2) LOTS (4.49 AC. AND 5.29 AC.) LOCATED ON VEASEY SHORE ROAD IN THE SHORELINE DISTRICT, SUBJECT TO THE FOLLOWING CONDITIONS:

- (1) DRIVEWAY PERMITS FROM THE DPW FOR EACH LOT SHALL BE EXECUTED PRIOR TO RECORDING THE MYLAR AND SHALL BE REFERENCED ON THE FINAL PLANS.
- (2) THE FIRE CHIEF SHALL REVIEW ACCESSIBILITY WITH RESPECT TO EMERGENCY VEHICLE ACCESS.
- (3) THE SURVEYOR OF RECORD SHALL PROVIDE WRITTEN EVIDENCE THAT ALL PINS HAVE BEEN SET PRIOR TO RECORDING OF THE MYLAR.
- (4) STATE OF NH DES SUBDIVISION APPROVAL FOR LOT 1 IS REQUIRED.
- (5) THE CONDITIONAL SUBDIVISION APPROVAL IS VALID FOR A PERIOD OF 24 MONTHS, AT WHICH TIME FINAL APPROVAL MUST BE OBTAINED OR A PUBLIC HEARING MUST BE HELD FOR THE PLANNING BOARD TO GRANT ADDITIONAL TIME.

Voted 5-0 in favor of the motion.

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 8/25/2009.

---

A. William Bayard, Secretary